

Harm

In responding to a request under the Freedom of Information Act, we are making the information available to the public as a whole, not just the individual making the request.

Releasing details of the individuals who died in Police Custody under FOI will undoubtedly cause significant harm to the mental health of the families and friends of the deceased. It would be extremely distressing and upsetting to these individuals affected, to publish any new information which has not otherwise been publicized.

Even if the case is older and now concluded, publication of the requested information would bring the incident back to the foreground of the public eye. This disclosure to the public regarding a case which is now over would undoubtedly cause distress and mental anguish to members of the deceased's family, friends and loved ones.

Considerations for disclosure

Members of the public need to be reassured that individuals that have died in custody have had their case fully investigated and any wrong doing identified in a timely fashion. This information could go some way towards reassuring the public that the West Midlands Police Force is actively being open and transparent when such matters arise.

Disclosing Age, Means of death, Crime accused of, whether suspected, indicted for or convicted of accused crime and whether the person was being managed on an ACCT plan at the time of their death, would provide a greater transparency in the processes and the actions of a public authority. 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 correctly.

Considerations against disclosure

Even though some of the information may already be out in the public domain through press releases and court hearings from the various cases, for West Midlands Police to publish any information may cause the family and friends further upset and anguish as the topic may be re published in the public domain, this may interfere with the grieving process as a result. Where the release of information may impact a person's health be it physical or mental, the information would be deemed as unsuitable for release.

The public must be confident that West Midlands Police are committed to ensuring that information provided by them will only be used for appropriate purposes and that the confidentiality of any information given will be maintained.

Balancing Test

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.

The issues of transparency and awareness are noted. However, on balance it is considered that the public interest in releasing any information is outweighed by the potential impact release would have on individual's health and well-being surrounding the death of a person that was a family member or friend. Also those people that were possibly witnesses or that could have had an unconnected death may also suffer upset by the release of this information, as it may bring back issues / memories of their experiences.

Having considered the arguments for and against, the public interest test favours withholding the requested information. West Midlands Police will not disclose information that could reveal personal information or the naming of those involved, as the irreversible harm to health it may cause outweighs the need for releasing the information.