

Deponent: L. DeVincenzi

2nd Affidavit of Deponent

Date sworn: 25 August 2023

IN THE MATTER OF THE COMMISSIONS OF INQUIRY ACT

-AND-

IN THE MATTER OF AN INQUIRY INTO THE RETIREMENT OF THE FORMER
COMMISSIONER OF POLICE CONVENED BY A COMMISSION ISSUED BY HIS
MAJESTY'S GOVERNMENT OF GIBRALTAR ON 4 FEBRUARY 2022 (LEGAL
NOTICE NO. 34 OF 2022) ("THE INQUIRY")

SECOND AFFIDAVIT OF LLOYD DEVINCENZI

I, LLOYD DEVINCENZI, partner of the law firm

Personal Data

MAKE OATH AND SAY as follows:

1. I make this second affidavit at the request of the Inquiry, in response to its letter to me of 28 July 2023 ('the letter').
2. The matters set out below are within my knowledge, except where I indicate otherwise.
3. In response to point 1 of the letter, I did not take any notes of the meeting of 7 April 2020, which I was asked to join impromptu and without prior knowledge of its subject matter or attendees. It is possible that others made notes of the meeting (I have an indistinct memory of former Superintendent Paul Richardson taking notes), but, if so, they were not circulated to me.
4. In response to point 2, my best recollection is that the Attorney General initially raised a concern that the list of charges might be excessive because it was premised on the Bland Group's ownership of the NSCIS platform, which the Attorney General considered, at minimum, an unresolved question. I believe the Attorney General also told Mr McGrail that the number of charges seemed high

on an administrative or common sense or practical level, or words to that effect. These were the two reasons which, from recollection, led to the Attorney General's suggestion that the RGP should consider rationalising the number of charges. I understood the task of rationalising primarily to mean pruning the list to make sure the charges did not overlap, but also making certain the RGP could properly substantiate them. My impression was that Mr McGrail and Mr Richardson were open to undertaking this exercise, if not wholly convinced it was necessary, and said they would report back to the Attorney General and the DPP.

5. As regards point 3, I did not discuss the matter of the number of charges on any subsequent occasion with any of Mr McGrail, Mr Richardson, Superintendent Wyan, the Interim Governor or the Chief Minister. I did discuss the number of charges with the Attorney General at some point not long after the meeting of 7 April 2020, though not at length or in detail (I had not seen and have never seen the original list or any subsequent list of the charges). I believe our discussion was in the context of my asking about the connection between ownership of the NSCIS platform and the rationalisation of charges. I do not recall the Attorney General's exact response, but the gist of it was that he held significant doubts about the professional competence of the RGP team in charge of the investigation and drafting the charges. I did not discuss the number of charges separately with the DPP.

SWORN at Gibraltar by the above named Deponent on
this 25th day of August 2023.

Personal Data

Before me: *James Lavarello*

JAMES C LAVARELLO
BURNS HOUSE
19 TOWN RANGE
GIBRALTAR
COMMISSIONER FOR OATHS

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Commissioner for Oaths

This Affidavit is filed by the Deponent