

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 4th February 2022 in Legal Notice No.34 of 2022**

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

Introduction

1. My name is Cathal Yeats, and I am the Assistant Commissioner of Police. I am in my 26th year of police service and have been the Assistant Commissioner since July 2020.
2. I write this statement in answer to a number of specific questions in relation to events that are relevant to the "Inquiry into the Retirement of the Former Commissioner of Police", Mr Ian McGrail. For ease of reference, I have answered the questions as they appear in the letter to me of the 14th of July 2022 from the Solicitors to the Inquiry, Attias & Levy.
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-Following Mr McGrail's appointment as Commissioner of Police, were any formal complaints made by or to you in respect of the efficiency, effectiveness, probity, integrity or independence of Mr McGrail in the undertaking of his duties as Commissioner of Police

4. Mr McGrail was selected as commissioner in December of 2017, formally taking up the appointment in May of 2018. At the time I was a police superintendent, heading the Operations Division. At no time were any complaints made by me in respect of Mr McGrail, either to him or any other party. Neither were any complaints in respect of the efficiency, effectiveness, probity, integrity or independence of Mr McGrail made to me by any person.

b-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?

I was not aware of any allegations or complaints made by the Police Federation against Mr McGrail in respect of bullying or intimidation. I understand the Police Federation, in this context, to mean the eight elected members of the Gibraltar Police Federation Board. If the question relates to any member of the Gibraltar Police Federation other than the committee, I can also confirm that no allegation or complaint in respect of bullying and intimidation was made to me in relation to Mr McGrail.

5. Shortly after the commencement of Commissioner McGrail's tenure I recall having heard of a difficult meeting between Sergeant Maurice Morello, the then acting chairman or then chairman of the Police Federation, and the commissioner. This set the tone of the relationship between them.

c-Operation Delhi

***Point 1 [c] – In respect of Operation Delhi:
[i] what was your involvement in Operation Delhi?***

6. I was not involved in Operation Delhi. Although I became aware of a very sensitive investigation shortly after it commenced, I was not aware of any of the detail. I eventually became aware of some of the detail of the investigation when asked for advice by the investigating officers on specific matters. One such piece of advice involved the status as suspects or witnesses of a number of persons of interest to the investigation. My principal advice to the investigating officer, Superintendent Richardson, was to record and rationalise these decisions using the National Decision Model. He would then be in a

better position to defend his decision making should it be subsequently questioned.

[ii] Did you attend any meetings in respect of Operation Delhi with Mr McGrail and / or any of the following persons:

1 Fabian Picardo QC MP, the Chief Minister

2 Albert Mena, Financial Secretary

3 Neil Costa [then Minister for Justice]

4 Minister Joseph Garcia

5 Darren Grech, Chief Secretary

6 Michael Llamas QC, Attorney General

7 Christian Rocca QC, Director Public Prosecution

8 Nicholas Pyle, Deputy Governor

9 Dr Joseph Britto , Chairman of the Gibraltar Police Authority

10 Hassans International Law Firm

7. The only listed person I have met in relation to his matter is the Chief Minister Fabian Picardo.
8. On the 7th of April 2021 I accompanied one of the investigating officers of Operation Delhi, Chief Inspector Mark Wyan, to a meeting with the Chief Minister at No6 Convent Place. Also present at the meeting was Mr Peter Canessa, the chief minister's private secretary. The purpose of the meeting was for CI Wyan to discuss the drafting of chief minister's witness statement in relation to Operation Delhi.
9. At that meeting, the Chief Minister expressed his discontent at the manner in which the search for devices belonging to Mr James Levy KC had taken place. He informed us that after the search of the Hassans premises had taken place he was told that the Director of Public Prosecutions had advised the investigating officers to execute a search warrant rather than a production order. He had subsequently been told by the Director of Public Prosecutions that the opposite was the case.

[iii] Were meeting minutes or file notes made by you and/ or other attendees during any of the meetings or shortly thereafter? If so, were these circulated? Please provide copies of same.

10. I made a note of the meeting on my return to my office. The note was not circulated.

[iv] Were any complaints made or concerns raised to you in respect of Mr McGrail's handling of Operation Delhi, including, in particular, the decision to seek and enforce search warrants ('the Search Warrants') in respect of Mr James Levy KC.

11. Other than the comments I refer to in paragraph 8 above I recall no other complaints or concerns being raised to me personally.

Operation Kram

d – In respect of Operation Kram – the incident at sea on 8 March 2020:

[i] What was your involvement in Operation Kram?

12. I was not initially involved in Operation Kram, I was away from Gibraltar when the incident occurred. I became involved in Operation Kram following the retirement of Commissioner McGrail and on my appointment as assistant commissioner, principally to fulfil the functions vested on the assistant commissioner by the Police (Discipline) Regulations 1991. I was also kept abreast of developments by Superintendent Field, the initial investigating officer and appointed liaison with the Metropolitan Police Service investigating team.

[ii] Did you attend any meetings in respect of Operation Kram with Mr McGrail and/ or any of the persons listed in paragraph 1(c)(ii), including in respect of the potential damages claims arising out of the incident?

13. On the 15th of May 2020 I was sent an email by the then commissioner's personal assistant which contained a letter to Mr Robert Fischel KC. The letter was from Commissioner McGrail replying to a letter from Mr Fischel dated the 14th of May.
14. As a result, I emailed the Director of Public Prosecutions, Christian Rocca KC to arrange a meeting to discuss a way forward. This meeting was arranged for Tuesday the 19th of May at 1200hrs.

15. I met with the DPP at midday on the 19th of May. His view was that his office was not in a position to act for the RGP to defend the claim as a conflict would arise. He also advised that we should not disclose the officer's names at that stage and that the Coroner's Inquest should take precedence over any internal disciplinary process. The DPP would discuss the matter with the Attorney General and revert.
16. Later on that day I received further correspondence from Mr Robert Fischel KC which I also forwarded on to the DPP.
17. I replied to the letter from Robert Fischel KC to me of the 19th of May on the 20th of May.
18. Also on the 20th of May at 0930hrs having had no communication from the DPP I contacted him by telephone. He told me that the AG agreed with his view on conflict and representation and that I should write to him directly requesting the appointment of counsel.
19. Shortly after midday on the 20th of May I wrote to the AG explaining the DPP's views on the potential conflict of interest and seeking his authority to appoint counsel. I received an email later on that day from the AG, it contained an email from the Chief Minister to the AG, rejecting the request and stating that he would be writing directly to the commissioner on the matter.
20. I did not attend any meeting with any of the other listed persons.

[iii] Where you privy to any correspondence with any of the persons listed in paragraph 1(c)(ii) above in respect of Operation Kram?

21. I have referred to correspondence on this matter with the Attorney General and Director of Public Prosecutions in paragraphs thirteen to nineteen of this statement.
22. On Thursday the 21st of May 2020 the Chief Minister, Fabian Picardo wrote to the commissioner invoking the provisions of Section 15 of the Police Act 2006 and requiring a factual report into the collision at sea. This letter and the subsequent reply were shared by Mr McGrail with the Command Team of which I formed a part.

23. I cannot recall any other correspondence on Operation Kram with the persons listed until I engaged with the attorney general, director of public prosecutions and chief secretary to arrange for Mr Neil Costa to advise and represent the Royal Gibraltar Police in the disciplinary proceedings against the officers involved in the collision at sea. Mr Costa had previously been engaged to act for the RGP in the personal injury claim and the Coroner's Inquest. I was not involved in that process.

[iv] What were the findings of the Metropolitan Police Services's investigation of the incident out at sea?

24. I was not involved in the Metropolitan Police Service's investigation until it had been decided that no criminal charges would be proffered against the officers involved in the collision due to issues of jurisdiction. Once that position was established the MPS team were asked to prepare recommendations for disciplinary proceedings should those be appropriate.

25. On the 4th of June 2021 I received the "Misconduct Report" from Detective Chief Inspector Neil Rawlinson from the MPS. The conclusion of the report was that the coxswain of the vessel involved in the collision should be charged with four disciplinary offences and a second crewmember aboard the vessel during the collision should be charged with three disciplinary offences.

[v] What further developments were there in terms of legal correspondence and civil claims from persons involved in the collision at sea, and what dealing and exchanges of correspondence did you have with the Office of Criminal Prosecution and Litigation, the DPP and/ or the Attorney-General in relation to these matters.

26. I did not engage with either of the OCPL, DPP or AG directly on the issue of civil claims, these have been handled primarily by Commissioner Ullger. I have been present in some meetings together with the commissioner and legal counsel where this issue, along with other matters relating to the collision at sea has been discussed. These other matters are the Coroner's Inquest and the RGP disciplinary process in relation to the two officers who were charged with disciplinary offences.

e-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(c)(ii) above:

The runway incident involving the detention by the RGP of senior MOD personnel in Gibraltar?

27. I was involved in this incident on the day of the runway incident itself, the 8th of February 2017. I was in the company of the now commissioner and then Superintendent Ullger liaising and coordinating with officers of the Royal Gibraltar Police involved in the matter, including the then Commissioner Yome and then Superintendent McGrail. I was not involved in the subsequent investigation into the runway incident or the investigation into the serviceman suspected of being in possession of indecent images.
28. In late August or early September of 2019, I was contacted by the Police Complaints Board in relation to two complaints in relation to the same incident made against Commissioner McGrail and Superintendent Tunbridge. The complaint was made by two previous members of the British Forces Gibraltar Joint Provost Support Unit. Both had since left Gibraltar. The complaints were about actions taken by the investigating RGP officers when search warrants were executed at the naval base on the 1st of March 2017.
29. As the superintendent of the then Planning, Development and Support Division and responsible for professional standards I liaised with the PCB Chair Mr Frank Carreras. I subsequently learnt that the complaints were not sustained by the PCB but that the complainants had appealed. I believe that I was subsequently informed that the appeal had not been upheld.

[ii] The findings of the 2020 Report by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services?

30. In late 2018 a staff survey was conducted by the Gibraltar Police Federation focussing on the issue of bullying. The survey was, amongst other things, critical of the leadership and management of the RGP. The commissioner invited AAP Associates, a consultancy group made up of retired senior UK police officers, to look into the matter. The visit took place in April and May of 2019 and a report was presented to the commissioner on AAP's findings.

31. Following this report, the commissioner felt that an inspection by HMICFRS would be appropriate. His view was that an inspection by HMICFRS would get to the bottom of the issues of bullying and help improve the organisation by either establishing that bullying was not an issue or, if it was, a better understanding of the issue would assist in addressing it. The entire command team at the time, which comprised of AC Ullger, Supt Richardson, Supt Lopez, Supt Tunbridge and I were uncomfortable with the suggestion. This was principally because whilst we felt that it would help to address the bullying issue, the consensus was that not enough progress had been made to address the recommendations of the 2016 HMICFRS report following the inspection of September 2015. We felt that this would expose the organisation to renewed criticism. Our view was that HMICFRS should be invited to return once progress had been made. By their very nature, inspections or audits of this type look back over a period of time and previous inspections, in the case of the then hypothetical inspection under discussion, the 2016 report. They also test progress made against previous recommendations and compliance with organisation's policies.
32. HMICFRS were subsequently invited to inspect the Royal Gibraltar Police by the Gibraltar Police Authority. The inspection taking place in October of 2019. As the divisional head of the Planning, Development and Support Division and being responsible for professional standards I was interviewed by the inspectors on matters relating to professional standards. These centred on our understanding of the risk of corruption of officers and staff, through abuse of position for a sexual purpose, notifiable associations, business interests and gifts and hospitality.
33. In April of 2020 HMICFRS finalised their report into the inspection carried out the previous October. HMICFRS reported that all of the 2016 recommendations bar one remained areas for improvement. They also reported that the improvements were required into ethical behaviour, culture and values and increasing the Force's understanding of the risk of corruption.
34. HMICFRS were invited to return to inspect the RGP in April of 2022. At this point Commissioner Ullger and the rest of the command team felt that sufficient progress had been made to address the areas for improvement and recommendations made in 2020.

35. At an introductory meeting on Easter Monday, the 18th of April 2022 the commissioner and I met with HMI Matt Parr and the inspection team. Mr Parr commented on the volume of evidence that the RGP had provided the inspectors in advance and inquired about the Force generally, including the effects that the public inquiry into the retirement of the previous commissioner was having.
36. HMICFRS reported on their evaluation of progress since the 2020 report in the summer of 2022. They stated that six of ten recommendations had been implemented with four being partially implemented and that fourteen of the fifteen areas for improvement had been implemented with one being partially implemented.
- f-Where you involved in any meetings or briefings with Mr McGrail and/or the RGP Command Team in the month or so leading up to his resignation? In particular, please provide your recollection of the meeting between Mr McGrail and the RGP Command Team (including yourself) on 22 March 2020.*
37. During the period in question Gibraltar was in midst of the first lockdown as a result of the Covid 19 pandemic. From the commencement of restrictions on movement the commissioner had convened daily conferences to discuss lockdown matters. These took place regularly. It was not uncommon for other issues to be discussed or raised as the entire command team were usually present.
38. I recall that following the execution of the search warrant at Hassans on the 12th of May 2020 the commissioner and superintendent Richardson were required to attend a number of meetings with the attorney general and director of public prosecutions. They described those meetings as tense and difficult and they were concerned about the level of interest and discussion of operational matters. These concerns were shared by the wider command team.
39. During the week of the 18th of May I was involved with the personal injury claim arising from the collision at sea which I have described earlier.
40. It was against the backdrop of both these ongoing matters, particularly the arrival of the Police Act section 15 request on the evening of the 21st, that the

commissioner informed us that the chairman of the Gibraltar Police Authority was coming to see him on the morning of the 22nd of May.

41. At some point that morning the commissioner asked to meet the command team where in a clearly emotional state he told that us that he had effectively been fired. He read from the letter that had been presented to him by the GPA chair, citing the collision at sea, bullying and the HMICFRS report, in particular the criticism on our understanding of corruption.
42. All those of us present, the assistant commissioner, superintendents Tunbridge, Richardson and I were extremely upset. We could not understand what was happening. Later that morning the commissioner left to take legal advice.
43. We reconvened in the commissioner's office in the afternoon. He told us that he was engaging with the GPA to resist him having to retire. He encouraged us to focus on taking the RGP forwards beyond the moment of extreme difficulty, as the good of the organisation was the most important consideration.
44. The reasons for Commissioner McGrail's retirement remain unknown to me.

STATEMENT OF TRUTH

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

Personal Data

NAME: CAIROL TEATS

DATE: 21/11/22