

The Octavian Principle in Action

A Case Study: Durham Constabulary

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1. Introduction

The Octavian Principle can be understood as the institutional practice of maintaining the appearance of stability, lawfulness and accountability, while in reality suppressing challenges to power, deflecting scrutiny and consolidating executive control.

Octavian, later Augustus, presented himself as a restorer of order after Caesar's assassination. Yet Octavian's restoration was built upon silencing opposition, absorbing independent powers and cloaking authoritarian rule under the language of constitutionalism.

Durham Constabulary's handling of reports relating to Parliamentary testimony given by Dominic Cummings in 2021 provides a textbook modern-day case study of this principle at work in Britain's policing system.

2. The Complaint and the Response

The Complaint:

A report of possible conspiracy to pervert the course of justice in light of Cummings' remarks about **bulldozing lawyers out of the way** in relation to COVID-19 decisions.

The Response:

Durham Constabulary declined to investigate, deflecting responsibility to other bodies (Metropolitan Police, the Independent Parliamentary Standards Authority (IPSA) (<https://www.theipsa.org.uk>) and astonishingly, even Citizens Advice, or asserting that the complaint did not meet the criminal threshold - a matter with which we do not agree. This is not merely an ethical concern, but a matter firmly recognised in law (see Footnote below).

The Consequence:

A serious matter of constitutional gravity was neutralised without genuine inquiry.

3. The Mechanisms of the Octavian Principle

Durham's approach mirrors Octavian's strategy of appearing lawful while suppressing genuine accountability. Three mechanisms stand out:

(a) Deflection as Stability

By passing the complaint sideways, upwards and downwards, Durham created the impression that "proper channels" were being followed. In reality, no channel was appropriate, and no investigation took place.

(b) Threshold Without Transparency

Claiming that the evidence "does not meet the criminal threshold" implies an evaluative process, yet no transparent criteria or reasoning were provided. This is a classic Octavian move: invoke law as a shield while emptying it of substance.

(c) Silencing by Finality

Durham declared they would ***"not correspond further."*** This parallels Octavian's method of final pronouncements designed to end debate, leaving no avenue for contest.

4. Constitutional Implications

The Criminal Procedure and Investigations Act 1996 (CPIA), requires police to pursue all reasonable lines of inquiry. Refusing to register or pursue complaints relating to government advisers is not lawful neutrality at all - it is actually selective suppression.

By refusing to pursue reasonable lines of inquiry, Durham Constabulary have acted in breach of their statutory obligations under CPIA, transforming discretion into dereliction.

The Octavian Principle reveals itself here by maintaining a façade of due process while ensuring outcomes are favourable to executive power – Durham Constabulary undermined both the rule of law and public trust.

5. Lessons from the Case Study

This case illustrates that the Octavian Principle is not abstract history but a living, often used, institutional risk to modern Britain.

When policing institutions:

- Hide behind thresholds without transparent criteria,
- Deflect responsibility to irrelevant bodies and
- Close down correspondence to silence scrutiny,

they enact the very model of governance Octavian pioneered - Order without accountability, law without justice and structure without sovereignty or meaningful consideration of the people.

6. Conclusion

Durham Constabulary's handling of the Cummings testimony complaint demonstrates how the Octavian Principle manifests in practice. Institutions adopt the appearance of legitimacy while ensuring that powerful actors remain unjustly shielded from legal risk or jeopardy.

Just as Octavian's Rome marked the end of republican freedom under the guise of restored stability, today's selective policing is hollowing out constitutional democracy while preserving its outward forms, by way of institutional theatrics.

The Octavian Principle ensures that executive power becomes untouchable - not by force, but by process.

If left unchallenged, this approach risks becoming a template for shielding government policy from lawful challenge nationwide.

Ethical Approach UK believes the British people are entitled to expect and must now demand better than this.

FOOTNOTE:

*A clear body of case law and prosecutorial guidance confirms that where an act is intended to override or bypass the proper administration of justice and has a natural tendency to do so, the offence of conspiracy to pervert the course of justice is made out. The Crown Prosecution Service defines the offence as requiring both an act or series of acts with such a tendency and the intention that justice be perverted. Courts have held that even indirect acts, such as creating false accounts, pressuring witnesses, or obstructing investigative procedures, satisfy this test. In *Norris v Government of the United States* [2008] UKHL 16, the House of Lords affirmed that conspiracies aimed at frustrating investigations into wrongdoing fall within the scope of this offence. Cummings' sworn testimony that government actors may seek to "bulldoze lawyers out of the way" therefore bears*

the hallmarks of a directive with both the intention and tendency to neutralise legal scrutiny - conduct which, if evidenced, aligns squarely with recognised definitions of conspiracy to pervert the course of justice.