

# ***"Not a Matter for the Met Police to Investigate"***

**A Forensic and Constitutional Analysis of the  
Metropolitan Police Statement Made in an  
Email Dated 12 January 2022**

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# **The Constitutional Question**

This paper asks one question.

***By what principle of English law can allegations concerning Government regulations or programmes cease to be matters for police investigation because of their governmental subject matter?***

The pages which follow examine that question by reference to the Metropolitan Police's own correspondence, established principles of English law and the constitutional doctrine of the Rule of Law.

The reader is invited to reach their own conclusion.

## **Author's Note**

This paper examines a single sentence contained within official correspondence issued by the Metropolitan Police on 12 January 2022.

Its purpose is deliberately narrow.

It is not concerned with the political merits of the United Kingdom's response to the COVID-19 pandemic. Nor does it seek to determine whether the allegations then before the Metropolitan Police were ultimately capable of proof or prosecution.

Instead, this paper examines the legal and constitutional significance of the explanation given by the Metropolitan Police on 12 January 2022 for declining to investigate further allegations recorded under Crime Reference Number 6029679/21.

The analysis proceeds upon the wording chosen by the Metropolitan Police themselves.

It asks whether that wording is capable of being reconciled with established principles of English criminal law, constitutional law and public law.

Where conclusions are expressed, they are based upon the documentary record examined by the author, established legal principle and objective constitutional analysis.

Where the documentary record permits more than one interpretation, each is identified.

This paper does not seek to attribute motive. It seeks only to understand whether the legal proposition apparently advanced within the correspondence is capable of justification in law.

## **Part 1 - The Statement Under Examination**

On 12 January 2022, Detective Inspector Akshay Chibber, then serving as Staff Officer to the Commissioner of the Metropolitan Police, responded to correspondence concerning Crime Reference Number 6029679/21.

The email first confirmed that the allegations had been recorded, initially assessed and subsequently closed.

It then stated that they would not be investigated any further.

Had the correspondence concluded at that point, little constitutional significance would necessarily have arisen.

Police officers routinely decide that allegations should proceed no further.

Operational discretion forms an ordinary and entirely legitimate part of policing.

The email from Detective Inspector Chibber, however, did not conclude there.

Instead, he added the following explanation:

***"...allegations against the Government's Covid regulations and vaccine programs are not a matter for the Met police to investigate as allegation of a criminal offence."***

It is that sentence and that sentence alone, which forms the subject of this paper.

It is important at the outset to identify what this paper does not seek to establish.

It does not seek to demonstrate that any particular criminal offence had, in fact, been committed. Nor does it contend that every allegation presented to the police must inevitably result in a criminal investigation.

English law has never required such a proposition.

Police officers exercise professional judgement every day.

- They assess allegations.
- They consider evidence.
- They determine whether further enquiries are justified.

Many reports progress no further. That fact is neither unusual nor controversial.

The constitutional issue examined here is altogether different. It concerns the reasoning advanced for declining further investigation.

The sentence does not appear, on its face, to explain that available evidence failed to disclose the constituent elements of any recognised criminal offence. Nor does it identify any evidential deficiency.

- It cites no statutory limitation upon police jurisdiction.
- It refers to no prosecutorial advice.
- It identifies no alternative investigative authority.

Instead, the explanation appears to turn upon the subject matter of the allegations themselves.

Read according to their ordinary and natural meaning, the words appear to communicate that allegations concerning the Government's COVID regulations and vaccine programmes were not matters which the Metropolitan Police investigated as allegations of criminal offending.

Whether that was the intended meaning is ultimately a question of interpretation.

However, if those words bear their ordinary meaning, they advance a proposition of profound constitutional significance.

The proposition would not concern the sufficiency of evidence. It would instead concern the scope of police jurisdiction itself.

The distinction is fundamental.

A conclusion that available evidence does not justify investigation is an evidential conclusion.

A conclusion that allegations concerning a particular category of governmental activity are not matters for police investigation is a constitutional proposition.

Those two propositions are not synonymous, nor should they be treated as interchangeable.

The purpose of this paper is therefore to examine whether English law recognises any principle capable of supporting the proposition apparently conveyed by the Metropolitan Police's own words.

## **Forensic Observation**

The significance of the 12 January 2022 email lies not in its tone, but in the legal proposition which its wording appears to advance.

Properly analysed, the explanation does not appear to be framed by reference to evidential sufficiency, statutory jurisdiction or recognised policing discretion.

It appears to be framed by reference to the governmental subject matter of the allegations themselves.

If that interpretation is correct, the question immediately becomes one of constitutional law rather than merely operational policing.



## **Part 2 - What the Statement Does Not Say**

The starting point for any forensic examination of written evidence is to distinguish between what a document does say and what it does not say.

That distinction assumes particular importance where the document originates from a public authority exercising statutory powers.

Courts are concerned with the language which public bodies actually choose to employ. They are slow to imply reasons which the decision-maker did not express, particularly where the stated reason itself appears capable of carrying legal significance.

Before considering what Detective Inspector Chibber's email appears to communicate, it is first necessary to identify those matters which it conspicuously does not communicate.

That exercise considerably narrows the range of legitimate interpretations available.

It Does Not State that No Criminal Offence Was Alleged - The email does not state that the allegations failed to disclose the constituent elements of any offence recognised by English law.

No analysis of the allegations is provided - No reference is made to the legal ingredients of gross negligence manslaughter, misconduct in public office, fraud or any other offence advanced by those making the report.

No explanation is offered as to why the alleged facts were said to fall outside the criminal law.

Instead, the explanation proceeds directly from the subject matter of the allegations to the conclusion that they were not matters for Metropolitan Police investigation.

That is an important distinction.

Whether conduct satisfies the ingredients of a criminal offence is a question of law applied to facts. It is not answered by reference to the identity of the institution against whom allegations are made.

It Does Not State that the Evidence Was Insufficient - Equally significant is what the email omits regarding the evidential position. It does not state that insufficient evidence had been supplied.

It does not suggest that the complainants had failed to identify witnesses.

It does not suggest that the available material lacked credibility.

It does not suggest that no reasonable lines of enquiry remained available.

Indeed, the correspondence contains no evidential assessment whatsoever.

Had the Metropolitan Police wished to explain its decision by reference to evidential insufficiency, one would ordinarily expect language reflecting established investigative practice.

For example, it might have stated that the available material failed to disclose reasonable grounds for suspecting that a criminal offence

had been committed, or that the evidence provided was incapable of supporting further investigation.

No such explanation appears.

Instead, the explanation given is expressed by reference to the nature of the allegations themselves.

It Does Not Identify a Jurisdictional Limitation - Police forces possess territorial jurisdictions and statutory responsibilities.

Questions of jurisdiction frequently arise.

An allegation may properly fall within the responsibility of another police force.

It may concern conduct occurring overseas, it may lie within the statutory responsibility of a specialist agency, or it may already be subject to another criminal investigation.

None of those matters is identified here.

The email does not suggest that the Metropolitan Police lacked territorial jurisdiction.

It does not state that responsibility rested with another force. It does not identify another investigative authority. Nor does it explain that Parliament has assigned responsibility elsewhere.

The absence of any jurisdictional explanation is striking because jurisdiction provides one of the few recognised legal bases upon which a police force may properly decline to investigate.

So, in this instance, clearly, jurisdiction is not mentioned.

It Does Not Refer to Prosecutorial Advice - The email contains no indication that legal advice had been obtained from the Crown Prosecution Service.

It does not refer to advice from Counsel.

In fact, it does not suggest that any prosecutorial assessment had concluded that no criminal offence could arise.

That omission is not criticised in this paper - Operational policing decisions are frequently taken without prior prosecutorial advice.

The significance lies elsewhere.

Had such advice existed, it might have provided a recognisable legal explanation for the decision communicated.

No such explanation appears.

It Does Not Identify Any Statutory Exemption - Perhaps most importantly, the email identifies no statutory provision which removes allegations concerning Government COVID regulations or vaccine programmes from the ordinary jurisdiction of the criminal law.

- No Act of Parliament is cited.
- No statutory immunity is identified.
- No public-law doctrine is relied upon.
- No constitutional exception is explained.

The proposition therefore appears unsupported by any legal source identified within the correspondence itself.

That absence matters because statutory public powers are ordinarily exercised by reference to legal authority capable of identification.

Where a public authority advances what appears to be a constitutional proposition, one naturally expects the legal basis for that proposition to be capable of articulation.

Here, though, none is provided.

It Does Not Distinguish Between Government Policy and Alleged Criminal Conduct - This omission is perhaps the most significant of all.

There exists an obvious distinction between disagreement with government policy and allegations that identifiable individuals may have committed criminal offences in connection with that policy.

The distinction is elementary.

Police officers do not investigate political disagreement. They investigate suspected criminal offending.

Had the email explained that the matters reported amounted merely to disagreement with Government policy, its reasoning would have assumed an entirely different character. However, it does not say that.

Instead, it refers to allegations concerning Government COVID regulations and vaccine programmes without explaining why those allegations were considered incapable of constituting criminal matters.

The distinction between political criticism and allegations of criminal offending therefore remains entirely unexplained.

## **The Importance of Silence**

In legal analysis, silence can sometimes be as revealing as express language.

This is not because silence permits speculation. Quite the opposite - it limits it.

Where a public authority provides an explanation for an operational decision, the explanation chosen necessarily assumes importance.

The more significant the legal proposition apparently advanced, the greater the expectation that its legal foundation will be articulated.

The explanation contained within the email is remarkable not because of what it expressly concludes, but because of what it leaves unsaid.

- It advances no evidential reasoning.
- It advances no jurisdictional reasoning.
- It advances no statutory reasoning.
- It advances no constitutional reasoning.

Nevertheless, it communicates a conclusion of potentially considerable constitutional significance.

Whether that conclusion accurately reflects the legal position is the question to which this paper now turns.

## Forensic Observation

The significance of Detective Inspector Chibber's email lies as much in its omissions as in its express wording.

The correspondence does not explain the decision by reference to evidence, jurisdiction, prosecutorial advice or statutory authority. Those are the explanations one would ordinarily expect to encounter in correspondence declining further criminal investigation.

Instead, the explanation appears to rest upon the governmental subject matter of the allegations. The absence of any articulated legal foundation for that proposition gives rise to an obvious and legitimate constitutional question:

***What principle of English law, if any, supports it?***

## **Part 3 - The Rule of Law and Equality Before the Law**

The constitutional significance of Detective Inspector Chibber's email cannot be understood without first identifying one of the most fundamental principles upon which the British constitution rests.

That principle is the Rule of Law.

Although frequently invoked in political debate, the Rule of Law is not merely a constitutional aspiration or an expression of good government. It is a legal principle which governs the exercise of public power.

At its simplest, it requires that public authorities derive their powers from law, exercise those powers according to law, and remain accountable to law.

No person, institution or public authority exists beyond its reach unless Parliament has expressly so provided.

That proposition has long formed part of the constitutional settlement of the United Kingdom and it remains so today.

### **Equality Before the Law**

Perhaps the best-known expression of that principle was provided by Professor A.V. Dicey in Introduction to the Study of the Law of the Constitution.

Dicey described one of the essential characteristics of the British constitution as equality before the law.



His proposition was simple.

Every person, regardless of rank or office, remains subject to the ordinary law administered by the ordinary courts.

Although aspects of Dicey's wider constitutional theory have evolved considerably during the last century, that central proposition has endured.

Modern constitutional law continues to recognise that Ministers, civil servants, police officers, regulators and every other public official remain subject to the criminal law in precisely the same manner as every other citizen, unless Parliament has expressly legislated otherwise.

The importance of that principle cannot be overstated. It is one of the principal safeguards against arbitrary government.

It ensures that criminal liability depends upon conduct proved by evidence rather than constitutional status or institutional position.

### **The Criminal Law Does Not Recognise Governmental Subject Matter as an Immunity**

Against that constitutional background, Detective Inspector Chibber's explanation immediately assumes significance.

The email does not state that the allegations lacked evidential foundation. Instead, it appears to identify the subject matter of the allegations themselves.

The distinction is critical.

English criminal law does not ordinarily ask whether alleged conduct concerns Government.

It asks whether the alleged facts satisfy the constituent elements of an offence recognised by law.

A report concerning Government policy does not become incapable of criminal investigation merely because Government policy forms part of its factual background. Indeed, many criminal investigations necessarily concern governmental activity.

- Police investigate Ministers.
- They investigate Members of Parliament.
- They investigate civil servants.
- They investigate police officers.
- They investigate regulators.
- They investigate local authorities.
- They investigate NHS bodies.

None of those investigations occurs because governmental institutions stand outside constitutional protection.

They occur because governmental institutions stand within the Rule of Law.

The constitutional position is therefore the reverse of that apparently suggested by the wording of the email.

The greater the public power entrusted to an institution, the greater the importance of legal accountability.

## **Subject Matter and Criminal Liability**

This distinction may be illustrated by considering what the criminal law actually requires.

When police receive an allegation, the proper legal questions concern matters such as these:

- What conduct is alleged?
- Against whom is the allegation made?
- Which criminal offences are said to arise?
- What evidence presently exists?
- What further enquiries are reasonably available?
- Does the available material justify criminal investigation?

These are familiar investigative questions. They concern evidence, law and fact.

What they do not concern is whether the allegation relates to Government itself.

Governmental context may be relevant to many aspects of the legal analysis. It may explain why particular statutory powers existed. It may explain why decisions were taken. It may affect questions of public authority, lawful excuse or statutory interpretation. However, governmental context is not itself a recognised legal answer to the question whether suspected criminal conduct should be investigated.

That question remains one of evidence and law.

## **Parliament Determines Immunities**

The constitutional importance of parliamentary sovereignty should also be recognised.

Where Parliament intends to create legal immunity, privilege or statutory protection, it ordinarily does so expressly.

Examples exist throughout the constitutional framework.

- Parliamentary privilege.
- Judicial immunity.
- Certain statutory immunities.
- Various procedural protections.

Each depends upon identifiable legal authority. Each has recognised limits. Each can be explained by reference to legislation or established constitutional doctrine.

The email of 12 January 2022 identifies no comparable legal principle.

- It cites no Act of Parliament.
- It identifies no recognised immunity.
- It refers to no constitutional doctrine capable of removing allegations concerning Government COVID regulations or vaccine programmes from ordinary police jurisdiction.

If such a principle exists, the correspondence does not disclose it.

## **Constitutional Accountability**

The Rule of Law does not require every allegation to be believed. Nor does it require every complaint to mature into a criminal prosecution.

It requires something much more modest - It requires that allegations of criminal conduct be assessed according to law.

That is the constitutional safeguard.

Evidence may prove entirely insufficient.

The allegations may ultimately prove wholly unfounded.

The legal ingredients of every alleged offence may fail completely.

Each of those conclusions is capable of being reached lawfully.

What the Rule of Law does not ordinarily contemplate is that allegations become incapable of criminal investigation because they concern Government itself.

Such a proposition would represent a constitutional exception of extreme importance.

If such an exception exists, its legal foundation ought readily to be identifiable.

The 12 January 2022 correspondence identifies none.

### **The Constitutional Question**

The issue raised by Detective Inspector Chibber's email is therefore not whether the Metropolitan Police were obliged to investigate CRN 6029679/21.

That is a different question.

The issue is whether the explanation given for declining further investigation is capable of being reconciled with the constitutional principle that governmental authority remains subject to the ordinary operation of the criminal law.

That question deserves careful examination because it extends far beyond the particular allegations under consideration. It concerns the constitutional relationship between the citizen, the police and the Executive itself.

If allegations concerning Government programmes may properly be excluded from criminal investigation merely because of their governmental character, the constitutional implications would be profound.

If they may not, then the legal basis for the explanation contained within the email requires careful scrutiny and explanation.

### **Forensic Observation**

The Rule of Law recognises no general principle by which allegations of criminal conduct cease to be matters for police investigation merely because they concern Government policy or governmental programmes.

Criminal liability depends upon law, evidence and fact, not institutional identity.

Detective Inspector Chibber's email identifies no statutory provision, constitutional doctrine or recognised immunity capable of supporting such a proposition.

The apparent absence of any articulated legal foundation gives rise to a legitimate constitutional question concerning the compatibility of the explanation with one of the oldest principles of the British constitution.

## **Part 4 - Police Jurisdiction and Operational Independence**

It is important at the outset to identify what this paper does not contend.

It does not suggest that every allegation reported to the police must result in a criminal investigation. Nor does it suggest that police officers lack discretion when deciding how allegations should be handled.

Quite the contrary.

The operational independence of the police forms an essential component of the constitutional settlement of the United Kingdom.

That independence protects both the public and the police themselves.

It ensures that investigative decisions are taken according to law and professional judgement rather than political influence or public pressure.

A decision not to investigate an allegation may be entirely lawful. Indeed, such decisions are made every day.

The constitutional question examined in this paper is therefore not whether the Metropolitan Police possessed discretion. It is whether the explanation given for exercising that discretion reflects a legally recognised basis upon which such discretion may properly be exercised.



## **Operational Independence Is Not Jurisdiction**

The concept of operational independence is frequently misunderstood.

It does not confer unlimited authority. Nor does it permit police officers to redefine the scope of their statutory responsibilities.

Operational independence concerns how policing powers are exercised. It does not alter what those powers are.

- A chief officer may decide that evidence is insufficient.
- A chief officer may conclude that further enquiries would serve no legitimate investigative purpose.
- A chief officer may determine that finite policing resources should not be deployed upon a particular allegation.

Those are operational judgments. Each involves the exercise of professional discretion within the framework established by law.

None of them alters the underlying jurisdiction of the police to investigate suspected criminal offending.

Jurisdiction and discretion therefore remain distinct legal concepts.

The former defines legal authority. The latter governs the exercise of that authority.

The two should not be conflated.

***The Difference Between "will not investigate" and "is not a matter for investigation"***

The distinction becomes clearer when the language itself is examined.

A police force may lawfully state:

*"Having assessed the available evidence, we will not investigate this matter further."*

That explanation concerns discretion.

Alternatively, a police force might state:

*"The available evidence does not disclose a criminal offence."*

That explanation concerns legal analysis.

A further possibility might be:

*"This matter falls outside the jurisdiction of the Metropolitan Police."*

That explanation concerns statutory competence.

Each explanation identifies a recognised legal basis for the decision communicated.

The wording examined in this paper however, appears materially different.

It states that allegations concerning the Government's COVID regulations and vaccine programmes *"are not a matter for the Met police to investigate as allegation of a criminal offence."*

Read according to its ordinary meaning, that wording does not merely communicate a discretionary decision concerning one particular complaint - It appears capable of communicating something broader.

It appears capable of communicating that allegations of a particular class are outside the investigative function of the Metropolitan Police.

One concerns the exercise of discretion. The other concerns the existence of jurisdiction.

### **Discretion Must Be Exercised Case by Case**

A well-established principle of public law is that discretionary powers must ordinarily be exercised by reference to the particular facts of the individual case.

Public authorities may adopt policies to promote consistency. However, they must remain willing to consider whether departure from such policies is justified where the circumstances require.

That principle exists to prevent the unlawful fettering of discretion.

Its purpose is straightforward.

Parliament entrusts discretionary powers to decision-makers so that they may evaluate the facts before them. Those powers are not ordinarily conferred to enable entire categories of cases to be excluded without proper consideration.

If a police force declines to investigate because evidence is insufficient, that is an exercise of discretion informed by the facts of the individual case. If, however, a police force declines investigation because allegations belong to a particular category of subject matter, different public law considerations may arise.

The question then becomes whether the decision has been taken by reference to legally relevant considerations.

### **The Limits of Police Discretion**

Operational discretion is broad. It is not unlimited.

Like every public power, it remains subject to the ordinary principles of public law.

Among those principles are:

- legality;
- rationality;
- procedural fairness, where applicable;
- proper purpose;
- and the requirement that discretionary powers be exercised by reference to relevant considerations.

Those principles do not prevent police officers reaching difficult or unpopular decisions. They merely ensure that such decisions are reached according to law.

The issue raised by Detective Inspector Chibber's email therefore concerns neither good faith nor professional competence. It concerns the legal character of the explanation itself.

If the explanation rests upon a consideration not recognised by law as relevant to criminal investigative jurisdiction, then an obvious constitutional question arises.

## **Government Is Not a Separate Legal Category**

The criminal law recognises many legal distinctions.

It distinguishes between adults and children, between summary and indictable offences, between territorial jurisdictions, between public and private prosecutions, between police and specialist investigative bodies.

What it does not ordinarily recognise is a category whereby allegations become non-investigable because they concern Government.

That proposition would require clear legal authority. The correspondence identifies none.

Indeed, if such a principle existed, one might reasonably expect it to appear in legislation, statutory guidance, or long-established constitutional doctrine.

No such source is identified within the email.

The apparent proposition therefore remains unsupported by any articulated legal foundation.

## **The Importance of Precision**

Public authorities communicate with care, particularly where correspondence addresses allegations of criminal offending.

Language matters.

Words chosen by police officers may carry legal significance far beyond the immediate circumstances in which they are written.

That is especially so where the correspondence explains why allegations of criminal conduct will proceed no further.

Had the explanation been expressed in evidential terms, this paper might never have required to be written.

Had it been expressed in jurisdictional terms, different legal questions would arise.

Instead, the explanation appears to identify the governmental subject matter of the allegations as the defining feature.

Whether that wording accurately reflects the intended meaning is ultimately a matter for others.

The constitutional significance lies in the legal proposition which the words are objectively capable of conveying.

## **Forensic Observation**

English law draws a clear distinction between the lawful exercise of investigative discretion and the existence of investigative jurisdiction.

Police officers enjoy broad discretion when deciding whether further investigation is justified. They do not ordinarily possess authority to redefine the categories of allegation falling within the ordinary operation of the criminal law. Read objectively, Detective Inspector Chibber's email appears capable of being understood as doing precisely that. If such was its intended meaning, the legal basis for that proposition remains unidentified.

## **Part 5 - The Missing Legal Principle**

By this stage of the analysis, a single question has emerged with increasing clarity.

***What principle of English law supports the proposition apparently advanced by the Metropolitan Police's email of 12 January 2022?***

That question is not rhetorical.

It is the central legal issue raised by the correspondence.

If the ordinary meaning of the email is correct, then the explanation appears to communicate that allegations concerning the Government's COVID regulations and vaccine programmes were not matters for Metropolitan Police investigation as allegations of criminal offending.

Such a proposition, if intended, would require legal authority.

The purpose of this part of the paper is therefore straightforward - It is to identify whether such authority exists.

### **The Search Must Begin with Parliament**

Under the constitutional arrangements of the United Kingdom, Parliament determines the powers and responsibilities of public authorities.

If Parliament intends to remove a class of allegations from the ordinary operation of the criminal law, one would ordinarily expect it to do so expressly or by necessary implication.

Statutory immunities are not unknown - Parliament has, in various contexts, created immunities, privileges and procedural protections where constitutional necessity requires them.

Those provisions are identifiable. They can be read. They can be interpreted. Their limits can be tested before the courts.

The email of 12 January 2022 identifies no such statutory provision.

It refers to no enactment. It cites no section of any Act of Parliament. It identifies no legislative basis upon which allegations concerning Government COVID regulations or vaccine programmes fall outside the ordinary investigative function of the Metropolitan Police.

If Parliament has created such an exception, the correspondence does not reveal it.

### **Nor Does the Common Law Appear to Supply the Answer**

The common law likewise recognises important constitutional doctrines.

Among them are:

- the Rule of Law;
- legality;
- equality before the law;
- police operational independence;



- prosecutorial independence;
- judicial independence.

Each is well established. Each serves an important constitutional purpose.

None appears to establish a general proposition that allegations concerning Government programmes are incapable of constituting matters for criminal investigation.

Indeed, the common law has traditionally developed in the opposite direction. Its concern has been to ensure that public power remains subject to legal accountability rather than insulated from it.

The authorities repeatedly emphasise that holders of public office remain accountable according to law. That accountability extends to criminal law where the constituent elements of recognised offences are alleged and the available evidence justifies investigation.

The correspondence identifies no common-law authority suggesting otherwise.

### **The Police Possess Powers, Not Constitutional Exemptions**

Police officers possess extensive investigative powers.

- They possess discretion.
- They possess professional judgment.
- They possess operational independence.

Those attributes explain how policing decisions are reached. They do not create constitutional exemptions from criminal investigation.

Operational independence protects the decision-making process. It does not redefine the scope of the criminal law. Nor does it determine which categories of allegation may properly be regarded as falling outside police responsibility.

Those matters remain questions of law.

The email identifies no principle by which operational independence becomes authority to exclude an entire category of allegation from the ordinary investigative function.

### **Neither the Subject Matter nor the Identity of the Suspected Person Determines Criminal Jurisdiction**

English criminal law has never proceeded upon the basis that criminal jurisdiction depends upon the constitutional status of those against whom allegations are made.

Indeed, many of the most significant criminal investigations undertaken within the United Kingdom have concerned those exercising public office.

- Ministers have been investigated.
- Members of Parliament have been investigated.
- Police officers have been investigated.
- Senior civil servants have been investigated.
- Members of the armed forces have been investigated.
- Healthcare professionals have been investigated.

- Judges themselves are subject to the criminal law, notwithstanding constitutional protections relating to judicial independence.

The existence of public office has never, without express legal authority, removed the ordinary operation of criminal law.

The proper legal question has always remained the same.

*Does the available material disclose reasonable grounds upon which criminal investigation should proceed?*

That is an evidential question.

It is not answered merely by identifying the governmental context within which alleged conduct occurred.

### **Public Law Requires Identifiable Legal Authority**

A further constitutional principle now becomes relevant.

Public authorities do not merely exercise power. They exercise legal power.

Therein lies an important distinction.

The legitimacy of public decision-making depends upon the existence of legal authority capable of identification.

That principle underpins judicial review. It underpins the doctrine of legality. It underpins constitutional accountability itself.

Where a public authority explains an important decision, particularly one concerning allegations of criminal offending, it is

expected that the explanation will be capable of reconciliation with recognised legal principle.

Here however, the correspondence identifies no such principle and that omission creates an obvious forensic difficulty.

The explanation appears to advance a proposition of constitutional significance without identifying the legal source from which that proposition derives.

## **Two Competing Interpretations**

At this stage, two possible interpretations remain available.

The first is that the email was simply inartfully expressed.

On that interpretation, Detective Inspector Chibber intended only to communicate that the allegations supplied did not justify criminal investigation on their particular facts, but chose language which failed accurately to convey that narrower point.

If that interpretation is correct, the legal difficulty lies not in the decision itself but in the wording used to explain it.

The second interpretation is that the email was intended to convey precisely what its ordinary language suggests - Namely, that allegations concerning Government COVID regulations and vaccine programmes were not matters for Metropolitan Police criminal investigation because of their governmental subject matter.

If that interpretation is correct, a further question immediately arises.

*What legal principle authorised that conclusion?*

The correspondence supplies no answer.

### **The Burden of Explanation**

This paper does not contend that the Metropolitan Police bore any obligation to produce an exhaustive legal opinion within routine correspondence.

That would be unrealistic.

It contends something considerably more modest: Where a public authority chooses to explain a decision by advancing what appears to be a constitutional proposition, it is legitimate to ask upon what legal principle that proposition rests.

The more significant the proposition, the greater the importance of identifying its legal foundation.

In the present case, no such foundation is identified. The absence of any articulated legal basis is therefore not merely a matter of drafting. It is the very reason why the explanation warrants careful constitutional examination.

### **Forensic Observation**

This chapter has proceeded upon a simple methodology.

It has examined the obvious potential sources of legal authority - statute, common law and established constitutional doctrine, in

order to identify the principle apparently underpinning the Metropolitan Police's explanation.

None is identified within the correspondence.

Two interpretations therefore remain open. Either the email employed language which failed accurately to express a narrower evidential conclusion, or it conveyed the broader proposition suggested by its ordinary wording.

If the latter interpretation is correct, the legal authority supporting that proposition remains unidentified. That is the constitutional question to which the remainder of this paper is directed.

## **Part 6 - The Documentary Context**

Thus far, this paper has been concerned with legal principle.

It has examined the wording of the Metropolitan Police's email of 12 January 2022, identified what that correspondence does and does not say, and considered whether the explanation apparently advanced can readily be reconciled with established constitutional doctrine.

It is now appropriate to return to the documentary record from which that correspondence emerged.

This part of the paper does not seek to determine the legality of any particular operational decision.

Its purpose is more limited.

It considers whether the surrounding documentation assists in understanding the legal significance of the explanation communicated by Detective Inspector Chibber.

### **The Email Was Not Written in Isolation**

Official correspondence rarely exists in a vacuum. It ordinarily forms part of a wider administrative and investigative process.

The email of 12 January 2022 was no exception.

Before that correspondence was sent, allegations had already been reported to the Metropolitan Police and allocated a Crime Reference Number.

The existence of a crime reference demonstrates that the matter had entered the Metropolitan Police's recording systems.

The email itself confirms that the allegations had subsequently been considered before a decision was reached that they would proceed no further.

Indeed, the correspondence expressly states that the matter:

*"...has subsequently been closed and will not be investigated any further."*

That wording is itself noteworthy.

The expression *"not investigated any further"* naturally conveys that some prior investigative activity had already taken place.

The important point is that the correspondence does not describe an allegation rejected without consideration. Rather, it describes a matter which had progressed through an identifiable decision-making process before closure.

## **The Language of Process**

Throughout policing, language carries significance.

Words such as recorded, assessed, allocated, reviewed, screened, closed and investigated are not merely descriptive. They reflect identifiable stages within operational processes.

The present paper does not seek to redefine those terms. Nor does it suggest that every administrative assessment necessarily constitutes a criminal investigation for every legal purpose.



It does, however, observe that the Metropolitan Police themselves chose language indicating progression through a series of procedural stages.

The email therefore presents a chronology rather than an instantaneous refusal.

That chronology assumes importance because the explanation ultimately provided for closure appears not to relate to the quality of evidence, nor to jurisdiction, but to the governmental subject matter of the allegations.

### **The Explanation Must Be Read in Context**

The constitutional significance of the email does not arise from a single isolated sentence viewed in abstraction.

It arises from the relationship between the explanation given and the procedural context within which it was communicated.

Had the correspondence simply informed the complainants that the available evidence failed to disclose a criminal offence, the surrounding administrative history would carry relatively little constitutional significance.

Likewise, had the Metropolitan Police explained that another police force or specialist authority possessed jurisdiction, the procedural chronology would add little to the legal analysis.

Instead, the explanation chosen appears directed elsewhere.

It appears directed to the nature of the allegations themselves and that is exactly why the wider documentary context matters.

It enables the explanation to be read against the sequence of events from which it emerged.

## **Subsequent Documentation**

The wider documentary record examined includes material created both before and after the email of 12 January 2022.

Some of that material appears to employ terminology ordinarily associated with investigative processes.

Other documents describe subsequent review, supervision and legal consideration.

Others still, address the characterisation of what had, or had not, occurred.

The present paper does not seek to resolve every issue arising from those documents.

Many have been examined separately in other publications.

Their significance here is narrower.

They demonstrate that the email did not represent the entirety of the Metropolitan Police's engagement with the matter. It formed one part of a larger sequence of official actions.

Against that background, the explanation provided within the email assumes greater constitutional importance, because it appears to articulate the rationale for bringing that sequence to an end.

## **The Importance of Consistency**

Public confidence in policing depends not only upon decisions themselves, but upon the consistency with which those decisions are explained.

Where different documents employ different language to describe the same operational history, legitimate questions may arise concerning how that history should properly be understood.

Documents may legitimately emphasise different aspects of the same events. Nevertheless, where an official explanation appears capable of carrying constitutional significance, it is proper to read that explanation alongside the wider documentary record rather than in isolation.

That is the approach adopted throughout this paper.

### **The Constitutional Significance of the Documentary Record**

The cumulative effect of the documentary material is not to establish that the Metropolitan Police were under an absolute legal duty to pursue a criminal investigation. That would overstate the position.

Its significance is different.

The documents demonstrate that allegations were received, recorded, considered and ultimately closed following an identifiable decision-making process.

The explanation communicated for that outcome therefore matters. It matters because it is the explanation chosen by the Metropolitan Police themselves.

Where the reasoning expressed appears capable of advancing a proposition extending beyond the particular facts of an individual complaint, constitutional analysis becomes both legitimate and necessary.

The question is no longer confined to the handling of one crime reference. It becomes a question concerning the legal principles said to govern the exercise of public power.

### **Forensic Observation**

The documentary record demonstrates that Detective Inspector Chibber's email formed part of a wider process of official consideration rather than an isolated administrative response.

The significance of the correspondence therefore lies not simply in the fact that further investigation was declined, but in the explanation given for bringing that process to an end.

Read alongside the surrounding documentation, the email assumes constitutional importance because it appears to articulate a general proposition concerning the investigative role of the Metropolitan Police in relation to allegations connected with Government COVID regulations and vaccine programmes.

Whether that proposition is supported by identifiable legal authority remains the central issue.

## **Part 7 - The Constitutional Consequences**

The purpose of this paper has never been to determine whether Crime Reference Number 6029679/21 should ultimately have resulted in a criminal prosecution. Nor has it sought to demonstrate that the Metropolitan Police were under an absolute legal obligation to pursue a criminal investigation.

Those questions depend upon evidence, law and prosecutorial judgment.

They are not the questions examined here.

Instead, this paper has considered the constitutional significance of the explanation communicated by the Metropolitan Police for declining further investigation.

Having examined both the wording of that explanation and the legal principles against which it falls to be assessed, it is now appropriate to consider why the issue matters beyond the circumstances of the present case.

### **The Rule of Law Depends Upon Public Confidence**

The Rule of Law is not sustained merely because courts exist or because Parliament enacts legislation.

It also depends upon public confidence that legal institutions apply the law equally and impartially.

Citizens must be able to believe that allegations of criminal conduct will be assessed according to recognised legal principles rather than according to the identity of those against whom allegations are made.

That confidence does not require every allegation to succeed. Nor does it require every complaint to become a prosecution.

It requires something considerably simpler.

It requires confidence that the law applies equally. If that confidence is weakened, the consequences extend well beyond any individual complaint. They affect the constitutional relationship between citizen and State.

### **The Importance of Language**

Official correspondence serves a function extending beyond communication with the immediate recipient. It explains the exercise of public power.

For that reason, language assumes constitutional significance.

A decision which is perfectly lawful may nevertheless be explained in language capable of conveying an entirely different legal proposition.

Equally, an explanation which appears constitutionally significant may ultimately reflect nothing more than imprecise drafting.

Both possibilities exist. Neither should be assumed.

The importance of careful constitutional analysis lies precisely in distinguishing between the two.

If the wording used by Detective Inspector Chibber did not accurately express the legal basis upon which the Metropolitan Police reached their decision, then the correspondence illustrates the importance of precision whenever public authorities explain decisions concerning alleged criminal conduct.

If, however, the wording accurately reflected the intended reasoning, the constitutional implications become considerably more significant.

### **The Consequences of the First Interpretation**

The first interpretation identified in Part 5 is that the email was inartfully expressed.

On that analysis, Detective Inspector Chibber intended only to communicate that the allegations before the Metropolitan Police did not justify further criminal investigation on their particular facts.

If that is correct, the constitutional concern is relatively limited.

The issue becomes one of clarity.

The explanation failed to communicate the true legal reasoning.

That would be regrettable.

It might invite misunderstanding and it might diminish public confidence, but it would not necessarily suggest that the

Metropolitan Police had adopted an incorrect constitutional approach.

The remedy in such circumstances is obvious.

Public authorities should explain significant decisions with greater legal precision.

### **The Consequences of the Second Interpretation**

The second interpretation is more significant.

If the words employed were intended to bear their ordinary meaning, they appear to advance the proposition that allegations concerning Government COVID regulations and vaccine programmes were not matters for Metropolitan Police investigation as allegations of criminal offending.

If that proposition is correct, the consequences extend far beyond the COVID-19 pandemic.

The principle would not be confined to one public health emergency. It would concern the relationship between governmental activity and the criminal law itself.

It would suggest that the governmental character of an allegation may determine whether it enters the ordinary criminal justice process.

That would represent a constitutional proposition of exceptional importance.



Such a proposition would require clear legal authority and as this paper has explained, no such authority is identified within the correspondence.

## **Constitutional Accountability**

The British constitution has evolved over centuries around a simple but enduring principle.

Public power carries public accountability.

The greater the power entrusted to public institutions, the greater the importance of ensuring that legal mechanisms remain available to scrutinise the exercise of that power.

Criminal investigation forms one of those mechanisms. It is not the only mechanism.

Parliament provides scrutiny. Judicial review provides scrutiny. Public inquiries provide scrutiny. Independent regulators provide scrutiny.

Each serves a different constitutional purpose. None however, replaces the criminal law where criminal offending is properly alleged.

The constitutional concern raised by the present correspondence is therefore not that other mechanisms existed. It is whether the explanation given appears to exclude the criminal law by reason of the governmental subject matter of the allegations.

That is a materially different proposition.

## **Why This Question Matters**

Some readers may conclude that the issue examined within this paper concerns nothing more than one sentence contained within one email sent during what was claimed to be an unprecedented national emergency.

Others may consider that view too narrow.

Constitutional principles often reveal themselves not through legislation or judicial pronouncements, but through the language by which public authorities explain the exercise of their powers.

Words matter - Particularly when those words explain why allegations of criminal conduct will proceed no further.

If the explanation reflects established legal principle, public confidence is strengthened.

If it does not, careful constitutional scrutiny is not only legitimate but undoubtedly necessary.

That scrutiny is not an act of hostility towards public institutions. It is one of the means by which constitutional democracy maintains confidence in them.

## **The Proper Constitutional Response**

The purpose of constitutional analysis is not to condemn. It is to understand.

If Detective Inspector Chibber's email accurately reflected the legal basis upon which the Metropolitan Police acted, that legal basis ought to be capable of clear articulation by reference to recognised legal authority.

If, on the other hand, the wording failed accurately to convey the reasoning which truly underpinned the decision, acknowledging that fact would equally serve the interests of constitutional clarity.

In either event, the Rule of Law is strengthened by explanation rather than weakened by scrutiny.

Public confidence is enhanced when constitutional questions are answered openly and by reference to law.

### **Forensic Observation**

This paper does not invite criticism of the Metropolitan Police merely because they declined to investigate further.

Police forces lawfully make such decisions every day.

The constitutional issue arises solely from the explanation chosen to communicate that decision.

If the email was imprecisely expressed, constitutional clarity requires that to be recognised. If it accurately reflected the legal reasoning adopted, then the legal foundation for that reasoning should be capable of identification.

In either case, careful constitutional examination promotes, rather than diminishes, public confidence in the Rule of Law.

## Conclusion

This paper began by examining a single sentence contained within official Metropolitan Police correspondence dated 12 January 2022.

That sentence stated:

***"...allegations against the Government's Covid regulations and vaccine programs are not a matter for the Met police to investigate as allegation of a criminal offence."***

Everything which has followed has proceeded from those words.

The purpose of this paper has not been to determine whether the allegations reported under Crime Reference Number 6029679/21 were ultimately capable of proof. Nor has it been suggested that the Metropolitan Police were under an absolute legal duty to pursue a criminal investigation.

Those issues depend upon evidence, legal analysis and professional judgment and reasonable minds may differ upon them.

The issue examined here has always been different. It has concerned the explanation chosen by the Metropolitan Police themselves.

Throughout this paper, the wording of that explanation has been examined against the established principles of English criminal law, constitutional law and public law. That examination has identified a number of notable absences.

The correspondence does not explain the decision by reference to evidential insufficiency.

It does not identify any statutory limitation upon police jurisdiction.

It does not refer to prosecutorial advice.

It does not identify any recognised constitutional immunity.

Nor does it cite any legal principle by which allegations concerning Government COVID regulations or vaccine programmes fall outside the ordinary investigative function of the police.

Public authorities are not required to produce judicial opinions within routine correspondence. Equally, however, where an explanation appears capable of advancing a proposition of constitutional significance, it is both legitimate and necessary to ask upon what legal principle that proposition rests.

That question has remained constant throughout this paper.

No answer has yet emerged from the correspondence itself.

Two possibilities remain.

The first is that the email failed accurately to express the true legal reasoning which underpinned the Metropolitan Police's decision. If that is correct, the constitutional lesson is one of precision.

Public confidence depends not only upon lawful decision-making but upon lawful explanation.

Language matters - Particularly where allegations of criminal offending are concerned.

The second possibility is that the correspondence conveyed precisely the proposition which its ordinary language appears to express. If so, a further constitutional question immediately arises.

*By what principle of English law do allegations cease to be matters for police investigation because they concern the Government's regulations or programmes?*

This paper has searched for an answer within statute. It has searched within the common law. It has searched within established constitutional doctrine.

It has identified no principle capable of supporting such a proposition.

If one exists, it should be capable of clear articulation. If none exists, then the wording of the correspondence warrants careful constitutional reflection.

The Rule of Law is strengthened when constitutional questions are answered openly, carefully and according to law.

It is not weakened by scrutiny.

The constitutional history of the United Kingdom has never been written by unquestioning acceptance of public power.

It has been shaped by principled examination of the legal basis upon which public power is exercised.

That remains no less important today.

This paper therefore ends where it began.

Not with an allegation. Not with a conclusion. But, with a question. A question capable of being answered by reference to law alone.

***If allegations of criminal conduct are said not to be matters for police investigation because they concern the Government's regulations or programmes, what is the legal principle which authorises that conclusion?***

Until that question is answered by reference to identifiable legal authority, the constitutional significance of the Metropolitan Police's explanation of 12 January 2022 will remain a matter deserving careful and legitimate public scrutiny.

**The relevant email from Detective Inspector Chibber, along with that to which he was responding, can be examined below.**

**From:** Akshay.J.Chibber – Metropolitan Police

**Sent:** Wednesday, January 12, 2022 8:35 pm

**To:** Mark Sexton

**Subject:** RE: 6029679/21

Dear Mr Sexton

Thank you for your email, received in the Commissioner's office.

I'm afraid this office is not directly involved in local investigations and certainly has no bearing into the above mentioned crime report.

I can see that your allegation was recorded and initially assessed through the relevant office at the Central West Command Unit. It has subsequently been closed and will not be investigated any further. I'm afraid allegations against the Government's Covid regulations and vaccine programs are not a matter for the Met police to investigate as allegation of a criminal offence.

Should you have specific information, and medical evidence, with regards to the national delivery of vaccines, I would advise you to



seek appropriate legal advice on the best means to progress any litigation you seek to bring against the government, or indeed contact your local MP.

Further emails into the Commissioner's office on this matter, will be read and logged, but not responded to.

Kind regards

Akshay Chibber  
Detective Inspector  
Staff Officer to Commissioner Cressida Dick  
New Scotland Yard, Victoria Embankment, London. SW1A 2JL

-----Original Message-----

**From:** Mark Sexton

**Sent:** 10 January 2022 13:48

**To:** Fleming Treena - NA-CU

**Cc:** Chibber Akshay J - HQ Commissioners Private Office

Subject: 6029679/21

Dear Detective Chief Superintendent Fleming and Detective Inspector Chibber.

On instruction from Superintendent Jon Simpson I have been advised you are now the lead senior investigators into the criminal complaint 6029679/21.

A number of renowned experts from around the world are making contact with The Metropolitan Police on a daily basis. (Doctors, professors, virologists, immunologist, scientists, data experts and psychiatrists).

Due to the very serious nature of the crimes alleged and those involved, a number of the UK doctors and professors are now asking to attend the Metropolitan police in person to provide their first accounts. The evidence they possess, its significance, what it shows and proves, the vaccines are causing serious injury, harm and death and must be stopped as a matter of urgency.

Can you please arrange an urgent appointment/meeting for us to attend to allow the initial accounts to be obtained?

Yours sincerely

Mark Sexton.