

**COMMISSIONS OF INQUIRY ACT**

**RETIREMENT OF THE FORMER COMMISSIONER OF POLICE**

**ISSUE OF COMMISSION**

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SECOND SWORN WITNESS STATEMENT  
OF DR JOEY BRITTO

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I, DR JOEY BRITTO of [REDACTED] Personal Data Gibraltar, Chairman of the Gibraltar Police Authority MAKE OATH AND SAY AS FOLLOWS :-

1. This statement is supplemental to that sworn by me on 13th May 2022. I do so in response to a request by Solicitors to the Inquiry that:
  - (i) I provide details of any Gibraltar Police Federation ("GPF") complaints that I was aware of. Solicitors to the Inquiry stated in support of their request that it is apparent from Mr Morello's Exhibit part 2 at page 4 that I was aware of complaints and asked me for disclosure; and
  - (ii) I provide details of the GPA meeting in February 2020 at which Mr Morello attended. This meeting was referred to at paragraph 147 of Mr Morello's Witness Statement.
2. I have identified Mr Morello's exhibit as referred to me by Triays and do not construe that document as showing that I was aware of complaints made by the GPF about Mr

McGrail. It is in fact an email from Mr McGrail to me dated 21<sup>st</sup> December 2018, bringing to my attention difficulties which he was having with GPF/Mr Bautista, the then Chairman of the GPF, copied to the Secretary of the GPA under cover of an email to her dated 1<sup>st</sup> January 2019. Certainly, I was aware that relations between Mr McGrail / Command on the one hand and Mr Morello/the GPF on the other were bad and that they had disputes. It appeared to me that the main issues between them, which affected their relationship and from which discord on a number of subsidiary issues flowed, including disputes affecting operational matters, were that Mr McGrail maintained that the two convenors of the GPF were serving police officers and remained subject to the governance and superintendence of the Commissioner of Police in the same way as other officers were. I have ascertained that this is in fact the position in the United Kingdom. The second issue was that the two GPF convenors were paid the salary of a Chief Inspector and other benefits and if they retired whilst GPF convenors would receive a pension based on a Chief Inspector's salary, notwithstanding that, say as in the case of Mr Morello, he might be a sergeant. Mr McGrail felt that this was affecting morale and was a burden on the police budget. This is set out in detail in an email from Mr McGrail to Mr Darren Grech dated 24 July 2019 and letters from Mr McGrail to me dated 5<sup>th</sup> February 2020 and 7<sup>th</sup> February 2020. I have disclosed those documents to the Inquiry in an "Inventory of Additional Documents Disclosed by Dr Britto" dated 3<sup>rd</sup> November 2022. I now exhibit those documents as Nos 25 to 27 of Appendix B to my First Witness Statement. Mr Morello on the other hand asserted that GPF officers were not to be treated as normal police officers and any attempt to do so constituted undue interference and coercion in the exercise of their GPF duties.

3. The issues and disputes between Mr McGrail / Command on the one hand and Mr Morello / GPF on the other were occasionally raised with me by both sides . However,

no formal complaint, oral or written, was ever made. I regarded things said to me as matters in dispute rather than complaints. Indeed, it seems to be acknowledged by Mr Morello at paragraph 147 of his witness statement that no formal complaint was made, as there was no procedure in place which enabled a complaint against the Commissioner to be made. Mr Morello states at paragraph 148 of his witness statement that if such procedure had been in place he would have filed a complaint of bullying against Mr McGrail. He said this in the context of Written Warning and Regulation 9 notices issued by Command, which flowed from the ongoing dispute as to superintendence and guidance.

4. I do not recall any meeting of the GPA attended by Mr Morello in February 2020 nor is there any record of such meeting. I have asked other members of the GPA at the time and they do not have any recollection of that meeting either. This does not mean that Mr Morello did not say this to me at some point, whether at a meeting or during another encounter, but I have no recollection of that. It is simply that there is no record or recollection on the part of the GPA.
  
5. The GPA meeting which I recall Mr Morello attended was held on 6th July 2020 (erroneously dated in the minutes as 6<sup>th</sup> June 2020) a record of which I exhibit hereto as document no 28 of Appendix B to my First Witness Statement. This followed an email from Mr Morello to me dated 22<sup>nd</sup> June 2020 which I exhibit as document no. 29 of Appendix B to my First Witness Statement. After an extensive search, I have not been able to track the original email, unfortunately. The copy is the one forwarded to our secretary at a later date following that meeting.

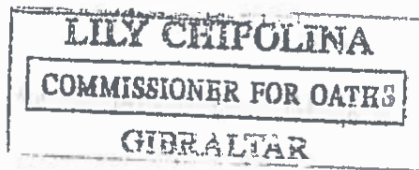
SWORN by the above-named Deponent  
at Suite 7, Hadfield House, Library Street,  
Gibraltar  
this 29 day of June 2023

**Personal  
Data**

Before me

**Personal Data**

Commissioner for Oaths



This Sworn Witness Statement is filed by Messrs TSN, on behalf of the Deponent