



## Circular 2011/06

<b>Title</b>	<b>Protocol for tackling witness intimidation from prisons</b>
<b>From:</b>	Better Trials Unit Ministry of Justice
<b>Distribution date:</b>	9 August 2011
<b>Implementation Date:</b>	1 September 2011
<b>For further information contact:</b>	<a href="#">Julie Clouder</a> - 020 3334 6087
<b>Broad subject:</b>	Inter-agency protocol between the police, CPS, courts and prisons outlining procedures to help prevent witness intimidation by remand prisoners
<b>Sub category:</b>	Guidance on new procedures
<b>This circular is for:</b>	Chief Constables in England and Wales, Director of Public Prosecutions, HMCS Area Directors, Court Managers, Prison Governors

1. This Circular announces the introduction of a Protocol for Tackling Witness Intimidation from Prisons. The Protocol will commence on 1 September and will apply to all remand in custody applications on and after this date.

2. The Protocol sets out the roles and responsibilities of the police, Crown Prosecution Service (CPS), court staff and prisons to help prevent defendants from intimidating victims and witnesses whilst on remand in custody. It applies to all cases where the defendant knows how to contact the victim and/or witnesses in his or her case and it is deemed likely that he or she will, through personal contact or through a third party, attempt to threaten or intimidate them into withdrawing evidence.

3. The Protocol sets out clear procedures which will:

(i) enable CPS to identify, via advice from the police, any defendant who, whilst on remand, may attempt to threaten or intimidate any victim and/or witness;

(ii) provide early notification of any risk of intimidation to prison governors so that arrangements can be made to monitor the incoming and outgoing mail and telephone calls of any unconvicted prisoner and prevent unauthorised contact with any victim or witness;

(iii) ensure that incidents of intimidation are appropriately and effectively addressed where these procedures fail to prevent unwanted contact by the defendant with any victim or witness in their case, or any third party, such as a relative of the victim or witness.

4. These procedures may also be appropriate where a convicted prisoner, who is already serving a custodial sentence, is facing other charges.

5. The Protocol is available on the Ministry of Justice website at [www.justice.gov.uk/guidance/protecting-the-vulnerable/vulnerable-intimidated-witnesses-guidance.htm](http://www.justice.gov.uk/guidance/protecting-the-vulnerable/vulnerable-intimidated-witnesses-guidance.htm).

6. The Prison Service Instruction (PSI 46/2011) relating to this Protocol is available at [www.justice.gov.uk/guidance/prison-probation-and-rehabilitation/psipso/index.htm](http://www.justice.gov.uk/guidance/prison-probation-and-rehabilitation/psipso/index.htm).

7. Further information for court staff can be accessed on the enews website on the HMCS intranet.

8. Further guidance on intimidation is available for Crown Prosecutors at [www.cps.gov.uk](http://www.cps.gov.uk).