

Public Interest Test

Considerations favouring release of the information

Disclosure of this information would provide greater transparency in the investigation process and the actions of West Midlands Police. 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.

Police officers 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 police service is prepared and effective.

Considerations favouring withholding the information

Release of the information into the public domain would compromise the current and future law enforcement role of the force. It would likely allow offenders to change their tactics in order to mount a more effective attack and avoid detection and prosecution.

Where the current or future law enforcement role of the force may be compromised by the release of information, then this is unlikely to be in the interest of the public. In this case, for the reasons outlined above, providing detail regarding certain tactics with respect of threats to life would hinder the future prevention and detection of crime.

There is an inherently strong public interest in public authorities carrying out investigations to prevent and detect crime and to protect the public from harm. To allow the effectiveness of investigations to be reduced, as described in the harm above, is not in the public interest. West Midlands Police need to be allowed to investigate crime effectively and ensure that offenders are brought to justice. To release details of the certain police responses to threats to life would allow offenders to accurately predict the response of the police and therefore give them an operational advantage over the WMP.

Balancing Test

In considering the public interest in relation to Section 31(1) I have balanced the factors in relation to transparency and accountability against the public interest in ensuring that West Midlands Police are able to protect the public and appropriately enforce the law to ensure that offenders are prosecuted.

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.

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. Where information does not impact on any future possible investigation, or where the detriment is not large, there is a public interest in providing information to ensure greater transparency. This would ensure that the public are made aware that WMP respond appropriately to these kinds of threats.

Noting the strong public interest stated above, the balance of public interest lies with release of the majority of the requested information.

However, while the public interest considerations favouring disclosure are noted, this must be balanced with the impact any release would have on the operational capability of the police. The withheld information shows specific procedures, knowledge of which could aid offenders. For these procedures it is considered that the wider public interest lies in protecting the ability of WMP to respond appropriately without compromising any investigation or law enforcement technique.

The Freedom of Information Act is applicant blind. This means that if we were to accede to the request, we would be obliged to make this information available to everyone. It has been well documented that criminals will use every advantage they can gain to successfully carry out their criminality. In this case this could lead to investigations being compromised.

Having considered the arguments for and against release the public interest test favours release of material which does not directly impact on any on-going or future investigations and this has been released. However for the other material the greater public interest is served in maintaining the integrity of the justice process, and this in turn favours maintaining the exemption in relation to the withheld material. West Midlands Police will not disclose information that could compromise the future law enforcement role of the force.