

INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE IN GIBRALTAR

THIRD WITNESS STATEMENT OF RETIRED SUPERINTENDENT PAUL RICHARDSON

1. I, Paul Richardson, formerly a superintendent with the Royal Gibraltar Police (“RGP”), make this third statement in response to additional questions raised by the Solicitor to the Inquiry (“STI”) in his letter of 28 July 2023. Since my second statement of June 2023, I have considered the disclosure provided by STI from May 2023 onwards, and I have also been assisted by further disclosure from RGP. The transcripts of various important meetings have been a great help to me in remembering the detail of what was said.
2. STI’s questions together, with my replies, are set out below.

On the decision to make James Levy KC (“JL”) a suspect:

- (a) *When was JL formally made a suspect in the investigation?*
- (b) *Where is this decision recorded?*
- (c) *Why was this decision taken?*

3. JL’s involvement with 36 North Ltd first came to my notice in 2019, with the discovery of a letter sent to him by an employee of Blands, Eddie Asquez (“EA”). He thanked JL for his advice and seemed to canvass the possibility of entering a business relationship with him. As far as I can remember, there was no other evidence at this point linking JL to the offences we were investigating involving Blands.
4. At paragraph 22 of his affidavit dated 24 January 2023, John Perez describes making plans with Thomas Cornelio in early 2018 to leave Blands and establish a competing business. He says: *We discussed our plans with James Levy CBE KC who indicated that Hassans would support the business by taking shares in a new company and offering a loan to cover start up costs.*
5. Following the discovery of the letter I sought advice from the Director of Public Prosecutions (“DPP”), Chris Rocca, on whether legal professional privilege could be claimed for this communication, as it seemed to concern a business relationship rather than a lawyer/client relationship. I attended a meeting with the DPP at his chambers on 24 April 2019 at 9.30 am when this was discussed. (At paragraph 5 of his witness statement dated 21 June 2022 the DPP remembers first hearing about Operation Delhi slightly later, at a meeting with the Chief Minister on 13 May 2019.)
6. The exhibit to my second statement, which identifies various meetings I attended, refers to the meeting on 24 April 2019, and confirms that Mark Zammit and Brian Finlayson attended, as well as the DPP and I. My own notes are limited to: *No legal privilege attaching to letter. No legal privilege for criminal offences,* (see page 51 of my Operation Delhi Day Book.) I remember DCI Finlayson taking fuller notes.
7. After the arrests in May 2019 of Thomas Cornelio (“TC”), John Perez (“JP”), Eddie Asquez (“EQ”) and, a short time later, Caine Sanchez, (“CS”) forensic examination of their personal digital devices

revealed communications they had exchanged with JL. We uncovered evidence that confirmed JL might have played a significant role in the matters we were investigating. Further evidence came to light as Operation Delhi progressed.

8. On 17 February 2020 there is an entry at pages 121 to 122 of my Delhi Day book headed *Review of Main Issues to put to James Levy*. This wording suggests he was a possible suspect by this point. Beneath the heading I listed the main issues to be put to him cross referenced to the relevant evidence.
9. On 18 February 2020 I met with Inspector Wyan in my office to discuss the issues and whether JL's conduct amounted to criminal offences or simply sharp/unethical business practice. We identified one possible criminal offence: JL conspiring with TC, JP and CS to defraud Blands of the maintenance contract for the NSCIS platform.
10. I concluded my notes of the meeting with (see pages 123 – 128 of my Delhi Day Book):

“We suspect on reasonable grounds that JL has used his influence with the CM, Caine Sanchez and possibly AM (Albert Mena) to persuade the CM to transfer the maintenance of [the] NSCIS contract from Blands to 36N. A company [in] which he owns a personal 10.56% stake interest in as well as being exposed by loan through Hassans.

We therefore have reasonable grounds to suspect that JL, TC and CS conspired to defraud Blands of the NSCIS maintenance contract.

There is a fine line between sharp business practice and unethical/criminal conduct. It is necessary to put questions to JL formally in interview to determine where this conduct lies.”

11. The entry on page 127 of my Delhi Day Book refers to attached printouts which summarise the evidence. I do not have a copy of any printouts but assume they comprised the same document, or one very similar to, the document appended to the NDM assessment I sent to the DPP on 1 April 2020.
12. As Cathal Yeats describes at paragraph 6 of his witness statement, I discussed JL's status as a suspect with him. He advised me to use the National Decision Model to record and rationalise my decisions. This I did.
13. On 25 February 2020 I sent a document headed “NDM Assessment Regarding the Involvement of Haim Judah Levy with 36 North Limited” to Ian McGrail, Commissioner of Police (“COP”). He replied on 1 March 2020 supporting what I proposed and asked that: *Given the complex nature of this investigation and the reputational risk at stake I would ask that you consult with the DPP to ensure our intended activity is legally supported.*” At paragraph 23 of his statement dated 20 June 2022 Mr McGrail confirms I emailed him the NDM towards the end of February and he replied by return, confirming that I should engage with the DPP to ensure the team's assessment was correct.
14. On 3 March 2020 Inspector Wyan and I met with the DPP to discuss Operation Delhi, JL's involvement and whether he should be interviewed. The meeting took place at the new premises of the Office of Criminal Prosecution and Litigation [“OCPL”] in the NatWest Building on Line Wall Road. It lasted considerably longer than I expected (over 2 hours from memory). The DPP inclined to the view that JL's involvement in Operation Delhi arose from sharp business practice.
15. However, he had not seen the considerable amount of evidence that implicated JL. Even though the investigation was not yet completed, I offered to provide him with a summary of the evidence

that had been collected thus far. If his opinion remained the same after reviewing it, that part of the investigation would be discontinued.

16. I have no notes in my day books for this meeting but do have an outlook calendar entry for the meeting in my RGP account, which is noted in the exhibit to my second statement. As far as I recall Mr Wyan was taking notes and he confirms this at paragraph 22 of his statement dated 21 November 2022.
17. I would normally have made an entry of such a meeting in my Delhi Day Book. Perhaps I deputed Mr Wyan to make the notes so that I could copy and paste them into my own book, as I later did for the meeting with the Chief Secretary on 30 April 2020. I was working on a number of serious and time-consuming matters simultaneously at that time, and it is possible that I simply forgot to ask Mr Wyan for his notes.
18. After the meeting I asked Mr Wyan to draft a summary of the evidence gathered so far. He produced a document headed "Charging advice" based on a running summary he had been compiling as evidence was obtained. Despite the title, the document was not intended to be used for charging advice at that point, since we had not concluded our investigations or re-interviewed the original Operation Delhi defendants.
19. On 1 April 2020 I sent the summary to the DPP, along with my NDM assessment, so that he could carry out an informed review of whether JL might have committed an offence and should be interviewed. My covering email is set out in full below:

Dear Mr Rocca,

We last met to discuss this matter on the 3rd March 2020 with DI Wyan and considered the need to interview James Levy to complete our investigation. During the meeting we expressed differing views about some of the criminality identified with regard to the conspiracy to defraud offences. Given our different viewpoints we agreed that it was important for you to have sight of the key evidence in order to make an informed decision.

DI Wyan has consolidated the considerable amount of evidence that has been gathered thus far and has helpfully included a timeline and glossary of terms – which goes some way in assisting those unfamiliar with the more obtuse IT terms and sets events out in a chronological order. In this way it is easier to understand the motive behind many of the individual actions and how they contribute to the principal act which we argue is the attempt to obtain the maintenance rights of Bland's contract by dishonest means.

I have also included my NDM assessment of the need to interview JL which sets out my rationale. Although this document is not intended as the basis of seeking legal advice, I hope that it will assist in the understanding of why we feel that it is necessary to follow the course of action that is proposed.

What we are seeking is your advice on whether in your view the charges that we propose are warranted by the evidence and whether there is a reasonable prospect of conviction and (given the inherent political nature of this investigation) that it is in the public interest to proceed. In addition, and in respect of James Levy, we are seeking legal advice as to whether there are reasonable grounds to suspect that he has committed the offence as alleged.

The attached documents set out in great detail much of the evidence that has not yet been disclosed to the defence and I would ask please that you restrict access to it to yourself and CC Mark Zammitt (who is already been privy to previous discussions).

The defendants are due to surrender to police bail on the 15th April and we could, if required charge on that date, however given the Covid 19 restrictions the Magistrates' Court are only accepting urgent overnight matters. We also have re-interviews planned which will in some cases involve participation by technical experts from the National Crime Agency. There are however currently travel restrictions in place. Given the circumstances and the exceptional times that we now find ourselves in I will be recommending extending the bail of all defendants by a further 16 weeks by way of formal letter. In the event that the Covid 19 restrictions are lifted before then we will of course arrange for the matter to be dealt with earlier.

I will arrange for a hard copy of the report and the relevant exhibits to be delivered to your chambers shortly

We are of course at your disposal should you wish to discuss either in person or remotely.

*Kind regards,
Paul*

20. As Mr Wyan confirms at paragraph 23 of his statement, on 8 April 2020 he and I had a video conference with the DPP in order to obtain legal advice on *whether there was a realistic prospect of conviction in respect of the suspects*. I made notes of the meeting in my Delhi Day Book which are set out in full in the exhibit to my second statement. Concerning JL, the DPP confirmed there were *reasonable grounds to question him and there would be a lingering doubt otherwise*. There was an *obligation to interview under caution*.

21. The DPP later echoed this opinion during a meeting with the Attorney General on 13 May 2020, the day after police had visited JL with a warrant. In the transcript of the recording of the meeting at H Exhibit IM 5B, pages 5 – 6, the DPP confirms:

I certainly have no doubt that (inaudible) no doubt of the integrity of the investigation at all. Its been done properly and what Paul and I agreed at a very early stage was as a result of how the investigation was conducted, Jaime was a legitimate source of enquiry. We agree that Paul.

22. The CoP then interjects with *As a suspect*.

23. The DPP then says:

*I and Michael knows that.
As a suspect, I mean he needed to be asked questions to clarify certain issues of the conspiracy.*

24. In conclusion, JL was considered a person of interest by April 2019. In February 2020 I decided he might be a suspect. After a review of the evidence the DPP confirmed he was a suspect during the video conference call on 8 April 2020.

On application for the search warrant dated 6 May 2020 (“the Application”):

- (a) *Was the Application (made by DC Clarke) first seen and approved by Mr Richardson?*
- (b) *If no, what did Mr Richardson know about the terms of the Application, prior to attending the hearing on 6 May 2020?*
- (c) *Why did Wyan, as Officer in Charge, not attend the hearing on 6 May 2020?*
- (d) *Was a draft of the Application sent to the CPS for advice?*
- (e) *What was the basis for the conclusion/assertion at [322] of the Application that “the material sought does not include any Legal Privilege material?”*

25. As Mr Wyan was off sick in the run up to the hearing of the application (and was still absent on 6 May 2006 when the hearing took place), I asked Mr Clarke to seek advice from Detective Inspector Craig Goldwyn on the drafting of the Application. At that time Mr Goldwyn was seconded to the RGP Economic Crime Unit, and was very experienced in drafting applications for warrants and production orders concerning fraud related offences. He advised Mr Clarke, signed the application and attended the hearing.
26. I do not remember seeing and approving the Application before it was submitted to the Magistrates' Court. I knew it was likely to be based on Mr Wyan's summary of evidence relating to JL, which he and I had considered in detail with the DPP on 8 April 2020. At paragraph 44 of his statement dated 21 November 2022, Mr Wyan confirms that Detective Constable Clarke produced a 38-page information document in support of the Application.
27. Mr Clarke sent me an Outlook calendar invitation to attend the hearing in Mr Wyan's absence which I did.
28. It was not RGP's practice to send applications for warrants and production orders to OCPL. In this case the DPP had already seen a summary of the evidence, an NDM assessment and had discussed the evidence with Mr Wyan and me during the meeting on 8 April 2020.
29. The Application probably confirmed that the material sought did not include any legally privileged material because we were looking for personal communications between JL and his business associates, rather than communications concerned with legal advice.
30. I must have reviewed the Application shortly after the warrants had been issued. I raised a query with Mr Wyan on WhatsApp the following day, asking why he had not included documents (evidential material) with it: (see paragraphs 54 and 55 below).

On Mr McGrail's involvement in Operation Delhi:

- (a) *Did Mr Richardson share any information regarding the contents of the Application with Mr McGrail?*
 - (b) *Was Mr McGrail's view sought on whether a warrant or production order should be issued?*
 - (c) *What was Mr McGrail's involvement in operational decisions generally? Mr Wyan states at [51] that "to the best of my knowledge and belief he did not make any decisions in respect of Operation Delhi, including the decision to issue warrants."*
31. I do not remember sharing information about the contents of the Application with Mr McGrail. As explained at paragraph 13 above, Mr McGrail had already seen my NDM assessment which referred to the need for a warrant.
 32. I did informally discuss with Mr McGrail whether a warrant should be obtained, although it was an operational decision for me as the senior officer responsible for the investigation. Paragraph 31 of the NDM assessment provided: *The seizure of digital devices should be by search warrant obtained in advance of approaching JL for interview.*
 33. During our frequent *ad hoc* meetings (see paragraph 13 of my second statement) I do remember some discussion with him as to what might happen if we approached Mr Levy with a production order and asked him to hand over his devices. He might refuse and simply walk away. During the meeting with the AG and DPP on 13 May 2020, (see page 30 H Exhibit IM 5B) Mr McGrail described asking us:

“...what if Jaime got up and left? what are you going to do? And he takes his phone with him...”

34. I remember also discussing the execution of the search warrant at Hassans with Mr McGrail. He said that the execution should be kept secret as far as possible until the last minute to protect the operational security of the investigation. He also suggested that Body Worn footage should be taken at Hassans to prevent any misunderstandings. He advised making the application to the Supreme Court.
35. I was grateful for his advice which I followed. I do not know why the application was made to the Magistrates, although I had suggested that it be made to the Supreme Court in the NDM.
36. Mr McGrail did not have an operational involvement in Operation Delhi, but as would be expected in such a sensitive inquiry, he was kept informed of developments as and when they arose and given both formal and informal updates.

On the decision to seek a search warrant rather than a production order:

- (a) *What was basis for the conclusion/assertion that “it is feared if notice was given to the subject to provide this material to the OIC, the subject would destroy, alter, deface or conceal the material sought” (Application [324]); and that “it is highly likely that they would destroy, alter, deface or conceal the material sought because it is evidence sought by the OIC which may prove their involvement in the offence” (Application [326])? See also [17] of Mr Richardson’s Witness Statement.*
 - (b) *Was this conclusion reached generally due to JL’s status as a suspect, or was it the result of particular facts/events pertaining to JL?*
 - (c) *Were counterarguments considered regarding: (a) JL’s position in the legal profession/community; (b) the fact JL knew of the investigation for many months?*
 - (d) *Were the Attorney General and/or DPP’s concerns about seeking a search warrant (rather than a production order) known at the time of the application? If so, were they brought to the attention of the Magistrate?*
37. The decision to apply for a warrant was made due to JL’s status as a suspect. There were two applications for warrants: one to search and seize electronic devices capable of sending and receiving text messages owned and/or used by JL as well as documents from JL’s residential address and one to do the same at his business address at Hassans’. We decided not to apply for a production order against either JL or his firm because such an application is required to be on notice. Had JL been alerted there was a risk that evidence might be tampered with or lost.
 38. Although he had been aware of the investigation for over a year, JL did not know (so far as I was aware) how much information we had collected that implicated him. If he had deleted communications from his digital devices after the earlier arrests, as CS had done, notice of an application for a production order might have resulted in him arranging for his devices to be professionally wiped. That would have meant that any deletions, which might themselves have been relevant evidence and which might have been forensically recovered, would have been destroyed.
 39. We were conscious of JL’s standing in the legal profession in Gibraltar. We tried to treat him with sensitivity and respect in so far as that was compatible with treating him in the same way as other suspects. However, it is likely that JL did receive preferential treatment after all. For example,

another suspect of standing, JP, who had been the commanding officer of the Gibraltar Regiment, was formally arrested and interviewed under caution. JL was treated rather differently.

40. On the day we attended Hassans with the warrant Mr Levy thanked both myself and Mr Wyan for the manner in which we had dealt with him. At the end of the transcript of the Body Worn Footage Mr Levy says:

Thank you Paul. Thank you Paul. Thank you Paul for your sensitivity.”

41. At the time of the Application we did not know of any concerns on the part of either the DPP or AG. At the end of a video conference call on 8 April 2020, I remember the DPP confirming that he understood our rationale for preferring a warrant to a production order. This was an operational decision for the police. Although he would have opted for a production order rather than a warrant, whatever we chose he would back us. At that point the choice between a warrant and a production order was secondary to the DPP agreeing that JL should be treated as a suspect, and I did not note this exchange.
42. By the time the Application for the warrant was heard on 6 May 2020, I had only spoken with the AG once about Operational Delhi. According to my Delhi Day Book this was on 4 May 2020. However, Lloyd Devincenzi (“LD”) who attended the meeting puts it as occurring a month earlier on 7 April 2020. Either way, I cannot remember any mention of the warrant, and Mr Devincenzi makes no reference to it in his statement at paragraphs 11 and 12.
43. There is a record of a call I received from the DPP when he confirmed that he would be more than happy to defend the warrant. It was lawful and he said the AG agreed. The note is contained in PR 34, one of two timelines I created when Mr McGrail was under pressure to retire. I need to check the date on the timeline. My own record of the note indicates the call was taken on 7 May 2020. This may not be right as the warrants were not executed until 12 May 2020. I need to see a copy of the original time-line in order to check the date. (See also paragraph 65 below.)
44. The DPP later confirmed, during the meeting on 13 May 2020 attended by the AG and COP, that the decision to apply for a warrant was an operational matter for the police. (See, for example, page 6, H IM 5B).
45. I do not recall whether using a warrant instead of a production order was discussed during the warrant application. Equally I cannot remember whether the DPP’s comment that he would have preferred using a production order, although he understood our decision and would back us whichever option we chose, was mentioned. Nor do I know whether either Mr Clarke, Mr Goldwyn or Mr Turnock (Clerk to the Magistrates’ Court) can recall what was said and whether they took any notes. I did not.

On the motivation for seeking electronic devices from JL:

- (a) Please elaborate on the WhatsApp exchange below between Mr Richardson and Mr Wyan:

[07/05/2020, 12:39:17] Paul Richardson: Why did we not include documents on the warrant application.

[07/05/2020, 13:00:17] Mark Wyan: Primary [sic] because we were looking for texts / emails. I didn’t want to over complicate things further especially because docs at Hassans may be legally privileged. Just wanted enough to show we had followed the line of enquiry.

46. The application for the warrant concerned:-

1. *Electronic devices (including but not limited to mobile phones and computers) capable of sending and receiving text messages, instant messages and/or electronic mail, owned and/or used by Haim Levy and any device capable of storing any of the aforementioned communications.*
 2. *Any documentation relating to 36 North Limited, Astleton Limited and/or Icode Limited whether held digitally or otherwise.*
47. As far as I can remember Mr Wyan had sought to restrict the scope of the warrant to digital devices capable of sending and receiving text messages, as set out at paragraph 1 above, to reduce the risk of coming across legally privileged documents. The DPP had confirmed that exchanges between JL and other parties about business arrangements were not subject to legal privilege (see paragraph 5 above).
48. I queried whether this restricted wording would allow us to seize company records concerning the setting up, ownership, directorship and financing of 36 North Ltd.
49. Paragraph 5 of PC's statement refers to me directing that an application be made to the Magistrates' Court to amend the warrant. Although I do not remember this, perhaps the application was to address this issue and amend the application to add item 2 at paragraph 46 above.

What was discussed at the meeting on 8 May 2019 between Mr Richardson, Mr Wyan, Mr Gaggero, Mr Zamitt, Mr Clarke, Mr Finlayson, Mr McGrail [Delhi Day Book p 72]. It is noted that the Delhi Day Book refers to "trigger notes" for what Richardson planned to say: does this reflect what he did say at the meeting? Further, what was intended by the annotation in the Day Book "Explore IP issue w JL email"?

50. The exhibit to my second statement contains my notes of this meeting, as set out at page 72 of my Delhi Day Book. The meeting was in Mr McGrail's office but he is not listed as attending. Only he and the Assistant Commissioner had conference facilities in their offices and it is no doubt for this reason that the meeting was held in Mr McGrail's office. There is no reference in my notes to "trigger notes". There is a reference to TC's invoice triggering a row.
51. The meeting was arranged to allow the police investigation team and the complainant James Gaggero ("JG") to meet. He had agreed to postpone civil proceedings against the suspects as there was a significant risk that the proceedings might compromise our criminal investigation. I had the impression that Mr Gaggero's patience was wearing a bit thin and also that some of the investigation team were not taking his complaint as seriously as it deserved. I introduced JG to the team and invited him to explain in his own words what had happened. The team asked him questions so as to help them prepare for interviewing the suspects, who were arrested some two days later. I made brief notes of what was said and these are set out in the exhibit to my second statement.
52. Reference to that meeting can be found in my WhatsApp exchange with Mr McGrail as follows:

[08/05/2019, 15:36:09] Ian McGrail: Not sure if it is strike day for op dehli today or not - but good luck in any case.

[08/05/2019, 17:34:28] Paul Richardson: Thanks. Friday is kick off.

[08/05/2019, 19:35:10] Ian McGrail: I'll be flying as from Midnight Gib time on so I will text you during the day to see how its going. 🙌🙌

[08/05/2019, 19:44:36] Paul Richardson: Bien NCA arrived today (5) team meeting tomorrow. Long - very long meeting with JG yesterday in your office. I introduced key team members and

allowed him to vent and they to ask questions to prepare interviews. Our guys were impressed with him and he was v grateful for the opportunity saying we inspired confidence!
[08/05/2019, 22:03:03] Ian McGrail: Brilliant

53. The note “ *Asquez Interview - Explore IP issue w. JL email*” was a note to myself to include the Intellectual Property issue when interviewing Eddie Asquez under caution. This would have been in response to something that Mr Gaggero or someone else had said at the meeting. The ‘*JL email*’ referred to the email that had been sent from Mr Asquez’s email account to JL which had first alerted me to JL .

What occurred at the meeting between Mr Wyan and Mr Richardson/DPP on 3 March 2020 “for legal advice regarding the involvement of Mr Levy KC” (Wyan 22).

(a) *Why has Mr Richardson not mentioned this meeting in his WS, or referred to it in his Day Book?*

54. Please see paragraphs 14 -17 above. There is a reference to the Outlook Calendar entry for the meeting in the exhibit to my second statement.

The Daybook note for the 8 April 2020 meeting between Mr Richardson, Mr Wyan, and the DPP [Delhi Daybook p139] states: “Re: JL - Reasonable grounds to question. Would be a lingering doubt otherwise. Obligation to interview under caution”. To whom or what did this lingering doubt apply?

55. This is a record of what the DPP said. He thought there were reasonable grounds to question JL and there was an obligation to interview him under caution. As I understood it the lingering doubt concerned JL. If he were not interviewed as a suspect it might undermine the prosecution of other suspects.

What was discussed at the meeting between Mr Richardson and the AG on 24 April 2019? [Delhi Day Book p51]

56. This meeting was with the DPP rather than the AG. See paragraph 6 above.

What was discussed at the meeting on 13 May 2019 between Mr McGrail, the Chief Minister, Mr Costa, the AG, Mr Grech, the DPP, Mr Mena [Delhi Day Book p91]? In particular, the note of the meeting states that the Chief Minister “will need to speak to the Senior Partner at Hassans” – why was this the case? Was it discussed what the Chief Minister would say to him?

57. Mr McGrail arranged the meeting in order to provide a brief on Operation Delhi, particularly the involvement of a Senior Civil Servant, Caine Sanchez. He advised me of the meeting by WhatsApp and I prepared a briefing note for him in advance. I have a copy of that note because it was shared with him by WhatsApp. Our WhatsApp exchange is set out below:-

11/05/2019, 20:08:08] Ian McGrail: Monday at 9.15am meeting with CM, MoJ, DPP, FS and CS.

[11/05/2019, 20:08:26] Paul Richardson: No AG?

[11/05/2019, 20:08:56] Ian McGrail: CS may be travelling to UK with brexit meetings so we have to be quick in reeling him in.

[11/05/2019, 20:09:02] Ian McGrail: AG in London

[11/05/2019, 20:09:39] Paul Richardson: 10-4. I will read thru all the logs Tomorrow in preparation.

[11/05/2019, 20:12:59] Ian McGrail: And first thing on Mon we sill agree on what I will brief them about as in the level of detail.

[11/05/2019, 20:14:21] Paul Richardson: Noted. I will prepare a list of most significant facts in order to select those to be disclosed

[11/05/2019, 20:18:19] Ian McGrail: 🙏

[12/05/2019, 22:48:48] Paul Richardson: Key Points MEETING CS.docx <attached: 00000608-Key Points MEETING CS.docx>

[12/05/2019, 22:48:51] Paul Richardson: Sir,

[12/05/2019, 22:52:08] Paul Richardson: Sir, I have reviewed all of the messages between CS to TC. The most relevant for our meeting our summarised in the attached doc. I have also included some events from our own timeline to put things into perspective. The events sequencing make clear the level of involvement of CS in the scheme. There is no evidence thus far to suggest he was aware of the Cyber attack but plenty to link him to the conspiracy.

[12/05/2019, 23:13:11] Ian McGrail: 🙏🙏🙏

[12/05/2019, 23:13:23] Ian McGrail: Many thanks

58. During the meeting Mr McGrail outlined the evidence against Caine Sanchez and explained why there was a need to arrest him and execute search warrants at his residence and place of work at Number 6 Convent Place. We were informed that Caine Sanchez was in the UK on Government business (I believe with the Attorney General) and the CM instructed that he be recalled immediately.
59. The CM also stated that notwithstanding the fact that Blands were the complainants in this case that the Government should be a complainant too. Mr McGrail explained that there was no need for this but the CM insisted that the record should reflect that the Government were complainants.
60. The CM told us that we would need to speak to the Senior Partner at Hassans not that he would.

Did a meeting take place on 4 May 2020 between Mr McGrail, Mr Richardson, the AG, Mr Devincenzi? Why is there a question-mark placed next to this entry in Mr Richardson's summary table of relevant meetings?

(a). If so, what was discussed at this meeting?

61. A meeting did take place between the AG, Mr Devincenzi, the Commissioner and myself as described at paragraph 45 above. I am not certain of the date, as evidenced by the question mark after the date in the exhibit to my second statement. When I made the question mark I had read Mr Devincenzi's statement and was aware that he thought the meeting was on 7 April 2020.
62. I remember Mr McGrail calling me into his office and informing me that we were attending a meeting with the AG regarding Operation Delhi. As the meeting was due to begin in a few minutes I did not have time to fetch my Delhi Day Book. I was curious as to why we were meeting the AG as up until then my only dealings had been with the DPP.
63. If the meeting was on 4 May 2020, as my note suggests, we had already met with the DPP on 8 April 2020 and he had confirmed there was a realistic prospect of conviction on the conspiracy to defraud charges, which did not depend on ownership. We proposed framing the charges to reflect the right to maintain the NSCIS contract rather than ownership of the NSCIS platform itself.
64. If the meeting was on 7 April 2020, as Mr Devincenzi (and also the AG) suggest, I am not sure why the AG was providing an opinion on a matter that the DPP, not he, had been asked to advise upon.
65. I created two timelines shortly before Mr McGrail retired. RGP kindly provided me with access to both and I labelled them PR 33 and PR 34. Since my second statement STI has kindly provided a copy of PR 33 but the document named PR 34 is blank. PR 33 contains more detailed notes of this meeting than the note made in my Delhi Day Book. It is possible that the PR 33 record was made

from notes I had made in the Microsoft One Note Application. I had a specific account for RGP use and I deleted these notes before I left the force.

66. The note contained in PR 33 is set out below:

Meeting with AG No1 also present IM PR Lloyd Devincenzi

4.5.20
0945Hrs

- *AG calls meeting as advising the Govt with regard to ownership of the platform.*
- *Govt. has no records on ownership*
- *AG asks that we rationalise the charges down from 70+ to whittle out those that depend on ownership and then see what remains. We argue that the case does not fall or stand on ownership alone.*
- *JL's involvement discussed and AG makes a note on the back of a typed document of the percentage of shares in 36N that JL holds (indirectly 10.56%) he also records the number of charges then a reduced number to reflect those not concerning ownership connected by downward facing arrow, the [sic] another arrow which would lead to whatever number is left.*
- *AG states that if Govt. was owner of platform, then we would need a complaint from them.*
- *Chief Secretary would have to provide an additional statement explaining this.*
- *I said how could they not complain.*
- *CS was corrupt from what we had seen.*
- *IM leaves meeting in a rush to attend covid meeting at No.6*
- *I apologise to AG for being frank and he replies that it is welcome.*

67. Mr Wyan was not present at this meeting, although Mr Devincenzi believes he was there: see paragraph 11 of his statement.

Response to AG's affidavit dated 24 June 2022

68. At paragraph 21 the AG describes being concerned by a call from the DPP, in early April 2020, who wanted to discuss aspects of Operation Delhi. The AG was concerned there must be something seriously wrong for the DPP to call him. The DPP had not raised any serious concerns with us during our many conversations and several meetings with him. The AG himself had not raised any serious concerns during our meeting on the 8.4.20 (or 4.5.20). My recollection of that meeting is that it was amicable.

69. At paragraph 23 the AG reports the DPP as saying that the list of 76 charges drawn up by the RGP was excessive and seemed wholly inappropriate. As described at paragraphs 18 and 19 above, the summary of evidence provided to the DPP was to address his concerns about the conspiracy offences not being made out. It was always our intention to discuss with him which charges should proceed, particularly from the multitude of possible computer misuse offences, which formed the bulk of the 76 possible charges. Although we discussed with the AG reducing the number of charges by excluding those that depended on ownership of the NCISC platform, we were already addressing this with the DPP.

70. At paragraph 25 the AG states that Mr McGrail had raised most of these concerns with him in May 2019. I was not aware that the Commissioner had met with the AG in May 2019. If the AG is referring to the meeting of 13 May 2019 my record does not list him as being present. In fact, a message exchange between myself and the Commissioner at around this time refers to the AG's absence in England: (see paragraph 59 above).

71. At paragraph 32, I do not recall any agreement being reached that the RGP would not take any further action until we had clarified the question of ownership and rationalised the number of charges. Furthermore, I do not remember agreeing that nothing would happen until we met again.
72. Had such an agreement been reached I would have:
- a. made a record of it either at the time or once I returned to my office;
 - b. discussed it with Mr McGrail and planned a strategy given that the other suspects were on police bail;
 - c. discussed it with Mr Wyan, particularly as the Delhi defendants were due to surrender to their bail in two weeks' time on 15 April 2020;
 - d. discussed it with the DPP whom I had consulted and from whom I was still waiting for a response;
 - e. not proceeded to obtain a search warrant.
73. I did none of those things. For me to have proceeded to obtain a warrant and continued with an investigation against the express instructions of the AG would have been unthinkable.

Response to Hassans' 19 statements

74. These statements are probably not sufficiently relevant to the issues the Inquiry would like my assistance about to require comment, save in one respect: Joseph Cassaglia did not make any allegations of mistreatment against me until his witness statement for the Inquiry.

Response to paragraph 36 of Asquez's statement

75. Please see the entry on page 129 of my Delhi Day Book.

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.

Signed... **Personal Data**

Dated..... **29.9.23**