

PUBLIC INTEREST TEST

Section 31(1)(a)(b)(c) – Law enforcement

Harm

West Midlands Police are charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. To release the requested information causes a significant risk to future law enforcement capability of the force.

West Midlands Police has a duty to prevent crime, apprehend and prosecute offenders and carry out the administration of justice.

Factors Favouring Disclosure

West Midlands Police are accountable to the public. The public can be content that our force is fulfilling its responsibility to protect and serve our communities. It is in the public interest to know how the force uses those resources.

We recognise that the public interest in being open and transparent is of great importance to all and release of information may assist the public in being more aware of the work that the police are carrying out.

Factors Favouring Non-Disclosure

The disclosure of this information could compromise law enforcement. Releasing this information into the public domain could encourage and enable offenders to change their tactics to avoid detection and prosecution.

West Midlands Police would not wish to reveal the number of officers based at a particular location as this would clearly undermine the law enforcement process. This would have a negative impact on police resources, encouraging crime of a particular nature or the number of crimes to be committed at a particular location, which would result in individuals being placed at risk.

This would compromise the current and future law enforcement role of the Police Service and where current or future law enforcement capabilities of the force may be compromised by the release of information, it is unlikely to be in the interest of the public.

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 serve the greater good, if released, to the community as a whole.

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 is significant as it would help increase public confidence in the force, and may encourage more victims and witnesses to come forward to report crimes or suspected crimes to the police. However, the police service is responsible for enforcing the law, preventing and detecting crime and protecting the communities we serve, and the release of the requested information may have a negative impact on operational law enforcement and may put communities and individuals at risk.

Having considered the arguments for and against release, the public interest test favours non-release of material which directly impacts on any on-going or future investigations. 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.