

**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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**2<sup>ND</sup> WITNESS STATEMENT OF A/DETECTIVE SUPERINTENDENT GARY SMITH**

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1. Further to my statement dated 18 November 2022 and in response to the Triay Letter on 14 June 2023 I received via Nick Cruz, CruzLaw LLP, originating from Triay Lawyers, on 14 June 2023; Triay Lawyers seek clarification into the following:
  - a. *Please confirm when your provisional findings were made available to Mr McGrail and or to Mr Picardo/ Mr Pyle.*
2. As per paragraphs 14 and 15 of my statement made 18 November 2022, on 6 June 2020, I wrote to Ian McGrail informing him of the Metropolitan Police Services' decision to pursue criminal charges against two RGP officers for their role in Operation Kram. We had a brief email exchange on 8 June 2020 whereby he asked for the specifics of the criminal offence(s) being considered.
3. On 9 June 2020 I was informed that Ian McGrail would no longer be available and that all future correspondence should be directed to the new Commissioner of Police Richard Ullger.
4. On 2 August 2022, Attias & Levy, provided a list of names and individual bodies alphabetically A to V. The Chief Minister, Mr. Fabian Picardo is referenced as (B) and the Deputy Governor of Gibraltar, Mr Nick Pyle is referenced as (E).
5. I have listed those individuals I had contact with and drew reference to those I had not, in paragraph 5 and 6 of my statement dated 18 November 2022. For clarity, I have had no dealings with either Mr. Picardo or Mr. Pyle during the course of this investigation.
6. I am aware that RGP completed an internal report relating to Operation Kram and I believe this is the report refer to. I reiterate paragraph 39 of my first statement.

7. Paragraph 41 of my statement dated 18 November 2022 references the following four documents:-

- (i) File of evidence pertaining to the criminal investigation;
- (ii) Organisational Learning Report for RGP;
- (iii) Discipline case report;
- (iv) Coroner's Report.

8. For clarity, below I provide the dates passed and to whom:

- (i) December 2020 – DSU John Field, RGP;
- (ii) September 2020 - DSU John Field, RGP;
- (iii) June 2021 – AC Cathal Yeats, RGP;
- (iv) July 2021 – Charles Pitto, Presiding Stipendiary Magistrate/Coroner.

9. I confirm all four documents were never shared with Ian McGrail and were completed post his departure.

### Statement of Truth

I believe that the facts stated in this Witness Statement are true.

Signed

**Personal Data**

Asst Detective Superintendent Gary Smith

Date: 26/06/2023