

Commissions of Inquiry Act/Inquiry Act 2024

**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**

**FOURTH WITNESS STATEMENT OF ASSISTANT COMMISSIONER OF
POLICE CATHAL YEATS**

1. My name is Cathal Yeats, and I am the Assistant Commissioner of Police. I am in my 27th year of police service and have been the Assistant Commissioner since July 2020.
2. I write this statement to further clarify questions by the Inquiry on the whereabouts of Mr McGrail's daybooks and his desktop and laptop computers. It is very important to point out that this request arose in the context of the Inquiry questioning itself. To our knowledge despite it becoming apparent from other witnesses that information or electronic records was not available for the reasons given, including the erasing of material, no other CP has been asked to identify hardware or invited to carry out a review.
3. I have regrettably been significantly delayed in submitting this statement due to the absence of the RGP's expert digital forensics examiner. The prolonged absence of Detective Constable Garcia, due to a planned holiday in the far east and then him falling ill on his return, meant that he was unable to conduct the forensic work required earlier.
4. Commissioner Ullger dealt with these matters in oral evidence on the 30th of April 2024. I am unable, beyond the contents of this statement, to myself assist further in regard to what was in the commissioner's office at the time of Mr McGrail's retirement, the point at which Mr Ullger took over the office and the intervening period.

The Background to this fourth witness statement.

5. The Royal Gibraltar Police notes with regret the Gibraltar Broadcasting Corporation report of the 30th of April 2024 on this issue: <https://www.gbc.gi/news/mcgrail-inquiry-probes-commissioner-ullger-over-missing-data-taken-former-commissioner> . Whilst the statement attributed to Mr Ullger is accurate: “*Mr Ullger said he had assumed Mr McGrail's laptop or destop [sic] computers had been wiped by ITLD, but that efforts to restore the data on them were ongoing,*” the RGP do not believe this to be a full and accurate representation of the facts in respect of Mr McGrail’s data held by the RGP. The inference that can be drawn from the statement and the GBC report is that no digital data belonging to Mr McGrail has been made available by the RGP to the Inquiry. This is not the case. Indeed, it could not be further from the truth, it certainly has been provided.

The RGP’s IT Infrastructure

6. The RGP’s information technology infrastructure is provided and supported by His Majesty’s Government of Gibraltar Information Technology and Logistics Department (ITLD). The IT system is managed remotely by ITLD with basic support provided by seconded IT technicians. These technicians (there are now two) are now rotated on a six-monthly basis. At the time of Mr McGrail’s retirement there was a single technician seconded to the RGP.
7. Each RGP officer and civil servant accesses the RGP IT system using unique user login credentials. The system meaning the RGP network file share and email server. Each officer or civil servant will have access to their own unique file share on the network and their own email mailbox. Depending on their role officers also have access to shared network file share folders. Both the network file shares, and the email server are backed up by ITLD in accordance with their backup policy.
8. The RGP does not have a policy to image the hard drives of desktop or laptop computers when officers who use them retire or leave the service. This is not necessary because although some officers have exclusive access to a computer, the majority of officers access the RGP’s IT network and their personal email accounts through shared computers. The assumption, and norm, is that officers and staff save their data on the network file shares or their email accounts. Both of these are backed up by ITLD as explained in paragraph 6 of this statement, so information is available and has been provided.

Disclosure of RGP digital data to the Inquiry

9. During the course of 2022 and early 2023 copies of the network file shares and email mailboxes for relevant officers were provided by ITLD to the RGP on request. This included copies of Mr McGrail's file network share and email mailbox (.pst file). The purpose was to comply with the Inquiry's call for disclosure. I now tender a copy of the email correspondence in relation to this as **Exhibit CY/WS4/1-3**.
10. On the 9th of May 2023 the Solicitors to the Inquiry (STI) provided 70 search terms to the RGP. I now tender a copy of the email correspondence in relation to this as **Exhibit CY/WS4/4**. The search terms were run against the file network shares for the relevant officers and case files and provided to the STI on the 23rd of May 2023. I now tender a copy of the email correspondence in relation to this as **Exhibits CY/WS4/5 and CY/WS4/6**.
11. Attempts by the RGP to conduct similar searches of the email mailboxes for the relevant officers did not prove satisfactory as the STI were unable to view the material in a manner convenient to them. A USB drive containing the relevant RGP mailboxes (as .PST files, i.e. the raw data as provided by ITLD) was provided to the STI on the 7th of July 2023. I now tender a copy of the email correspondence in relation to this as **Exhibit CY/WS4/7 and Exhibit CY/WS4/8**.
12. On the 7th of September 2023 STI provided the RGP with a list containing 2381 emails and documents for redaction review. The list being the result of the STI's keyword search of the RGP email mailboxes.

IM's Emails of the 12th and 13th of May

13. Contained in that list of 2381 documents is an email sent by Mr McGrail to himself on the 12th of May 2020 (with STI reference R_0000892) and an email sent on the 13th of May with corrections and additional information (with STI reference R_0000900).

14. I asked Detective Constable Garcia to examine the metadata of the emails of the 12th of May 2020 and the 13th of May 2020. He examined the files provided by ITLD in November and December 2022. He concluded that the two emails were sent on the dates in question, i.e. the 12th and 13th of May 2020. I now tender his report in evidence as **Exhibit CY/WS4/9 (“DC Garcia Report”)**.

IM’s RGP laptop and desktop computers

15. Further inquiries have been conducted with RGP staff and ITLD to trace the desktop computer and laptop Mr McGrail was using at the time of his retirement. The RGP and ITLD do not have a log or record that covers the period in question, May and June 2020, detailing the location and movement of desktop computers and laptops. I now tender a copy of the email correspondence in relation to this as **Exhibits CY/WS4/10 and CY/WS4/11**.

16. On the 8th of May 2024 Inspector James Rodriguez reported that he had located a laptop which he believed to have belonged to Mr McGrail. The laptop was amongst other IT devices that were being cleared out of an office used by the now retired Inspector Paul Barker. The laptop was secured for examination by DC Garcia on his return. The inspector was also tasked to check whether the other IT devices were in use by Mr McGrail prior to his retirement. None of them were. I attach email correspondence in relation to this as **Exhibit CY/WS4/12**.

17. DC Alfred Garcia examined the laptop located by Inspector Rodriguez to determine whether it was in use by Mr McGrail at the time of his retirement and whether the draft of the email of the 12th of May 2020 was contained within. DC Garcia has confirmed that the laptop was in use by Mr McGrail in May of 2020 but has been unable to find the email of the 12th of May 2020. **I refer to DC Garcia Report.**

IM’s copies of daybooks

18. As requested by the Inquiry a digital copy of the only available daybook belonging to Mr McGrail was provided on the 17th of April 2024. This consisted of three pages of notes made by Mr McGrail in relation to Operation Delhi. I now exhibit copies of these notes as **Exhibit CY/WS4/13**. The three pages were

provided by Mr McGrail to then Inspector Mark Wyan together with Mr McGrail's signed witness statement in the case. Superintendent Wyan believes this to have been in November 2019. I now tender a copy of the email correspondence in relation to this as **Exhibit CY/WS4/14**.

19. I have asked the RGP's Digital Forensics Unit to provide the metadata for the digital copy of the McGrail Op Delhi daybook sent to STI on the 17th of April 2024. The metadata for the file shows it was created on the 21st of April 2021. I understand this to be the time when the disclosure exercise in the Operation Delhi criminal case was being concluded. I now tender a copy of the email correspondence in relation to this as **Exhibit CY/WS4/15**.

CY's and JF's daybooks

20. Copies of the relevant sections of my daybooks and Superintendent Field's were provided to the RGP disclosure team. This would have been in November and December of 2022. The fact that Mr Field had redacted his daybooks was objected to by a member of the RGP disclosure team which led to SIO John McVea offering his opinion on the matter to the Chairman of the Inquiry.
21. My own daybook notes are contained in the Inquiry disclosure bundle, with references C3317/8 and C4081/82. Mr Field's daybooks are contained in the RGP network folder used by the RGP disclosure team and named "20221202_Received version.pdf". Mr Field's daybooks, which were in the possession of the RGP inquiry disclosure team in December 2022, were not included in the hard drive provided to the STI in May of 2023.

Questions posed to Mr Ian McGrail at the behest of the Inquiry

22. As requested by the Inquiry Mr McGrail has been asked by the RGP:
 - a. whether he used an RGP or personal laptop to draft his "email to self" of the 12th of May 2020,
 - b. where and with whom he left his computers and daybooks,
 - c. for a schedule of the data he said in oral evidence he had retained and later destroyed.

I now tender a copy of Mr McGrail's reply as **Exhibit CY/WS4/16**.

23. In his response of the 4th of May 2024 Mr McGrail stated that at the time of his retirement his daybooks had been left in his office in a rucksack. He said that he had corresponded with, and asked SIO McVea to locate the daybooks in relation to another matter. I have asked SIO McVea for the result of that search and he has informed me that the daybooks were not found. I now enclose my correspondence with SIO McVea as **Exhibits CY/WS4/17, CY/WS4/18 and CY/WS4/19.**

STATEMENT OF TRUTH

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

Personal Data

NAME: CAROL YEATS

DATE: 19/6/24