

Can you please provide the total number of out of court disposals for the first six months of 2020, as well as a monthly breakdown of the total number of out of court disposals in that period? Can you please advise the total number of charges/summons for the same period?

Can you please provide the total number of out of court disposals for the first six months of the previous five years, to allow an accurate comparison?

In relation to the 2020 out of court disposals, can you please provide a breakdown of which of the following disposals were used:

- a. community resolution***
- b. simple caution***
- c. conditional caution***
- d. PND***
- e. any other out of court disposal***

Finally, can you please provide a summary of the crime type that each out of court disposal related to in the first six months of 2020.

Public Interest Test

Applicable Exemptions:

Section 24(2) National security

Section 31(3) Law enforcement

Harm

Policing is an information-led activity, and recording of all offences, including terrorist offences, forms part of a fundamental day-to-day delivery of effective operational law enforcement.

To confirm or deny whether any other information relating to terror offences is held would reveal investigative activity enabling terrorists and other offenders to identify force areas which may be 'safer' to carry out their offending. This would be extremely useful to those involved in terrorist activity which would ultimately undermine ongoing investigations would lead to police officers having to be removed from their frontline duties in order to increase manpower on an investigation.

Furthermore, to confirm or deny whether any other information is held has the potential to undermine the flow of information (intelligence) received from members of the public into the Police Service relating to these types of offences, thereby undermining National Security and leaving the United Kingdom at risk of more terrorist attack.

Public Interest Considerations

Section 24(2) National Security:

Factors favouring complying with Section 1(1)(a) confirming or denying that any other information is held:

The public are entitled to know how public funds are spent and how resources are distributed within an area of policing. To confirm if West Midlands Police have recorded

terrorism offences would enable the general public to hold West Midlands Police to account ensuring all such offences are recorded and investigated appropriately. In the current financial climate of cuts and with the call for transparency of public spending this would enable improved public debate.

Factors against complying with Section 1(1)(a) neither confirming nor denying that any other information is held:

Security measures are put in place to protect the community we serve. As evidenced within the harm, to confirm whether or not individual forces hold information relating to terrorism offences would highlight to terrorists, and individuals intent on carrying out criminal activity, vulnerabilities within West Midlands Police.

Taking into account the current security climate within the United Kingdom, no information (such as the citing of an exemption which confirms information is held; or conversely, stating no information is held) which may aid a terrorist should be disclosed. To what extent this information may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

Irrespective of what information is or isn't held, the public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

The cumulative effect of terrorists gathering information from various sources would have even more impact when linked to other information gathered from various sources about terrorism. The more information disclosed over time will give a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole.

Any incident that results from such a disclosure would, by default, affect National Security.

Section 31(3) Law Enforcement

Factors favouring complying with Section 1(1)(a) confirming or denying that any other information is held:

Confirming that information exists relating to terror offences would lead to a better informed public which may encourage individuals to provide intelligence in order to reduce offences.

Factors against complying with Section 1(1)(a) neither confirming nor denying that any other information is held:

Confirmation or denial that information relating to terror offences is held in this case would suggest West Midlands Police take their responsibility to protect information dismissively and inappropriately.

West Midlands Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world that would undermine the security of the national infrastructure, offenders, including terrorist organisations, could use this to their advantage which would compromise public safety and more worryingly encourage offenders to carry out further crimes.

By its very nature, information relating to whether or not terror offences have occurred within a specific force area undoubtedly undermines the effective delivery of operational law enforcement.

Balancing Test

The points above highlight the merits of confirming or denying whether terror offences have occurred in the West Midlands Police force area. The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. As part of that policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity.

Weakening the mechanisms used to monitor any type of criminal activity, and specifically terrorist activity would place the security of the country at an increased level of danger.

In addition anything that places that confidence at risk, no matter how generic, would undermine any trust or confidence individuals have in the Police Service. Therefore, at this moment in time, it is my opinion that for these issues the balance test favours neither confirming nor denying that any further information is held.