

## **PUBLIC INTEREST TEST**

### **Section 31 – Law enforcement**

#### **Harm**

West Midlands Police (WMP) are charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Disclosing the requested information would impact on the force's operational and tactical capabilities by inadvertently providing the people we are investigating with valuable knowledge of the processes we adhere to which would assist them with avoiding detection.

#### **Factors Favouring Disclosure**

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 Forces 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 West Midlands Police Force is adequately prepared in all areas.

#### **Factors Favouring non-Disclosure**

The disclosure of this information could compromise law enforcement tactics, which may hinder the Police force's ability to prevent and detect crime and could be detrimental to the effective operation of policing activities. As part of the policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity. Weakening the mechanisms used to monitor any type of criminal activity would place the security of the country at an increased level of danger.

There is evidence that criminals use information to change tactics and method of attack. Therefore, the safety of the public could be compromised and the inappropriate release of information could cause damage to the service and the community. This would impact on trust and confidence within the local communities, with particular areas feeling vulnerable, criminal activities would increase within these areas.

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.

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, whilst the public interest considerations favouring disclosure are noted, this must be balanced with the impact any release would have on the operational capability and tactical approach of the police.

Any release under FOI is a disclosure to the world, not just to the individual making the request. Police forces work in conjunction with other agencies and on a daily basis information is freely shared in line with information sharing protocols. Modern day policing is intelligence led and this is particularly pertinent with regard to law enforcement. Therefore, the wider public interest lies in protecting the ability of the public authority to conduct an effective investigation and consider the outcome.

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.