This is what happens if police reject reports of alleged criminality by members of the public and attempt to hide such rejection

A police decision not to pursue an allegation may be entirely lawful. Concealing what was received, how it was assessed or precisely why it was rejected creates a different problem. It can prevent an error from being identified, obstruct effective scrutiny and leave the public unable to distinguish a sound decision from an unsupported one.

This paper examines those consequences as a general proposition. Its title describes a conditional situation, not a finding that any particular officer or force has concealed a rejection. The relevant distinctions matter: receiving information, recording an incident, recording a crime and opening or continuing an investigation are separate questions.

The first danger is the loss of a reliable account

A person reporting suspected criminality is providing information for assessment, not establishing guilt by assertion. Police must retain the ability to identify allegations which disclose no offence, lack a sufficient basis or require referral elsewhere. Recording and investigative obligations depend upon the applicable law, standards and circumstances, but the decision must remain capable of being understood and checked. If the account omits material submissions, misdescribes the allegation or obscures who decided what,

subsequent reviewers may start from an inaccurate premise. The same problem can arise through poor administration or deliberate concealment. Establishing which occurred requires evidence.

The Home Office's national incident-recording standard identifies consistent and accurate recording as its principal aim. The applicable crime-recording rules address a distinct part of the process. Neither an incident entry nor a crime reference number, by itself, establishes the extent of investigative work undertaken.

Equally, the absence of a recorded crime cannot logically establish that no allegation was received. Where information has been assessed without a crime being recorded, the receipt and assessment may still be material to any examination of the handling.

If those distinctions are blurred, the institutional account becomes harder to test. The public may be told that nothing happened because no investigation was opened, whilst the actual dispute concerns the earlier decision which prevented an investigation from beginning.

Evidence and safeguarding opportunities may be lost

Where an allegation merits further enquiries, unjustified rejection can allow relevant evidence to deteriorate. Witnesses may become harder to trace, recollections fade and opportunities to secure documents or other material disappear. Those risks depend upon the nature and merits of the report; they are not proof that the allegation was true.

If the rejection is then obscured, correcting it may take longer. A reviewer cannot examine a decision which has been inaccurately described as never having arisen. New information may also fail to reach those able to reconsider the original assessment.

Proper enquiry protects those accused as well as those reporting harm. Evidence may establish innocence, expose a misunderstanding or demonstrate that no offence occurred. Preventing an appropriate assessment can leave allegations unresolved and reputations under suspicion unnecessarily.

Review can become an exercise in repeating an answer

A complaints handler needs the actual report, relevant submissions, decision records and the reasons given. If the handler relies on an incomplete summary, a review may reproduce the original omission rather than test it. Referring a person between institutions does not solve that problem unless responsibility and the relevant evidence follow the referral.

Police are not under a universal duty to conduct every investigation a complainant requests. Specific duties can nevertheless arise. In *Commissioner of Police of the Metropolis v DSD [2018] UKSC 11*, the Supreme Court addressed investigative failures concerning serious sexual violence under Article 3 of the European Convention on Human Rights. Serious operational failings can engage that obligation. It is not a general rule that every unsuccessful enquiry breaches human rights.

The practical lesson is that lawful discretion and effective accountability must coexist. Neither the existence of discretion nor a general description of police independence answers a

properly evidenced concern about how that discretion was exercised.

The court may receive an incomplete picture

If disputed handling reaches judicial review, the public authority's account becomes especially important. In *Citizens UK*, the Court of Appeal explained the duty to assist the court with full and accurate explanations of relevant facts. Material omissions and obscuring accounts can undermine that duty.

A relevant rejection cannot safely be concealed behind an ambiguous description of administrative status. The court needs the facts material to the issues it must decide. This does not require indiscriminate publication of operational files, and it does not mean every missing document automatically invalidates a judgment. It requires careful identification of what was material and what the court was told.

A second accountability question can arise

Once there is credible evidence that a decision was hidden or misrepresented, scrutiny concerns both the original handling and the later account.

- Who knew of the rejection?
- Who prepared the explanation?
- Were records located and considered?
- Was an error corrected when brought to attention?

An unsupported decision and an attempt to conceal it are distinct allegations. Each requires proof. Depending upon the

facts and applicable duties, established concealment may raise misconduct, public-law or potentially criminal questions. No offence follows automatically from a refusal, delay, incomplete response or disagreement about an investigation. Nor is every restriction on disclosure concealment. Personal information, witness protection, operational sensitivities and legal privilege may justify withholding particular material. The question is whether a restriction has a proper basis and whether the explanation given accurately describes the position as far as the law permits.

Public confidence and institutional knowledge suffer

When people cannot properly discover what happened to their report, they may become less willing to provide information. Confidence can suffer even where the allegation would have been rejected for sound reasons.

Poor recording can also impair an institution's own understanding of demand. If relevant reports are omitted or categorised inappropriately, management information may give a misleading picture of what the public has raised. That possibility requires examination of the applicable categories and records, not an assumption that fewer recorded crimes necessarily means fewer reports received.

The remedy begins with an accurate record

A responsible response preserves the relevant material, reconstructs the chronology, identifies the decision-maker and explains the assessment. Where the original decision was

sound, the records can support it. Where fresh evidence requires reconsideration, it should receive that consideration through the appropriate process.

Where an account was wrong, correction should be explicit. Where a credible concern about concealment arises, it should be examined with appropriate independence. Accountability must establish what occurred rather than simply seek agreement with a previous institutional conclusion.

Rejection does not by itself necessarily prove wrongdoing. Concealment must itself be established. But if a force rejects an allegation and attempts to hide that decision in some manner, it places the reliability of its own account in issue alongside the original report. The way to resolve both questions is an honest, evidenced and reviewable explanation.

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Sources and scope

Home Office, National Standard for Incident Recording and Crime Recording Rules. Apply the version and jurisdiction relevant to the events; recording discussion here principally concerns England and Wales

Commissioner of Police of the Metropolis v DSD [2018] UKSC 11

R (Citizens UK) v Secretary of State for the Home Department [2018] EWCA Civ 1812, paragraphs 105 - 106