

# THRESHOLD CONTROL AND THE DENIAL OF ENTRY

## A Structured Analysis

### A. INTRODUCTION

This paper addresses a single question of constitutional importance:

***Whether, in the context of Operation Talla policing, the criminal law was permitted to engage at all.***

The analysis proceeds by reference to:

*(i) the Criminal Justice System Strategic Command (CJSSC) framework;*

*(ii) the State's established multi-agency framework for investigating suspected criminality in healthcare;*

*(iii) the Operation Talla directive and disclosure evidence; and*

*(iv) the handling of Crime Reference Number 6029679/21.*

The issue is not evidential sufficiency. It is process integrity at the point of entry.

## **B. THE RELEVANT LEGAL AND STRUCTURAL FRAMEWORK**

### **(1) The Criminal Justice Sequence**

The criminal justice system operates through a defined sequence:

- allegation
- recording
- investigation
- adjudication

Interference at the first or second stage prevents the remainder of the process from occurring.

### **(2) The CJSSC Structure**

Evidence to the UK Covid-19 Inquiry establishes that:

- (i) the CJSSC was responsible for multi-agency criminal justice coordination;
- (ii) it operated through Gold, Silver and Bronze structures;
- (iii) it established a common policy and strategic framework;
- (iv) it included participation from justice and health-related bodies.

Accordingly:

The criminal justice system during the relevant period was centrally coordinated, not fragmented.

### **(3) The Healthcare Criminality Framework**

The State's multi-agency framework (including the CQC - NPCC MOU and subsequent guidance) provides that where there is:

reasonable suspicion that conduct in healthcare may have contributed to death or serious harm,

the response must include:

- early police engagement
- formal recording
- evidence preservation
- coordinated investigation

The framework admits of no alternative pathway.

It requires entry into investigation

## **C. THE OPERATION TALLA MATERIAL**

### **(1) The Speirs Directive**

The directive provides that where individuals approach police requesting assistance in relation to relevant matters:

*“these requests should be rejected.”*

The directive further requires:

- intelligence submission
- routing through Operation Talla channels

## **(2) The “to not record” Evidence**

Internal correspondence records:

*“the guidance to not record has been a success.”*

This demonstrates:

- a defined operational approach
- implementation of non-recording
- evaluation of that approach as effective

### **D. CASE STUDY: CRN 6029679/21**

The following is not disputed on the available record:

- (i) extensive witness and expert evidence was submitted;
- (ii) allegations included serious harm and death;
- (iii) a crime reference number was issued;
- (iv) investigative activity was indicated.

Subsequently:

- (i) no witnesses were contacted;
- (ii) no evidence was properly examined;
- (iii) no full and proper investigative steps were taken;
- (iv) it was asserted by MPS that no investigation had taken place.

## **E. ANALYSIS**

### **(1) Threshold Engagement**

The healthcare framework establishes that:

where reasonable suspicion exists, investigation must follow.

The material in CRN 6029679/21 plainly engages that threshold, or at minimum requires assessment.

The absence of any proper investigative step is therefore not neutral. It requires explanation.

### **(2) Structural Incompatibility**

The following positions cannot be reconciled:

(i) a framework requiring recording and investigation upon suspicion;

(ii) an operational approach involving rejection and non-recording;

(iii) a case in which substantial evidence produced a claim of no investigation.

The inconsistency is structural, not incidental.

### **(3) CJSSC Context**

The CJSSC demonstrates that:

institutions were capable of coordinated action;

policy alignment existed across justice and health systems.

Accordingly:

The absence of investigation cannot be attributed to institutional incapacity.

#### **(4) Point of Interference**

The evidence indicates that the point of divergence occurred at the threshold stage - recording and entry

Once entry is prevented:

- investigation cannot occur
- evidence cannot be tested
- adjudication cannot take place

## **F. FINDINGS**

On the material considered, the following findings arise:

(i) The State's established framework requires investigation of suspected criminality in healthcare settings.

(ii) The criminal justice system during the relevant period operated under coordinated, multi-agency structures.

(iii) Operation Talla material evidences a model of rejection and non-recording.

(iv) The handling of CRN 6029679/21 is consistent with that Operation Talla model.

(v) The divergence occurs at the point of entry into the criminal justice process.

## **G. CONSTITUTIONAL CONSEQUENCE**

The rule of law requires that:

allegations capable of engaging criminal liability are permitted to enter the justice system.

However, where recording does not occur and investigation does not properly commence, the process is not merely incomplete - It is prevented.

## **H. FINAL POSITION**

The issue is not whether allegations were ultimately provable. The issue is whether they were permitted to be examined.

The material gives rise to the following proposition:

A system which requires investigation upon suspicion, yet operates so that allegations do not enter investigation, does not fail at the level of outcome.

It operates at the level of exclusion.

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