

Commissions of Inquiry Act

**INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER
OF POLICE**

**Convened by a Commission issued by His Majesty's Government of Gibraltar
on 4th February 2022 in Legal Notice No.34 of 2022**

**WITNESS STATEMENT OF DETECTIVE SUPERINTENDENT JOHN
FIELD**

Introduction

1. My name is John Field, and I am the Detective Superintendent in charge of Crime Protective Services [CPS] within the Royal Gibraltar Police [RGP].
2. The drafting of this statement is in consequence to having been served a letter from Attias & Levy dated the 10th of August 2022, with regards to the Public Inquiry into the Retirement of the Former Commissioner of Police Mr Ian McGrail.
3. For ease of reading, I will address the points listed in the request for information and evidence in chronological order as far as possible.
4. This preliminary statement is prepared (on advice from my lawyers) without attaching the documents referred to, to avoid delay. The said documents are currently subject to a document review ("Document Review") by the RGP and our lawyers in accordance with the Document Protocol and when that is concluded they will form part of a document bundle ("RGP Bundle") where possible and this statement will be updated by references to the RGP Bundle.

Point 1- My knowledge of the reasons and circumstances leading to Mr Ian McGrail ceasing to be Commissioner of Police in June 2020 by taking early retirement, including addressing the following specific questions:

5. I have no knowledge of the reasons and circumstances leading up to Mr Ian McGrail ceasing to become Commissioner of Police other than what I learnt from social media.
6. At the time in question, I was the Detective Chief Inspector of Crime Protective Services [CPS]. I had been the temporary Senior Investigating Officer [SIO] for Operation Kram [fatal incident at sea] until the arrival of Detective Superintendent [ag] Gary Smith from the Metropolitan Police Service who took over from me see paragraph 48 below.

Point 1 [a] – What was the process behind Mr McGrail's appointment to Commissioner of Police in 2018 and were there any objections made to you at the time [or thereafter] by the Chief Minister Fabian Picardo QC MP or Deputy Governor/ Former Governor, Nicholas Pyle OBE to the said appointment?

7. I was unaware of the process other than he was competing for the post with the current Commissioner of Police, Mr Richard Ullger.
8. This was completely outside my remit. I never made or received any objections as to his appointment.

Point 1 [b] – Following Mr McGrail's appointment as Commissioner of Police, were any formal complaints made by or to you in respect of the efficiency, effectiveness, probity, integrity, or independency of Mr McGrail in the undertaking of his duties as Commissioner of Police?

9. I did not make or receive any formal complaints against Mr McGrail in respect of the efficiency, effectiveness, probity, integrity, or independency of Mr McGrail in the undertaking of his duties as Commissioner of Police, or indeed at all.

Point 1 [c] – During Mr McGrail's tenure as Commissioner of Police, were you aware or put on notice of any allegations or complaints made by members of the Gibraltar Police Federation [GPF] in respect of bully and/intimidation by Mr McGrail?

10. I cannot recall being made aware or put on notice of any formal allegations or complaints made by members of the Gibraltar Police Federation [GPF] in respect of bullying and/intimidation by Mr McGrail.
11. I joined the GPF in May 2019 and was a member of the board where I represented the Inspector and Chief Inspector ranks. There were always some tension between the GPF and Command and this was the case with Mr McGrail. In my opinion, the unhealthy tension arose after the appointment GPF Chairman, Police Sergeant Maurice Morello and the Secretary, Police Constable Mr Leif Simpson. I believe the primary cause was that they both felt that they were completely divorced from the service and could not be subject to Police Discipline or instructions/ deployment. Management's view was that under Section 5 [3] Police Act, they were. There were occasions when the GPF Chairman wrote to management and was out of order and disrespectful.
12. I thought that when Mr Ullger became Commissioner of Police things with the GPF would improve and in the main they did, however there are examples where the GPF Chairman continued writing in the same manner towards Mr Ullger.

Point 1 [d] – In respect of Operation Delhi:

[i] what was your involvement in Operation Delhi?

13. None, I had no involvement in Operation Delhi.

[ii] Following the interrogation of devices obtained as part of the investigation were you made aware of any communication between the Chief Minister and the persons being investigated? If so, was this communicated to the Attorney General?

14. No. I had no involvement in Operation Delhi.

[iii] Did you attend any meetings in respect of Operation Delhi with Mr McGrail and / or any of the following persons:

1 The Chief Minister

2 Albert Mena, Financial Secretary

- 3 Neil Costa [then Minister for Justice]
- 4 Minister Joseph Garcia
- 5 Darren Grech, Chief Secretary
- 6 Michael Llamas QC, Attorney General
- 7 Christian Rocca QC, Director Public Prosecution
- 8 Mr Pyle
- 9 Dr Joseph Britto , Chairman of the Gibraltar Police Authority
- 10 Llyod Devincenzi, former Senior Crown Counsel
- 11 Paul Richardson, former Superintendent
- 12 Superintendent Mark Wyan [formerly Detective Inspector].

15. No, I did not in relation to 1-10. In relation to Mr Richardson and Mr Wyan I do not recall any meetings specifically in relation to Operation Delhi however, Mr Paul Richardson was my then line manager and there were occasions when I attended meetings, that some issues with Delhi may have arisen and may have been discussed. Not being involved, I took no particular attention to this subject.

[iv] – What was the process for obtaining the search warrants in respect of Mr James Levy QC?

16. I was not involved with this, but I imagine it would have taken the same form as any application for any other search warrant, namely based on evidence an application would have been made to the Stipendiary Magistrate or a Justice of the Peace.

[v]- Were you privy to any correspondence with Hassans International Law Firm and/ or Caruana & Co. regarding the search warrants and the identification of Mr Levy QC as a person of interest in respect of Operation Delhi?

17. None, I was not involved with this matter.

[vi] – What was the process for obtaining legal representation from external counsel following the execution of the search warrant?

18. I was not involved with this, but I imagine there would need to be a conflict with using the Office of Criminal Prosecutions & Litigation.

[viii] – Were any formal complaints made or concerns raised to you in respect of Mr McGrail's handling of Operation Delhi, including the decision to issue the warrants?

19. None that I was aware of, and I was not involved with this matter.

Point 1 [e] – In respect of Operation Kram – the incident at sea on 8 March 2020:
[i] What was your involvement in Operation Kram?

20. I was the appointed Gold Commander for the weekend starting at 1600hrs on Friday the 6th March up to 0800hrs on the Tuesday 10th March 2020. At the time, I was the Detective Chief Inspector of Crime and Protective Services.

21. At 03.53hours on the morning of the 8th of March 2020, I received a call from the duty Inspector, John Lutkin who made a report to me concerning a collision at sea between an RGP vessel, the Sir John Chapple and a suspect vessel. I was also made aware that there was one fatality [later identified as [REDACTED]] and that another person was seriously injured.

22. In consequence to this, I made my way to the Marine Section base. There I was met by the Inspector and further briefed as to the location of the vessels. I also received a call from the Crown Sergeant Stewart Stone who also provided me with an update.

23. I then immediately called the Commissioner of Police [COP], Mr Ian McGrail, and apprised him of the incident. He gave me instructions as a result of which I commenced a call out of senior officers.

24. Shortly after Insp Lutkin made a further report to me concerning the conveyancing of the seriously injured person and I gave instructions for the latter to be transported on the HMC motor vessel Seeker.

25. At 04.52hrs, the HMC vessel Seeker arrived to the Marine Base HQ and three occupants from the suspect vessel [except the fatality which remained in the suspect vessel being towed by the PMB] were quickly seen to by the

Ambulance Service. I then made my way to New Mole House [NMH] Police HQ.

26. At 0500hrs, there was a Gold meeting at the Commissioner's suite. Leading was COP Mr McGrail as Gold and Detective Superintendent Paul Richardson as deputy Gold. The incident was declared a critical incident and a number of officers were recalled to duty. During the meeting, officers would arrive and join in.
27. The following roles were identified and allocated in addition to the above two—
 - Provisional SIO [Senior Investigating Officer] – myself
 - Coroner's Officer -DI Sean Perera
 - Family Liaison Officer [FLO] - PC Natalie Passano
 - PIP [Post Incident Procedure] -CI Nolan Romero
 - International Liaison Officer with Spain – DI Paul Chipolina
 - PSD [Professional Standards Dept]- DI Alex Enriles
 - Operational logistics - DC Thomas Tunbridge
 - Bronze Commander Marine Base - Insp Albert Fernandez
 - Media - Insp Pau Barker
 - Welfare – Gibraltar Police Federation [GPF] Chairman PS Maurice Morello
28. At 05.25hrs, shortly into the meeting we learnt of the passing away of the suspect vessel's second occupant namely, [REDACTED] which had been transported to Marine Section base on HMC MV Seeker.
29. On termination of the meeting, we left the COP suite and began the investigation.
30. Initially steps were taken to secure the Marine Base, the GHA and Police HQ. We did this as a precautionary measure based on an earlier similar incident involving the HMC vessel. We envisaged that these locations could very well be inundated by family members who either belonged to or were related to Organised Crime Groups [OCGs].
31. The two survivors were taken to hospital to be treated/checked. During this time their clothing was seized. They were later that morning arrested on suspicion

of [1] importing a prohibited import, [2] dangerous navigation and [3] obstructing police.

The following actions were then commenced –

- COP to consider calling independent [UK] force to investigate
- PIP procedure to be initiated – ECHR/Gib Constitution/ safeguarding identity of officers
- Welfare of officers
- COP – advising of incident to HE/CM/CBF/GDP
- Contacting Port and Windmill Hill – securing of evidence
- COP- reassurance to workforce
- Resilience issues for Gold command
- Circulate awareness
- Media – Press statement
- SIO – consider ECHR/ Gib Constitution
- Identification of the location of incident – ASAP
- Slower time actions – training records for PMB crew/ standing instructions for chase at sea.

32. By this time, I was already considering a number of actions I was to record in the policy file. I kept this policy file open throughout my tenure as provisional SIO and until such time I handed everything over to the external investigating force. In this book I recorded fourteen tasks [within a number of days] as follows -

- Setting the scene and original information provided. Notifying command and arranging Gold meeting.
- Gold command brief – identification of roles.
- Establish identities of occupants of suspect vessel/ carry out forensics and retrieve clothing/ crime scene forensics securing/ arrest strategy and obtain evidence by questioning.
- Liaise with PIP manager and make use of an FLO. PIM to obtain stage 1 accounts of RGP and HMC officers.
- Liaise with our Spanish counterparts/ obtain information/ evidence from Guardia Civil [GC] of what they may hold/ including possible exact location.
- Resilience issues – SBH/NMH/ PMB Base.
- Media strategy – impact on community, building on confidence and trust through clear and informative push outs.

- Enquiries with Port/ WHSS and Tarifa Trafico in an attempt to establish true location of collision.
 - Consider ECHR and by extension Gibraltar Constitution. UNCLOS sections research .
 - Secure NMH CAD audio files.
 - Conduct an Intrusive search of suspect vessel.
 - Enquire and facilitate an expert collision report/ to include data extraction and interpretation of available data from either/ both AIS or GPS from both vessels.
 - Enquiries to be carried out with PMB. Have we got video recording capabilities on board and is there mobile/ radio connectivity out at exact location of collision
 - Expedite/ facilitate repatriation of bodies.
33. The enquiries/ evidence obtained in pursuing and investigating the above tasks were compiled into a file that was subsequently requested by the Honourable Chief Minister Fabian Picardo when he triggered the Police Act S15 request.
34. During these crucial and initial hours, I held several briefs with my officers and delegated many of the above tasks/ instructions.
35. At 07.45hrs the Gold Group convened where progress on actions were discussed.
36. At 09.40hrs, I received a report from Insp Paul Chipolina who had obtained the co-ordinates through his contacts in the Spanish Guardia Civil. These were 36°09 N5° 12 W, approximately 6.54 miles east of Playa Santa Barbara.
37. I then had the co-ordinates plotted on a map and subsequently made my way to the COP suite.
38. At 11.05hrs, I briefed COP, Detective Superintendent Paul Richardson and The Attorney General, Mr Llamas who was also there, concerning the suspected exact co-ordinates. I remember a discussion taking place and being asked if the chase had been plotted/ recorded as the coordinates were well out of BGTW, I was unable to answer this. Considering that the initial report was that PMB had been involved in a chase out at sea, approximately 3miles off Europa Point, at

that moment in time, it was a safe assumption that the chase/ part of it, had occurred in our jurisdiction.

39. Both vessels were brought out of the sea that day, placed on the hard and security arrangements made to preserve evidence and anyone accessing them.
40. Both survivors were subsequently interviewed under caution and then bailed out for 1100hrs on the 4th June 2020.
41. During the next days, we relentlessly pursued a large number of enquiries trying to establish facts. The exact location of the collision, AIS data from the vessels, the Post-mortem arrangements, the officer's welfare, liaising with the family of the deceased and Maritime Collision expert were at the forefront. There were many briefings, most of them being conducted by myself and addressing investigating officers.
42. On the 10th March 2020, it was decided to conduct an intrusive search of the suspect vessel and we started arrangements with HM Customs. This was going to be stalled until the arrival of the Met Team.
43. COP McGrail was arranging for an independent investigating team to come to our jurisdiction and take over the investigation.
44. On the 11th of March 2020, Dr David Rouse conducted the Post Mortem examination on [REDACTED]
45. On the 12th of March 2020, Dr Rouse conducted the Post Mortem examination on [REDACTED]
46. That same day we instigated the repatriation arrangements and also managed to secure the thermal imagery recording which captured the actual collision. The recording is not all that clear because of the time of the day and the distances involved. This was later brought to the attention of Supt. Richardson and COP McGrail.
47. On the 13th of March 2020, the repatriation of the bodies of [REDACTED] and [REDACTED] took place.
48. During that afternoon, officers from the Metropolitan Police arrived in Gibraltar.

49. At about 1800hrs, a meeting was held at the COP suite. Present were COP McGrail, AC Mr Richard Ullger, Detective Superintendent Paul Richardson, CI Romero, CSI S Palmer, the entire Met Team and myself.
50. A brief of the incident and the tasks undertaken was provided to the investigating team. I was told to be the liaison officer with them and to prepare handing over all materials to them.
51. On the 14th of March 2020, the Marine Collision Expert Mr Richard Meikle removed the navigational systems of the vessels for further examination. [The subsequent submission [25/3] of the rapid replay construction using the suspect vessel navigational systems later proved that no part of the chase occurred in BTGW].
52. On the 15th of March 2020, the suspect vessel was subject to an intrusive search by HMC officers. Nothing incriminating was found.
53. Mr Meikle continued with the examination of both vessels for several days and also received all information he had requested for the drafting of his subsequent report [The Solis report].
54. On the 16th of March 2020, we continued progress on a number of tasks and also in providing the Met team with material. We also sought a 3D reconstruction of the accident from Mr Meikle.
55. During the next two days we continued with the tasks and providing material to the Met Team. Both Mr Meikle and the Met team departed due to the impending Covid-19 restrictions.
56. From then on, I was the single point of contact [SPOC] for the Met team. When new leads were identified I would pass this on to them. I would often be asked to follow up tasks from my end which would then be forwarded on to them.
57. On the 1st of April 2020, I authorised the release of the two survivors through the custody team.
58. The Met team continued with the investigation and returned to Gibraltar on a number of occasions. They provided a summary for proposed charges [Manslaughter and Merchant Shipping Act Sec 27] to the DPP. After several

MS Team meets and discussions these proposed charges were discontinued as the DPP was of the opinion that the evidence did not support these.

59. A further charge of Misconduct in Public office was also considered but this also did not materialise for the same reasons above.
60. With no criminal charges being preferred, the coronial process commenced.

[iii] Were you involved in or privy to any correspondence with any of the persons listed in paragraph 1 [d][ii] above in respect of Operation Kram?

(NOTE - I believe there is a typing error in the question above, it specifically says the persons listed in para 1 d ii, when I believe it should be 1 d iii. In view of this, I am answering as if it read 1 d iii.)

61. I was forwarded several email threads written by the current COP Mr Richard Ullger with the The Hon. CM Fabian Picardo, The Hon AG Mr Michael Llamas, The HE Sir David Steel and Mr Nicholas Pyle. These were after the departure of COP Mr I McGrail and in relation to providing updates in relation to the PA S15.
62. I also had correspondence with Mr Lloyd DeVincenci and the Director of Public Prosecution Mr Christian Rocca. These related to the consideration/researching of charges.
63. In respect of Superintendent Paul Richardson, he was the deputy Gold on the day and my direct line manager during this operation. I had many discussions with him in which I would continuously update him as we progressed.
64. I also remember visiting the COP suite on one occasion to see Mr McGrail and at the time Mr Nicholas Pyle was there. He briefly introduced me to him and shortly after I left. Unfortunately, I have no record of the date as at the time it was insignificant to me.

[iii] What were the findings of the Metropolitan Police Services's investigation of the incident out at sea? When were you made aware of the associated report?

65. On the 25th of September 2020, Supt [ag] Gary Smith notified me through an email that a summary for the proposed charges and also recommendations, were being sent. I received these the day after through DCI Neil Rawlinson.

66. The proposed charges submitted within the MG5 were for both [REDACTED] and [REDACTED] to be charged with two counts of manslaughter contrary to S153 of the Crimes Act and an alternative charge of S27 of the Gibraltar Merchant Shipping [Health & Safety] Act 1993.

67. The second report was that of Organisational Learning Recommendations, as follows-

- It is recommended Royal Gibraltar Police develop/install and use a system of process to monitor the positions of their marine vessels in real time, 24/7, and ensure positioning data is stored and retrievable.
- It is recommended the Royal Gibraltar Police control room adopts a process for monitoring police marine vessel deployments, to provide additional oversight/governance [different from location tracking of vessels].
- It is recommended Royal Gibraltar Police ensure their police marine vessels' Automated Identification System [AIS] and Global Positioning System [GPS] equipment is always activated when the vessels are deployed at Sea [in accordance with relevant laws].
- It is recommended Royal Gibraltar introduce additional or updated training for Police Marine Section officers/staff/crew, to include pursuit scenarios.
- It is recommended Royal Gibraltar Police introduce repeat theory and practical training for marine section coxswains [such as continuous professional development], at defined intervals.
- It is recommended Royal Gibraltar Police issue renewed instructions to the Police Marine Section officers/staff/crew to not leave British Gibraltar Territorial Waters [BGTW] unless for search and rescue missions/ life-saving.
- It is recommended Royal Gibraltar Police introduce defined roles and responsibilities for Police Marine sections crew members, and formalise these by inclusion in an updated Standard Operating Procedure.
- It is recommended Royal Gibraltar Police update the Police Marine Section Standard Operating Procedures [SOPs] to incorporate changes resulting from the above recommendations, as appropriate.
- It is recommended Royal Gibraltar Police develop and use a standardised, structured Post Incident Manager [PIM] log [possibly modelling on the MPS PIM Log.]

Point 1 [f] - Did you make any formal complaints or were any formal complaints made to you in respect of the handling by Mr McGrail of:

[i] The runway incident involving the detention by the RGP of senior MOD personnel in Gibraltar?

68. I neither made nor received any formal complaints in relation to the handling by Mr McGrail of this incident. I was not involved in this matter/incident

[ii] The findings of the 2020 Report by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service.

69. I neither made nor received any formal complaints in relation to the handling or commissioning or procurement by Mr McGrail of this report. This is a matter that was dealt with by the Commissioner of Police and the Gibraltar Police Authority.

Point 1 [g] - Were you involved in any meetings or briefings with Mr McGrail and the RGP Command Team in the month or so leading up to Mr McGrail's retirement in June 2020? In particular, were you made aware of any meetings Mr McGrail had with any of the individuals listed in paragraph 1 [d] [iii] in or around May 2020 up to and including the day of Mr McGrail's decision to retire?

70. I should explain. The RGP Command team meetings comprise of the three divisional Superintendents, the Assistant Commissioner and the Commissioner of Police. At the time I was a Detective Chief Inspector. I was not therefore part of the Command Team. From time to time, or for a specific reason/matter, Chief Inspectors would be invited. I would have probably attended if I was called upon though I cannot recall having done so with any certainty.
71. I was not made aware of any meetings Mr McGrail was having with the individuals listed in 1 [d][iii] other than, with Superintendent Paul Richardson who was a member of the RGP Command Team and my direct manager.

STATEMENT OF TRUTH

I believe the contents of this witness statement to be true.

Personal Data

NAME:

JOHN FIELD

DATE:

21/11/22