

INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

SECOND WITNESS STATEMENT OF PAUL RICHARDSON

INTRODUCTION

1. I, Paul Richardson, a retired Superintendent with the Royal Gibraltar Police (“RGP”), make this statement in response to questions raised by the Solicitor to the Inquiry (“STI”) in his letter of 14 July 2022. He has since kindly arranged for RGP to provide me with access to relevant material in order to help me with answering his questions. I retired some time ago in November 2021 and this exercise has assisted with refreshing my memory.
2. Through no fault of either STI or RGP, access was suspended in March 2023 before I had been able to complete my review of the available material. Although I understand access is to resume shortly, I wish to assist the Inquiry by submitting this statement without further delay, before I have seen the remaining documents. STI’s questions and my replies are set out below.

Table of meetings about Operation Delhi

3. I have compiled a table of various meetings I attended in connection with Operation Delhi which is attached to this statement. It is based on notes I made in my Operation Delhi Day Book and also my general day books for 2018, 2019, 2020 and 2021. There are also references to meetings scheduled in my Outlook calendar to which RGP has provided access. In the absence of corresponding notes in my day books, it is not certain that these scheduled meetings either went ahead or that I attended them.

Meetings of the Senior Management Team

4. The Senior Management Team (“SMT”) met on Mondays at 10 am. During Operation Delhi, the investigation members were Commissioner Ian McGrail, Assistant Commissioner Richard Ullger, Superintendent Wayne Tunbridge, Superintendent Cathal Yates and myself for most of the time. I was Divisional Head of Crime for much of the period under consideration. Mr McGrail’s personal secretary/assistant took minutes and circulated them afterwards. I took notes of the meetings in my day book. The subject matter covered a wide range. Operation Delhi was not discussed in the open SMT meetings until the suspects had been arrested and bailed in May 2019. Until then I used to stay behind after the SMT meetings to discuss the Operation with the Commissioner in private.
5. Before the SMT meetings there were pre - SMT meetings at 9 am, when the Divisional Heads received short briefings from their teams. If Inspector Wyan needed to bring anything of significance to my attention about Operation Delhi, he used to brief me at

the pre meeting, when I used to take notes. I could then provide an update on progress at the SMT meeting that followed.

QUESTIONS AND REPLIES

Question

6. *At the time of or following Mr McGrail's appointment as Commissioner of Police were any complaints made by or to you in respect of the efficiency, effectiveness, probity, integrity or independence of Mr McGrail in the undertaking of his duties as Commissioner of Police?*

Reply

7. I cannot remember any such complaints ever being made about Mr McGrail.

Question

8. *During Mr McGrail's tenure as Commissioner of Police, were you aware of any allegations or complaints made by members of the Police Federation in respect of bully [sic] and/or intimidation by Mr McGrail?*

Reply

9. Again, I cannot remember any such complaints being made about Mr McGrail.

Operation Delhi

Question

10. *What was your involvement in Operation Delhi?*

Reply

11. From late December 2018 I was Senior Investigating Officer ("SIO"). This was one of many tasks I performed as Head of Crime Division. Initially, there were two junior officers in my team who, like me, could devote only some of their time to Delhi. By April 2019 Inspector Wyan had joined to work on Operation Delhi on a more or less full time basis. He soon engaged a sergeant to support him full time. When Mr Wyan became Officer in Charge ("OIC") shortly after joining the team, he continued to report to me as SIO.

Question

12. *Did you provide briefings to Mr McGrail on the conduct of Operation Delhi? If so how frequently?*

Reply

13. I briefed Mr McGrail frequently from the outset. Our offices were laid out so as to encourage cross fertilisation and exchange of ideas and his office was only about twenty metres away from mine along a corridor shared with the other superintendents. During the day he passed my office frequently and often used to put his head around the door to talk. These exchanges were not noted. After the arrests of the four suspects in May 2019, Operation Delhi was discussed at weekly meetings attended by officers in the Senior Management Team.

Question

14. *Did you attend any meetings in respect of Operation Delhi with Mr McGrail and/or any of the following persons:*

Replies

(a) *Fabian Picardo QC MP Chief Minister*

I attended a meeting with the Chief Minister on 13 May 2019 (see table).

(b) *Albert Mena, Financial Secretary*

The Financial Secretary also attended the meeting with the Chief Minister (see table). After the meeting I remember going down to Mr Mena's office with Mr McGrail. The three of us talked for a short time. I did not make any notes.

(c) *Neil Costa, former Minister of Justice*

The former Minister of Justice also attended the meeting on 13 May 2019 (see table).

(d) *Dr Joseph Garcia Deputy Chief Minister*

I do not remember attending any meetings with the Deputy Chief Minister.

(e) *Darren Grech, Chief Secretary*

I attended a meeting with the Chief Secretary on 30 April 2020. I made notes in my Operation Delhi Day Book (see table). The entry includes an email from Mark Wyan dated 20 November 2020, providing his own notes, which I pasted into my day book.

The Chief Secretary was at the meeting with the Chief Minister on 13 May 2019 (see table).

(f) *Michael Lamas QC, Attorney General*

I attended meetings with the Attorney General on 4, 13, 15 and 20 May 2020.

There are no notes of the meetings on either 4 or 20 May in any of my day books. I made notes of the meetings on 13 and 15 May (see table). My accounts of the meetings on 13 and 15 May are provided below.

(g) *Christian Rocca QC, Director of Public Prosecutions*

I had meetings with the Director of Public Prosecutions on 24 April 2019, 13 May 2019 and 8 April 2020 (see table).

Mr Rocca attended the meetings on 13, 15 and 20 May 2020 (see table).

(h) *Nicholas Pyle, Deputy Governor*

I do not remember any meetings with the Deputy Governor about Operation Delhi.

(i) *Dr Joseph Britto, Chairman of the Gibraltar Police Authority*

Nor do I remember any meetings with the Chairman of the Gibraltar Police Authority.

(j) *Lloyd DeVincenzi, Senior Crown Counsel*

Senior Crown Counsel attended the meetings on 30 April 2020 and on 4 and 13 May 2020 (see table).

(k) *Superintendent John Field*

Calendar entries in my Outlook calendar showing scheduled meetings with Mr Field have been included in the table. Before he was promoted to Superintendent, he sometimes attended the weekly meetings of the Senior Management Team (“SMT”) in my place (see table for meetings attended by Mr Field concerning Operation Delhi).

(l) *Superintendent Mark Wyan*

His office was on the floor below mine, on the other side of the building. He walked past my office regularly and used to come in to discuss developments on Operation Delhi when he passed by. I did not make notes of these discussions unless there was something for me to follow up or something that I felt needed recording.

If he wished to discuss a particular problem he often used to email me first to arrange a meeting, or alternatively he would call on an ad-hoc basis. Calendar entries in my Outlook calendar showing scheduled meetings with Mr Wyan have been included in the table.

If there was anything to report on Operation Delhi, Mr Wyan used to provide a short briefing at 9am on a Monday, in advance of the SMT meeting at 10 am.

See table for notes of relevant meetings attended by Mr Wyan.

(m) *Hassans International Law Firm (or any individual at that firm)*

I had a meeting at Hassans’ offices on 12 May 2020 following the issue of the warrants on 7 May. There was a short exchange with Javier Chincotta and then I met with Mr Levy when he later came into the office later. The meetings were recorded on body worn video.

Question

15. *In particular, please provide accounts of the meetings that we believe that you may have attended on the following dates:*

Replies

(a) *13 May 2020 at 15:00*

This meeting followed a letter of complaint to the Attorney General from Hassans after officers had attended their offices the day before to speak with James Levy KC and Javier Chincotta. The Attorney General was concerned that the police had treated a 'pillar of the local community' as a suspect by applying for a search warrant. He thought Mr Levy should first have been asked to provide information voluntarily. I had the impression that he wanted the case against Mr Levy to be stopped, but not by him. It was an emotional meeting with Mr McGrail asserting that his ethics were being challenged unfairly.

It was agreed that nothing would be downloaded from Mr Levy's electronic devices and that his phones and iPad would remain in sealed bags for seven days to allow him to make an application to the court for their return. The items remained in sealed bags many weeks later.

I think it was during this meeting that I received a letter of complaint from Hassans addressed to me personally. I showed the letter to the Attorney General and we discussed this also.

I made notes of the meeting in my Operation Delhi day book (see table). I do not remember anyone else making notes, save perhaps for Mr Rocca who may have made a brief note. After the meeting I learned that Mr McGrail had recorded it.

(b) *15 May 2020*

The Attorney General opened the meeting by saying that we were heading towards a collision which was best avoided.

Mr Levy did not want to be interviewed under caution and we considered whether it would be possible to interview him at Hassans, and also what we could do to obtain evidence from him without treating him as a suspect. The solution arrived at was for Mr Levy to provide a statement that covered a list of issues. We could use the statement to review whether he was to continue to be treated as a suspect, or as a witness.

As far as I am aware, this was the first time we had allowed a suspect to provide a statement before interview. The statement was generally obtained after the interview when a suspect had refused to answer questions.

When we visited Hassans on 12 May 2020, we had provided Mr Levy with an initial pre-interview disclosure document. Mr Wyan drew up a more detailed list of issues for

Mr Levy to consider in his statement. I approved the list. We also provided additional disclosure to help him with his account, although we did not usually disclose large amounts of information before interview.

I made notes in my Operation Delhi Day Book. I do not remember anyone else making notes except for Mr Wyan, and possibly Mr DeVincenzi. I was aware that Mr McGrail was recording this meeting.

(c) 22 May 2020

After receiving a letter inviting him to retire, Mr McGrail called a meeting with his Senior Management Team. He explained he had been invited to retire because the Governor and Chief Minister had lost confidence in him. We were very shocked. I asked whether it was in relation to Operation Delhi. He said the concerns related mainly to Operation Kram and the serious concerns raised by the HMIC following their inspection. Mr McGrail did not show us the letter.

I received a telephone call from the Chairman of Blands, James Gaggero, which I took in the meeting. He had received a telephone call from the Chief Minister the previous evening. Mr Picardo had confirmed that ownership of the NSCIS platform was very much in dispute. James Gaggero had earlier been advised that the widening of Operation Delhi to include a civil servant, ~~Caine Sanchez~~, was causing the Government concern.

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During the meeting I also took a call from a lawyer I had approached to advise Mr McGrail and protect his interests. He was conflicted and could not take the case on.

I made notes of the meeting in my 2020 day book.

I made an audio recording of an emotional exchange over the telephone between Mr McGrail and the Attorney General on 22 May 2020. It occurred in his office. I cannot remember whether other members of SMT were present during the call. I later sent this recording to Mr McGrail: only his voice can be heard.

16. *Were meeting minutes or file notes made by you and/or other attendees during any of the meetings referred to above or shortly thereafter? If so were these circulated? Please provide copies of the same.*

Please see the accounts I have provided of the meetings on 13, 15 and 22 May above. Notes I made of these and other meetings are provided in the attached table. As to whether others made notes, I think Mr Wyan would have made notes of those meetings he attended

17. *What was the process by which it was decided to seek and enforce search warrants ("the Search Warrants") as opposed to production orders in respect of James Levy QC?*

After Mr McGrail had approved the documents, I sent the National Decision Model assessment and Charging Report to the Director of Public Prosecutions on 1 April 2020. A week later, on 8 April 2020, I had a meeting with Mr Rocca over Microsoft

Teams or Zoom which Mr Wyan also attended (see table). On 20 April 2020 I had a call over WhatsApp with the DPP (see table).

I decided to apply for a search warrant rather than a production order for access to Mr Levy's mobile devices because the application for a search warrant would be determined without notice. An application for a production order would have been determined on notice, giving rise to a risk that Mr Levy might be forewarned.

Our intention was to conduct a search of Mr Levy's office and home, provide him with pre-interview disclosure, invite him to hand over his mobile devices voluntarily and to attend voluntarily for interview under caution at a later date. We handled the attendance at Hassans and at his home as sensitively as we could. I was the only person to search his office and, at his request, the only person to go to his home.

As we wished to obtain access to Hassans' electronic documentation including emails, we applied for a warrant against Hassans also.

18. *What was the process by which the search warrants in respect of Mr Levy QC were applied for, obtained and enforced? In particular:*

(a) *How many court hearings took place?*

One.

(b) *What documents (including applications, witness statements, exhibits, correspondence and written submissions) were relied on when applying for the Search Warrants?*

There was a single information which I believe was drafted by Mr Wyan and which I had approved. I think he had used the charging report as the basis for the information. I cannot remember whether there were any documents appended to the information. The warrant application was signed by Sgt. Paul Clarke and approved by Detective Inspector Craig Goldwin of the RGP Money Laundering Investigation Unit. This was because Mr Wyan was on leave on the day of the application of the warrants.

(c) *Was Crown Counsel or external Counsel instructed to address the Court when seeking the Search Warrants? If so, who was instructed and how were they chosen?*

Counsel was not instructed.

(d) *Were submission made to the court in writing and/or orally when seeking the Search Warrants? If oral submissions were made how long did the oral submissions take?*

I attended the hearing. Mr Wyan was not there. DS Paul Clarke went through the information and answered questions raised by the Stipendiary Magistrate. The hearing lasted over an hour.

(e) *What correspondence was there with the court or any other parties in relation to the search warrants either before or after the enforcement took place?*

Shortly after police officers attended their offices on 12 May 2020, Hassans sent the clerk to the court a letter about the grant of the warrants, referring to abuse of law and misfeasance in public office. They requested a copy of the application and supporting evidence, together with a transcript of the hearing. RGP gave Hassans this material after redacting it.

Hassans made repeated complaints about the redactions. Most of the redactions were eventually deleted in consultation with the DPP, before Mr Levy had provided his statement.

I received a number of letters from Hassans which I passed on to Mr McGrail for a response. When it was suggested that Mr Levy write a statement covering a list of issues, Hassans replied by assuming Mr Levy was no longer a suspect but a witness. We objected and complained about this to the Attorney General, who had been in favour of giving Mr Levy an opportunity to try and provide an explanation in a prepared statement before reassessing his status as a suspect.

(f) *Did you communicate with Mr McGrail as to the execution of the search warrants?*

I communicated with Mr McGrail about the search warrants. I remember him asking me to advise him when the warrant was about to be executed so that he could brief the Chief Minister. I did as he requested.

(g) *Did you communicate with Mr James Gaggero, Chairman of Bland Ltd, as to the execution of the search warrants?*

I did not communicate with Mr Gaggero about the execution of the search warrants. In fact warrants were never executed and he handed over the devices voluntarily. I asked Mr Gaggero to delay the issue of civil proceedings against the suspects who had been arrested in May 2019 until they had interviewed and bailed. On 15 May 2019 I advised that the civil action would no longer have any impact on the police investigation.

(h) *Were you privy to any correspondence with Hassans International Law firm and/or Caruana and Co regarding the search warrants and the identification of Mr Levy QC as a person of interest in respect of Operation Delhi?*

Please see paragraph 17 (e) above. I was not privy to any correspondence with Caruana and Co.

(i) *Were any complaints made or concerns raised to you in respect of Mr McGrail's handling of Operation Delhi, including the decision to issue the search warrants?*

I recall that Mr Levy that raised some concerns about the investigation while we were at Hassans with the warrant, but not specifically about Mr McGrail's handling of Operation Delhi. This may have been captured on body worn video.

Operation Kram

19. In respect of Operation Kram – the incident at sea on 8 March 2020:

(a) What was your involvement in Operation Kram?

I was second senior officer on call when the incident occurred, which means I was on standby to support the senior officer on call, Superintendent John Field (then Chief Inspector), who still answered to me at that point. At 3 am or 4 am on 8 March 2020, I was called in to help deal with it. I took notes of the Gold command actions in my day book and met with the Attorney General and Mr McGrail on Sunday 8 March at 05.00 in Mr McGrail's office. I attended a second meeting with the Attorney General and Mr McGrail the following day. The acting Governor Nick Pyle also attended. My notes are set out below:-

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Sunday 8th March 2020

1025Hrs Meeting w. AG ML

Present: Compol, Supt. Richardson AG Michael Llamas

- Call from Guardia Civil – Response
- Suspect Vessel - description - Type, Fuel, illicit purpose
- Suspect Activity
Prohibited import Spain and Gib.
- Chase ensued
- V. sad but as a result of criminal action.
- Assuming all was going well
- Need to include 'cooperation'
- AG to review draft of next press release

Monday 9th March 2020

1210 Meeting HE NP + AG ML CoP

- Briefing Algeciras.
- Exact co-ordinates of collision still not determined
- GC had plotted the vessel before – for crew change.
- 10 mins chase in and around Gib waters.
- Chris Finch appointed. - Veralls
- 2 RIP resident in Linea. Las Castañitas
- Cultural need to bury dead ASAP.
- Forensic pathologist ASAP
- 10' chase. Direction yet unknown
- Bail to June
- Pursuit not reported to CAD [Command and Dispatch]
- Need to establish communication lines
? GG – PMB – GC or vice versa. [GC- Guardia Civil, PMB Police Marine Boat]
- Community impact
- Chk PMB duty mobile

- *Managed investigation under small islands chief and agreed.*

AG – Essential to establish line of communication to demonstrate that two forces are talking to each other. Who initiated it is not fatal. Who made 1st call.

- *Useful – where were they arrested?*
- *Element of chase w/I BGTW. [British Gibraltar Territorial Waters]*

*CoP. Interrogate our own devices – AIS,
Phones
GPS*

Chase up Windmill Hill Obs

AG – Suggest no more comments until clearer view.

Initially I was quite involved with the management of the investigation. When the Metropolitan Police took over Mr Field became the liaison officer between the two forces so as to assist the Metropolitan Police. After he was promoted to Superintendent he did not answer to me anymore and I had no direct involvement in the criminal investigation or inquests.

(b) *Were you involved in or privy to any correspondence with any of the persons listed in paragraph 1 (c) (iv) above in respect of Operation Kram? [See paragraph 14 above.]*

I cannot remember any correspondence about Operation Kram with the persons listed above other than with John Field whilst he was a Chief Inspector and my deputy.

(c) *What were the findings of the Metropolitan Police Service's investigation of the incident at sea? When were you made aware of the associated report?*

I do not recall when the Metropolitan Police produced their report but it was after John Field was promoted to Superintendent. I believe that in December 2020 the Metropolitan Police team returned to Gibraltar to deliver the case docket and disclosure.

I cannot remember ever seeing the report or the case docket. Soon after Mr McGrail took early retirement Mr Field took over as divisional head of Crime and I transferred to Professionalism. When the DPP decided not to instigate any criminal proceedings there was a disciplinary investigation of the officers involved and the case transferred to my division. I line managed the head of PSD and had no direct involvement in the investigation

20. *To what extent were you involved in the following matters and, if you were involved, what were your dealings with Mr McGrail and/or the individuals referred to at paragraph 1 (c)(iv) above? [See paragraph 14 above.]*

(a) *The runway incident involving the detention by the RGP of senior MOD personnel in Gibraltar?*

I interviewed the MoD personnel at Mr McGrail's request.

(b) *The findings of the 2020 Report by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services?*

I assisted Mr McGrail with preparing for the HMIC inspection and had several meetings with him and other members of the Command Team about it.

During their inspection in October 2019 HMIC interviewed me.

When they submitted their draft report, Mr McGrail drafted a letter in reply, which he gave me to look at and amend. HMIC amended their draft report before finalising it.

21. *Were you involved in any meetings or briefings with Mr McGrail and/or the RGP Command Team in the month or so leading up to Mr McGrail's retirement in June 2020?*

I had several meetings with Mr McGrail, together with other members of the command team in the month leading up to his retirement. Notes I made are in the attached table.

I believe that the facts set out in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

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Signed.....

Dated.... 13 June 2023..

Paul Richardson