



## Northamptonshire Police and Crime Commission

### Freedom of Information Act

### Request Response

No. 005175/13

#### Question

I would like to know the following in relation to the existence of a memorandum of understanding between the Police and Crime Commissioner and the prison service/local prison governor:

- a. Does the Commissioner have a memorandum of understanding (MOU) with the prison service or your local prison governor, which defines
  - i. what an "assault on a prison officer" is and
  - ii. the types of incidents suitable for prosecution?

Please note, if this document is not known as a "memorandum of understanding", please provide details of whatever document you have which defines what an "assault on a prison officer" is and the incidents deemed suitable for prosecution.

- b. If a MOU or other similar document exists, please provide a copy of the actual document by email.
- c. If a MOU is not held by the Police and Crime Commissioner's office, I would be grateful if you would advise me who is now responsible for these. I understand these agreements were previously held by the Police Authorities.

#### Answer

I have been asked to respond on behalf of the Police and Crime Commissioner's office.

I can confirm that there is a Memorandum of Understanding between Northamptonshire Police and the Area Prisons. This is not held by the PCC nor was it held by the Police Authority before it.

With regard to the remainder of your request, the FOI Act obliges me to respond to requests promptly and in any case no later than 20 working days after receiving your request. I must consider firstly whether I can comply with Section 1(1)(a) of the Act, which is my duty to confirm whether or not the information requested is held and secondly I must comply with Section 1(1)(b), which is the provision of such information. However, when a qualified exemption applies either to the confirmation or denial or the information provision and the public interest test is engaged, the Act allows the time for response to be longer than 20 working days, if the balance of such public interest is undetermined.

In this case I have not yet reached a decision on where the balance of the public interest lies in respect of the second of the above obligations. I estimate that it will take an additional 20 working days to take a decision on where this balance lies. Therefore, I plan to let you have a response by 14 January 2014. If it appears that it will take longer than this to reach a conclusion, you will be kept informed.

The specific exemptions which apply in relation to your request are;

Section 31 (a), (b) and (c) – Law Enforcement (Qualified and Prejudice-based)

Disclosure of information, which would be likely to prejudice the prevention and detection of crime, the apprehension or prosecution of offenders or the administration of justice.

Section 23(5) Information relating to the Security bodies;

Section 24(2) National Security;