

INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

WITNESS STATEMENT OF MAURICE MORELLO CHAIRMAN OF THE GIBRLATAR POLICE FEDERATION

1. I am Maurice Morello and I am the Chairman of the Gibraltar Police Federation (“the GPF”). I make this statement as Chairman of the GPF.
2. I joined the Royal Gibraltar Police on 6th April 1999. From 1999- 2005 I was a Constable attached to Blue Shift. In May 2005, I became Detective Constable within the Criminal Investigation Department. In October 2006 I was transferred to Special Branch.
3. In May 2012, I was promoted to the rank of Sergeant, and redeployed to the Neighbourhood Policing Unit. From 2013 to 2016, I performed Custody Sergeant Duties and from 2016 to 2019, I was attached to several Response Teams where I performed duties of Crown Sergeant, Patrolling Sergeant and Custody Sergeant.
4. In October 2016, I became the Sergeant representative for the GPF and was subsequently re-elected to that position in May 2019. In May 2019 I was selected by the GPF Board as Chairman, a position which is for a period of four years.

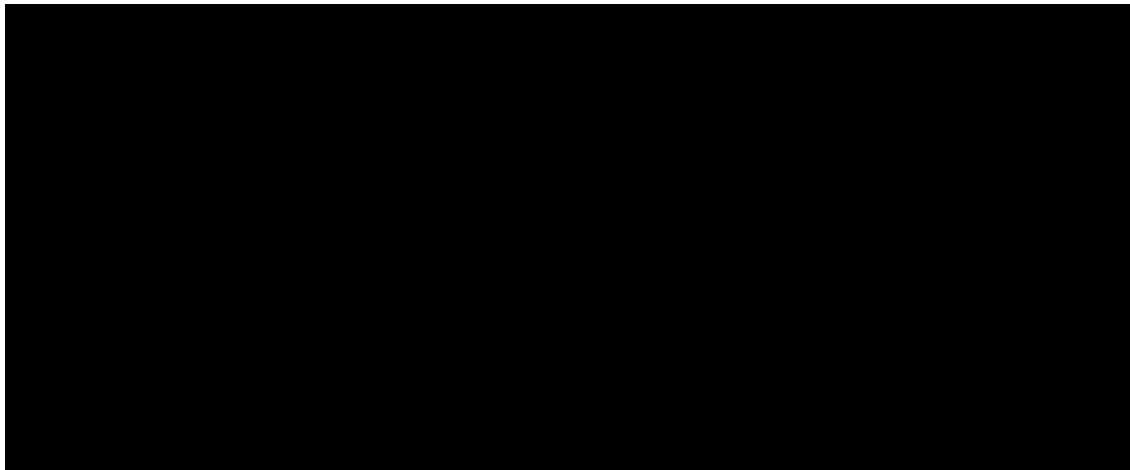
Introduction

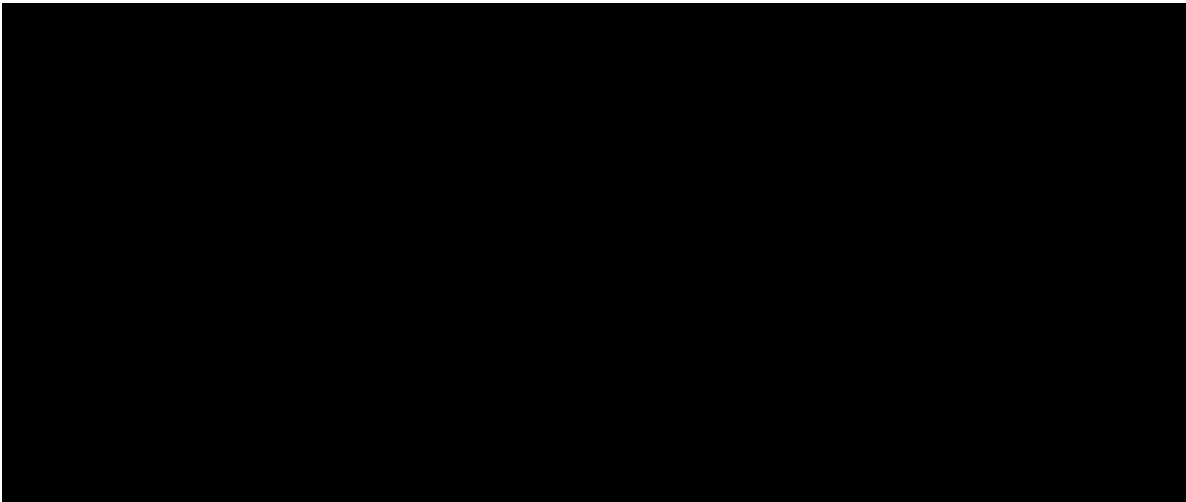
5. This statement is made for the purposes of the Inquiry into the Retirement of the Former Commissioner of Police (“the Inquiry”). I have been asked to make this by Attias and Levy, solicitors to the Inquiry, by letter dated 15 July 2022.
6. The GPF’s relationship with Mr McGrail was a very difficult one from the very start. In this statement I hope to convey the confrontational and aggressive manner in which Mr McGrail dealt

with the GPF. He was open about this and on various occasion openly said that he would destroy the GPF. In addition to my and the GPF's direct experience of Mr McGrail's attitude we have been provided with disclosure that shows the lengths Mr McGrail was going to in order to curtail the independence of the GPF. At every possible juncture he would either try to undermine the GPF in the eyes of the RGP workforce or strive for a worsening of conditions for the GPF and the Convenors (Chairman and Secretary specifically).

7. Mr McGrail was adamant to bring the GPF within his governance and control. The fact that we were outside his remit was something he could not come to accept. As describes in greater detail below it got to the stage where the Secretary and myself were subject to spurious disciplinary investigations designed to intimidate us. It did not work and it got nowhere – only to serve to remind us of Mr McGrail's view of the GPF and what we stood for.

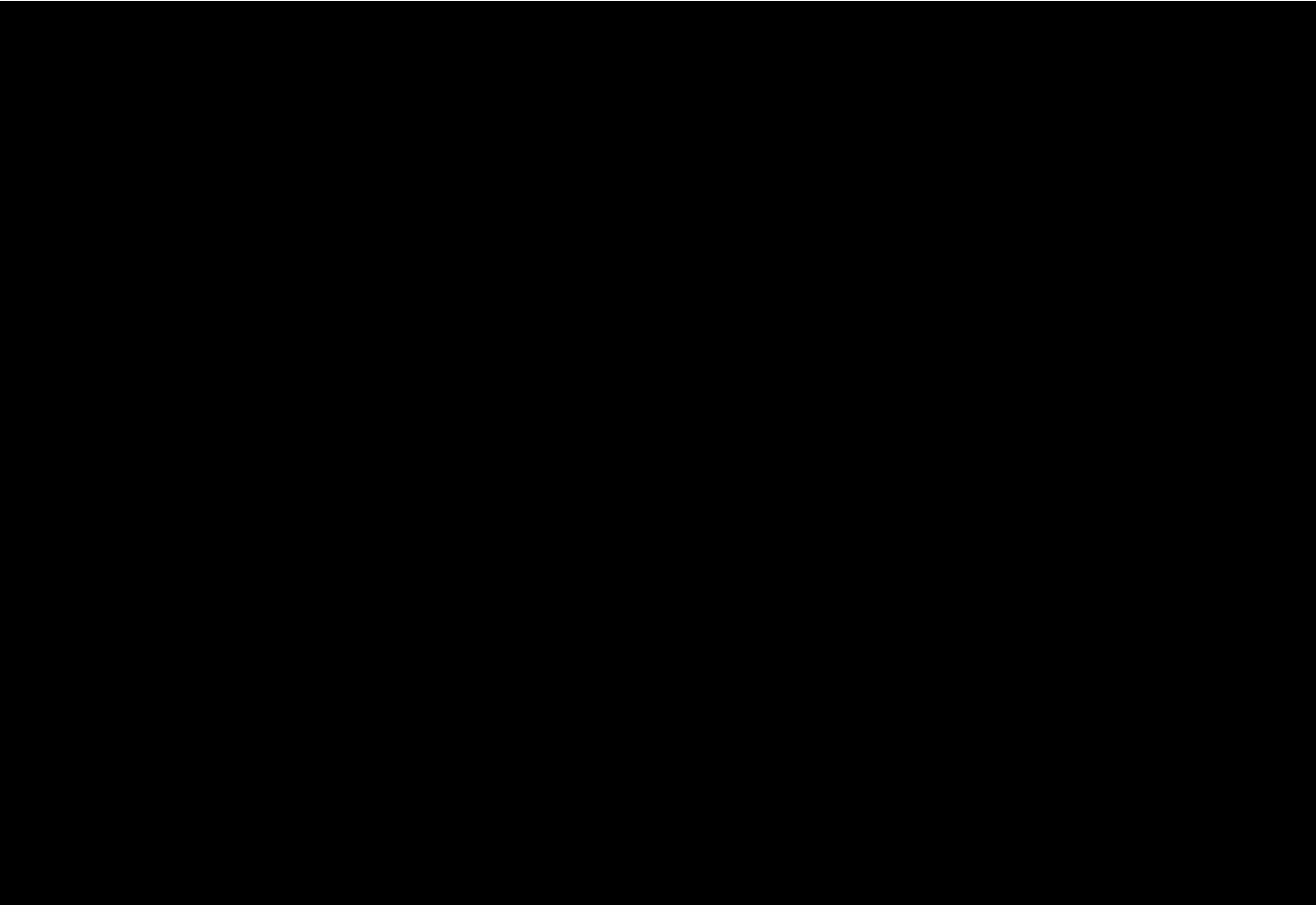
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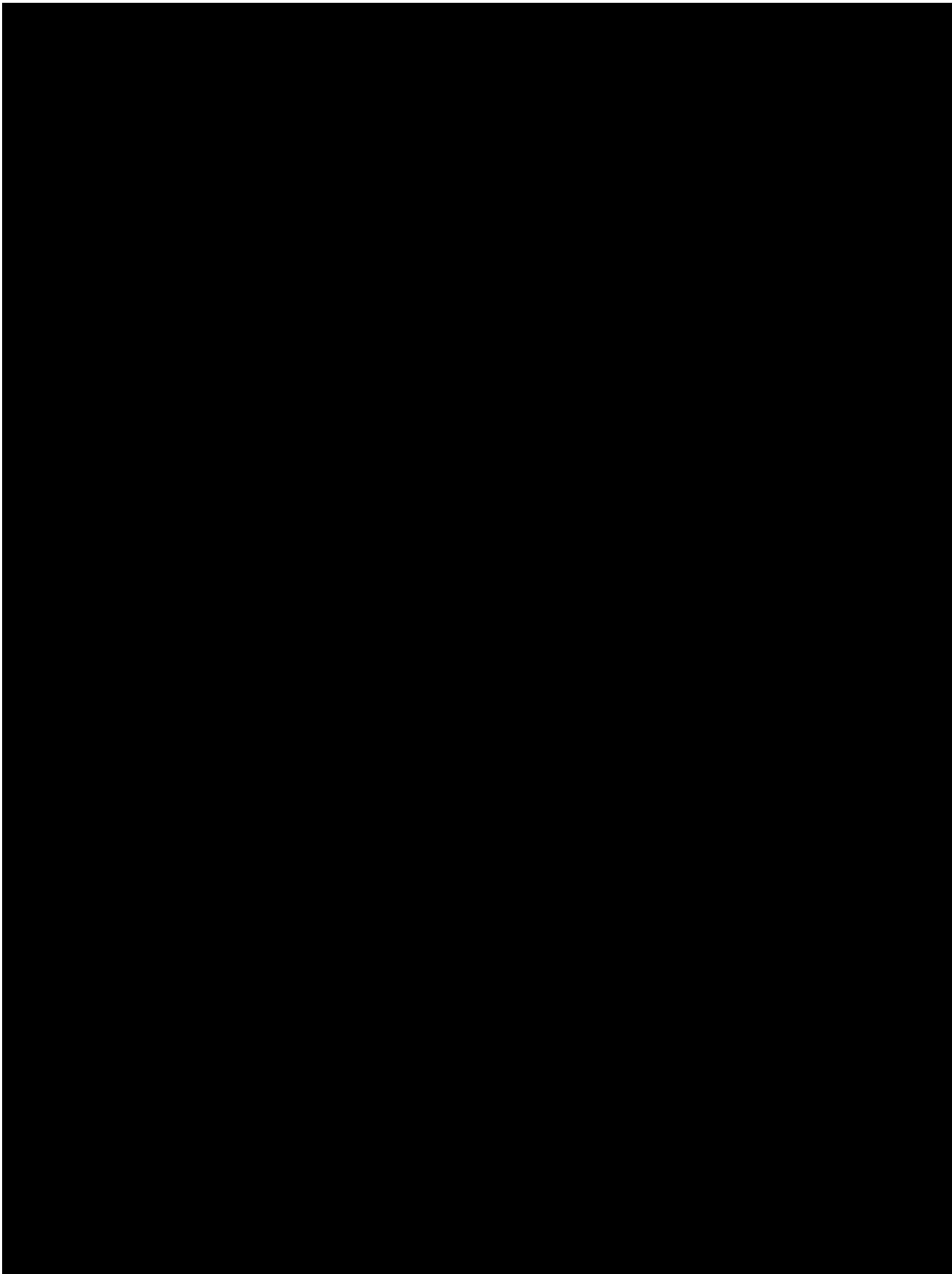


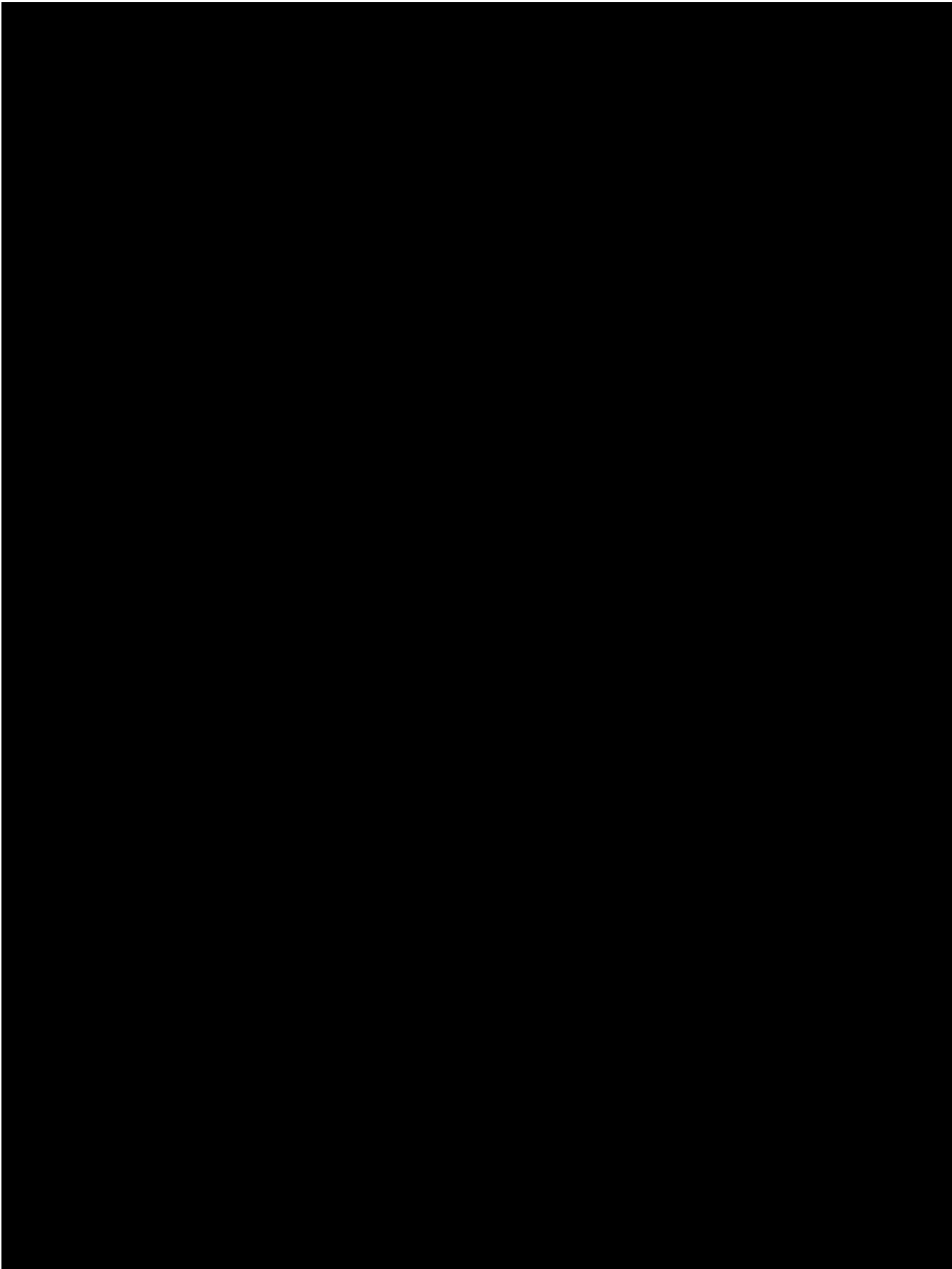


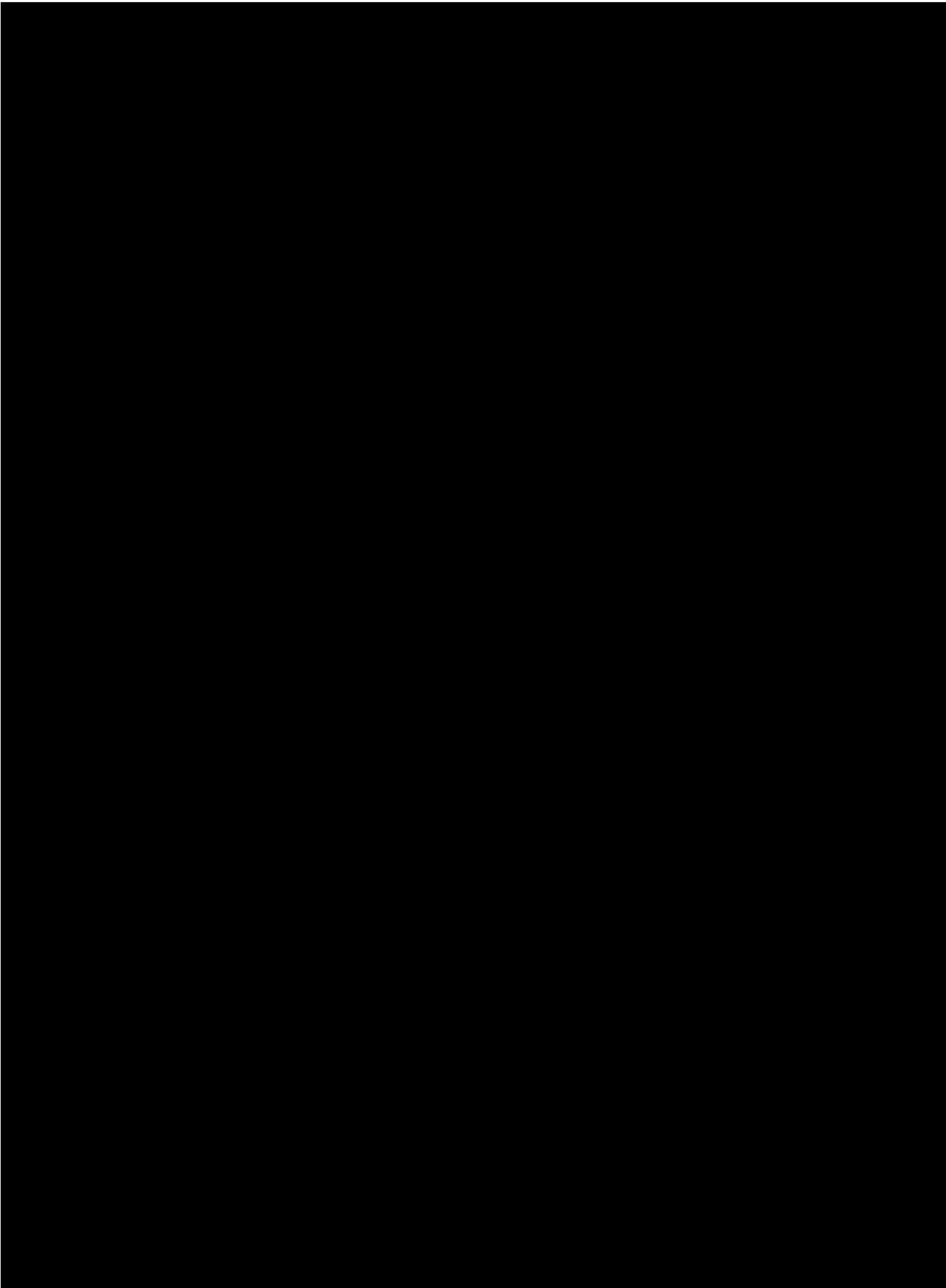
USB Exhibit

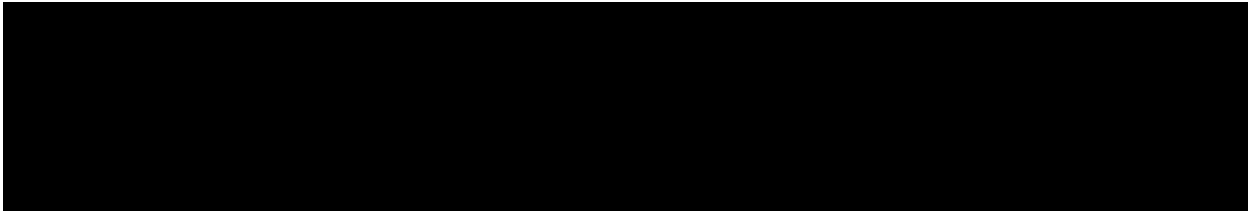
- 9. Accompanying this statement is a USB exhibit, **Exhibit MM1/USB**, that contains the disclosure in this matter including the correspondence and other documents referred to in this statement (in square brackets in bold italics).







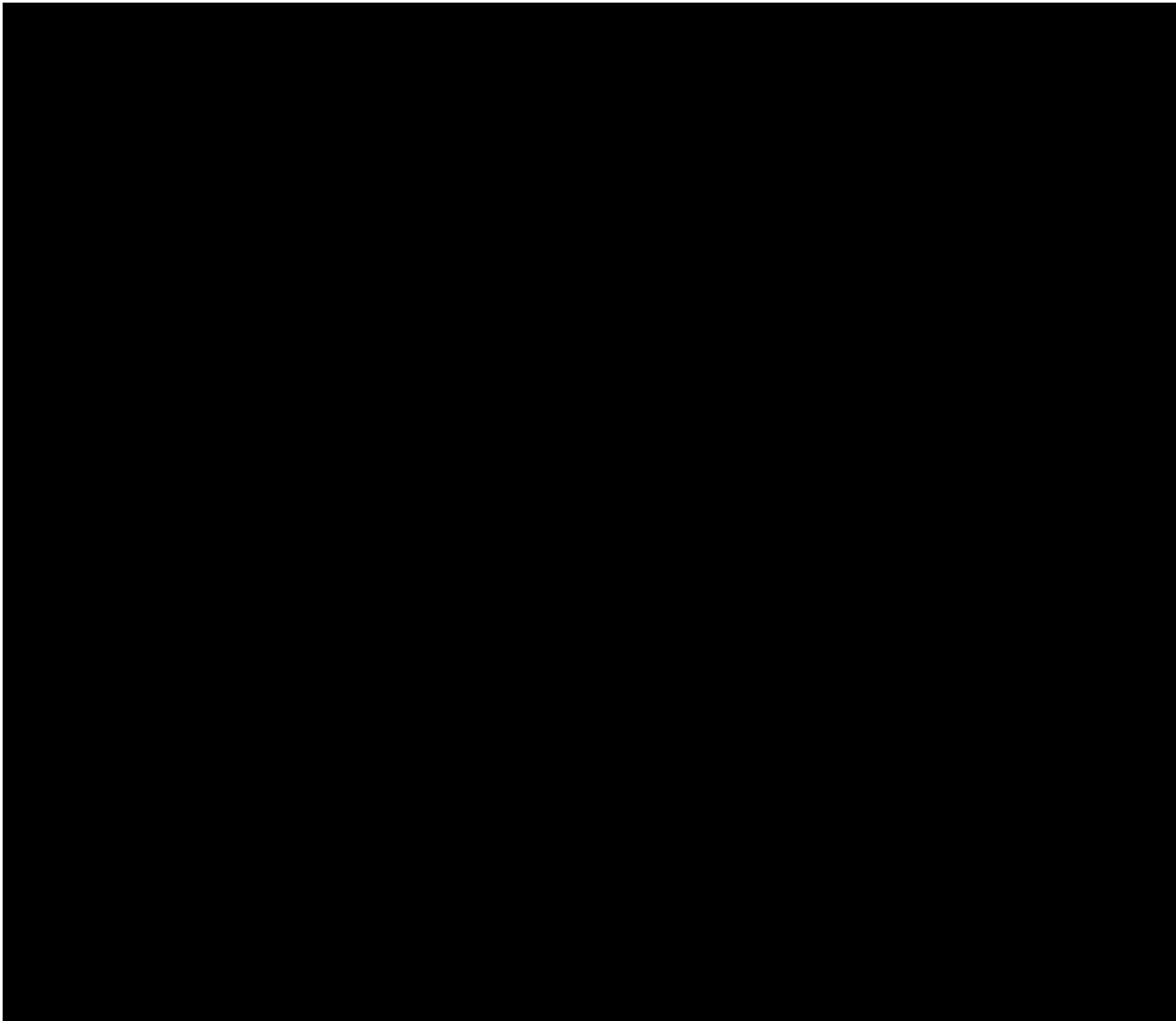


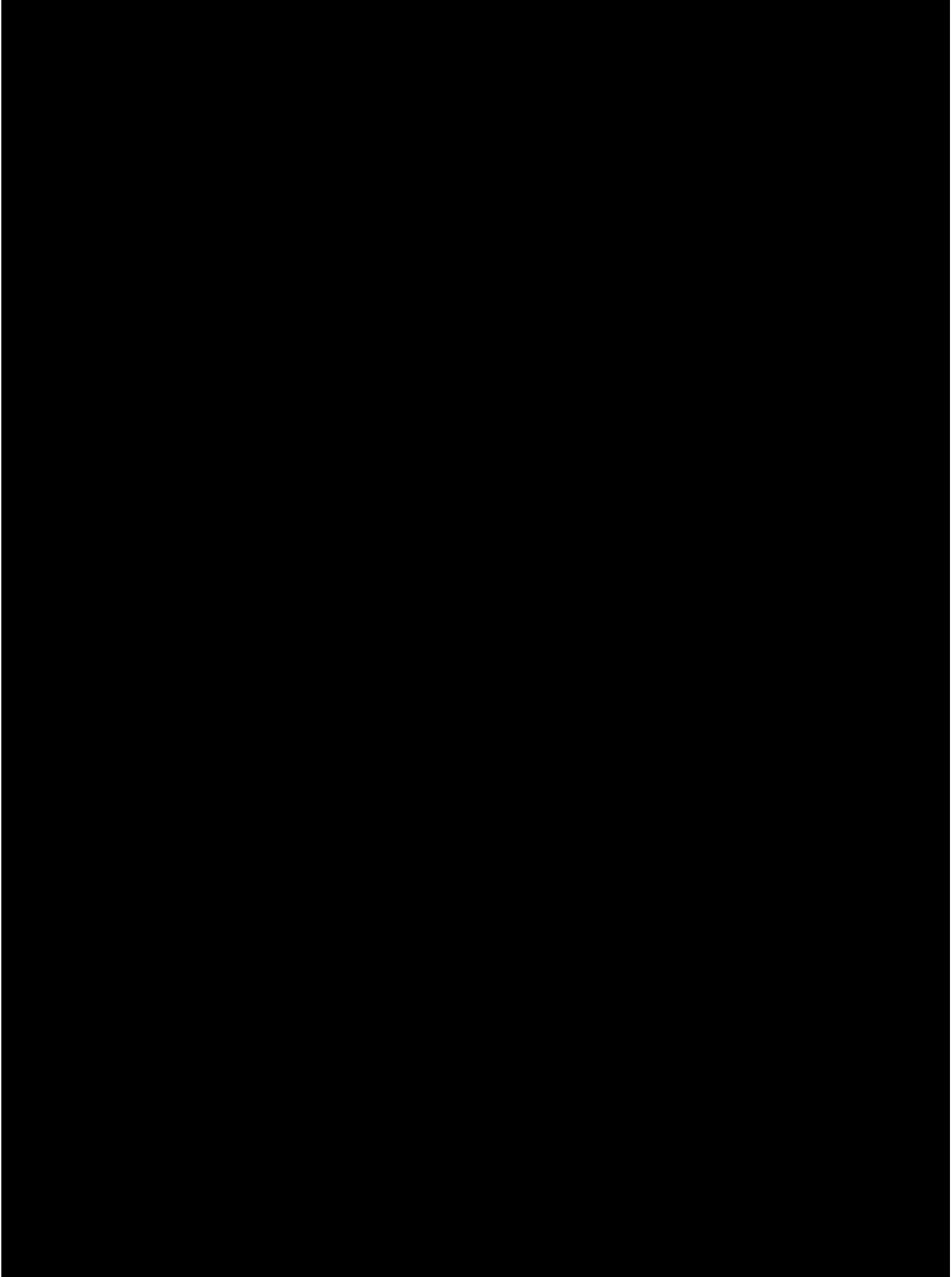


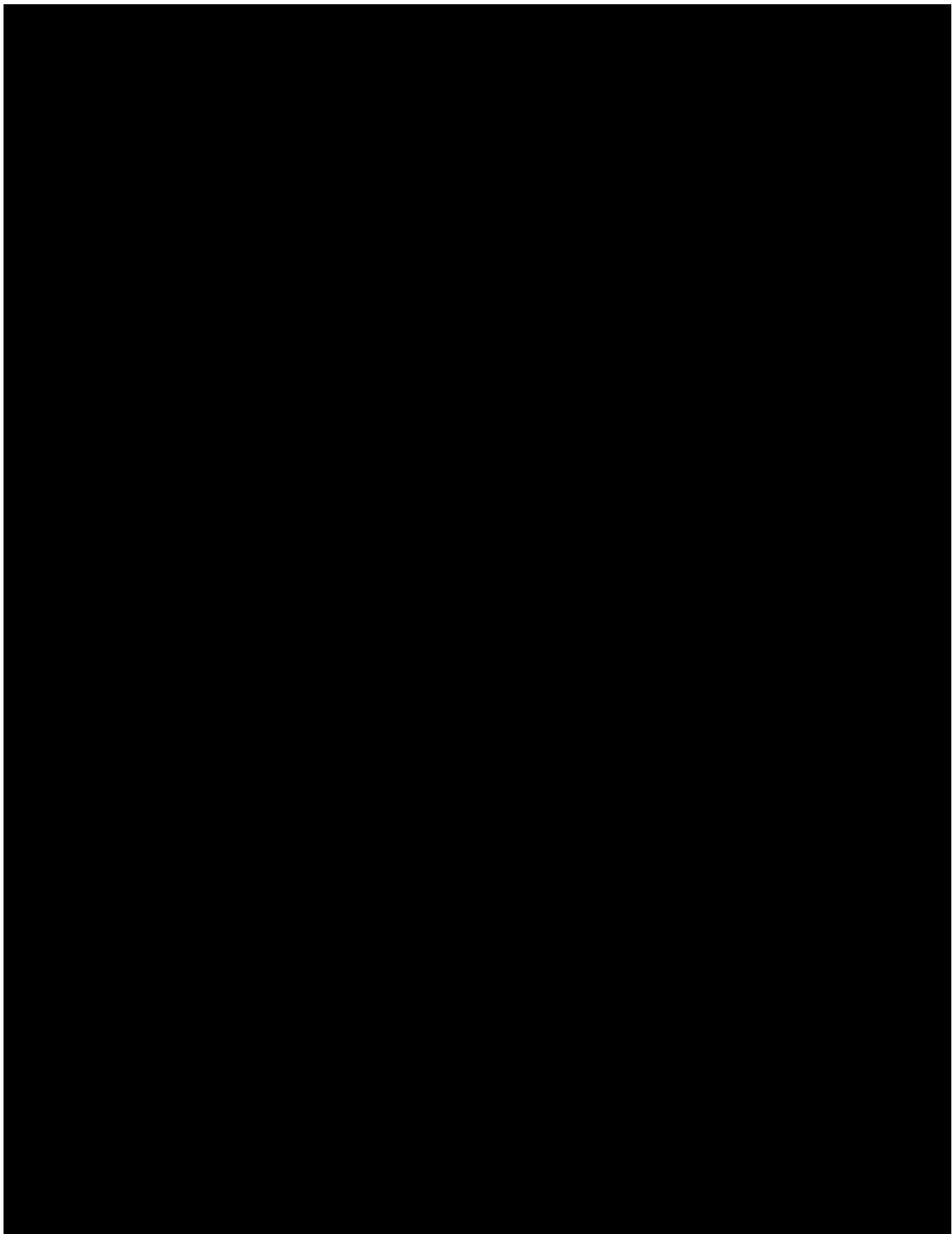
25. On 21st December 2018 Mr McGrail emailed Mr Joey Britto Chairman of the Gibraltar Police Association complaining of the,

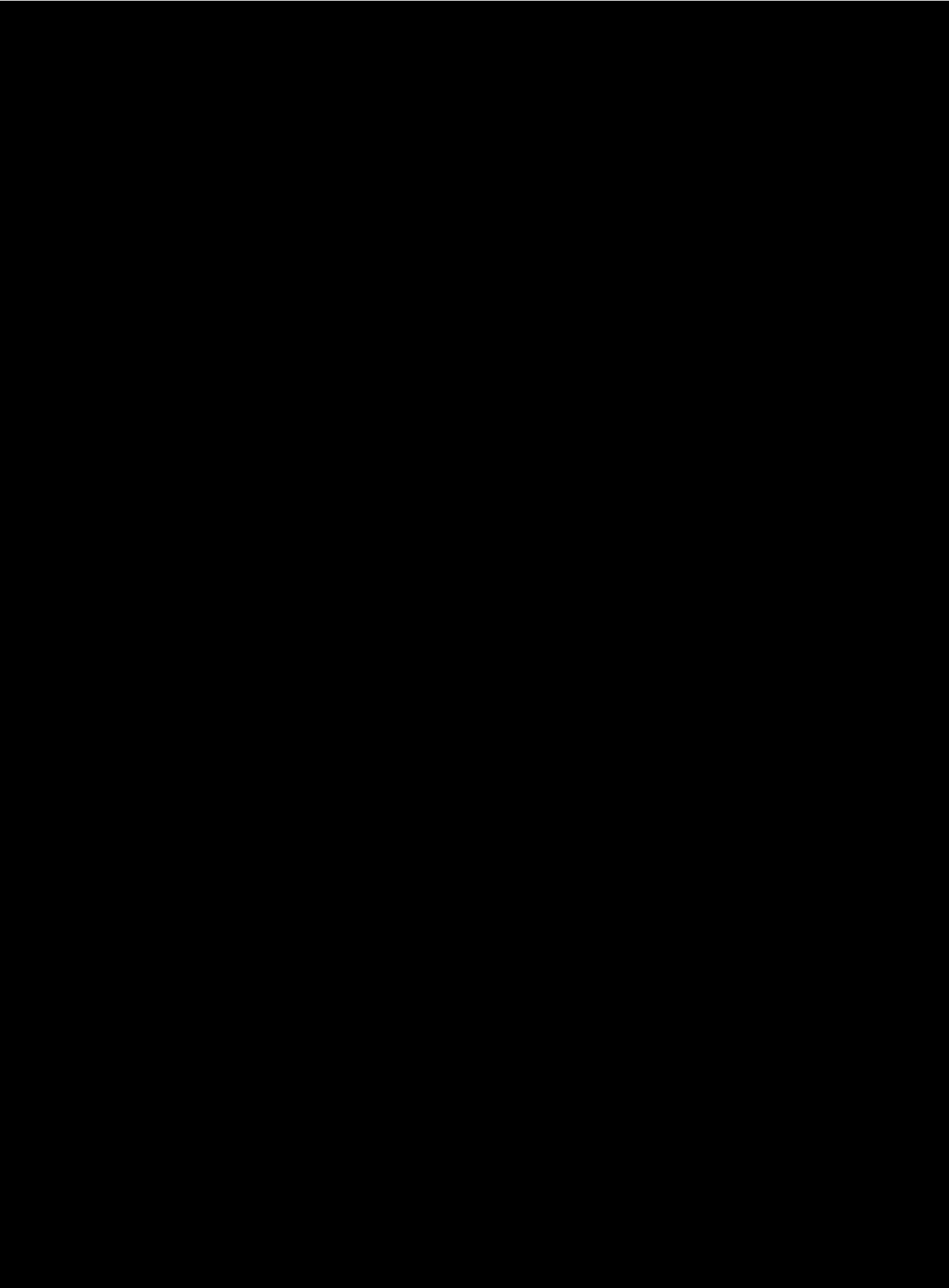
“incessant path of destruction that the Gibraltar Police Federation [Henry Bautista et al] is set on”

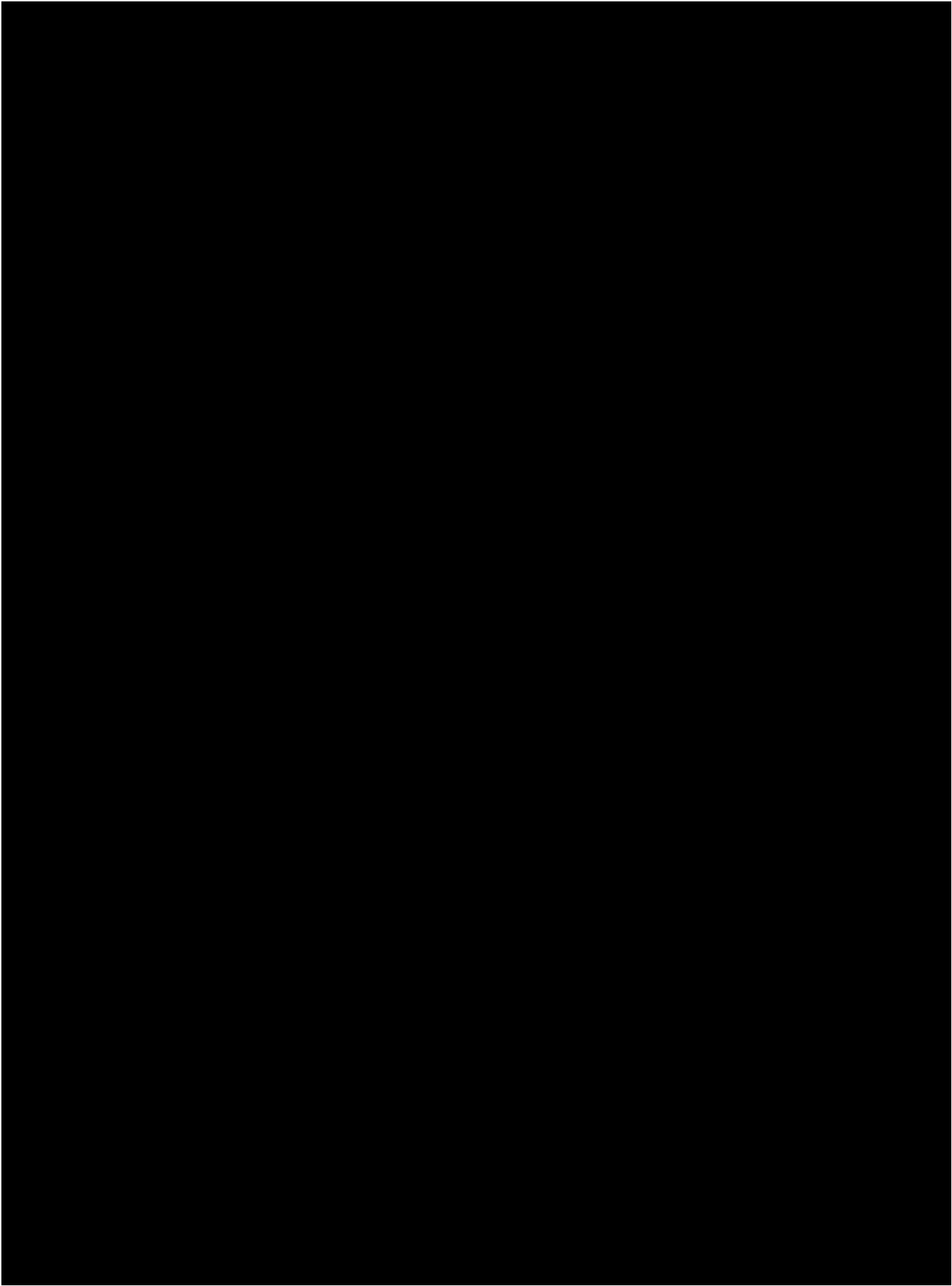
He continues to state that he had responded to the workforce with the ***“factual account”*** ***“showing up the GPF for their apparent mischievous attempt to have a dig at my office”*** and describing Henry Bautista email as a ***“diatribe”***. [Email 21st December 2018 McGrail- Britto]

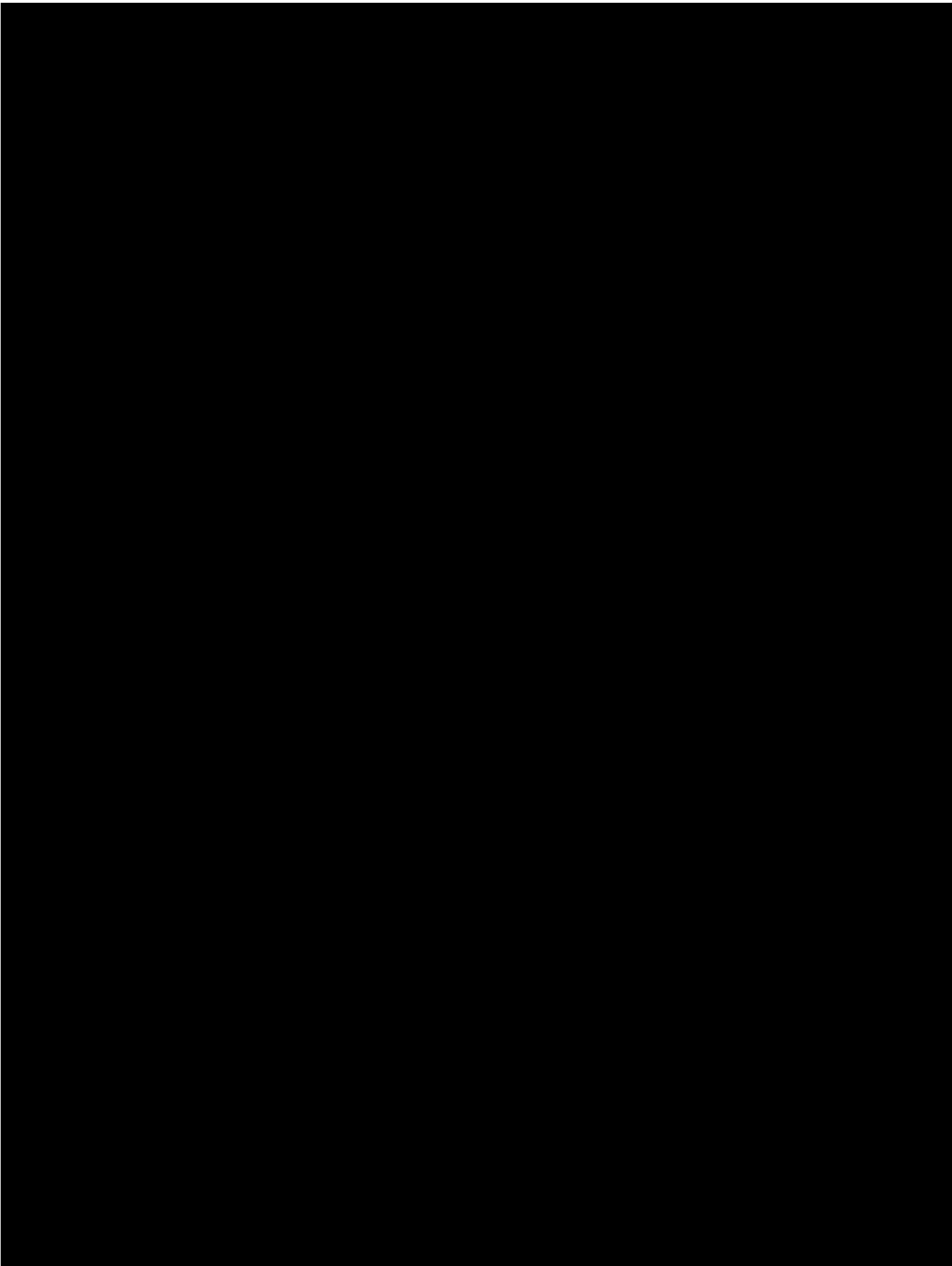


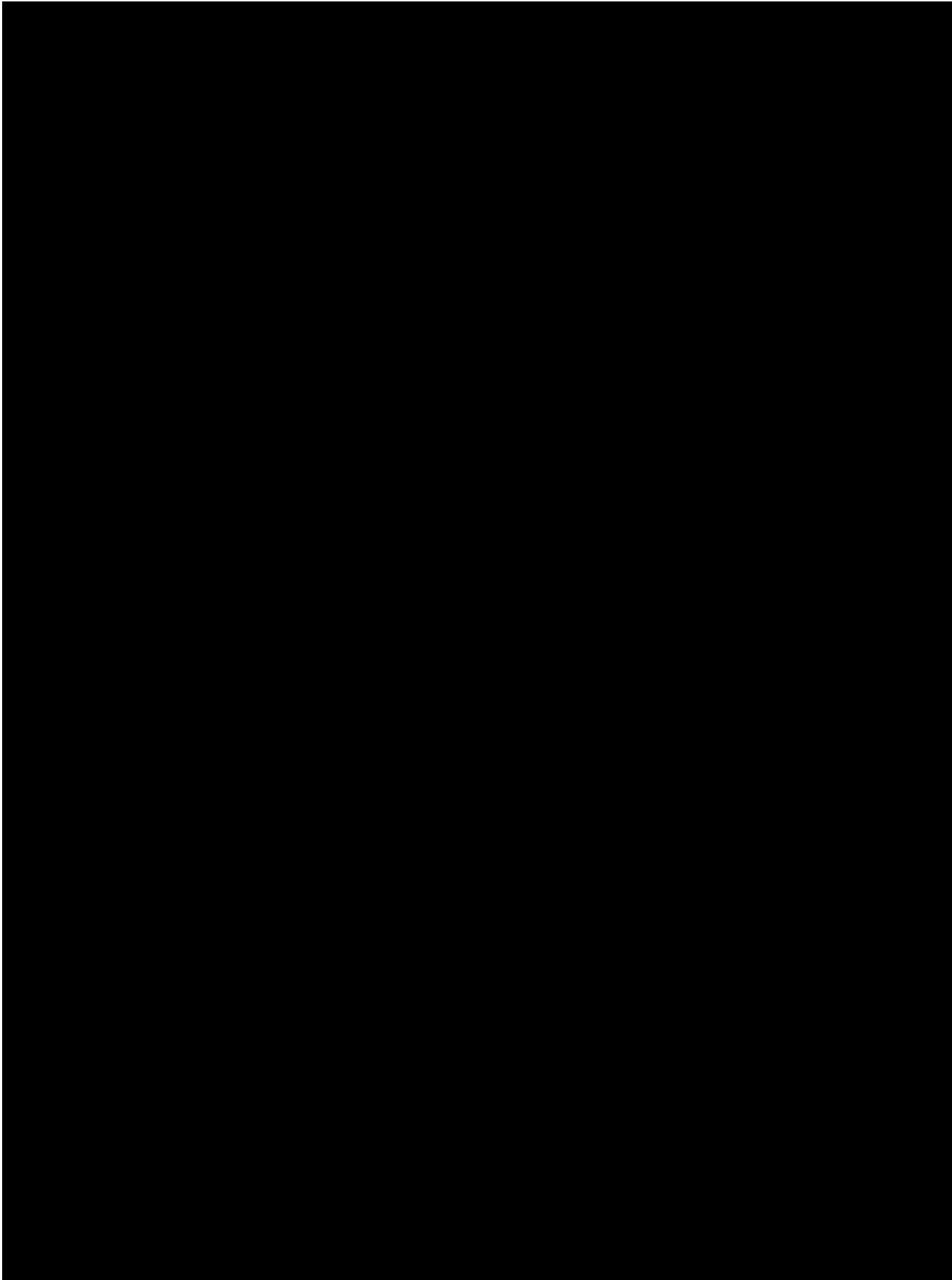


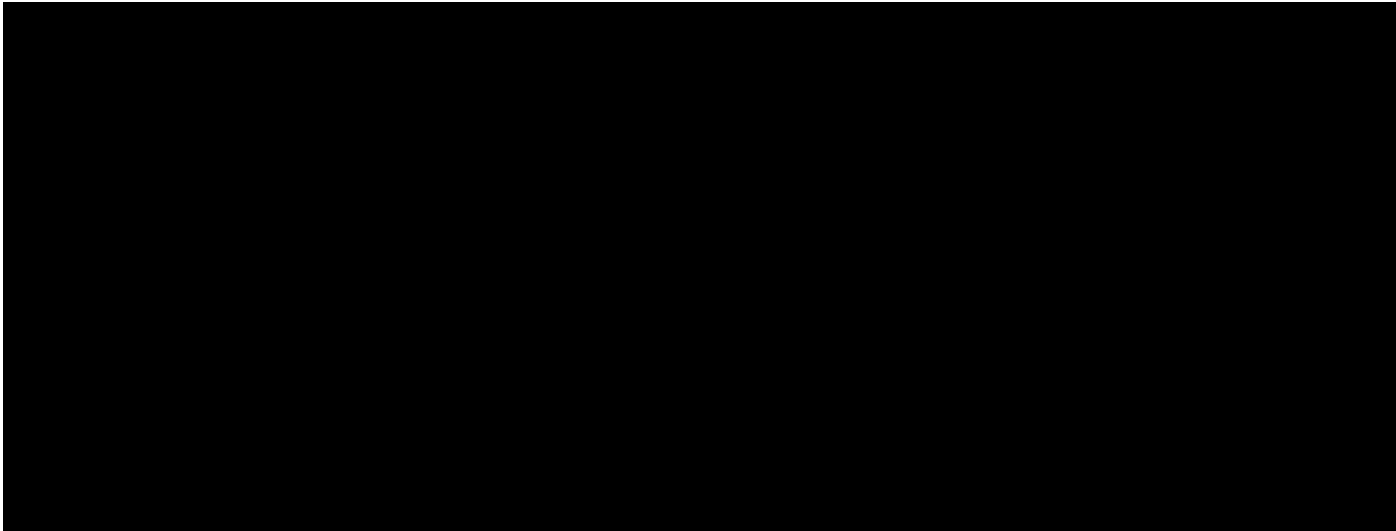












G. Double Standards - Arrest of RGP Officers in Alcaidesa (Spain)

59. The matter of the Alcaidesa incident is well known to officers who have served in the RGP for some time. Whilst all of us might not know the full facts surrounding this incident, it is common knowledge that three officers were prosecuted in Spain and were convicted as a result of an RGP sanctioned operation in Spain, without the knowledge of the Spanish authorities. At the time they were convicted, two of the three individuals were still RGP serving officers.

60. On 25th and 27th June 2019, the Gibraltar Panorama Newspaper published an article about two RGP serving officers sentenced in a Spanish Criminal Court for the offence of breaking and entering. The article was headlined,

“Police Cover-Up – After two RGP officers sentenced in Spanish Criminal Court”

[Panorama Article 25th June 2019]

61. When the RGP was questioned reference to their reply was,

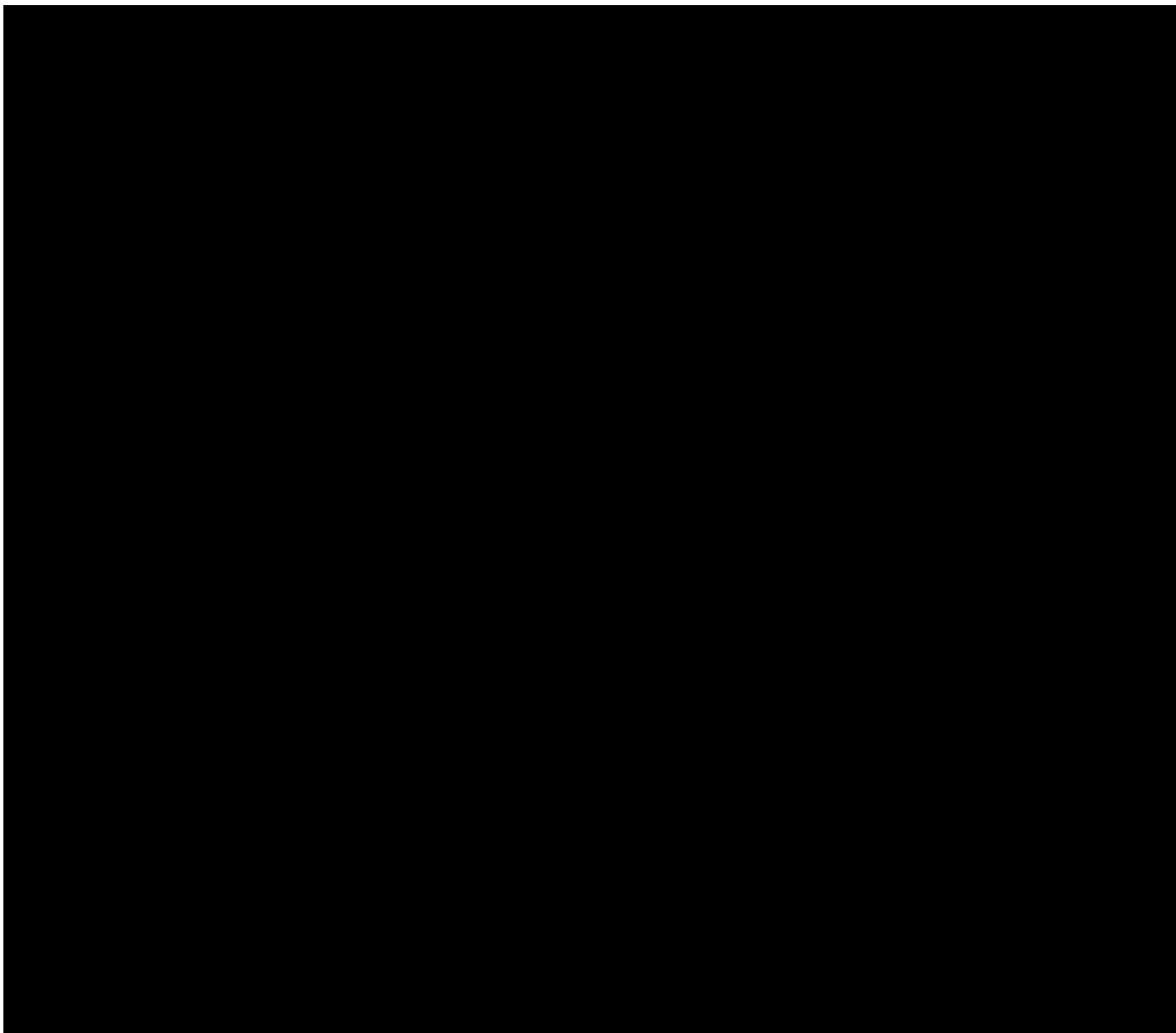
“We reiterate that it is our understanding that there are no adverse records in respect of any RGP officers in Spain. The RGP does not comment on internal disciplinary matters”
[my underline]

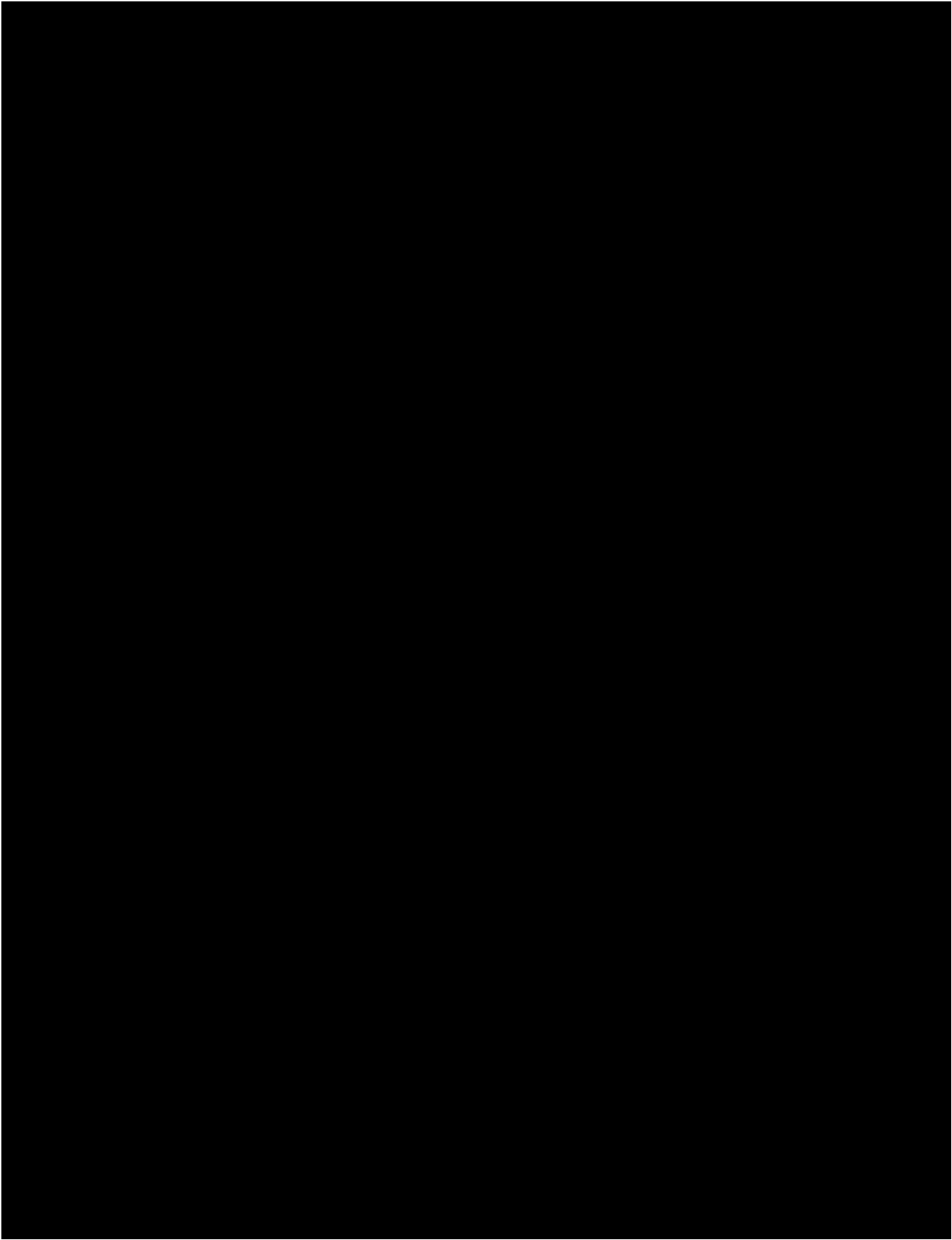
62. On 27th June 2019, the Panorama newspaper published a second article in relation to this matter. When the Commissioner of Police, Mr McGrail was asked again he repeated,

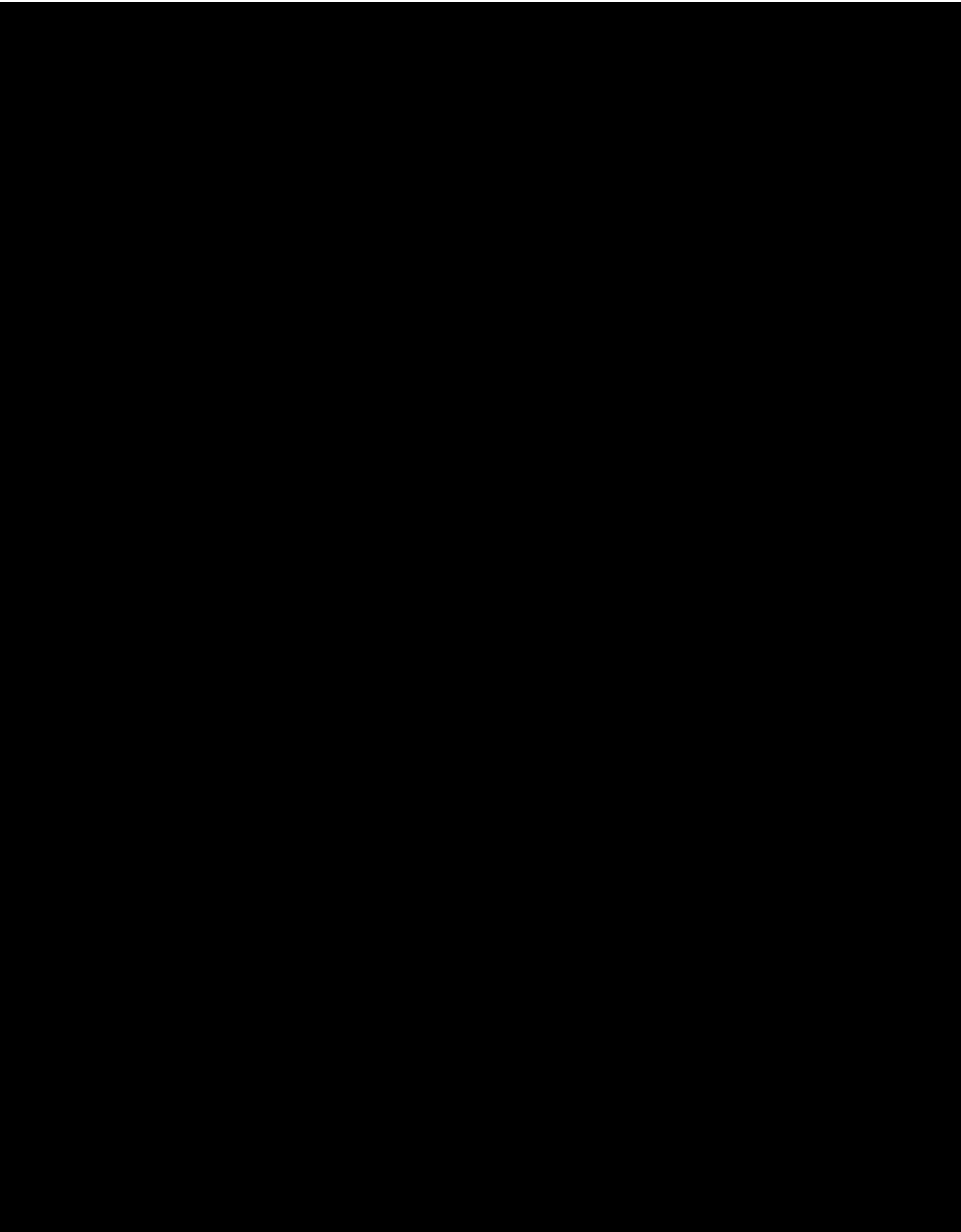
“it is our understanding that there are no adverse records in respect of any RGP officer in Spain.” ***[Panorama Article 27th June 2019] [my underline]***

63. When GBC and the Chronicle followed up the story the reply given was the same. The crafted response, which did not in fact answer the questions asked, used the phrase “our understanding” to provide some plausible deniability, but no one was being fooled. We all knew the truth of what had happened.

64. The sentence of 17/12/2018 No 322/18 of the **Administración de Justicia** confirmed that two serving officers were convicted to one and a half months in prison or a fine required to be paid. It is simply inconceivable that Mr McGrail would not be aware of the matter to justify the response he gave to the press. It is clear that Mr McGrail and the RGP were lying and intentionally misleading the public. **[Spanish sentence]**
65. The manner in which this was handled by the RGP did not go unnoticed by many serving officers, and the issue continues to be a reminder of the double standards practiced by the Command and their lack of integrity.

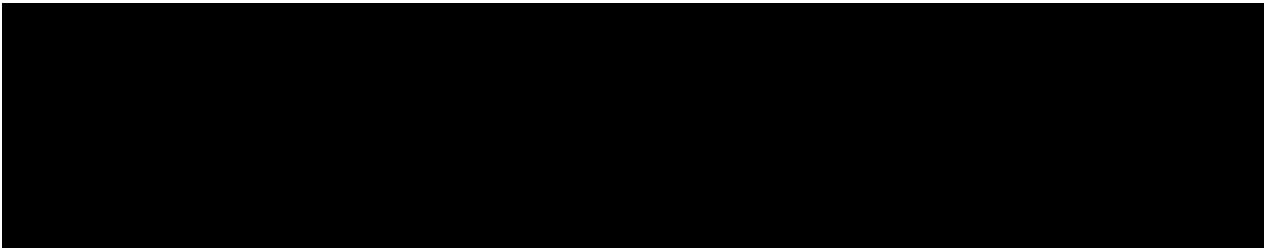






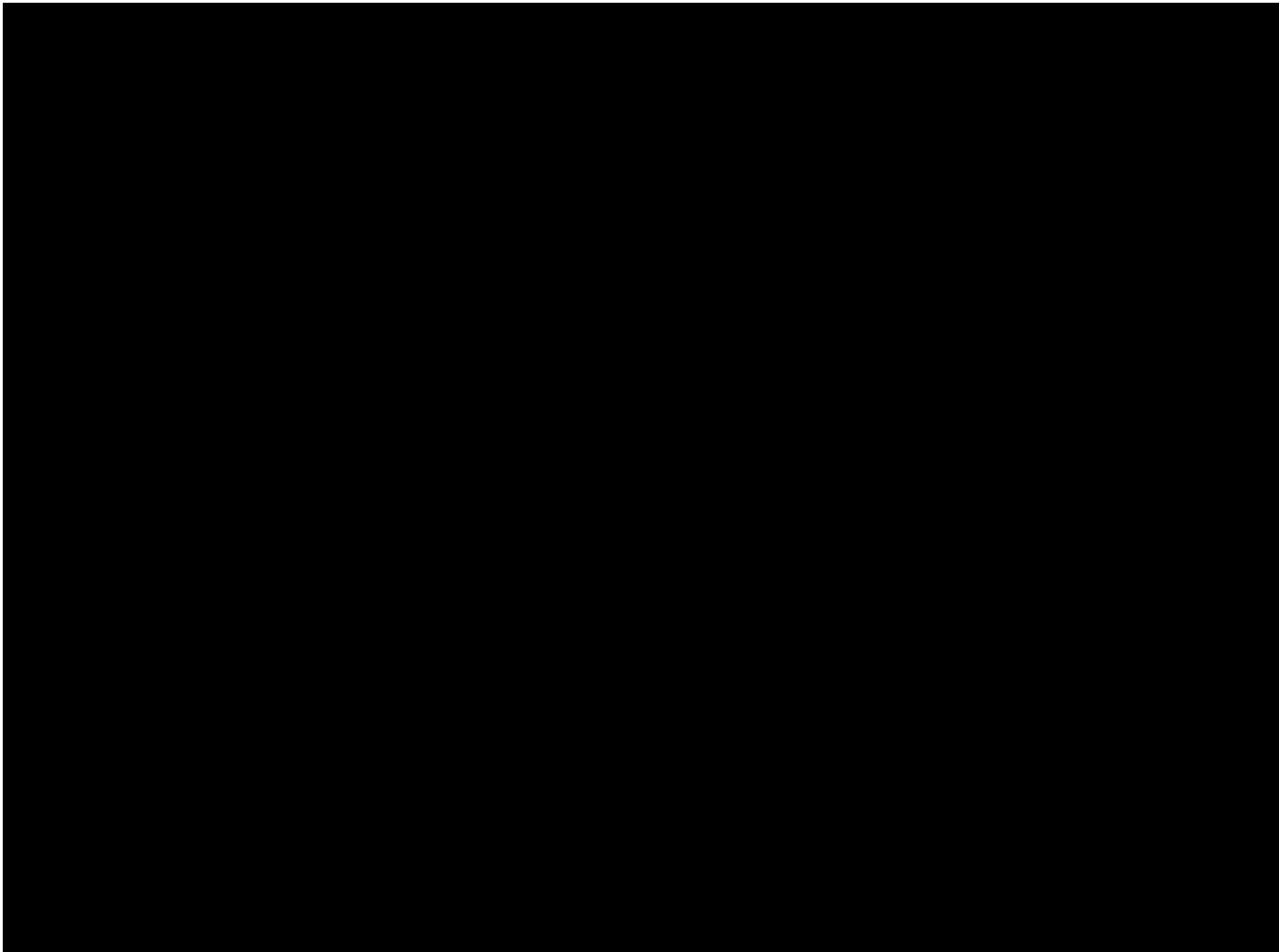
I. 2019 Survey and Bullying

87. Between the 5th August 2019 to the 16th September 2019, the GPF conducted an independent online staff survey [conducted by an independent marketing agency], to have up to date evidence of our members' concerns and working issues and to be able to compare this to the staff survey which had been conducted in 2018.
88. Once the Survey was closed the results were collated and an infographic and a comparison was duly made together with the main body of the survey which contained comments by our members, which was redacted.
89. Before disseminating the results of the survey to our members and to the media, the results were emailed on 30th September 2019 to the Governor, Chief Minister, Minister of Justice, Commissioner of Police, Assistant Commissioner and the Chairman of the Gibraltar Police Authority.
90. On 2nd October 2019 I received an email from AC Ullger to the effect that ***“Command was in disagreement as to the Federation undertaking another survey”*** when the organisation was still working towards the review as conducted by AAP [referred to as work streams]. ***[Email 2nd October 2019 Ullger- Morello- Command – Britto]***. The first thing to say is that by this point the Command Team had taken the decision for Mr McGrail not to correspond with the Federation directly as the relationship was tense, hence why AC Ullger was replying to many of my emails instead of Mr McGrail.



93. Mr McGrail failed to accept that bullying was happening under his watch, and in his organisation, as a result it was never really addressed or appropriately tackled. What he failed to see, or did not want to accept, was that bullying in the RGP stemmed from his authoritarian style of management, which filtered down to senior management and to other managers.

94. Mr McGrail was himself the biggest problem and bully the RGP had. He would deal with officers who either spoke up against how unfair the system was, spoke out general, or did anything that would blemish management's image. This he did with an iron rod although using underhand tactics, so whatever methods he used could not be used against him or his Command team.





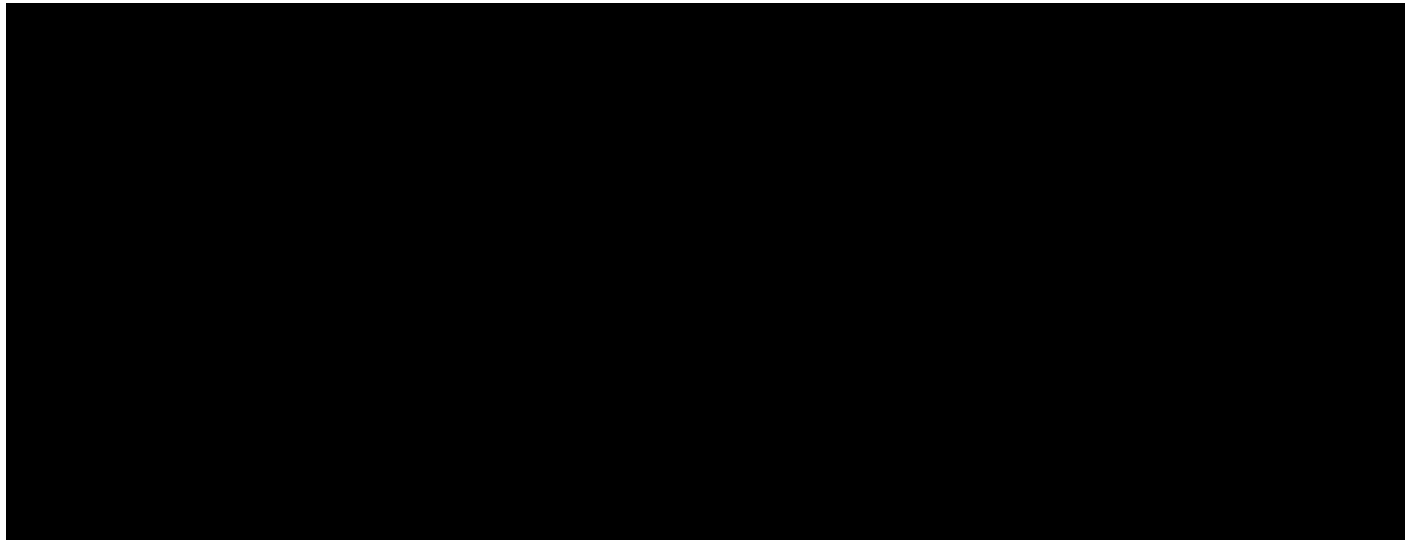
99. Unfortunately, the results of the 2019 survey were not good. An example of the comments from the officers themselves *[this was never shared with the media]* are:

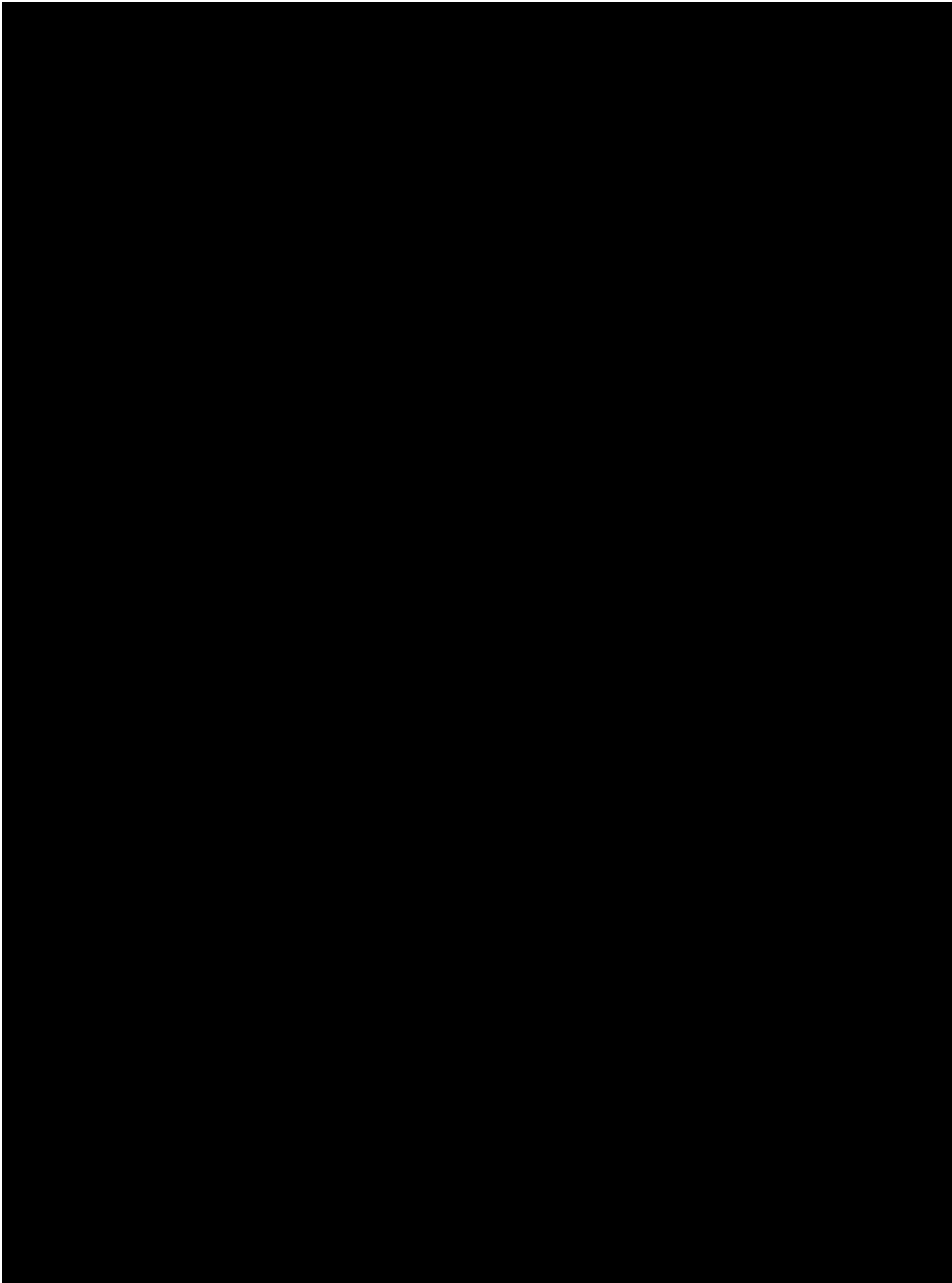
“SMT [Senior Management Team] wiped their arses with the results. No one took it seriously”

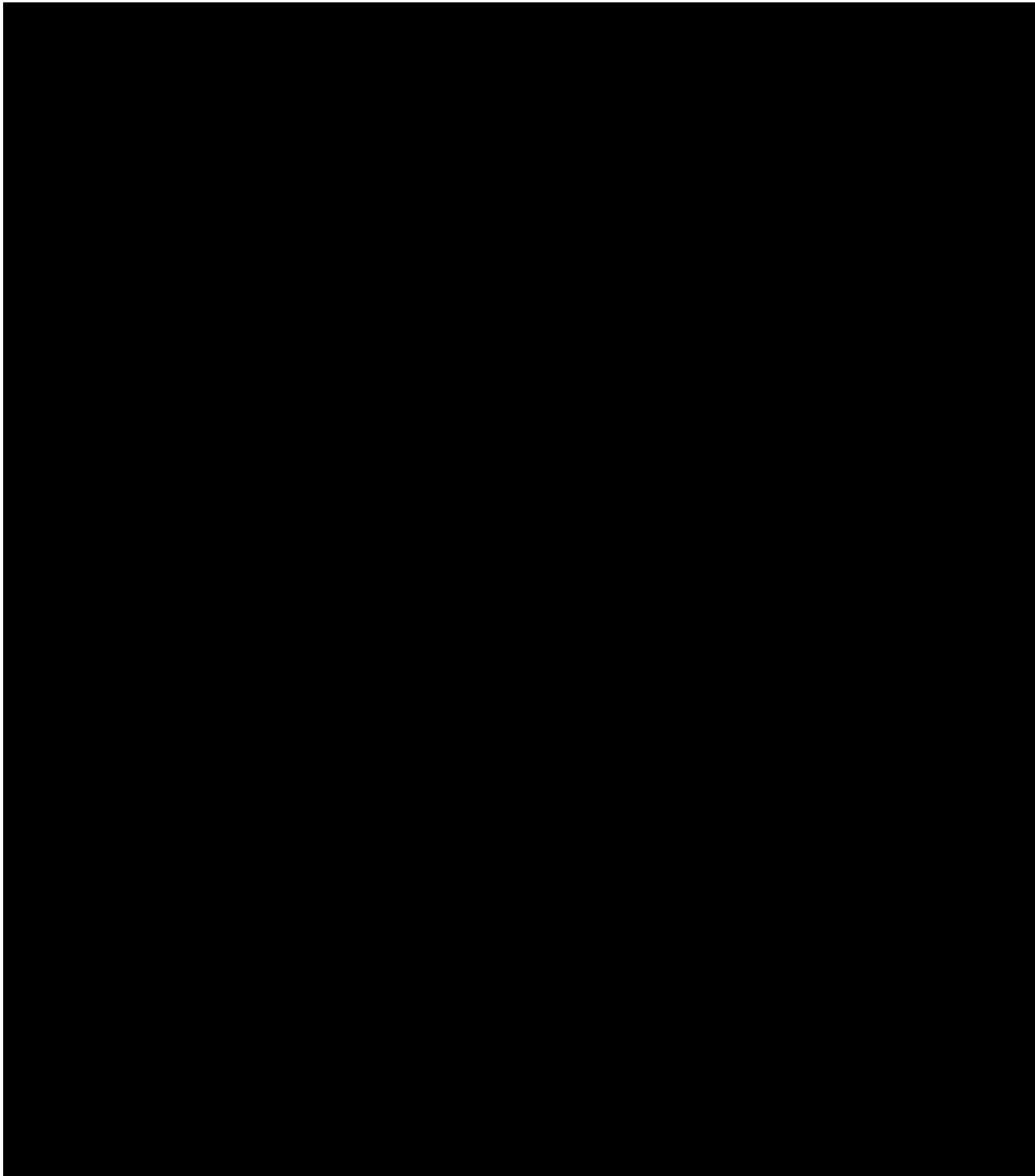
“SMT look down and see nothing but happy smiley faces, lower ranks look up and see nothing but assholes”

“Address old fashioned views of the SMT”

[2019 GPF comments – un-redacted SMT/COP]







109. In an email to all police staff from Mr McGrail he had highlighted, totally unnecessarily, the irrelevant fact that the administrator of the WhatsApp group (which group was not a GPF group) was the GPF Secretary. By this stage we knew this was a characteristic trait of the Command, trying to discredit the GPF wherever and however possible. I replied to Mr McGrail and told him as much, saying,

“it appears that at every possible opportunity you try and discredit the Federation or its Convenors”. ...“you may not think so but the Federation is here to help, and I find myself in the enviable position of getting the best deal for our members whilst making other accountable for their actions”.

[Email 15th September 2019 Morello –McGrail]

110. I received a reply from Mr McGrail on a Sunday 15th September 2019 @ 13:48 hours and which read

“regarding your below email come to my office tomorrow [Monday 16th September]@ 0900 hours”.

Given the tone and brevity of the email it was clear that Mr McGrail was writing to me as Commissioner and exerting his authority.

111. The fact was that I had a pre-existing bank appointment regarding the GPF’s account at that time. I subsequently informed the Commissioner but it was clear that he was taking my response as an affront to his authority. The exchange of emails speak for themselves. Notably he says,

“unless you have a work commitment which you cannot reschedule I am requesting that you attend my office at the stipulated time” and “Mr Chairman – is it a question that you on approved leave, which is why you have an appointment with your bank at 0900 tomorrow and cannot attend my office. I am assuming you are attending for a personal matter?”.

My last email to him informs him it’s a Federation matter.

112. At about 20:00 hours that same day [Sunday] I got a call on my personal mobile from AC Ullger. This came as no surprise to me as I have known AC Ullger for many years on a personal level. I knew the call was going to be about the Commissioner summoning me to his office. I answered, and immediately he stated that I hadn’t replied to Mr McGrail’s latest email regarding the meeting. My reply to him was that that I had not replied as I had no intention of attending as I had a pre-existing GPF appointment.

113. AC Ullger then stated that I was putting him in a difficult position. I informed him that Mr McGrail was using AC Ullger's personal relationship with me to try and get me to attend. He pleaded for me to attend and eventually I gave in, although I informed him that I would be telling Mr McGrail exactly that.
114. At about 0800 hours on Monday 16th September 2019, I attended the Commissioner Suite, where AC Ullger was also present and Insp Patrick Payas was taking minutes. I knew that I was in for an unjustified grilling. I sat down and immediately Mr McGrail began to complain to me that my behaviour was unacceptable and that I was still a warranted officer and as such still subject to Discipline Regulations. I informed Mr McGrail that I was challenging him as Chairman of the Federation, not as PS 32 Morello. He stated that he regarded my conduct as insubordination towards the Office of The Commissioner.
115. The conversation moved on to the winding up of the Gift Fund where we clearly had different views. These have already been explained above. The meeting lasted about 40 minutes. Mr McGrail was not interested in anything I had to say. At the end of the meeting he informed me that I would be receiving a written warning in relation to my conduct.
116. I was quite surprised at this and informed him that I needed to be found guilty by a Disciplinary Board for a written warning to be issued against me, and that he did not have the authority to do this out of the blue. His reply was *"eso es lo que hay" [that is what there is]*. I then left the office.
117. Later that morning, I received a phone call from Insp Roy Perez to attend his office as he had a letter from the Commissioner of Police for me. Sometime throughout the course of the morning I attended his office where he handed over to me an envelope. I opened this and it was the written warning that Mr McGrail had spoken to me about earlier that day. I informed Mr Perez that this could not be issued without being found guilty at a hearing to which he replied that he was only the messenger.
118. The written warning had no offence, specifying which Disciplinary Regulation I had allegedly contravened. No dates when this had allegedly occurred were specified, and no details as to what

constituted the insubordination/ confrontational attitude. I was given no chance to challenge what was said against me. **[Written warning 16th September 2019 signed off by Mr McGrail - Morello]**

119. This completely unlawful course of action was clearly designed to intimidate me. The message Mr McGrail was sending out to the rest of the workforce was clear. Challenging behaviour will not be accepted, and he used me as Chairman of the GPF to get that message across. Officers now thought, if he can do that to the Chairman of the GPF what will he do to me?
120. I met with Dr Joey Britto [GPA] and I explained to him that the issue of this written warning by a Commissioner of Police to the Chairman of the Federation was totally unacceptable. I explained that Mr McGrail was still using the fact that we were “warranted officers” to justify his actions to discipline me (he used the “*warranted officers*” term frequently in all our meetings as this would *[he thought]* enable him have control over us, as per the Police Act 2006). Mr Britto was informed that we required to clarify the position of the Convenors and as a result we would be approaching No 6 to draft out a ‘**Convenors Agreement**’. The Convenors Agreement was drafted, although this was never ratified. A copy of this was sent to AC Ullger on numerous occasions, but no feedback was ever received.

K. Intimidation by vexatious Disciplinary Investigations against Chairman and Secretary

121. I now move onto matters arising after the Staff Survey was shared with the media. Shortly after this was done, a reporter for the Panorama Newspaper namely Leo Olivero called us to ask us a few questions regarding the survey.
122. We met up *[September /October 2019]* where we gave him some more insight as to the results. I am not sure whether he wrote any article about the survey or indeed what he wrote if he did at all. Around the time we met with Mr Olivero, we had a scheduled meeting with AC Ullger, where Mary De Santos was also present, taking minutes. As I have stated it was a scheduled meeting with an agenda *[as was the case in all of our meetings]*.

123. At some point in the meeting, AC Ullger asked whether we had met the media reference the Survey and I informed he that I had. He probed a little further and he asked whether we had met with Leo Olivero. I informed him that I had. He then asked me why we had met with the Panorama when they wrote such negative articles about the Police. In fact, I informed him that in our meeting I had informed Mr Olivero to stop write negatively about police officers. AC Ullger intervened and stated jokingly **"and management"**. I informed him that I represented the members [Chief Inspectors' and below] and not the top brass. This was also said jokingly.
124. The meeting finished as normal. I later found out that the minutes had been subsequently sent to Mr McGrail *[I have to date not seen these]* who on seeing these, was concerned at what had been said in this meeting.
125. On 10th October 2019, Insp Alex Enriles attended the GPF offices at Lathbury Barracks, where upon speaking to us he informed me he had a Regulation 9 notice for Discreditable Conduct under the Discipline Regulations 1991 to give me. The notice read,

"on a date unknown between 30th September and 9th October 2019 as a serving member of the Royal Gibraltar Police, you acted in a manner which would reasonably likely bring discredit upon the RGP, namely by encouraging Leo Olivero, a writer for the Panorama newspaper, to publish negative press regarding the Command Team of the RGP"

126. I informed Insp Enriles that I would not be providing a duty statement or agree to be interviewed, and I instructed him to put the matter down for a disciplinary hearing straight away. This was a brazen and blatant abuse of the disciplinary system by the Commissioner, the Command and all those that went along with it, and clearly an attempt to intimidate me and victimise me, again.
127. Insp Enriles then asked Leif Simpson *[who was right beside me]* if he had been present at this meeting to which he said that he had, at which point he also served him with Regulation 9 notice, for Discreditable conduct. Clearly, the Regulation 9 notice was prepared, the manner in which Mr Simpson was first asked to confirm whether he was present at the meeting with Mr Olivero can only be described as underhand. The incident was a sad charade of how low the Command was willing to stoop to.

128. Anyone that has ever read the Panorama newspaper, in the time that Leo Olivero was a writer there, would know very well that Mr Olivero did not need any encouragement to write articles about the Police, be it negative or not, so the allegation that I had encouraged Leo Olivero to write negative press about the Command Team of the RGP is completely ridiculous, there was absolutely no evidence of this, at all. In fact there is no indication as to what exactly I had encouraged him to write negatively about the RGP Command. It was all a farce.
129. We heard nothing reference this investigation until the 27th January 2020 when the Panorama newspaper wrote an article on this which headlined as ***“RGP investigate an alleged connection of the Police Federation and Panorama”***. In a ridiculous turn of events, the article had been written because the Professional Standards Department had approached the Panorama newspaper, asking Mr Olivero about the allegation in the Regulation 9 notice which we had been served with on 10th October 2019, presumably in an attempt to obtain evidence against us.
130. We shared this article on the Gibraltar Police Federation Facebook page where we highlighted the fact that we were ***“at the mercy of the Commissioner of Police”***. [Facebook post 27th January 2020]
131. On 28th January 2020, we were requested to New Mole House by Insp Alex Enriles. Both Leif Simpson and I attended. He then informed us that he had instructions to serve us with a further two Regulation notices for Discreditable Conduct. This was for,
- “acting in manner which would likely bring discredit on the RGP, namely by publishing or allowing to be published via Facebook and Twitter comments which were disrespectful towards the Commissioner of Police, contrary to the Police Code of Ethics”***.
132. The notice given to me was once again addressed to PS 32 Morello, and I informed Insp Enriles that I had not been acting in that capacity. I further informed him that unless he changed my stated role to reflect my current position as Chairman I would not be signing the notice. He refused to do this and I did not sign the notice. Once again, Insp Enriles was missing the point. Even though that I was a warranted police officer it was not PS 32 Morello who had posted on the Gibraltar Police Federation Facebook page but rather, Maurice Morello, acting in the capacity as Chairman, since it was the Chairman who was being investigation for alleged actions carried

out as Chairman. This was yet another transparent example of intimidation of me and silencing of the GPF. Mr McGrail was making good all his former threats of destroying the GPF and making this a war.

133. After each occasion of being served with the Regulation 9 notice MR Simpson and I went to see the Chief Minister to complain of these intimidation tactics employed by Mr McGrail as we wanted him to be aware of what was happening and how fractured the relationship between the GPF and Mr McGrail was.

134. On 3rd February 2020, Unite the Union, GGCA, and Gibraltar NASWUT issued a press statement stating that,

“they were concerned by the recent disciplinary actions taken against the leaders of the Gibraltar Police Federation”. They said “We are all organizations that represent workers and who have as a principal focus the furtherance of workers’ rights. This is oftentimes difficult and personally demanding for anyone taking on a leadership role. Therefore it is imperative that such individuals are not targeted or censored in any way. We feel that there should be protection for those who stand up for the rights of others and who engage in activism that benefits not only the Gibraltarian workers but our community at large”.

The press release continues by all three Unions publicly expressing their support for their GPF colleagues. [3rd & 4th February 2020 GBC news and YGTV]

135. On 10th February 2020, the Panorama newspaper again wrote an article on the matter above ***“who is Policing the Police”***. The article continued, ***“Democracy in the workplace is yet to embrace the RGP involved in an internal witch hunt”***

136. At 1030 hours 13th February 2020, I attended a meeting at New Mole House, where all the Federation Board were present, together with all the Command Team and high ranking civilian support staff. I recall clearly that Mr McGrail started off the meeting by stating that he ***“had been grilled by the Chief Minister”*** but did not elaborate as to why. He continued stating that the fractious relationship between Command and the Federation had to stop. Mr McGrail stated that

in his more of 30 years' service he had never seen local Unions standing up for police officers, which I remember him describing as **"unheard of"**.

137. In order to establish a better working relationship, Mr McGrail suggested that we explore how the Federation and Senior Officers worked in the UK. He suggested that we put forward issues which we thought required clarification, and Command would also put their issues forward. This proposal would be called the **"Terms of Reference"**. What surprised me was the fact that he more than once stated that this had to be a gentleman's agreement. If, after everything had been explored the decision was that the GPF were in the right, then Command had to accept this. However if the decision was that Command were in the right, this had to be accepted by the GPF. It was agreed to involve Federation representatives from the UK, and also senior officers. This gentleman's agreement was all very suspicious to me.
138. Little did I know then that Mr McGrail had written to the Governor, and to the Chairman of the Gibraltar Police Authority on 5th February 2020 [*letter has still not been obtained*] expressly asking to curtail the powers of the GPF.
139. On 7th February 2020, Mr McGrail again writes to the Chairman of the Gibraltar Police Authority, with a copy to be delivered to the Governor, the Chief Minister and the Minister for Justice. The subject matter of the letter is the Gibraltar Police Federation. In this letter, Mr McGrail refers to his letter of the 5th February 2020. Mr McGrail seems to want to clarify that the **"intention of his letter was certainly not to suggest a curtailment of the prerogative of HMGoG to create new legislation or amend existing ones on matters of the GPF"**.
140. At no point in the meeting at the Training Wing did Mr McGrail inform any of us that he had already approached the Governor, the Chairman of the GPA and the Chief Minister in relation to this matter. If all parties above had agreed to this, why come and state that this process would have to be a gentleman's agreement?

L. Complaint to GPA

145. At some point after being served with the Written Warning and Regulation 9 notices, I spoke to Dr Joey Britto on the phone, and asked if I could address the GPA Board, not only in relation to the ongoing internal investigation but the general relationship with the GPF/ Command and the authoritarian style of leadership.
146. This meeting was held at the GPA offices at Casemates Square [sometime in February 2020] where I can recall that most of the GPA Board were in attendance. The meeting commenced and the first thing I said was ***“how do I file a complaint of bullying against the Commissioner of Police?”***
147. The room was silent and I can recall Mr Britto saying words to the effect ***“no please, no, that’s all we need now”***. Again, I repeated the same ***“how do I file a complaint of bullying against the***

Commissioner of Police?”. I paused for a few seconds and said, **“you can’t, there is no recourse”**. I informed persons present that the point I was trying to make was that there were no processes to make complaints against the Commissioner or Assistant Commissioner such as were in place in the UK. Both these individuals expressly fall outside the remit of the Police (Discipline) Regulations 1991. Consequently, conduct which falls short of criminal offences but which would constitute disciplinary offences for any other member of the force would not be so for the Commissioner and Assistant Commissioner.

148. I followed this up by saying that if there had been a process for doing so, this would have already been done. I gave the Board a summary of events that had transpired since being elected as Convenor and the issues raised in our Staff surveys, at which point a Board member stated **“that is clearly bullying, and the problem clearly here is Mr McGrail”**.

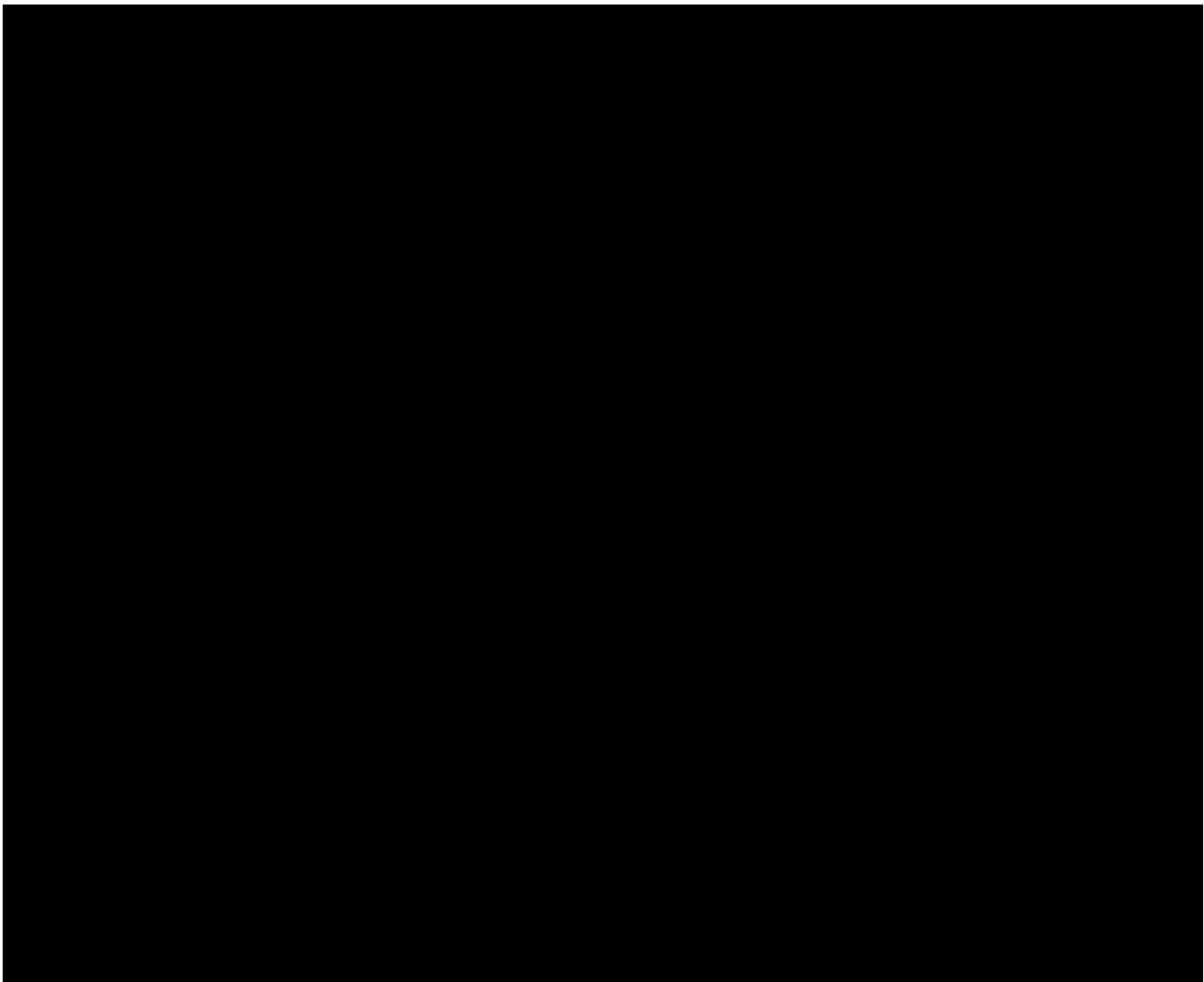
M. Collision at Sea

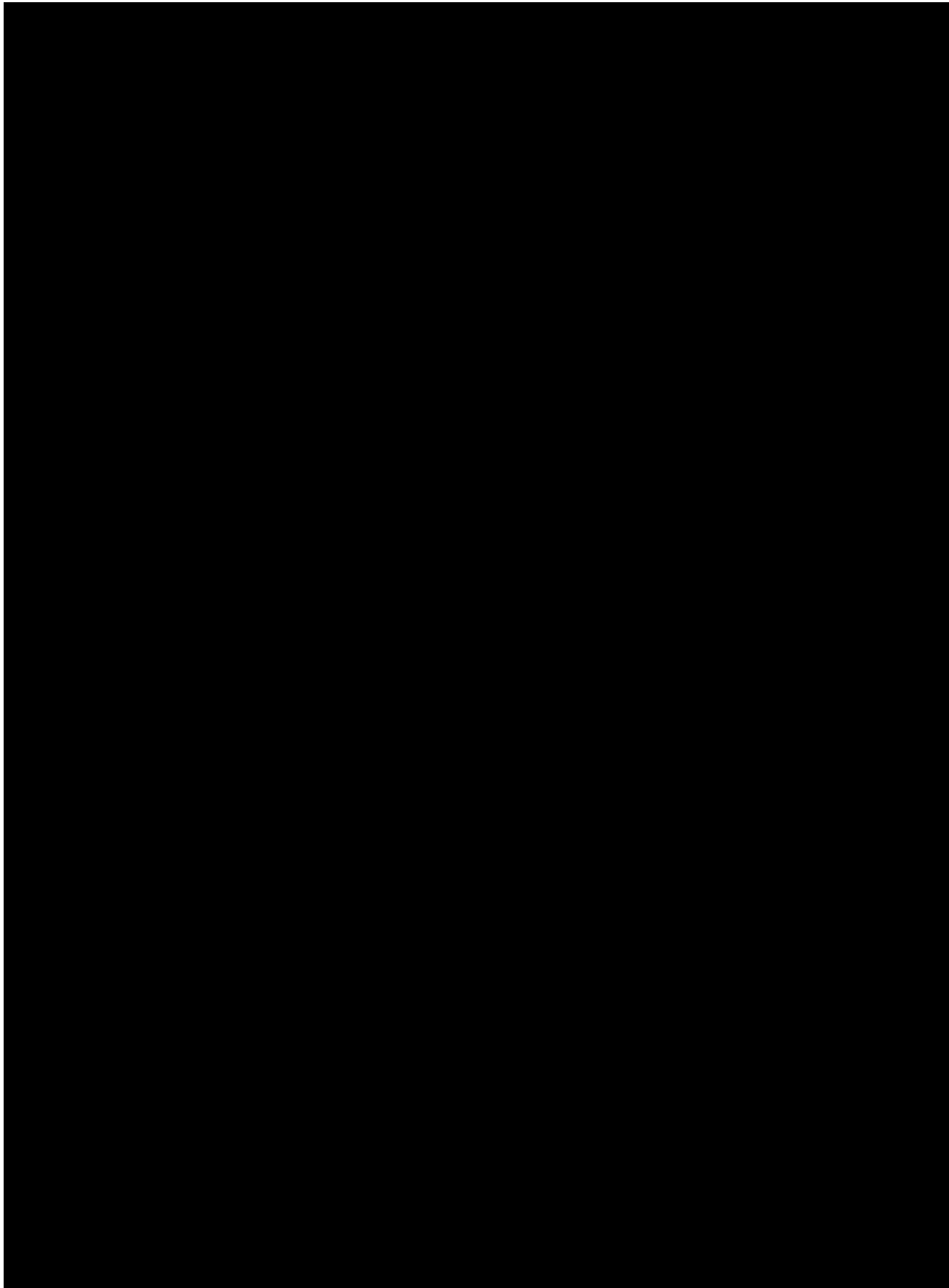
149. In the early hours of 8th March 2020, there was a tragic collision at sea, which involved three of our members and a suspect RHIB. The collision resulted with two fatalities.
150. At the Coroners Inquest in November 2021, no evidence was put forward by the RGP in support of the officers. No evidence was provided by the organisation to the effect there had been a request to respond to a suspect RHIB by the Guardia Civil, or of the more general point regarding cross-border co-operation, of which Mr McGrail was a great supporter. A quick Google search using search terms such as ‘Royal Gibraltar Police’ and ‘cooperation with Spanish authorities’, will turn out countless articles, for example:
- a. *Gibraltar Chronicle May 2019*. **“RGP steps up cooperation with Spanish law enforcement Agencies”**. This is an interview where Mr McGrail himself states **“organised criminality has no borders”**
 - b. An interview by Reach Extra on Mr McGrail in 2019 quoted him as saying **“A firm believer of trans – frontier cooperation”**.
 - c. January 5th 2017 [Yahoo] **“Spain, Gibraltar police seize hashish after high speed boat chase”**

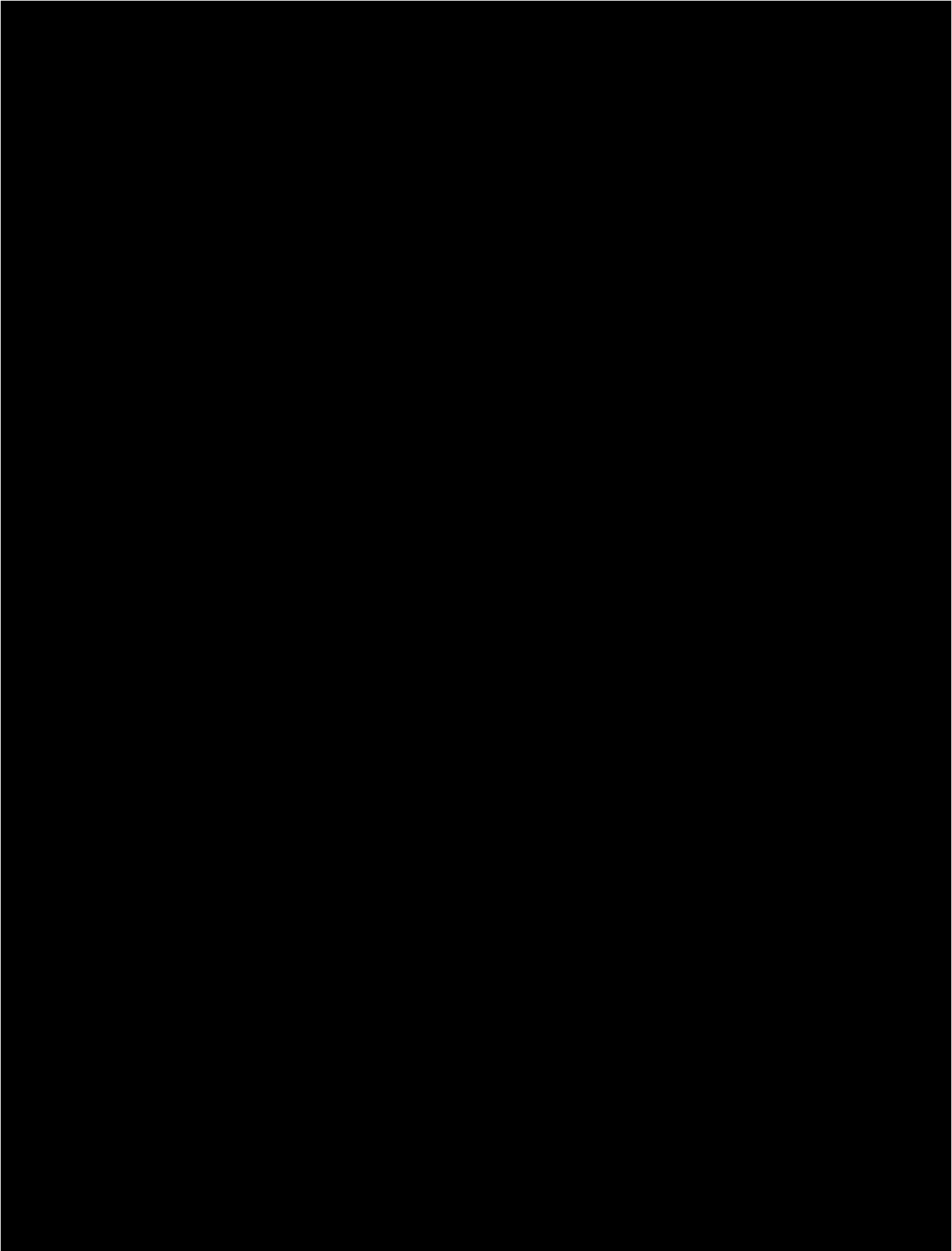
151. The RGP used the Inquest to essentially prosecute the officers for disciplinary offences. They relied on emails and policies to cross examine their own officers, such as the email from Marine Section Inspector in June 2015 stating that ***“previous instructions allowing crews to leave BTGW at the invitation of the Guardia Civil whilst in pursuit of a vessel is revoked”***. When the fact was that the policies that were in place at the time and training delivered to police coxswains in pursuits, when Mr McGrail was Commissioner, were extremely poor.

152. On 30th October 2020, six months after the accident at sea, the RGP implemented a policy document ***“Police vessel Patrol and pursuit Policy”***. It is an 80-page document outlining everything that should have been place at the time of the accident. The officers were deprived of this protection by the Organisation responsible for them.

[RGP Police vessel Patrol and pursuit Policy]







I believe that the facts stated 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.

**Personal
Data**

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Maurice Morello

Chairman

Gibraltar Police Federation

Dated: 4 November 2022