Screened In - When Does a Criminal Investigation Begin?

A Forensic Analysis of CRN 6029679/21 Through the Lens of the Criminal Procedure and Investigations Act 1996

"Where Parliament has defined a legal concept, the legal character of public authority conduct ultimately falls to be assessed against that statutory definition."

Author: Ian Clayton

June 2026

The Central Proposition

This paper is founded upon a simple proposition.

Parliament has defined what constitutes a criminal investigation.

The Metropolitan Police created a contemporaneous operational record.

The Administrative Court later considered the lawfulness of the Metropolitan Police's actions.

This paper asks only whether those three elements are readily reconcilable.

It advances no allegation of criminal liability. It reaches no finding of misconduct.

It instead invites the reader to compare statute, chronology and legal characterisation and to draw their own conclusions.

Foreword

This paper does not seek to determine whether criminal offences were committed. Neither does it seek to revisit the scientific, political or public health debates surrounding the COVID-19 pandemic.

Its purpose is narrower.

It examines a question of law.

Specifically, it considers whether the contemporaneous operational record created by the Metropolitan Police in relation to Crime Reference Number 6029679/21 is capable of being reconciled with the statutory definition of a criminal investigation, contained within the Criminal Procedure and Investigations Act 1996 (CPIA) Code of Practice and with the legal characterisation subsequently advanced before the Administrative Court.

That question matters for reasons extending well beyond the facts of a single complaint.

Parliament enacted the CPIA to regulate the conduct of criminal investigations. The Code of Practice issued under section 23(1) of the Act establishes the legal framework governing the recording of information, the retention of material, the pursuit of reasonable lines of enquiry and the

disclosure of relevant material obtained during criminal investigations.

These duties exist to safeguard the integrity of the criminal justice process and to maintain public confidence in the administration of justice.

The present paper therefore approaches CRN 6029679/21 from a perspective distinct from previous publications.

It does not ask whether the allegations advanced by the complainants were ultimately capable of proof.

It asks an earlier question - ***When, in law, does a criminal investigation begin?***

That question assumes particular significance because the Metropolitan Police's internal records disclose a chronology including the screening in of the report for further investigation, its designation for a *"Proportionate Investigation"*, transfer to the Criminal Investigation Department, detective supervision, the appointment of an appointed officer and the continuing receipt and review of evidential material.

The legal significance of those operational steps must be considered alongside the statutory framework enacted by Parliament.

During subsequent Judicial Review proceedings, the Administrative Court was invited to determine the lawfulness of the Metropolitan Police's handling of the complaint. In doing so, the Court was presented with the Metropolitan Police's legal position that the force had undertaken a review of the material but had not commenced a criminal investigation.

This paper does not criticise the Court. Courts determine cases upon the evidence and submissions placed before them.

Instead, it examines whether the contemporaneous operational chronology now available through subsequent disclosure gives rise to legal questions concerning the characterisation of the activities undertaken by the Metropolitan Police and whether those activities are readily reconcilable with the statutory concept of a criminal investigation.

Ultimately, this paper concerns neither politics nor personalities. It concerns the Rule of Law.

If Parliament has defined what constitutes a criminal investigation, then that definition should be capable of objective application to the operational record.

Where questions arise concerning the consistency between statutory definition, operational chronology and subsequent

legal characterisation, those questions merit careful and dispassionate examination.

That is the purpose of the pages which follow.

Chapter 1 - The Question Before the Reader

Every criminal investigation begins somewhere.

Sometimes it begins with the report of a theft. Sometimes with the discovery of a body. Sometimes with intelligence suggesting that criminal conduct may have occurred.

Whatever its origin, every investigation shares one defining characteristic - At its commencement, the police do not yet know whether a criminal offence has, in fact, been committed.

That uncertainty is not a defect in the investigative process - It is its very purpose.

The criminal investigation exists precisely because the facts remain to be established.

For that reason, Parliament did not define a criminal investigation as an activity which commences only after criminality has been established.

Instead, the Criminal Procedure and Investigations Act 1996 (CPIA) adopts a significantly broader definition.

The Code of Practice issued under section 23(1) of the Act provides that a criminal investigation includes:

"...investigations whose purpose is to ascertain whether a crime has been committed, with a view to the possible institution of criminal proceedings..."

The significance of that definition cannot readily be overstated.

It recognises a simple reality - Police officers frequently investigate precisely because they do not yet know whether a criminal offence has occurred.

The investigation itself is the mechanism through which that question is answered.

The statutory definition therefore focuses not upon the eventual conclusion reached by investigators, but upon the purpose for which investigative activity is undertaken.

That distinction lies at the heart of the present paper.

Throughout public discussion, considerable attention has been directed towards whether the Metropolitan Police ultimately concluded that no crime should be recorded in relation to Crime Reference Number 6029679/21.

That issue, although important, is not the principal subject of this analysis.

The more fundamental question arises at an earlier stage.

Before any conclusion was reached...

Before any decision that no crime should be recorded...

Before the complaint was ultimately closed...

What, in law, was the Metropolitan Police actually doing?

That question requires careful consideration because the contemporaneous operational record reveals a sequence of actions which included screening the report IN for further investigation, allocating a *"Proportionate Investigation"*, transferring the matter to the Criminal Investigation Department, appointing detective supervision, assigning an appointed officer in the Case, receiving and reviewing substantial quantities of evidential material and maintaining an evolving operational chronology.

Whether those activities ultimately resulted in the recording of a crime is one question.

Whether those activities possess the characteristics of a criminal investigation, as Parliament has defined that expression, is another.

The distinction is of constitutional importance.

In a society governed by the Rule of Law, statutory language exists to provide certainty.

Public authorities are, of course, entitled to describe their operational processes using internal terminology appropriate to policing practice.

However, where Parliament has enacted a statutory definition governing the legal consequences of investigative activity, the legal character of that activity cannot depend solely upon the terminology subsequently adopted by those conducting it.

The issue is one of substance rather than label.

Courts have long recognised that legal analysis requires examination of what was actually done, rather than exclusive reliance upon the language later used to describe it.

That principle is particularly important where statutory duties concerning the recording, retention and disclosure of evidential material may arise depending upon the legal character of the activities undertaken.

This paper therefore adopts an intentionally narrow approach.

It does not seek to determine whether the complainants were correct. It does not seek to determine whether criminal offences were ultimately capable of proof. Nor does it seek to criticise the conclusions reached by the Administrative Court.

Instead, it asks whether the contemporaneous documentary record created by the Metropolitan Police is capable of being readily reconciled with:

- Parliament's statutory definition of a criminal investigation;
- the operational chronology disclosed through subsequent Subject Access Request material; and
- the legal position later advanced before the Administrative Court.

If those three components align, confidence in the process is strengthened.

If they appear to diverge, the public is entitled to ask why.

That is not a political question. It is not a scientific question. It is not even, at this stage, a question about the allegations made by the complainants.

It is a question concerning the proper application of statute, the accurate characterisation of police activity and the integrity of the legal process by which those matters ultimately came before the Administrative Court.

Everything which follows should therefore be read through a single lens.

The issue is not whether the Metropolitan Police called their activities an investigation.

The issue is rather, whether Parliament already had.

Chapter 2 - Parliament's Definition of a Criminal Investigation

Every legal analysis must begin with the statute. That principle is particularly important where Parliament has expressly defined the legal concept under consideration.

In the present case, the central question is not whether the Metropolitan Police internally described their activities as a "review", a "screening exercise" or an "assessment".

The central question is whether those activities fall within the statutory definition of a criminal investigation.

That definition is not found within police operational guidance. It is found within the Criminal Procedure and Investigations Act 1996 (CPIA) Code of Practice issued pursuant to section 23(1) of the Act.

The Code provides:

"A criminal investigation is an investigation conducted by police officers with a view to it being ascertained whether a person should be charged with an offence, or whether a person charged with an offence is guilty of it."

The Code immediately expands upon that definition. It explains that a criminal investigation includes:

- *"investigations into crimes that have been committed;"*
- *"investigations whose purpose is to ascertain whether a crime has been committed, with a view to the possible institution of criminal proceedings;"*

and

- *"investigations which begin in the belief that a crime may be committed…"*

These words deserve careful attention. The statutory definition is deliberately broad.

Parliament did not restrict the concept of a criminal investigation to circumstances in which police officers had already concluded that a crime had occurred. Nor did Parliament require the prior recording of a notifiable offence before an investigation could exist.

Instead, the statutory definition expressly includes investigative activity undertaken to determine whether a crime has been committed.

That distinction is fundamental.

It reflects the practical reality of policing.

Investigations frequently begin with uncertainty.

Indeed, uncertainty is often the very reason why an investigation is essentially commenced.

To suggest that no criminal investigation can exist until criminality has first been established would invert the ordinary investigative process.

Parliament plainly adopted the opposite approach.

The Officer in Charge

The Code proceeds to identify the principal participants within a criminal investigation.

Among them is:

"the officer in charge of an investigation"

defined as:

"the police officer responsible for directing a criminal investigation."

The significance of this definition is not merely organisational. The officer in charge carries specific statutory responsibilities.

Those responsibilities include ensuring that proper procedures exist for:

- recording information;
- retaining material;
- managing investigative activity; and

- ensuring compliance with disclosure obligations.

These are not optional administrative functions. They form part of the statutory architecture governing criminal investigations.

Investigators

The Code defines an investigator broadly.

It provides that:

"An investigator is any police officer involved in the conduct of a criminal investigation."

Every investigator bears personal responsibility for complying with the Code. That responsibility includes recording information and retaining material which may be relevant to the investigation.

Again, the statutory focus is upon the activities undertaken, not the terminology subsequently adopted.

The Pursuit of Truth

Perhaps the most important operational duty imposed by Parliament appears in paragraph 3.5.

The Code states:

"In conducting an investigation, the investigator should pursue all reasonable lines of inquiry, whether these point towards or away from the suspect."

This single sentence encapsulates the philosophy underlying the criminal justice system.

Police investigations are not designed simply to prove criminality. They exist equally to eliminate suspicion where the evidence does not support criminal proceedings.

The investigator's obligation is therefore one of objectivity.

The purpose of the investigation is to establish the truth, wherever that truth ultimately lies.

Recording and Retention

The Code imposes extensive obligations concerning the recording of information. Material which may be relevant to an investigation must be recorded and retained.

Importantly, paragraph 4.3 provides that even negative information may be relevant and must be recorded if it bears upon the investigation.

The statutory scheme therefore contemplates comprehensive documentation of investigative activity.

The emphasis throughout is not upon selective preservation. It is upon completeness.

Why the Definition Matters

The significance of the CPIA definition extends beyond questions of terminology.

If police activity falls within Parliament's definition of a criminal investigation, statutory duties concerning recording, retention and disclosure arise because of the nature of the activity itself.

The legal character of the activity cannot be determined solely by the description later adopted by those who carried it out.

This observation is not a criticism of any individual or institution. It is simply the consequence of statutory interpretation.

Where Parliament has provided a legal definition, that definition provides the starting point for analysis.

The present paper therefore proceeds upon a straightforward proposition.

Before considering what the Metropolitan Police subsequently told the Administrative Court, it is first

necessary to understand what Parliament itself says constitutes a criminal investigation.

Only then can the contemporaneous operational chronology be examined against the statutory framework.

Chapter 3 - The Metropolitan Police Chronology

The Documentary Record

Every investigation leaves a documentary footprint. Whether that footprint ultimately demonstrates exemplary practice or exposes procedural shortcomings is a separate question. Before either conclusion can be considered, the chronology itself must first be established.

The chronology examined in this chapter is not reconstructed from recollection, secondary commentary or retrospective opinion.

It is reconstructed from the Metropolitan Police's own contemporaneous operational records, subsequently disclosed through a Subject Access Request.

Those records provide a detailed chronology of the force's handling of Crime Reference Number 6029679/21 from its creation on 20 December 2021 onwards.

The significance of that chronology lies not simply in what it records. It also lies in the sequence of operational decisions it reveals.

20 December 2021

The Complaint Is Received

During the evening of 20 December 2021, four informants attended Hammersmith Police Station.

The crime report records allegations concerning senior public officials and organisations connected with the United Kingdom's COVID-19 programme and policies.

Importantly, the reporting officer recorded that the informants had attended with memory sticks and documentary material containing a large quantity of evidence in support of their allegations.

That contemporaneous entry is significant. It demonstrates that, from the outset, the complaint was presented as one supported by documentary material rather than unsupported assertion. Whether that material ultimately proved persuasive is a separate matter.

The chronology simply establishes that substantial evidential material was offered at the point of reporting.

21 December 2021

Initial Supervisory Review

The following morning, a supervisory officer reviewed the report.

The supervisor recorded the view that the circumstances appeared more consistent with protest activity than with a conventional allegation of crime.

Within the same entry appears the observation:

"There is no description of any evidence offered by the informants."

This entry deserves careful attention.

The previous day's record expressly referred to a large quantity of documentary material and memory sticks presented by the informants. The supervisory comment, however, records that there was no description of the evidence offered.

The chronology does not explain the apparent difference in emphasis.

One possible explanation is that the supervisor was referring to the quality of the crime report itself rather than denying the existence of evidential material.

The available documentation does not presently resolve that point.

For present purposes, it is sufficient to observe that the chronology records both entries.

22 December 2021

The Decision That Changes the Chronology

The chronology then takes a significant turn. Rather than being rejected or screened out, the report was formally, Screened IN.

The Metropolitan Police record states that the crime was screened in for further handling and records the investigative approach as:

"Proportionate Investigation."

This is the first operational decision that gives rise to the principal legal issue examined within this paper.

At this stage, no conclusion had yet been reached concerning the merits of the allegations. No determination had been made that criminal proceedings would follow. Equally, no conclusion had yet been reached that no criminal offence had occurred.

Instead, the chronology records a decision that the matter should proceed beyond initial assessment.

Allocation Within Detective Structures

Following the screening decision, responsibility for the matter moved beyond the initial reporting stage.

The chronology records:

- allocation to the Criminal Investigation Department;
- detective supervision;

- changes in supervisory responsibility;
- appointment of an Officer in Charge; and
- continuing administrative oversight.

These are matters of documentary record. Whether they amount, in law, to a criminal investigation will be examined in subsequent chapters.

For present purposes, they establish only the operational chronology.

Continuing Evidential Material

The chronology further records that evidential material continued to be submitted after the initial report.

This is significant because it demonstrates that the operational handling of CRN 6029679/21 did not conclude on the evening the report was made.

The documentary record reflects an evolving process in which additional material continued to be received and considered.

Again, this paper expresses no view at this stage concerning the quality or ultimate significance of that material.

The chronology simply establishes that the evidential picture continued to develop.

5 January 2022

The "No Crime" Entry

By 5 January 2022, the Metropolitan Police system records that the report had received a *"No Crime"* outcome, together with the notation, *"Victimless allegation"*.

That entry has generated considerable public interest. However, viewed chronologically, its significance extends beyond the words themselves.

It follows:

- the original receipt of substantial documentary material;
- the supervisory review;
- the decision to screen the report IN;
- the allocation of a *"Proportionate Investigation"*;
- transfer to CID; and
- detective supervision.

The chronology therefore demonstrates that the *"No Crime"* entry was not the beginning of the Metropolitan Police's handling of CRN 6029679/21. It was one stage within an already established operational sequence.

The Importance of the Chronology

This chapter intentionally reaches no conclusion.

It does not ask whether the Metropolitan Police reached the correct outcome. It does not ask whether criminal offences had been committed. Nor does it ask whether the complainants' allegations were ultimately capable of proof.

Its purpose is more limited.

It establishes, from the Metropolitan Police's own records, the sequence of operational decisions preceding the later legal proceedings.

Those decisions constitute the factual chronology against which the statutory framework examined in Chapter 2 must now be applied.

Only once that comparison has been undertaken can the legal significance of the Metropolitan Police's handling properly be assessed.

Chapter 4 - Screened IN: A Statutory Analysis

The preceding chapters established two separate foundations.

- Chapter 2 examined Parliament's statutory definition of a criminal investigation under the Criminal Procedure and Investigations Act 1996 (CPIA).
- Chapter 3 reconstructed, from the Metropolitan Police's own records, the chronology of CRN 6029679/21.

The purpose of this chapter is not to determine whether criminal offences were committed. Nor is it to determine whether the Metropolitan Police ultimately reached the correct conclusion.

Its purpose, is to ask whether the operational chronology disclosed by the Metropolitan Police possesses characteristics which Parliament itself associates with a criminal investigation.

That question must be answered by reference to substance rather than terminology.

Parliament's Starting Point

The CPIA adopts a deliberately broad definition of a criminal investigation.

It includes investigations undertaken:

"...to ascertain whether a crime has been committed, with a view to the possible institution of criminal proceedings..."

The statutory definition therefore contemplates an investigation whose purpose is to determine whether criminality exists.

Parliament did not restrict criminal investigations to cases where criminality had already been established.

Indeed, the opposite is true.

The investigation exists because the answer is not yet known.

That principle forms the statutory benchmark against which the Metropolitan Police chronology must now be considered.

The Operational Sequence

The Metropolitan Police chronology reveals a sequence of operational decisions.

- The complaint was received.
- Evidence was presented.

- The report underwent supervisory consideration.

It was then formally screened IN.

The investigative approach was recorded as, *"Proportionate Investigation"*.

Responsibility was transferred into CID.

- Detective supervision followed.
- An Officer in Charge was identified.
- Additional evidential material continued to be received.

Each of those matters appears within the Metropolitan Police's own operational records.

The chronology therefore demonstrates considerably more than the simple receipt of a complaint. It documents a continuing sequence of operational activity extending over time.

The Significance of Screening IN

Much attention has understandably been directed towards the eventual *"No Crime"* decision.

However, viewed through the statutory framework, an earlier decision may be of greater legal significance - The decision to screen the report IN.

Operational screening is not, in itself, determinative of legal character. Police forces necessarily undertake numerous administrative processes before deciding how reports should be handled.

Nevertheless, within the chronology of CRN 6029679/21, the screening decision marks the point at which the complaint progressed beyond initial receipt and into structured operational handling.

That transition is significant because Parliament's statutory definition focuses upon investigative purpose rather than administrative terminology.

Substance Rather Than Labels

One of the recurring themes within public law is that the legal character of an activity depends upon its substance rather than the label subsequently attached to it.

The present paper does not suggest that every administrative assessment constitutes a criminal investigation. Nor does it suggest that every complaint screened into a policing system automatically engages the CPIA.

Those would be unsustainable propositions.

Equally, however, Parliament has not provided that an activity ceases to be capable of constituting a criminal investigation merely because a police force later describes it as a review.

The statutory definition remains the governing legal standard.

The question is therefore not what terminology was subsequently adopted. The question is what activities were actually undertaken.

The Characteristics of Investigation

Several characteristics recorded within the Metropolitan Police chronology merit careful consideration.

- Firstly, the report was screened IN rather than rejected at the point of receipt.
- Secondly, the Metropolitan Police expressly recorded that the matter would proceed by way of a *"Proportionate Investigation"*.
- Thirdly, responsibility passed into detective structures.
- Fourthly, supervisory responsibility was exercised by detective officers.
- Fifthly, evidential material continued to be received and reviewed.

Each of these operational features appears to be consistent with a structured investigative process.

Whether, viewed collectively, they satisfy Parliament's statutory definition is a legal question.

The chronology itself neither answers nor avoids that question.

The CPIA Duties

The significance of legal characterisation extends beyond semantics.

The CPIA imposes specific duties upon those engaged in criminal investigations.

The Code requires investigators to:

- pursue all reasonable lines of enquiry, whether pointing towards or away from criminality;
- record information which may be relevant;
- retain material obtained during the investigation;
- ensure continuity of responsibility where investigators change; and
- maintain proper disclosure procedures.

Those duties arise because Parliament recognised that investigations serve not merely to establish guilt but equally to establish innocence or the absence of criminal conduct.

The statutory emphasis is therefore one of objectivity.

An Unresolved Legal Question

This chapter does not conclude that the Metropolitan Police were conducting a criminal investigation within the meaning of the CPIA.

That conclusion would require judicial determination. However, the chronology does, in the author's view, raise a legitimate legal question.

If a complaint is:

- screened IN;
- allocated a *"Proportionate Investigation"*;
- transferred to CID;
- placed under detective supervision;
- assigned to an Officer in the Case; and
- supported by the continuing receipt and review of evidential material,

to what extent are those activities capable of falling within Parliament's definition of an investigation undertaken to ascertain whether a crime has been committed?

That question arises directly from the statutory language. It does not depend upon political opinion. Nor does it depend upon acceptance of the complainants' underlying allegations.

It arises because Parliament has already defined the legal concept.

The Metropolitan Police chronology now invites consideration of whether the operational activities disclosed by the force are readily reconcilable with that statutory definition.

The Importance of the Question

Legal certainty depends upon consistent application of statutory language.

If identical operational activity can be characterised as a criminal investigation in one context but merely as a review in another, the distinction should be capable of objective explanation.

Public confidence in policing depends not merely upon operational effectiveness. It depends equally upon

transparency, consistency and fidelity to the statutory framework enacted by Parliament.

Accordingly, the question examined in this chapter is neither rhetorical nor political. It is one of legal characterisation.

The answer, whatever it may ultimately prove to be, should be capable of being derived from the statute, the contemporaneous operational record and settled principles of public law.

Chapter 5 - The Administrative Court: Was the Complete Operational Chronology Before the Court?

The purpose of this chapter is not to revisit the merits of the Administrative Court's decision. Neither is it to criticise the learned Judge who determined the application.

Courts determine cases upon the evidence and legal submissions placed before them.

Their constitutional function is adjudication.

They cannot determine issues upon documents which have not been placed before the Court.

That distinction is fundamental.

Accordingly, the issue examined in this chapter is not whether the Administrative Court reached the correct conclusion. The issue is whether the documentary chronology now available materially expands the factual picture against which that conclusion was reached.

The Metropolitan Police Position

In resisting the application for Judicial Review, the Metropolitan Police drew a clear distinction between a review and a criminal investigation.

The Summary Grounds stated:

"There is an important difference between the defendant undertaking a review of material... for the purposes of determining whether to record a crime, and... commencing a criminal investigation."

The Summary Grounds continued:

"...the defendant undertook a review but declined to commence a criminal investigation..."

For the purposes of the Judicial Review, that distinction formed an important part of the Metropolitan Police's legal position.

It is therefore necessary to compare that legal characterisation with the contemporaneous operational chronology subsequently disclosed by the Metropolitan Police themselves.

The Later Documentary Record

Following the conclusion of the Judicial Review proceedings, the Metropolitan Police disclosed additional operational records through a Subject Access Request.

Those records reveal matters which are not addressed within the Summary Grounds.

Among them are:

- the decision to screen the report IN;
- the recording of a *"Proportionate Investigation"*;
- transfer of responsibility into CID;
- detective supervision;
- appointment of an Officer in Charge;
- continued receipt and review of evidential material; and
- the evolving operational chronology maintained by the force.

These documents were not created after the Judicial Review application was heard - They are contemporaneous operational records generated during the Metropolitan Police's handling of CRN 6029679/21.

That chronology therefore existed independently of the later litigation.

The Significance of the CPIA

Chapter 2 examined Parliament's definition of a criminal investigation.

That definition expressly includes investigations undertaken:

"...to ascertain whether a crime has been committed..."

The statutory definition therefore provides the legal framework against which the operational chronology must be assessed.

The Summary Grounds, however, adopt a distinction between a review and a criminal investigation.

Whether those two approaches are ultimately reconcilable is a matter of legal analysis.

What is significant for present purposes is that the contemporaneous operational chronology now available appears more extensive than the simplified description contained within the Summary Grounds presented to the Court by the Metropolitan Police.

A Different Evidential Picture

The application for Judicial Review necessarily proceeded upon the documentary material placed before the Court.

The Court was not conducting its own independent investigation into Metropolitan Police operational systems. It

was determining the application upon the evidence and submissions presented by the parties.

The subsequent disclosure of the Subject Access Request chronology therefore gives rise to an important forensic observation.

The operational record now available appears considerably more detailed than the operational narrative reflected within the Summary Grounds.

That observation does not establish that the Court was misled. Neither does it establish that any duty of candour was breached.

Those are separate legal questions requiring separate analysis.

It does, however, raise a legitimate question.

Did the Administrative Court have before it the complete contemporaneous operational chronology now available?

Why the Question Matters

This question is not asked in order to criticise the judiciary. It is asked because the integrity of judicial decision-making

depends upon the quality and completeness of the factual record placed before the Court.

Where later disclosure reveals operational records of potential significance, it is entirely proper to consider whether those records alter the context within which earlier legal submissions should now be understood.

That is not an invitation to speculate. It is an invitation to compare documents.

Nothing more. Nothing less.

The Emerging Constitutional Issue

The issue which now emerges extends beyond CRN 6029679/21.

It concerns the relationship between:

- Parliament's statutory definition of a criminal investigation;
- the operational records generated by police officers contemporaneously with their handling of a complaint; and
- the legal characterisation subsequently advanced before a court.

Those three components should ordinarily sit comfortably together. If they do not, the reasons should be capable of objective explanation.

Public confidence depends not upon the absence of difficult questions. It depends upon those questions being capable of principled answers.

The Question Left by the Chronology

This paper does not conclude that the Administrative Court reached the wrong decision. Nor does it conclude that the Metropolitan Police acted unlawfully in presenting their case.

Instead, it reaches a more limited conclusion.

The contemporaneous operational chronology which is now available appears substantially more detailed than the operational picture reflected within the Metropolitan Police's submitted Summary Grounds of Resistance.

That chronology raises legitimate questions concerning the legal characterisation of the activities undertaken by the Metropolitan Police and whether the Court was presented with the fullest available factual chronology when determining the application.

Those questions arise directly from the documentary record.

They deserve careful consideration, not because they challenge judicial authority, but because they concern the integrity of the legal process through which public authorities explain and justify their actions before the courts.

Chapter 6 - The Constitutional Significance: Why Definitions Matter

The question examined throughout this paper is, at first sight, a narrow one.

When does a criminal investigation begin?

To some readers, the distinction between a "review" and a "criminal investigation" may appear technical.

It is not.

It lies at the heart of the constitutional relationship between Parliament, the police and the courts.

- Parliament enacts legislation.
- The police apply it.
- The courts interpret it.

Each institution performs a separate constitutional function and that separation is fundamental to the Rule of Law.

Accordingly, where Parliament has chosen to define a legal concept, that definition provides the legal framework within which public authorities must operate.

It is not merely guidance. It is the statutory starting point for legal analysis.

This present paper therefore raises a constitutional point, rather than an operational one.

If Parliament has already defined what constitutes a criminal investigation, can the legal character of police activity depend solely upon the terminology later adopted by the investigating authority?

Or, must the activities themselves be measured objectively against the statutory definition?

The Rule of Law

The Rule of Law requires more than honesty. It requires consistency.

- Citizens must be able to understand how legal powers are exercised.
- Courts must be able to assess those powers against objective legal standards.
- Public authorities must be capable of explaining their actions by reference to law rather than language.

If identical operational activities may properly be described as a criminal investigation in one context but merely as a review in another, the distinction should be capable of objective explanation.

Without such consistency, legal certainty becomes increasingly difficult to maintain.

The Rule of Law depends upon the predictable application of statutory principles. It cannot depend solely upon administrative description.

Chronology as Constitutional Evidence

Throughout this paper, emphasis has been placed upon chronology and that emphasis is deliberate.

Chronology performs an important constitutional function - It separates contemporary decision-making from retrospective explanation.

Contemporaneous records are created before litigation begins. They record operational decisions as they occur.

Later witness statements, legal submissions and public explanations inevitably involve hindsight.

Neither is inherently more reliable than the other. However, where differences emerge between contemporaneous operational records and later legal characterisations, chronology assumes a particular and vital significance - It allows the sequence of events to be examined independently of subsequent interpretation.

In that respect, chronology becomes constitutional evidence. It enables the reader to distinguish between what happened and how what happened was later described.

Why the CPIA Matters

The Criminal Procedure and Investigations Act 1996 was enacted for a reason.

It followed recognition that criminal investigations require consistency, transparency and accountability.

The statutory duties concerning recording, retention and disclosure exist because confidence in criminal justice depends upon the integrity of investigative processes.

The Code of Practice arising from the Act repeatedly emphasises the recording of relevant information, the retention of relevant material and the pursuit of reasonable lines of enquiry.

These obligations are not administrative conveniences. They are statutory safeguards. Their purpose is to protect both the public and those subject to any investigation.

Equally important, they protect the integrity of subsequent judicial proceedings.

If courts are to determine the legality of investigative decisions, they must be able to examine an accurate and complete record of the investigative process itself.

The Administrative Court

Nothing in this paper should be understood as criticism of the Administrative Court.

The constitutional role of the Court is clear.

Judges determine cases upon the evidence and legal submissions presented to them. They do not conduct independent police investigations. Nor do they reconstruct operational chronologies from undisclosed internal records.

That distinction is essential.

The constitutional issue therefore lies elsewhere.

If subsequent disclosure reveals a more detailed operational chronology than was previously available, it is entirely legitimate to consider whether that chronology assists in understanding the legal issues which were before the Court.

Such consideration strengthens rather than weakens the judicial process.

The administration of justice is enhanced when contemporaneous records become available for careful analysis. It is not diminished.

The Wider Principle

Although this paper examines a single crime reference number, its implications extend beyond CRN 6029679/21.

Every year, police forces across England and Wales receive thousands of reports alleging criminal conduct.

Many proceed to investigation. Many do not.

The legal principles governing those decisions must remain capable of objective application. Otherwise, identical factual circumstances could attract different legal consequences depending upon the terminology selected by the investigating authority and that would be inconsistent with the purpose of statutory definition.

Parliament enacted the CPIA to promote consistency in the conduct of criminal investigations. Its provisions should therefore be interpreted in a manner capable of consistent application across all investigations, irrespective of subject matter.

The Central Constitutional Question

This paper therefore reaches a point considerably removed from the allegations originally advanced on 20 December 2021.

The question is no longer whether those allegations were ultimately capable of proof.

It is no longer whether the Metropolitan Police reached the correct operational conclusion.

The constitutional question is now this:

When Parliament has defined the legal characteristics of a criminal investigation, should the existence or otherwise of such an investigation be determined by the statutory definition itself, or by the terminology subsequently adopted by the investigating authority?

That question does not depend upon the outcome of CRN 6029679/21.

It applies equally to every future investigation undertaken by every police force operating under the Criminal Procedure and Investigations Act 1996.

For that reason alone, it deserves careful judicial, academic and professional consideration.

Chapter 7 - Questions Which Now Require Answers

The purpose of this paper has not been to determine criminal liability. Neither has it been to revisit the scientific or political controversies surrounding the COVID-19 pandemic.

Instead, it has undertaken a forensic comparison between three sources:

- Parliament's statutory definition of a criminal investigation contained within the Criminal Procedure and Investigations Act 1996 Code of Practice.
- The Metropolitan Police's contemporaneous operational records relating to CRN 6029679/21.
- The legal position subsequently advanced before the Administrative Court.

That comparison has revealed a number of legal and constitutional questions.

This paper does not purport to answer them.

It submits only that they now require careful consideration.

1. The Statutory Question

Parliament has expressly defined a criminal investigation as including investigations undertaken to ascertain whether a crime has been committed.

How should that statutory definition be applied when assessing the operational chronology disclosed by the Metropolitan Police?

2. The Screening Decision

Why was CRN 6029679/21 formally screened IN?

What objective operational criteria were satisfied which justified that decision?

If the complaint was suitable to be screened in, what investigative purpose was that decision intended to achieve?
□

3. *"Proportionate Investigation"*

Why did the Metropolitan Police record the investigative approach as "Proportionate Investigation"?

What operational significance did that designation carry?

How does that terminology relate to Parliament's statutory definition of a criminal investigation?

4. CID Involvement

Why was responsibility transferred to the Criminal Investigation Department?

What role were CID officers expected to perform if no criminal investigation had commenced?

How does that operational decision fit within the chronology?

5. Detective Supervision

Why was detective supervision introduced?

What supervisory responsibilities were being exercised?

How do those responsibilities relate to the statutory concept of an investigation?

6. The Officer in Charge of the Case

Why was an Officer in Charge appointed?

What functions was that officer expected to perform?

How does the existence of an Officer in Charge align with the Metropolitan Police's later legal characterisation of events?

7. Continuing Evidence

The chronology records that evidential material continued to be submitted and reviewed over an extended period.

Within what legal framework was that evidential material being considered?

If not within a criminal investigation, what was the legal character of that continuing process?

8. Recording and Retention

If the operational activities undertaken possessed the characteristics of a criminal investigation as defined by Parliament, were the corresponding statutory duties concerning recording, retention and management of relevant material engaged?

9. The Administrative Court

The Summary Grounds distinguished a review from a criminal investigation.

Did the contemporaneous operational chronology now disclosed form part of the documentary picture placed before the Administrative Court?

If not, would its inclusion have materially assisted the Court's understanding of the factual chronology?

10. Legal Characterisation

Can the legal character of police activity properly depend upon the terminology later adopted by the investigating authority?

Or must that activity ultimately be assessed against the statutory definition enacted by Parliament?

11. Consistency

If another police force, applying the same operational chronology, reached a different conclusion as to whether a criminal investigation had commenced, how would that inconsistency be reconciled?

Does the Rule of Law require a nationally consistent application of Parliament's definition?

12. Public Confidence

How should members of the public understand the distinction between:

- *a report screened IN;*
- *a recorded "Proportionate Investigation";*
- *CID involvement;*
- *detective supervision;*
- *continuing evidential review;*
- *and the later proposition that no criminal investigation had been commenced?*

Can those propositions be reconciled in a manner which promotes public confidence in the administration of justice?

Closing Observations

This paper has deliberately avoided reaching findings of misconduct. It has not sought to determine whether criminal offences were committed. Nor has it sought to criticise either the Metropolitan Police or the Administrative Court.

Its purpose has been different, fundamentally It has examined the interaction between statute, chronology and legal characterisation.

The Rule of Law depends not merely upon fair outcomes, but upon transparent reasoning capable of objective scrutiny.

Where Parliament has enacted a statutory definition, where contemporaneous operational records have subsequently become available and where legal questions naturally arise

from a comparison of those materials, those questions deserve careful consideration.

Ultimately, the issue is not whether one agrees or disagrees with the Metropolitan Police's conclusions. The issue is whether the contemporaneous documentary record, viewed through the statutory framework established by Parliament, is capable of supporting the legal characterisation subsequently advanced before the Court.

That question remains and it deserves an answer.

Afterword - The Chronology Continues

One of the more unusual features of CRN 6029679/21 is that its chronology did not end with the Metropolitan Police's decision to close the report. Nor did it end with the subsequent Judicial Review proceedings.

Instead, the chronology continued to evolve and over time, further documentary material entered the public domain.

Some documents were obtained through Subject Access Requests. Others emerged through Freedom of Information requests, whilst yet more still became available through subsequent disclosure by public authorities.

Importantly, these were not documents created after the events in question. They were contemporaneous records generated during the Metropolitan Police's operational handling of the complaint.

The chronology therefore expanded not because history changed, but because access to history improved significantly.

That distinction is fundamental - It illustrates an important principle which extends far beyond the circumstances of CRN 6029679/21.

Judicial proceedings determine disputes upon the evidence available to the Court at the relevant time. Historical understanding, however, is not fixed at the moment judgment is delivered.

Where additional contemporaneous records later emerge, they may properly contribute to public understanding of events, even where they do not alter the legal effect of an earlier judgment.

The Rule of Law has nothing to fear from fuller chronology. Indeed, it depends upon it.

The purpose of this paper has therefore not been to reopen litigation at this stage. It has instead been to examine whether the documentary record now available raises legal questions which do perhaps deserve careful judicial consideration.

The process of examination should not be viewed as criticism of institutions. It should instead be recognised as part of the ordinary constitutional process by which public administration remains accountable to law.

History is rarely written in a single day. Sometimes it is assembled document by document. Chronology by chronology. Disclosure by disclosure.

CRN 6029679/21 appears to be one such example.

Appendix - The Evolution of the Documentary Record

Understanding CRN 6029679/21 requires an appreciation that the public documentary record developed over a period of years rather than days.

Initially, public understanding depended almost entirely upon correspondence issued by the Metropolitan Police and the material placed before the Administrative Court during the Judicial Review proceedings.

Subsequently, the position altered - Internal Metropolitan Police operational records became available through Subject Access Requests.

Those records disclosed the operational chronology surrounding the complaint, including supervisory reviews, screening decisions, investigative designations, detective involvement and administrative handling.

Thereafter, additional material entered the public domain concerning Operation Talla itself.

This included internal NPCC communications, records of Chief Constables' Council meetings, Freedom of Information disclosures from other police forces and documentation concerning national operational guidance.

Each additional disclosure contributed a further part of the chronology.

No single document answered every question. Collectively, however, they have provided a progressively more complete picture of the operational environment within which CRN 6029679/21 was handled.

Accordingly, this paper should not be read as relying upon any single document in isolation.

Its conclusions arise from the cumulative effect of the documentary chronology considered as a whole.

Final Observation

Every generation inherits an obligation to examine whether public institutions continue to operate consistently with the constitutional principles established by Parliament.

That obligation is neither hostile nor political - It is one of citizenship.

The documents considered throughout this paper do not compel a single conclusion. They do, however, compel careful thought.

- Parliament has defined what constitutes a criminal investigation.
- The Metropolitan Police created a contemporaneous operational chronology.
- The Administrative Court determined proceedings upon the evidence placed before it.

The chronology subsequently expanded through lawful disclosure.

Those four propositions are matters of record. Whether they sit comfortably together is ultimately a question for every reader.

That is why this paper has deliberately avoided asking readers to accept predetermined conclusions. Instead, it has sought to present the statutory framework, the chronology and the documentary record as faithfully as possible.

The Rule of Law is not strengthened by asking fewer questions. It is strengthened by ensuring that the truly important questions can be answered by means of examination of the evidence.

If this paper encourages careful examination of the documents, objective discussion of the statutory framework and thoughtful reflection upon the constitutional principles involved, then it will have achieved its purpose.