

## **REQUEST**

**Please can you breakdown this information for the following time period: 20 January 2020 to 31 April 2021.**

**1 ) On how many (unique) occasions did your force apply for a Stalking Protection Order or interim Stalking Protection Order over this period?**

Stalking Protection Orders - 5

Interim - 6

**Please can you breakdown this information in terms of the total number of Stalking Protection orders applied for; the total number of interim Stalking Protection orders applied for; how many of these orders were exclusive to cases of so called 'stranger stalking' and how many were related to a domestic abuse, or 'other' context.**

All of these were linked to DA stalking

**Can you also breakdown the information by the age and gender of the person the order was intended to protect (i.e. the stalking 'victim') and the age/gender of the 'stalker'.**

### **Stalking Protection Order**

All victims were female and their ages at the time were:  
22 / 26 / 28 / 35 / 67 years

All offenders were male and their ages at the time were:  
24 / 34 / 36 / 39 / 42 years

### **Interim Protection Orders**

As above all interim orders except 1 turned into full orders – however to provide an exact breakdown would likely to attract exemptions

Section 40(2) Personal Information  
Section 30(1) (a) – Investigations  
Section 31(1) (a) (b) – Law Enforcement

**Over this time period, how many Stalking Protection Orders were breached?**

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**How many interim Stalking Protection Orders were breached?**

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**What was the average length of time (in days) it took for your force- upon notification of a breach occurring- to arrest a person who, without reasonable excuse, breached a Stalking Protection Order on an interim Stalking Protection Order?**

Averages are not routinely held within our systems, therefore there is no specific recorded information held.

**What was the longest length of time (in days) it took for your force- upon notification of a breach occurring- to arrest a person who, without reasonable excuse, breached a Stalking Protection Order or an interim Stalking Protection Order?**

This information is exempt by

Section 40(2) - Personal Information  
Section 30(1) (a) – Investigations  
Section 31(1) (a) (b) – Law Enforcement

Section 40(2) allows for personal data to be withheld where release would breach the third party's data protection rights. It would be unfair to release this information where any person could be identified from the data and in this case the right to privacy outweighs any public interest in release.

Please see below for the reasoning in relation to these exemptions

### **PUBLIC INTEREST TEST**

Section 30(1) (a) – Investigations

Section 31(1) (a) (b) – Law Enforcement

### **Harm Section 30 – Investigations**

S30(1) relates to investigations in general terms and covers information that has been held by a public authority gathered at any time in relation to a specific investigation, criminal or otherwise. In this case the information you have requested would have been gathered for the purposes of an ongoing investigation.

### **Harm Section 31 – Law Enforcement**

The police service's primary responsibility is law enforcement, preventing and detecting crime and protecting the communities we serve.

To provide the requested data could reveal policing capabilities within a specific area and provide those who may be intent on criminal activities with invaluable information as to the capability of the force allowing them to adjust their behaviour accordingly.

### **Factors favouring Disclosure - Section 30**

Disclosing information about investigations would provide a greater transparency in the investigating process 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 efficiently. The public is entitled to know what its public funds are spent on.

### **Considerations favouring Non-Disclosure: Section 30**

Release may undermine public confidence and co-operation and act as a deterrent for the public to provide information if release on this occasion is seen as setting a precedent which could affect future investigations. It would be likely to prevent victims and potential witnesses coming forward in the future and may inhibit the force in performing its public service functions. It is particularly important that the public have confidence that their information will be treated sensitively and appropriately.

**Factors favour disclosure - Section 31**

The disclosure of the information would make members of the public more aware of the work that the Police carry out. Improved public awareness may lead to more intelligence being submitted, which assist the police to complete their operational duties

**Factors favouring non – disclosure – Section 31**

The disclosure of this information could compromise law enforcement tactics which would hinder the Police force's ability to prevent and detect crimes

Disclosing information in this case would suggest that West Midlands Police take their responsibility to protect confidential information provided to them seriously and appropriately to ensure the effective delivery of operational law enforcement. However providing the longest time it took for WMP to arrest someone, who breached an order may lead to more offenders breaching these types of orders.

Offenders would be more aware of an approximate time frame, in which it takes WMP to deal with this type of offence and could also identify the amount of resource/ capability that WMP have in relation in this area. Offenders could use that to their advantage as this may highlight, that an offence has gone undetected and therefore continue / or avoid prosecution

**Balance**

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. 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 tactical approach of the police.

Because the Freedom of Information Act is 'applicant blind', any information released under the Act is available to everyone. It is well documented that criminals will use every advantage they can gain to successfully carry out their criminality.

Therefore it is my view that the public safety from non-disclosure is of greater importance than the advantage of public confidence from the disclosure of this information.

At this time, it would not be in the public interest to release this information. West Midlands Police will not disclose information that could harm the public or that could compromise an investigation or the Law enforcement of the force.

**In relation to my request sent on 29 May regarding stalking protection orders, could you also please confirm how many of the identified stalking protection orders/interim orders your force applied for over the requested period were granted?**

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