

PART No. 4

CRN 6029679/21

The Closure Letter of 21 February 2022

**A Forensic Examination of the Scope,
Accuracy and Evidential Basis of the
Decision to Close the Report**

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Purpose of this Bundle

This is the fourth and final part of a four-part evidential report concerning Metropolitan Police reference CRN 6029679/21.

Evidence Bundle No. 1 reconstructed the contemporaneous handling chronology.

Evidence Bundle No. 2 examined the wider national policing and command context within which the report was received and handled.

Evidence Bundle No. 3 considered the statutory and public-law framework relevant to criminal investigation, evidence, judicial review and the duty of candour.

This final bundle examines the Metropolitan Police closure letter dated 21 February 2022.

That letter represented the formal communication of the Metropolitan Police position that:

- the allegations had no basis in the available evidence;

- no criminal offences were apparent;
- there was insufficient evidence to pursue an investigation;
- no further action would be taken; and
- the complaint would not be recorded as a crime.

The purpose of this bundle is not to determine whether any person committed a criminal offence, nor to make findings of professional or institutional misconduct.

Its purpose is narrower and evidential. It is to examine whether the closure letter:

- accurately described the complaint reported on 20 December 2021;
- addressed the complaint in its entirety;
- accurately stated the factual and regulatory matters upon which it relied;
- identified an adequate evidential basis for the conclusions expressed;
- engaged with the offences and evidence actually presented;
- distinguished between the separate elements of the complaint;
- explained why further enquiry was considered unnecessary; and
- provided a complete and coherent basis for the decision to close CRN 6029679/21.

The Central Question

The principal question examined in this bundle is:

Did the closure letter of 21 February 2022 provide a complete, accurate and reasoned determination of the complaint reported to the Metropolitan Police on 20 December 2021?

That question requires more than an examination of whether individual sentences within the letter were literally correct.

It requires comparison between:

- the complaint which was made;
- the evidence which was supplied;
- the allegations and offences identified;
- the contemporaneous handling record;
- the matters addressed in the closure letter; and
- the conclusions ultimately expressed.

A closure decision may contain individually accurate statements and yet fail to determine the complaint before the decision-maker if those statements address only part of it.

The scope of the complaint must therefore be established before the adequacy of the closure letter can properly be assessed.

Scope of the Original Complaint

The complaint reported on 20 December 2021 was not confined to the safety, approval or deployment of COVID-19 vaccines.

It comprised eight distinct evidential elements or modules.

Vaccines formed one component of the overall report.

The closure letter, however, described the matter in its subject heading as:

“Allegations relating to the suppression of information regarding the severity of health implications from the Covid 19 vaccine by persons in parliament and other organisations.”

Its opening paragraph similarly characterised the report as allegations:

“concerning COVID 19 vaccines.”

The substantive reasons that followed referred exclusively to:

- vaccine approval;
- vaccine trials;
- vaccine safety processes;
- international vaccine use; and
- the alleged suppression of information concerning vaccine-related health implications.

This creates an immediate question of scope:

Did the closure letter address all eight elements of the complaint, or did it address only the vaccine-related element?

This bundle will first reconstruct what required determination before examining what determination was actually communicated.

Methodology

The closure letter will be examined sequentially and proposition by proposition.

Each material passage will be considered under the following headings:

1 Text of the Letter

The relevant wording will be reproduced verbatim.

2 Proposition Advanced

The factual, evidential or legal proposition expressed by the author will be identified.

3 Scope

The analysis will identify which element or elements of the complaint the proposition addresses and which, if any, it does not address.

4 Evidential Foundation

The apparent evidential basis of the proposition will be examined.

Where the letter does not identify its evidential source, that absence will be recorded without speculation.

5 Documentary Comparison

The proposition will be compared with the contemporaneous and subsequently disclosed documents considered in Evidence Bundles Nos. 1–3.

Later disclosure will not be treated as if it were necessarily available to the author on 21 February 2022. It will instead be used to illuminate the recorded handling history and to identify matters requiring clarification.

6 Accuracy and Qualification

The analysis will consider whether the proposition was:

- accurate;
- technically accurate but incomplete;
- expressed in language wider than the underlying legal or regulatory position;
- materially qualified by other evidence; or
- unsupported by an identified evidential basis.

7 Material Omission

The analysis will identify any substantial element of the complaint, evidence or decision-making process not addressed in the relevant passage.

8 Questions Arising

The section will conclude with questions that may properly require investigative clarification.

No adverse inference will be drawn merely because a matter is not explained within the letter.

The Closure Letter as a Decision Document

The letter must be examined not merely as correspondence but as the document communicating the final decision concerning CRN 6029679/21.

The relevant questions therefore include whether it:

- accurately identified the subject matter requiring determination;
- identified the evidence considered;
- distinguished between the eight elements of the report;
- addressed each alleged offence;
- explained the evidential test applied;
- distinguished the crime-recording decision from the decision not to investigate further;
- explained why further reasonable enquiry was unnecessary;
- identified the basis upon which no criminal offence was said to be apparent; and
- provided sufficient reasons to permit the decision to be understood and, where appropriate, challenged.

Particular Treatment of Vaccine “Approval”

The assertion that the relevant vaccines had been “approved” will require a discrete regulatory analysis.

The word approved was used in the letter as a general expression, but the regulatory position on 21 February 2022 involved legally distinct mechanisms.

By that date, relevant products could be subject to:

- a temporary authorisation under Regulation 174 of the Human Medicines Regulations 2012;
- a Conditional Marketing Authorisation;
- an Emergency Use Listing by the World Health Organization; or
- an authorisation operating through the European regulatory system.

Those mechanisms were not legally identical.

For example,

- the MHRA records that Pfizer/BioNTech vaccine stocks had initially been supplied under Regulation 174, while the product also held a Conditional Marketing Authorisation and;
- remaining Regulation 174 stocks were due to expire at the end of February 2022.
- The Great Britain conditional authorisation was not converted into a full marketing authorisation until November 2022.
- The AstraZeneca vaccine received a Great Britain Conditional Marketing Authorisation on 24 June 2021, after earlier supply under Regulation 174.
- The World Health Organization did not grant a United Kingdom marketing authorisation. Its Emergency Use Listing procedure assessed and listed products for emergency use and assisted national authorities and procurement bodies in determining acceptability.
- WHO itself described EUL as a procedure concerning products that may remain unlicensed and states that Member States retain authority to permit use domestically.

Accordingly, the regulatory inquiry will distinguish between: (1) whether a vaccine had received some form of regulatory or emergency-use authorisation and (2) whether it had received an ordinary or full marketing authorisation.

It will also consider a separate question:

Even where a vaccine had been lawfully authorised, what did that fact establish concerning allegations of Gross Negligence Manslaughter, Misconduct in Public Office, suppression of information, or the other seven elements of the complaint?

Regulatory status may have been relevant evidence.

It could not however, without further analysis, be treated as determinative of every allegation contained within CRN 6029679/21.

What Decision Was Required?

The crime report made to the Metropolitan Police on 20 December 2021 was not confined to allegations concerning COVID-19 vaccines.

It comprised eight distinct but interrelated evidential modules, each alleging conduct said to give rise to consideration of criminal offences including, amongst others, Gross Negligence Manslaughter and Misconduct in Public Office.

For the purposes of this bundle, the eight modules may be summarised as follows:

Module 1

Origin and Alleged Suppression of Information Concerning the Pathogen

Allegations concerning the origin of the SARS-CoV-2 pathogen and the alleged concealment or suppression of information relevant to its development and dissemination.

Module 2

Diagnostic Testing

Allegations that diagnostic testing methodology was employed or represented in a manner which materially exaggerated the perceived public health risk.

Module 3

Iatrogenic Harm

Allegations concerning avoidable harm arising from clinical interventions, including the use of Midazolam, mechanical ventilation, Do Not Attempt Resuscitation (DNAR) decisions and associated healthcare practices.

Module 4

Non-Pharmaceutical Interventions

Allegations concerning the physical and psychiatric consequences associated with lockdown measures, social isolation, masking and other non-pharmaceutical interventions.

Module 5

Toxic Psychology

Allegations concerning the deliberate or reckless use of psychological techniques said to influence public perception, behaviour and decision-making during the pandemic.

Module 6

Suppression of Alternative Treatments

Allegations concerning the suppression, discouragement or obstruction of alternative therapeutic interventions, including ivermectin and other proposed treatments.

Module 7

Regulatory Action Against Dissent

Allegations concerning the use of regulatory and professional disciplinary mechanisms to suppress scientific, medical or professional dissent.

Module 8

Vaccine Rollout

Allegations concerning the authorisation, deployment, safety monitoring and communication surrounding the COVID-19 vaccination programme.

These eight modules formed the complaint reported on 20 December 2021.

Whilst each addressed different factual subject matter, together they constituted a single crime report assigned Metropolitan Police reference CRN 6029679/21.

This bundle does not seek to evaluate the evidential merits of each module individually. It instead identifies the scope of the complaint requiring determination.

The detailed evidential basis supporting each module was submitted separately by the complainants during the handling of CRN 6029679/21.

Should the present investigation require detailed examination of that underlying evidential material, it is understood that this remains available from two of the original complainants, Mr Philip Hyland and Mr Mark Sexton.

The purpose of setting out these modules is not to revisit their evidential content, but to provide the benchmark against which the scope and adequacy of the Metropolitan Police closure letter dated 21 February 2022 may properly be assessed.

The Scope of the Closure Letter

The first task is not to determine whether the conclusions expressed within the closure letter were correct.

It is first to establish what decision the letter purported to make.

Link:

https://ethicalapproach.co.uk/closure_letter_21022022.jpg

This requires comparison between the scope of the complaint reported on 20 December 2021 and the scope of the matters addressed within the letter itself.

The complaint assigned Metropolitan Police reference CRN 6029679/21 comprised eight separate evidential modules concerning distinct areas of alleged criminality.

Those modules ranged from allegations concerning the origin of the SARS-CoV-2 pathogen through to matters concerning diagnostic testing, healthcare interventions, psychological operations, regulatory conduct, suppression of alternative treatments and, finally, the COVID-19 vaccination programme.

Against that background, the closure letter of 21 February 2022 opens with the following subject heading:

"Allegations relating to the suppression of information regarding the severity of health implications from the Covid-19 vaccine by persons in Parliament and other organisations."

The opening paragraph then continues:

"I am writing regarding the allegations of crime made by yourself and others against a number of people in roles within Parliament and other organisations concerning COVID-19 vaccines."

These two introductory passages immediately establish the scope through which the complaint was characterised by the author of the letter.

Rather than describing the complaint as comprising eight distinct evidential modules, the letter identifies it solely by reference to allegations concerning COVID-19 vaccines and the alleged suppression of information relating to vaccine safety.

From its opening sentence, therefore, the closure letter adopts a description which appears materially narrower than the complaint reported on 20 December 2021.

That observation does not, of itself, establish that the subsequent decision was incorrect. It does, however, give rise to an important evidential question.

Question Arising

Did the closure letter determine the entirety of CRN 6029679/21, or did it determine only the vaccine-related element of that complaint?

The answer to that question is central to the remainder of this bundle.

If the complaint under consideration was, in fact, confined to vaccine-related allegations, then the subsequent reasoning within the letter may properly be examined against that narrower scope.

If, however, the complaint comprised the eight evidential modules summarised previously in this paper, it becomes necessary to examine whether the remaining seven modules were determined elsewhere, remained undetermined, or were implicitly treated as falling within the reasoning expressed in the closure letter.

The closure letter itself does not expressly identify which of those possibilities applied.

Accordingly, before considering the factual accuracy of the individual statements contained within the letter, it is first necessary to determine whether the document accurately identified the subject matter requiring determination.

Analysis of the Closure Letter

Paragraph 1

The opening substantive paragraph of the closure letter states:

"I am writing regarding the allegations of crime made by yourself and others against a number of people in roles within Parliament and other organisations concerning COVID-19 vaccines. These allegations were initially made at Hammersmith Police Station on 20th December 2021 and have been the subject of extensive review by the Metropolitan Police."

Proposition Advanced

This paragraph advances four distinct propositions:

- that the complaint concerned COVID-19 vaccines;
- that it was made by the complainants on 20 December 2021;
- that it concerned persons in Parliament and other organisations;
and
- that it had been the subject of an extensive review by the Metropolitan Police.

Each proposition requires separate consideration.

Scope of the Complaint

The first proposition immediately raises an issue of scope.

As summarised earlier in this report, CRN 6029679/21 comprised eight separate evidential modules.

Only one of those modules related specifically to the COVID-19 vaccination programme.

The remaining modules concerned matters including:

- the origin of the SARS-CoV-2 pathogen;
- diagnostic testing;
- healthcare interventions;
- non-pharmaceutical interventions;
- psychological operations;
- suppression of alternative treatments; and
- the use of regulatory processes in relation to professional dissent.

Accordingly, whilst the complaint undoubtedly included allegations relating to vaccines, it was not confined to that subject.

The opening sentence of the closure letter therefore appears to describe the complaint in terms materially narrower than the complaint reported on 20 December 2021.

Accuracy

The statement that allegations concerning vaccines formed part of the complaint appears accurate.

However, describing the complaint simply as one "*concerning COVID-19 vaccines*" does not appear to reflect its full scope.

The distinction is important.

A decision-maker addressing only one element of a broader complaint may reach conclusions which are entirely sound in relation to that element whilst leaving other elements undetermined.

Whether that occurred in this case is one of the principal questions examined within this bundle.

The Statement that the Matter Had Been Subject to "extensive review"

The second significant proposition is that the allegations had been the subject of an "*extensive review by the Metropolitan Police.*"

Unlike the opening description of the complaint, this statement concerns the process adopted by the Metropolitan Police rather than the subject matter of the allegations.

The letter does not explain:

- the nature of that review;
- its duration;
- who conducted it;
- what material was reviewed;
- what investigative methodology, if any, was employed;
- whether specialist advice was obtained;
- whether witnesses were spoken to;

- whether evidential lines of enquiry were pursued; or
- how the review differed from a criminal investigation.

Accordingly, the expression "*extensive review*" is descriptive rather than explanatory.

The reader is informed that such a review occurred but is provided with no information enabling its scope or significance to be understood.

Documentary Comparison

The documentary record reconstructed in Evidence Bundles Nos. 1 to 3 demonstrates that the handling of CRN 6029679/21 involved a number of recorded procedural steps, including screening decisions, detective involvement, supervisory oversight, legal services engagement and other administrative activity.

Whether those matters collectively constituted the "*extensive review*" referred to in the closure letter is not explained. Nor does the letter distinguish between administrative review, evidential assessment, legal advice and criminal investigation.

That distinction assumes particular importance because those processes are not synonymous and carry different procedural and legal implications.

Questions Arising

The opening paragraph gives rise to the following questions:

- Why was the complaint described solely by reference to COVID-19 vaccines when the reported complaint comprised eight evidential modules?
- What was meant by the expression "*extensive review*"?
- Who conducted that review?
- What material was considered during it?
- Did the review encompass all eight modules of the complaint, or only the vaccine-related allegations?
- How, if at all, did the review differ from the investigative activity identified elsewhere within the contemporaneous handling record?

Paragraph 2

The Regulatory Foundation of the Decision

The closure letter continues:

"The allegations essentially amount to a suggestion that people have either deliberately or recklessly concealed the safety implications of COVID-19 vaccines, despite knowledge that those vaccines would result in serious injury and death."

Proposition Advanced

This paragraph advances an important proposition.

It characterises the complaint as alleging that individuals deliberately or recklessly concealed information concerning the safety of COVID-19 vaccines whilst knowing that those vaccines would result in serious injury or death.

Unlike the opening paragraph, this passage no longer merely describes the subject matter.

It describes what the author understood the allegations themselves to be.

Scope

This again raises an important question concerning scope.

The allegations described in this paragraph relate exclusively to vaccine safety and alleged concealment of vaccine-related information.

They do not refer to the remaining evidential modules identified earlier, including:

- pathogen origin;
- diagnostic testing;
- healthcare interventions;
- non-pharmaceutical interventions;
- psychological operations;
- suppression of alternative treatments; or
- regulatory action against dissent.

Accordingly, the reasoning continues to proceed on the basis of a complaint defined exclusively by reference to vaccines.

The letter does not explain whether the remaining elements of CRN 6029679/21 had already been determined, were regarded as irrelevant, or were considered to fall within the same reasoning.

Evidential Foundation

This paragraph also raises a further evidential question.

The author summarises what is described as the essence of the complaint. However, the letter does not explain:

- how that summary was derived;
- which evidence was examined;
- whether written submissions were reviewed in their entirety;

- whether the complainants' evidential structure was adopted; or
- whether this was simply the Metropolitan Police's own characterisation of the complaint.

Whilst the paragraph explains how the Metropolitan Police understood the allegations, it does not identify the evidential basis upon which that understanding was reached.

Documentary Comparison

The contemporaneous record reconstructed in Evidence Bundle No. 1 demonstrates that substantial documentary material was submitted following the initial report.

That material extended considerably beyond vaccine authorisation or vaccine safety.

The description contained within this paragraph therefore appears considerably narrower than the evidential scope reconstructed from the handling record.

Whether that narrowing occurred intentionally or simply for the purposes of summarising the complaint is not explained within the letter.

Questions Arising

This paragraph gives rise to the following questions:

- Does this paragraph accurately summarise the complaint made on 20 December 2021?

- Was it intended to summarise only Module 8, or the entirety of CRN 6029679/21?
- If it was intended to summarise the entire complaint, upon what evidential basis was that summary formulated?
- How were the remaining seven evidential modules addressed within the decision-making process?

Transitional Observation

This paragraph also performs another important function.

It establishes the factual premise upon which the remainder of the closure letter is built.

The subsequent paragraphs seek to explain why the Metropolitan Police considered those allegations unsustainable, principally by reference to the regulatory status of COVID-19 vaccines, the processes by which they were authorised and the systems in place for monitoring their safety.

It is therefore essential, before considering the conclusions expressed later in the letter, to establish with precision the legal and regulatory status of COVID-19 vaccines as it stood on 21 February 2022.

That regulatory position should not be assumed from the general expression "*approved*".

Importantly, it requires careful examination of the distinct legal mechanisms then operating, including temporary authorisations,

conditional marketing authorisations and the role of the World Health Organization.

The Regulatory Status of COVID-19 Vaccines as at 21 February 2022

Introduction

Before considering the accuracy of the statements contained within the closure letter concerning the approval of COVID-19 vaccines, it is necessary first to establish the regulatory position as it existed on 21 February 2022.

This chapter does not seek to express any view regarding the safety, efficacy or clinical value of COVID-19 vaccines. Nor does it seek to determine whether any criminal offence was committed.

Its purpose is considerably narrower.

It is to establish the precise legal and regulatory status of the vaccines at the date upon which the Metropolitan Police reached the decision to close CRN 6029679/21.

Only once that position has been established is it possible to assess the accuracy and significance of the statements made within the closure letter.

The Importance of Precise Terminology

The closure letter states:

"The relevant vaccines have been approved by the World Health Organization, the European Medicines Agency and the Medicines and Healthcare products Regulatory Agency."

At first reading, that statement appears straightforward. However, the regulatory systems operated by those three organisations were materially different.

The expression "*approved*" is capable of describing several distinct legal mechanisms.

For example, a medicinal product may have been:

- temporarily authorised for emergency supply;
- granted a Conditional Marketing Authorisation;
- granted a standard (full) Marketing Authorisation;
- included within the World Health Organization's Emergency Use Listing programme.

Those mechanisms are not legally identical and should not be treated as interchangeable.

Accordingly, throughout this chapter, the specific regulatory terminology used by the relevant authorities will be adopted wherever possible.

The Position of the MHRA

By 21 February 2022, COVID-19 vaccines used within Great Britain were subject to marketing authorisations issued by the Medicines and Healthcare products Regulatory Agency (MHRA).

However, those authorisations had evolved over time.

The earliest deployment of vaccines occurred under temporary emergency powers contained within Regulation 174 of the Human Medicines Regulations 2012.

Subsequently, products transitioned to Conditional Marketing Authorisations (CMAs).

A Conditional Marketing Authorisation differs from a standard or full marketing authorisation. It permits supply subject to continuing regulatory obligations, including the ongoing provision and assessment of further data.

Accordingly, whilst vaccines were lawfully authorised for use, the regulatory framework under which that authorisation existed remained distinct from the ordinary marketing authorisation process applicable to many established medicinal products.

The Position of the European Medicines Agency

Within the European Union, COVID-19 vaccines were authorised through Conditional Marketing Authorisations issued following assessment by the European Medicines Agency.

Again, those authorisations were legally valid.

However, they were conditional authorisations granted within a statutory regulatory framework designed to permit earlier availability whilst continuing obligations regarding data collection and regulatory review remained in place.

They were therefore not identical to unconditional marketing authorisations.

The Position of the World Health Organization

The World Health Organization occupied a different regulatory position.

Unlike the MHRA, it does not grant United Kingdom marketing authorisations. Instead, it operates the Emergency Use Listing (EUL) procedure.

The purpose of that procedure is to assess products for emergency use and assist Member States and international procurement agencies in determining whether emergency deployment may be appropriate.

Accordingly, the WHO did not "*approve*" vaccines in the same legal sense as a national medicines regulator granting a domestic marketing authorisation.

Its Emergency Use Listing performed a different regulatory function.

Observations

The statement contained within the closure letter that vaccines had been "*approved*" was therefore capable of encompassing several legally distinct regulatory mechanisms.

Whilst the products had received regulatory authorisations permitting their deployment, the legal basis for those authorisations differed between jurisdictions and organisations.

The use of the single word "*approved*" therefore simplifies what was, in reality, a more nuanced regulatory landscape.

That observation does not suggest that the statement was necessarily false. Rather, it recognises that the regulatory position

was more complex than the language employed within the closure letter might initially suggest.

Relevance to CRN 6029679/21

A separate question then arises.

Even if every regulatory statement contained within the closure letter were accepted as factually accurate, what relevance did those regulatory approvals have to the allegations reported under CRN 6029679/21?

The complaint reported on 20 December 2021 was not confined to the regulatory status of vaccines.

It comprised eight evidential modules addressing a broad range of alleged conduct.

The existence of a regulatory authorisation, whether temporary, conditional or otherwise, did not, without further analysis, determine whether criminal offences had or had not been committed across those broader allegations.

Accordingly, the regulatory status of vaccines formed one evidential consideration.

Whether it was capable of determining the entirety of CRN 6029679/21 is a separate question considered later in this bundle.

Questions Arising

- What precise regulatory status did each COVID-19 vaccine hold on 21 February 2022?
- Which authorisations were temporary, which were conditional and which, if any, were full marketing authorisations?
- Did the closure letter use the expression "*approved*" as a general descriptor rather than a technical legal term?
- If so, did that terminology accurately convey the regulatory position as it existed on 21 February 2022?
- Most importantly, even if the regulatory position was accurately described, what bearing did that fact have upon the remaining seven evidential modules comprising CRN 6029679/21?

Analysis of the Regulatory Reasoning

The closure letter proceeds to explain why the Metropolitan Police concluded that no criminal offences were apparent.

The principal reasoning advanced is that COVID-19 vaccines had been subject to recognised regulatory processes and that those processes demonstrated the allegations to be without foundation.

The relevant passages state:

"The relevant vaccines have been approved by the World Health Organization, the European Medicines Agency and the Medicines and Healthcare products Regulatory Agency..."

The letter then continues by referring to clinical trials, regulatory scrutiny, pharmacovigilance and systems for monitoring adverse events before concluding that no criminal offences were apparent and that there was insufficient evidence to pursue an investigation.

Proposition Advanced

The proposition appears to be that recognised regulatory approval processes and continuing safety monitoring demonstrated that there was no evidential basis upon which criminal offences could be established.

That proposition requires careful analysis.

Accuracy of the Regulatory Statements

As discussed previously in this paper, the regulatory position on 21 February 2022 was more nuanced than the single expression "*approved*" might suggest.

Nevertheless, vaccines had been lawfully authorised through recognised regulatory mechanisms operating within the United Kingdom and internationally.

Accordingly, the existence of regulatory authorisations is not, in itself, controversial.

The question is not whether those regulatory processes existed. The question, however, is what legal and evidential significance those regulatory processes carried in relation to the allegations reported under CRN 6029679/21.

Relevance to the Complaint

The complaint reported on 20 December 2021 did not allege simply that vaccines lacked regulatory authorisation. Nor was it confined to the proposition that vaccines should never have been deployed.

The complaint comprised eight evidential modules alleging a range of conduct extending beyond vaccine regulation.

Even if the regulatory processes described in the closure letter were accurately summarised, they addressed only one aspect of one module of the complaint.

The closure letter does not explain how the existence of regulatory authorisations determined allegations concerning:

- the origin of the pathogen;

- diagnostic testing;
- healthcare interventions;
- non-pharmaceutical interventions;
- psychological operations;
- suppression of alternative treatments; or
- regulatory action against dissent.

Nor does it explain how those regulatory processes answered the specific criminal allegations advanced by the complainants.

The Distinction Between Regulatory Approval and Criminal Liability

A further distinction ought to be recognised.

Regulatory authorisation and criminal liability are different legal concepts.

A regulatory authority determines whether a medicinal product satisfies the applicable statutory criteria for authorisation within its regulatory framework.

A criminal investigation considers whether there are reasonable grounds to suspect that identified individuals may have committed criminal offences and whether those allegations require investigation.

The existence of one does not automatically determine the other.

Accordingly, the existence of recognised regulatory authorisations could properly form part of an evidential assessment. However, the closure letter does not explain why those authorisations were

regarded as determinative of the criminal allegations reported in CRN 6029679/21.

Observations

This paper does not question the existence of regulatory authorisations. Nor does it seek to substitute an alternative scientific or regulatory assessment.

Its purpose is simply to examine the reasoning expressed within the closure letter.

That reasoning appears to proceed from the existence of recognised regulatory processes to the conclusion that no criminal offences were apparent.

The intervening analytical steps are not explained.

The letter does not identify how the regulatory material was evaluated against each alleged offence, nor how that reasoning extended to the remaining evidential modules comprising the complaint.

Questions Arising

The following questions arise from this aspect of the closure letter:

- What analytical process connected the regulatory status of COVID-19 vaccines with the conclusion that no criminal offences were apparent?

- Was the regulatory material considered in relation to each alleged offence individually?
- How did the regulatory reasoning address the seven non-vaccine modules comprising CRN 6029679/21?
- Did the decision-maker consider that regulatory authorisation was capable, without further enquiry, of determining allegations of Gross Negligence Manslaughter, Misconduct in Public Office and the other offences reported?
- If so, where is that reasoning recorded?

The Alleged Criminal Offences

Introduction

The closure letter concludes that:

"...there are no criminal offences apparent..."

and later states that:

"...there is insufficient evidence to pursue a criminal investigation..."

Those are significant conclusions.

However, before those conclusions can be evaluated, it is first necessary to identify the criminal allegations requiring determination.

The Complaint Reported

CRN 6029679/21 was not simply a complaint concerning public policy, scientific opinion or regulatory disagreement.

It was reported as a complaint alleging the commission of criminal offences.

Those allegations were advanced by the complainants by reference to evidential material supporting the eight modules summarised earlier.

The Metropolitan Police therefore required to consider whether the available material disclosed reasonable grounds to suspect the

commission of any criminal offence and, if so, whether further enquiry was required.

The Closure Letter

The closure letter ultimately states that:

"...there are no criminal offences apparent."

That conclusion is expressed in general terms.

However, the letter does not identify:

- which criminal offences were examined;
- the constituent legal elements of those offences;
- how those elements were analysed;
- what evidence was considered in relation to each offence;
- or how the conclusion was reached in respect of each allegation.

Instead, the reasoning proceeds principally through discussion of vaccine regulation, clinical trials and pharmacovigilance before expressing the conclusion that no criminal offences were apparent.

The Relationship Between Evidence and Offence

When allegations of criminal conduct are reported, two separate analytical exercises ordinarily arise.

- The first concerns the factual evidence.
- The second concerns the legal ingredients of the alleged offence.

Only by considering those two matters together can it properly be determined whether the available material is capable of satisfying the relevant legal test.

The closure letter does not identify that analytical process. It does not explain how the evidence submitted by the complainants was assessed against the legal elements of the offences reported. Nor does it explain why each offence was regarded as unsupported.

Individual Consideration

This observation is of particular importance because the complaint comprised eight evidential modules.

Those modules addressed different factual subject matter.

Consequently, they may also have engaged different legal considerations.

The closure letter, however, reaches a single global conclusion.

It does not distinguish between the separate allegations. Nor does it explain whether each module was individually considered before the overall decision was reached.

Sufficiency of Reasons

This paper is not concerned with whether the Metropolitan Police ultimately reached the correct conclusion. Instead, it examines whether the reasons given enable the reader to understand how that conclusion was reached.

The reasoning contained within the closure letter does not identify the legal analysis undertaken in respect of the offences alleged.

Accordingly, it is difficult to determine from the letter itself:

- which offences were examined;
- how those offences were analysed;
- whether different offences received different consideration; or
- whether the conclusion applied equally across every module of the complaint.

Questions Arising

The following questions arise:

- Which criminal offences were considered by the decision-maker?
- Was each alleged offence analysed separately?
- Was each of the eight evidential modules assessed independently?
- What legal test was applied when concluding that no criminal offences were apparent?
- How was the evidence submitted by the complainants evaluated against the constituent legal elements of each alleged offence?
- Is that analysis recorded elsewhere within the Metropolitan Police decision-making process?

Material Omissions Within the Closure Letter

Introduction

When assessing the adequacy of a decision document, it is necessary to consider not only the matters expressly addressed, but also whether material issues requiring determination have been omitted.

An omission does not necessarily demonstrate that a matter was not considered.

Equally, however, where a decision provides no reasons concerning a material issue, the reader is unable to determine from the decision itself whether that issue formed part of the decision-making process.

This section of the paper therefore identifies matters which appear absent from the closure letter when compared with the contemporaneous handling record reconstructed within Evidence Bundles Nos. 1 to 3.

The Seven Non-Vaccine Modules

The most immediately apparent omission concerns the scope of the complaint itself.

As identified earlier, CRN 6029679/21 comprised eight evidential modules.

The closure letter is directed almost exclusively towards vaccine regulation, vaccine safety and vaccine authorisation.

No separate consideration is given to the remaining seven modules.

The letter therefore provides no explanation enabling the reader to understand:

- whether those modules were examined;
- whether they were rejected;
- whether they were regarded as outside the scope of the complaint; or
- whether they were considered to be answered by the reasoning relating to vaccines.

The Submitted Evidence

The contemporaneous handling record demonstrates that substantial evidential material was submitted following the initial report.

The closure letter does not identify:

- the quantity of evidence reviewed;
- the categories of evidence examined;
- which submissions were accepted;
- which submissions were rejected;
- or the reasons why particular evidence was considered insufficient.

The reader is therefore informed of the conclusion but not the evidential route by which that conclusion was reached.

The Legal Analysis

The letter concludes that no criminal offences were apparent.

It does not however, identify:

- the offences considered;
- the legal ingredients of those offences;
- the analytical framework adopted; or
- how the evidence was assessed against the constituent elements of each alleged offence.

Without that analysis, the reasoning leading to the conclusion is not apparent from the letter itself.

The Investigative Process

The letter refers to an "*extensive review*'.

It does not explain:

- what that review comprised;
- who undertook it;
- whether specialist investigators were involved;
- whether legal advice was obtained;
- whether enquiries were undertaken;
- or how the review was conducted.

Evidence Bundles Nos. 1 and 3 identify a range of documented activity associated with CRN 6029679/21.

The closure letter does not explain the relationship between that activity and the review to which it refers.

The Decision-Making Process

The letter communicates a concluded position.

It does not explain:

- who reached that decision;
- whether it was reached by one individual or collectively;
- whether specialist advice informed the decision;
- whether external agencies were consulted;
- or whether differing views were considered during the review process.

This report does not suggest that such matters were absent from the decision-making process. It merely observes that they are not identified within the decision document itself.

The Basis Upon Which No Further Investigation Was Considered Necessary

The letter states that there was insufficient evidence to pursue a criminal investigation.

However, the reasoning explaining why no further investigative steps were considered capable of assisting is not set out.

The reader is therefore unable to determine from the letter:

- whether further enquiries were considered;

- what enquiries were rejected;
- why they were rejected; or
- whether any investigative options remained available at the point the decision was reached.

Observations

None of the matters identified above necessarily establish that they were overlooked during the Metropolitan Police's consideration of CRN 6029679/21.

The observation made in this section of the paper is more limited.

They are not addressed within the closure letter itself.

Accordingly, the letter provides only a partial explanation of the reasoning underlying the decision communicated on 21 February 2022.

Whether fuller reasoning exists elsewhere within the Metropolitan Police records is a matter capable of investigation.

Questions Arising

- Were all eight evidential modules considered individually?
- Where is the analysis of the seven non-vaccine modules recorded?
- What evidence was accepted, rejected or regarded as determinative?

- What legal analysis supported the conclusion that no criminal offences were apparent?
- What investigative options were considered before deciding that no further investigation was justified?
- Does further recorded reasoning exist beyond the closure letter itself?

Overall Assessment of the Closure Letter

Introduction

The purpose of this report has not been to determine whether the conclusions contained within the Metropolitan Police closure letter of 21 February 2022 were ultimately correct. Nor has it sought to substitute an alternative assessment of the allegations reported under CRN 6029679/21.

The purpose has been to examine the closure letter itself as the document communicating the Metropolitan Police's decision to close the report and to assess whether that document adequately explains the basis upon which that decision was reached.

The Scope of the Decision

The first issue identified within this report concerns the scope of the complaint requiring determination.

The contemporaneous record demonstrates that CRN 6029679/21 comprised eight distinct evidential modules.

The closure letter, however, is framed almost entirely by reference to allegations concerning COVID-19 vaccines.

Whether that reflects a deliberate narrowing of the issues under consideration, a summary of the complaint, or an assumption that the vaccine-related reasoning answered the complaint in its entirety is not explained within the letter.

The reader is therefore left unable to determine how the remaining seven evidential modules were addressed.

The Evidential Reasoning

The letter refers to an “*extensive review*” and reaches clear conclusions.

However, it provides only limited explanation of the evidential process by which those conclusions were reached.

The letter does not identify:

- the evidence regarded as determinative;
- the evidence considered but rejected;
- the reasoning applied to the principal allegations;
- or the analytical process by which the available material was assessed.

The conclusions are therefore apparent, but the reasoning leading to those conclusions is considerably less so.

The Legal Reasoning

The closure letter concludes that no criminal offences were apparent and that there was insufficient evidence to pursue a criminal investigation.

These are important legal conclusions. However, the letter does not explain:

- which offences were considered;

- how their constituent legal elements were analysed;
- how the evidence was evaluated against those elements; or
- why further enquiry was considered unnecessary.

Consequently, the legal route by which the conclusions were reached is not apparent from the decision document itself.

The Regulatory Reasoning

The report has also examined the reliance placed upon the regulatory status of COVID-19 vaccines.

Whether or not the regulatory position was accurately described, that reasoning principally addresses one component of one evidential module.

The closure letter does not explain how that regulatory material determined the broader allegations comprising CRN 6029679/21.

The Function of the Closure Letter

A closure letter performs an important constitutional function - It informs complainants why a public authority has reached a particular decision.

It also enables that reasoning to be understood, scrutinised and where appropriate, challenged.

The issue examined within this report is therefore not whether every conclusion expressed within the letter was necessarily incorrect. It

is whether the reasoning contained within the letter sufficiently explains the decision communicated.

That is a separate question.

Final Observations

This report has identified a number of questions arising from the wording of the closure letter.

Those questions concern:

- the scope of the complaint considered;
- the evidential basis of the reasoning adopted;
- the legal analysis undertaken;
- the relationship between regulatory material and criminal allegations;
- and the adequacy of the reasons provided for closing CRN 6029679/21.

The report does not attempt to answer those questions conclusively. It instead identifies them as matters which may merit further examination in light of the documentary record which is now available and indeed, continues to expand.

Conclusion

The closure letter dated 21 February 2022 represented the formal conclusion of Metropolitan Police handling of CRN 6029679/21.

It therefore occupies a central position within the documentary history reconstructed throughout this four-part evidential submission.

- **Evidence Bundle No. 1** reconstructed the chronology of the report.
- **Evidence Bundle No. 2** examined the wider operational and constitutional context.
- **Evidence Bundle No. 3** considered the legal framework governing criminal investigation, disclosure and public-law decision-making.
- **This final bundle** has examined the decision document itself.

Taken together, the four bundles do not seek to determine criminal liability, nor do they seek to invite predetermined conclusions regarding the conduct of any individual or institution.

Their purpose is to assist the present investigation by reconstructing the contemporaneous documentary record, identifying the legal framework within which decisions were made and examining whether the reasons communicated on 21 February 2022 adequately explain the decision to close CRN 6029679/21.

If further examination of that decision is now undertaken, it can do so upon a documentary foundation which is broader and more complete than that available at the time the closure letter was written.

Matters Capable of Verification

The questions identified throughout this report are, in large measure, capable of objective verification by reference to Metropolitan Police records, including decision logs, review records, supervisory records, legal advice, crime-recording documentation, internal correspondence and other contemporaneous material retained in connection with CRN 6029679/21.

Where this report identifies an apparent omission or unresolved question, it does so recognising that additional documentary material may exist within Metropolitan Police records which was not available to the author at the time of writing.

A Final Word

The purpose of my four-part submission to the Metropolitan Police has not been to prove that the wrong decision was reached.

Its purpose has been to ensure that any further consideration of CRN 6029679/21 proceeds upon the fullest available documentary record.

Whether the decision of 21 February 2022 remains sustainable in light of that record is a matter for the present investigation to determine.

Ian Clayton

24 July 2026