

## **Overall Harm for Section 24 and Section 31**

### **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.

### **Factors favouring disclosure of the information S24**

The public are entitled to know what public funds are spent on and what security measures are in place, and by confirming or denying the requested information would lead to a better-informed public.

### **Factors favouring non-disclosure of the information S24**

To disclose this information would render security measures less effective which would compromise ongoing or future operations to protect the security and infrastructure of the UK. The risk of harm to the public would be elevated, if areas of the UK which appear vulnerable were identified which would also provide the opportunity for terrorist planning. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK.

## **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. 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 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.