

## **Public Interest Test**

### **Section 30(1) Investigation and Proceedings conducted By a Public Authority**

#### **Harm**

Release of information through the Freedom of Information Act removes any of the legal strictures and assumptions of confidentiality associated with the due legal process. As a consequence, any ongoing or subsequent court proceedings could be jeopardised where release of information regarding an individual was identified.

#### **Considerations that favour disclosure**

Disclosing information about investigations would provide a greater transparency in the investigating process and the actions of a public authority. It is clear that there is a public interest in public authorities operating in as transparent a manner as possible, as this should ensure they operate effectively and efficiently.

#### **Considerations that favour non-disclosure**

There is an inherently strong public interest in public authorities carrying out investigations to prevent and detect crime as well as those relating to counter corruption. This ensures that offenders are brought to justice and that the necessary checks and balances are in place to safeguard public funds and resources. To allow the effectiveness of those investigations to be reduced, as described in the harm above, is not in the public interest. The Police Service needs to be allowed to carry out those investigations effectively away from public scrutiny until such times as the details need to be made public, otherwise it will be difficult for accurate, thorough and objective investigations to be carried out.

It would not be in the public interest to release information that may interfere with court proceedings or prevent an individual from being brought to justice. The right to a fair trial is of paramount importance and any disclosure which could enhance media attention prior to any proceedings could compromise an individual's right to a fair trial under the Human Rights Act.

### **Section 31(a) (b) Law Enforcement**

#### **Harm**

Disclosing details of the numbers within individual specialist units would provide a person who may be intent on criminal activities with invaluable information as to the position of the Force in those areas, thus allowing them to adjust their own tactics accordingly.

#### **Considerations Favouring Disclosure**

Police Forces need to be properly equipped in order to meet the demands placed upon them. This information could go some way towards reassuring the public that the West Midlands Police Force is adequately prepared in all areas.

#### **Considerations Favouring Non-Disclosure**

The release of information disclosing the numbers or capabilities of West Midlands Police within specialist teams would furnish individuals with the opportunity to fully understand the police capacity and therefore be more effective in carrying out criminal activities.

Therefore the safety of the public could be compromised and inappropriate release could cause damage to the service and the community.

### **Balancing Test**

For a public interest test, issues that favour disclosure 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.

We recognise that the public interest in being open and transparent is of great importance to all and release of information may assist in the public being more aware of the work that the police are carrying out. However, while the public interest considerations favouring disclosure are noted, this must be balanced with the impact any release would have on the investigations we conduct and the operational capability tactical approach of the police.

Because the Freedom of Information Act is 'applicant blind', any information released under the Act is available to everyone. It is well documented that criminals will use every advantage they can gain to successfully carry out their criminality.

Therefore it is my view that the public safety from non-disclosure is of greater importance than the advantage of public confidence from the disclosure of this information. West Midlands Police will not disclose information that could interfere with ongoing investigations or could compromise the future law enforcement role of the force.