

Public Interest Test – 49A/23

Applicable exemption:

Section 31 – Law enforcement

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 by West Midlands Police.

Factors Favouring Disclosure

Disclosing this information would provide greater transparency in the investigating process and the actions of West Midlands Police. 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. By making certain that public authorities provide information in relation to investigations, this should provide the necessary safeguards and satisfy the public interest in this matter.

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. The Police Service is reliant upon all manner of techniques during operations and the public release of any modus operandi employed, if held, would prejudice the ability of the Police Service to conduct similar investigations. West Midlands Police would not wish to reveal tactics that may or may not have been used as this would clearly undermine the law enforcement and investigative process. This would have a negative impact on police resources and more crime would be committed, placing individuals at risk.

Additionally, the public release of crime reference numbers that have not already been deemed fit for publication due to a policing purpose would afford the opportunity to anyone interested in the matter to approach the force quoting the reference number looking for further information. Therefore, this is likely to adversely affect the efficiency and effectiveness of the police and there is a danger that there could be some delay to the appropriate police response and could result in the inappropriate disclosure of investigative information.

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 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 all of the requested information may have a negative impact on operational law enforcement and may put communities and individuals at risk.

As part of the policing purpose, information is gathered which can be highly sensitive relating to high profile investigative activity. Police forces also work in conjunction with other agencies and on a daily basis information is freely shared in line with information sharing protocols. Weakening the mechanisms used to monitor any type of criminal activity, would place the security of the country at an increased level of danger.

This must also be balanced with the impact any release would have on the operational capability of the police. An increase in public interest in specific crimes would put an additional burden on the force and those dealing with these cases. Inappropriate disclosure of this information would prevent them from being able to work efficiently and carry out their operational duties.

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. West Midlands Police will not disclose information that could compromise the future law enforcement role of the force.