

HARM

Information compiled for the purposes of an investigation, be it a criminal investigation or internal misconduct hearing, may contain information obtained from individuals to assist with an investigation, which would be in confidence. To disclose investigative information could dissuade people from providing information to the police in future. The public, be they general members of the public or internal police officers or staff, must have confidence that their information is treated sensitively and appropriately. Disclosure of that information could lead to 'trial by media' as it is likely to identify any officers that may or may not be involved.

Factors favouring disclosure S31

Disclosure of the information would provide a better awareness which may reduce crime or lead to more information from the public as well as provide transparency and satisfaction to the public that such investigations are conducted properly.

Factors favouring non-disclosure S31

To release the requested information would undermine and compromise the authorities approach to law enforcement in relation to the investigation of such matters as a consequence of which any investigation would be prejudiced. The requested information may contain details of ongoing investigations by our Professional Standards Department or the IOPC, therefore to disclose any information in relation to these matters would or would be likely to prejudice these investigations. This would have an adverse effect not only on any individuals involved, but also West Midlands Police Force.

Balancing Test

The strongest argument for release are public awareness, this needs to be weighed against the strongest argument for non-release, which in this case is effective law enforcement.

Effective law enforcement is the core function of the police service and is of paramount importance. The force has a duty to ensure that it does not disclose information that would undermine or compromise its approach to law enforcement, which would result in an investigation being prejudiced and an individual's right to a fair trial or investigation being undermined and the force failing in adhering to the policing purpose. The police service will never disclose information that places the public or its' staff at risk, unless the public interest in doing so is more powerful than that

risk. In this case there would be no tangible benefit by which the release of the information which is the main focus in considering the public interest.

Therefore in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.