

PUBLIC INTEREST TEST

Section 30(3) – Investigations and proceedings conducted by the public authority

Section 31(3) – Law enforcement

Evidence of Harm

Should officers currently be subject to complaints regarding the abuse of position for sexual purpose, it would likely ensue that in some cases, formal charges may be made. However, we also need to consider that not all allegations are proven and may not lead to a formal charge.

To disclose information in relation to questions 2 and 3, would highlight that officers are or are not currently subject to an investigation. Ongoing investigations would also be compromised if the offender were made aware an investigation into their behaviour is ongoing, which would enable steps to be taken by them to alter their behaviour and/or destroy evidence.

Public Interest Considerations

Section 30 – Factors favouring complying with Section 1(1)(a) confirming or denying information is held:

Disclosure of information relevant to this request, would lead to a better-informed general public by identifying that West Midlands Police robustly investigate all aspects of offending, including allegations made against their own officers. This fact alone may encourage individuals to provide intelligence in order to assist with investigations, and promote public trust in providing transparency and demonstrating openness and accountability into where the police are currently focusing their investigations.

Section 30 - Factors against complying with Section 1(1)(a) neither confirming nor denying information is held:

Disclosing information in relation to this request would suggest West Midlands Police take their responsibility to appropriately handle and manage intelligence supplied to them flippantly. In some cases, disclosure could undermine the investigative process. Irrespective of what information is or isn't held, any information which could be used to undermine prosecutions or aid offenders to continue with their abuse, is not in the public interest.

Section 31 – Factors favouring complying with Section 1(1)(a) confirming or denying information is held:

Disclosure would provide transparency in the way police officers are dealt with when suspected of inappropriate conduct and illegal actions and may improve public debate into the credibility of how West Midlands Police deals with these allegations within the force. It would also serve to demonstrate that West Midlands Police are open and accountable.

Section 31 - Factors against complying with Section 1(1)(a) neither confirming nor denying information is held:

Provision of the requested information, would risk undermining the investigative process whilst determining whether any officer is responsible for improper conduct; West Midlands

Police has a duty of care to the community at large and public safety is of paramount importance. If an FOI disclosure revealed information to the world (by citing an exemption or stating no information held) that would undermine an investigation, this could be used to offenders' advantage, which would compromise any potential victims and public safety generally. It may also encourage offenders to carry out further crimes as detailed within the harm above.

West Midlands Police relies on information being supplied by the public. Irrespective of what further information is or isn't held in relation to this request, by applying substantive exemptions would indicate that other information is held and there are currently other ongoing investigations. Such action would act as a deterrent to the public to provide intelligence to the force which would further undermine public safety, with repercussions that could hinder the prevention or detection of crime.

Balance Test

The effectiveness of investigations and the intelligence they provide is of paramount importance and the Police service will not divulge details that would compromise ongoing investigations. Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat posed by various individuals there is a very strong public interest in safeguarding the integrity of police investigations and operations. As much as there is public interest in knowing that policing activity is appropriate and balanced this will only be overridden in exceptional circumstances. Identifying investigative information around misconduct matters would undermine any current investigations and any that may occur in the future. It is therefore vitally important that this information is not disclosed.