

**REPORT BY
JON COLLIER
TO THE BAHA MOUSA PUBLIC INQUIRY**

Declaration:

I have prepared this Report at the request of the Baha Mousa Public Inquiry. I confirm my understanding that it is my overriding duty to assist the Inquiry on the matters within my expertise as detailed in the Report in the same way that would apply under Part 35 of the Civil Procedure Rules and the associated Practice Direction and Annex as if it were evidence provided before a court of law. I also confirm that I shall continue to comply with that duty in relation to any further written or oral evidence I may provide to the Inquiry.

Jon Collier

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Introduction

1. I am a serving Prison Officer based at the National Tactical Response Group of the National Offender Management Services. I have achieved the Rank of Principal Officer, a rank that has since been closed. As such I am now on a Developing Prison Service Manager programme. I joined the Prison Service in 1992 and served at HMYOI Reading and HMP Winchester prior to my appointment at the National Training Centre.
2. I qualified as a Control and Restraint ('C&R') Instructor in 1995 following a two week Instructor course at the National Centre, Hatfield Woodhouse. The course comprised of a revision of the C&R syllabus and Instructional skills in both C&R and breakaway training. The course concluded with three assessments of competence. I then had the responsibility for the delivery of C&R training at my establishment. Training in C&R and breakaways was, and still is delivered to all uniform and Governor grades. Operational Support Grades and Civilian staff were, and still are, taught breakaway techniques.
3. In 2001 I was successful in my application to join the National training team. My role was to qualify potential C&R Instructors, re-validate existing Instructors, deliver advanced C&R training and to respond to serious incidents across the secure estate. The operational role covered the planning and intervention of incidents at height, hostage taking and acts of concerted indiscipline. I still hold this role, and have recently taken over the role of litigation manager.
4. In my role within the national team I have designed and developed the use of force curriculum for both adult prisoners and young offenders. I am involved in the ongoing development of skills, tactics and equipment to deal with the afore mentioned serious incidents. At times this involves networking with other agencies, notably the Police force.
5. Training in C&R is only provided to staff from the following organisations:
 - HM Prison Service, including contracted out establishments and escort contractors.
 - NOMS/Probation service.

- United Kingdom Border Agency.
 - HM Customs and Excise
 - Prison services of the crown protectorates
 - Selected Police and Military personnel.
6. C&R Training was developed in the early 1980's as a means of dealing safely and effectively with violent and disturbed prisoners. Until such time the method of dealing with prisoners often lead to serious injuries to staff and prisoners alike. There was no structured approach and training was based on martial arts as opposed to physical restraint. In the mid 1980's a new system was devised and was, and still is, known as C&R. To facilitate the national roll out of this training a national training centre was opened to deliver training to local instructors and for C&R advanced training.
7. C&R is a restraint system that utilises three officers to control violent prisoners as a last resort, and any use of force must be; reasonable in the circumstances, necessary, no more than necessary and proportionate to the seriousness of the circumstances.
8. Officers are taught and required to continue to de-escalate any situation and attempt to calm the situation, within this training are skills for identifying behaviours, communication, awareness of the effects of stress and risk assessment of the situation. The policy for all use of force is contained within Prison Service Order ('PSO') 1600 [MIV008591], this includes the requirement for training and refresher training.
9. Also included within the training is a section on personal safety, which emphasises one-on-one situation where a member of staff is isolated and needs to defend themselves from a serious attack. The aim is to disengage and either escape from the situation or control the situation if possible. C&R training covers both planned and unplanned incidents.

Section One: C&R in the Prison Service

I have been asked to focus in this section on the C&R training for Prison Officers.

1(i) What requirements are there for prison officers to receive training including refresher training in C&R? Are all prison officers required to receive such training, or only those in certain roles?

10. The guidance and policy for C&R training is contained within Prison Service Order 1600, section 4.2 [MIV008627]. The course content is as per the C&R training manual 2006 [URN]. A redacted version is attached. The full version is withheld due to the content being restricted and only released subject to strict conditions.
11. All newly recruited prison officers embark on Prison Officer Entry Level Training (POELT) and are required to attend an initial training course of eight weeks duration. This covers all of the generic prison officer skills. Specific extra training is provided for those staff who are to work within the young peoples estate (under eighteen years of age).
12. Included within this training is thirty-two hours of C&R / personal safety training, along with two practical assessments from the syllabus. This is competence based and failure to achieve the required standard will result in the student being unsuccessful in their training course. Procedures are in place for students to re-sit the element that they have been unsuccessful in.
13. Once initial training is completed all prison officers are required to complete a yearly refresher course of eight hours duration. Each establishment has a key performance target of eighty percent of all staff to be in date for C&R training. The twenty percent allowance is for staff on long term sick, injuries etc. There are mandatory sections from the full syllabus that are delivered on every refresher course, Once these are completed the instructor can base the remainder of the session on local operational needs, and or the needs of the students attending the course.
14. Some of the agencies who are authorised users of C&R can omit some of the content from their training if these sections are not relevant to their policies and

practices, for instance privately run prison establishments do not allow staff to carry extendable batons, therefore this section is not taught on either initial or refresher training.

1(ii) What is the purpose of such requirements?

15. As previously stated it is a requirement for every prison establishment to have at least eighty percent of all staff trained and refreshed in basic C&R. This enables the establishment to adequately deal with any planned use of force scenario, where only trained and in date staff may participate. During unplanned scenarios any staff can intervene, provided the use of force is reasonable, necessary and proportionate to the circumstances.

16. The structured approach to C&R training allows all staff to fully understand each role within the three-officer team system and to work together in order to bring a swift conclusion to the incident. Every incident will be overseen by a supervising officer (role defined in section 1.1 C&R manual [URN]) who will normally be of a management grade.

17. Refresher training allows staff an opportunity to develop their knowledge and skills as well as allowing the local instructors the opportunity to cascade any developments in the syllabus. In some instances the member of staff may not have used C&R operationally for a long period of time, refresher training will prevent the skills fade that is inevitable in these circumstances. Refresher training can be used to review previous incidents and learn from both the good and bad points that have arisen from it. Prison establishments traditionally have repeat type of incidents and these can be discussed and reviewed during refresher training.

1(iii) What is the content of such training and how is it delivered? In particular, what is taught in terms of the risks of positional asphyxia or death arising through struggle against restraint?

18. C&R training follows a structured and progressive development from an Instructors manual. Only trained and currently qualified instructors can deliver the training. Training covers the law, medical considerations, personal safety, planned C&R incidents, unplanned C&R incidents, moving prisoners, relocation

of prisoners and scenario based training. A redacted version (use of force training manual July 2006) listing all of the content is included [MIV007697]. The manual has been approved by NOMS senior management board and has been assessed by a medical expert and contains advice on:

- Positional asphyxia (1.2)
- Excited Delirium (1.3)
- Psychosis (1.4)
- Sickle cell disease (1.5)

In addition a section is included specifically for situations when a prisoner is in the prone (face down) position (1.9.2).

19. Staff are taught various means of de-escalation and this is threaded through all elements of training. The use of communication skills is vital to achieve this aim and again, staff are instructed on how to communicate effectively with prisoners who are demonstrating a wide range of challenging behavioural patterns.
20. In scenarios that involve prisoners becoming a medical risk the restraints are reviewed and can be either de-escalated or totally released. A member of healthcare staff must attend every use of force incident (PSO 1600 section 3.3 [MIV008627]) and they can advise the C&R supervisor of any medical distress that is being evidenced and the supervisor will decide the next course of action. Although not taught in C&R techniques it is good practice for healthcare staff to observe and understand the basic principles of the C&R system.
21. Whenever force has been used on a prisoner they will be examined by a member of healthcare at the earliest opportunity. This will be recorded on a form F213, injury to prisoner. This will be completed even if no injuries are observed or reported. The supervising officer of the incident will be responsible for the collation of the use of force reporting forms. This includes a section that they complete and an annex A, written statement, completed by all of the Officers involved. All of the documents are collated by the supervisor and sent to data collection unit of NOMS. Guidance for the completion of documents and the monitoring of use of force is contained within PSO 1600, section 5 [MIV008628]

and the Use of Force training manual 2006, Report writing, section F
[MIV007754].

Section Two: C&R in the Armed Forces

I have also been asked to focus on certain aspects of the detention of persons captured on operations by the Armed Forces.

22. Before turning to these issues, I feel it is important that I make clear several matters at the outset. The first is that C&R is taught in the MOJ setting against the background of the law that applies to Prison Officers serving in the UK. I am not qualified to comment on what legal differences may arise in respect of the Armed Forces serving in operations. Second, I do not have any personal direct military experience and am reliant on the materials provided to me by the Inquiry as an explanation of the military practices and training requirements. Third, I would obviously wish to emphasise that there are bound to be some differences in the custodial contexts, and in particular what is practicable, between domestic prisons and military custodial facilities on operations. I understand that such differences will be for the Chairman and MoD witnesses to address but my comments below must be read with these important caveats.

2(i) Training on C&R and related matters which could usefully be given to members of the Armed Forces.

23. In an ideal world, all those involved in the guarding of prisoners for any significant period of time would have received full C&R training. Indeed, if C&R is to be conducted properly, there should be a minimum of three people who are all fully trained in C&R techniques who are performing the restraint. However, I recognise that in the context of the Armed Forces, it may not be possible to provide full C&R training to all of those who may be involved with guarding prisoners; I am not really qualified to comment on the practicalities or otherwise of delivering such training.

24. If it is not possible for full C&R training to be provided to all of those involved with guarding prisoners, it would be advisable for guards to receive more basic training about the risks associated with restraining prisoners. That basic training could consist of two main elements: first, warnings about the medical risks associated with restraint, and second, the use of handcuffs. As to the former, guards could be warned about positional asphyxia, excited delirium, psychosis

and sickle cell disease. Awareness of such risks would improve custodial safety. As to handcuffs, guards should be trained to handcuff prisoners to the front, as handcuffing behind the back may restrict breathing and may prevent prisoners from protecting themselves if they fall over forwards. If there is to be training on such matters, it is best that it is delivered by trained trainers (rather than passed on by word of mouth, which is liable to lead to distortion of the message).

25. I have thought about whether it would be possible to teach tailored C&R techniques to Regimental Police, which require only one or two (as opposed to the normal minimum of three) people to conduct the restraint. (I understand that military prisoners will often have only one graduate from the AAUCSC guarding them, if indeed there are any such graduates guarding them). It is possible for C&R techniques to be used by a team of only two people (although this is less safe than a team of three people). However, it is not really possible for safe C&R techniques to be used by only one person acting alone. The techniques simply require to be applied by at least two people at a time. There are separate techniques which are being developed by NOMS for use on young people and the elderly which can be conducted by a single person acting alone. For example, "Physical Control & Care" is a system used for holding young people between 12 and 15 years of age. However, these one-person techniques typically rely on the "guard" being larger and stronger than the "prisoner", so I am not sure that they would be appropriate in a military context, where prisoners will not normally be significantly smaller and weaker than their guards.

2(ii) Comments on the C&R training currently received by Regimental Police on the All Arms Unit Custody Staff Course ('AAUCSC')

26. The HM Prison Service Use of Force training manual 2006 [MIV007697] states that training in C&R can be delivered to selected Police and Military personnel. In the case of military personnel, selected personnel from the Military Provost Staff ('MPS') have for a number of years been trained from either of the two national C&R centres to C&R Instructor level. Their role on completion of the two week initial instructor course is to cascade training to staff from within their organisation. I am aware from the documents that I have been sent and from discussions with the instructors that this training is delivered to MPS working within the Military Corrective Training Centre in Colchester.

27. As with many of the other organisations that have adopted C&R as the restraint system for handling violent prisoners, detainees etc, the option remains as to which sections of the training manual are used. For example staff working in a privately run prison will not receive training in the use of an extendable baton, as there is no authority for their use in this type of establishment, although any Instructor attending a training course at the National Centre will be expected to be competent in the delivery of this session. Therefore it is accepted that some sections of the C&R training manual will not be delivered by MPS to students on the AAUCSC.
28. I have viewed the training materials from the AAUCSC (MIV005314-MIV005386). From these documents it is obvious that the course includes both practical and theory sessions based on the current C&R training manual. The most notable amendments are on the theory sessions, where references to Prison Rules and ranks have been replaced with their military equivalent.
29. Included within the theory based element are sections on the law, including criminal law, common law and the human rights act, justification for using force, effects of adrenaline, diffusion skills, communication skills, medical advice and report writing. All of this is consistent with the delivery from within NOMS/MOJ.
30. The practical skills are set out in a different running order but do contain the main content of the C&R training manual. Personal safety and C&R, involving a three officer team, are covered in depth with only some sections not covered. These include the use of the extendable baton, disarming techniques, defence against improvised weapons and cellular vehicles. I can only assume that these sections are not relevant to Regimental Police.
31. It is difficult to identify whether the use of mechanical restraints, the use of personal protective equipment and lifting techniques are included. The use of handcuff techniques is covered in a separate document (MIV001217). This section is different from the delivery of handcuffing within the C&R manual. However, several of the principles set out in the document at MIV001217 -- such as cuffing to the front of the body, and conducting medical checks on anyone who is to be subjected to mechanical restraint -- are consistent with C&R and other training systems that involve the use of handcuffs.

32. My personal experience in the delivery of the full C&R training manual allows me to assess the course materials as being comprehensive and an adequate reflection on what is delivered in other justice agencies, which do not have the need for delivering some sections of the C&R training manual.
33. As to the duration of the AAUCSC, the witness statement of Brigadier Forster-Knight says: *“Since Apr 2010 the AAUCSC contains an improved package of control and restraint in a custodial environment... This is delivered during a two day package of theory lessons and practical exercises. They also receive training in the use of approved restraints which includes handcuffs and plastic cuffs...”* I am unclear as to whether the training on approved restraints is part of or in addition to the two day package which Brigadier Forster-Knight mentions. In any event, it strikes me that 2 days is not really a sufficiently long period to train people fully in C&R techniques. NOMS training on C&R involves 32 hours of tuition followed by 4 hours of testing, i.e. a full week of training. Of the 32 hours of tuition, about 30 hours consist of physical coaching on practical use of the techniques. (The theoretical or classroom-based part of the course lasts for only about two hours). Even taking into account the fact that the AAUCSC strips out some of the apparently irrelevant parts of NOMS C&R training (e.g. the use of extendable batons), I think that to try to teach all of the physical elements of C&R in only two days would be quite risky. After only two days’ training, many students would not be fully competent in C&R techniques; there would be a risk that they misunderstand the techniques and apply them incorrectly, which could lead to injury either to the prisoner or to the guard.
34. From the evidence provided to me, I cannot see any requirement that graduates of the AAUCSC receive refresher training on C&R. If this means that refresher training is not required, then I think that this could give rise to similar risks to those I have mentioned in the paragraph above. C&R is a physical skill which is aptly described by the phrase *“use it or lose it”*. If graduates from the AAUCSC do not regularly use C&R, they are likely to forget it. If they forget how to use it properly then this would give rise to a risk of physical injury to either prisoners or guards. Anyone who is NOMS-qualified in C&R (or other NOMS-developed courses on restraint) must do a yearly 8-hour refresher course in order to keep their qualification.

35. Finally, I would question the use of C&R training for Regimental Police in light of what I have been told about the number of Regimental Police in each Regiment. I understand that military prisoners will often have only one graduate from the AAUCSC guarding them, if indeed there are any such graduates guarding them. In a situation where there is only one AAUCSC graduate present, I do not see how C&R techniques could be safely used, since these techniques must be applied by at least three (or, in limited circumstances, two) people who are C&R qualified.

2(iii) *Comments on the guidance received by non-specialist soldiers on “restraint” of captured persons in “MATT 7” and “SOI J3-9”*

36. I have viewed “Military Annual Training Tests: Training Officers’ Guide” (MIV000703). The only point that is within my subject knowledge is in regard to MIV000885 (5), where students are told, in a slide on search and detention, that they must use “*minimum force*.” NOMS no longer uses the phrase “*minimum force*”; this phrase has been replaced in the NOMS context by “*reasonable and necessary amount of force*.” This allows those who apply any force to justify the use of force more accurately and lawfully, as “*minimum force*” is too ambiguous -- it can be interpreted in many ways.

37. As to the slide at MIV000883 (4), the wording “*captured personnel can be placed in restraint positions purely to exercise control*” is difficult to understand. It seems that individual soldiers receiving this presentation are left to interpret it in their own way -- there is no further detail on what form restraint should take. Restraining an individual in certain positions may give rise to a risk of positional asphyxia (see for example the warnings in the AAUCSC materials at MIV005353). Recent information which we have received from tests carried out by Coventry University shows that restraining someone in a seated position can have a significant impact on their ability to breathe normally and that prolonged restraint, where the person violently resists for an extended period of time, is the single greatest risk factor associated with restraint asphyxia. (See John Parkes, Coventry University, Physical Control in Care training manual 2010, NOMS/MOJ [URN]).

38. I note that speaking notes accompanying the MATT 7 presentation, at MIV000883, do state: "*Where necessary plasticuffs can be applied to the hands in front of the body.*" I think this is helpful guidance for all soldiers who may come into contact with prisoners. However, I think the presentation could also usefully cover the other matter I have described at paragraph 24 above, namely the medical risks associated with restraint.

39. I have also looked at the document entitled "*SOI J3-9: Stop, Search, Question and Detention operations in the Herrick JOA*". At MIV000017 this document gives guidance on the use of force and on restraint. The paragraph on the use of force says that UK forces "*are to employ the minimum force necessary to bring a detainee under control.*" In this respect I repeat the comments I have made above about the use of the phrase "*minimum force*", i.e. NOMS now prefers the formula, "*reasonable and necessary amount of force.*" The paragraph on the use of force is quite short. It could benefit from including further information about the medical risks associated with restraint.

40. The paragraph on restraint includes appropriate guidance on the use of plasticuffs (i.e. that they should be used only to the front of the body). I do not have any particular concerns about the remainder of this paragraph, much of which addresses military-specific matters, such as the restriction of vision and hearing, which are outside of my area of expertise since they do not arise in a NOMS context.

Annexes:

- Prison Service Order 1600 Use of Force
- Use of Force training manual 2006 Redacted version
- The Physical Control in Care training manual 2010

Statement of Truth

I believe the facts stated in this witness statement are true.

Signed _____

Jon Collier

Dated _____