

## INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE PROVISIONAL LIST OF ISSUES

### Introduction

Pursuant to Legal Notice 2022/034, the Commissioner is required to inquire into the reasons and circumstances leading to Mr Ian McGrail ceasing to be Commissioner of Police in June 2020 by taking early retirement. The issues listed below define more closely the issues that shall be investigated to the extent that he considers necessary and appropriate to address the matter under inquiry.

The Inquiry will investigate the issues listed below (being issues which derive from allegations contained in the witness statements of the Statutory Participants and/or from documentary material which the Inquiry has examined).

The Inquiry reserves the right to amend these issues, whether by way of extension, limitation or otherwise.

### The issues

In relation to each of the issues listed in paragraphs 1-10 below:

- A. What were the relevant facts (which the Commissioner will seek to ascertain only to the extent that he considers necessary and appropriate to address the matter under inquiry)?
  - B. To what extent, if at all, did the issue constitute a reason or circumstance leading to Mr Ian McGrail ceasing to be Commissioner of Police in June 2020 by taking an early retirement (either because they led to a loss of confidence in Mr McGrail or for some other reason)?
1. The actions of the Royal Gibraltar Police (“**RGP**”) on:
    - 1.1. 8 February 2017 in obstructing an aircraft at Gibraltar airport to remove an employee of the UK Ministry of Defence who had previously been arrested by the UK Service Police;
    - 1.2. 1 March 2017 in arresting three senior Ministry of Defence members of staff and seizing and removing service personnel equipment from HM Naval Base and an officer’s home (collectively with (a), “**the Airport Incident**”).
  2. The RGP’s investigation into an assault on a helicopter pilot and crew member in Gibraltar in March 2017 (“**the Assault Investigation**”).
  3. The collision at sea on 8 March 2020 outside British Gibraltar Territorial Waters involving an RGP vessel and resulting in two deaths (“**the Incident at Sea**”), and the RGP’s subsequent handling of it. In particular:

- 3.1. Did faults or failings in the operational instructions or procedures of the RGP cause or contribute to the collision at sea, and, if so, was Mr McGrail as Commissioner of Police responsible or accountable for those faults or failings?
  - 3.2. Was information as to the location of the Incident at Sea communicated by Mr McGrail and/or the RGP to Chief Minister Fabian Picardo QC ("**CM**"), the Attorney General Michael Llamas QC ("**AG**") and the then-Interim Governor Nicholas Pyle OBE ("**NP**") in a timely and transparent fashion?
  - 3.3. Was information about the legal claims arising from the Incident at Sea communicated by Mr McGrail and/or the RGP to NP, the CM and the AG in a timely and transparent fashion?
4. The findings of the Report by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services into the RGP dated 9 April 2020 ("**the HMIC Report**"), and/or Mr McGrail's response in addressing the findings of the previous report by HMIC published in 2016.
  5. The investigation into the alleged hacking and/or sabotage of the National Security Centralised Intelligence System and alleged conspiracy to defraud ("**the Conspiracy Investigation**"), and the RGP's handling of the same, including but not limited to the RGP's stated intention to execute search warrants as part of that investigation on 12 May 2020 ("**the Search Warrants**"). In particular:
    - 5.1. Did Mr McGrail seek or receive advice from the Director of Public Prosecutions ("**DPP**") or the AG regarding the Search Warrants, and did Mr McGrail accurately communicate any advice from the DPP or the AG on the Search Warrants (or lack thereof) to the CM and/or AG?
    - 5.2. Was the RGP's intention to execute the search warrants on 12 May 2020 contrary to an agreement or understanding with the AG and/or the DPP?
    - 5.3. Did the AG and/or CM place any or any inappropriate pressure on Mr McGrail regarding the investigation or otherwise interfere with the investigation, and in particular the RGP's intention to execute the Search Warrants?
  6. The complaint(s), if any, made by the Gibraltar Police Federation ("**the Federation**") and/or its members to the Gibraltar Police Authority about Mr McGrail (including as to the difficult relationship between Mr McGrail and the Federation), and any allegations of bullying or intimidation by Mr McGrail discussed by the Gibraltar Police Authority ("**the Federation Complaints**").
  7. The RGP's involvement in and/or handling of the Alcaidesa claims ("**the Alcaidesa Claims**").
  8. The letter dated 29 May 2020 sent by Mr McGrail's lawyers Charles Gomez and Co to the Gibraltar Police Authority ("**the 29 May Letter**").
  9. Mr Pyle's stated intention as to his powers under section 13 of the Police Act. This will include consideration of the relevance (if any) of Sir David Steel's imminent

commencement as Governor, and particularly the date on which NP learned of the date on which that was expected to occur (“**the Section 13 Issue**”).

10. The Gibraltar Police Authority’s process and decision in purported compliance with Section 34 of the Police Act, and subsequent withdrawal of that decision (“**the GPA Process**”).

**09 November 2023**