

# ACRO Step-down Model

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## Filtering of offences for Police Certificates

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**National Services**

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### Acknowledgements

The original published version 1.3 entitled Retention Guidelines for Nominal Records on the Police National Computer was published on 16 March 2006. It was written by the DNA and Fingerprint Retention Project, part of the then ACPO Recording and Disclosure of Convictions Portfolio.

The following forces contributed to the original document:

Dyfed Powys Police, Essex Police, Greater Manchester Police, Hampshire Constabulary, Humberside Police, Kent Police, Lancashire Constabulary, Metropolitan Police Service, West Midlands Police and West Yorkshire Police.

The following agencies were consulted and invited to comment during the development of the retention guidelines.

Office of the Information Commissioner, Criminal Case Review Commission, National Society for Prevention of Cruelty to Children, National Association for the Care and Resettlement of Offenders, National Centre for Policing Excellence, Criminal Bar Association, Liberty, The Law Society, National Association Schoolmasters Union of Women Teachers, Crime and Society Foundation, Criminal Records Bureau and the Crown Prosecution Service.

*For the purposes of this paper, references to the policing system relate to the Law Enforcement Data Service (LEDS). However, the Police National Computer (PNC) will remain operational until the transition to LEDS in October 2026.*

## 1.0 What is the Step Down Model?

- 1.0 The ACRO Step-down Model supersedes the Retention Guidelines for Nominal Records on the Police National Computer (Version 1.3, March 2006), which themselves replaced the ACPO General Rules for Criminal Record Weeding on Police Systems.
- 1.1 The Retention Guidelines for Nominal Records on the Police National Computer V1.3 16 March 2006 contained content about the Exceptional Case Procedure in addition to the Step-down Model. This procedure was replaced by the record deletion process which is published on the ACRO website in a document entitled 'Deletion of Records From National Police Systems (PNC/NDNAD/IDENT1).
- 1.2 Criminal convictions recorded on the Law Enforcement Data Service (LEDS) remain until the individual reaches 100 years of age. The Step-down Model is applied by ACRO solely to ensure that disclosures on Police Certificates are proportionate and necessary for their intended purpose, in line with Data Protection legislation.
- 1.3 Offences are subject to step-down after a predetermined period, with decisions informed by the seriousness of the offence, the age of the individual at the time, the case outcome and the sentence imposed. Pending prosecutions and current investigations are published and, once a prosecution is resolved, a new application can be submitted to update the record.
- 1.4 Certificates vary according to the disclosures required under the Step-down Model. Where convictions are not included, organisations or embassies may request supplementary details. The obligation to supply this information lies with the applicant.

## 2.0 Principles of Step Down

- 2.1 When a nominal record is created or updated on LEDS by virtue of an individual being the subject of a Conviction, Penalty Notice for Disorder, Acquittal or CJ Arrestee, the record will contain relevant personal data together with details of the offence which resulted in the record creation. The record will be retained on LEDS until that person is deemed to have attained 100 years of age. Where a subject is shown to have more than one date of birth, the earliest date will be used to determine when 100 years of age has been attained.
- 2.2 The Step-down Model is designed to provide the police service with continuing access to data that will allow it to discharge its statutory and common law responsibilities.
- 2.3 The concept of the Step-down Model is to ensure that the disclosure of criminal conviction data from LEDS is proportionate and necessary for the intended purpose, in compliance with Data Protection legislation, whilst allowing the police continued access in support of operational policing.
- 2.4 When offences are stepped down this does not mean that they are removed from LEDS, meaning that disclosure could take place through other means outside of the ACRO certificate process.
- 2.5 The recordable offences on LEDS have been separated into three categories; A, B, and C. These categories have been based on the seriousness of the offence with those listed at A being the most serious and those listed at C the least serious. Detailed offence categories are available in a comprehensive list at Appendix 2.
- 2.6 For step-down purposes, an adult is defined as someone who was 18 or older at the time of conviction, while a young person is defined as someone who was under 18 at the time of conviction.

- 2.7 The Step-down Model uses 'clear periods' from offending in determining the time at which the offence history steps down. Should the subject re-offend within the clear period, then the time clock is reset from that time and a further clear period begins. By adopting this approach, the likelihood of reoffending will be considered when step-down is applied.
- 2.8 Where a nominal record contains more than one category of disposal history, the guideline relating to the longest retention period will prevail. All histories on the nominal record will be retained in accordance with the longest retention period. For example, if an adult receives a caution for an offence which would normally step down after a five year clear period, but is then convicted of an offence with a 20-year clear period, both histories will be retained until the expiry of the 20-year clear period.
- 2.9 Where the outcome of a court case is subject to an Appeal, the nominal record will be updated to reflect the outcome of the Appeal and the relevant 'step down' criteria will be applied to determine the status of the history. For example, in the case of an adult person convicted of a category B offence and sent to prison for two years, the conviction history would step down after 35 years. If on Appeal the sentence was reduced to three months, the nominal record would be updated and the conviction history would step down after 20 years. If the conviction was quashed the history would be stepped down immediately.
- 2.10 An 'impending prosecution' is when a subject has been charged but the outcome is either not known or not recorded on LEDS. Impending prosecutions are not stepped down, but once the outcome has been recorded step-down will be applied.
- 2.11 An 'under investigation' is when a subject has been summonsed or arrested, but the disposal (charge, no further action etc) has yet to be determined. Under investigations are not stepped down, but once the outcome has been recorded step-down will be applied.

### **3.0 Guidelines on Application of Step-Down**

- 3.1 In the case of an adult who, on conviction at court, receives a custodial sentence of six months or more in respect of an offence listed in category A, the conviction history will never step down.
- 3.2 In the case of an adult who, on conviction at court, receives a custodial sentence of six months or more in respect of an offence listed in category B, the conviction history will step down after a clear period of 35 years.
- 3.3 In the case of an adult who, on conviction at court, receives a custodial sentence of six months or more in respect of an offence listed in category C, the conviction history will step down after a clear period of 30 years.
- 3.4 In the case of a young person who, on conviction at court, receives a custodial sentence of six months or more in respect of an offence listed in category A, the conviction history will never step down.
- 3.5 In the case of a young person who, on conviction at court, receives a custodial sentence of six months or more in respect of an offence listed in category B, the conviction history will step down after a clear period of 30 years.
- 3.6 In the case of a young person who, on conviction at court, receives a custodial sentence of six months or more in respect of an offence listed in category C, the conviction history will step down after a clear period of 25 years.
- 3.7 In the case of an adult who, on conviction at court, receives a custodial sentence of less than six months in respect of an offence listed in category A, the conviction history will never step down.
- 3.8 In the case of an adult who, on conviction at court, receives a custodial sentence of less than six months in respect of an offence listed in category B, the conviction history will step down after a clear period of 20 years.

- 3.9 In the case of an adult who, on conviction at court, receives a custodial sentence of less than six months in respect of an offence listed in category C, the conviction history will step down after a clear period of 15 years.
- 3.10 In the case of a young person who, on conviction at court, receives a custodial sentence of less than six months in respect of an offence listed in category A, the conviction history will never step down.
- 3.11 In the case of a young person who, on conviction at court, receives a custodial sentence of less than six months in respect of an offence listed in category B, the conviction history will step down after a clear period of 15 years.
- 3.12 In the case of a young person who, on conviction at court, receives a custodial sentence of less than six months in respect of an offence listed in category C, the conviction history will step down after a clear period of 10 years.
- 3.13 In the case of an adult who, on conviction at court, receives a non-custodial sentence in respect of an offence listed in category A, the conviction history will step down after a clear period of 20 years.
- 3.14 In the case of an adult who, on conviction at court, receives a non-custodial sentence in respect of an offence listed in category B, the conviction history will step down after a clear period of 15 years.
- 3.15 In the case of an adult who, on conviction at court, receives a non-custodial sentence in respect of an offence listed in category C, the conviction history will step down after a clear period of 12 years.
- 3.16 In the case of a young person who, on conviction at court, receives a non-custodial sentence in respect of an offence listed in category A, the conviction history will step down after a clear period of 15 years.
- 3.17 In the case of a young person who, on conviction at court, receives a non-custodial sentence in respect of an offence listed in category B, the conviction history will step down after a clear period of 12 years.

- 3.18 In the case of a young person who, on conviction at court, receives a non-custodial sentence in respect of an offence listed in category C, the conviction history will step down after a clear period of 10 years.
- 3.19 In the case of an adult who is dealt with by way of caution in respect of an offence listed in category A, the conviction history will step down after a clear period of 10 years.
- 3.20 In the case of an adult who is dealt with by way of caution in respect of an offence listed in category B, the conviction history will step down after a clear period of five years.
- 3.21 In the case of an adult who is dealt with by way of caution in respect of an offence listed in category C, the conviction history will step down after a clear period of five years.
- 3.22 In the case of a young person who is dealt with by way of reprimand or warning in respect of an offence listed in category A, the conviction history will step down after a clear period of 10 years.
- 3.23 In the case of a young person who is dealt with by way of reprimand or warning in respect of an offence listed in category B, the conviction history will step down after a clear period of five years.
- 3.24 In the case of a young person who is dealt with by way of reprimand or warning in respect of an offence listed in category C, the conviction history will step down after a clear period of five years.
- 3.25 In the case of a person who is dealt with by the issue of a penalty notice for disorder, the offence history will step down following the result being entered on the nominal record.
- 3.26 In the case of a person who is acquitted at court, the offence history will step down following the result being entered on the nominal record.
- 3.27 In the case of a person who is a CJ Arrestee, the offence history will step down following the result being entered on the nominal record.

- 3.28 In the case of an offence becoming Decriminalised, it will step down following that reclassification.
- 3.29 Cases where a court imposes an alternative sentence, for example, of a fine or custody in default of payment will be dealt with as a non-custodial sentence and step down after the relevant clear period.
- 3.30 Cases where other adjudications are entered, for example Lie on File and Sine Die, will step down following the result being entered on the nominal record.
- 3.31 Where Orders are issued against a subject either as a result of a criminal conviction or as a result of other proceedings, those details will step down on expiry of the Order.
- 3.32 Step-down is not applied to impending prosecutions. However once the outcome has been recorded, step-down will be applied.
- 3.33 Step-down is not applied to 'under investigations'. However once the outcome has been recorded, step-down will be applied.
- 3.34 ACRO is not responsible for the accuracy of conviction data held on the LEDS. However in the event that the data subject disputes the accuracy of an offence, ACRO will either liaise with the relevant data controller or will advise the data subject as to the action required depending on the nature of the issue. If you have made an application to ACRO for an International Child Protection Certificate (ICPC) or Subject Access Request (SAR), step-down will not be applied.

## 4.0 Step-Down Model Table

### Non-Custodial Step-Down

PERSON	OUTCOME	OFFENCE CATEGORY	STEP DOWN NON – POLICE USERS
ADULT	NON-CUSTODY	C	12 YEARS
		B	15 YEARS
		A	20 YEARS
ADULT	CAUTION	C	5 YEARS
		B	5 YEARS
		A	10 YEARS
YOUNG PERSON	NON-CUSTODY	C	10 YEARS
		B	12 YEARS
		A	15 YEARS
YOUNG PERSON	REPRIMAND OR WARNING	C	5 YEARS
		B	5 YEARS
		A	10 YEARS

### Custodial Step-Down

PERSON	OUTCOME	SENTENCE	OFFENCE CATEGORY	STEP DOWN NON – POLICE USERS
ADULT	CUSTODY	SIX MONTHS OR MORE	C	30 YEARS
			B	35 YEARS
			A	NO STEP-DOWN APPLIED
ADULT	CUSTODY	LESS THAN SIX MONTHS	C	15 YEARS
			B	20 YEARS
			A	NO STEP-DOWN APPLIED
YOUNG PERSON	CUSTODY	SIX MONTHS OR MORE	C	25 YEARS
			B	30 YEARS
			A	NO STEP-DOWN APPLIED
YOUNG PERSON	CUSTODY	LESS THAN SIX MONTHS	C	10 YEARS
			B	15 YEARS
			A	NO STEP-DOWN APPLIED