

Criminal Procedure and Investigations Act 1996 – The Achilles’ Heel of Operation Talla and COVID-19 Policing in the UK

Introduction

Operation Talla was the codename for the National Police Chiefs’ Council (NPCC)–led policing response to the COVID-19 pandemic. Under its direction, forces across the UK adopted practices that fundamentally reshaped the relationship between public, police and government. Among these was the effective rebranding of citizen crime reports relating to COVID-19 vaccination or government conduct as “intelligence” rather than allegations requiring investigation.

Yet these practices collided head-on with an immovable piece of statute law: the **Criminal Procedure and Investigations Act 1996 (CPIA)**. The CPIA is not discretionary. It places binding duties upon investigators, requiring retention and disclosure of material that might be relevant to criminal proceedings. In that sense, the Act represents the Achilles’ heel of Operation Talla - the one point where the armour of institutional secrecy cannot hold.

1. The Core Duties Under the CPIA

The CPIA Code of Practice (s.23(1), March 2015 edition) sets out clear requirements:

- **Retention:** All material obtained in a criminal investigation which may be relevant to the investigation must be retained.
- **Disclosure:** Investigators and prosecutors must disclose material that could reasonably undermine the prosecution case or assist the defence.
- **Independence:** These duties operate irrespective of institutional preference, policy direction, or political pressure. They are duties owed to justice, not to command.

In law, once an allegation capable of amounting to a criminal offence is made, these duties are triggered. They cannot be set aside by an NPCC directive.

2. Operation Talla's Collision with the CPIA

Evidence shows that under Operation Talla:

- Reports of alleged criminal conduct relating to the COVID-19 vaccine programme were reclassified as “intelligence” and not treated as crimes to be investigated.

- The Alan Speirs directive (Police Scotland, March 2025 FOI disclosure) confirmed forces were told not to accept such reports, on the advice of NPCC and UK Gold Command.
- The Metropolitan Police Service (CRN 6029679/21) initially received large volumes of evidence and witness statements but subsequently declared that no investigation took place.

Each of these practices is incompatible with the CPIA. The very act of receiving reports and material meant that relevant evidence existed. By law, it required retention and assessment for disclosure, whether or not senior command wished to recognise the reports as “legitimate.”

3. Why This is the Achilles’ Heel

The genius of the CPIA, from a justice perspective, is its inflexibility. It cannot be suspended by policy or convenience. Once relevant material is received, duties are triggered:

- Failure to retain = breach of statute.
- Failure to disclose = breach of statute.
- Misleading a court or public authority about the handling of such material = potential perversion of the course of justice.

This is where Operation Talla falters. By attempting to suppress categories of reports entirely, command structures exposed themselves to a statutory trap: they created a body of material that must be treated as evidence under CPIA, then deliberately chose not to do so.

4. Implications for Police Legitimacy

If the CPIA has been breached on a systemic scale, the consequences are profound:

- **Institutional misconduct:** It suggests that policing, at command level, operated outside the boundaries of criminal procedure law.
- **Officer liability:** Those who followed orders in suppressing material may find that CPIA does not protect obedience to command. The duties are personal as well as institutional.
- **Judicial vulnerability:** Courts may have been misled about whether investigations were undertaken, raising serious concerns about integrity of process.
- **Public trust collapse:** If citizens' allegations were unlawfully buried, the legitimacy of policing by consent is fatally undermined.

5. The Strategic Weakness

Operation Talla was framed as a response mechanism - fluid, adaptive, pragmatic. But law is not fluid. Statute law like CPIA is a fixed point and in ignoring it, police command created their own undoing.

Just as Achilles fell not by overwhelming force but by a single unarmoured point, so too does Operation Talla carry its weakness: the moment command attempted to suspend statutory duties they had no power to set aside.

Conclusion

The Criminal Procedure and Investigations Act 1996 is not a technicality. It is the foundation of lawful criminal investigation in the UK. By treating certain categories of report as inadmissible, Operation Talla set itself against that foundation.

This is the Achilles' heel of COVID-19 policing: the place where institutional narrative cannot withstand statutory obligation.

And in that weakness lies the route to accountability.

Ian Clayton

23rd August 2025