



## **Memorandum of Understanding**

**An agreement between Her Majesty's Prison and Probation Service and the National Police Chiefs' Council regarding corruption in prisons and probation**

**15 April 2019**

## 1. Executive Summary

Corruption in prisons and probation threatens our national security. Unchecked, it can erode public confidence in the criminal justice system which citizens depend upon to keep them safe. Corruption in any of our criminal justice institutions undermines the ability of the entire system to detect crime, bring offenders to justice, reduce reoffending and keep victims and the community safe. HM Government has recognised this challenge, outlining in the UK Anti-Corruption Strategy 2017-2022 its priority to reduce the insider threat in high risk domestic sectors – including prisons and probation and policing.

HM Prison and Probation Service (HMPPS) and the National Police Chief's Council (NPCC) share this ambition, and are committed to working in partnership to give us the best chance of reducing corruption in prisons and probation and minimising its insidious impacts on citizens and the community. Since 2017, HMPPS and the police have worked together to better understand the corruption threat, the limitations of our response and to develop and deliver a new strategy and more effective way of working. This Memorandum of Understanding (MoU) presents the culmination of this work and lays the foundation for a more effective partnership in practice for years to come.

We are grateful for those police, prison and probation staff who have supported this work, and while we have been working hard, we are clear that change can only be delivered by you – the police officers and prison and probation staff that prevent and pursue corruption every day. We recognise the challenges you face – the frustration of limited resources, of working with partners with slightly different priorities to you. That is why this MoU has sought one central objective: to provide prisons, probation and police with a way of jointly prioritising counter corruption activity and agree HMPPS and police resources accordingly.

This MoU empowers HMPPS and the police to work in partnership at all levels. For HMPPS, it articulates the roles and responsibilities of various staff in prisons and probation and the role of the newly formed Counter Corruption Unit (CCU). For police, it articulates the roles and responsibilities of Prison Intelligence Officers (PIO), Regional Prison Intelligence Units (RPIU), and the Crime in Prison leads in local forces. All staff working on counter corruption in prisons, probation and the police have a responsibility to understand and follow this MoU and champion partnership working.

While this MoU represents a significant step toward reducing corruption in prisons and probation, we know this is just one step in the right direction. We are committed to monitoring our new approach, getting your feedback and finetuning our approach as we improve our understanding of the threat and the most effective way of responding to it. We encourage you to do the same and share your insights with us so we can do all we can better tackle corruption, building and maintaining confidence in our criminal justice system.



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## 2. Introduction

### 2.1. Purpose

This MoU supports the Crime in Prison Referral Agreement between Her Majesty's Prison and Probation Service (HMPPS), National Police Chiefs' Council (NPCC) and the Crown Prosecution Service (CPS) which sets out roles and responsibilities of the signatories relating to the referral, investigation and prosecution of crimes committed in prison.

This MoU further details the roles and responsibilities of HMPPS and police regarding corruption in prisons and probation. It outlines:

- a shared understanding of the impact of corruption on prisons, probation and the community
- shared objectives for ensuring our prison and probation system is resilient to the threat of corruption
- common definitions of "staff" and "corruption", and relevant criminal offences
- the core roles in prisons, probation and the police regarding corruption in prisons and probation
- the agreed ways of working for managing corruption cases from report to outcome, including the respective responsibilities of prisons and probation and the police
- processes for agreeing local application, resolving disagreements and review of this MoU

HMPPS and the Police will discharge their respective statutory and common law obligations. Staff working in prisons and probation are also expected to fulfil their duties in accordance with the Counter Corruption and Wrongdoing Policy Framework ("Counter Corruption Policy Framework"), Intelligence Collection, Management and Dissemination Policy Framework ("Intelligence Policy Framework") and Conduct and Discipline policies (PSI 2010-06 and PI 2014-34). The data sharing framework is outlined at Annex A.

### 2.2. The impact of corruption

HMPPS and police efforts to tackle corruption are integral to delivering a safe and secure prison and probation service, rehabilitating offenders and minimising harm in the community. Corruption poses a threat to national security as activity by 'insiders' makes the UK vulnerable to terrorism, organised crime, and other security threats.

Corruption in prisons enables the illicit economy and undermines the authority and stability of the regime. The trafficking of contraband by staff, or actions by staff which permit others to traffic contraband, drives violence and drug use, reduce prisoners' rehabilitation prospects. Prisoners' ongoing criminality in prison will affect their attitudes to crime after their release.

Corruption in probation can compromise supervision levels, affect public safety and the courts' confidence that sentences are being served. As with prisons, corruption in probation can undermine rehabilitation efforts and lead to reoffending.

The impact of corruption in prisons and probation extends into the community. Corruption related to drug supply and organised crime drives harm in the community, family of corrupted members of staff can be put at risk, and public confidence in the criminal justice system can be undermined.

### **2.3. Shared objectives**

In the UK Anti-Corruption Strategy 2017-2022, HMG has articulated its ambition to reduce vulnerability to corrupt insiders in prisons and probation. In line with this ambition, HMPPS and the police are committed to making sure the prison and probation system is resilient to the threat of corruption.

As outlined in its Counter Corruption Policy Framework, HMPPS seeks to achieve this through four strategic approaches:

- PROTECT against corruption by understanding threats, having robust policies, processes and procedures in place and holding ourselves to account
- PREVENT staff from engaging in corruption by recruiting a resilient workforce, strengthening capability and professional integrity and managing corruption risks
- PURSUE and punish those involved in corruption through disciplinary and criminal justice outcomes
- PREPARE for the consequences of corrupt behaviour and support teams where corruption has occurred

The police will support these objectives by providing the legal authority, specialist skills and resources to, in conjunction with HMPPS and contracted providers:

- identify corruption threats in prisons and probation, including by analysing the relationship between corruption and wider criminality (e.g. national security threats such as organised crime and extremism); and
- investigate corrupt staff and those who seek to corrupt staff, supporting prosecution where appropriate.

### 3. Definitions, criminal offences and evidence base

#### 3.1. Corruption

This MoU defines 'corruption' as a person in a position of authority or trust who abuses their position for benefit or gain for themselves or for another person. In prison and probation services, this would include the misuse of a person's role to plan or commit a criminal act, or a deliberate failure to act to prevent criminal behaviour. 'Abusing their position' may include acting or failing to act (e.g. turning a blind eye) in a way that constitutes a breach of the duties of that office. 'Benefit' or 'gain' can include financial, emotional, sexual or other personal and/or work-related reasons. Staff may be motivated by malicious or "noble causes" (i.e. where individuals break the rules "for the right reasons").

A non-exhaustive list of examples of criminal activities and/or inappropriate behaviours that fall within this definition of corruption is set out below:

- conveying prohibited or restricted items into or out of a prison;
- aiding a prisoner to escape;
- unauthorised disclosure of information;
- inappropriately facilitating offender movement or reclassification;
- forming inappropriate relationships with offenders or with non-offenders (e.g. friends or family members of offenders, criminal groups);
- sexually assaulting a prisoner or offender;
- disclosing restricted information to an offender, member of staff or the public;
- inappropriately influencing or blackmailing staff, including to engage in criminal activity;
- accepting or seeking bribes or favours, including for commercial purposes including fraud;
- failure to discharge duties or follow procedures to the required standard (e.g. failure to perform a search, performing a search poorly, not acknowledging the discovery of contraband during a search); and,
- theft of HMPPS money property, or offender's money or property.

This definition of corruption does not include behaviours that are not motivated by gain (e.g. assault). Staff should refer to Crime in Prison Referral Agreement to report these incidents or behaviours. This definition does not include matters that are purely wrongdoing, misconduct and management issues which fall short of the corruption definition (e.g. abuse of sick leave, misuse of IT equipment, grievances, complaints).

#### 3.2. Staff

This MoU defines 'staff' as any individual employed, contracted or who volunteers within prisons, probation and related services. These services include, but are not limited to, public prisons, privately contracted prisons, the National Probation Service, community rehabilitation companies (CRCs), the youth estate, secure training centres, immigration removal centres and prisoner escort services (PECS) – hereafter referred to collectively as prison and probation services.

There are several groups of individuals who provide prison and probation services. Some of these will be directly employed by HMPPS, whereas others will be employed (or volunteer) to provide services through a contracted supplier on behalf of HMPPS. This MoU covers three staffing groups:

- Staff directly employed by HMPPS;
- Staff employed in contracted prison, probation and related services, hereafter referred to as 'staff of contracted service providers'; and,

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- People who are not directly employed by HMPPS but provide core or auxiliary prison and probation services, including (but not limited to):
  - general contractors (e.g. catering, healthcare workers, education, employment, maintenance);
  - consultants;
  - agency staff;
  - sessional workers;
  - volunteers and charity workers; and,
  - locum staff.hereafter referred to as 'non-directly employed persons'.

Staff of contracted service providers are not directly employed by a public body, however, they are considered as discharging the duty of a public officer when working in prison and probation services. As such, they may be charged with committing a common law offence of misconduct in public office (see below).

### 3.3. Corruptors

This MoU defines a known corruptor as an individual (usually a prisoner or offender) who has received an adjudication or criminal justice outcome related to corrupting a member of staff or public official.

This MoU defines a suspected corruptor as an individual (usually a prisoner or offender) who has not received an adjudication or criminal justice outcome related to corrupting a member of staff public official, but is suspected of corrupting staff.

Prisons and probation have different powers to manage known corruptors compared to managing suspected corruptors. It is important to pursue suspected corruptors and secure outcomes where appropriate so they may be more robustly managed.

### 3.4. Criminal offences

This MoU's definitions of "corruption" and "staff" are intended to cover a broad the range of individuals and behaviours, and are not legal definitions nor constitute elements of criminal offences. Corrupt staff and individuals who seek to corrupt staff may be prosecuted under various criminal offences depending on the circumstances of the case.

The most common offences used to prosecute those involved in corruption include:

- common law offence of Misconduct in Public Office;
- offences under the Bribery Act 2010;
- offences under the Prison Act 1952 (as amended by the Offender Management Act 2007, Crime and Security Act 2010 and Serious Crime Act 2015), including trafficking of prohibited items, and for prisoners, using threatening abuse or insulting words and behaviour; and,
- common law offences of Conspiracy and Aiding and Abetting the above offences.

Guidance on the application of relevant criminal offences can be found in the Crown Prosecution Service guidance on [prison related offences](#) and [misconduct in public office](#).

### 3.5. Evidence base

Staff become involved in corruption for a range of reasons, in a range of circumstances. Potential scenarios include staff who:

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- seek out work in prisons and probation with the sole intention of exploiting opportunities for corruption;
- identify and exploit opportunities for corruption after they have become employed; and,
- are pressured into corruption by “corruptors” who condition and manipulate staff for their own purposes.

In most cases, staff become involved in corruption over time. There are a range of factors, personal circumstances and behaviours that may be associated with staff who are, or may be susceptible to, engaging in corrupt behaviour. These factors include:

- personal factors (e.g. financial, domestic, health, substance misuse, gambling, unexplained changes in behaviour or personality);
- situational factors (e.g. working in isolation, insufficient training, insufficient or absent management and guidance); and,
- behavioural factors (e.g. a person taking frequent and unauthorised sick leave, working unauthorised overtime without operational need, self-isolation and withdrawal from team and line management).

Evidence suggests that many corrupt staff are pressured into their actions by “corruptors” who condition and manipulate staff for their own gain. Corruptors can be individuals or networks of people, and can include offenders, staff and / or other people in the community. Corruptors may seek to:

- gain preferable treatment (e.g. duties or work);
- influence offender management decisions (e.g. transfer, release etc.);
- facilitate wider criminal activity (e.g. drug trafficking – enabling conveyance by encourage staff to turn a blind eye to throw overs or to conduct searches improperly);
- engage with serious and organised crime groups; and,
- address emotional and sexual needs (in the case of inappropriate relationships).

Evidence suggests that corruptors have similar behaviours and characteristics to each other. They are likely to:

- continually push boundaries;
- be overly familiar and friendly with specific members of staff;
- use manipulative patterns of behaviour to get what they want (conditioning);
- physically or verbally threaten and intimidate others;
- bully or intimidate staff;
- make inappropriate remarks to staff;
- make financial offers to serve personal gain;
- seek out personal information about staff or security procedures; and,
- look for, or create, opportunities to get what they want by influencing and then compromising staff who may then be coerced into or agree willingly to engage in corrupt behaviour.

For these reasons, it is important for all staff to be aware of and maintain appropriate boundaries with offenders or with non-offenders. It is also important for staff, management, counter corruption staff and the police to detect and respond to staff who may be forming inappropriate relationships in conflict with professional obligations (friends or family members of offenders, criminal groups).

## 4. Roles

HMPPS and the police have a range of roles regarding the management of corruption in prisons and probation. The following expectations should be read in conjunction with obligations outlined in statute and common law and expectation in the Crim in Prison Referral Agreement. The below summaries relevant roles for staff in prisons and probation as outlined in the Counter Corruption Policy Framework.

### 4.1. Prisons and probation

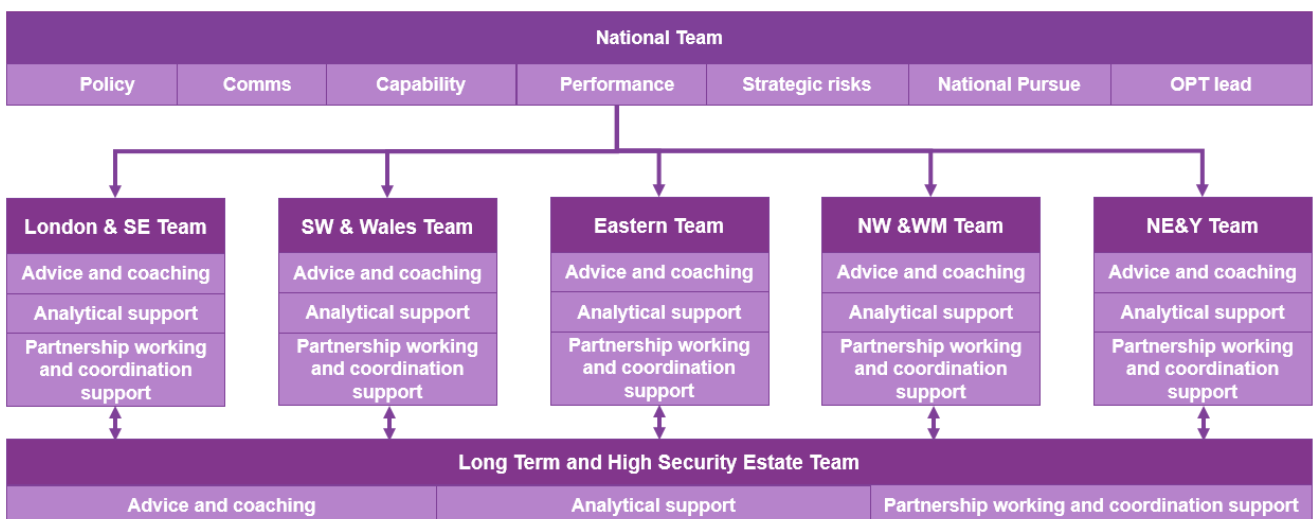
Each HMPPS and Privately Contracted Prison must appoint a Local Counter Corruption Manager (LCCM) at Deputy Governor grade and a Deputy Local Counter Corruption Manager (D-LCCM) at Band 5 or above to act as a point of contact and lead for corruption related matters. Governors and Directors must ensure that LCCMs and D-LCCMs are given sufficient time and resource to carry out this role effectively and are responsible for the security and staff of the prison. Local Analysts also play a key role on corruption.

Each National Probation Service Division must appoint a Division Counter Corruption Manager (DCCM) at a senior management grade. Divisional Directors must ensure that DCCMs are given sufficient time and resource to carry out this role effectively and are responsible for the security and staff of the division.

Each community rehabilitation company (CRC) must appoint a Counter Corruption Manager (CRC-CCM) who will act as a single point of contact for all corruption related matters.

The prisoner escort and custody services (PECS) Security Manager, known as the PECS Counter Corruption Manager (PECS-CCM), will act as a single point of contact for all corruption-related matters.

The Counter Corruption Unit (CCU), as led by the Head of CCU, plays a key role in supporting staff, managers and leaders to tackle corruption throughout the organisation. It is responsible for our counter corruption policy and procedures, leading counter corruption capability raising, and most fundamentally, supporting the organisation to pursue corruption where it takes place. The CCU contains a number of intelligence analysts at national and regional levels who sit in the National Intelligence Unit (NIU). The structure of the CCU is outlined below.



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The national CCU team has a strong oversight and strategic function, with a comparatively small proportion of work dedicated to pursuing corruption. The national team includes the Head of the CCU, Threat Lead, Capability Lead, National Corruption Pursue Lead (NCPL), a Strategic Analyst (who sits in the National Intelligence Unit), a National Counter Corruption Analyst (NCCA) (who sits in the National Intelligence Unit) and a seconded Detective Inspector (who sits in the Operational Partnerships Team).

Regional CCU teams each cover two ROCU regions and almost exclusively work on pursuing corruption in their region. Each team is led by a Regional Corruption Pursue Lead (RCPL), and is supported by a Regional Corruption Pursue Manager (RCPM), Regional Corruption Pursue Officer (RCPO), and a Regional Counter Corruption Analyst (RCCA) who also sits in the Regional Intelligence Unit. The Long Term and High Security Estate (LTHSE) Team provide support for LTHSE prisons across the country and work in close partnership with the regional teams.

### **4.2. Police**

Each force is expected to have a force lead for Crime in Prisons who also acts as a force lead for corruption in prisons and probation. The lead, which should be a senior officer, is responsible for ensuring the force has resource and processes in place to work with prisons, probation and the CCU on corruption matters in line with the agreed pursue process. For smaller forces, this may be a Superintendent, while in larger forces this may be a Detective Chief Inspector.

The Regional Prison Intelligence Unit (RPIU) Supervisor is expected to be the RPIU and Regional Organised Crime Unit (ROCU) lead for corruption in prisons and probation. The lead is responsible for ensuring the RPIU and ROCU has resource and processes in place to work with prisons, probation and the CCU on corruption matters in line with the agreed pursue process.

Prison Intelligence Officers (PIOs) are expected to provide an intelligence sharing conduit between prisons, forces and ROCUs (via the RPIUs). PIOs will not act as investigators, but will enrich intelligence packages jointly with HMPPS and engage with police tasking and coordination process to identify and secure investigative resource where appropriate. Each prison should have access to a PIO, either exclusively or shared with another prison.

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## 5. Pursue process and prioritisation

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## 6. Summary of responsibilities

The following summarises the expectations of prisons, probation and police throughout the pursue process. It should be read in conjunction with the description of the pursue process above and obligations outlined in statute and common law and expectation in the Crime in Prison Referral Agreement. The below summaries relevant responsibilities for staff in prisons and probation as outlined in the Counter Corruption Policy Framework and Intelligence Policy Framework, however, staff should refer directly to the policy frameworks for a full articulation of their responsibilities.

### 6.1. Prison and probation responsibilities

- Prisons and probation must have systems/structures/processes in place in accordance with the Counter Corruption Policy Framework, Intelligence Policy Framework, the Crime in Prison Referral Agreement and this MoU.
- All HMPPS staff and non-directly employed persons must report suspicions of wrongdoing and corruption at the earliest opportunity through the appropriate channels.
- The CCU and LCCM/DCCM must ensure that all staff (included staff of contracted service providers and non-directly employed persons), offenders and visitors have access to and are aware of the available reporting methods. Contracted service providers must establish their own internal corruption reporting structures.
- All intelligence must be handled in line with the Intelligence Policy Framework.
- Reports and intelligence relating to corruption must be analysed and triaged at a local level within 72 hours.
- If the intelligence relates to a major and/or imminent risk (e.g. potential abscond, escape or threat to life) this should be immediately escalated through the appropriate channels.
- Corruption intelligence (individual reports or intelligence assessments) and information can be shared internally or to the police (through PIOs and RPIUs) at any time. So far as possible, prisons and probation should send packages of information and intelligence (including decision and action logs, intelligence assessments and bundles of sanitised intelligence reports) to support police investigations.
- Prisons and the RCCA (including on behalf of probation) and NCCA should consider whether dissemination is required to support specific executive actions by the police (e.g. time critical intelligence where there is threat, risk or harm to the community). Not all intelligence and information needs to be disseminated.
- Prisons and the RCCA (including on behalf of probation) and NCCA are responsible for ensuring that sanitisation and disseminations of intelligence reports and assessments either internally or to the police protect the source/ tactic used in gathering the intelligence.
- Prisons and probation must hold monthly case management meetings to discuss case banding and case management plans. Prisons and probation can request support from the regional CCU and must consider whether the police or contracted service providers need to attend.
- Prisons and probation must always seek a disciplinary, adjudication or criminal justice outcome for any corrupt staff and individuals who seek to corrupt staff (e.g. prisoners). In consultation with the police, HMPPS, consider the case's banding and the relative proportionality of potential proceedings and outcomes to determine the course of action.

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- Where prisons and probation require support from ROCUs or other regional resource for Band 1 or 2 cases, a representative from the CCU will request this on their behalf. The CCU will request this support at a closed regional tasking meeting (with only necessary attendees present) or out of committee.
- All staff must support police in any criminal investigations and prosecutions that may arise following allegations of corruption. This includes providing further information as required by the Police to fulfil their obligations under Criminal Proceedings and Investigations Act, witness statements and giving evidence in court if required.

### 6.1. Police responsibilities

- Police Forces and ROCUs must have internal and joint systems/structures/processes in place to support the performance of the responsibilities outlined in the Crime in Prison Referral Agreement and this MoU and communicate those with relevant prisons, probation and the CCU.
- The police must inform HMPPS of intelligence or reports of corruption at the earliest opportunity through the appropriate channels.
- If the report or intelligence relates to a major and/or imminent risk (e.g. potential abscond, escape or threat to life) this should be immediately escalated through the appropriate channels.
- Reports and intelligence (individual reports or intelligence assessments) should be disseminated directly to the relevant prison (via the PIO or RPIU) or to the CCU (on behalf of probation).
- If it is inappropriate to disseminate to prisons (e.g. if it concerns the governing-governor), police should disseminate to the regional CCU. If reports or intelligence concern HQ, the police should disseminate to the national counter corruption analyst in the CCU.
- On receipt of a report or intelligence from prisons or probation, the PIO and/or RPIU must consider whether the police hold relevant information or intelligence to inform HMPPS's risk assessment and banding of the case, and share relevant information or intelligence (individual reports or intelligence products) through the appropriate channels.
- On receipt of a report or intelligence from prisons or probation, the PIO and/or RPIU must consider the banding of the case and whether it should be referred to police tasking and coordination processes to allocate to an investigator.
- Police must consider investigating and pursuing criminal justice outcomes for any corrupt staff and individuals who seek to corrupt staff (e.g. prisoners) and provide proportionate investigative resources to evaluate and develop cases. Police should, in partnership with HMPPS, consider the banding of the case and the proportionality of an investigation relative to other proceedings and outcomes (e.g. disciplinary proceedings, adjudication proceedings).

## **7. Local application, escalation and review**

### **7.1. Local application**

Prisons, probation and police are encouraged to agree local arrangements to support the performance of these expectations. Prisons and probation should consult the CCU (in particular the seconded Detective Inspector in the Operational Partnerships Team) when developing the arrangements, and these should be signed off the Governing Governor for prisons and Divisional Director for probation, by the Crime in Prisons lead for the Force, and where necessary, the RPIU supervisor. Once agreed, arrangements should be communicated to relevant staff in prisons, probation, the CCU, Force, RPIU and ROCUs.

### **7.1. Monitoring and escalation**

Local arrangements should be put in place to monitor the performance of this MoU. Counterparts at various levels in prisons/probation and local forces should meet regularly to discuss local arrangements, including opportunities for more effective working and issues that need to be resolved, and may invite a representative from the CCU if required.

Prisons and police should consider whether local Crime in Prison meetings are an appropriate mechanism, while all parties may consider using Local Criminal Justice Boards or other fora to discuss partnership working.

### **7.1. Review of this agreement**

This MoU will be reviewed annually by the CCU in consultation with prisons, probation and the police and be updated as required. Any changes will be communicated to relevant staff in prisons, probation and police.

### **7.1. Contact information**

For further information, please contact:

- Detective Inspector Rob Lees, Seconded Police Officer, Counter Corruption Unit and Operational Partnership Team, HMPPS. [Robert.lees@hmpps.gsi.gov.uk](mailto:Robert.lees@hmpps.gsi.gov.uk)
- Mark Creaven, Head of the Counter Corruption Unit, HMPPS. [mark.creaven@hmpps.gsi.gov.uk](mailto:mark.creaven@hmpps.gsi.gov.uk)
- Deputy Chief Constable Jason Hogg, Thames Valley Police, [jason.hogg@thamesvalley.pnn.police.uk](mailto:jason.hogg@thamesvalley.pnn.police.uk)

## Annex A – Data sharing framework

### Definitions

In this Annex A of this MoU the following definitions apply:

- **Controller** has the same meaning as per section 32(1)-(2) of the DPA;
- **DPA** means the Data Protection Act 2018;
- **Data Subject** has the same meaning as per section 3(5) of the DPA;
- **Data Protection Legislation** has the same meaning as per section 3(9) of the DPA;
- **HMG Security Policies** means the security guidance, in particular the Government Security Classification Scheme and Government Security Policy Framework, as currently published by the Cabinet Office, and as amended or replaced from time to time, or replaced by an equivalent document prescribing security standards;
- **Personal Data** has the same meaning as per section 3(2) of the DPA;
- **Personal Data Breach** has the same meaning as per section 33(3) of the DPA;
- **Processor** has the same meaning as per section 32(3) of the DPA;
- **The Approved Purposes** means the purposes set out in paragraph 1.2; and
- **The Approved Data** means the data set out in paragraphs 1.2.

### Purpose

In order to achieve the purposes set out under this MoU, particularly to ensure the parties are able to implement the agreed ways of working for managing corruption cases from report to outcome, this Section 6 of this MoU shall establish a framework within which the parties may share Approved Data for the Approved Purposes.

'The Approved Purposes' for sharing the data under this MoU are as follows:

- To support police and HMPPS to identify and take action against threats to the safety, security and stability of prison and probation services;
- To support the detection, prevention and prosecution of corruption related offences and related criminality in prison, to allow the police and HMPPS to investigate such issues; and
- To support the detection, prevention and prosecution of corruption related offences and related criminality in probation premises and the community to allow the police and HMPPS to investigate such issues.

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Under this MoU, the parties decide to share the following data (together 'the Approved Data').

HMPPS decides to share with the police:

- Personal identifying information including names, dates of birth, other identifiers (e.g. PNC ID), physical attributes, names and details of families and associates, home addresses, diversity information. Personal identifying information will be extracted from existing HMPPS accredited systems and databases;
- Information about offender's behaviour, activities, conversations etc. and the analysis of that behaviour and implications/inferences drawn from these may also be shared. Behavioural information / observations intelligence will be provided from HMPPS sources (Covert and Overt);
- Personal identifying information including names, dates of birth, addresses, contact details, other identifiers (employee numbers, national insurance number) of staff. Personal identifying information will be extracted from existing HMPPS accredited systems and databases;
- Information about staff behaviour, activities, conversations etc. and the analysis of that behaviour and implications/inferences drawn from these may also be shared. Behavioural information / observations intelligence will be provided from HMPPS sources (Covert and Overt); and
- Where proportionate and necessary, additional personal details will also include bank and communication details, photo identification, racial and ethnic origin, political opinions, religious beliefs, trade union membership, health conditions, sexual life, offences and court proceedings, financial dealings and information, family relationships and contact information for staff and offenders.

The police decides that each force is responsible for determining what information can be shared with HMPPS to ensure compliance with relevant legislation.

The Approved Data will also include such other data that the parties agree should be shared from time to time that is adequate, relevant and not excessive to achieve the Approved Purposes.

The parties acknowledge and approve that for the purpose of this MoU the parties will be Controllers in their own right in respect of the processing of the Approved Data under or in connection with this MoU.

The parties believe that the arrangements set out in this MoU will be necessary and proportionate to the purposes set out above.

### **Legal framework**

Section 14 of the Offender Management Act 2007 permits the sharing of information between specified parties and for specified purposes, including the performance of functions relating to prisons and prisoners and any other purposes connected with the management of offenders.

The parties acknowledge that HMPPS has a statutory power to share the data with a chief officer of police pursuant to the arrangements set out in this MoU under section 14(3)(a) of the Offender Management Act 2007 as it will be in connection with the performance of functions relating to prisons and prisoners.

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The parties acknowledge that a chief officer of police has a statutory power to share the data with HMPPS pursuant to the arrangements set out in this MoU under section 14(3)(b) of the Offender Management Act 2007 as it will be in connection with the performance of functions relating to prisons and prisoners.

The right to disclose information under section 14 of the Offender Management Act 2007 does not authorise the disclosure by the parties of any information in contravention of any provision contained in an enactment (whenever passed or made) which prevents disclosure of the information, including Data Protection Legislation.

The parties acknowledge the proposed sharing of the Approved Data for the Approved Purposes will engage Part 3 of the DPA ("law enforcement processing"), to the extent that the Approved Purposes comprise the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties.

### **Description of method of sharing**

All data is to be handled within secure environments, using password protected systems (to which a limited number of individuals will have access) and with the approved government marking. Some information sits at SECRET or TOP SECRET level, either due to the detail of the information, or the method of collection, which may have included powers under the Investigatory Powers Act 2016 or the Regulation of Investigatory Powers Act 2000. This information is stored in accredited systems in an approved environment as part of the UK Sensitive Intelligence Network.

Data is to be shared via secure email networks. If the information is too large to share via email, a paper copy will be sent via courier or via a staff member in a lockable case.

Both parties will comply with the following requirements for sharing data:

- both parties will retain the data provided to it under this MoU for the period necessary for the Approved Purposes and in line with approved policies;
- HMPPS will manage records in accordance with PSI-04 2018 Records Information Management and Retention Policy and the police will manage records in accordance with internal records management policies; and
- where there is no longer a need for the receiving part to retain the data provided to it under or in connection with this MoU, the receiving party will destroy it or dispose of it in a secure manner that minimises the risk of its inadvertent compromise or disclosure in accordance with relevant legislation and the security arrangements set out in section 6.8 below.

### **Data handling**

The parties will comply with all the obligations imposed on a Controller under applicable Data Protection Legislation. The parties understand that once they are in receipt of data from the other party they will be a data Controller for that data and will be responsible for complying with the relevant principles of Data Protection Legislation in relation to its further processing of that data.

Each party will ensure that it has any necessary relevant notices, consents and policy documents in place to enable lawful transfer of the Approved Data to the other party and any other permitted recipients and the processing of data received for the Approved Purposes.

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HMPPS's privacy policy and HMPPS's approach to handling information is set out in PSI 03/2018 Data Protection Act 2018 and the General Data Protection Regulation and is available to the public at <https://www.justice.gov.uk/offenders/psis>. Police forces will comply with internal information handling policies.

Each party will ensure that the data it sends to the other party, in so far as is possible, distinguishes Personal Data which is based on facts and Personal Data based on personal assessments.

The parties acknowledge and agree that in processing Personal Data under or in connection with this MoU, a clear distinction must be made, where relevant and as far as possible, between Personal Data relating to different categories of Data Subjects, in particular:

- persons suspected of having committed or being about to commit a criminal offence;
- persons convicted of a criminal offence;
- persons who are or may be victims of a criminal offence; and
- witnesses or other persons with information about offences.

The parties will not transfer the data received under this MoU outside the UK / EEA.

Neither party will disclose information that will prejudice either the security of the Approved Data or the security arrangements of either party.

The parties will respect the confidentiality of the data they receive and will not make any onward disclosure of the data they receive except in accordance with the arrangements set out in this MoU.

### **Subject rights requests**

The parties will answer any subject access or other rights requests that they receive for the Approved Data which relate to the processing they are undertaking whilst they are still processing it. The receiving party will provide the sending party with reasonable assistance in complying with any Data Subject rights requests it may receive in relation to its processing of the Approved Data.

The receiving party will not disclose or release any Approved Data in response to a Data Subject access request without first consulting the sending party wherever possible.

### **Accuracy of shared data and lawfulness of transmission**

The sending party will take all reasonable steps to ensure that data being sent is accurate and up to date before it is transmitted to the receiving party.

The receiving party will take all reasonable steps to maintain that data it receives is accurate and kept up to date, and will notify the sending party without delay if it becomes aware of any inaccuracies.

Where inaccuracies are identified, the party will take every reasonable step to (as appropriate) erase or rectify the inaccurate Personal Data without delay.

In all transmissions of Personal Data under this agreement the sending party will provide necessary information to enable the receiving party to assess the degree of accuracy completeness and reliability of the Personal Data and the extent to which it is up to date.

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If either party becomes aware that transmission of any Personal Data to the other party was unlawful, it must notify the other party without delay.

### **Data loss**

The receiving party will become the Controller upon receipt of the data and will be responsible and liable for any subsequent data loss or breach of applicable Data Protection Legislation resulting from the processing by them.

In the event of any data loss or other breach of applicable Data Protection Legislation, the receiving party will promptly notify the sending party.

The receiving party will notify the sending party immediately of any Personal Data Breaches, losses or misuse of the data, and keep the sending party informed of any communications about such incidents with the Information Commissioner's Office, a data subject, or the media.

The parties understand that as the Controller for the data they receive under this MoU they will be responsible for taking any action necessary to resolve the incident including, without limitation, any reporting obligations that arise from such loss. However, in the event such an incident, the parties will assist each other by providing information upon request to enable the relevant Controller to notify Personal Data Breaches to relevant supervisory authorities, affected individuals, and/or any other regulators to whom they are required to notify any Personal Data Breaches.

### **Data security**

The sending party will ensure the safe transmission of the data it sends in accordance with the requirements of HMG Security Policies.

The receiving party will process the data it receives in accordance with the standards set down in HMG Security Policies. These same requirements will apply to the use (in accordance with this MoU) by the receiving party of any data processor to process the data extracted on the receiving party's behalf.

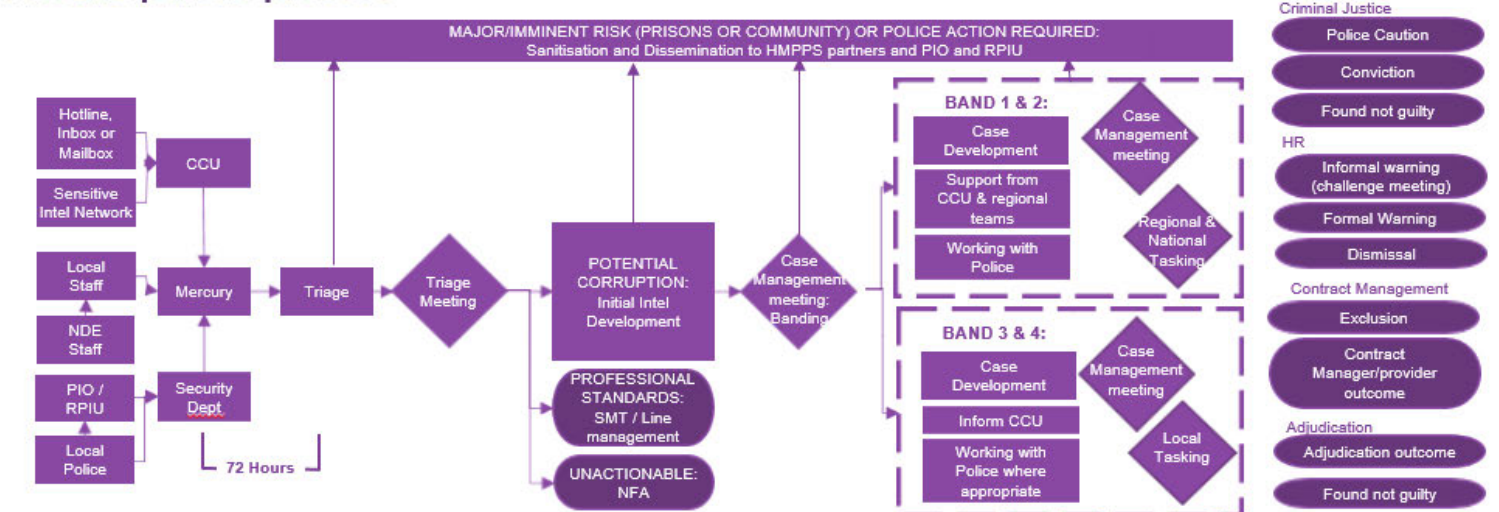
All data exchanged under the arrangements set out in this MoU will be transferred and kept securely by the receiving party in accordance with the requirements of HMG Security Policies.

Each party will ensure that only individuals who have been appropriately trained in Personal Data protection and Data Protection Legislation will be responsible for handling data disclosed by the other party under this MoU.

The receiving party will take appropriate technical and organisational measures to protect the data it receives from unauthorised or unlawful processing and against accidental loss, destruction or damage.

Annex B – Pursue processes

Prisons pursue process

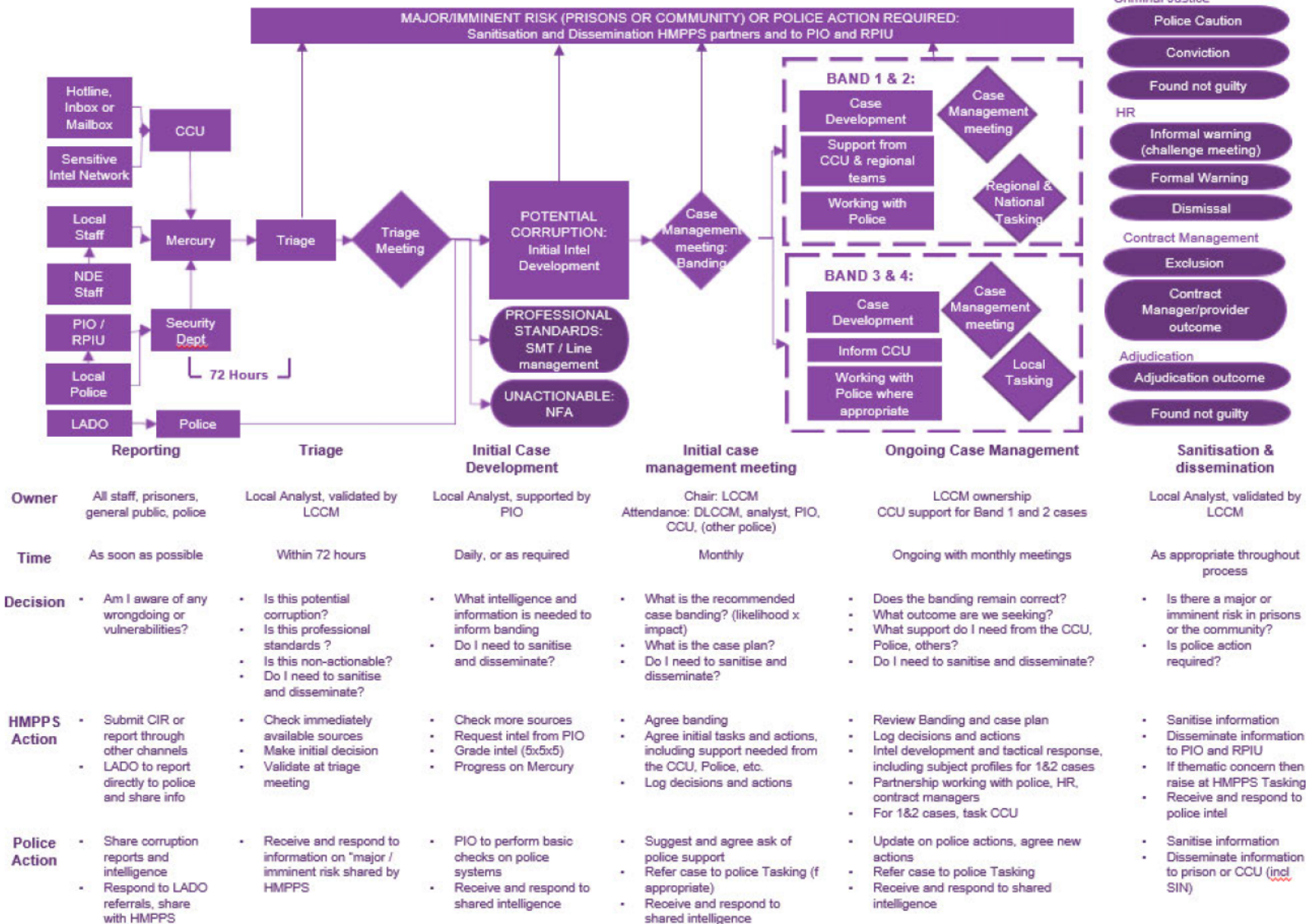


- Criminal Justice
  - Police Caution
  - Conviction
  - Found not guilty
- HR
  - Informal warning (challenge meeting)
  - Formal Warning
  - Dismissal
- Contract Management
  - Exclusion
  - Contract Manager/provider outcome
- Adjudication
  - Adjudication outcome
  - Found not guilty

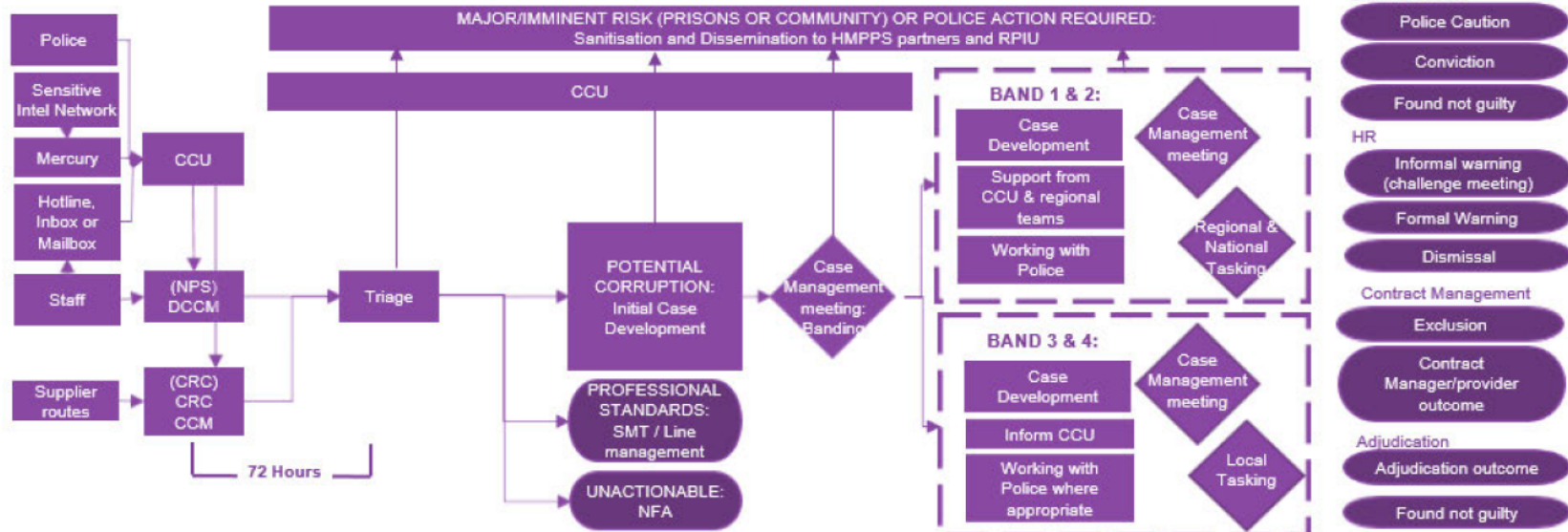
	Reporting	Triage	Initial Intel Development	Initial case management meeting	Ongoing Case Management	Sanitisation & dissemination
<b>Owner</b>	All staff, prisoners, general public, police	Local Analyst, validated by LCCM	Local Analyst, supported by PIO	Chair: LCCM Attendance: DLCCM, analyst, PIO, CCU, (other police)	LCCM ownership CCU support for Band 1 and 2 cases	Local Analyst, validated by LCCM
<b>Time</b>	As soon as possible	Within 72 hours	Daily, or as required	Monthly	Ongoing with monthly meetings	As appropriate throughout process
<b>Decision</b>	<ul style="list-style-type: none"> <li>Am I aware of any wrongdoing or vulnerabilities?</li> </ul>	<ul style="list-style-type: none"> <li>Is this potential corruption?</li> <li>Is this professional standards?</li> <li>Is this non-actionable?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>What information and intelligence is needed to inform banding?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>What is the recommended case banding? (likelihood x impact)</li> <li>What is the case plan?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>Does the banding remain correct?</li> <li>What outcome are we seeking?</li> <li>What support do I need from the CCU, Police, others?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>Is there a major or imminent risk in prisons or the community?</li> <li>Is police action required?</li> </ul>
<b>HMPPS Action</b>	<ul style="list-style-type: none"> <li>Submit Corruption Intelligence Report or report through other channels</li> </ul>	<ul style="list-style-type: none"> <li>Check immediately available sources</li> <li>Make initial decision</li> <li>Validate at triage meeting</li> </ul>	<ul style="list-style-type: none"> <li>Check more sources</li> <li>Request intel from PIO</li> <li>Grade intel (5x5x5)</li> <li>Progress on Mercury</li> </ul>	<ul style="list-style-type: none"> <li>Agree banding</li> <li>Agree initial tasks and actions, including support needed from the CCU, Police, etc.</li> <li>Log decisions and actions</li> </ul>	<ul style="list-style-type: none"> <li>Review Banding and case plan</li> <li>Log decisions and actions</li> <li>Intel development and tactical response, including subject profiles for 1&amp;2 cases</li> <li>Partnership working with police, HR, contract managers</li> <li>For 1&amp;2 cases, task CCU</li> </ul>	<ul style="list-style-type: none"> <li>Sanitise information</li> <li>Disseminate information to PIO and RPIU</li> <li>If thematic concern then raise at HMPPS Tasking</li> <li>Receive and respond to police intel</li> </ul>
<b>Police Action</b>	<ul style="list-style-type: none"> <li>Share corruption reports and intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Receive and respond to information on "major / imminent risk shared by HMPPS"</li> </ul>	<ul style="list-style-type: none"> <li>PIO to perform basic checks on police systems</li> <li>Receive and respond to shared intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Suggest and agree ask of police support</li> <li>Refer case to police Tasking (if appropriate)</li> <li>Receive and respond to shared intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Update on police actions, agree new actions</li> <li>Refer case to police Tasking</li> <li>Receive and respond to shared intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Sanitise information</li> <li>Disseminate information to prison or CCU (incl SIN)</li> </ul>

OFFICIAL SENSITIVE

Youth estate pursue process



## Probation pursue process

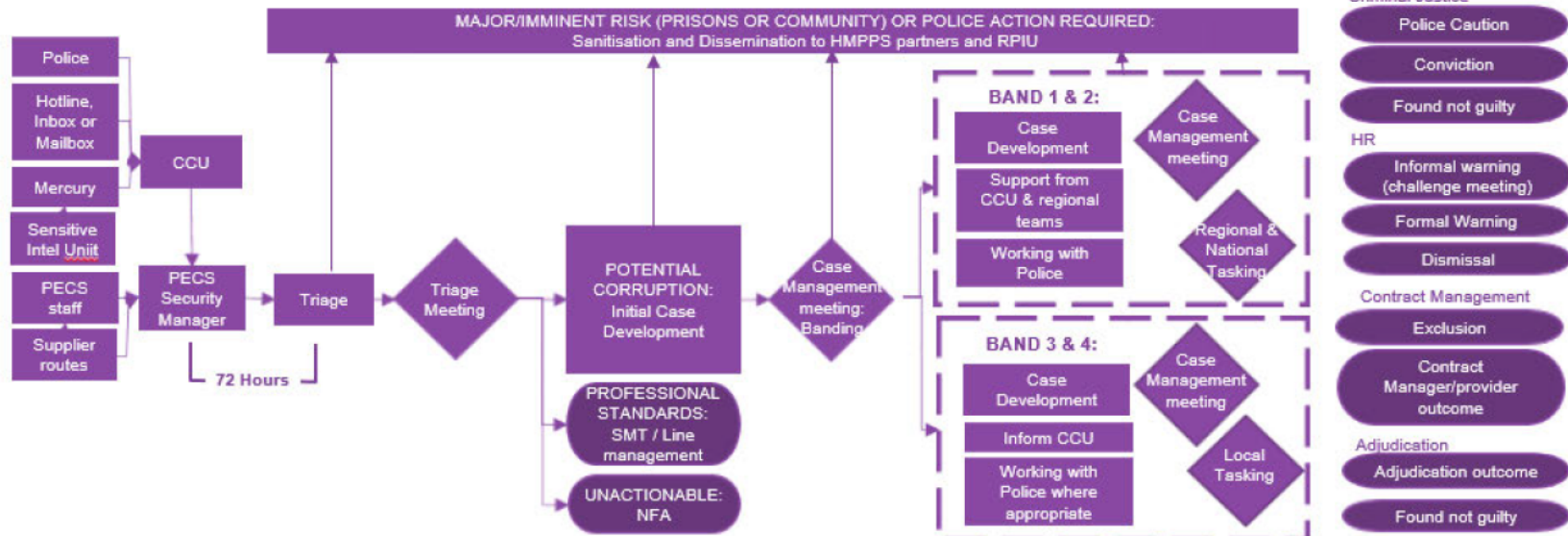


- Criminal Justice
  - Police Caution
  - Conviction
  - Found not guilty
- HR
  - Informal warning (challenge meeting)
  - Formal Warning
  - Dismissal
- Contract Management
  - Exclusion
  - Contract Manager/provider outcome
- Adjudication
  - Adjudication outcome
  - Found not guilty

	Reporting	Triage	Initial Case Development	Initial case management meeting	Ongoing Case Management	Sanitisation & dissemination
<b>Owner</b>	All staff (NPS, CRC and contractors), prisoners, general public, police	DCCM (NPS) or CRC-CCM (CRCs), with input from CCU	DCCM or CRC-CCM, supported by CCU	Chair: DCCM or CRC-CCM Attendance: CCU, police (as required)	DCCM or CRC-CCM ownership CCU support for Band 1 and 2 cases	DCCM or CRC-CCM, validated by DCCM with support from the CCU
<b>Time</b>	As soon as possible	Within 72 hours	Daily, or as required	Monthly	Ongoing with monthly meetings	As appropriate throughout process
<b>Decision</b>	<ul style="list-style-type: none"> <li>Am I aware of any wrongdoing or vulnerabilities?</li> </ul>	<ul style="list-style-type: none"> <li>Is this potential corruption?</li> <li>Is this professional standards?</li> <li>Is this non-actionable?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>What information is needed to inform banding?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>What is the recommended case banding? (likelihood x impact)</li> <li>What is the case plan?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>Does the banding remain correct?</li> <li>What outcome are we seeking?</li> <li>What support do I need from the CCU, Police, others?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>Is there a major or imminent risk in prisons or the community?</li> <li>Is police action required?</li> </ul>
<b>HMPPS Action</b>	<ul style="list-style-type: none"> <li>Report through appropriate channel</li> <li>CCU to share intel/information with DCCM or CRC-CCM</li> </ul>	<ul style="list-style-type: none"> <li>Check immediately available sources</li> <li>Ask CCU for advice</li> <li>Make initial decision</li> </ul>	<ul style="list-style-type: none"> <li>Check more in-depth sources</li> <li>Request mercury search and advice from CCU</li> </ul>	<ul style="list-style-type: none"> <li>Agree banding</li> <li>Agree initial tasks and actions, including support needed from the CCU, Police, etc.</li> <li>Log decisions and actions</li> </ul>	<ul style="list-style-type: none"> <li>Review Banding and case plan</li> <li>Log decisions and actions</li> <li>Intel development and tactical response, including subject profiles for 1&amp;2 cases</li> <li>Partnership working with police, HR, contract managers</li> <li>For 1&amp;2 cases, task CCU</li> </ul>	<ul style="list-style-type: none"> <li>Sanitise information</li> <li>Disseminate information to PIO and RPIU</li> <li>If thematic concern then raise at HMPPS Tasking</li> <li>Receive and respond to police intel</li> </ul>
<b>Police Action</b>	<ul style="list-style-type: none"> <li>Share corruption reports and intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Receive and respond to information on "major / imminent risk shared by probation"</li> </ul>	<ul style="list-style-type: none"> <li>Receive and respond to shared intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Suggest and agree ask of police support</li> <li>Refer case to police Tasking (if appropriate)</li> <li>Receive and respond to shared intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Update on police actions, agree new actions</li> <li>Refer case to police Tasking</li> <li>Receive and respond to shared intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Sanitise information</li> <li>Disseminate information to prison or CCU (incl SIN)</li> </ul>

OFFICIAL SENSITIVE

**PECS pursue process** (for reports on prisoners, HMPPS staff or HMPPS processes, use prison process)



	Reporting	Triage	Initial Case Development	Initial case management meeting	Ongoing Case Management	Sanitisation & dissemination
<b>Owner</b>	All staff, prisoners, general public, police	PECS Security Manager	PECS Security Manager	PECS Security Manger, supported by CCU, (police if appropriate)	PECS Security Manager ownership CCU support for Band 1 and 2 cases	PECS Security Manager
<b>Time</b>	As soon as possible	Within 72 hours	Daily, or as required	Monthly	Ongoing with monthly meetings	As appropriate throughout process
<b>Decision</b>	<ul style="list-style-type: none"> <li>Am I aware of any wrongdoing or vulnerabilities?</li> </ul>	<ul style="list-style-type: none"> <li>Is this potential corruption?</li> <li>Is this professional standards ?</li> <li>Is this non-actionable?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>What is the recommended case banding? (likelihood x impact)</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>Is the banding correct?</li> <li>What is the case plan?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>Does the banding remain correct?</li> <li>What outcome are we seeking?</li> <li>What support do I need from the CCU, Police, others?</li> <li>Do I need to sanitise and disseminate?</li> </ul>	<ul style="list-style-type: none"> <li>Is there a major or imminent risk in prisons or the community?</li> <li>Is police action required?</li> </ul>
<b>HMPPS Action</b>	<ul style="list-style-type: none"> <li>Submit Corruption Intelligence Report or report through other channels</li> </ul>	<ul style="list-style-type: none"> <li>Check immediately available sources</li> <li>Make initial decision</li> <li>Validate at triage meeting</li> </ul>	<ul style="list-style-type: none"> <li>Check more in-depth sources</li> <li>Request CCU for mercury search</li> <li>Initial banding</li> </ul>	<ul style="list-style-type: none"> <li>Agree banding</li> <li>Agree initial tasks and actions, including support needed from the CCU, Police, etc.</li> <li>Log decisions and actions</li> </ul>	<ul style="list-style-type: none"> <li>Review Banding and case plan</li> <li>Log decisions and actions</li> <li>Intel development and tactical response, including subject profiles for 1&amp;2 cases</li> <li>Partnership working with police, HR, contract managers</li> <li>For 1&amp;2 cases, task CCU</li> </ul>	<ul style="list-style-type: none"> <li>Sanitise information</li> <li>Disseminate information to PIO and RPIU</li> <li>If thematic concern then CCU raise at HMPPS Tasking</li> <li>Receive and respond to police intel</li> </ul>
<b>Police Action</b>	<ul style="list-style-type: none"> <li>Share corruption reports and intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Receive and respond to information on "major / imminent risk shared by PECS / HMPPS"</li> </ul>	<ul style="list-style-type: none"> <li>Receive and respond to shared intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Suggest and agree ask of police support</li> <li>Refer case to police Tasking (f appropriate)</li> <li>Receive and respond to shared intel</li> </ul>	<ul style="list-style-type: none"> <li>Update on police actions, agree new actions</li> <li>Refer case to police Tasking</li> <li>Receive and respond to shared intelligence</li> </ul>	<ul style="list-style-type: none"> <li>Sanitise information</li> <li>Disseminate information to PECS or CCU (incl. SIN)</li> </ul>

**Annex C** – This Annex has been redacted under S.31(1)

