

# INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE

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## WRITTEN SUBMISSIONS BY COUNSEL TO THE INQUIRY

FOR HEARING ON 9 – 11 APRIL 2025

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***Bundle references are to the Witness Bundle [A--]; Exhibits Bundle [B--]; Chronological Bundle [C--]; RGP Disclosure Bundle [D--]; and New Disclosure Bundle [E--]***

### A. INTRODUCTION

1. These are CTI’s written opening submissions in advance of the Inquiry Hearing on 9-11 April 2025. Since the conclusion of the Main Inquiry Hearing in May 2024, the Inquiry has received additional disclosure from the RGP, Mr McGrail and Mr Richardson. The new disclosure is largely in the form of WhatsApp messages between senior RGP officers, and has been disclosed to CPs.
2. In response to an application by the Government Parties dated 24 November 2024, the Chairman ruled on 10 February 2025 that the Inquiry should be reconvened for three days (“**the Ruling**”<sup>1</sup>). It is important to note at the outset that this hearing will not be a generalised opportunity for CPs to re-open all issues arising in the Inquiry, which were comprehensively aired at the Main Inquiry Hearing.
3. Rather, the purpose of the hearing is two-fold:
  - a. First, to allow the RGP, Mr McGrail and Mr Richardson to address alleged gaps, delays and failures in the disclosure that they provided to the Inquiry prior to the Main Hearing. At paragraph 66(i) of the Ruling, the Chairman held that: *“I have no doubt that fairness requires that it is necessary to reconvene a short hearing, in public, to allow Mr McGrail, Mr Ullger, Mr Richardson and Mr Yeats the opportunity to give their explanations for the alleged delays, failures and deletions, in public, at a live-streamed hearing and for their explanation to be challenged by Counsel to the Inquiry and probably by other Core Participants.”* The Chairman has noted that it is *“at least arguable”* that by Mr McGrail’s counsel emphasising the failures

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<sup>1</sup> <https://coircomp.gi/wp-content/uploads/2025/02/2025-02-10-Ruling-on-application-to-reconvene.pdf>.

by others to disclose relevant evidence, Mr McGrail was implicitly asserting that he “*had faithfully fulfilled his duty*” of disclosure (Ruling para 31).

- b. Second, and to a lesser extent, to question Mr McGrail, COP Ullger, Mr Richardson and ACOP Yeats on the contents of the new disclosure, where it may shed light on the reasons and circumstances leading to Mr McGrail’s early retirement in June 2020. The newly disclosed messages are relevant to various topics identified by the Inquiry’s List of Issues,<sup>2</sup> including Issue 3 (the Incident at Sea), Issue 5 (Operation Delhi), Issue 6 (the Federation Complaints) and Issue 8 (the 29 May Letter).

4. In drafting these submissions, CTI have borne in mind two overarching principles:

- a. First, the Inquiry’s Terms of Reference remain to inquire into the reasons and circumstances for Mr McGrail’s retirement. This is not an Inquiry, for example, into data management at the RGP or policies on phone usage by RGP officers. Such matters are only relevant to the extent that they either (a) have prevented or impinged upon relevant evidence being disclosed to the Inquiry, and in turn affected its fact-finding, or (b) shed light as to the credibility of a CP (where that CP is in issue on any fact relevant to the Inquiry). Therefore, CTI’s questions and submissions will be linked to evidential gaps or shortcomings which the Inquiry is seeking to address, and particularly focused on shedding light on matters that fall within the Inquiry’s List of Issues.
- b. Second, the matters canvassed at this hearing must be viewed in the overall context of the evidence at the Main Inquiry Hearing, in which some 17 witnesses gave evidence over 19 days. The Report is at a very advanced stage and the Chairman has already prepared an extensive first draft. CTI respectfully adopt the Chairman’s warning at paragraph 63 of the Ruling that “*the fact I have reconvened the hearing to deal with these points, does not invest them in any special importance*”.

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<sup>2</sup> <https://coircomp.gi/wp-content/uploads/2023/11/Provisional-List-of-Issues-updated-PH5.pdf>.

## B. DISCLOSURE ISSUES

### B1. Chronology of RGP disclosure

5. CTI have already prepared a detailed chronology on the late disclosure provided by the RGP, Mr McGrail and Mr Richardson, which is reproduced in the Annex to the Ruling.<sup>3</sup> It is unnecessary to repeat that detailed chronology here. However, updates occurring since the Annex was published are set out below.
6. On 11 March 2025, the Inquiry received four further witness statements from RGP officers (COP Ullger, ACOP Yeats, Supt Wyan and DC Garcia). In summary:
  - a. COP Ullger reiterated the RGP's position that it has given "*very comprehensive disclosure ... in extraordinarily close cooperation with STI*" (Ullger 5 para 3 [E869]). He noted other significant matters which imposed considerable workloads on the RGP at the same time as the disclosure process, including reorganising due to losing officers as a result of the whistleblowing allegations, policing demands and implementing the recommendations of HMICFRS (Ullger 5 para 19 [E872]).
  - b. ACOP Yeats provided a detailed update on the RGP's efforts to address alleged gaps in disclosure. Most significantly, he explained that "*neither ... Mr Ullger, Mr Richardson or I have had access to any WhatsApps held on RGP devices since November 2020*", when their RGP phones were switched from Samsung to Apple and different email accounts were used to set up the new devices (Yeats 6 paras 11, 26 [E877, 880]). He also set out reasons why, in his contention, the RGP has given "*full and comprehensive disclosure*" (Yeats 6 paras 41 to 66 [E884]).
  - c. Supt Wyan provided a short statement explaining that at the time of the Inquiry's original disclosure request, his personal mobile phone, which had been in use during the relevant period, was "*non-functional*". He stated that he was unable to access any information on it. He had provided his personal phone to DC Garcia in June/July 2024 for forensic analysis, which resulted in messages between him and Mr Richardson being extracted (Wyan 4 paras 6, 10 [E1065]).
  - d. DC Garcia, of the RGP Digital Forensics Unit, also provided a statement. He explained that he conducted a forensic analysis of the image of Mr McGrail's personal phone taken by DCI McVea (who was conducting the investigation into

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<sup>3</sup> <https://coircomp.gi/wp-content/uploads/2025/02/2025-02-10-Annex-to-Ruling-1.pdf>.

the Inquiry data breach, and therefore seized Mr McGrail's devices). DC Garcia's most significant evidence is that:

- i. McVea's image of Mr McGrail's personal phone contained messages with Mr Ullger's, Mr Richardson and Mr Yeats's personal phones, but not their work phones (Garcia 1 para 12 [E1069]).
  - ii. The references to "*deletions*" in the forensic reports disclosed to the Inquiry in December 2024 related to deletions of entire WhatsApp chats, as opposed to individual messages. He confirmed that "*there were no deletions of messages*" between Mr McGrail and Mr Richardson's personal phones between 1 January and 30 June 2020 (Garcia 1 para 17 [E1070]).
  - iii. The Command Team Group Chat on Mr McGrail's personal phone ended on 3 September 2019 (Garcia 1 para 19 [E1070]).
7. On 18 March 2025, the Inquiry received further witness statements from Mr McGrail and Mr Richardson:
  - a. Mr McGrail clarified that although he had difficulties using his new Samsung work device, he "*did manage to use the Samsung phone for email and some text messages*" (McGrail 10 para 5 [E1085]). He accepted that in continuing to communicate with colleagues and senior government officials on his personal phone, this did "*not represent best practice*" (McGrail 10 para 7 [E1085]).
  - b. Mr Richardson noted that he communicated with Mr McGrail in a variety of ways, including face to face meetings, landline phone calls, emails and WhatsApp messages on their work and personal phones. He noted that there were "*many weeks without exchanges of WhatsApp messages between my personal phone and Mr McGrail's*" (Richardson 5 para 5 [E1088]). He suggested that the message that he sent to Mr McGrail about executing the warrants on 12 May must have been between their work phones (Richardson 5 para 6 [E1088]).

## **B2. Outstanding gaps in the current disclosure**

8. CTI have produced a table, annexed to these submissions, which summarises the disclosure that has been received by the Inquiry in respect of WhatsApp communications

between RGP officers. The following, in particular, remains outstanding (either because it has not been disclosed, does not exist, or did exist but cannot be recovered):

- a. Any messages sent between an RGP work phone and another RGP work phone (ie, messages between work phones belonging to Mr McGrail, COP Ullger, ACOP Yeats, Mr Richardson and Supt Wyan).
- b. Any messages sent between an RGP work phone and an officer's personal phone (although messages may not have been sent between "mixed" personal and work devices).
- c. In particular, messages between Mr McGrail and Mr Richardson from 30 April to 22 June 2020, on any device: see below.
- d. Any messages from the Senior Management Team ("SMT") Group Chat, save for a small number of messages dating 2017 and relating to the Airport Incident [C757]: see below.

### **B3. Factors contributing to gaps in disclosure**

9. The gaps identified above appear to be attributable four overlapping factors, which will each need to be explored at the hearing.
10. First, the RGP's policy of "wiping" phones and not preserving their contents elsewhere after an officer retires. Paragraph 3.3 of the RGP's 'Mobile Device Policy' provides that: "*when an officer or support staff member moves from his relevant post, the officer/support staff member will with the assistance of the RGP IT technician ensure that his/her work issued mobile device is wiped of all personal data and is handed over to the person taking over their role*" [E319]. ACOP Yeats believes that Mr McGrail's work phone was "*treated in this way, i.e. re-purposed*" (Yeats 6 para 17 [E878]). However, the understandable need to "wipe" a phone prior to use by a different individual only requires data to be removed from that device: it does not follow that the data must be deleted altogether and not backed up elsewhere.
11. ACOP Yeats has recognised that the Policy is "*silent on and does not dictate whether the devices should be backed up or how to retain data*" (Yeats 6 para 19 [E879]). COP Ullger has also acknowledged that there were "*gaps*" in the Policy (Ullger 5 para 13 [E871]). CTI note ACOP Yeats's update that improvements have now been made to the Policy, including that the phone data of retiring officers will be extracted and retained moving

forward (Ullger 5 para 20 [E879]). This stands to reason, particularly given the need to preserve messages relating to ongoing investigations which survive an individual's departure from the force. However, it is unfortunate and surprising that there was previously no procedure for preserving relevant messages sent to/from retiring officers on RGP work phones, particularly in the context of: (i) the ongoing Operation Delhi investigation (Cornelio, Perez and Sanchez were charged in September 2020); and (ii) the Inquiry. CTI will explore this with both COP Ullger and ACOP Yeats at the hearing.

12. Second, the transition of senior officer's work phones from Android to iPhone in November 2020, which resulted in a loss of data. ACOP Yeats has explained that in November 2020, each of COP Ullger, ACOP Yeats and Mr Richardson transitioned to Apple iPhone SEs (Yeats 6 para 12 [E877]). He stated that: "*when the change of phones occurred from the Samsungs to the iPhones different email accounts were used to setup the phones. ... [T]he relevance is that any WhatsApp backups on the Samsung devices would have backed up to the associated Google gmail email account. Therefore, when the iPhones were first setup with the Apple icloud email account, the WhatsApp application was unable to restore any messages.*" (Yeats 6 para 26 [E880]). It appears from DC Garcia's evidence that the old Samsung Google Mail backups either were never created or can no longer be accessed [E1071]. Again, it is surprising that efforts were not made to preserve WhatsApp data prior to the transition, particularly in the case of Mr Richardson, given that Cornelio, Perez and Sanchez had been charged with conspiracy to defraud just two months earlier. This will also need to be explored in questioning.
13. Third, on 23 March 2023, Mr McVea seized Mr McGrail's personal devices as part of his criminal investigation into the Inquiry data breach. Mr McGrail explains that when the devices were returned in September 2023, he was not able to access the WhatsApp accounts as they had been deactivated (McGrail 9 para 11 [E258]).
14. This factor is less significant in practice than the first and second factors, because (a) Mr McGrail had already provided disclosure in 2022 in response to the Inquiry's initial disclosure request, and (b) Mr McVea took an image of Mr McGrail's personal phone. As a result, the RGP has a copy of the contents of Mr McGrail's phone "*as it was on the 23<sup>rd</sup> March 2023*" (Yeats 5 para 7 [E276]), from which it has been able to disclose messages – for example, the messages between Mr McGrail and Mr Ullger's personal phones [E328].
15. As to Mr McGrail's stated inability to access his WhatsApp accounts upon return of his phones, CTI notes the Government Parties' submission that: "*It is remarkable that no*

*confirmation nor explanation of this has been proffered by the RGP*" (para 14). However, this point only goes so far. The Inquiry has the benefit of the image taken by McVea, and so there are no messages which Mr McGrail could have provided upon return of his phone which the RGP cannot provide. Further, even if forensic analysis were to show that Mr McGrail could have accessed his messages after his phone was returned, he had already had the opportunity in 2022 to disclose his messages with COP Ullger and Mr Richardson and did not do so on the basis of relevance (see further below).

16. Fourth, COP Ullger has lost access to relevant WhatsApp messages on his personal phone (Ullger 5 para 21 [E873]). He has indicated that he has lost messages with a range of people that he communicates regularly with (eg family members), and believes that he must have lost these messages when he purchased a new personal phone in June 2020 [E302].
17. COP Ullger advised his lawyers as early as 28 June 2024 that he did not have access to his WhatsApp messages before 3 July 2021 on his personal phone [E302]. At that stage, Mr Cruz (on behalf of COP Ullger) contacted Mr Gomez (on behalf of Mr McGrail) to request Mr McGrail's consent for these messages to be recovered from the image taken by Mr McVea [E299]. When the RGP disclosed these messages in September 2024 [E155], they did not state that the source of the recovered messages, although this could be deduced from the messages themselves, as Mr McGrail was the "sender" and Mr Ullger the "recipient".
18. On 12 December 2024, STI wrote to Mr Cruz requesting a sworn statement from COP Ullger or another senior officer. One topic to be addressed was: "*Why were messages from Mr McGrail's phone between Mr McGrail and COP Ullger not also recovered and disclosed*" from the image taken by Mr McVea? In his statement on 20 December 2024, ACOP Yeats responded that the messages had in fact been sourced from the image, rather than COP Ullger's phone: "*Commissioner Ullger has not been able to retrieve messages from the relevant period from his personal phone, (this absence includes other persons with whom he regularly corresponds). Although not having any messages in his control, in the knowledge that an image of Mr McGrail's device had been taken by the RGP, Commissioner Ullger sought Mr McGrail's consent to retrieve the messages from the image.*" (Yeats 5 [E276]). COP Ullger later confirmed this in his own sworn statement dated 11 March 2025 (Ullger 5 para 21-22 [E873]).

19. Again, the practical impact of this factor on the Inquiry's evidence-gathering is less significant than the first and second factors, because of the image of Mr McGrail's phone taken by Mr McVea, which includes messages with COP Ullger's personal phone. However, the apparent delay in relaying this information to the Inquiry will still need to be explored with COP Ullger at the hearing.
20. It does not presently appear that targeted deletions of WhatsApp messages are a fifth factor which contribute to gaps in the disclosure. In the Ruling, the Chairman found at paras 23-26 that:

*"The WhatsApp messages between Mr McGrail's personal phone and Mr Richardson's personal phone [E832] were recovered from the image taken of Mr McGrail's phone by SIO McVea (Yeats 5, para 24). The cover page for the "Extraction Report" states "615 (88 deleted)".*

*The WhatsApp messages between Mr McGrail's personal phone and Mr Ullger's personal phone [E328] were also recovered from the same source. Although the cover page for the "Extraction Report" does not mention any deletions, at various points the extract records that some messages, eight in all, were "deleted by the sender" or are replaced with the wording: "you deleted this message".*

*The cover page for the "Extraction Report" of the WhatsApp messages between Mr Richardson's personal phone and Supt Wyan's personal phone states "306 (13 deleted)"." [E805]*

21. The Chairman therefore held at para 27 that: *"There may be an innocent explanation for these deletions, but Mr McGrail, Mr Ullger, Mr Richardson and Mr Yeats (who supervised the disclosure process) should give that explanation in public, so that it can be challenged in public."*
22. However, since the Ruling was published, the RGP filed DC Garcia's statement confirming that the "*deletions*" relate to deletions of entire WhatsApp chats rather than individual messages within chats. He concludes: *"there were no deletions of messages between Mr McGrail (...4000) and Mr Richardson (...9135) or between Supt Wyan (...4840) and Mr Richardson (...9135) between 01/01/2020 and 30/06/2020"* (Garcia 1 para 17 [E1070]). The Inquiry has no reason to doubt this conclusion, which is based on the technical process explained by DC Garcia in paragraphs 14-16 of his statement. The Government Parties have also not raised the issue of deletions in their written opening submissions. It



therefore appears that this question has been answered satisfactorily in relation to Mr McGrail/Mr Richardson and Mr Richardson/Supt Wyan, and time will not need to be spent on it at the hearing. Nevertheless, it will still be necessary to explore the contents of the 8 deleted messages between COP Ullger and Mr McGrail. These were on 28 January 2020 [E400] (apparently deleted by Mr Ullger), 29 March 2020 [E558 rows 1350-51] (apparently deleted by Mr McGrail) and 22 April 2020 [E629 – rows 1764-1767] (Mr Ullger).

#### **B4. Specific categories of missing messages**

*Mr Richardson's message of 12 May 2020*

23. As identified above, the messages disclosed between Mr McGrail and Mr Richardson's respective personal phones do not contain any messages between 30 April and 22 June 2020 [E253]. However, the Inquiry has received evidence from both Mr McGrail and Mr Richardson that Mr Richardson sent a message to Mr McGrail on 12 May 2020 when he was about to execute the warrant at Hassans (see McGrail 1 para 29 [A9] and Richardson 2 para 18f [A1291]). Mr Richardson now suggests (confirming the position of his Counsel when asked just before commencement of the Main Hearing) that this message "*must have been from my work mobile to his*" (Richardson 5 para 6 [E1088]). Mr McGrail "*deduce[s]*" the same (McGrail 9 para 15 [E259]). Mr Wagner KC therefore submits that "*the simplest and most likely explanation is that the message is likely to have been between Mr McGrail and Mr Richardson's work phones*" (para 9). By contrast, the Government parties submit that "*it is completely implausible that they were sending each other WhatsApp messages regularly before this period and immediately after, but not during it*" (para 10).

24. This is a key topic to be explored at the hearing. CTI consider that the following evidence bears on this question:

- a. Mr Garcia's conclusions regarding the lack of deleted messages, outlined above.
- b. McGrail's evidence that use of his work phone was limited "*because I was not proficient with the Android system used by Samsung*" (McGrail 9 para 5 [E257]). However, he also stated that "*I did use it to try develop my proficiency and therefore did receive emails and text messages from colleagues on it*" (McGrail 9 para 7 [E258]), and more recently "*I did manage to use the Samsung phone for email and some text messages*" (McGrail 10 para 5 [E1085]).

- c. Mr Richardson’s evidence that there were other gaps of time where Mr McGrail and Mr Richardson did not exchange messages on their personal phones (Richardson 5 para 5 [E1088]).
- d. Examples of Mr McGrail using both of his phones in the new disclosure. On 23 January 2020, Mr McGrail messaged Mr Ullger: “*Call me. But use the work one.*” [E377 – row 292]. However on 8 March 2020, Mr Ullger messaged Mr McGrail: “*I’ve just given Rauri your mobile numbers...*”; Mr McGrail replied “*Tell him to call me on this one better*” (ie, on his personal phone) [E503 – row 1038]. On 25 March 2020 Mr McGrail messaged Mr Ullger saying: “*Mira el otro [Look at the other] mobile*” [E550 – row 1308].

#### *SMT Group Chats*

25. Another gap in the disclosure is the absence of any messages from the SMT Group Chat (except for messages about the Airport Incident). In Yeats 6 para 21-29 [A880], ACOP Yeats explains that:

- a. The SMT Group Chat was created over 10 years ago, and was initially used by the officers on their personal devices.
- b. In summer 2019, a number of RGP officers were issued with work phones, and the SMT Chat was re-commenced on those devices. (CTI note that this appears to be consistent with DC Garcia’s findings that the image of Mr McGrail’s personal phone only contains messages from the SMT Group Chat up to September 2019: Garcia 1 para 19a [E1070]).
- c. From 1 January to 30 June 2020, the members of the SMT Group Chat were the Commissioner (then Mr McGrail), Assistant Commissioner (then Mr Ullger) and three Superintendents (who CTI understand to have been Mr Richardson, Mr Tunbridge and Mr Yeats).
- d. However, these message have not been recovered from any of those five phones.
  - i. When Mr McGrail and Mr Tunbridge retired, their phones were “*repurposed*” (ie, wiped) without any preservation of their data, meaning the SMT Group Chat cannot be recovered from those phones or from any backup storage.

- ii. Each of Mr Ullger, Yeats and Richardson changed their work devices from Samsung to iPhones in November 2020 (para 12 [E877]). As explained above, during that process new Apple iCloud accounts were used for the new iPhones, meaning that the WhatsApp application was unable to restore messages from the Samsungs. It further appears that the Gmail accounts which the Samsung devices were connected to either cannot be accessed or contain no useful backups.

26. This raises several questions, which need to be explored at the hearing. Again, it is surprising, in the context of the already-announced Inquiry,<sup>4</sup> and the Operation Delhi investigation and prosecution (as well as other investigations and prosecutions) that these messages were not preserved before phones were wiped and/or officers transitioned to new phones. There is also a question as to whether Mr McGrail was using the SMT Group Chat on his work phone, given his stated difficulties with using the Android system.

#### **B5. Delays in disclosure**

27. As identified in the Ruling, the Chairman has reconvened the Inquiry to consider not just alleged “failures” to disclosure, but “delays” in disclosure (Ruling para 66(i)). Two topics fall within this remit.

28. First, Mr McGrail’s explanation that he did not initially disclose his WhatsApp messages with Mr Ullger and Mr Richardson to the Inquiry when asked for disclosure in April 2022 or when preparing his evidence because they did not “feature in my mind as relevant at the time”. His full explanation is at McGrail 9 para 12-13 [E259], which will need to be explored at the hearing:

*“At the time of preparing my evidence for the Inquiry my focus was set on covering all the aspects required as per the List of Issues. I did not look in to or rely on any exchanges of messages between Mr Richardson and/or Mr Ullger and myself because as my evidence evolved there seemed to me to be no relevance or requirement for me to do so. Evidently, the relevance of these messages became apparent during the oral hearings, and I fully appreciate STI’s interest as to why I did not disclose these exchanges. I did not export the chatlogs from either of them*

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[https://www.parliament.gi/uploads/contents/hansard/hansard\\_2020/friday\\_31\\_july\\_2020\\_afternoon\\_session.pdf](https://www.parliament.gi/uploads/contents/hansard/hansard_2020/friday_31_july_2020_afternoon_session.pdf)

*(SIO McVea's forensic examination will confirm this). The fact that I did not export the chat logs of my exchanges with Mr Richardson and Mr Ullger is because that they did not feature in my mind as relevant at the time. This was an inadvertent omission on my part for which I apologise.”*

29. Relatedly, Mr McGrail did not mention his work phone in any of his witness statements filed before the Main Hearing, or at the Main Hearing itself. In McGrail 9 para 10 [E258], which was filed in December 2024, Mr McGrail explained that he had three devices.
30. Second, the RGP’s failure to disclose any WhatsApp messages, on any topic, before September 2024. Although ACOP Yeats has explained that the WhatsApp messages were not available to the RGP at the time the Inquiry made its disclosure requests in July 2022 (Yeats 6 para 28 [E881]), this is a recent discovery - it does not appear that the RGP knew this in 2022. Mr Ullger states that in November 2022 he did check his personal and work mobiles as part of the disclosure exercise (Ullger 5 para 18 [E872]), which raises the question of whether other officers did the same. At no point did the Inquiry suggest that WhatsApp messages should not be disclosed. Indeed, on 23 February 2024, STI wrote to all CPs requesting the original metadata of WhatsApps and stated: *“If any WhatsApp messages have been deleted or lost (either automatically or manually), CPs are required to make all reasonable efforts to retrieve such messages.”*

#### **B6. The overarching context: other gaps in disclosure**

31. Both the Government Parties and Former Operation Delhi Defendants invite the Chairman to view the issues above in light of other events in the Inquiry, including: (a) Mr McGrail’s missing Day Books and desktop computer, (b) Mr McGrail destroying hardcopy documents that he had retained after his retirement, and (c) the RGP belatedly locating Mr McGrail’s laptop but recovering no relevant data, including the draft email to self from 12 May 2020. While CTI accept that this is relevant context, these matters were already explored at the Main Inquiry Hearing, and CTI does not presently intend to question the RGP Witnesses further on these points in any detail. However, two factual points which CTI intend to explore are:
- a. Mr McGrail’s evidence that he *“did not destroy any documents other than under the direction and request of the RGP”* (McGrail 8 para 12). The email exchanges between Mr McGrail and Inspector Riley [E101] appear to relate to the hard drive, not the separately retained hard copy documents.

- b. The suggestion in DC Garcia’s digital forensics report that on 23 June 2020, audio files (apparently of the recordings of Mr McGrail’s meeting with the Attorney General in May 2020) were deleted on the profile on Mr McGrail’s laptop. This was after Mr McGrail’s retirement [E52].

### **C. MATTERS ARISING FROM THE CONTENTS OF THE NEW DISCLOSURE**

32. As explained above, the “*incidental advantage*” of the hearing is to allow questioning on substantive matters which emerge from the fresh disclosure. These fall under six topics.

#### **C1. Mr McGrail’s decision to retire**

33. The Government Parties place particular significance on the WhatsApp messages on this topic. They submit at para 47.2 of their written submissions that:

*“As these WhatsApp messages now show, Mr McGrail had, at least by 29 May (and probably as early as 20 May), resolved to retire and thereafter worked to ensure that he would be allowed to do so on the best financial terms. Far from seeking to stay on as Commissioner of Police, his concern was that he may not be allowed to retire but would instead be sacked. Nothing that occurred after that date when Mr McGrail decided to retire ... could have been the reason for him doing so.”*

34. Mr Wagner disputes this at para 36 of his opening submissions, arguing that: *“The messages do not show that he had ‘resolved’ to retire ... They show that he was agonising over what decision to take because he saw how difficult his position was becoming, and that he ultimately, but progressively, reached the decision to retire on 5<sup>th</sup> June 2020.”* Mr Wagner points to examples in the existing evidence demonstrating that Mr McGrail was contemplating leaving his post: on 13 May 2020, told Mr Llamas *“If I have to go, I’ll go, but I will leave with my head held high”* [C3534] and on 22 May 2020, he told Mr Llamas *“My options are: either think about Gibraltar or save my skin, and think about Gibraltar or create a constitutional crisis. That’s where I am Michael.... that’s where I am, what do I do now? Either I keep quiet and I leave and that is it. I’ll leave, I’ll leave or I stir things up, and we all stand to lose, me and Gibraltar.”* [C6952]

35. The relevant evidence from the new disclosure is as follows:

- a. On 20 May 2020, Mr Ullger messaged Mr McGrail stating: *“Let’s not talk about you leaving, but just the things that we can start to do to turn things round for us...”*; Mr

McGrail replied “...I am just being realistic of what is likely to happen. It’s a ruthless world that these people live in – certainly not ours...” [E747].

- b. On 24 May 2020, Mr McGrail messaged Mr Ullger stating: “Longing for the nightmare to end” [E751]. He also messaged Mr Yeats “Longing for this nightmare to end” [E831].
- c. On 28 May 2020, Mr McGrail messaged Mr Ullger stating: “On edge. Wanting this over...” [E756].
- d. On 29 May 2020, Mr Ullger sent a voice note to Mr McGrail about a conversation that he had with Ms Sacramento, former Minister for Justice. He stated: “I told her about the fact that the best scenario here was or what you were looking at was you wanted to, you know, retire now because ya [by now] your position was untenable with the individual, with all individuals for that matter, and that you wanted to leave the organisation with heads up.” Mr Ullger added by text that: “Oh and I gave her full details of the collision at sea, cos she alluded to that being an issue in cabinet. She could rationalise with our processes and couldn’t see the issue. She also said that she couldn’t understand the HMIC report being a precursor for this.” [E758]
- e. On 30 May 2020, Mr McGrail messaged Mr Ullger: “All I want is a dignified exit and not a forced one” [E764].
- f. On 31 May 2020, Mr McGrail messaged Mr Ullger: “Can’t wait to see the end of this saga.” [E766]. Also on 31 May 2020, Mr McGrail messaged Mr Ullger “Rich - don’t pursue the matter with S again, at least not for now. Will explain more tomorrow.” [E765]. CTI assume that this is a reference to Mr Ullger’s discussions with Ms Sacramento. It will need to be explored why Mr McGrail asked Mr Ullger not to pursue the matter.
- g. On 4 June 2020, Mr McGrail messaged Mr Ullger: “...Keeping fingers crossed that some mediation starts soon between my lawyers and the other side...” [E780].
- h. On 5 June 2020 at 19:13, Mr McGrail messaged Mr Ullger: “Still not out of the woods. I now pray that they do not refuse my intention to retire early.” [E784]. He sent this shortly after Gomez & Co had emailed the GPA at 17:24 stating that: “given how unfairly he has been treated and the improper pressure put upon him to alter the course of a live criminal investigation our client feels he must apply for early retirement from the Royal Gibraltar Police” [C4801].

- i. On 6 June 2020, Mr McGrail messaged Mr Ullger: *"I can't see them forcing a section 13... can you?"*. Mr McGrail replied *"At all mate. It would be a travesty if they did and really make them look bad in light of the previous attempt."* [E786]. It is unclear what *"previous attempt"* is being referred to here.
- j. On 6 June 2020, Mr McGrail messaged Mr Ullger stating: *"I want people to know I have done nothing wrong and want to leave with my head held up high. So yes, I will agree to a guard of honour."* [E787]
- k. On 7 June 2020, Mr McGrail messaged Mr Ullger: *"I am expecting to be called in by the governor..."* [E790]. He added: *"suspension or section 13 called to resign is still a possibility though if he had any sense he would not do it as he has been told it would be unlawful."* [E791]
- l. On 8 June 2020 at 16.38, Mr McGrail messaged Mr Richardson *"Should be up soon"*. Mr Richardson replied *"Great. Good news I hope."* IM replied *"Under the circumstances yes"* [E834]. This appears to relate to Mr McGrail's meeting with Mr Pyle at 16.00 where he confirmed he would be seeking early retirement.

36. At the Main Inquiry Hearing, CTI asked Mr McGrail whether as at 29 May 2020 (the date of the letter from Gomez & Co making representations to the GPA [C4477]), his preference was to remain in post rather than retire [T/7/43.25]. He replied: *"It was, but I had a lot going through my head. There was the vulnerability aspect, the serious concern ... But I wanted to see my career through."* CTI later asked what had changed between 29 May, when Mr McGrail wanted to keep his position, and 5 June, when he felt he must apply for early retirement [T/7/46.24]. He responded: *"The pressure was relentless from Mr Pyle. I was getting texts, messages, emails late evening, which all suggested that he was going to invoke his powers. By that point my wellbeing was seriously affected... I was contemplating Gibraltar's interests. ... No doubt my wellbeing took over, influenced by the fact that three-and-a-half decades of loyal service to the police and to Gibraltar and to the Crown were in serious jeopardy and the impact that that would have in my life."* This answer will need to be revisited at the hearing in the light of the new evidence referred to above. The Government Parties submit at Annex para 15 that: *"That narrative cannot have been relevant to why and how he chose to retire early (a decision that he had already made at the very latest by 29 May, as we now know from these WhatsApp messages).*

37. The Inquiry has also received a witness statement from Ms Sacramento [E1072], who recalls a conversation with Mr Ullger in May. Her interpretation was that:

*“The discussion that ensued felt more like Mr Ullger expressing his feelings for his friend, Mr McGrail, as opposed to a meeting in his capacity as Assistant COP and an attempt for him to advocate on behalf of his friend. [...] Mr Ullger told me what Mr McGrail said that had happened [on 12 May 2020]. I think that their hope was that tempers had settled and I could somehow intervene. I told Mr Ullger that while I felt sorry that Mr McGrail was having a hard time I was not sure what he was asking me to do or indeed what I could do. Realistically, after what had happened and where I had not been at all involved, I told Mr Ullger that I was hardly in a position to call the Chief Minister, and what exactly would he propose that I tell him.”* (Sacramento 1 paras 64 and 66 [E1081]).

38. However, CTI note that on 29 May 2020, Mr Ullger messaged Mr McGrail stating: *“I’ve had a text from minister. She’s tried to make contact with him but hasn’t been able to see him face to face”* [E761]. Twenty minutes later, he stated: *“I’ll keep on asking mate. I won’t leave it and I think she’s on board to.”* [E763]. Despite this, Ms Sacramento confirms in her statement that she was *“not consulted on nor did I form part of any decision making process that led to any of the decisions reached by the Chief Minister or the (Acting) Governor”* (Sacramento 1 para 8 [E1073]). Given the relatively limited significance of this apparent factual discrepancy, the Chairman has not requested Ms Sacramento to give oral evidence, but CTI intend to pursue this topic with COP Ullger. Ms Sacramento’s statement will be published on the Inquiry website and taken into account by the Chairman when finalising his Report.

## **C2. Operation Delhi**

39. The Government Parties submit as a *“bottom line”* that *“there is not a single reference, in any of the RGP WhatsApp Chats between any officers, to the alleged interference in the Op Delhi live criminal investigation, including between Mr McGrail and Richardson ... or between Mr McGrail and Mr Ullger”* (para 9). They refer to two messages in the new disclosure to suggest that Mr McGrail did not consider that *“interference”* had occurred:

- a. First, a message from Mr McGrail to Mr Ullger on 15 May 2020, following the first of the three meetings between the RGP, Mr Llamas and the DPP after 12 May 2020. Mr Ullger asked: *“How did it go?”*. Mr McGrail responded: *“All good’ish. Too much*



to explain by text. Chill out. We'll chat on Monday." [E742-3]. Mr Wagner submits that this text "does not alter the overall position" (para 33).

- b. Second, a message from Mr McGrail to Mr Ullger on 16 May 2020 that: "*I am hoping that JL does not force the issue where we have to end up arresting him*" [E745]. The Government Parties submit that this demonstrates the RGP felt free to arrest James Levy (para 48.2(c)).

Both messages will be explored with Mr McGrail in questioning.

40. CTI also note the following additional messages:

- a. On 21 April 2020, Mr McGrail messaged Mr Ullger about an unrelated sudden death, stating: "*Y que no investige el sudden death el Paul Richardson [Paul Richardson should not investigate the sudden death] because he say its (sic.) involuntary manslaughter on my part*". Mr Ullger replied: "*Ya ya dios mio, que manera el tio. ... Estamos apaniado. [I know my god, and how the guy, ... we are in a mess]*". Mr McGrail replied: "*El problema es que [The problem is that] he is buddy buddy with the stipe*" – this appears to be a reference to the Stipendiary Magistrate. Mr Ullger replied: "*Indeed too close to him.*" What follows is a series of four deleted messages, although it is fair to point out those were sent on the following day [E629].
- b. On 7 May 2020, Mr McGrail messaged Mr Ullger stating that: "*The irony is they want to report this to us but want to keep Caine sanches (sic.) internal*" [E716]. This arguably supports Mr McGrail's version of events that "*Mr Llamas has a view that Caine Sanchez should be dealt with internally via civil service disciplinary mechanisms*" [B74].

41. The Former Operation Delhi Defendants have also referred to various messages in the new disclosure relating to (a) Mr McGrail's personal involvement in Operation Delhi, and (b) a press release issued by the OCPL regarding the Government's status as a complainant. CTI do not consider that these points carry sufficient relevance to merit exploration at the hearing. However, in relation to (a), CTI submit that these messages are consistent with the existing trend of the evidence at the Main Inquiry Hearing regarding Mr McGrail's involvement in the investigation.

### C3. HMIC Report

42. The Government Parties submit that the new disclosure shows the extent to which Mr McGrail was concerned by the criticism in the HMIC Report (para 49), whereas Mr McGrail submits that the newly disclosed exchanges do not alter the position, and it is already in evidence that Mr McGrail was conscious he was being criticised for the HMIC report (para 31).
43. The following evidence emerges from the new disclosure:
- a. On 5 March 2020, Mr McGrail messaged Mr Ullger: *“battling against Cathal and Paul. It’s an uphill struggle for me”*, Mr Ullger replied: *“Ya, I told you that they were pasota [apathetic] about it, not putting the importance to it and saying that we were overreacting. They don’t see the damage it can do.”* [E495]
  - b. On 6 March 2020, Mr McGrail messaged Mr Ullger: *“At least joey agrees with us pero [but] I don’t think I can count with his support if the wheel comes completely off.”* [E497]
  - c. On 28 April 2020, Mr McGrail sent a voice note to Mr Ullger [E675]. He stated: *“Mira Rich, vamos tener que explicar lo [Listen Rich, we’re going to have to explain] why we never worked on the other recommendations. Lo vamos a explicar, por ejemplo, [We’re going to explain, for example,] lack of resourcing, challenges con el [with the] IT system and a couple of others that obviously, Moneyval, a focus on Moneyval. Big, big operations that we have to dedicate a lot, a lot of time and energy. con que [So] there’s loads of reasons why we can say that we couldn’t allocate that much time to it and then I will remind them that errr, the inspection was not meant to had been commissioned so soon errr, but it was mainly arising from the staff survey that we wanted them to come in. Errr, con que no tengo problema ninguno de explicar [so, I do not have any problem explaining].”* The Government submits that *“Mr McGrail[’s] demeanour appears to convey the objective of the ex-post facto construction of credible explanations, as opposed to relating genuine reasons.”* Mr McGrail will be provided with an opportunity to respond to this criticism at the hearing.
  - d. On 1 June 2020, Mr McGrail messaged Mr Ullger: *“I would ask a big favour (& I know you are already working on it) but the more that is done on the HMIC recommendations within the next couple of weeks the better.”* [E767]. Mr Wagner

suggests that this message is “*unsurprising*” given Dr Britto had asked him to work on the recommendations, and the Second GPA letter referred to the HMIC Report (para 31).

44. For completeness, CTI note that Ms Sacramento’s newly disclosed statement also addresses the HMIC Report. In summary, she explains that she was initially “*extremely concerned with its content*” (para 43), but on a second reading “*saw it in a better light*” (para 44). She was “*solution-focused*” and by the end of her meeting with Mr McGrail on 30 April 2024, considered that “*this was not a problem that was insurmountable and I made it very clear to Mr McGrail that he could count on my support in relation to the fixing of these issues*” (Sacramento 1 para 50 [E1079]).

#### **C4. Incident at Sea**

45. The following evidence emerges from the new disclosure:

- a. On 8 March at 09.49, Mr McGrail messaged Mr Ullger: “*Here with AG in my office. Collision happened 6NM east of the airport/la linea beach*”. Mr Ullger replied: “*6nm is past the 3nm instructions but the airport/LaLinea medium line I can live with. If the chase is long and intense coxswains will not be looking at radar for co-ordinates, they will be concerned with the chase and vessel in front.*” Mr Ullger asked: “*Did GC inform us of vessel or asked for assistance?*”. Mr McGrail replied: “*Yes.*” [E502-503]. The Government Parties submit that this demonstrates “*as early as 09:49 on 8 March 2020 ... Mr McGrail was clear in his mind where the collision had occurred... Mr McGrail then had no notion (such as he has subsequently developed for the purposes of his case narrative in the Inquiry) of any relevant distinction between the location of the collision and the location of the commencement of the chase*” (Annex para 36). This new evidence will need to be explored in questioning.
- b. On 15 March 2020, Mr McGrail messaged Mr Ullger complaining about the quality of the Marine Section instructions: “*Mosquado (sic.) con los [Angry with the] SoP del [of the] marine section done by Brian F & Nolan apparently. So so shabby in presentation. In blank paper, no letterhead, no author, no date. Shambolic. Such basic things that even probationer wouldn’t miss. Si a ultima hora HMIC tiene razon [In the end HMIC is right] on the negative comments viz leadership. We can fucking produce a proper set of instructions.*” [E511]. Mr Ullger responded in

agreement: “Indeed that was so ooor (sic.), pero el [but] Wayne has responsibilities here too and should have had a better grip. Ive said it before, not impressed with Nolan either.” [E511]

- c. On 31 March 2020, Mr McGrail and Mr Ullger discussed comparable cases to the Incident at Sea [E564]. IM raised the “PC [officer] case where we ventured out of BGTW and intercepted”; RU raised another individual who was killed by SVA off La Atunara. During the Main Inquiry Hearing, Mr McGrail could not recall other deaths caused by the RGP [T/7/197].
- d. On 27 May 2020, Mr Richardson and Mr Field appear to have been messaging about the draft Metropolitan Police Report. Mr Field stated “they cant say with certainty” (referring to the distance out of BGTW). Mr Wagner suggests that this exchange demonstrates even three months later, the officers could not say with absolute certainty where the incident took place (para 30).

46. The Government Parties have also raised a number of examples of messages which they argue demonstrate Mr McGrail was interfering with the Metropolitan Police Investigation (Annex para 37). CTI do not intend to pursue this point, as there is no evidence before the Inquiry that any of Mr Picardo, Pyle or Llamas had this in mind as a concern at the time of Mr McGrail’s retirement.

### **C5. Gibraltar Police Federation**

47. The new disclosure, in particular the messages between Mr McGrail and Mr Ullger, contain numerous messages about the dealings between Mr McGrail and the GPF, and Mr McGrail’s and Mr Ullger’s views on the relevant individuals. While the messages add colour to their antagonistic relationship (for example, the Government Parties note the frequent references to the GPF leadership as “idiots”, “bastards” and “fools”), CTI do not consider that questioning on these issues is likely to advance the Inquiry’s fact-finding. It is not in dispute that Mr McGrail had a hostile and fractious relationship with the GPF’s leadership, and Issue 6 is confined to complaints made by the GPF to the GPA and allegations of bullying discussed by the GPA.

### **C6. Relationship between Mr McGrail and Mr Ullger**

48. The Government Parties note that the new disclosure demonstrates the “very close personal bonds of friendship” between Mr McGrail and Mr Ullger (para 54), although they make no criticism of this (para 55). Their position (including by extension to Mr Picardo

and Mr Levy) is that “*friendship is not an obstacle to honesty and truthfulness*” (para 56.3(ii)). The Former Operation Delhi Defendants also do not object to this friendship per se, but are concerned that the investigation into the retention and destruction of evidence by Mr McGrail was “*carried on under the ultimate authority of Mr Ullger*” (para 28). CTI agree that this should be explored with Mr Ullger in questioning.

**JULIAN SANTOS**

**HOPE WILLIAMS**

**5RB**

**31 March 2025**

**Updated 7 April 2025**

**ANNEX - TABLE OF WHATSAPP DISCLOSURE BETWEEN RGP OFFICERS**

**MCGRAIL WITH RICHARDSON**

	<p><b>McGrail personal *4000</b></p> <p><i>Seized by McVea March 2023 and imaged; RGP has access to contents of phone as it was on 23 March 2023 (Yeats 5 para 7 [E276])</i></p>	<p><b>McGrail work *9010</b></p>	<p><b>McGrail new (used after late May 2020) *8000</b></p>
<p><b>Richardson personal *9135</b></p>	<p>“Curated” ie only relevant messages from 14 Feb 2019 – 9 June 2020 disclosed by PR 15 June 2023 [C7002]</p> <p>“Curated” ie only relevant messages from 9-30 June 2020 disclosed by PR 21 November 2024 [E256].</p> <p>Full log (without redactions) disclosed by PR on 3 December 2024 [E263]. PR states that *4000 is IM’s work number [E264], but it is actually IM’s personal number.</p> <p>Messages from 9 - 16 June 2020 also disclosed by RGP on 20 December 2024 [E832]. This was sourced from McVea’s image.</p> <p>There are no messages between 30 April and 22 June 2020. PR has</p>	<p>No messages disclosed. McGrail work phone wiped following departure from RGP (Yeats 6 para 17 [E878]).</p> <p>Previously believed that IM’s work phone is now used by CI Tunbridge. PS Connor conducted a physical check of this phone and did not locate messages between McGrail and Richardson personal (Connor para 4-5 [E273]). However, CY has subsequently stated that this phone was not used by IM (Yeats 5 para 18 [E278]).</p>	<p>Curated messages from 23-27 June disclosed by PR 21 November 2024 [E255].</p> <p>No other messages disclosed, but IM says he did not use this number for RGP business (McGrail 9 para 10(ii) [258]).</p>

	<p>also identified other periods where no messages were sent (Richardson 5 para 5 [E1088]).</p> <p>McGrail states that he did not export his chat with Mr Richardson and disclose it to the Inquiry in 2022, as at the time he did not consider it to be relevant (McGrail 9 para 13 [E259]).</p>		
<p><b>Richardson work *9004</b></p> <p><i>Transitioned from Samsung to iPhone in December 2020, resulting in WhatsApps being lost from before that date [Yeats 6 paras 12, 26]</i></p> <p><i>PR returned phone to RGP May 2021</i></p>	<p>No messages disclosed. Richardson work phone wiped following departure from RGP (Richardson 4 para 4 [E261]).</p> <p>McVea image did not contain any messages between IM's personal phone and PR's work phone (Yeats 5 para 23 [E279]). DC Garcia did not locate any messages between these phones (Garcia 1 para 12d [E1069]).</p>	<p>No messages disclosed. McGrail and Richardson work phones wiped upon their respective departures from the RGP (Yeats 6 para 17 [E878], Richardson 4 para 4 [E261]).</p> <p>Previously believed that PR work phone now belonged to CI Enriles. PS Connor conducted a physical check of this phone and did not locate messages between McGrail and Richardson work (Connor para 7, [E273]). However, CY has subsequently stated that this phone was not used by PR (Yeats 5 para 18 [E278]).</p>	<p>No messages disclosed, but IM says he did not use this number for RGP business (McGrail 9 para 10(ii) [258]).</p>

**MCGRAIL WITH ULLGER**

	<b>McGrail personal *4000</b>	<b>McGrail work *9010</b>	<b>McGrail new (used after late May 2020) *8000</b>
<b>Ullger personal *5000</b>	<p>Full log disclosed by RGP [E328].</p> <p>McGrail did not disclose his messages with Ullger as he did not consider them to be relevant at the time (McGrail 9 para 13 [E259]). Ullger could not locate these messages on his phone (Yeats 5 para 5 [E276]). Ullger believes they were lost when he bought a new phone in June 2020 Ullger 5 para 21 [E873]. However, the RGP recovered them from McVea’s image of McGrail’s phone (Yeats 5 para 5, 12 and 25 [E276]). Messages from 12 May – 9 June 2020 disclosed by RGP September 2024 [E155].</p> <p>Expanded date range (1 January – 30 June 2020) disclosed by RGP in December 2024 [E328].</p>	<p>No messages disclosed. McGrail work phone wiped following departure from RGP (Yeats 6 para 17 [E878]).</p>	<p>No messages disclosed, but IM says he did not use this number for RGP business (McGrail 9 para 10(ii) [258]).</p>
<b>Ullger work *9001 [Garcia 5 para 12b]</b>	<p>Ullger transitioned from Samsung to iPhone in December 2020, resulting in WhatsApps being lost</p>	<p>No messages disclosed. McGrail work phone wiped when departed from RGP (Yeats 6 para 17 [E878]), and Ullger transitioned from Samsung to iPhone in December</p>	<p>No messages disclosed, but IM says he did not use this number for RGP business (McGrail 9 para 10(ii) [258]).</p>



	<p>from before that date (Yeats 6 paras 12, 26 [A880]).</p> <p>DC Garcia did not locate any messages between these phones from 1 January – 30 June 2020 on McVea’s image (Garcia 1 para 12b and 19c [E1069]).</p>	<p>2020, resulting in WhatsApps being lost from before that date (Yeats 6 paras 12, 26 [A880]).</p>	
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**MCGRAIL WITH YEATS**

	<b>McGrail personal *4000</b>	<b>McGrail work *9010</b>	<b>McGrail new (used after late May 2020) *8000</b>
<b>Yeats personal *6000</b>	<p>Messages from 12 May – 9 June 2020 disclosed by RGP September 2024 [E233]. These were recovered from the McVea image and Yeats’s phone (Yeats 5 para 9-10 [E277]).</p> <p>Expanded date range (1 January – 30 June 2020) disclosed by RGP December 2024 [E821]. These were recovered from both McVea’s image and Yeats’s phone (Yeats 5 para 27-28 [E280]).</p>	<p>No messages disclosed. McGrail work phone wiped when departed from RGP (Yeats 6 para 17) [E878]</p>	<p>No messages disclosed, but IM says he did not use this number for RGP business (McGrail 9 para 10(ii) [258]).</p>
<b>Yeats work *9002 [Yeats 6 para 16]</b>	<p>Yeats transitioned from Samsung to iPhone in December 2020, resulting in earlier WhatsApps being lost (Yeats 6 paras 12, 26 [A880]).</p> <p>DC Garcia did not locate any messages between these phones from 1 January – 30 June 2020 on McVea’s image (Garcia 1 para 12f and 19d [E1069]).</p>	<p>No messages disclosed. McGrail work phone wiped when departed from RGP (Yeats 6 para 17) [E878], and Yeats transitioned from Samsung to iPhone in December 2020, resulting in earlier WhatsApps being lost (Yeats 6 paras 12, 26 [A880]).</p>	<p>No messages disclosed, but IM says he did not use this number for RGP business (McGrail 9 para 10(ii) [258]).</p>

**WYAN WITH RICHARDSON AND MCGRAIL**

	<b>Wyan personal *4840</b>	<b>Wyan work *9021 [see CYWS6/4]</b>
<b>Richardson personal *9135</b>	<p>Relevant messages disclosed by PR in June 2023 [E246].</p> <p>Messages from 12 May – 9 June 2020 disclosed by RGP September 2024 [E214]. These were sourced from Wyan’s phone (Wyan 4 para 10 [E1065]).</p> <p>The RGP intended to disclose the expanded date range (1 January – 30 June 2020) in December 2024 (Yeats 5 para 30 [E280]) [E805]. However, due to an error in the retrieval process the disclosed messages started on 12 May (Garcia 1 para 11 [A1068]). The correct (full) version was then disclosed on 11 March 2025.</p>	<p>No messages disclosed. It is unclear whether Mr Wyan has retained access to his work messages from the relevant time, or if he also lost messages in the Samsung/iPhone transition.</p>
<b>Richardson work *9004</b>	<p>No messages disclosed.</p>	<p>No messages disclosed. It appears that MW and PR did correspond by WhatsApp on work phones [E856]. It is unclear whether Mr Wyan has retained access to his work messages from the relevant time, or if he also lost messages in the Samsung/iPhone transition.</p>
<b>McGrail personal *4000</b>	<p>DC Garcia did not locate any messages between Wyan and McGrail from 1 January – 30 June 2020 on McVea’s image (Garcia 1 para 6, 19f [E1068]).</p>	<p>No messages disclosed. It is unclear whether Mr Wyan has retained access to his work messages from the relevant time, or if he also lost messages in the Samsung/iPhone transition.</p>

<b>McGrail work *9010</b>	No messages disclosed.	No messages disclosed. It is unclear whether Mr Wyan has retained access to his work messages from the relevant time, or if he also lost messages in the Samsung/iPhone transition.
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