

**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 4<sup>th</sup> February 2022 in Legal Notice No.34 of 2022**

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**WITNESS STATEMENT OF COMMISSIONER OF POLICE RICHARD  
ULLGER**

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**Introduction**

1. My name is Richard Ullger, and I am the Commissioner of Police with the Royal Gibraltar Police [RGP]. I have held this position since July 2020.
2. Pursuant to section 8 of the Commissions of Inquiry Act 1888, I have been asked to provide a statement under oath, addressing the subject matter of the Inquiry, namely my knowledge and any information, records or documents, of which are in my position as Commissioner of Police, have custody or control, as to the reasons and circumstances leading to Mr Ian McGrail ceasing to be Commissioner of Police in June 2020, by taking early retirement. I shall therefore do so, by addressing the specific questions as asked of me by the Solicitors to the Inquiry, Attias & Levy, in a letter to me dated the 14<sup>th</sup> of July 2022, and provide any further relevant context that I may have to assist the Inquiry. I shall answer the questions chronologically.
3. 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.

***a-What was the process behind Mr McGrail's appointment to Commissioner of Police in 2018 and were any objections made to you at the time (or thereafter) by the Chief Minister Fabian Picardo KC MP or Deputy Governor / Former Governor, Nicholas Pyle OBE as to the said appointment.***

4. On Wednesday the 13<sup>th</sup> of December 2017, Ian McGrail was appointed as the new Commissioner of Police for the RGP, and was to succeed the then Commissioner of Police Eddie Yome as from the 1<sup>st</sup> of May 2018. He was appointed by the then Governor, Lt General Davis on recommendations made by the Gibraltar Police Authority (GPA), after a selection process that saw both he and I apply for the role.
5. In respect of first question the application process consisted of a submission to the GPA that included evidence of our Competency Values, a paper outlining our vision for the RGP, a presentation to the GPA, followed by an interview on a separate date, again by the GPA.
6. On the day of announcing the appointment (13/12/2017), both Mr McGrail and I were summoned to The Convent, where we sat in a room together waiting for the results. During our wait, we pledged to one another that whatever the result was individually, we would support the new Commissioner and ensure that we would do our utmost to keep Gibraltar safe. I was first called to attend to see the Governor, who was together with the Chief Minister, the Honourable Fabian Picardo MP KC, and the Chairman of the GPA, Mr John Conclaves and the Commissioner of Police Eddie Yome. His Excellency the Governor then gave me an overview of the process and I was informed that I had been unsuccessful in my promotion to Commissioner of Police. The panel then provided me with words of comfort and encouragement, and this is the only time that I have spoken to the Chief Minister about this appointment. He thanked me for my application and years of service, and informed me that he had no doubt that he would one day see me as a Commissioner of Police. Naturally, I was extremely disappointed, but again I pledged to the panel that I would support the new Commissioner of Police and that I would continue to work as hard as I always did. I then left and waited for Mr McGrail in the entrance of the Convent, where I subsequently saw him and congratulated him, wishing him all the very success as the new Commissioner.

7. In specific answer to the second question there were never any objections made to me at the time (or thereafter) by the Chief Minister Fabian Picardo KC MP or Deputy Governor / Former Governor, Nicholas Pyle OBE as to the said appointment.
  
8. I would add that after the decision had been communicated to us both I returned to New Mole House Police Station and I continued to engage with my day-to-day work, as the Superintendent of Planning Development and Support. During the course of the afternoon, I sent an email to Mr Nick Pyle who was the Deputy Governor at the time, in respect of some funding that we were expecting from the Foreign and Commonwealth, Development Office (F&CDO) and in his reply to me he added that he had thought that my application, presentation and interview were all very good. Mr Nick Pyle had been one of the members of the GPA and had sat in my presentation and interview. After one or two more exchanges that day, we stopped emailing one another that day.
  
9. Perhaps of some relevance is a conversation I had on the 9<sup>th</sup> of June 2020, the day I met Mr Nick Pyle in his capacity as the Acting Governor, and on Mr McGrail's last day with us in the RGP. In the Governor's Office, we discussed Mr Pyle's preference of having a UK Senior Police Officer take command of the RGP for a short period and we discussed this. I disagreed with him and provided him with my rationales. During this time, he disclosed to me that he was not questioning my ability to Command the RGP as the Commissioner of Police, as he in fact had been supportive of my application as Commissioner in 2017, over Mr McGrail's application. However, I did not, and do not treat his expression of a preference as any criticism or objection to Mr McGrail appointment by him. I thanked him for this, and we continued to engage in the conversation about the RGP and its future.

*b-Following Mr McGrail's appointment as Commissioner of Police, were any complaints made by or to you (or, to the extent that you are aware or possess or control information, records or documents suggesting that it is the case) in respect of the efficiency, effectiveness, probity, integrity or*



***independence of Mr McGrail in the undertaking of his duties as Commissioner of Police***

10. At no time in Mr McGrail's tenure as Commissioner of Police (save as provided for below at paragraph 11-22) has anyone approached me about or written to me or made to my best recollection any formal allegations or complaints in respect of the efficiency, effectiveness, probity, integrity or independence of Mr McGrail in the undertaking of his duties as Commissioner of Police.
  
11. In fact, in my opinion and judgment Mr McGrail led the organisation with strong ethical values and had the organisation at the heart of everything he did. He was a committed police officer and a dedicated leader, and I was honoured to serve under his command. Of course, there were differences between us concerning some of the different policing issues, but we would discuss these, particularly on many times with the Command Team, and made decisions based on our discussions. Mr McGrail, generally worked extremely well with all of our partners, including the Small Islands Policing Forum, the National Police Chief's Council and other Law Enforcement bodies.  
  

***c-During Mr McGrail's tenure as Commissioner of Police, were you aware or put on notice of (or do you possess or control any information, records or documents relating to) any allegations or complaints made by members of the Gibraltar Police Federation in respect of bullying and/or intimidation by Mr McGrail?***
  
12. I am not aware of any formal allegations or complaints made by members of the Gibraltar Police Federation (GPF) in respect of bullying and/or intimidation by Mr McGrail.
  
13. I should explain that some tension or differences of opinion can exist between the GPF and COP, or the Command Team. That exists today as I shall explain further.
  
14. I am able to also confirm that an extremely fraught relationship existed between Mr McGrail with the Chairman of the GPF, Mr Maurice Morello, who never met eye to eye with Mr McGrail, making our day-to-day command business difficult.

15. There in my view was very little respect offered to Mr McGrail in his tenure as Commissioner, with the Chairman constantly being disrespectful and challenging towards him. In fact, the relationship became worse when Mr McGrail reached out to Mr Morello to present him his Long Service and Good Conduct Medal, because he refused to be presented with it at the Convent when he was invited to do so.
16. I believe Mr McGrail wanted to work in partnership with the Federation and therefore invited Mr Morello to his office, but on discussing collaboration and partnership and presenting him with his medal, Mr Morello told Mr McGrail that he would be his worst nightmare/headache. I should say that I was not present in this meeting, but Mr McGrail reported what had happened on the day to me and Mr Morello shortly later confirmed this to me and so I think my description is accurate. I told Mr Morello that was not the spirit to work with the Command Team and that his disrespect to the Commissioner's position would only bring about a difficult relationship. He just shrugged and laughed off my comments.
17. Before continuing to discuss this fraught relationship created, I believe by Mr Morello, I think it is important that I detail some of the work Mr McGrail had commissioned in order to deal with allegations of bullying in the RGP. Subsequent to the GPF's survey in late 2018, were the workforce and the GPF brought bullying allegations against the fore, Mr McGrail sought to contextualise these allegations and deal with them accordingly. To do this he reached out to AAP, an independent consultancy team of ex Senior UK Police Officers, who all had Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services (HMICFRS) experience, in order assist the RGP and the GPF to better understand the problems, and to examine the effectiveness of the current approach. This evaluation was conducted between the 15<sup>th</sup> of April 2019 and 31<sup>st</sup> of May 2019, with AAP using a methodology where they undertook a comprehensive review of documentation, interviewed key people in the organisation and held focus group meetings. The evaluation concluded with a report that was submitted to us on the 25<sup>th</sup> of July 2019 by AAP, with a number of recommendations. As Assistant Commissioner, I led this task at the behest of Mr McGrail and the eventual result of this consultation led to a number of working groups created, between members of the Command Team and the GPF to formalise the work streams. On the 9<sup>th</sup> of August 2019, Mr McGrail's Staff Officer Inspector Payas wrote to the entire work force on



behalf of the Commissioner, circulating a Commissioner's message on the consultation, recommendations and work streams.

18. Notwithstanding all the good work Mr McGrail had steered to address possible bullying and other areas of policing issues, he continued to be challenged disrespectfully by Mr Morello and also the GPF Secretary, Mr Lief Simpson, which resulted in discipline processes against them, because of their warranted positions as police officers in the RGP.
19. The discipline process started in earnest when they were challenged for conducting Federation business during an operational policing event for a football match on the 9<sup>th</sup> of July 2019, when St Joseph's FC was playing Rangers FC in a European qualifying match. Both Mr Morello and Mr Simpson were seen roaming around the stadium without having operational authority or the necessary access to do so, and when challenged they stated that they were there for the officers' welfare. They were informed that this was not their remit and advised not to be there. The following day I wrote to both the Chair and Secretary about their presence during the operational policing of this event and asked them in the future to refrain from doing so. Mr Morello's response to me was one of defiance, and he said that he would be there again to watch another European tie as on this occasion, they had just purchased tickets to be there.
20. Then there was another matter regarding a Gift Fund the RGP had for the workforce. The Command Team was of the opinion that the Fund posed a risk to the organisation and no longer served a purpose, and a decision was made to close the account and return monies to officers. This was communicated to both Mr Morello and Mr Simpson who agreed with the process, but then began to create an element of mistrust amongst the workforce against the Command Team. This resulted in both I together with the Commissioner reassuring the workforce and mitigating the misleading comments being made by the Federation. In turn, Mr Morello wrote to the Commissioner Mr McGrail on the 13<sup>th</sup> of September 2019, undermining his message to the workforce. As a result of this, Mr McGrail summoned Mr Morello to his office at 0900hrs on the 16<sup>th</sup> of September 2019. Mr Morello subsequently claimed that he could not attend and after I reached out to him, we agreed for him to attend an hour earlier on the same date. There Mr McGrail expressed his concerns to Mr Morello of his confrontational stance and the disrespect he

was showing to his office. For this, the Commissioner Ian McGrail issued Mr Morello a written warning.

21. There was yet another incident where both Mr Morello and Mr Simpson were served with Regulation 9 notices under our 1991 Police (Discipline) Regulations, on the 28<sup>th</sup> of January 2020, and this was related to despicable conduct when they published on the 27<sup>th</sup> of January 2020 via Facebook and Twitter certain unfavourable comments towards the RGP and the Commissioner of Police.
22. A further confrontation happened on the 9<sup>th</sup> of October 2019, when I challenged Mr Morello at one of our meetings about our suspicions of him feeding information to the Panorama Newspaper, in particular to an ex-police senior officer, Leo Olivero, who was now writing for the paper. In the meeting, Mr Morello admitted to meeting up with Olivero and stated that he had told him to publicly write out against the Command Team of the RGP, but not the workforce. I told him that this was unethical and as a result of this I reported the matter to our Professional Standards Team, where he was subsequently served together with Mr Simpson a Regulation 9 notice under our 1991 Police [Discipline] Regulations.
23. I should mention that when I was appointed, I stayed that disciplinary process (that I not Mr McGrail had initiated) as an olive branch to the GPF and in an attempt to bring about a better working relationship.
24. Certainly, Mr Morello constantly qualified Mr McGrail as a bully, but as explained he never made a formal complaint to me about it, nor did he report it to me officially.

**d-Operation Delhi**

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

**[i] what was your involvement in Operation Delhi?**

25. In respect of Operation Delhi I had very little involvement in the matter (save as provided for below and a number of emails I had been copied into) and attended no meetings with those persons 1-10 or 13 listed under 1(d)(ii). I also have no knowledge of any minutes, or notes that may exist of meetings with these individuals. In relation to Mr Richardson and Mr Wyan whilst I do not

recall any meetings specifically in relation to Operation Delhi both were senior officers and in some contexts such as Command Meetings some issues with Delhi may have arisen and may have been discussed as explained below. Furthermore, I should add, no complaints or concerns were raised to me by any of the persons listed in 1(d)(ii) of Mr McGrail's handling of Operation Delhi, including, in particular, 1(d)(iv) the decision to seek and enforce search warrants in respect of Mr James Levy KC.

26. I briefly knew that an investigation was being carried out against three individuals who had allegedly defrauded a local company that carried out security work for the Gibraltar Government, by undermining the ability of this local company to perform its contractual commitments of maintenance and function of the National Security Central Intelligence System. One the individuals was also investigated for computer misuse related offences. Both Superintendent (then an Inspector/Chief Inspector) Mark Wyan and Superintendent Paul Richardson (retired) had led on the investigation, which started sometime in 2018, I understand and were directly briefing the Commissioner of Police, Ian McGrail on progress. There would be occasions that the matter would be discussed in our Monday weekly Command meetings, in relation to investigation progress, but nothing of material importance that would provide me with an absolute overall picture of what was happening. During the course of the investigation, I did learn that Mr James Levy KC became a suspect and that there were a number of meetings were Ian McGrail the commissioner, together with the investigating team attended. I am unsure who attended these meeting and how many meetings had there been, but I believe that some of these meetings were either at the Attorney General's (AG) or the Director of Public Prosecution's (DPP) office. I do also remember that on one of the occasions, Mr McGrail did return to New Mole House Police Station and was displeased with the support he was getting from the AG indicating that it would appear was not keen to proceed with the investigation. On the 12<sup>th</sup> of May 2020, Ian McGrail expressed his displeasure with regards to what he saw interference in the investigation by the Chief Minister and the Attorney General, after the Royal Gibraltar Police executed search warrants at the offices of Hassans, indicating that the investigation was being hampered by them both, he believed because they were trying to protect Mr Levy KC. Again, I had no involvement with this there on.
27. During the course of the following weeks, there were other very important business matters that I was dealing with, particularly our response to Covid-19



and other strategic issues regarding our work towards addressing the new HMICFRS recommendations of their 2020 inspection report. It was not until the 22<sup>nd</sup> of May 2020, that I learnt that Ian McGrail had been asked as Commissioner of Police to take early retirement by the Chairman of the GPA. In a meeting where I was together with Paul Richardson, Cathal Yeats and Wayne Tunbridge, Ian McGrail explained of the unjust request, stating that only a week before he had briefed the Chairman of the GPA about Operation Kram and Delhi and the HMICFRS report, and that at no time had the Chairman raised any concerns about his performance as Commissioner.

*Section 1(d)(iv) the background and circumstances to my report to His Excellency the Governor of Gibraltar, Vice Admiral David Steel, about ex-members of the Royal Gibraltar Police being approached by persons potentially connected to the Operation Delhi Inquiry, to make allegations of professional misconduct against Mr McGrail*

28. This was a discussion that I had had with the Governor and was related to information that had come to my attention from a confidential source regarding the suggestion that three named individuals who were ex police officers had information that were possibly connected to Hassans Law Firm and Operation Delhi that were intending to make allegations of professional misconduct against Mr McGrail. I shared the information with the Governor because I thought it may be relevant and simply to alert him to concerns, I had about these individuals specifically serious reservations about their integrity. I also informed the Governor that I had informed Mr McGrail of this, as it was important to do so on the grounds of Mr McGrail's own position.
29. In fact, it subsequently transpired that these three individuals gave witness statements in a matter entirely unrelated to Operation Dehli or Hassans Law Firm. Their statements attempted to support a judicial review claim against the Royal Gibraltar Police, in respect of the procurement of search warrants on a place of work and residence and arrest of an individual for alleged money laundering offences. The primary focus of their witness statements was not to question Mr McGrail, but rather to attempt to personally discredit a serving senior investigating officer with a view to suggesting that his grounds for reasonable suspicion were tarnished by what was suggested a less than objective approach to the suspect. Mr McGrail was mentioned in those statements, but he was not the primary target nor was there any connection with Operation Dehli. Indeed, the only connection with Hassans Law Firm

was the fact they were the law firm instructed to judicially review the RGP decision to obtain the said search warrants or effect the said. Incidentally the said witness statements were demonstrably false, and I provided a statement, as did other police officers forensically proving this to be the case. These ex-police officers have no place in my organisation.

30. I should add, had I known the matters identified above (in paragraph 27) when I engaged with the Governor, I would not have made the report I had made.

*Were you involved in or privy to (or are you otherwise aware of or in possession or control of documents relating to) any correspondence with Hassans International Law Firm and/or Caruana & Co, in respect of the Search Warrants and/or investigations being made into Mr Levy QC as a potential suspect/person of interest in relation to Operation Delhi.*

31. As I have already explained, there was an investigating team leading on this, who briefed the Commissioner of Police, Mr McGrail directly and occasionally the Command Team. This was a complex investigation with volumes of technical data and on the day of the search warrant, this for me, was no different to any other day that we execute warrants anywhere else in Gibraltar for that matter. I was however copied into exchanges of email's post the execution of the search warrants between Mr McGrail, the Attorney General and Hassans Law Firm.

**Operation Kram**

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

32. On the date of the incident at sea I was away for a week from Gibraltar celebrating my birthday. At 0830hrs in the time zone I found myself in, I received a phone call from Chief Inspector (now Superintendent) John Field, who made a verbal report to me. Naturally, I was fully aware that it was 0430hrs in Gibraltar and CI Field appeared to be ignorant of the fact that I was away from jurisdiction. After explaining my position, we hung up and during the course of the day, I made a number of calls to Mr McGrail, but he was unable to speak to me on a number of occasions and when we did, it was very brief.



33. On my return to Gibraltar, I learnt that John Field was the interim Senior Investigating Officer collecting the evidence and information for the investigation and I was aware that Mr McGrail had already sought support from the Metropolitan Police Service, to provide independent oversight of the investigation, making it more transparent and accountable, with terms of references. When the team arrived on Friday the 13<sup>th</sup> of March 2022, I was present when a briefing was held at New Mole House Police Station in the Commissioner's office and Mr McGrail provided the team under the command of Superintendent Gary Smith with an overview. Also present was Superintendent Richardson (now retired) assisting the investigation, CI Field and CI Romero (Post Incident Procedures). After this briefing, I was not involved in the matter until when I took over as Acting Commissioner of Police. However, I would like to add that prior to the meeting of the 13<sup>th</sup>, on Thursday the 12<sup>th</sup> of March 2020, I attended the Office of the GPF, where I met the three officers involved in the collision at sea. The purpose of my visit was to provide them with reassurance that the Command Team was working in partnership with the Chairman and Secretary of the Police Federation, and that their wellbeing was important to us. I remember that they were vividly in a state of shock, and we spoke about their mental health and the fact that whilst the process of investigation was happening, we were hoping to facilitate their return to work. I reiterated to them that all lines of communication to them would be undertaken through the Federation and that they would in turn feedback to us.

34. Once Mr McGrail retired from the Royal Gibraltar Police. I assumed responsibility as the Acting Commissioner and then Commissioner of Police to provide the Chief Minister of factual developments by email on Operation Kram, some of which were under my obligations of Section 15 of the Police Act and I would copy His Excellency the Governor and/or the Attorney General.

**[ii] 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?**

35. I have had no correspondence with any of the persons listed, until after Mr McGrail's retirement, when I took over as Acting Commissioner of Police and then as Commissioner of Police. I would regularly update His Excellency the Governor, the Chief Minister and the Attorney General of matters related to



the ongoing investigation, which have no significant bearing now to this inquiry.

*[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?*

36. After having concluded their investigation, on the 26<sup>th</sup> of September 2020, the investigating team from the Metropolitan Police provided Superintendent John Field with a summary of proposed charges and recommendations. The proposed charges indicated that the team felt that two officers from the Marine Section involved in the fateful collision at sea of the 8<sup>th</sup> of March 2020, should face charges relating to Manslaughter and offences against the Merchant Shipping Act. Superintendent Field briefed me on this and of subsequent meetings with the team and the Director of Public Prosecutions, where it was later decided on balance not to charge the officers with the proposed charges suggested by the Metropolitan Police, primarily on jurisdictional grounds (the incidents having happened out of BGTW). I know another charge relating to Misconduct in Public Office was considered, but later discarded for additional reasons.
37. The associated report was that of Organisational Learning Recommendations, which made numerous 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.]

38. With regards to the recommendations, these were adopted as part of self-identified tasks and were captured under our Strategic Risk Management Update monthly meetings, many of which had already been captured.

***Runway Incident***

***f. To what extent were you involved in the following matters and, if you were involved, what were your dealings with Mr McGrail and/or the individuals referred to at paragraph 1(d)(ii) above (or alternatively do you have any knowledge or information relating to the same, or possess or control any documents relating to the same):***

***[i] the runway incident involving the detention by the RGP of Senior Ministry of Defence personnel in Gibraltar?***

39. Firstly, I would like to highlight that at the time of the incident I was the Superintendent for Planning, Development and Support, whilst Mr McGrail was the Superintendent for Crime and Protective Services. Secondly, I had no dealings with any of the persons listed in 1(d)(iii) (I assume its (iii) not (ii)) save for other police officers but of course, did with Mr McGrail.



40. I became aware of an issue that had arisen after the weekend of the 4<sup>th</sup> of February 2017, and the fact that an armed forces individual in Gibraltar had been the subject of an investigation by the Joint Provost Services Unit (JPSU), whilst serving in Gibraltar. There were concerns that the individual may have committed offences too, in Gibraltar, and this was raised by Detective Inspector Enriles from the Public Protection Unit to Superintendent McGrail, who was the Divisional Lead. I am aware that Mr McGrail had attempted to work in partnership with the JPSU, particularly the Provost Marshall and highlighted his concerns of potential offences having been committed by the individual. It would appear that the Provost Marshall was not willing to release any exhibits in his possession. I am also aware that Mr McGrail sought advice from the then Senior Crown Counsel Ricky Rhoda, who supported the RGP's position in the investigation and jurisdiction, and that subsequently on Wednesday the 8<sup>th</sup> of February 2017, Mr McGrail made an application to the Supreme Court, for a warrant to search for the property seized from the individual in the investigation, after senior MOD officers failed to assist. This was granted, and when this had happened, I had been briefed by the then Commissioner of Police, Mr Eddie Yome to speak to the RAF Station Commander, Liz Hutchinson. as it would appear that the MOD were attempting to fly the individual subject of the investigation and exhibits, out of Gibraltar on a military plane that was on the runway ready to take off. After numerous telephone calls with the Station Commander, where she was evasive and had to be reminded that a search warrant had been issued by the Supreme Court, there was a standoff on the Runway between the RGP and the MOD, the aircraft did not leave the jurisdiction with the individual, or the exhibits. Subsequent to this, I had no further involvement whatsoever in relation to the arrests of the three senior military individuals, as Superintendent McGrail coordinated this, after having discussed outcomes with Commissioner Yome. I did however attend a meeting on a date that I can't recall, were both the Commissioner, Eddie Yome and Mr McGrail, provided the Chairman of the GPA, Mr John Goncalves with a briefing of the incident. There were other members present of the GPA, but I can't recall who these were.

**HMICFS 2020 Report**

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



41. At no time did I discuss this report with anyone referred to at paragraph 1(d)(iii), whilst Mr McGrail was the Commissioner of Police.
42. On a date that I cannot remember, Mr McGrail decided to ask the GPA for HMICFRS to come and inspect the RGP. When he told the Command Team of his decision, I can remember distinctively that we all opposed it; simply because we knew that, whilst progress had been made in some areas we had not done enough to achieve the recommendations or areas of improvement of the previous 2016 inspection.
43. It is important to remember that as in the case of any performance audit it was backwards looking and so HMICFS would be considering the performance of the RGP from the previous report in 2016 until the said audit which included the RGP's performance under the previous Commissioner, Eddie Yome and a short period under Mr McGrail's tenure.
44. Notwithstanding our concerns, Mr McGrail went ahead and requested the inspection to happen. Prior to the visit, I engaged with HMI Paul Holewell and the terms of reference for the inspection were discussed and agreed. These included the work we had done to address the recommendations for the previous 2016 inspection and matters regarding how we promoted values and ethics, and how we maintained integrity. Another reference was on how we treated the workforce with fairness and respect. During our time in collecting the evidence for the terms of references, it became apparent to me that my concerns were indeed confirmed, and that we hadn't done what was expected of us. This was further highlighted to me by HMI Paul Holewell before his visit to Gibraltar.
45. When the HMICFRS team came in late 2019, they undertook the inspection and I was interviewed by them, as were many other RGP officers. On their last day of the inspection, they provided Mr McGrail and I with a debrief. The team consisted of HMI Matt Parr and Paul Holewell, and in their debrief they provided a relatively positive outlook for the organisation, but also acknowledging that some of the recommendations had not been addressed from the 2016 inspection, stating that there would be further recommendations arising out of this. I was relatively surprised at those positive comments. I expressed my view to Mr McGrail's that his decision to ask for an inspection had been the right decision after all.

46. However, when we received the HMICFRS report in 2020 of their 2019 inspection, the upbeat comments in the debrief were not immediately reflected in the report and it was disappointing when we read the report in its entirety. At this stage, I realised that our concern initially expressed to Mr McGrail when he indicated that he wanted an inspection, ended up being borne out by the said report.

47. It is important that at this stage I also include mention that HMICFRS returned to Gibraltar in April 2022, to undertake a further inspection of the RGP, that received a favourable outcome. This was as explained also a backwards looking audit that took into account changes made since the last audit.

*g-Following your appointment as Commissioner of Police, have any complaints been made to you (or, to the best of your knowledge or information, anyone else) in respect of the efficiency, effectiveness, probity, integrity, or independence of Mr McGrail in the undertaking of his duties as Commissioner of Police?*

48. No complaint has been made to me in this regard or to the best of my knowledge or information, anyone else) in respect of the efficiency, effectiveness, probity, integrity, or independence of Mr McGrail in the undertaking of his duties as Commissioner of Police.

*h-Following your appointment as Commissioner of Police, have you been made aware, or put on notice of any allegations or complaints made by the Gibraltar Police Federation and / or individual members of the Gibraltar Police Federation in respect of bullying and/or intimidation by Mr McGrail (or do you have any knowledge or information relating to the same, or possess or control any documents or records relating to the same)?*

49. I am not aware and have not been put on notice by anyone of such formal complaints.

*i-In your view (On the basis of your knowledge, information available to you and records of documents in your possession or control, has Mr McGrail's retirement impacted upon the morale of members of the Royal Gibraltar Police and/or the ability of members to conduct operations and/or the ability of the Royal Gibraltar Police to recruit members?*



50. On balance I cannot say with any certainty that Mr McGrail's retirement impacted upon the morale of members of the Royal Gibraltar Police and/or the ability of members to conduct operations and/or the ability of the Royal Gibraltar Police to recruit members. It is my view that the RGP has continued to do what it knows best, and that is to enforce laws, to maintain order and keep the community of Gibraltar safe. Despite poor staff surveys, promoted I suggest, somewhat unfairly by the GPF on morale before and after Mr McGrail's departure, we continue to recruit officers into the RGP successfully.
51. Mr McGrail's departure from the RGP was difficult time for me, and many others particularly senior officers. His request to retire early was a shock to us and we failed to really understand the entirety of the ask, or even the justification in doing so. That remains my position and I believe our position. We certainly did not see it coming, there were no obvious or less obvious warning signs or letters which made it that much harder to understand or comprehend and it did raise concerns at senior management or Command level. Perhaps this Inquiry may illuminate the matter and allow us to understand matters better.
52. To his credit Mr McGrail (despite his personal surprise, concern and disappointment) was always adamant that the RGP as an institution had to survive this turmoil and that it should do so without him being present, and he encouraged us at senior management to ensure we retained our policing focus, which we have done.

STATEMENT OF TRUTH

I believe the contents of this witness statement to be true

Personal Data

NAME: Richard Jullien

DATE: 17/11/2022