

1. What schemes are in place in the force area for the relocation of gang members, their associates and/or the victims of gang-related crimes?

West Midlands Police use Young Men At Risk (YMAR) and Birmingham City Council.

2. Please state how many gang members, associates and/or victims have been relocated internally -ie within the force area - and how many externally - ie beyond its boundaries.

Gang nominals relocated, internally (force area) 34, external 5.

3. Under these schemes and others, how many gang members, associates and/or victims have been received into the force area and how are the offenders managed and/or monitored?

This question is difficult to answer as we don't accept people from any "scheme". They are referred into the Multi Agency Gang Unit (MAGU), from CID, Gang Task Force (GTF), probation field workers and some MAGU self referral. Their referral criteria are researched and jointly decided between the relevant parties if they should be accepted.

We currently have 31 nominals in the community but we actually manage 100 nominals. The offenders are managed as per IOM guide lines and fall into one of two categories which are Mappa, dependant on their index offence or ODOC (One day one conversation, like Mappa but without the qualifying offences).

4. How many of those relocated gang members and/or associates have since been arrested at their destination? For what offences? Had they been relocated within the force area or to another force area?

There have been 13 arrests within the force area and 4 outside of the force. The offences vary but include robbery, burglary, criminal damage, assault, breach of licence conditions, possession of firearm/imitation firearm, breach of civil injunction, drugs offences, theft, driving offences, domestic violence assaults and public order. The majority of these are however, likely to be breaches of licence conditions.

Additionally, West Midlands Police can neither confirm nor deny that they hold any other information relevant to the whole of your request by virtue of the following exemptions:

- Section 23(5) Information supplied by Security Bodies
- Section 24(2) National Security.
- Section 30(3) Police Investigations
- Section 31(3) Law Enforcement
- Section 38(2) Health and Safety
- Section 40(5) Personal Information

Section 23 is a class based absolute exemption which means there is no requirement to articulate any public interest considerations or harm. Section 23 has an automatic bar to disclosure of information.

All the other exemptions cited are qualified which requires me to conduct a public interest test with regard maintaining a neither confirm nor deny approach. Harm in Confirming or Denying that any other Information is held

Any release under the Freedom of Information Act is a disclosure to the world, not just to the individual making the request. By confirming or denying whether any other information is held could aid in the location of individuals who may have been placed into protective custody. Any information relating to a person or person(s) who have been placed in protective custody which may compromise their protection will obviously place those people in grave danger. The impact of providing intelligence which aids in the location or identity of those persons could include the diverting of additional police resources, and the costs of having to potentially relocate people, which would need to be carried out promptly and covertly for their own safety. This would lead to an undermining of the culture of mutual trust and security which underpins the witness protection schemes. Also, there will inevitably be a link between the persons on any scheme and an investigation. All these factors will in turn be likely to have a negative effect on the community, be it in the diversion of resources from other areas, the collapse of ongoing cases or appeals and an increase in crime as people are unwilling to come forward as witnesses fearing the police will not be able to protect them.

Public Interest Considerations

Section 24

Factors favouring Confirmation or Denial of any other information held
Confirmation or denial of whether information is held may aid public debate on appropriate information sharing techniques between the Police Service as well as other agencies. Additionally it could also highlight any information that may relate to mistakes made by the force.

Factors against Confirmation or Denial of any other information held
Any information shared between agencies (intelligence) has the potential to cover all aspects of criminal activity, be it threats to life, future planned robberies or intelligence relating to terrorist activity. Confirmation or denial could highlight to those intent on making threats to individuals or to those who are planning to carry out a terrorist activity, whether or not information has been shared. Confirming such would dramatically weaken the effectiveness of intelligence led policing in the fight against terrorism on a local and national scale.

In the current security climate within the United Kingdom, no information which may aid a terrorist should be disclosed. To what extent confirming or denying that information is held may aid those considering terrorist activities, is unknown, but it is clear that it will have a considerable negative impact on the force's ability to monitor terrorist activity. The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with any information, no matter how generic that is.

Section 30 and Section 31

Factors favouring Confirmation or Denial

To confirm whether or not any other information is held would enhance public knowledge of the effectiveness of information sharing agreements as well as provide reassurance that public funds are being spent appropriately.

Factors against confirmation or denial

Confirmation or denial that any other information is held would seriously undermine West Midlands Police's ability to deliver effective law enforcement by impacting on police resources as frontline police officers will have to be removed from their duties and resourced to police the relocation of individuals into other protective custody. West Midlands Police has a duty to protect and defend vulnerable persons and part of this process is carried out in conjunction with receiving and sharing information from other partnership agencies. Members of the public could be able to determine how data about them is handled sensitively, confidentially and appropriately. People willing to give information or evidence which places them, and or their families in grave danger do so on the understanding that the protection will be provided in an environment of absolute confidentiality. Any disclosure or acknowledgement which undermines this trust and confidence means it is likely that people will be less willing to come forward and provide information to the police which will impact on our ability to detect and prevent crime.

In some cases witnesses are being protected due to ongoing investigations. Information which could be used to undermine prosecutions or aid offenders is not in the public interest.

Section 38

Factors favouring Confirmation or Denial that any other information is held
Confirmation of whether any other information is or isn't held would provide reassurance to the general public that information is shared between different agencies when threats to life have been made. This awareness could be used to improve any public consultations/debates in relation to this subject.

Factors against Confirmation or Denial that any other information is held
Confirmation or denial of any other information could lead to the loss of public confidence in West Midlands Police's ability to protect the wellbeing of the community.

In circumstances such as this, information sharing is a vital tool in ensuring the safety and anonymity of individuals subject of the threats. Any disclosure which could place the safety of an individual at increased risk is not in the public interest.

Disclosure of this information can not only lead to individuals being targeted and caused physical harm but also other members of the public in the vicinity, or police officers trying to protect people. Also, information that causes speculation has in the past caused innocent people to be targeted following rumour and speculation.

Section 40

Factors favouring Confirmation or Denial of any other information held
Confirmation or denial of any other information is held would enable the public to have better knowledge of whether information was known about individuals and

therefore better understanding of the decision-making process when it comes to the disclosure of personal details.

Factors against Confirmation or Denial of any other information held
Confirmation or denial of any other information is held would contravene the First Principle of the Data Protection Act which states that personal data shall be processed fairly and lawfully and that a public authority must handle people's personal data only in ways they would reasonably expect

Balancing Test

The Police Service is tasked with protecting the public and solving crime. A disclosure under Freedom of Information is a release of information to the world in general. In relation to this request the Police Service will not disclose any information which would confirm or not whether an individual has been provided with witness protection or re-location in order to assist an operation, as to do so would compromise the health and safety of those individuals. The Police Service has a duty of care to the public in general, which includes individuals who provide information in confidence to assist the police in their law enforcement role.

West Midlands Police will not release information, no matter how generic, which could place the safety of an individual at risk or undermine the effective delivery of day-to-day law enforcement.

The public also entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with any information that is released. In this case to merely confirm or deny that information is held would provide information which would assist those intent on causing harm. Any incident that results from confirmation or denial would, by default, affect national security.

There is a requirement to consider whether there is any public interest which may overcome the harm in confirming or denying the existence of such information, which primarily hinges on the flow of information to the police service and police investigations.

Irrespective of whether the information exists or does not exist, the need to protect such individuals is of paramount importance. Disclosure by confirming or denying the existence of such information could dissuade people from providing information to the police in the future. The public must have confidence that any engagement with the police service is treated sensitively and appropriately.

Therefore, at this time, the balance of the public interest favours maintaining our stance in being unable to confirm or deny that any other such information exists. No inference can be taken from this refusal that the information you have requested does or does not exist.