

Public Interest Test – 52A/20**Applicable exemptions:**

Section 30(1) – Investigations

Section 38(1) – Health and safety

Harm

The Freedom of Information Act is applicant blind, which means that if we were to accede to this request, we would be obliged to make this information available to everyone. However, this information pertains to deceased persons, the release of which may have a negative impact on the mental health of the family or friends of the deceased and other people involved.

The information you have requested relates to investigations which have not yet reached court, thus ongoing police investigations may be compromised where the level of information disclosed contributes to the identification of an individual and an offender manages to avoid detection.

Section 30**Factors that favour disclosure**

The force and its officers are accountable to the public for their actions in respect of any investigations they undertake and any subsequent action that is taken. Release of this information may raise awareness of these particular crimes and therefore provide reassurance to the public that West Midlands Police are investigating appropriately.

Release of this information may also raise general levels of awareness about issues that may affect the community, such as – in this case – murders.

Factors that favour non-disclosure

Due to the fact that these crimes are still being investigated, it would not be in the public interest to release information that may assist offenders to evade justice. Releasing the known facts in an investigation may allow criminals to construct an alibi or destroy relevant evidence.

The right to a fair trial is of paramount importance and any unwarranted disclosure that could enhance media attention prior to any proceedings, could compromise an individual's right to a fair trial.

Section 38**Factors that favour disclosure**

Release of this information may indicate to the relatives of the deceased, and the wider community, that these crimes are being investigated appropriately.

Factors that favour non-disclosure

The family have a right to grieve for the loss of their loved ones without interference. Inappropriate release of the information into the public domain could have a detrimental effect on their mental well-being.

The public have a reasonable expectation of privacy regarding the information that West Midlands Police holds about them or their family. This expectation applies as much to those who are living as to those who are deceased.

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.

Although the factors concerning accountability and awareness are noted, on balance it is considered that the public interest in disclosing this data is outweighed by the potential consequences to proper legal proceedings, and the impact that such a release may have on the bereaved families.

There are legal processes in place to ensure that all parties are given access to all the appropriate information at the time of any trial and subsequently through court records.

Releasing information outside of such a schedule could undermine these processes and consequently impact on future judicial proceedings. Therefore, the wider public interest lies in protecting the ability of the public authority to conduct an effective investigation and for the information gathered to be considered appropriately throughout the judicial process.

In addition, release of this information would undoubtedly cause further grief to the families concerned. Releasing this information into the public domain at this time is likely to result in additional media stories, and with an unwarranted focus on the details of the death of the individuals concerned. It is not in the public interest to cause additional distress to the family.

The document 'In the Aftermath', produced by Victim Support, states that dealing with the press is an important source of stress for those people who have been bereaved by homicide. Intrusive behaviour by journalists is a common complaint of the families of murder victims. There is evidence that media coverage – especially years after the event – can act as reminders and triggering events, that can disrupt the bereavement process.

Although details of certain murders can be made widely available for the purpose of gathering new information or to inform the public, this is done under strictly controlled circumstances, with proper consultation with the families involved.

Having considered the arguments for and against the release of the information requested, the balance in the public interest test favours non-disclosure. West Midlands Police will not disclose information that could cause distress to individuals or compromise the future law enforcement role of the force.