

Investigating, Charging and Prosecuting State Covid-Related Crimes And The Current Constitutional Impasse

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Introduction

One of the most constitutionally serious issues emerging from the ongoing investigation into Operation Talla and associated Covid-era policing practices is no longer merely whether misconduct occurred.

Rather, the issue increasingly becoming visible is this:

What happens when the very institutions ordinarily responsible for investigating, recording and prosecuting alleged wrongdoing are themselves operationally connected to the systems under scrutiny?

That question is not theoretical.

It arises directly from:

- operational disclosures;
- internal police communications;

- nationally coordinated guidance;
- meeting minutes;
- policing directives;
- CPS correspondence;
- and contemporaneous handling material uncovered during ongoing investigation.

This paper examines the constitutional implications arising from:

- nationally coordinated policing structures under Operation Talla;
- the evidentially established “to not record” approach;
- and the Crown Prosecution Service position that prosecution consideration requires police referral.

Taken together, these matters reveal the emergence of what may properly be described as a constitutional impasse.

1. The Core Constitutional Problem

Under ordinary constitutional expectations:

- allegations of criminal conduct are reported to police;
- police assess, record and investigate;
- evidence is gathered;
- and the CPS then determines whether prosecution is appropriate.

That structure assumes something fundamental - Institutional separation.

It assumes that:

- police remain operationally neutral;
- investigative pathways remain open;
- and prosecutorial decision-making is capable of functioning independently from the institutional interests of those under scrutiny.

However, the evidence uncovered during investigation into Operation Talla increasingly raises questions as to whether those assumptions remained intact during and after the Covid period.

2. The Significance of Operation Talla

Operation Talla was not a localised policing operation.

It was a nationally coordinated policing framework involving:

- all UK police forces;
- Gold, Silver and Bronze command structures;
- NPCC operational coordination;
- centralised communications;
- and nationally aligned policing responses.

Importantly, evidence now publicly available demonstrates:

- national command involvement;
- operational guidance circulation;
- cross-force consistency;
- and coordinated handling practices.

This is not speculation. It arises directly from:

- disclosed policing documents;
- operational meeting minutes;
- FOI responses;
- and internal communications.

The constitutional significance of this cannot be understated because once all forces become integrated into a nationally coordinated operational structure, questions naturally arise concerning:

- institutional independence;
- investigative neutrality;
- and conflicts of institutional interest.

3. The “To Not Record” Evidence

Particularly serious are disclosures evidencing:

- “guidance to not record”;
- rejection of public reporting pathways;
- diversion of allegations;
- and operational handling practices concerning politically sensitive matters.

One internal communication notably stated:

“The guidance to not record has been a success.”

That sentence is constitutionally explosive in its implications because recording of allegations is not a trivial administrative act.

It is a significant gateway to:

- investigative obligations;
- evidential preservation;
- disclosure duties;
- safeguarding;
- victim recognition;
- and prosecutorial engagement.

Where allegations are:

- not recorded;
- categorised away;
- redirected;
- or operationally neutralised,

the practical consequence may be that the criminal justice process never properly activates at all.

4. The CPS Position and the Emerging Impasse

The constitutional problem deepens further when considered alongside written CPS correspondence

indicating that the CPS would only consider prosecution upon referral from police.

That creates a profound structural problem because if:

- police forces themselves formed part of the operational environment under scrutiny;
- and operational approaches existed discouraging recording or investigative engagement;

then the prosecution pathway itself may become structurally dependent upon institutions potentially affected by the allegations.

This creates an obvious constitutional difficulty.

In practical terms, the process risks becoming circular:

- allegations are made against State-related conduct;
- police determine whether allegations are recorded or investigated;
- the CPS states it requires police referral;
- but police themselves may already be institutionally connected to the operational framework under examination.

That is the constitutional impasse.

5. Why This Matters Beyond Covid

This issue extends far beyond Covid-era allegations.

The deeper constitutional concern is systemic because if:

- operationally sensitive allegations;
- politically contentious matters;
- or institutionally difficult investigations

can become dependent upon the willingness of connected institutions to activate investigative pathways, then public confidence in constitutional accountability mechanisms may become severely undermined.

The issue therefore concerns:

- rule of law;
- equality before the law;
- institutional independence;
- and the practical ability of citizens to trigger lawful criminal investigation where State interests may be engaged.

6. The Public Misunderstanding

Many members of the public still assume:

- that criminal allegations automatically result in neutral investigation;
- that crime recording systems are objective;
- and that prosecution pathways operate independently once allegations are made.

However, the evidence uncovered demonstrates a more complex reality.

Modern policing increasingly operates through:

- nationally coordinated frameworks;
- strategic command structures;
- institutional guidance systems;
- behavioural governance;
- and legitimacy-management considerations.

Where such systems become sufficiently interconnected, constitutional safeguards may become operationally vulnerable.

7. The Constitutional Question

The central constitutional question therefore becomes this:

How can alleged State-related criminal conduct be independently investigated and prosecuted where the ordinary investigative and prosecutorial pathways are themselves institutionally connected to the operational environment under scrutiny?

That question is no longer hypothetical.

It now arises directly from:

- documentary evidence;
- operational disclosures;

- and institutional correspondence.

8. Potential Practical Solutions

This paper does not of itself propose revolutionary dismantling of constitutional structures.

However, the evidence increasingly suggests that additional safeguards may be necessary where allegations concern:

- nationally coordinated State operations;
- institutional misconduct;
- or politically sensitive matters involving public authorities.

Potential safeguards worthy of serious public discussion may include:

A. Independent Citizen-Led Evidential Commissions

Where significant constitutional concerns arise, evidential review bodies detached from:

- police;
- CPS;
- government departments;
- and operational command structures

could examine:

- primary evidence;
- chronology;
- institutional conduct;
- and investigative failures.

Their role would not be political activism.

It would be evidential assessment and public transparency.

B. Statutory Duty to Record Serious Allegations

Where allegations concern:

- deaths;
- corruption;
- misconduct in public office;
- or serious institutional wrongdoing,

a mandatory recording obligation could be imposed by statute, preventing operational filtering at preliminary stages.

C. Independent Prosecutorial Referral Pathways

At present, the practical prosecution route remains heavily police-dependent.

Alternative referral mechanisms could therefore be considered for constitutionally sensitive allegations, including:

- judicially supervised referral pathways;
- independent prosecutorial assessment panels;
- or parliamentary oversight triggers.

D. Enhanced Transparency Obligations

Where nationally coordinated operational frameworks exist, mandatory disclosure obligations concerning:

- command structures;
- operational directives;
- categorisation policies;
- and strategic communications

may become necessary in order to preserve / restore constitutional confidence.

E. Separation of Institutional Interests

Perhaps most importantly, institutions potentially affected by allegations should not effectively control whether investigative pathways activate at all.

That principle is fundamental to constitutional legitimacy.

9. The Wider Democratic Risk

The ultimate danger is not merely failed prosecution.

It is erosion of public trust in the constitutional architecture itself because if members of the public come to believe that:

- State-related allegations cannot realistically be investigated;
- institutional systems protect themselves;
- and operational coordination prevents accountability;

then confidence in:

- policing;
- prosecution;
- courts;
- and democratic governance

will inevitably deteriorate.

That risk is profound.

Constitutional systems ultimately depend not merely upon legal authority, but upon public confidence that no institution stands above lawful scrutiny.

10. Conclusion

The current constitutional difficulty emerging from Operation Talla-related evidence is not merely a policing issue.

It is a structural accountability issue.

The evidence now publicly available increasingly demonstrates:

- nationally coordinated operational frameworks;
- “to not record” approaches;
- centralised handling consistency;
- and police-dependent prosecution pathways.

Taken together, these matters raise one of the most serious constitutional questions now facing modern Britain:

Can alleged State wrongdoing be meaningfully investigated where the institutions responsible for investigation and referral are themselves operationally interconnected with the systems under scrutiny?

That question cannot simply be dismissed rhetorically. Nor can it be neutralised through institutional silence because the issue no longer arises from abstract suspicion.

It increasingly arises from the internal documentary record of policing and prosecutorial systems themselves.