

Request Reference: 78A/22

3. Taking the month of December 2021 please provide me with copies of the first 5 MOs that mention machetes. [Note: To avoid falling into an exemption I am content for names, ages, geography or any other personal detail to be redacted].

6. Taking the month of December 2021 please provide me with copies of the first 5 MOs that mention acid. [Note: To avoid falling into an exemption I am content for names, ages, geography or any other personal detail to be redacted].

Applicable exemption: Section 30(1)(a)(b) – Investigations and Proceedings

Public Interest Test

Harm

Inappropriate disclosure of information about an investigation can interfere with that investigation by allowing suspects to change their behaviour, destroy evidence or prepare alibis based on their knowledge of the information known (or not known) by West Midlands Police.

Release of information through the Freedom of Information Act removes any of the legal strictures and assumptions of confidentiality associated with the due legal process. As a consequence, any on-going or subsequent court proceedings could be jeopardised where release of information regarding an individual was identified.

Arguments in favour of disclosing the information

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.

Arguments in favour of maintaining the exemption

There is an inherently strong public interest in public authorities carrying out investigations to prevent and detect crime. To assist us with our investigations though, it is vital that the public share information with us. However, in order to feel comfortable doing this, they must be assured 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.

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 carry out investigations effectively away from public scrutiny until such times as the details need to be made public, otherwise it will be difficult for accurate, thorough and objective investigations to be carried out.

Balance Test

For a public interest test, arguments in favour of disclosing the information must be weighed against arguments in favour of maintaining the exemption. The public interest here means what will be for the public good, not what is of interest to the public, or the private interests of a requester.

The issue of transparency is noted. However, on balance it is considered that the public interest in confirming or denying whether the information exists is outweighed by the potential impact release would have on individual's privacy and on future law enforcement activities.

The issue of transparency is noted, however although disclosure of the information might provide a greater transparency in the investigating process, there are already a number of checks and balances on authorities to assess whether investigations are conducted appropriately. There are legal processes in place to ensure that all parties are given access to all the appropriate information at the time of any trial and subsequently through court records. In addition, if a person feels that they have been treated inappropriately by the police there are clear processes in place to ensure that matters are investigated thoroughly and appropriately.

Releasing information outside of such a schedule could undermine the smooth running of these processes and would impact on future judicial proceedings. Therefore, the wider public interest lies in protecting the ability of the public authority to conduct an effective investigation and consider the outcome.

Therefore, having considered the arguments for and against, it is my view that the public interest test favours maintaining the exemption with regard to the redacted parts of the attached MO notes. West Midlands Police will not disclose information that could reveal personal information or compromise the law enforcement role of the force.