

INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

WITNESS STATEMENT OF LEIF SIMPSON SECRETARY OF THE GIBRLATAR POLICE FEDERATION

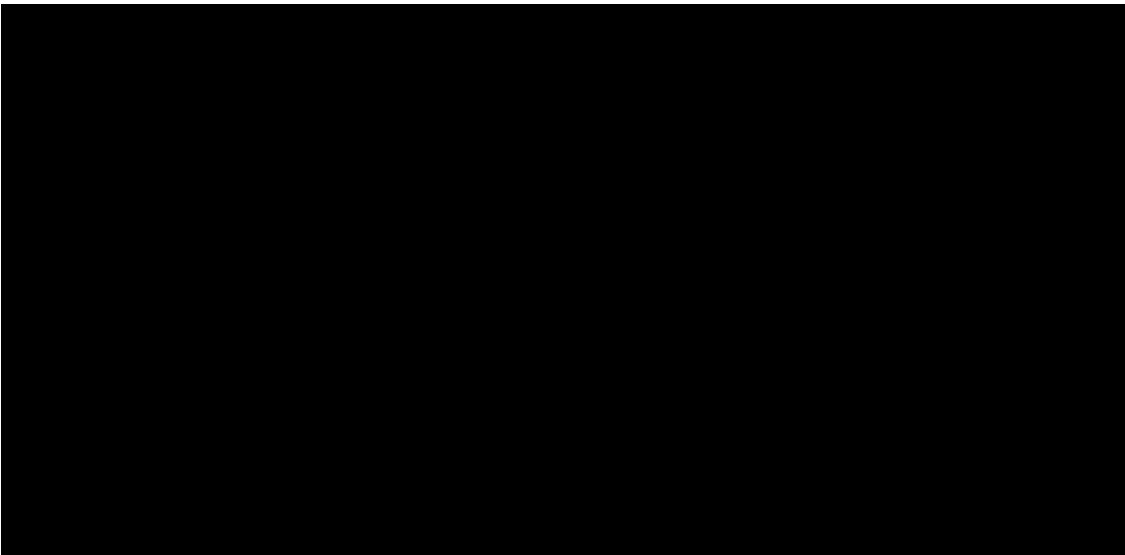
1. My name is Leif Simpson, I am a serving Police Constable PC 206 / Secretary of the Gibraltar Police Federation (GPF) and have been in the force over 16 years.
2. I joined the Royal Gibraltar Police on 9th August 2006. From joining the service up to 6th October 2014, I served on Response Teams, mainly as a van or car driver. I have mainly been part of the Operations Division, either on Response Team and Marine Section. From joining the service up to 6th October 2014, I served on Response Teams, and from 6th October 2014 to 23rd May 2019 I served in the Marine Section. Since 23rd May 2019, I have served officers full time, as the Secretary of the GPF, which I was previously a board member of.

Introduction

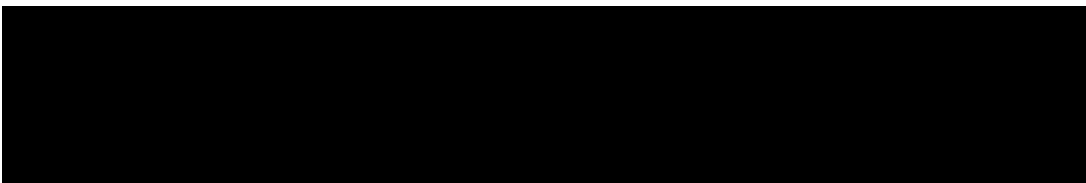
3. This statement is made for the purposes of the Inquiry into the Retirement of the Former Commissioner of Police (McGrail) ("the Inquiry"). I have had sight of Mr Maurice Morello's statement. This statement in large part corroborates and reflects much of that statement as I would on most occasions be with Mr Morello.
4. The relationship between Mr McGrail and the GPF was a very difficult one from the start. It is my aim to hopefully explain and clarify the aggressive manner and controversial attitude in which Mr McGrail dealt with us. Mr McGrail was very clear from the start and on various occasion openly said that he would destroy the GPF to our faces. In addition to our direct experience of Mr McGrail's attitude we have been provided with disclosure that shows the lengths Mr McGrail went in order to curtail the independence of the GPF. At every possible opportunity he would either try to undermine the GPF and attack us at every opportunity.
5. Mr McGrail was adamant to bring the GPF within his control. The fact that we were independent and outside of his control was something he could not come to accept. As described in greater detail below. It got to the stage where the Chairman and myself were subject to numerous disciplinary investigations designed to intimidate us.

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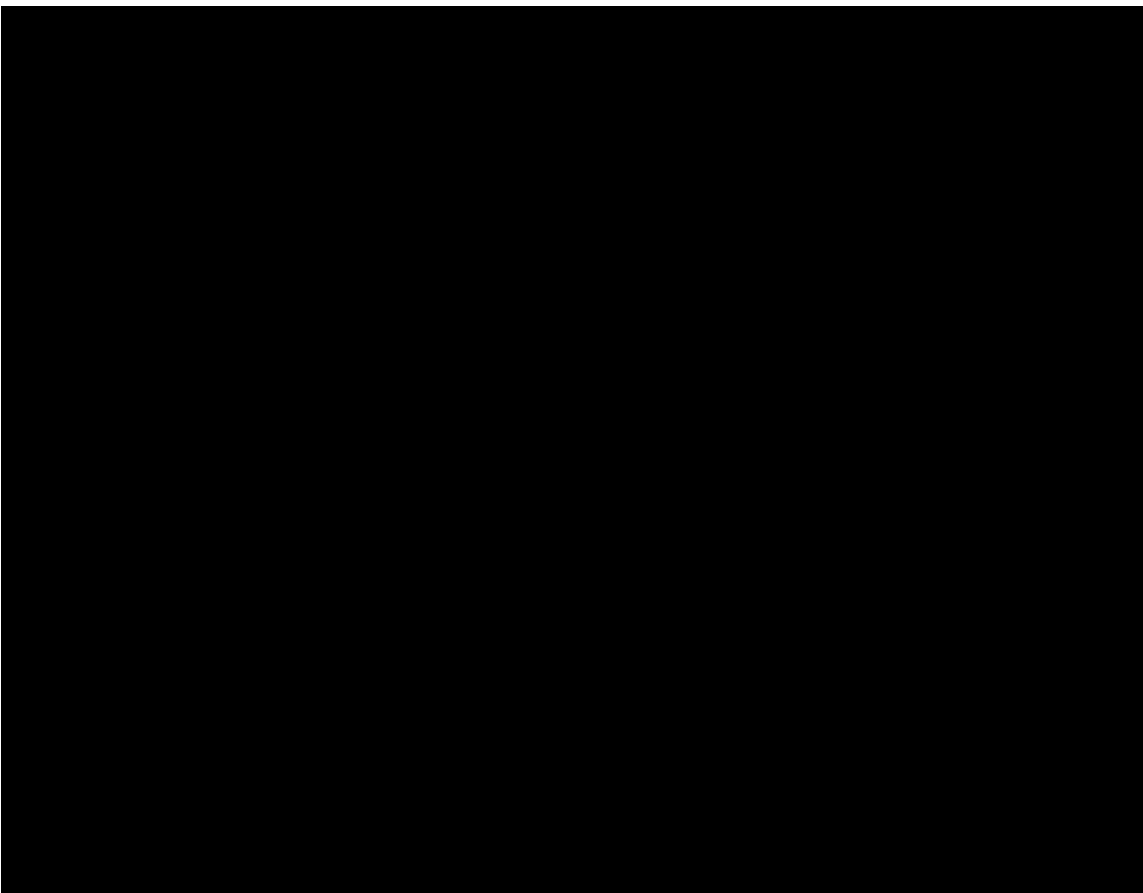
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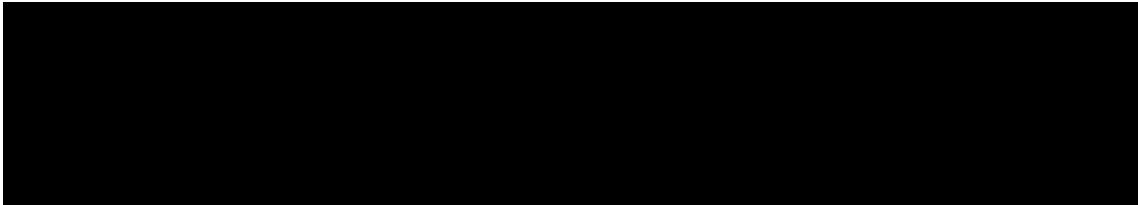
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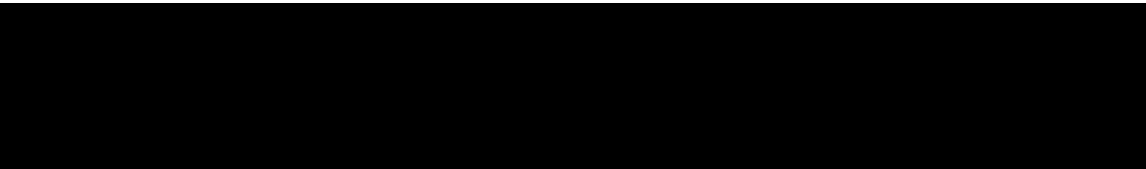


23. On the 21st December 2018 Mr McGrail emailed Mr Joey Britto Chairman of the Gibraltar Police Association complaining of the,

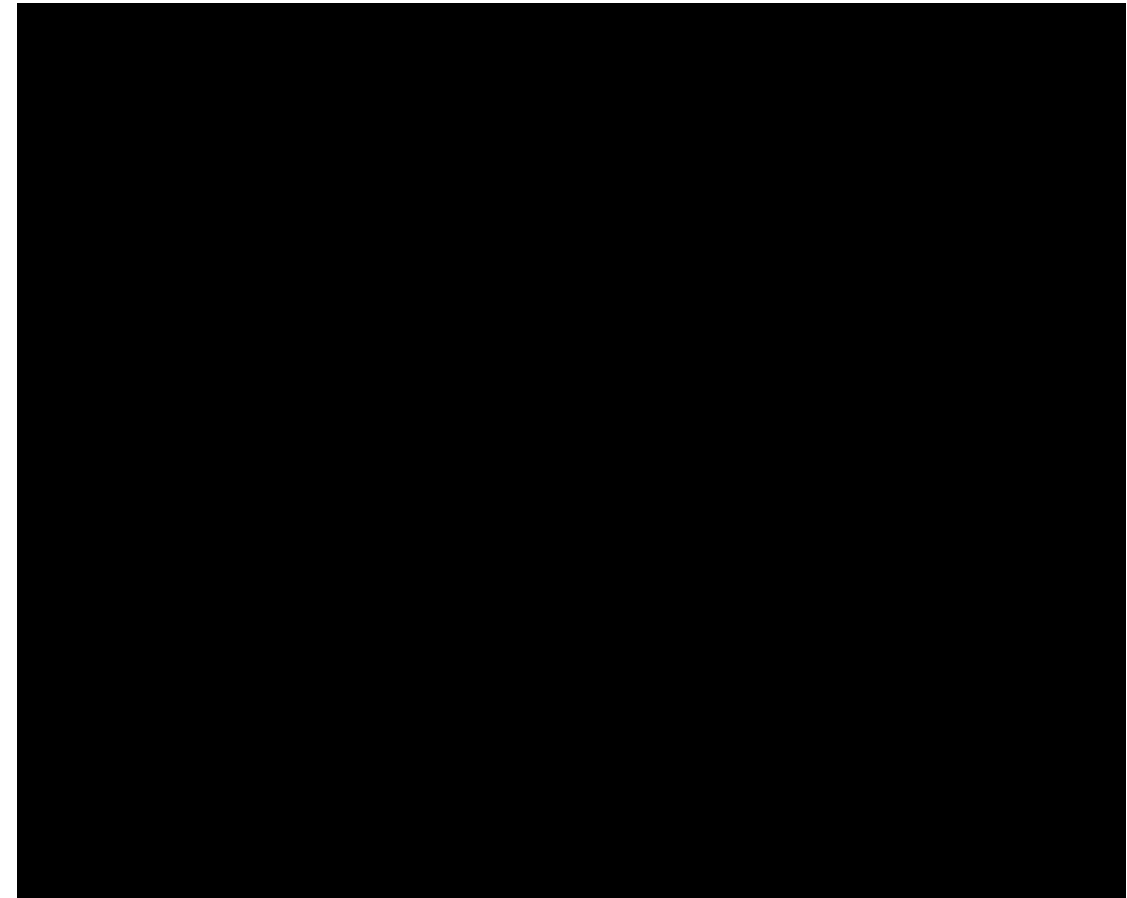
“incessant path of destruction that the Gibraltar Police Federation [Henry Bautista et al] is set on”

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]

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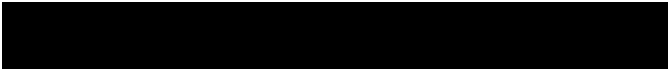
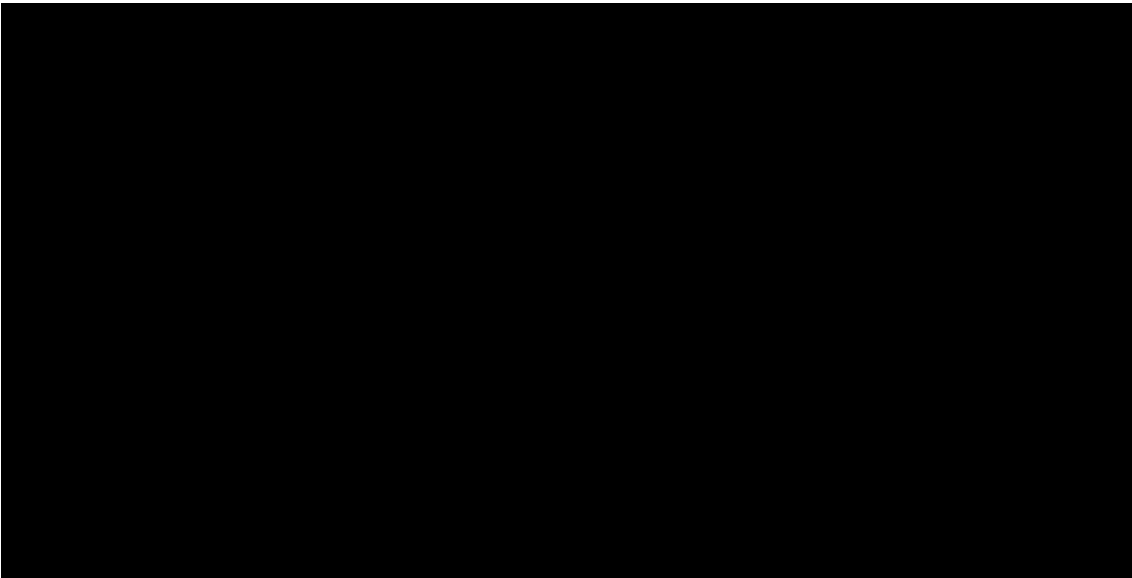
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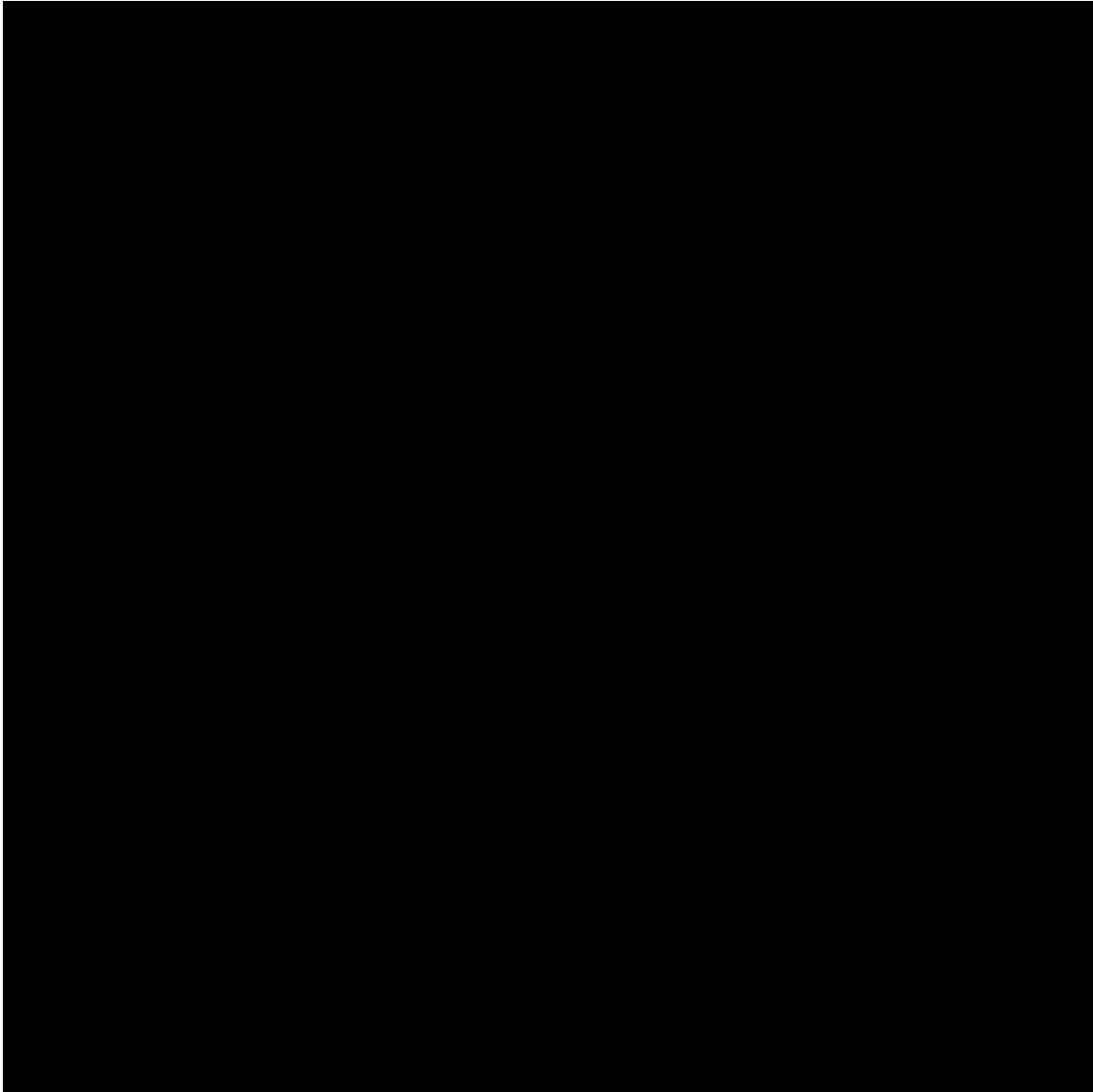
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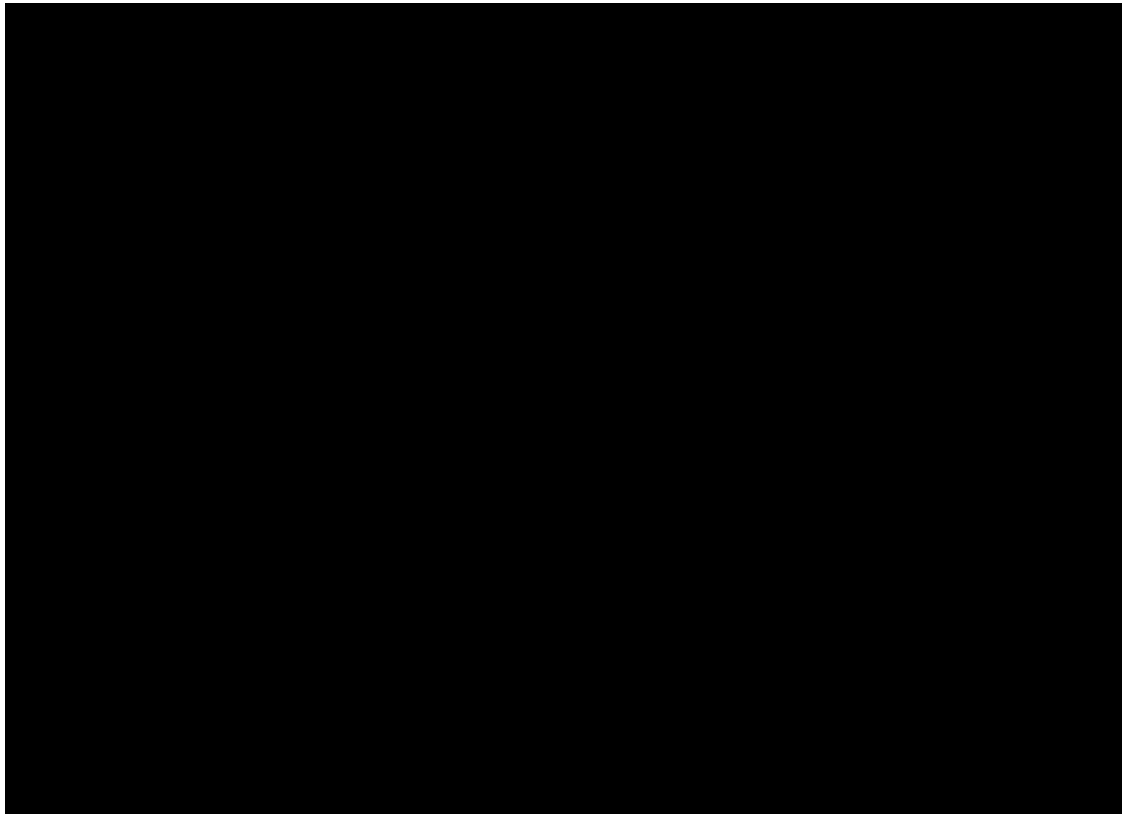
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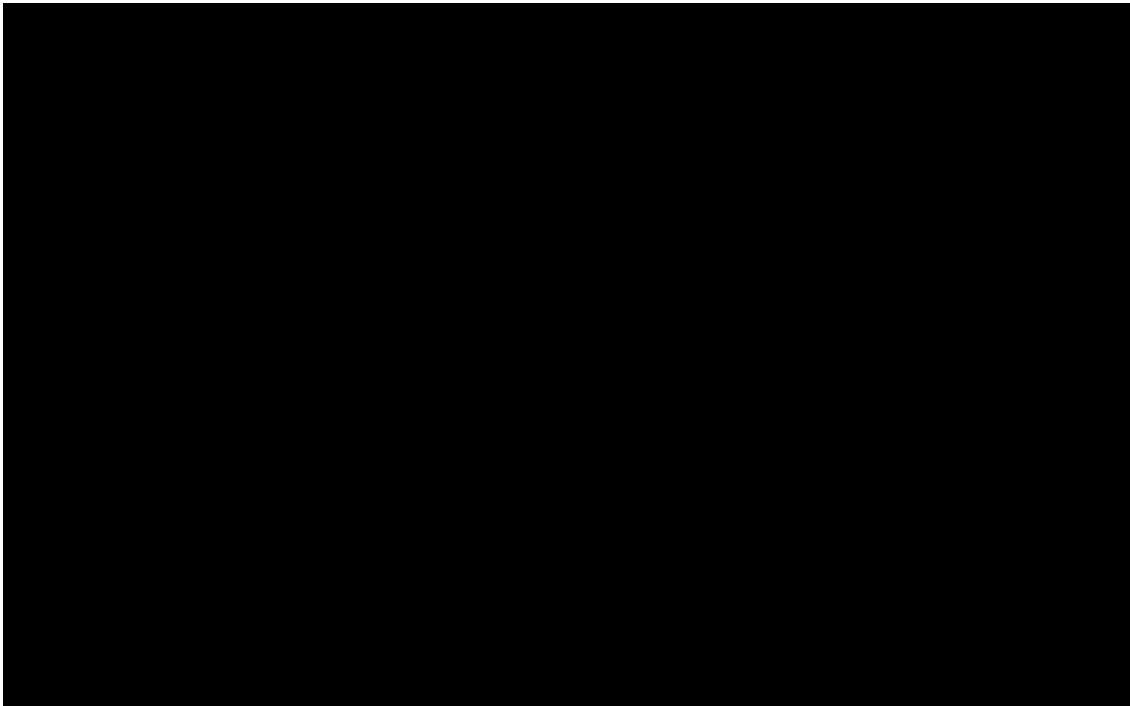


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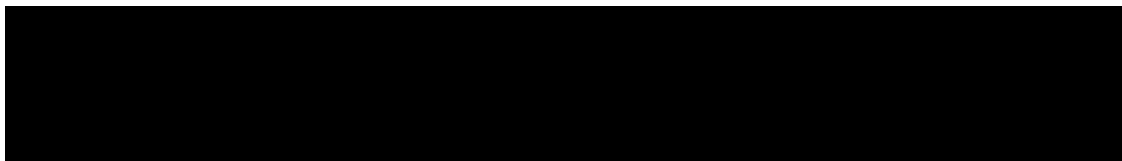
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H. Double Standards - Arrest of RGP Officers in Alcaidesa (Spain)

67. The matter of the Alcaidesa incident is well known to all 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.

68. On the 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)***

69. When the RGP was questioned in relation to this 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”

70. On the 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)

71. When GBC and the Chronicle followed up the story the reply given was the same. The response, which still didn't 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.

72. The sentence of 17/12/2018 No 322/18 of the ***Administracion 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)***

73. 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.

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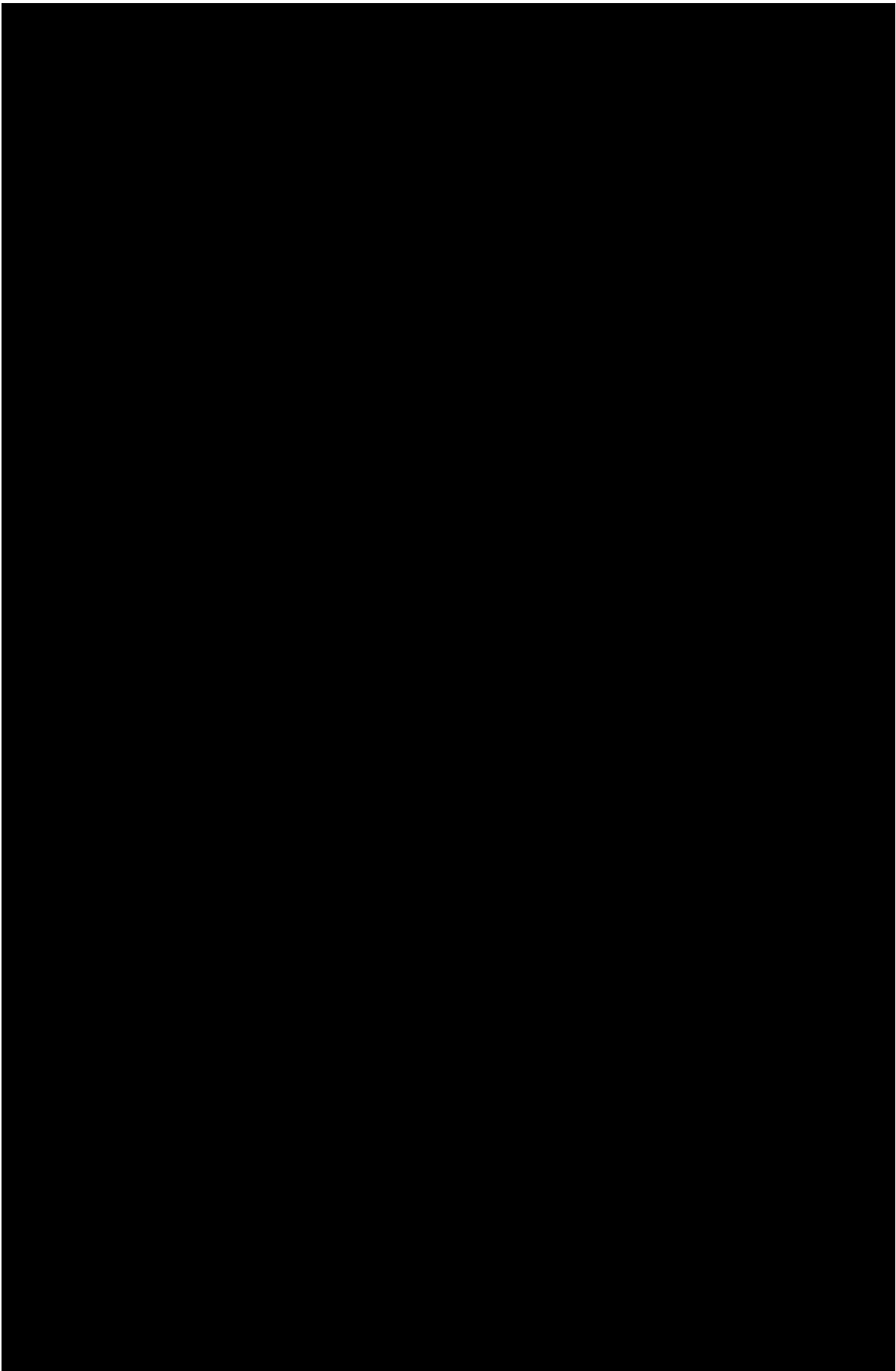
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J. 2019 Survey and Bullying

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99. Before disseminating the results of the survey to our members and to the media, the results were emailed on the 30th September 2019 to the Governor, Chief Minister, Minister of Justice, Commissioner of Police, Assistant Commissioner and the Chairman of the Gibraltar Police Authority.

100. On the 2nd October 2019, we 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 our emails instead of Mr McGrail.

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103. 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.

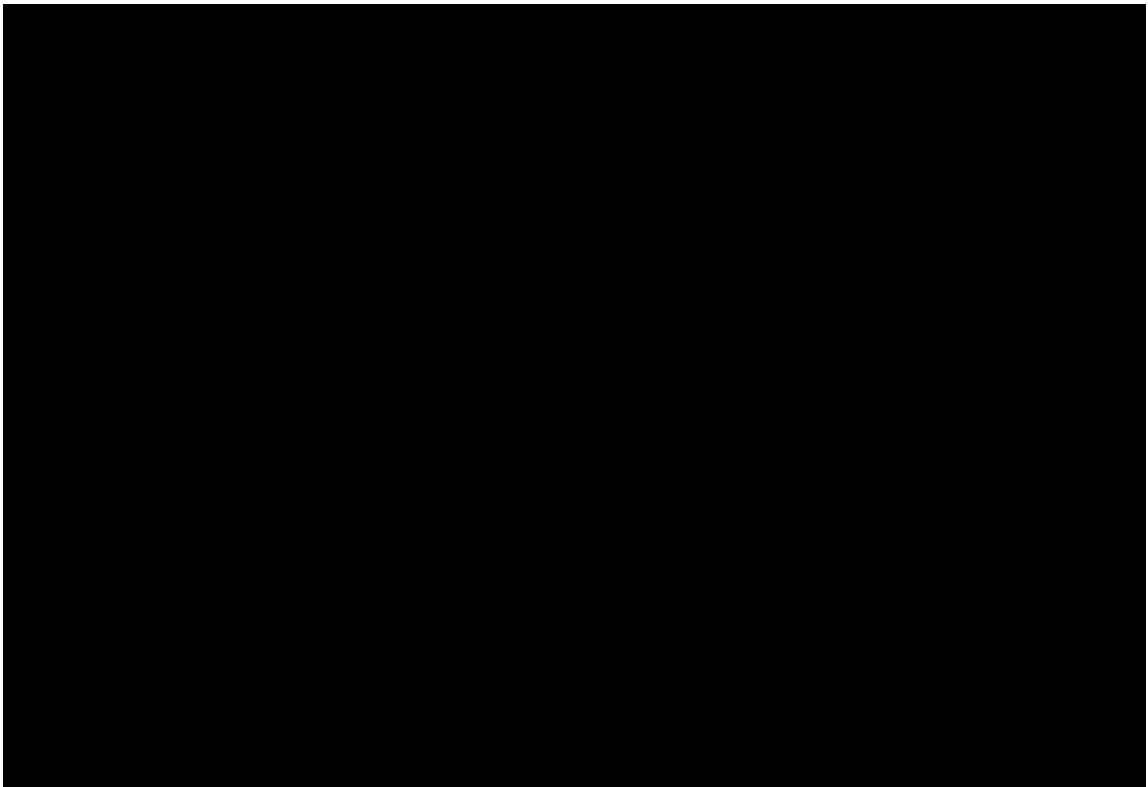
104. Mr McGrail was himself the biggest problem and bully the RGP had. He would deal with officers who either spoke up against how unfair the system was, spoke out general, or did anything that would blemish management's image. This he did with an iron fist although using underhand tactics, so whatever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

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109. 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:

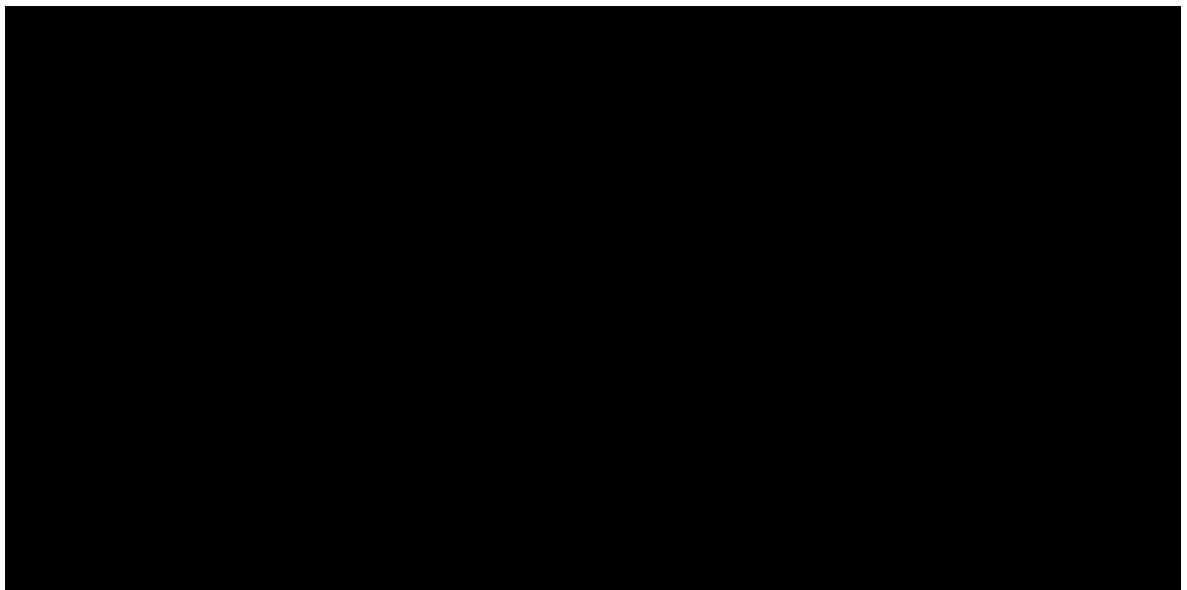
“SMT [Senior Management Team] wiped their arses with the results. No one took it seriously”

“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)

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119. 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 a group I created for all constables as a constable rep before becoming a Convenor. By this stage we knew this was a characteristic trait of the Command, trying to discredit the GPF wherever and however possible. Maurice 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)

120. Maurice then received a reply from Mr McGrail on a Sunday 15th September 2019, to which he showed me 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 him as Commissioner and exerting his authority.

121. The fact was that we had a pre-existing bank appointment regarding the GPF’s account at that time. Maurice subsequently informed the Commissioner of this. The exchange of emails speaks for themselves. 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?”.

122. Maurice informed me later that day past 0800hrs that AC Ullger had called him on his mobile. Maurice told me that he informed AC Ullger that he had no intention of attending as we already had a pre-existing GPF appointment.
123. AC Ullger stated that he was putting him in a difficult position. Maurice informed him that Mr McGrail was using his personal relationship with Maurice to try and get him to attend. He pleaded for Maurice to attend to which he gave in.
124. On Monday 16th September 2019, I waited for Maurice to finish with his meeting at New Mole House where he then informed me that been grilled by Mr McGrail and given a written warning. Maurice informed me that he had informed Mr McGrail that he is acting as the Chairman of the GPF and not as PS 32 Morello and that he should not be acting in this manner to which Mr McGrail didn't want to hear, he even said that he informed Mr McGrail that he cant give him a written warning when he hasn't sat before a disciplinary board to which Mr McGrail told him *"eso es lo que hay" (that is what there is)*.
125. Later that morning, Maurice received a phone call from Insp Roy Perez to attend his office as he had a letter from the Commissioner of Police for him. Sometime throughout the course of the morning he attended his office. Where he received the written warning in an envelope.
126. This completely unlawful course of action was clearly designed to intimidate us. The message Mr McGrail was sending out to the rest of the workforce was clear. Challenging behaviour will not be accepted, and he used Maurice 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? This we got told to us by many officers and board members.
127. We met with Dr Joey Britto [GPA] and explained that the issue of this written warning by the Commissioner of Police to the Chairman of the Federation was totally unacceptable. We explained that Mr McGrail was still using the fact that we were "warranted officers" to justify his actions to discipline us (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.

L. Intimidation by vexatious Disciplinary Investigations against Chairman and Secretary

128. I will now explain matters arising after our Staff Survey was shared with the media. As a result of this, a reporter for the Panorama Newspaper, namely, Leo Olivero, called us to talk about our survey.
129. We met up *(September / October 2019)* where we explained the results of our survey. I do not recall if he wrote any article about our survey. 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.

130. Nearing the end of the meeting, AC Ullger asked whether we had met with the media reference the Survey and Maurice informed him that we had. He probed a little further and he asked whether we had met with Leo Olivero from the Panorama. Maurice informed him that we had. He then asked why we had met with the Panorama when they wrote such negative articles about the RGP. At this point Maurice informed him that in our meeting he had informed Mr Olivero to stop writing negatively about police officers. AC Ullger intervened and stated, what looked jokingly ***“and management”*** to which Maurice replied jokingly that he only cares about his members CI and below.
131. Both laughed about it and the vibe was that it was a joke, the meeting then finished as normal with nothing else mentioned about this, to which to me clarified that it was taken as a joke as I would have expected any manager to challenge this if it was not. Subsequently we found out that the minutes were sent to Mr McGrail (*which to date we have not seen*).
132. On the 8th October 2019, in the evening I was called by Alex Enriles who asked me if I had written anything on Facebook reference Liverpool. This caught me by surprise as I only ever comment on a close private group with only Liverpool supporters and have been doing so for years, but I knew he was not a member of the group so caught me by surprise as to how he knew this. I confirmed that I had posted a post, stating that I hated watching matches on Bien Sports as the presenters were unprofessional and finishing by saying, “sack the fucking pair”. 5 persons have reacted to my post, agreeing and with 2 commenting, agreeing. I thought nothing of it and it was a closed social group of the same fans and a safe place to talk freely about Liverpool and football. He asked me to please delete the post as someone had called him complaining about it. Out of respect to him as a friend I told him I would delete it but because its him and I’m not going to cause any trouble, but that I thought that it was ridiculous that someone has called him complaining about it when it has nothing to do with work etc, but I left it there and agreed to delete it. The moment I hanged up I deleted the post and thought nothing more of it.
133. On the 9th October 2019, Alex Enriles called me and asked if I could meet him in his office. I subsequently attended his office and was informed and served with a Warning Notice for Conduct Likely to Bring the Force into Disrepute. This came as a shock and I wrote on the notice that I was disappointed at this reacting when Alex calling me last night and asking about it and deleting it should have been enough and that it was not political or law enforcement orientated and they should have never really asked me this. I also mentioned that much worst things have been posted on Facebook by others in the past even directly relating to work and nothing has ever happened and I get a warning notice for this, was a joke, and a direct and clear sign that Mr McGrail was showing us that he had us under his control and making promise to his past threats. After leaving the office I checked the closed group for the members list and Mr McGrail was a member of the group as he supports Liverpool but has never commented on the group, no other senior manager was part of the group which made it clear to me that he had complained. I did ask the admins of the group about my post and if

I had offended anyone to which the confirmed I had not and could not believe that I was been disciplined at work for that post.

134. On the 10th October 2019, Insp Alex Enriles attended the GPF offices at Lathbury Barracks, where upon speaking to us he informed Maurice he had a Regulation 9 notice for Discreditable Conduct under the Discipline Regulations 1991 for him.

135. 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”.

136. Maurice informed Insp Enriles that he would not be providing a duty statement or agree to be interviewed, and he instructed him to put the matter down for a disciplinary hearing straight away. This was a clear 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 us and victimise Maurice, once again.

137. Insp Enriles then asked me if he had been present at this meeting to which I said yes, at which point he also served me with a Regulation 9 notice, for Discreditable conduct. Clearly, the Regulation 9 notice was prepared beforehand, as the manner in which I was first asked to confirm whether I was present at the meeting with Mr Olivero can only be described as underhand.

138. 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 we 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, in anyway shape or form. In fact, there is no indication as to what exactly we had encouraged Leo to write negatively about the RGP Command.

139. 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 (PSD) had approached the Panorama newspaper, asking Mr Olivero about the allegation in the Regulation 9 notice which we had been served with on the 10th October 2019, presumably in an attempt to obtain evidence against us.

140. 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)

141. On the 28th January 2020, we were requested to New Mole House by Insp Alex Enriles. Both Maurice Morello and I attended his office. 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”.

142. Once again Maurice explained to Alex Enriles that he was not signing his regulation 9 notice as it was addressed to PS 32 Morello and not Maurice Morello, Chairman of the GPF, as he was being reported for acting as the chairman of the GPF and not PS Morello. Alex refused to change this regardless of the explanation which made perfect sense. I then informed him that I was also not signing it for the same reason as Maurice Morello, but I did inform him to record my reply which was **(THANKS FOR PROVING OUR POINT)** that reporting us the next day that we post at the mercy of the commissioner of police he reports us only proved our point. This was yet another transparent example of intimidation and of silencing the GPF. Mr McGrail was making good all his former threats of destroying the GPF and making this a war.

143. After each occasion of being served with the Regulation 9 notice, Maurice Morello 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.

144. On the 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”.***

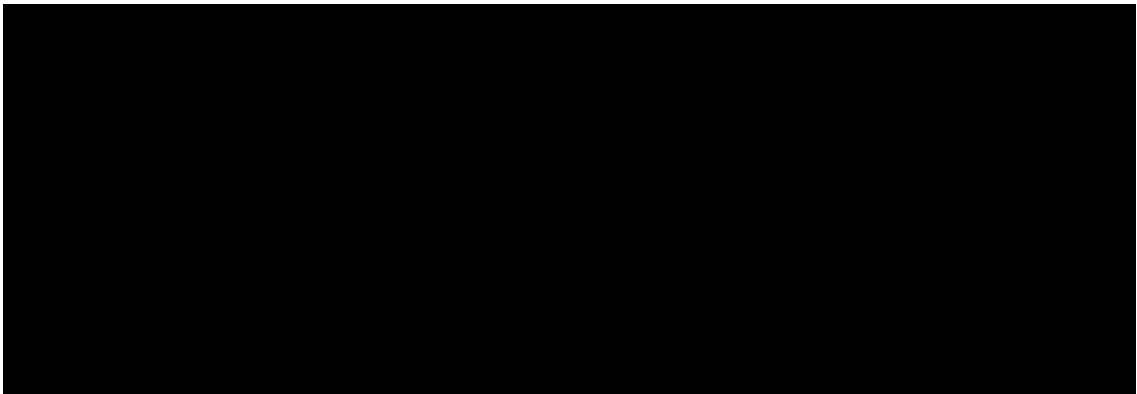
The press release continues by all three Unions publicly expressing their support for their GPF colleagues. **(3rd & 4th February 2020 GBC news and YGTV)**

145. 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”.***

146. At 1030hrs on the 13th February 2020, we 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 than 30 years' service he had never seen local Unions standing up for police officers, which I remember him describing as ***"unheard of"***.
147. 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 us the most was that he 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 neutral Federation representatives from the UK, and also neutral senior officers.
148. We subsequently to no surprise found out that Mr McGrail had written to the Governor, and to the Chairman of the Gibraltar Police Authority on the 5th February 2020 (*letter has still not been obtained*) expressly asking to curtail the powers of the GPF.
149. On the 7th February 2020, Mr McGrail writes again 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 letter is in relation to the Gibraltar Police Federation. In this letter, Mr McGrail refers to his letter on 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"***.
150. At no point on our meeting at the Training Wing did Mr McGrail inform 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?

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154. As the meeting was finishing, Mr McGrail asked to speak with us both in his office. The first point he raised was that of the Regulation 9 notices which had been served on us by PSD. He said they were now ***“stayed”***. Maurice asked him what he meant by this, to which he replied ***“read in-between the lines”***. Maurice informed him that the Discipline Regulations had no provisions for this, and once again he replied ***“read in-between the lines”***. This could only mean that the matter would not proceed, but in my view, there was nothing to proceed with in the first place and now that more know about this, he had no option but to stay it, but he is still not saying he will drop it, so that he is still in charge of it and still shows who is in control.

M. Complaint to GPA

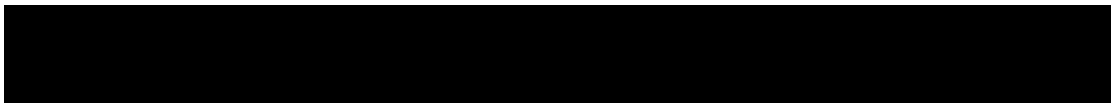
155. After being served with the Written Warning and Regulation 9 notices, we spoke to Dr Joey Britto on the phone, and asked if we could address the GPA Board, not only in relation to the ongoing internal investigation on us, but the general relationship with the GPF and Command.

156. This meeting was held at the GPA offices at Casemates Square (*on the 31st January 2020*) where I recall that most of the GPA Board were in attendance. The meeting commenced and the first thing Maurice said was ***“how do I file a complaint of bullying against the Commissioner of Police?”***

157. They all went silent and I recall Mr Britto saying words to the effect ***“no please, no, that’s all we need now”***. Again, Maurice repeated the same ***“how do I file a complaint of bullying against the Commissioner of Police?”*** and followed seconds after another pause with, ***“you can’t, there is no recourse”***. Maurice informed everyone present that the point he was trying to make was that there were no processes to make complaints against the Commissioner or Assistant Commissioner. Both 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.

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

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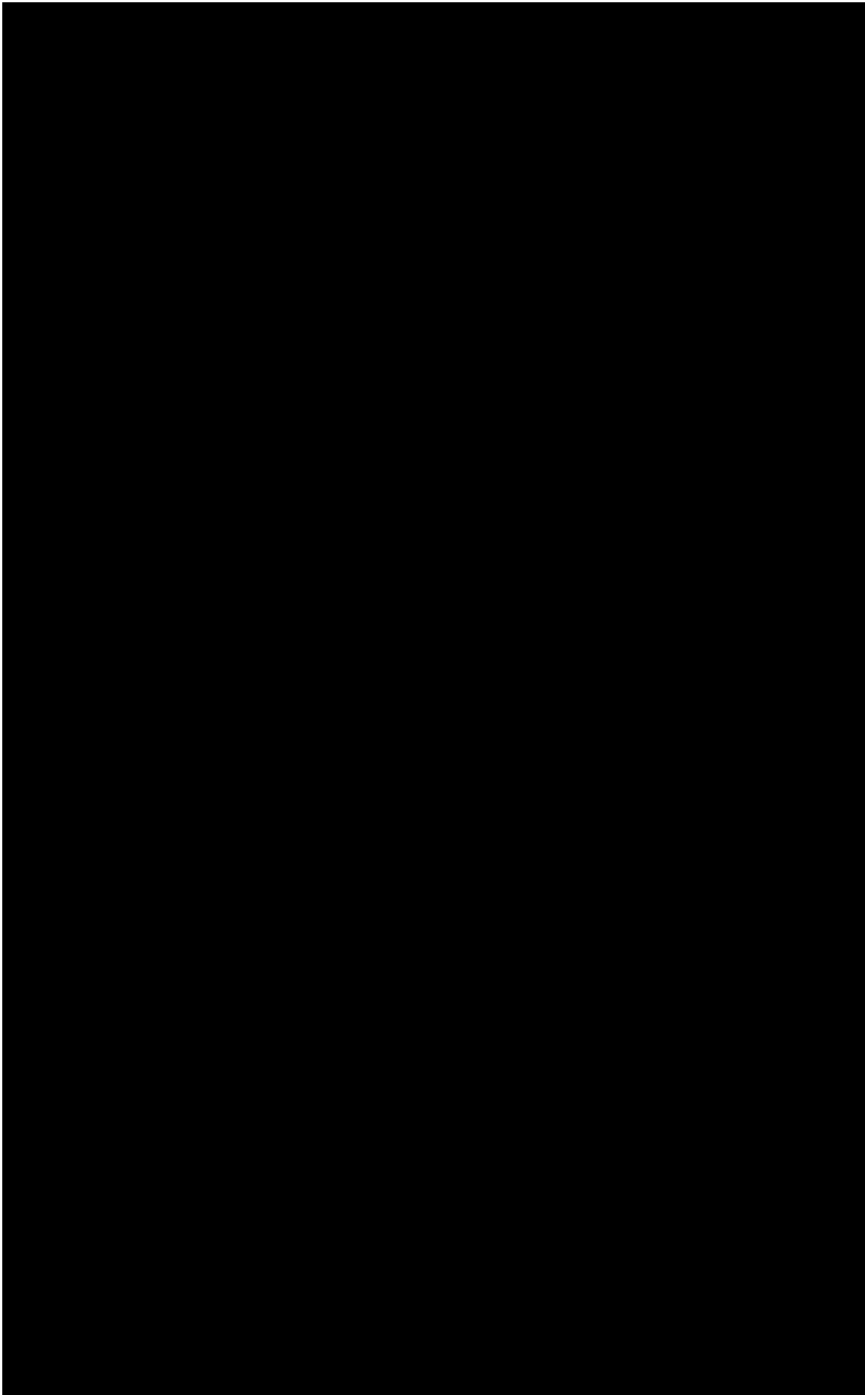
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I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Personal Data

Leif Simpson
Secretary
Gibraltar Police Federation

Dated: 9 March 2023