

# Preventing Access to Justice - The “Success” of Operation Talla

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## Executive Summary

This paper examines whether aspects of policing conducted under Operation Talla resulted in the functional prevention of access to justice.

The concern is not whether allegations were ultimately proved or disproved. It is whether allegations were permitted to enter the criminal justice system at all.

Material now in the public domain suggests that, in certain instances, a combination of:

- non-recording,
- administrative closure, and
- recategorisation of criminal allegations into non-crime classifications (e.g. “protest activity”)

may have operated to prevent allegations from progressing into investigation.

This raises a question of profound constitutional significance - *Can access to justice be prevented at the*

*point of reporting, by administrative or classificatory decisions within policing?*

Where allegations are not recorded, or are reclassified such that investigative obligations are not engaged, the criminal justice process is not merely weakened, but is rendered inoperative.

## **1. The Principle of Access to Justice**

Access to justice is not confined to the courtroom. It begins at the point at which an allegation of criminal conduct is made.

The system operates sequentially:

- Allegation
- Recording
- Classification
- Investigation
- Evidence gathering
- Prosecutorial consideration
- Judicial determination

If any of these stages are removed or distorted, the process is interrupted.

If the initial stages are prevented from operating properly, the process does not begin at all.

## **2. The Role of Policing as Gatekeeper**

Police act as the gateway to the criminal justice system.

Their duties include:

- receiving allegations
- properly recording reported crime
- accurately classifying the nature of the report
- securing and retaining evidence
- conducting investigations

These are not merely administrative steps. They are legal and constitutional functions.

Where classification or recording decisions are used to avoid triggering investigative obligations, the consequences extend beyond operational error.

They engage the integrity of the justice system itself.

## **3. Operation Talla and the Question of Non-Engagement**

Material disclosed through Freedom of Information responses and related correspondence indicates that, within Operation Talla policing, guidance was issued which had the effect of:

- discouraging or preventing the recording of certain categories of allegation
- limiting the progression of those allegations into investigation

In internal communications, this approach was described as having been “*a success*”.

That description requires careful scrutiny.

#### **4. The Recategorisation Method**

In addition to non-recording, a further mechanism arises - The recategorisation of criminal allegations into non-crime classifications.

For example, allegations presented as criminal complaints may be recorded or treated instead as:

- “protest activity”
- “intelligence”
- or other non-crime administrative categories

The effect of such recategorisation is significant.

Where a matter is not classified as a crime:

- crime recording obligations may not be engaged
- investigative duties may not arise
- evidential handling requirements may be reduced or avoided

The allegation is not explicitly rejected. It is instead, reframed and by that reframing, it is diverted away from the criminal justice pathway.

## 5. The Functional Effect of Recategorisation

Recategorisation operates differently from non-recording.

It creates the appearance of engagement, whilst achieving the same outcome:

- The matter is acknowledged
- It is processed administratively
- But it does not proceed to investigation as a crime

The result is:

- no formal investigation
- no evidential testing
- no prosecutorial consideration
- no judicial scrutiny

The allegation exists, but not within the criminal justice system.

## 6. The Combined Mechanism

Taken together, the mechanisms of:

- non-recording
- recategorisation
- administrative closure

form a coherent functional pattern.

Each operates differently, but each produces the same result - The allegation does not enter the criminal justice system as a crime requiring investigation.

This is not a question of outcome. It is a question of entry.

## 7. The Structural Consequence

If police determine whether a matter is recorded or classified as a crime and prosecutors can only act upon matters investigated, then the entire system becomes structurally dependent on initial police classification decisions.

Where classification is used to divert matters away from criminal categorisation, the consequence is:

- no independent prosecutorial engagement
- no judicial oversight
- no external scrutiny

In effect, access to justice is prevented at source.

## 8. The Meaning of “Success”

The description of such approaches as a “success” raises a fundamental question - *Success measured by what?*

If success is defined as:

- reduced recorded crime

- reduced investigative burden
- reduced system exposure

then it may be administratively convenient but it is not consistent with:

- the duty to investigate
- transparency
- or the proper functioning of justice

A system which measures success by the absence of crime recording or investigation risks measuring the absence of accountability.

## **9. Public Interest and Constitutional Implications**

The issues raised extend beyond Operation Talla. They engage broader questions:

- How are classification decisions made?
- What safeguards exist against improper recategorisation?
- Can evidential material be effectively excluded by classification alone?
- How is prosecutorial independence preserved where matters do not enter the system?

These are questions of:

- constitutional integrity
- institutional accountability

- public confidence

## **10. Conclusion**

If allegations are not recorded, or recategorised so as not to be treated as crimes, then access to justice is not delayed - It is prevented.

Operation Talla provides a case study in which both mechanisms have been utilised.

## **Closing Statement**

The rule of law is not only compromised when cases fail in court.

It is compromised when classification and recording decisions ensure that cases never reach the court at all.