What Police Expect when They Are Investigating - v - What Police Do When They Are Being Investigated

When police investigate an individual or organisation, a statement that they/it acted properly is the beginning of an enquiry.

- Who made the decision?
- What did they know at the time?
- Where is the original record or primary evidence?

An investigator asks those questions because the individual's or organisation's conclusion cannot establish proper investigative self-accuracy.

That principle should apply with equal force when policing is itself the organisation under examination, whether in relation to individual police staff, or policing in a wider sense.

What investigators expect

Let us suppose an organisation says it reviewed a complaint and found no grounds to act.

An investigator will want to know what the review consisted of:

- which documents were read,
- whether anyone was spoken to, and who signed off the decision.

If a later account differs from a record made at the time, the investigator will put the two together and seek an explanation. The discrepancy might be innocent, but it still needs to be resolved.

Investigators also distinguish between a policy, the instructions given to staff and what staff did in practice.

A written policy may say every report is to be assessed on its merits.

The way to test that is to follow actual reports through the system, because an outcome statistic, by itself, cannot show what was possibly missed along the way.

An independent investigator asking questions of the police has no equivalent power to compel cooperation. Nor does every document belong in the public domain, but neither point alters the evidential standard.

An account must be specific enough to test and where a record cannot be released, the institution can often explain what it holds, what it can disclose and how the withheld material might be independently examined.

When the questions are put to policing

The Operation Talla investigation has shown how hard it can be to obtain that kind of account.

The issue is often less a refusal to say anything than a reply which answers a different question.

- A description of who held formal authority leaves open what advice influenced the decision.
- A statement that material was assessed leaves open what was read.

- A refusal to release information tells us the disclosure decision; it does not resolve the underlying question of what happened.

Take the handling of Metropolitan Police reference 6029679/21. In January 2022, the Commissioner's Office said the allegation had been initially assessed and closed. It also told the correspondent that allegations concerning the Government's Covid regulations and vaccine programmes were not a matter for criminal investigation by the Met.

Further correspondence to that office on the matter, it said, would be read and logged but would receive no reply.

Those statements record the position communicated. They do not identify what was examined, how the conclusion was reached, or whether the wider position was applied to other reports.

In February 2022, internal policing correspondence described the *"guidance to not record"* as a success. If police encountered that sentence in another organisation's correspondence, they would ask for the guidance and the basis for calling it successful. They would want to know who authorised it, what staff understood it to mean and how it affected particular decisions.

These are the questions we have been pursuing. The reference confirms that guidance existed and was being discussed - it does not establish from where it originated, its full scope, or the effect it had in any given case.

The same applies to oversight - The existence of an ethics committee does not show that a particular instruction reached it.

On the records we have seen and the very specific discussions which have taken place, we cannot establish that the non-recording guidance was ever placed before Talla's Ethics Committee or explained to the UK Covid-19 Inquiry.

A referral, a minute or an exhibit could answer the point. In their absence, however, the question remains open, to a limited evidential degree.

What cooperation would look like

Institutions cannot always provide everything an investigator asks for.

- A witness may no longer remember.
- A document may contain personal information.
- A search may turn up no record at all.

Each is a different answer and should be given as such.

“We found no record after searching these files” is a statement which can be tested.

“We cannot disclose the record” says it exists but access is restricted.

Neither should be mistaken for an explanation of the original decision.

There is a straightforward way to respond when an independent enquiry presents a specific question - Identify the decision and the person or office responsible for it. Say what evidence was considered and distinguish the record made at the time from a reconstruction made later. If accounts differ, explain the difference. If the institution says the matter was independently examined, identify the body, what it was given and what it concluded. Where disclosure

is restricted, say as much as can properly be said and identify any route by which someone independent can test the account.

This matters particularly where a person questioning a police decision cannot obtain the relevant records from anyone else.

The institution may control the document, know who wrote it and be able to explain how it was used. The person asking may have only a reference to it in a later email. That is a reason to take a precise question seriously - The person outside of the institution may be unable to resolve it without the cooperation of the people who hold the material.

The point of applying the same evidential standard is that it works in both directions. A record may establish that an officer acted reasonably, show that an institutional account needs correcting, or leave the facts uncertain.

Independent scrutiny must be capable of reaching any of those conclusions.

When policing asks others to account for a decision, it looks for evidence it can test and when the decision is its own, the

public should be able to expect an account that can be tested in the very same way.

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Operation Talla sources

- Metropolitan Police Commissioner's Office email, 12 January 2022 (RE: 6029679/21)
- Internal policing correspondence, 14 February 2022
- Ethical Approach UK, Talla - The investigative inversion (Published 15 November 2026).