

When Does an Investigation Begin?

An Analysis of Three NPCC Documents and the Handling of CRN 6029679/21

Introduction

This paper examines three documents side by side.

- The first is a corporate witness statement made on behalf of the National Police Chiefs' Council by retired Assistant Chief Constable Owen Weatherill and dated 28 November 2024.

Link:

https://ethicalapproach.co.uk/INQ000520827_260719_045222.pdf

- The second is a national communication issued by Weatherill on 18 January 2022 in his capacity as Operation Talla Silver and National Mobilisation Coordinator.

Link:

https://ethicalapproach.co.uk/communication_to_police_chiefs_18012022.pdf

- The third is a February 2022 internal email chain concerning media enquiries about reports being made to police in relation to the Covid-19 vaccination programme.

Link:

https://ethicalapproach.co.uk/a4_FW_Full_Fact_Time_sensitive_false_claims_of_live_i_250715_164048.pdf

Each document has a different immediate purpose.

- One explains, in general terms, when a criminal investigation begins and how it should be conducted.
- One records the national policing response to activity surrounding vaccination centres, schools and reports made to police.
- One discusses the operation and perceived success of guidance that reports should not be recorded.

Read separately, each document contains important information.

Read together, they raise a more difficult question:

Can the police maintain that no criminal investigation existed where an allegation of crime was received, officers were tasked to review material, further documentation was assessed, police systems and commands became involved and national

communications were issued concerning the handling of the report in the case of CRN 6029679/21?

That question has very particular relevance to the report made to the Metropolitan Police on 20 December 2021.

This paper does not determine criminal liability. Nor does it claim that the making of an allegation compelled any particular charging decision.

Its narrower purpose is to examine what the NPCC itself says an investigation is and then to compare that definition with the contemporaneous language used in relation to CRN 6029679/21.

Part I

The NPCC's Own Definition of a Criminal Investigation

The starting point is paragraph 14 of Weatherill's November 2024 corporate witness statement.

It states:

"A criminal investigation is instigated when an allegation of crime is made which is considered by the receiving police force, to require further enquiry with the primary purpose of identifying the suspect(s) and ascertaining whether they should be charged with an offence and brought to justice."

That formulation is important for several reasons.

Firstly, it is functional.

- It does not say that a criminal investigation begins only when a particular computer field is completed.
- It does not say that an investigation begins only when an allegation is formally classified as a recorded crime.
- It does not say that an investigation begins only when a suspect is arrested, interviewed or charged.

Instead, it identifies two essential conditions:

- an allegation of crime is made; and
- the receiving force considers that allegation to require further enquiry.

That is the threshold described by the NPCC itself.

The statement then explains what should occur once an investigation is being conducted:

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

The words *“towards or away from”* matter.

An investigation is not merely an exercise in proving an allegation. It is an objective process in which material is

examined both for and against the proposition that an offence may have occurred.

The statement further says that what is reasonable and proportionate depends upon the circumstances and the stage of the investigation. It identifies College of Policing Authorised Professional Practice as the national benchmark for investigative standards and says that this benchmark is underpinned by statutory obligation.

The position presented to the UK Covid-19 Inquiry is therefore clear:

- an allegation may trigger further enquiry;
- further enquiry may constitute the instigation of a criminal investigation;
- reasonable lines of enquiry should then be pursued;
- national investigative standards apply;
- and local policy concerns implementation and allocation of resources, not the underlying meaning of an investigation.

This was not an informal observation. It appeared in a corporate witness statement made on behalf of the NPCC, based on Weatherill's knowledge, police material and documentary records.

It was also verified by a statement of truth.

Part II

What the NPCC Said in January 2022

The second document was authored by Weatherill on 18 January 2022.

It was addressed to Chief Constables and Force Duty Gold Officers across policing.

Its subject was:

“Potential for imminent organised targeted criminal activity at vaccination centres and schools this week.”

The document placed several different forms of conduct into one broad operational picture.

It referred to:

- threats and intimidation;
- criminal damage;
- confrontational activity;
- purported “common law arrests”;
- online rhetoric;
- protest activity;
- and attempts to report alleged criminal offences relating to the vaccination programme.

That combination requires careful handling.

Threats, violence, intimidation and criminal damage are plainly capable of amounting to criminal conduct.

The act of attending a police station and making an allegation of crime is not, without more, criminal conduct.

However, the document recorded that:

“There have also been attempts to report ‘criminal’ offence complaints with Forces to engage the police in investigations relating to the vaccination programme.”

The use of quotation marks around “*criminal*” is noticeable.

The document did not merely say that allegations had been received and required assessment.

It placed the making of those reports within a paper primarily concerned with hostile or unlawful activity directed at vaccination centres and staff.

The operational consequences were extensive.

Forces were asked to consider command structures, proactive deployments, intelligence gathering, local communications planning and reporting to NPoCC so that information could be shared with government partners.

The document also recorded agreed national communications lines.

Those lines acknowledged that individuals had attended police stations to report what they believed to be criminal offences relating to Covid-19 vaccines.

The document then turned specifically to CRN 6029679/21.

It stated:

“The ‘complaint’ received by the MPS on 20th December is actively being inaccurately reported on social media channels by Anti-Vax activists - I can confirm that currently NO investigation has been initiated.”

But the same paragraph immediately continued:

“Following receipt of several 1000 pages of generic documentation a ‘review process’ of the content is having to be conducted.”

The agreed communications lines then said:

“Officer’s have been tasked with reviewing the documents. This process is time consuming and has been prolonged by the submission of further documents by people encouraged to do so online.”

Those sentences are central to the present analysis.

They establish, in the NPCC’s own contemporaneous account, that:

- allegations of criminality had been submitted;

- a crime reference number had been created;
- officers had been tasked to review the material;
- the review was time-consuming;
- additional evidence was continuing to arrive;
- and an assessment was ongoing.
- Nevertheless, the national communications line was:
- “No criminal investigation has been launched.”

The tension is immediate. It is readily apparent.

- In 2024, the NPCC said a criminal investigation is instigated when an allegation is considered to require further enquiry.
- Prior however, in January 2022, the NPCC described an allegation which had led to officers being tasked to undertake a substantial and continuing review, while simultaneously insisting that no investigation had been initiated.

Part III

Review, Assessment or Investigation?

Much may turn upon the words chosen.

The January 2022 document described what was happening as a “*review process*” and an “*assessment*”.

Labels are not necessarily determinative though. The important question is, ***what was actually being done?***

Where officers are tasked to review thousands of pages submitted in support of allegations of serious criminality, the activity is not purely administrative.

The purpose of the exercise must have been to determine whether the material disclosed evidence or grounds for further police action.

Indeed, the document itself said that nothing had yet been found “*to suggest any offences or grounds for a police investigation.*”

That wording suggests that officers were examining material to answer an investigative question:

Did the evidence indicate that an offence may have been committed?

The later NPCC definition, in 2024, does not require the police to have concluded that an offence was committed. It requires an allegation which the receiving force considers to require further enquiry.

The January 2022 document establishes both components in substance:

- an allegation had been received;

- further enquiry was being undertaken.

The distinction between “*review*” and “*investigation*” therefore becomes less clear once the activity is measured by function rather than title.

A preliminary review can, of course, precede a full investigation. But, and this is crucial, a preliminary investigative stage does not necessarily cease to be part of a criminal investigation merely because police choose to describe it differently.

The critical legal and evidential question is not whether the word “*investigation*” appeared on a particular record. It is whether police activity had crossed the threshold of further enquiry into an allegation of crime.

Part IV

The February 2022 Email Chain

The third document takes the analysis further.

The email chain arose from questions submitted by Full Fact concerning claims that a live criminal investigation existed in relation to the vaccine programme.

In responding, the NPCC recorded knowledge of two reports formally created by police forces:

- the Metropolitan Police report;
- and a West Yorkshire Police report recorded on 29 January 2022.

The email chain also recorded that Chief Constables had been written to directly before Christmas and that information described as misinformation was being shared with forces so that staff could be briefed.

Most significantly, an email dated 14 February 2022 stated:

“We have not been formally recording numbers of attempts to follow this process across the country.”

It continued:

“Our latest assessment shows that it is still occurring, it would appear that the guidance to not record has been a success as only one additional report has been created.”

This is an important documentary admission.

It establishes that:

- there was national awareness of attempts to make reports;
- there was an assessment of whether those attempts were continuing;
- guidance existed “to not record”;
- the effectiveness of that guidance was being evaluated;

- and its success was measured by the limited number of additional reports created.

The phrase “**guidance to not record**” has consequences that go well beyond terminology.

A report which is not recorded may never enter ordinary crime-recording, evidence-retention, supervisory, disclosure and review processes.

The absence of a formal record can then later be relied upon as evidence that no report, crime or investigation existed.

That creates a circular risk:

- guidance prevents recording;
- the absence of records is later identified;
- the absence of records is treated as proof that nothing requiring investigation occurred.

The February email chain shows that non-recording was not merely the coincidental outcome of independent decisions by individual officers.

It was the subject of national guidance and national assessment.

Part V

The Three Documents Side by Side

Placed side by side, the documents reveal three propositions.

Proposition One:

The NPCC's later definition is broad and functional.

A criminal investigation begins where an allegation is considered to require further enquiry.

Proposition Two:

CRN 6029679/21 plainly generated further enquiry.

The January 2022 document records that officers were tasked to review thousands of pages, that further documents continued to be submitted and that an assessment was continuing.

Proposition Three:

The national response included guidance not to record additional reports.

By February 2022, NPCC correspondence was describing “*guidance to not record*” as successful because only one additional report had been created.

The resulting question is difficult to avoid:

Was CRN 6029679/21 treated within policing as an allegation requiring further enquiry, whilst being publicly

and institutionally described as something other than an investigation?

If so, that distinction may have had substantial legal consequences.

Part VI

Recording and Investigation Are Different Questions

A crime record and a criminal investigation are not identical concepts.

A report may be recorded without producing a substantial investigation.

Conversely, police may undertake investigative acts before deciding whether or how a matter should be formally classified.

The January communication itself acknowledged this distinction when it said that creation of a crime reference number did not necessarily indicate that an investigation was under way or that a crime had been committed.

That proposition is unobjectionable as far as it goes.

A reference number alone proves little, but CRN 6029679/21 did not involve a reference number alone.

The NPCC document records:

- the receipt of allegations;
- thousands of pages of supporting material;
- tasked officers;
- continuing submissions;
- a time-consuming review;
- and an ongoing assessment.

The correct comparison is therefore not between the existence of a crime reference number and the absence of an investigation.

It is, crime allegation plus sustained police enquiry, versus the assertion that no investigation existed.

The latter is materially more difficult.

Part VII

A Policy of Non-Recording and the CPIA Question

The documents also have potential relevance to the Criminal Procedure and Investigations Act 1996 framework.

The significance is apparent.

If police activity amounts in substance to a criminal investigation, statutory and operational duties relating to the recording, retention and revelation of material may arise.

A policy or practice that keeps allegations outside formal crime-recording systems may affect whether material is:

- logged;
- retained;
- scheduled;
- supervised;
- reviewed;
- linked to suspects or allegations;
- or later available for disclosure.

The November 2024 statement is particularly important because it says national APP investigative standards are underpinned by statutory obligation.

It therefore follows that whether an activity is called a “*review*” rather than an “*investigation*” cannot safely be treated as a purely semantic issue.

Classification can determine whether legal safeguards attach.

Part VIII

The National Character of the Response

The documents also show that the matter was not confined to the Metropolitan Police.

The January paper was issued nationally by Operation Talla Silver to Chief Constables and Force Duty Gold Officers.

It directed forces to:

- brief vaccine partners;
- review response plans;
- consider Gold, Silver and Bronze command structures;
- gather intelligence;
- report nationally;
- and prepare agreed communications.

The February correspondence then referred to attempts occurring “*across the country*” and evaluated the effectiveness of national guidance to prevent reports being recorded.

The response was therefore both operational and communicative.

It addressed:

- what forces should do;
- what they should record;
- what they should report nationally;
- how they should describe the position publicly;
- and how the effectiveness of the approach should be assessed.

That context matters when examining subsequent claims that decisions concerning CRN 6029679/21 were merely local or isolated.

The documents show that the handling of related reports was being considered within a national Operation Talla framework.

Part IX

Unequal Treatment of Allegations

There is another constitutional issue.

The January document instructed forces that intimidation, harassment or assault directed against vaccine workers should be *“treated and investigated as a criminal matter.”*

That is entirely proper.

Allegations of offences against workers and volunteers should be assessed and investigated according to law.

The same document approached allegations concerning the vaccination programme differently.

Those allegations were placed within an “anti-vax” operational framework, publicly characterised as unsupported, and accompanied by national

communications stating that no investigation existed while police were still reviewing the material.

The issue is not whether all allegations were equally credible.

They may not have been.

The issue is whether they were assessed by equivalent legal standards.

A constitutional police service must distinguish between:

- the identity or perceived beliefs of the complainant;
- the political or institutional sensitivity of the allegation;
- and the evidential merits of the complaint itself.

If allegations are filtered according to the first two considerations before the third is properly examined, institutional neutrality is placed at risk.

Part X

The Problem With Predetermined Public Lines

The January communication recorded nationally agreed media lines while the review of submitted material was continuing.

Those lines included:

- that no criminal investigation had been launched;
- that nothing indicated a crime had been committed;
- and that a call handler who said there was an ongoing investigation had “misspoke.”

At the same time, the document acknowledged that the assessment remained underway.

This creates an obvious problem.

How could a definitive public position be maintained while the evidential review was incomplete?

It may be said that the MPS position was simply that the threshold for a formal investigation had not yet been met, but therein lies a difficulty, when the 2024 NPCC definition says the investigation is instigated when an allegation is considered to require further enquiry.

By the very fact of the ongoing review, the allegation had already been considered to require further enquiry.

The public line therefore appears to depend upon an unarticulated distinction between:

further enquiry conducted to decide whether to investigate and an investigation itself.

That distinction may exist operationally, but if it is to bear legal and constitutional weight, it requires clear definition.

The three documents do not provide one.

Part XI

What the Documents Do Not Establish

It is important not to overstate the evidence.

The documents do not establish:

- that the allegations within CRN 6029679/21 were ultimately proved;
- that any identified person committed an offence;
- that every line of enquiry proposed by complainants was reasonable;
- that all police decisions were made in bad faith;
- or that every report made elsewhere should have been recorded as a separate crime.

Nor does the November 2024 statement expressly refer to CRN 6029679/21.

Its importance lies in the general definition it provides.

The analytical force comes from applying that definition to the earlier documentary record.

Part XII

What the Documents Do Establish

The documents do establish that:

- the NPCC says a criminal investigation is instigated when an allegation is considered to require further enquiry;
- CRN 6029679/21 resulted in officers being tasked to conduct a substantial and continuing review;
- national Operation Talla communications asserted that no investigation existed;
- related reports across the country were subject to guidance “*to not record*”;
- the success of that guidance was being assessed nationally;
- agreed public lines were circulated to forces while the MPS review remained ongoing; and
- the handling of these matters formed part of a coordinated national policing response.

Those are documentary facts.

Conclusion

The importance of these three documents lies not in any single sentence.

It lies in their interaction.

In 2022, Operation Talla said no investigation had been initiated, even though officers had been tasked to conduct an extensive and continuing review of allegations and supporting evidence.

In the same period, internal correspondence referred to national “*guidance to not record*” and described that guidance as successful.

In 2024, the NPCC told the UK Covid-19 Inquiry that a criminal investigation is instigated when an allegation is considered by police to require further enquiry.

The central question is therefore straightforward:

By the NPCC’s own later definition, what was the Metropolitan Police doing when it received allegations of crime, created CRN 6029679/21, tasked officers to review thousands of pages, accepted further submissions and continued an assessment over time?

Calling that process a “*review*” does not answer the question.

Calling it an “*assessment*” does not answer the question.

Saying that no investigation existed does not answer the question.

The answer must be found in the substance of the police activity.

Where an allegation of crime results in sustained evidential enquiry, the public is entitled to ask whether the investigation had already begun, whatever label the institution later chose to apply and where a nationally coordinated policing operation simultaneously encouraged forces not to record similar reports, the public is entitled to ask a second question:

Was the boundary between report, review and investigation being used merely to describe police activity, or to control the legal consequences that followed from it?

These are not rhetorical questions.

Answers are required, and those answers must withstand legal, evidential and constitutional scrutiny.

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