Why Tor Garnett's Reasoning for Closing CRN 6029679/21 is Unsustainable

Internal briefing

Legal and evidential analysis

1. Background

1.1

On 21 February 2022, Detective Superintendent Tor Garnett, Head of CID, Central West BCU, wrote to Mark Sexton regarding Crime Reference Number 6029679/21 ("the CRN"). In that letter she stated that:

the relevant COVID-19 vaccines had been approved by the WHO, EMA and MHRA;

the allegations of gross negligent manslaughter and misconduct in public office "have no basis in the available evidence” and “it is clear that there are no criminal offences apparent”;

as a result, the MPS claimed they did not consider there to be sufficient evidence to pursue an investigation; and

the matter was recorded only as an incident in line with the National Standard for Incident Reporting and the Home Office Counting Rules, not as a crime.

1.2

The CRN concerned allegations of extremely serious offences relating to the UK COVID-19 vaccine programme and was supported by around 400 victim, witness, expert and whistle-blower statements and substantial documentary material.

1.3

Subsequent disclosures (including Operation Talla material, the Speirs Directive, NPCC documentation and the MPS’s own “General Investigation Statement”) demonstrate that the reasons given by DSupt Garnett are legally and evidentially unsustainable and that the closure decision was taken in flagrant breach of the MPS’s own investigation standards, the CPIA Code of Practice and the State's obligations under the Human Rights Act 1998.

2. Legal and Factual Errors in the Closure Decision

2.1 Misstatement of the Regulatory Status and Safety of the Vaccines

2.1.1

The letter asserts that "the relevant vaccines have been approved by the World Health Organisation, the European Medicines Agency and the Medicines and Healthcare products Regulatory Agency" and that they underwent stringent trials before being used.

2.1.2

That statement is inaccurate and incomplete:

In the UK, COVID-19 vaccines were initially supplied under temporary authorisations (regulation 174 of the Human Medicine Regs) and/or conditional marketing authorisations, not standard, full marketing authorisations.

As of February 2022, some products (e.g. Janssen, AstraZeneca) had marketing authorisations via EU/EC reliance routes, while others (e.g. Novavax) had only a conditional marketing authorisation; and MHRA materials themselves still referred to conditional/temporary authorisation and ongoing data collection.

2.1.3

Even if all vaccines had been fully “approved” (which they categorically were not), regulatory authorisation cannot extinguish criminal liability where later evidence suggests that offences such as gross negligent manslaughter, fraud, misconduct in public office or perverting the course of justice may have been committed in connection with their rollout. To treat “approval” as a bar to investigation is a fundamental misdirection in law.

Footnote (status point)

Public MHRA materials confirm that, at and around 21 February 2022, COVID-19 vaccines in use in the UK were variously under full marketing authorisation (e.g. Janssen, AstraZeneca) and conditional or temporary authorisation (e.g. Novavax, Comirnaty/Spikevax, supplied initially under regulation 174 and/or conditional marketing authorisations). These authorisations expressly envisaged ongoing safety monitoring and did not create any immunity from criminal investigation or prosecution.

2.2 Failure to Engage with the Actual Evidence Supplied

2.2.1

The letter states that the allegations “have no basis in the available evidence” and that “it is clear that there are no criminal offences apparent”.

2.2.2

Given the volume and nature of material supplied (around 400 statements plus documentation), this conclusion is untenable unless:

senior officers conducted a detailed review of all statements, exhibits and expert reports;

reasons were recorded explaining why each alleged offence type (e.g. gross negligent manslaughter, misconduct in public office, fraud, conspiracy, etc.) could not possibly be made out; and

those reasons were themselves rational and lawful.

2.2.3

No such analytic record has been disclosed. In the absence of a documented evidential review, the assertion that there was “no basis in the available evidence” amounts to an unreasoned ipse dixit and not a lawful decision.

2.3 Breach of the MPS General Investigation Principles

2.3.1

The MPS “General Investigation Statement” emphasises that:

Investigations are victim-led and officers must recognise the vulnerability and impact on victims.

The MPS must “pursue all reasonable lines of enquiry, whether they point towards or away from a suspect”.

Officers must properly record, retain and evaluate all information and evidence.

The seriousness of the alleged offence and potential risk to life are central considerations.

2.3.2

Closing CRN 6029679/21 without a full, recorded assessment of the 400+ statements and without opening a structured investigation plainly breaches these principles. The decision ignored:

the seriousness of the alleged offences (including crimes against life and public safety);

the scale of alleged victimisation; and

the need to follow all reasonable lines of enquiry, including expert review and consultation with specialist units.

2.3.3

The decision therefore contradicts the MPS's own published standards and amounts to institutional self-contradiction.

2.4 Breach of CPIA 1996 and the CPIA Code of Practice

2.4.1

Under the CPIA Code of Practice, investigators must:

pursue all reasonable lines of enquiry, whether they point towards or away from a suspect (Code para 3.5);

retain material obtained in the course of an investigation which may be relevant to the investigation (paras 5.1–5.5);

keep an audit trail of decisions and rationales.

2.4.2

By refusing to investigate in accordance with their statutory obligations, the MPS effectively unlawfully sidestepped these CPIA obligations:

There was no structured “investigation” within the meaning of the Code, despite the clear existence of “an apparent crime” supported by detailed witness and expert evidence.

The decision not to log the matter as a crime but merely as an incident is itself a device which appears designed to avoid CPIA-compliant duties of retention, review and disclosure.

2.4.3

This is not a mere technical breach; it undermines the entire statutory disclosure regime and jeopardises any future proceedings or public inquiry that might need access to this material.

2.5 Breach of the Duty to Investigate Under Articles 2 and 3 ECHR

2.5.1

Where there is credible information that State-linked actions may have caused death or serious harm, the State has a procedural duty under Articles 2 and 3 ECHR to conduct an effective, independent investigation.

2.5.2

Allegations of avoidable deaths and serious injuries arising from public policy decisions about vaccination and alleged suppression of safety information squarely engage that duty.

2.5.3

Closing the CRN at the threshold stage, without a full evidential review or investigation plan, constitutes a failure to conduct an effective investigation, contrary to the UK's Convention obligations.

2.6 Irrational Reliance on Regulatory and Political Endorsement

2.6.1

The letter relies heavily on the fact that vaccines were "approved" by international bodies and used in many countries. That is not a lawful basis to refuse to investigate allegations which:

officials knowingly misrepresented safety and efficacy data;

risks were concealed or downplayed;

criminal negligence or misconduct in public office occurred in the design and promotion of the programme.

2.6.2

Regulators and policymakers may themselves be subjects of the investigation. Their prior “approval” cannot rationally be treated as conclusive proof that no crime can exist. To do so is a classic form of institutional circularity: the very actors whose conduct is impugned are treated as exonerating the alleged crime.

2.7 Failure to Identify the Ultimate Decision-Maker and Chain of Command

2.7.1

The letter is signed by DSupt Garnett but gives no account of who ultimately took the decision to close the crime report, nor of what advice, instructions or national policies (including Operation Talla) influenced that decision.

2.7.2

Subsequent materials, including the Speirs Directive in Scotland and Operation Talla documentation, show that national command structures were actively involved in suppressing vaccine-related crime reports. To the extent that Garnett's decision was influenced by such national directives, this should have been transparently recorded.

2.7.3

The lack of a documented decision-making chain is incompatible with basic standards of accountability and with the CPIA requirement for investigators and disclosure officers to be identifiable and accountable.

2.8 Inconsistent Treatment of Victims and Witnesses

2.8.1

The MPS General Investigation Statement stresses the importance of treating victims and witnesses with respect and ensuring their concerns are properly addressed.

2.8.2

By:

declining to open a full investigation,

advising that no crimes were apparent, and

relegating the matter to an “incident” record,

the MPS effectively disenfranchised hundreds of victims, witnesses and whistle-blowers, denying them the basic recognition that their allegations merited proper forensic scrutiny.

2.8.3

This “victim-blinding” approach is contrary to both domestic policy and international standards on the treatment of complainants in serious crime.

2.9 Procedural Impropriety and Misrepresentation to the Complainant

2.9.1

Telling the complainant that “there are no criminal offences apparent” when:

no full investigation has been carried out;

no independent expert review has been commissioned; and

the decision appears to rest on a mischaracterisation of regulatory status and on undisclosed command policies,

amounts to a material misrepresentation of the true position.

2.9.2

If, as the later Operation Talla and Speirs materials strongly suggest, the real reason for closure was a national policy to reject vaccine-related crime reports, then the complainant and the public have been misled as to the genuine basis of the decision. That is capable of engaging offences such as misconduct in public office and perverting the course of justice.

2.10 Conflict with Subsequent Evidence of National Suppression (Operation Talla / Speirs Directive)

2.10.1

The letter must now be read against the backdrop of:

the Speirs Directive of 25 January 2022 instructing officers in Scotland to reject vaccine-related crime reports and record them only as Operation Talla/Norden entries, purportedly on NPCC/UK Gold Command advice;

NPCC materials which deny that any national instruction existed;

frontline footage of Police Scotland officers stating “we are not allowed to take that evidence”; and

the MPS general investigation statement which outwardly commits to victim-led, evidence-driven investigation.

2.10.2

In that context, the closure of CRN 6029679/21, on reasons closely aligned with national messaging rather than with the actual evidential file, reads as part of a coordinated suppression policy rather than a genuinely independent, evidence-based policing decision.

3. Required Remedial Action

3.1

Given the scale and seriousness of the errors identified above, the closure of CRN 6029679/21 cannot stand as a lawful or rational policing decision. At a minimum, the following steps are required:

Immediate reopening of CRN 6029679/21 as a live criminal investigation.

Appointment of a new Senior Investigating Officer and Disclosure Officer, unconnected with the original decision, with a duty to comply strictly with CPIA and the MPS General Investigation Statement.

A full review of all 400+ statements and exhibits, with an investigation plan addressing each alleged offence type and all reasonable lines of enquiry.

Consideration of a separate investigation into the circumstances and influences that led to the original closure decision, including potential offences of misconduct in public office and perverting the course of justice by any officer or official involved, on a nationwide basis.

Issuing of preservation notices to ensure that all Operation Talla/Gold Command/NPCC communications, internal MPS correspondence and policy documents are retained for potential criminal and judicial scrutiny.

Formal notification to oversight bodies (IOPC, HMICFRS, PACAC and other relevant parliamentary committees) that the original closure was unlawful and is under review.

All under strict judicial supervision.

3.2

Until such remedial steps are taken, the Tor Garnett letter of 21 February 2022 stands as a written admission that the Metropolitan Police Service abandoned its investigative duties in one of the most serious crime reports in its modern history and did so on grounds which are demonstrably unsound in law, internally inconsistent and incompatible with the very rule of law itself.

AIC

21/11/2025

CASE LAW ANNEX

A. MATERIAL ERROR OF FACT AND PUBLIC-LAW INVALIDITY

1. E v Secretary of State for the Home Department [2004] EWCA Civ 49

Principle:

A public-law decision is unlawful if based on a material mistake of fact, especially where the mistake is the foundation of the decision.

Relevance:

Tor Garnett’s entire closure rationale rested on the false assertion that COVID-19 vaccines were “approved”.

A decision built on a factual falsehood is unlawful under E v SSHD: the closure decision cannot stand.

B. FAILURE TO INVESTIGATE / BREACH OF COMMON-LAW DUTY

2. R (DK) v Secretary of State for the Home Department [2006] EWCA Civ 980

3. R (Green) v Police Complaints Authority [2004] UKHL 6

Principle:

Police must investigate credible allegations of crime. Administrative convenience or policy cannot displace this duty.

Relevance:

Garnett failed to investigate 400+ witness/expert statements, contradicting these established duties.

C. FAILURE TO REVIEW EVIDENCE BEFORE DECISION

4. R (D) v Chief Constable of Hampshire [2013] EWHC 658 (Admin)

Principle:

A decision-maker must consider relevant evidence; failure to do so renders the decision irrational and unlawful.

Relevance:

Garnett’s sweeping “no criminal offences apparent” conclusion was issued without review of the supplied evidence, violating this principle.

D. CPIA DUTIES / DISCLOSURE AND ENQUIRY FAILURES

5. R v Ward [1993] 1 WLR 619

Principle:

Non-disclosure of relevant material is a profound breach of investigative obligations; convictions and decisions depending on such non-disclosure are rendered unsafe/unlawful.

Relevance:

MPS did not examine, log, or disclose the vast evidence provided under CRN 6029679/21. The closure decision breaches the duty identified in Ward.

6. R v Makin (CA)

7. R v R & Others [2015] UKSC 35

Principle:

Failure to pursue “reasonable lines of inquiry” and to preserve or disclose material is unlawful and incompatible with CPIA.

Relevance:

Garnett closed the case without pursuing any investigative lines – directly violating Makin and R v R principles.

E. UNLAWFUL FETTERING OF DISCRETION

8. British Oxygen Co Ltd v Minister of Technology [1971] AC 610 (HL)

Principle:

A public authority may not unlawfully fetter its discretion by applying blanket rules which pre-decide outcomes.

Relevance:

The closure occurred within the context of the (now disclosed) Speirs Directive and national Talla-linked policies, all of which constituted blanket prohibitions on investigating vaccine-related criminal allegations.

This renders the decision void under British Oxygen.

F. ECHR ARTICLE 2 & 3 PROCEDURAL DUTIES

9. Jordan v United Kingdom (2001) 37 EHRR 2

10. Ramsahai v Netherlands (2007) 46 EHRR 43

Principle:

Where allegations concern potential loss of life or serious bodily harm, the State has a procedural duty to conduct an independent and effective investigation.

Relevance:

CRN 6029679/21 contained allegations of death/serious harm linked to the vaccine rollout. Failure to investigate breaches Articles 2 and 3.

G. ARTICLE 6 & 13 ECHR – ACCESS TO JUSTICE / REMEDY

11. Kudła v Poland (2000) 35 EHRR 11

Principle:

States must provide effective mechanisms to pursue remedies; administrative shutdown obstructing investigation violates Article 13 and can engage Article 6.

Relevance:

The closure letter removes all avenues of independent investigation, violating the complainants' Convention rights.

H. IRRATIONALITY AND WEDNESBURY UNREASONABLENESS

12. Associated Provincial Picture Houses v Wednesbury Corporation [1948] 1 KB 223

Principle:

A decision is unlawful if it is irrational or outside the range of reasonable responses.

Relevance:

Declaring “no criminal offences apparent” without examining evidence, based on false assumptions, and contrary to statutory duties is plainly irrational.