

Durham Constabulary Correspondence, Crime Recording Thresholds and the Constitutional Management of Evidential Visibility

Author: Ian Clayton

Date: 21 May 2026

Introduction

This report concerns correspondence issued by Durham Constabulary in response to the re-submission of criminal allegations connected to matters arising from the United Kingdom's Covid-19 period and associated governmental conduct.

The correspondence is significant not merely because of the position ultimately adopted by the police, but because of what the wording, sequence and procedural structure reveal when examined in conjunction with:

- the previously undisclosed Operation Talla policing architecture;
- the January 2022 “Speirs Directive” issued within Police Scotland;

- internal National Police Chiefs' Council communications referring to “guidance to not record” having “been a success”;
- the handling chronology surrounding Metropolitan Police Crime Reference Number 6029679/21;
- the Criminal Procedure and Investigations Act 1996 (“CPIA”);
- and prior parliamentary findings concerning police crime-recording integrity.

The observations below are therefore directed not merely to the content of the email itself, but to the broader constitutional implications arising from the operational methodology it appears to reflect.

The Durham Correspondence

The correspondence from Chief Inspector Dean Haythornthwaite of Durham Constabulary confirms the following material matters:

- Durham Constabulary created an “incident record” rather than a crime record.
- Durham Constabulary contacted the Metropolitan Police Service requesting that the matter be recorded.
- The Metropolitan Police Service declined to record the matter.
- No Officer in the Case (“OIC”) was allocated.

- Durham Constabulary considered that the matter did not meet “an evidential threshold for crime recording”.

Those points are constitutionally and operationally significant.

The Evidential Threshold Issue

The statement that the allegations did not meet “an evidential threshold for crime recording” is particularly notable.

Why?

Because one of the principal criticisms historically directed toward police crime-recording practice within England and Wales has been the inappropriate application of evidential or investigative thresholds at the initial recording stage.

That issue was examined extensively by Parliament during scrutiny of Metropolitan Police crime recording practices in 2013 - 2014 following disclosures by former Metropolitan Police officer PC James Patrick.

The House of Commons Public Administration Select Committee subsequently identified serious concerns regarding under-recording, reclassification and the suppression of crime statistics.

The constitutional concern arising from the Durham correspondence is therefore obvious:

If allegations are filtered out before ordinary crime-recording pathways crystallise, the downstream criminal justice process may never properly commence at all.

The importance of that point cannot be overstated.

Crime recording is not a mere statistical exercise.

It is frequently the gateway mechanism through which:

- investigative duties arise;
- evidential retention obligations crystallise;
- disclosure pathways emerge;
- supervisory oversight becomes engaged;
- and legal accountability mechanisms activate.

Once allegations are prevented from entering those ordinary pathways, the practical visibility of the underlying allegations may become substantially diminished.

Administrative Handling Without Investigative Visibility

The Durham correspondence reveals an especially important operational sequence.

The allegations were:

- received;
- administratively processed;

- discussed between police forces;
- assessed;
- and rejected from ordinary recording pathways

but simultaneously:

- no crime record was created;
- no investigative pathway was activated;
- and no OIC was appointed.

That distinction matters profoundly.

The material demonstrates that operational handling activity can occur without conventional investigative visibility ever formally emerging.

In constitutional terms, that raises obvious questions.

Particularly where:

- allegations concern governmental conduct;
- allegations concern nationally sensitive subject matter;
- and allegations arise during periods of exceptional centralised operational coordination.

The Wider Operation Talla Context

The significance of the Durham correspondence cannot properly be assessed in isolation.

It now sits alongside:

- the 12 January 2022 national police chiefs' meeting;

- the subsequent 18 January 2022 communication issued by ACC Owen Weatherill to Chief Constables and Gold Command structures;
- the 25 January 2022 “Speirs Directive” instructing officers to reject or redirect Covid-related criminal allegations;
- and the subsequent internal NPCC communication stating that “guidance to not record has been a success”.

When viewed chronologically, those materials reveal an operational pattern which appears to demonstrate more than isolated localised decision-making.

They instead suggest the possible existence of a coordinated administrative architecture governing evidential visibility itself.

That distinction is fundamental.

The constitutional concern is no longer confined merely to whether allegations were investigated competently.

The concern instead becomes whether allegations were structurally prevented from entering ordinary investigative pathways in the first place.

CPIA Considerations

The CPIA 1996 is also relevant.

The Act and accompanying Codes of Practice impose obligations concerning:

- retention of material;
- recording of investigative decisions;
- preservation of potentially relevant evidence;
- and the proper management of evidential material.

The significance of the present material lies in the apparent tension between:

- assertions that no investigation existed;
- and the existence of inter-force handling activity, decision-making processes and administrative assessment structures.

That tension raises legitimate questions regarding:

- the true operational status of such matters;
- the existence of review or evaluative activity;
- and the corresponding evidential obligations which may consequently arise.

Constitutional Importance

This matter extends well beyond ordinary complaint handling.

The constitutional implications are substantial.

If allegations concerning nationally sensitive matters can be:

- administratively redirected;
- prevented from entering ordinary recording pathways;
- filtered before investigative crystallisation;
- or structurally managed outside conventional evidential visibility,

then the integrity of the criminal justice process itself becomes vulnerable long before any court proceedings ever begin.

The issue is therefore not simply policing.

It concerns:

- evidential transparency;
- procedural integrity;
- constitutional accountability;
- and public confidence in the independence of criminal justice mechanisms.

Conclusion

The Durham Constabulary correspondence is important not because it conclusively proves unlawful conduct in isolation, but because it evidences an operational methodology which now appears increasingly consistent

with wider materials uncovered during the ongoing forensic examination of Operation Talla.

- Chronology matters,
- internal records matter,
- administrative pathways matter

and once such materials are reconstructed sequentially across multiple institutions, patterns emerge which cannot be responsibly ignored.

The central constitutional issue is now plain:

Whether, during the Covid-19 period, policing structures moved beyond the lawful assessment of allegations and instead entered the territory of managing evidential visibility itself.