

Exemptions

Section 30 (1) (a) is a qualified and class based exemption and thus a consideration of the public interest must be provided upon disclosure. Please see the reasoning below.

Section 31 (1) (a) & (b) is a qualified and prejudice based exemption, therefore the articulation of harm must be presented alongside the public interest test. Please see the harm and reasoning below.

Harm

Release of information through the FOIA removes any of the legal strictures and assumptions of confidentiality associated with the due legal process.

To place the information into the public domain under the FOIA could undermine the prevention and detection of crime, which is one of the foundations upon which policing is built. The Police Service has a clear responsibility to prevent and detect crime and disorder as well as maintaining public safety. We would not want to reveal intelligence to offenders which would enable them to change their method of operation to avoid detection.

Releasing information provided by the public, collected during the course of an investigation should always be handled sensitively. Providing information gathered as part of an investigation could potentially risk identifying specific incidents and victims. Victims and witnesses should be assured that their safety is of paramount concern and that West Midlands Police would not put information out into the public domain if that may lead to harm.

Something that is essential in aiding us when upholding the above responsibilities is public confidence. West Midlands Police wants to encourage the public to be open and truthful without fear that information they provide will be released into the public domain. Inappropriate disclosure of information would adversely affect the public's perception of West Midlands Police's processes and cause harm to the community as a whole.

Section 30

Considerations that favour disclosure

There is a clear public interest in ensuring that authorities are investigating important matters. Releasing information held in relation to investigations would confirm to the public that the police are investigating appropriately and it may encourage further victims of this type of crime to come forward.

There is also a public interest in authorities acting in as transparent a manner as possible. It is important that the public are kept informed of investigations that affect them and are allowed to make decisions based upon relevant information. In relation to resources, transparency regarding how public funds are spent and the release of this information would show the extent of the measures that are being taken in this serious area of criminality that can impact on wide swathes of our community.

Considerations against disclosure

Where current and future investigations and/or law enforcement roles may be compromised by the release of information, then this is unlikely to be in the interest of the public. If an offender or group of offenders were identified by any release of information, it may jeopardise court proceedings and compromise the future law enforcement role of the force.

The public must be confident that West Midlands Police are committed to ensuring that information provided during the course of an investigation will only be used for relevant purposes. We do not want to discourage the reporting of crime, or discourage openness and transparency.

Section 31

Considerations that favour disclosure – Section 31

The information may provide better awareness of all types of serious and organised crime that affect the West Midlands Police force area which may in turn lead to a reduction in crime as the public can take steps to protect themselves and also be more vigilant in relation to indicators of this type of crime. A better awareness may in turn lead to more information being provided by the public to West Midlands Police as they would be more conscious of suspicious activities.

Disclosing information related to law enforcement could also help to ensure that authorities do not overlook issues which they should investigate or that they have good reasons for not investigating. There is a clear public interest in ensuring that public authorities do not act outside their authority by engaging in activities which fall outside their remit. By making certain that public authorities disclose what information is held in relation to law enforcement, this should provide the necessary safeguards and satisfy the public interest in this matter.

Considerations against disclosure – Section 31

Where the current or future prevention and detection of crime may be compromised by the release of information, then this is unlikely to be in the interest of the public. The public must be confident that West Midlands Police are committed to ensuring that information that is related to this will only be used for relevant purposes.

There is also an inherently strong public interest in public authorities carrying out law enforcement activities effectively and efficiently to ensure the apprehension and prosecution of offenders. This aids in increasing the chances of offenders being brought to justice and necessary checks and balances are already in place to safeguard public funds and resources. The redacted information indicates areas of interest and focus by the police which offenders may use to their advantage. Releasing specific intelligence into the public domain may alert offenders to our knowledge of their activities which may prompt them to take further steps to avoid detection.

To allow the effectiveness of the apprehension and prosecution of offenders to be reduced, as described in the harm above, is not in the public interest. West Midlands Police need to be allowed to carry out activities related to this key law enforcement role effectively away

from public scrutiny until such times as the details need to be made public. A hindrance to the apprehension and prosecution of offenders may ultimately put the public at greater risk.

What is also essential in efforts to identify and reduce the impact that serious organised crime has on our community is third party cooperation. Releasing harmful information could undermine this partnership approach to law enforcement.

Balance Test

For a public interest test, issues that favour release need to be measured against issues that favour non-disclosure. The public interest is not what interests the public, or a particular individual, but what will be the greater good, if released, to the community as a whole.

The points above highlight the merits for and against disclosure. The issues of transparency, accountability and public general awareness are noted. However, West Midlands Police would never release information that would compromise an on-going investigation or interfere with the future law enforcement role of the force. Furthermore, ensuring the highest possible chance of the prevention and detection of crime takes priority and is at the forefront of the approach taken by West Midlands Police. This includes ensuring our relationship is not impeded with the public and other agencies whom we are in partnership with to combat serious organised crime. West Midlands Police have a responsibility to treat dutifully all the information it holds and the interest of the public is best served by the non-disclosure of information which adversely affects the safety of victims of crime and our safeguarding duties owed to them.

Although disclosure of the requested information might provide a greater transparency with regards to the law enforcement activities that West Midlands Police conduct, there are already a number of checks and balances on authorities to assess whether they are conducted appropriately. Releasing information outside of such a schedule could undermine the smooth running of these processes and would impact on future crime prevention and detection. Therefore, the wider public interest lies in protecting the ability of the public authority to conduct an effective law enforcement activities.

WMP and partnership agencies have also implemented schemes and campaigns to make the public more aware of the types of crimes that they may be vulnerable to so that they can take the necessary precautions to prevent becoming a victim.

Ultimately, there is an inherently strong public interest in authorities carrying out effective activities to prevent and detect crime. Therefore, on balance, it is considered that the public interest in providing the information is outweighed by the potential impact release would have on the safety of the community and the future law enforcement role of the force.