



HM Prison &
Probation Service



HM Courts &
Tribunals Service

Security of Prisoners at Court

Protocol between:

- Her Majesty's Prison and Probation Service
- Her Majesty's Courts and Tribunals Service

March 2022

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1. Introduction

- 1.1. This document sets out the framework of procedures agreed by Dr Jo Farrar, Chief Executive Officer of Her Majesty's Prison and Probation Service (HMPPS) and Kevin Sadler, Chief Executive Officer of Her Majesty's Courts and Tribunals Service (HMCTS) for the safe and secure management of court proceedings involving the small minority of prisoners who present a risk of escape or of causing serious harm when outside prison. The procedures ensure that adequate security measures are in place to mitigate risk without compromising delivery of justice or the defendant's right to a fair trial.
- 1.2. This protocol applies equally to proceedings in Magistrate and Crown Courts, the Court of Appeal, High Court and all civil, family and coroner's courts.
- 1.3. The Criminal Practice Directions have been updated and include the procedures laid out in this protocol (see CPD1 General Matters 3L Security of Prisoners - <https://www.judiciary.uk/wp-content/uploads/2019/03/crim-pd-amendment-no-8-consolidated-mar2019.pdf>)
- 1.4. The desired outcomes are:
 - Prisoners are taken outside the secure environment of the prison only when absolutely necessary in the interests of justice.
 - The use of video link is maximised as far as is legislatively possible.
 - The risks associated with individual prisoners during a production to court are identified and managed appropriately, including through the Person Escort Record (PER), targeted use of secure court buildings, secure docks and application of approved restraints.
 - There is an effective means of communication, information sharing and cooperation between Her Majesty's Prison and Probation Service, Her Majesty's Courts and Tribunals Service and the judiciary.

- There is a clear understanding of respective responsibilities and accountability.
- Public protection, the efficient delivery of justice and the maintenance of public confidence in the Criminal Justice System is supported through ensuring that prisoners committed into custody do not escape or cause harm whilst at court.

2. Background

- 2.1. HMPPS, and by extension the Ministry of Justice, is at its most vulnerable to prisoner escape when prisoners are taken outside of the secure perimeter of the prison and, in particular, when they are produced to locations with little physical security to prevent their attempting to escape or causing serious harm to the public. Escapes from court represent the majority of escapes from custody and not only result in a risk of harm to the public but damage public confidence in the Criminal Justice System.
- 2.2. For the majority of prisoners produced at court, HMPPS' standard escort security measures will be sufficient to ensure the safety and security of the proceedings. However, in a minority of cases, the risks presented by an individual prisoner will be so great that heightened security measures will be needed to ensure the prisoner remains in secure custody and/or to ensure the safety of staff and others in the vicinity of the court and the general public at large.
- 2.3. In the main, the prisoners for whom heightened security measures will be necessary are:
 - Category A (Cat A) and Restricted Status (RS) prisoners (see Annex A).

- Prisoners on the Escape List (E-List) (see Annex B).
 - Prisoner who have previously escaped or attempted to escape from court
 - Prisoners posing a high risk of violence/history of violence at court
- 2.4. Prisoners in these categories represent a significant risk of escape or, would be highly dangerous to the public, the police or the security of the state if they were to escape even if there is no evidence of a raised escape risk.
- 2.5. Exceptionally, there are a very small number of prisoners who do not meet the general criteria of Cat A, E-List or RS but may still be identified as presenting a high risk of violence prejudicial to the safety of the escort or those in and around the court or of posing a danger to the public and will require heightened security at court. This may include prisoners who have made explicit threats to the court, jury, etc.

3. General Principles for the Management of Court Proceedings for High Risk Prisoners

- 3.1. Court listing is a judicial responsibility and function. The overall purpose is to ensure that all cases are brought to a hearing or trial in accordance with the interests of justice, that all resources available for criminal justice are deployed as effectively as possible and that, consistent with the needs of victims, witnesses and defendants, cases are heard by an appropriate Judge or bench with the minimum of delay.
- 3.2. High risk prisoners identified to the court as presenting a significant risk of escape, violence in court or danger to those in the court and to the public at large will, as far as is possible, have administrative and remand appearances listed for disposal via a Prison Court Video Link (PCVL) and will have priority for the use of video equipment. In some cases this may require temporarily lodging the prisoner at an alternative prison that has appropriate facilities for

the duration of the proceedings, or for the case to be moved to a court where PCVL can be facilitated. The use of prison video link technology is strongly supported by HMCTS and the judiciary, and List Officers will work with the judiciary to ensure this is used appropriately.

3.3. In all other proceedings that require the appearance in person of a high-risk prisoner, the proceedings will be listed to an appropriately secure court building and to a court room with a secure (enclosed or ceiling high) dock.

3.4. Where it is not possible to provide either a PCVL or a secure dock, or where the prisoner has to move between the dock and an insecure witness box, an application will be made to the court for consideration of additional security measures including:

- Use of approved restraints. This includes mechanical restraints and discreet restraints. The latter are specifically designed so as not to be visible to a jury when the prisoner is in the witness box. They are less obtrusive than very large numbers of escort officers in the court room and therefore less likely to prejudice a fair trial;
- Deployment of additional escort staff or police in the courtroom or armed police in the court building; NB. The decision to deploy an armed escort is for the Duty Fire Arms Commander of the relevant borough/police area; the decision to allow the armed escort in or around the court room is for the Senior Presiding Judge.
- Securing the courtroom for all or part of the proceedings;
- In exceptional circumstances, moving the hearing to the prison.
- Or other local court with prior agreement of the judiciary and parties

3.5 On every occasion when a Cat A, RS, or E List Heightened and Standard risk prisoner share a dock, a dock management plan must be agreed before the

start of the day's proceedings between the Court Custody Manager and the HMPPS Officer in charge of the escort (See Annex C)

4. Productions to Civil, Family and Coroner's Courts

- 4.1. The processes in this document apply equally to the production of high-risk prisoners to civil, family and coroner's courts. Unless co-located with criminal courts, it is unlikely that these venues will provide either secure holding facilities or court rooms and therefore the production of any prisoner to these courts carries an additional risk of the prisoner's escape or of causing harm. In order to mitigate this, consideration should be given to the use of PCVL if appropriate, or to moving the hearing to a more secure court. If the hearing cannot be moved, then arrangements must be put in place to ensure the security of the production including the availability of secure lodging facilities for periods when the prisoner is not required in the courtroom.
- 4.2. Production requests to civil, family and coroner's courts may be made at short notice and court List Officers and HMPPS staff need to ensure a flexible approach to requests for additional security.

5. Process

- 5.1. All prisoners will be assessed on reception into custody to identify those who may present a heightened risk of escape or of causing serious harm on being taken outside the secure perimeter of the establishment. While the majority of Category A, E-List and RS prisoners will be identified on reception, a minority will be identified later following emerging information or intelligence. Assessments may therefore change at short notice.
- 5.2. All Category A, E List and RS prisoners, and those small number otherwise assessed as presenting a significant risk of violence or harm who have a court

hearing pending, will be notified to the court List Officer. A suggested standard format email is provided at Annex D.

- 5.3. The email provides details to the court of the risk presented by the prisoner and requests prioritisation of listing of future proceedings for hearing via a PCVL or in a secure court. The email will be sent on the authority of the Head of Security at the establishment and will be sent to the court List Officer, copied to the Prisoner Escort Contractor Services, within 4 days of the prisoner's reception into custody or at any subsequent stage at which heightened risk during production to court is identified.
- 5.4. The court List Officer receiving the email notification must provide the establishment with a response within one week outlining arrangements for listing the case. There is a presumption that all prisoners notified as high risk (Category A, E-List or RS and exceptionally those presenting serious violence or harm) will be allocated PCVL and/or secure dock facilities. Where the court cannot provide a secure listing, the reasons for this must be provided to the establishment so that alternative security measures can be considered.

6. Actions to Mitigate Identified Risk

- 6.1. In some cases, it may be possible to manage the risks identified by deployment of additional numbers of dock officers and/or implementing a seating plan. A seating plan must be agreed with HMCTS before the start of the court day and may recommend prisoners do not sit in the front row of the dock to reduce the risk of an escape.

Where the nature of the risk is so serious that an increased deployment of staff is insufficient to manage the identified risk, or would in itself be so obtrusive as to prejudice a fair trial, then the following measures may be required:

- The case to be reconsidered for hearing via PCVL including
- Transfer of the hearing to a court where PCVL is available;

- The case to be transferred to an alternative appropriately secure court;
 - The use of mechanical restraints or discreet restraints on the prisoner for all or part of the proceedings.
 - Securing the court room for all or part of the proceedings;
 - Unarmed/armed Police as may be necessary to mitigate the threat.
- 6.2. Having identified the alternative measures necessary for the security of the court production, the establishment must submit a Court Management Directions Form (CMDf, see annex F) setting out evidence of the prisoner's identified risk of escape or risk of violence and requesting the court's approval of security measures to mitigate the risks. This form will be informed by a full risk assessment of the prisoner.
- 6.3. The CMDf must be sent to the court List Officer and escort contractor responsible for the escort.
- 6.4. The CMDf will clearly set out the risks associated with the individual prisoner, the security measures that are being requested and details of the contingency arrangements (including financial implications, and the implications for delivery of a fair trial for the prisoner) for dealing with the risk should the application be denied. The application must be supported by current, specific and credible evidence that the security measures requested are both necessary and proportionate to the identified risk and that the risk cannot effectively be managed in any other way. The CMDf must be signed by the Head of Security at the establishment.
- 6.5. If the court approves transfer of the case, the court List Officer, in accordance with the Criminal Practice Direction XIII Listing, will liaise with the establishment, prosecuting authority and the defence regarding witness issues.

- 6.6. An application to the court for the use of restraints or any other security measures that may affect the conduct of a trial must be passed immediately to the Judge having conduct of the case. The Judge will make a decision after consulting with the defence and the Crown Prosecution Service. An application for the use of approved restraints will normally be granted only:
- where there are good grounds for believing that the prisoner poses a significant risk of trying to escape from the court (beyond the assumed motivation of all prisoners to escape) and/or a risk of causing serious harm towards those persons in court or the public generally should an escape attempt be successful and;
 - where there is no other viable means of preventing escape or serious harm.

7. Prisoners Giving Evidence from the Witness Box

- 7.1. High risk prisoners required to give evidence from an insecure witness box pose a significant security risk. In circumstances where such prisoners are required to move from a secure dock to an insecure witness box, an application will be made for the court to consider approving additional security measures including:
- Use of approved restraints. This includes mechanical restraints and/or discreet restraints. The latter are specifically designed so as not to be visible to a jury when the prisoner is in the witness box. They are less obtrusive than large numbers of escort officers in the court room and therefore less likely to prejudice a fair trial;
 - Permission for the deployment of armed police officers anywhere in the court building must be obtained from the SPJ or the DSPJ before such deployment. Application must be made in accordance with the CPD 1 General Matters 3M application for armed police presence - (<https://www.judiciary.uk/wp-content/uploads/2019/03/crim-pd-amendment->

[no-8-consolidated-mar2019.pdf](#)). There is a list of courts approved for the potential deployment of armed police. This list must be checked before applications are made. Whether to deploy armed officers is for the Police Firearms Commander.

- Securing the courtroom for all or part of the proceedings;
 - Giving evidence from the secure dock;
 - Use of PCVL, where the prisoner is not the defendant.
- 7.2. It remains the case that the conduct of all hearings is a matter for the Judge presiding over them. All such decisions are case specific. Further guidance regarding sentencing multi-handers defendants is contained at Annex F.

8. Procedures for Escort Contractors

- 8.1. There may be some circumstances where risk is only identified after the prisoner has left the prison in the custody of the escort contractors or when the prisoner is received at court from the police. Contractors may make requests themselves for additional security in court.
- 8.2. Requests by escort contractors for additional security must be made on the CMDF – contractors form (Annex G) and submitted using the process described above.

9. Review Process

- 9.1. In the event that the court refuses an application for heightened security measures, the Governor of the dispatching prison may re-submit the application with any additional information that may persuade the court to reverse the original decision and may, with the approval of the relevant senior manager

(Prison Group Director HMPPS) make further representations to engage in a direct dialogue with the court regarding the application.

10. Timing

- 10.1. All prisoners will be assessed in terms of the security of court productions within 4 days of reception into custody and the relevant court notified of any security issues as soon as these are identified. The court will send a response outlining provisional arrangements for the listing of the proceedings within a week of receipt of this information and will confirm arrangements at least a week prior to the hearing date.
- 10.2. If required, the CMDF must be submitted to the court and escort contractor as soon as possible following receipt of confirmation of the listing of proceedings and ideally a week in advance of the proceedings. However, there will be occasions when this is not possible. In particular, when intelligence or information indicating a heightened risk is received only a short time in advance of the production. In such circumstances, the court will require a full explanation of why a late application has been made.

11. Responsibilities

Her Majesty's Prison and Probation Service

- 11.1. It is the responsibility of HMPPS to ensure that any prisoner due to be produced at court, and who has a heightened risk of escape or risk of causing serious harm to persons in the court, has his or her risks identified at the earliest possible stage. These risks must then be notified to the court so that procedures can be put in place to manage the risk.
- 11.2. In exercise of this responsibility, the establishment will carry out an initial sift of all prisoners received into prison followed by a full risk assessment of any

prisoner identified by the sift as presenting a significant risk. As far as possible, risk will be managed by HMPPS through deployment of sufficient numbers of escort staff. Where this is assessed as inadequate to the identified risk, then HMPPS will request heightened security measures including PCVL, secure dock, or other additional security at court. An application for heightened security measures will be submitted only for those prisoners for whom PCVL or a secure court is not available and who present such a serious risk that the safety and security of the production cannot otherwise be assured. An application for heightened security will be supported by clear evidence of the risk and will be authorised by the Head of Security of the establishment from which the prisoner will be produced.

Her Majesty's Courts and Tribunals Service

- 11.3. In any case where a prisoner is notified to the court as presenting a heightened risk of escape or risk of serious harm, the court List Office will endeavour to list the case for hearing via a PCVL at their court or will make alternative arrangements to accommodate this at a court within their cluster. As far as possible, court List Officers will ensure that all prisoners notified as being categorised as Category A, E-List, RS or otherwise presenting a high risk of violence or danger to the public, will have preliminary and PCMH hearings listed via PCVL. If the nature of the proceedings precludes listing for hearing via PCVL the case will be moved to a court with a secure dock and the court List Officer will engage with the Regional Listing coordinator as appropriate.
- 11.4. In cases where the establishment has submitted a Court Management Directions Form (CDMF) requesting heightened security measures in court, the court List Officer will liaise with the judiciary, defence and prosecuting authorities and will inform the establishment of the judge's decision as soon as possible by secure email, and ideally within one week prior to the court hearing.

Consideration by Court

- 11.5. The court will give due consideration to the evidence provided in support of an application for heightened security measures in court. Where the application is

refused, the court will provide the establishment with reasons for the refusal to enable the establishment to make a revised application or to put in place alternative measures to secure the production.

12. National and Local Level Meetings

National Prisoner Productions Strategy Group

12.1. An annual meeting will be held with senior representatives from HMPPS, HMCTS and the judiciary, or their nominated representatives. This will take a strategic overview of the relationship and joint working arrangements. The meeting will be chaired HMPPS and include a review of the Security of Prisoners at Court Protocol.

Local Level Meetings

12.2. Regular (at least quarterly) multi-agency stakeholder meetings are held on a local basis and chaired by HMCTS. Attendees at this meeting include, court (Cluster Manager/Operations Manager), establishment (Offender Management Unit and Security department) and escort contractor. The judiciary are not automatically invited to these meetings but can attend as required. These meetings are a forum to discuss issues pertinent to the smooth running of court productions and provide an opportunity for all parties to raise any operational concerns, including concerns over the quality of entries or nature of Court Management Directions Form (CDMF).

13. Signatories

A handwritten signature in black ink that reads "P. Copple". The signature is written in a cursive style with a large initial 'P'.

Phil Copple, Director General of Prisons, Her Majesty's Prison and Probation Service

A handwritten signature in black ink that reads "Kevin Sadler". The signature is written in a cursive style with a large initial 'K'.

Kevin Sadler, Chief Executive Officer of Her Majesty's Courts and Tribunals Service

COURT PRODUCTIONS OF CATEGORY A AND RESTRICTED STATUS PRISONERS

Definitions

Category A

A prisoner whose escape would be highly dangerous to the public, or the police or the security of the State, and for whom the aim must be to make escape impossible.

Categorisation is predicated on dangerousness. However, once a prisoner has been categorised as Category A, he or she is then placed in one of three escape risk categories.

Standard Escape Risk: No specific information or intelligence to suggest that there is a threat of escape.

High Escape Risk: As Standard Escape Risk, however, one or more of a number of factors are present which suggest that the prisoner may pose a raised escape risk. The factors include:

- access to finances, resources and/or associates that could assist an escape attempt
- Position in an organised crime group
- Nature of current/previous offending
- Links to terrorist network
- Previous escape(s) from custody
- At least one of the above factors plus predictable escorts to be undertaken (e.g. court production, hospital treatment).
- Length of time to serve (where any of the other factors above are also present)

Exceptional Escape Risk: As High Escape Risk, however, credible information or intelligence received either internally or from external agencies would suggest that an escape attempt is being planned and the threat is such that the individual requires conditions of heightened security in order to mitigate this risk.

Category A status may be applied to adult male prisoners, women and young offenders (18-21), although prisoners in the latter two categories are rarely placed in Category A. Remand prisoners who meet the criteria for Category A are held as provisional Category A prisoners. Their categorisation is reviewed following conviction and sentencing. Unlike other prisoners who are categorised by the holding establishment, the Deputy Director of High Security is responsible for the categorisation and allocation of Category A prisoners.

All Category A prisoners are held in the High Security Estate. It is possible therefore that the escort of Category A prisoners to court may involve greater distances and therefore be at increased risk of an assisted escape attempt.

Restricted Status

A Restricted Status prisoner is any female, young person or young adult prisoner, convicted or on remand, whose escape would present a serious risk to the public and who is required to be held in designated secure accommodation.

Unlike Category A prisoners, Restricted Status prisoners do not have escape risk classifications. The designated secure accommodation and security procedures are deemed sufficient to achieve the aim of making escape impossible for these prisoners. The Deputy Director of High Security is responsible for the categorisation of Restricted Status prisoners (but may delegate decision-making as with Category A prisoners).

Although Restricted Status prisoners can be managed outside the High Security Estate while in custody (because of their small numbers), such prisoners are treated as Category A prisoners on each occasion they leave the secure perimeter of the establishment.

Category A and Restricted Status productions are not carried out under the standard prisoner escort and custody contract (PECS) but by escorts and vehicles from the High Security Prisons Estate. Prior to each production, the prisoner and court to which the prisoner is to be produced are risk assessed in order to identify appropriate risk management strategies.

Category A and Restricted Status prisoners are held in designated establishments. Productions to court use specialist vehicles and prison staff incurring substantial additional costs by the police should a firearms escort be required.

ESCAPE LIST

A prisoner identified as posing a risk of potential escape is assessed to establish if additional security requirements are required to manage the risk. Where the risk is considered sufficient to merit additional security, the prisoner is placed on the escape list (E-list).

The prisoner will then be subject to certain processes, including restricted activities and increased monitoring whilst in the secure custody of the establishment, and high visibility clothing and additional restraints or staff if outside the establishment on escort.

The prisoner is subject to regular reviews and will remain subject to E-list provisions for the duration that the risk of escape is assessed to be present.

PSI 10/2015 Management and Security of Escape (E List) Prisoners defines three classifications of E-list, these are described below.

E-list-Standard is for those prisoners assessed as presenting a risk of escape both from a closed establishment and from escort. The processes to be applied to E-list-Standard prisoners offer additional security both inside and outside the establishment.

E-list-Escort is for those prisoners who are not assessed as possessing the ability or determination to escape from a closed establishment but who require increased security during escort outside of the establishment.

E-list-Heightened is for the very small number of prisoners who do not meet the criteria for Category A / Restricted Status but the nature and extent of their escape risk requires that they are held in the High Security Estate.

E-list prisoners produced to court will generally be escorted under the PECS contract with the exception of E-List-Heightened who will be escorted by staff and vehicles from the High Security Prisons Estate.

SHARED MANAGEMENT OF COURT DOCKS

On every occasion when a Cat A, RS, or E List Heightened and Standard risk prisoner share a dock, a dock management plan must be agreed before the start of the day's proceedings between the Court Custody Manager and the HMPPS Officer in charge of the escort and approved by the trial judge. The management plan must be written into PERs and should include the following points:

- An agreed seating plan within the dock for prisoners and officers, which will enable safe custody and, if required, appropriate conflict management.
- A detailed plan on how detainees are removed from the dock during any recess periods.
- An agreed approach for continued dock security, should any detainee be required to provide evidence via the witness box.
- How refractory behaviour is to be managed safely without causing distress or escalation.
- How prisoners are to be safely and securely escorted between the custody suite and courtroom dock.

This is not an exhaustive list, and other concerns may present themselves at any time which may require a dynamic risk assessment and subsequent changes to the agreed plan.

COURT RISK IDENTIFICATION EMAIL: Suggested Standard Format

Court Risk Notification

Prisoner Name

Prisoner Number

The above remand prisoner was received into HMP xxx....on...xx / xx / xx.....

S/He has been identified as a *Cat A / *Restricted Status / *E-List Prisoner or posing a * serious risk of escape / *risk of serious harm others due to (*provide details*):-

and therefore we request the following measures for future court proceedings and appearances in order to reduce these risks.

- Hearing via Prison-Court Video Link
- Hearing held within a secure dock

We await your response.

Head of Security & Intelligence

RESTRAINTS

There are five types of approved mechanical restraint that are in use at courts; ratchet cuffs, standard cuffs escort chains and rigid bar cuffs. Ratchet, standard and rigid bar cuffs appear similar and comprise of metal bracelets either linked together, or in the case of the later with a solid bar. Ratchet cuffs are adjustable bracelets and are relatively lightweight. There are three types of ratchet cuff in use; a standard ratchet and a thin wristed ratchet cuff are used by prison staff, Standard cuffs are fixed size bracelets, using inserts where necessary and relatively heavy, these are only used by HMPPS staff. The escort chain has two bracelets, similar to ratchets cuffs linked by a metal chain, which is approximately two metres long. Hyatt cuffs are used by PECS staff and in 2020 rigid bar handcuffs will be issued to PECS dock officers to assist in the restraint of an individual during an incident in a court room.

- Single cuffed prisoner
One set of restraints (either ratchet, standard or rigid bar) is applied to the prisoner linking both wrists together.
- Single cuffed prisoner to officer
One set of restraints (either ratchet or standard) is applied to both the prisoner and escorting member of staff. Both the escorting member of staff and prisoner have a free hand.
- Double cuffed prisoner to officer
Two sets of restraints (either ratchet or standard) are applied, one linking both the prisoner's wrists, the second linking the prisoner to the escorting member of staff.
- Escort chain
The escort chain is applied to both the prisoner and escorting member of staff, both have a free hand. The escort chain can be used as part of double cuffing described above.

- Rigid Bar
Applied to both wrists to assist in the safe restraint of a refractory prisoner in the court dock.

Discreet restraints

Discreet restraints comprise of a Velcro strip wrapped around the prisoner's ankle with an additional plastic locking mechanism over the ankle strap. The ankle strap is connected to the escorting member of staff by a two-metre heavy duty webbing strip. The webbing strip is attached to the belt buckle of the escorting staff by a heavy-duty plastic clip.

Discreet restraints, as the name suggests offer a discreet method of restraint; the ankle strap is not constrictive and barely visible if applied under trousers. There are no metal fittings, other than the belt clip which is attached to the escorting member of staff. The webbing strip allows freedom of movement, including using stairs, within a two-metre radius of the member of staff and can be lifted to prevent trip hazards. While it will not prevent a prisoner from attempting to escape, the noise made by any attempt to remove the strap will alert escort staff while also acting as a hindrance which will enable escorting staff to restrain the prisoner, either by approved use of force methods, or mechanical restraints.

For Information: SPJ Approved

Advice for Judiciary on Sentencing Multi-Handers

Following serious incidents of violence in the dock during multi-handed sentencing hearings at the Old Bailey on 27th January 2020, and Croydon on 31st January 2020, it is necessary to issue this guidance to all Crown Courts with immediate effect.

It remains the case that the conduct of all hearings is a matter for the judge presiding over them. All such decisions are case-specific.

The Criminal Practice Directions provide the law underpinning this subject, in the areas they cover:

- **CrimPD I 3L.1-11** Security of prisoners at court.
- **CrimPD I 6E1-4** Restricting access for the public.

It is not anticipated that the approach of the courts to handcuffing defendants when they are visible to the jury will change at all as a result of this guidance.

However, the court has a responsibility to ensure order, as far as possible. Planning and communication between judge and staff and security officers are vital.

All judges conducting a sentencing hearing in a serious case where there are multiple defendants, and in any other case where there is reason to anticipate disorder in court or in the dock, should consider taking one or more of the following steps.

1. Granting an application for handcuffs in the dock, if one is made. In these hearings, handcuffs are not prejudicial and the countervailing factor against allowing them is the dignity of the defendant. This is an important question, but more easily overridden than a risk of prejudice during a trial. The purpose is not simply to prevent escape, but to prevent fighting between defendants and staff in the dock.
2. Requesting additional security and/or police presence and delaying the hearing until it arrives.
3. Sentencing defendants separately. If it appears that it can be done safely, the sentencing remarks which are common to all defendants can be delivered, and then the defendants can be sentenced one by one and each taken away separately when s/he is sentenced. Where the risk is greatest, each individual defendant may have to be sentenced entirely on his/her own so that there is only one defendant in the dock at any one time. This is only likely to be necessary in rare cases. Plan these measures in conjunction with security staff.
4. If all else fails, and the risk is too high to be managed in any other way, sentence by prison video link is an available measure.

5. Excluding any person who has given cause to believe that he or she presents a risk of disorder, either by instigating it or by causing it directly.
6. If you expect a large number of people in the public gallery, and there is a risk of violence and/or a risk that more people may wish to be present than the public gallery can accommodate consider
 - a. Requiring members of the public to provide their names and proof of ID before entry. This will probably require a police presence and will certainly require planning in advance;
 - b. Ensuring that if numbers are limited defendants and victims are consulted about who they want to be present.

You can announce and plan these measures when you adjourn for sentence.

One aim is to assist defendants by ensuring that their close family have priority over anyone else if space is limited.

Experience suggests that failing to secure access to the court for close family members of defendants or failing to secure equal access for families of all defendants can be a factor which increases the risk of disorder in the public gallery.

Space must always be available for the press, but if necessary, you can limit the numbers.

COURT MANAGEMENT DIRECTION FORMS

CUSTODY MANAGEMENT DIRECTIONS FORM – ESCORT CONTRACTOR

Application to court for improving security arrangements to be completed by the Escort Contractor due to an incident that occurred on route to the court that may require enhanced security at court.

For the Attention of:	
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Section A – Prisoner Details

1. Request from Escort Contractor:	SERCO / GEOAMEY (Delete)		
2. Prisoner Name:		3. DOB:	
4. HMPPS No:		5. Date of Appearance:	
6. Court Appearing:		7. Reason: E.g. – Administrative /Trial/Witness/	
8. Offence:			

Section B – Request Details

9. Reason for Request: (Please refer to the guidance and set out the grounds for making the request due to the incident that occurred on route. The nature of the offence is not a ground to support the application)	
10. What action is the Escort Contractor seeking: (Secure Dock, Restraints/Discreet Restraints, change of court and / or extra staff)	

Section C – Supporting Information

11. Has any supporting information been asked for from the prison? If so what? Provide details.	
12. For requests to use approved restraints in court Healthcare to be consulted.	
13. Contactor Name:	
14. Contractor Signature:	
15. Date:	

Section D – Judicial Decision

Application GRANTED/REFUSED/PART ACCEPTED* (Delete as appropriate)	
*Reason (where application refused or part acceptance):	
Resident Judge/Case Judge over the case informed:	
Resident Judge/Case Judge comments:	
Signed by Officer of the Court:	
Date:	
Any further comments:	

Section E - Contractors Actions

Following the decision this is to be copied to the court custody contractor area office

For the Attention of:	
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Court Custody Contractor Fax No:	
Attach copy to PER and mark PER accordingly:	
Contact Name:	
Contractor Signature:	

CUSTODY MANAGEMENT DIRECTIONS FORM – HMPS

Application to court for improving security arrangements to be completed by the dispatching prison and submitted to the Court at least **7 days** before the prisoner is due in court

For the Attention of:	
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Section A – Prisoner Details

1. Request from HMP:			
2. Escort provider :	HMP..... / SERCO /GEOAMEY (Delete)		
3. Prisoner Name:		4. DOB:	
5. HMPPS No:		6. Date of Appearance:	
7. Court Appearing:		8. Reason: E.g. – Administrative /Trial/Witness/	
9. Offence:			
10. Security Category:		11. Current Escape list Status:	Yes/No

Section B – Request Details

12. Reason for Request: (Please refer to the guidance and set out the grounds for making the request with risk assessment. The nature of the offence is not a ground to support the application)	
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13. What action is the Prison Service seeking: (Use of Video Link/Secure Dock/approved Restraints/Discreet Restraints, change of court, extra staff)	
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Section C – Supporting Information

14. Previous or current escape history or heighten risk	
15. Prisoner behaviour in Prison or on Escort <i>(IEP warnings, Adjudications, violence, Self-Harm, Dirty Protest</i>	
16. Has the prisoner recently been refused Parole, or not been downgraded after a Category A review:	
17. Relevant up to date Risk Information	
18. Any medical condition which may be exacerbated by the use of cuffs in the court setting for lengthy periods. Healthcare professional to consider:	
19. Head of Security Name:	
20. Head of Security Signature:	
21. Date:	
22. Telephone No:	
23. Designated secure email:	

Section D – Judicial Decision

Application GRANTED/REFUSED/PART ACCEPTED* (Delete as appropriate)	
*Reason (where application refused or part acceptance):	
Resident Judge/Case Judge over the case informed:	
Resident Judge/Case Judge comments:	
Signed by Officer of the Court:	
Date:	
Any further comments:	

Following the decision this is to be copied to the court custody contractor

For the Attention of:	
Court Custody Contractor designated email	

COURT SECURITY

Due to the variation in design and facilities available at each court room, the following issues should be considered.

Dock

There are a range of docks in use in courts, in broad terms these are:

- Enclosed (fully secure) dock – the dock is a sealed unit, a protective screen is either ceiling height or the dock has a false ceiling.
- Partial screened (partially secure) dock – the dock has a protective screen, normally 3.2m from the floor of the dock to the top of the screen. There is a gap between the top of the screen and the ceiling.
- Unscreened (insecure) dock – there is no protective screen to prevent the defendant from jumping out.
- No dock – youth courts and non-criminal courts do not generally have docks, instead the defendant will stand or sit at a desk.

As far as reasonably possible, all prisoners and especially Category A prisoners, produced at court for criminal hearings should be produced to courtrooms with fully or partially secure docks. However if a serious risk is identified, there may be a request for a fully secure dock.

Witness box

Prisoners required to give evidence will normally use the witness box which provides no protection to prevent escape or violence. The risk posed by use of the witness box, including exiting the secure dock and crossing open court, is to be managed by escorting staff. This can normally be achieved by positioning staff at strategic points and using additional staff if necessary. If the risk of escape or violence is assessed to be so serious it cannot be managed by additional staff, alternative measures will be requested via the CMDF, e.g. the use of discreet cuffs.

Custody area

The majority of courts hearing criminal matters have a secure custody area; there is a risk when prisoners are produced to non-criminal courts where there are no secure facilities. When a prisoner is to be produced to such a court, the contractor will identify, in advance, a waiting area to use, ideally away from other public areas and may even use an alternative secure location. If the prisoner to be produced is assessed to be a significant risk, there may be a request to move the hearing to PCVL or a more secure location.

Link between court and custody / cells area

The majority of criminal courts have a secure link direct from each dock to the custody area; many of these are a series of tunnels under the court building. In some locations, more so in courts hearing non-criminal matters, prisoners may have to be escorted through public areas. As public protection is paramount, escorting staff will normally (subject to a risk assessment from Sept 2020) use restraints to minimise any risk of escape or violence. If the prisoner to be produced is assessed to be a significant risk, there may be a request to move the hearing to PCVL or a more secure location.

Transfer from escort vehicle to court

Many criminal courts have a secure vehicle lock with direct access to the custody area. However there are a number of courts where this is not possible; either there is no vehicle lock, or not all vehicles are able to access a lock due to their size. In these circumstances the prisoner will normally be transferred from the vehicle using public access and the escorting staff may use mechanical restraints (subject to a risk assessment from Sept 2020) to minimise the risk of escape or violence. If the prisoner to be produced is assessed to be a significant risk, there may be a request to move the hearing to PCVL or a more secure location.