

# Arrests, charges and judicial outcomes

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## Referring to reports of a crime

When releasing information for an appeal or in response to a media enquiry, communications officers should take care to apply the correct terms to describe a report of a crime.

Exceptions to this approach may occur in exceptional circumstances, for example:

- to safeguard a vulnerable person
- to protect a victim's interests
- as an investigative tactic

This is a decision for the senior investigating officer (SIO), gold or most senior operational officer. The corporate communications department (CCD) should record the rationale behind any decision not to use the correct term.

## Suspects' right to privacy

CCDs should only release the name of those arrested or suspected of a crime in exceptional circumstances, where there is a legitimate policing purpose to do so. This also applies to allegations of offences against deceased persons.

A legitimate policing purpose may include circumstances such as:

- a threat to life
- the prevention or detection of crime
- where police have made a public warning about a wanted individual – in certain circumstances, this may include people who have failed to answer bail

The SIO, gold or other most senior operational lead is responsible for making this decision. The decision must be recorded with rationale, judging where Crown Prosecution Service (CPS) consultation or escalation for chief officer approval may be required.

## Releasing information on arrest

When someone is arrested, communications officers can release:

- the person's gender
- the person's age
- the place where they live (for example, the town or city)
- the nature, date and general location of the alleged offence
- the date of the arrest
- whether they are in custody, have been bailed, released under investigation (RUI) or with **no further action (NFA)**
- any subsequent bail date
- the outcome of the investigation

In situations where releasing some information would confirm the identity of an individual, this information should not be released. Instead, forces should consider releasing information with fewer specific details.

## Nationality and ethnicity

Police may consider disclosing the nationality and/or ethnicity of the suspect on arrest, where this is known or recorded, in high-profile or sensitive investigations.

The final decision on the release of this information should be taken by the SIO, gold or most senior operational officer. The decision should be made in consultation with the force's head of communications and CPS, judging where escalation for chief officer approval may be required.

Decisions on whether to release the information proactively or reactively should be based on a local risk assessment, as well as the following criteria. Police should consider whether there is:

- a policing purpose for doing so
- related risk or impact on public safety, leading to rising community tension at a local, regional or national level
- misinformation, disinformation or malinformation leading to community tension
- a significant level of media or social media interest

The decision and rationale must be recorded by the senior officer and CCD.

## Releasing additional information on arrest

Where a police force considers that additional information should be released on arrest – for example, to manage a compelling policing purpose – this decision should be made by the SIO, gold or most senior operational officer. The decision should be made in consultation with the force's head of communications and CPS, judging where escalation for chief officer approval may be required.

The senior officer and CCDs should log any such decisions with rationale.

## Naming on charge

Individuals charged with an offence, including those who receive a summons to court, should be named on charge. If there is an exceptional and legitimate policing purpose or if reporting restrictions apply, individuals should not be named on charge.

A decision not to name an individual who has been charged should be taken in consultation with the CPS.

Charging information may be released:

- when the crime is of a serious nature
- when the incident has already been reported in the media or publicly
- when there are public reassurance reasons
- at the request of the media

This information should be given as soon as possible at the point of charge. If charges are withdrawn before someone first appears in court, this information should be released as soon as possible, especially if a case has been previously publicised.

When information is released on charge, police should release the following information:

- name
- age or date of birth
- address

- details of the charge
- date and location of court appearance
- custody or bail status

Other information that may be released includes:

- the person's occupation if relevant, such as where a teacher charged with the assault of a pupil at the school where they work

## Nationality and ethnicity

Police should confirm the nationality and/or ethnicity of the person (where known or recorded) on charge in high-profile or sensitive investigations, using the same guidance as on arrest. This information will be provided only on a contemporaneous basis.

When a suspect is charged in a high-profile or sensitive investigation or operation, a force may consider sending a representative to attend the first magistrates' court appearance to note the information submitted into public record. This could be a nominated officer or press office representative. This will ensure that the force is fully equipped with accurate details in good time.

## Immigration status

It is neither the role nor responsibility of the police to verify a suspect's immigration status.

In all circumstances, it is for the Home Office to decide whether it is appropriate to confirm immigration status.

## No further action

When no further action will be taken, forces can confirm that a case did not meet the evidential threshold for charges and state whether the CPS was consulted in the decision.

CCDs should liaise with the SIO or officer-in-charge (OIC) to ensure that a suspect is informed that no further action is to be taken against them, before releasing this information to the media.

When informing the media that no further action will be taken regarding an allegation, no details of allegations should be disclosed if they have not already been released.

An exception is where disclosure is justified by clear circumstances, such as:

- a threat to life
- the prevention or detection of crime
- a matter of public interest and confidence

Where an arrest or charge was proactively communicated and no further action is taken, or proceedings are ended without a conviction, forces should proactively communicate this.

## Out-of-court disposals

Identities of people dealt with by out-of-court disposals – such as cautions, speeding fines and other fixed penalties – should not be released or confirmed.

Communications officers should say that an individual has been dealt with and only release general details of the offence, or individual in line with the principles set out in the [releasing information on arrest](#) section.

## Responding to enquiries about arrests

If a name is provided to the police with a request for confirmation of an arrest, the response should be, “we neither confirm nor deny”. No guidance should be given. Communications officers should not respond by supplying other information that has the effect of confirming the person’s identity.

To receive any information in response to an enquiry about an arrest, the media need to provide sufficient details to allow that arrest or incident to be traced, including location, date and type of offence. If confirming that an arrest has been made, communications officers should state that they are not confirming the identity of the arrested person.

Where it is identified that the name of a suspect has been published, either correctly or incorrectly, by a member of the public or the media:

- communications officers should liaise with SIOs or senior operational officers
- the SIO or senior operational officer should consider whether additional mitigation steps are required to manage risk

## Information about a police investigation or ongoing operation

Information may be proactively released at any point to:

- aid an investigation
- seek the public's assistance through appeal points
- maintain public confidence in policing activity
- inform the public where it is a matter of public interest

Where investigations or operations are fast-moving or generating significant media enquiries, SIOs or the senior operational officer should consult with the CCD to:

- regularly assess and update the communications strategy
- consider using media briefings
- manage the reliability and accuracy of information to the public

This applies where misinformation, disinformation or malinformation has also been identified.

If a decision is made to withhold information because its release would have a detrimental impact on the investigation or operation, clear reasoning should be recorded by the SIO or senior operational officer, in liaison with the CCD.

Individuals who are, or may be, involved in an investigation should not be identified.

To help avoid situations where a list of names is speculatively put to the police, the same approach should be followed as for supplying information in response to enquiries on arrests.

Any information that is released should, as a minimum, include:

- the allegation or offence
- the date when information was received
- which unit is investigating
- arrests
- interviews under caution
- bail to return, released under investigation (RUI) and/or charges

- relevant appeal points

As an investigation or other policing activity continues, officers and communications officers should regularly review the information that has been released and should consider whether it is appropriate to release more information.

## High-profile or sensitive investigations or operations

High-profile investigations or operations should have a dedicated communications plan and dedicated communications support assigned to it for consistency.

The most senior operational officer in the investigation should agree the communications plan.

In cases with exceptionally high levels of scrutiny, media or political interest, the strategy should be developed in consultation with the head of communications.

The communications plan should always consider internal and external audiences, including stakeholder and media relations. CCDs should consider what blend of multi-channel tactics will be most effective at achieving the plan.

In most cases, a consistent spokesperson should be appointed, considering escalation points and contingency for 24/7 requirements.

This plan should be distributed to relevant officers and staff from the outset and entries should be recorded in decision logs. Communications officers should ensure that all communications strategies and communications-related decisions are logged.

SIOs or gold commanders should make a policy decision on the level of seniority and approval process of all public statements before release.

Police officers and staff should not provide information to the media that goes beyond the agreed communications plan as this could compromise the investigation or operation.

SIOs or gold commanders, in consultation with the communications lead or head of communications, should regularly review and evaluate the communications plan to determine if it needs to be reassessed.

In cases with the requirement or expectation of around-the-clock communications, CCDs should consider implementing their major incident plan to optimise resources.

If the media approach a force in advance of a high-profile or sensitive operation to request confirmation of its details, the force should not confirm the operation or release details that go beyond the agreed communications plan. The SIO or gold commander should be informed so that they can consider any impact on the investigation and whether the investigation and communications plan needs to be reassessed.

For high-profile investigations in the public domain, the senior operational leader and CCDs should consider options for enhanced media access, especially where police cordons are in place. This includes:

- filming officers working on an operation
- filming officers working on a planned search
- interview opportunities

All officers and staff involved in the investigation must be briefed on the terms and conditions of media access before it is granted.

## Deaths

Death investigations by the police are categorised in [Categories for unexpected death investigations](#) and investigations are carried out on behalf of the coroner.

Where homicide is identified, the police will investigate to bring offenders to justice.

The SIO or OIC should only consider releasing details of non-suspicious sudden deaths if there is an operational policing reason to do so, with agreement from the coroner and the family's wishes considered.

Information that a body has been found can be confirmed following an enquiry from the media, but nothing should be released that could identify the deceased. Communications officers should seek guidance from the SIO or OIC in these instances.

In response to a death, police communications officers should do the following.

- State that police are investigating the circumstances surrounding the death, or refer to the death as unexpected, until it has been established that the death is suspicious or non-suspicious. This update can then be provided.
- In the case of suspicious deaths, once identity has been established and the next of kin has been informed, the identities of the deceased can usually be released in agreement with the coroner, unless there is a policing purpose for not doing so.
- In the case of non-suspicious deaths, confirmation of identity is a matter for the coroner, unless an agreement exists with the coroner for police to release this information.
- Where a missing person who has been the subject of public appeals or media coverage is found deceased but formal identification has yet to take place, police communicators may confirm that “the family of [missing person] has been informed” and that there are ongoing enquiries to confirm identity.

The SIO or OIC is responsible for making these decisions and recording the rationale.

In the event of an inquest, it is part of the role of a coroner to identify the deceased. It is good practice for police to talk through communications issues with the local coroner to reach common agreement about handling information on identity. This will help to facilitate the early release of information in situations where formal identification has taken place and the family have been informed.

Where possible, this should allow for an open approach to releasing information, while respecting the coroner’s primacy.

## Identifying victims and witnesses

The name of a victim will not normally be released, unless a victim consents to being identified. There will be occasions when releasing the name of a victim may assist an investigation or an appeal to encourage other victims to come forward or to help apprehend the suspect. This will not be done without the victim’s prior and written agreement, details of which should be recorded.

Consent to release a victim’s name should be a freely given and fully informed decision. Individuals should be made aware that their names will be disclosed to the media and the public and may be published on social media.

The same principles apply to witnesses.

The naming of deceased victims should be in line with the unexpected deaths protocol.

All contact with victims must be in line with the [Code of Practice for Victims of Crime](#) in England and Wales.

## Supporting victims and families

OICs or family liaison officers (FLOs), when deployed, are responsible for informing and advising victims and families on the police communications and media strategy.

In high-profile and sensitive police investigations, or where there is a high level of media and/or public interest, SIOs should consider at the earliest opportunity where direct CCD support and advice is required.

CCD direct support can include:

- directly advising victims or families in relation to media and social media
- providing liaison between victims, families and the media
- supporting victims and families to engage with the media, including during media interviews
- advising victims and families on media complaints procedures

FLOs and communications officers should support victims to speak to the media directly, when they wish to do so, and should ensure that victims and families feel free to express their own views. Where this is not possible, or in line with the wishes of the victim or witness, CCDs may act as a conduit and facilitate interviews and support with publicity in the manner they request.

## Businesses

Although individuals have a qualified right to privacy, organisations – including businesses – do not hold the same rights. Businesses can therefore be routinely named in the release of information.

In some cases, this information can be withheld. For example, a need to protect private information about a victim may also prevent a business from being identified. This is a decision for the SIO or OIC on a case-by-case basis. Any decision to withhold this information should be documented with rationale.

## Registered sex offenders in the community

Disclosure of information to the media or public about the personal details or whereabouts of any sex offender subject to an order or monitoring under **Part 2 of the Sexual Offences Act 2003** should not be made, unless there is an operational reason to do so. A decision should be made only with the authorisation of the relevant multi-agency public protection panel.

If a decision is made to identify a convicted offender in the community, the CCD should be informed so they can advise on potential publicity and, where appropriate, assist in reaching local protocol agreements with the media. As with developing critical incidents, a communications plan should be agreed at senior operational level.

If the name of – or information about – a sex offender is put to the CCD by the media when there has been no decision to identify the person, communications officers should neither confirm nor deny their accuracy. They should, however, inform operational commanders to enable them to make the appropriate assessment. All decisions must be recorded. Forces are advised to agree procedures with local editors for handling media enquiries about individual sex offenders and to ensure they are reviewed and updated periodically.

## Rewards

Rewards offered by media publications or others remain the sole responsibility of that third party, with no requirement for the police to promote them. This is unless the head of communications and the SIO or senior operational lead force have been consulted and have agreed to support the reward.

## Tags

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