



**ASSOCIATION OF
CHIEF POLICE OFFICERS**

NOMS National Offender
Management Service
Working together to reduce re-offending



Protocol between the Association of Chief Police Officers (ACPO) the National Offender Management Service (NOMS) and the Local Government Association (LGA)

Nature and Purpose of the Protocol

This is a protocol between ACPO, NOMS and the LGA to help clarify and raise awareness about arrangements for sharing information with local authorities about prisoner releases, *particularly those subject to short sentences*.

The purpose of this protocol is to help make information available to local authorities which they may be able to use in selected cases to provide some support for newly released prisoners alongside other members of their local Community Safety Partnership (CSP).

Whilst CSP intervention for short term offenders will depend on resources available, it might in some cases help prisoners re-integrate and minimise the chance of them re-offending or participating in gang activity after release.

This document is *non binding* on the parties concerned and is simply intended to help raise awareness about what helpful communication arrangements can be established, rather than stipulate how or indeed whether particular communications should take place.

This protocol does not signify the establishment of any process or communication arrangements which cannot already take place. It is understood that in some areas communication about short term prisoner releases already works effectively.

The communication suggested here is completely compatible with the current data sharing agreement between the National Offender Management Service (NOMS) and the Association of Chief Police Officers (ACPO) and current instructions issued by the Police Advisers Section.

The suggested communication - key elements

The LGA and ACPO suggest that the police and local authorities should note the following:

1. Active CSPs that are well supported by their members can play a valuable role in facilitating a multi agency approach to Integrated Offender Management (IOM) to help with prisoner re-integration and minimise the chance of prisoners re-offending or participating in gang activity on release.
2. The involvement of CSPs may help break a cycle towards more serious criminality becoming established in *certain short term prisoners* who otherwise would not receive assistance on release from prison.
3. To allow CSPs to provide assistance, there should be arrangements locally to facilitate communication of prisoner release information held by the police to the local authority members of the CSP.
4. Both the police and local authority CSP representatives should be aware of the data sharing agreement in the **annex** to this document which sets out information which can be shared with local authorities, or those working on behalf of local authorities on a formal, contractual basis including:
 - *Crime Categories*
 - *Name of Offender*
 - *Date of Birth*
 - *Address (Sentence and Discharge)*
 - *Sentence length in days*
 - *Release dates*This information should be provided by the police within the terms of the data sharing agreement in the annex to this protocol.
5. It is understood that the resources of CSPs vary considerably; all have limited capacity and will not be able to provide comprehensive IOM for all lower risk prisoners who are brought to their attention, however the information outlined above can be used to help prioritise for example:
 - Those who have been tagged by the police as having been involved in civil disturbances
 - Individuals known to the CSP already who are showing a trajectory towards established criminality
 - Those appearing on the short term sentence list more than once indicating a repeating cycle of behaviour and punishment.
6. The sharing of information as described above will assist local authorities in the provision of services and support such as advice on housing, financial benefits, and also in signposting individuals to other CSP members or voluntary and community support groups which may exist locally.
7. Such communication might simply be integrated as part of police attendance at CSP meetings. In-between CSP meetings, other communication arrangements might be put in place.
8. In two tier areas where IOM activity is mainly focussed at county level, suitable arrangements should be discussed and agreed locally to ensure appropriate communication of data between county and district councils.
9. Local authority CSP representatives unaware of prisoner release information being provided to them should discuss the matter with the police representative to their CSP.

Background

General

Community Safety Partnerships (CSPs) are intended to coordinate community safety matters across a range of local partners. Local authorities have a legal basis for their work associated with the prevention of reoffending under Section 17 of the Crime and Disorder Act 1998 as amended which says:

'17 Duty to consider crime and disorder implications.

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.'

The above legislation can be accessed here: <http://tinyurl.com/c6c9cve>

Offenders aged over 21 years who are released from prison sentences of less than 12 months are not released on licence. There is therefore no statutory duty on probation to manage these offenders on their return to the community. Prisons and the agencies that provide services in the community have an important part to play in providing the interventions necessary to reduce criminal behaviour, although this is difficult to achieve for short term prisoners due to the brevity of their stay in prison¹.

Some support for these individuals provided or coordinated by the CSP may help reintegrate such prisoners and reduce reoffending rates.

There are already protocols in place for prolific and other priority offenders (PPO) released without licence to be picked up by their local PPO teams. As Integrated Offender Management (IOM) arrangements have built on PPO schemes many IOM approaches are already targeting those offenders released from short term custody. The introduction of this protocol will assist local IOM arrangements to expand their cohort and target more effectively those offenders with the highest rates of re-offending. As there is also no statutory duty on these offenders to engage with organisations in the community IOM approaches can provide an effective 'carrot and stick' approach to engage these offenders and reduce their 'churn' through the criminal justice system.

Sharing data

Data sharing is important to help make the activities of the CSP effective. Section 115 of the Crime and Disorder Act 1998 as amended refers to this, and more information is available at <http://tinyurl.com/btpha9r>. Section 29(1)(a) of the Data Protection Act 1998 refers to the 'prevention or detection of crime' as

¹ It is well established that this cohort (short sentence inmates) are the most likely to re-offend compared to prisoners released from longer sentences. 56.8% of adult prisoners released from sentences of less than 12 months between Jan 2009 to Dec 2009 re-offend within one year of their release. (Source Ministry of Justice)

an exemption which allows personal data in this area to be processed, see link to the legislation here: <http://tinyurl.com/cs6zlrq>.

The recently published Home Office Report on Ending Gang and Youth Violence: A Cross Government Report' refers to the need for information to be shared between agencies on a 'risk aware not risk averse basis'.

Ministerial Recovery Group

The work on this protocol to help establish effective communication arrangements responds to a request of the Ministerial Recovery Group set up after the civil disturbances in the summer of 2011. The Recovery Group asked the LGA and the Association of Chief Police Officers (ACPO) to work together to track the release of those who have been involved in the civil disturbances so that these individuals might, where possible, be offered some support aimed at their reintegration and minimising the risk of reoffending.

On an ongoing basis, it is anticipated that more effective communication in this area will be useful whether or not the offence concerned was part of a wider civil disturbance.

The current situation

The prison service has in place effective databases of all prisoners currently in the prison system which allows them all to be accurately tracked during their prison term including when they are due to be released. The system also includes details of those on remand.

An automated download from the central database is sent to all police forces daily. Police forces in nearly all cases use the centrally provided data to create a notification of prisoner releases. This involves an initial notification being flagged 28 days in advance of release and then on the day of release.

The standard data made available not only includes the name of the prisoner and date of release but also some other information essential for prioritisation such as the offence and length of term. In addition police forces have been asked to add an additional 'tag' on their database against those who have received sentences as a result of the summer civil disturbances.

How this information is used by the police and the extent to which this is shared with local authority CSP members may be dependant on how strong the police / CSP links are, and how active or otherwise the CSP is locally.

Instructions to the Police

The February 2011 data sharing agreement in the annex to this document was highlighted to the police in a memo instruction from DS Dave Morse Assistant Police Adviser Police Advisers Section (NOMS) to all police authorities PINS SAADIAN main users dated 07/09/2011.

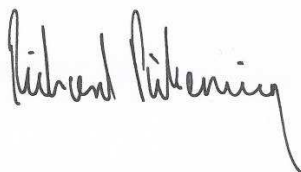
Review

The operation of this protocol will be reviewed regularly and at least every 3 years from November 2011.

Signed and endorsed:



Sir Hugh Orde
President
Association of Chief Police Officers (ACPO)



Richard Pickering,
Head of Security Group
National Offender Management Service (NOMS)



Sir Merrick Cockell
Chairman
The Local Government Association (LGA)

10 November 2011



**2011 Amendment to
NOMS/ACPO information sharing protocol**

To enable the Police to share information taken from NOMS owned prison databases in order to support non-statutory offender management and reduction of re-offending.

This letter amends the NOMS/ACPO protocol which governs the Police's use of personal data relating to individual offenders contained in the NOMS owned prison databases and in Prisoner Extract Data files (PED files) and Common Data Extract files (CDE files). It makes clear that the Police can share certain information they obtain from NOMS owned prison databases and in PED/CDE files with local authorities in order to support locally governed non-statutory offender management arrangements and associated activity to reduce re-offending, provided that the guidelines set out below are followed.

Background/Drivers

As part of efforts to reduce re-offending and support integrated offender management (IOM) arrangements there has been increased interest and focus at a local level in working with offenders not subject to statutory supervision, particularly short sentenced prisoners. It is well established that this cohort is the most likely to re-offend, with 73.4% of offenders who receive a prison sentence of less than 12 months reconvicted of a further offence within two years of being released.

There is emerging evidence of the effectiveness of IOM type approaches in reducing re-offending. The particular target group of short sentenced prisoners tends to be one which has problem drug misuse high on the list, and is responsible for high volumes of acquisitive crime. Preventing crime and protecting the public therefore are at a premium with this group of offenders, and timely information on prisoner movements is a critical part of the IOM process.

We recognise that there is a growing desire on behalf of CSP partners, in particular police at local level, and local authorities, to be able to make greater use of prisons data to support IOM type arrangements. In particular this information is likely to be useful in order to enable police or local authority resettlement teams to identify where offenders from their locality are held in the prison system; allow them to more effectively target their efforts at engaging offenders and offering resettlement support while the offender is still in prison; and to more effectively provide a meet at the gate service based on up to date information on when/where prisoners are being released.

The information sharing agreement currently in place between NOMS and ACPO does not allow police to share information with partner agencies, although it does allow the police to share information with other agencies under MAPPA arrangements. This letter removes this restriction and allows for certain information to be shared with designated third parties for the specific purposes as set out below.

Purposes of sharing information

Information should only be shared where it is necessary and proportionate to do so for the purpose of facilitating the effective management and support of offenders both immediately preceding and following their release from prison in order to reduce the likelihood of them committing a further offence. This includes allowing sharing

information regarding individual offenders so that targeted offers of resettlement support can be made to them, and arrangements set up to support them pre and post release.

What can be shared and with whom?

The particular data that Police colleagues are permitted to share with local authorities are as follows:

Prison establishment
OCU (or BCU - Basic Command Unit)
Crime Categories
Name of Offender
Date of Birth
Address (Sentence and Discharge)
Nationality
Ethnic Group
NOMIS number
Sentence length in days
Release dates
Release type
PNC ID
PPO Status
check boxes for 'in custody'/'remand'

This information should only be shared with local authorities, or those working on behalf of local authorities on a formal, contractual basis (such as voluntary agencies commissioned by local authorities to undertake resettlement/offender management work).

How can it be shared

It is for the Police at a local level to determine how this information is to be shared within the context of any contractual restrictions regarding the use of particular databases or IT systems, and within the context of existing locally agreed information sharing agreements. The Police will want to satisfy themselves that appropriate secure arrangements are in place in relation to the transmission of the data, and that third parties have appropriate secure arrangements in place for the storage, and destruction of this information.

Restrictions and requirements on Police

It is the responsibility of the Police to ensure that information outlined above is only shared where it is necessary and proportionate for the designated purpose as set out above.

The Police are required to ensure that any sharing of this data is in accordance with the provisions of the Data Protection Act and any other relevant legislation.

The Police are required to notify NOMS if they become aware of any breach of the Data Protection Act by the third party. They must also take immediate steps to rectify

the breach, and indemnify NOMS for any costs or damages incurred by NOMS as a consequence.

This agreement does not alter existing statutory requirements on agencies, including NOMS, to share additional information regarding certain offenders such as exist in relation to MAPPA offenders.

Signed (NOMS): RICHARD PICKERING Head of Security Group, NOMS.

**Signed (ACPO): SIMON CHESTERMAN Assistant Chief Constable
West Mercia Police - ACPO LEAD FOR PRISON INTELLIGENCE.**

February 2011