

**INQUIRY INTO THE RETIREMENT OF THE FORMER COMMISSIONER OF POLICE
RECONVENING THE INQUIRY & RE-OPENING THE EVIDENCE - *OUTLINE SUBMISSIONS***

1. The Chairman has invited submissions from all CPs on:
 - A. whether an oral hearing is required for the purpose of making oral submissions ‘in respect of the written submissions which were filed by 25 November 2024’;
 - B. whether further live evidence is required, and if so in relation to which witnesses; and
 - C. the estimated duration of any such hearing.

A ORAL HEARING

2. Mr Richardson has not seen any ‘written submissions which were filed by 25 November 2024’ and does not know what they contain. He filed no such submissions himself. No such submissions from any other CP have been disclosed to him. GoG suggests that it has filed written submissions and that they need to be delivered orally at a reconvened, live-broadcast oral hearing of the Inquiry.
3. It is impossible to respond to the unknown. And unusual to be asked to do so. But some general considerations may be obvious.
 - (a) It is unclear what is so peculiar about the content of these mysterious submissions that they cannot be understood by the Chairman unless they be read out loud.
 - (b) It is unclear what is so peculiar about the content of these submissions that they cannot be made available to the public, as other similar publishable documents have been, by publication on the Inquiry website.
 - (c) If these submissions follow the theme and thrust of paragraph 5 of the Caruana letter dated 25th November 2024 then, whether there is any merit in them or not, they should not be difficult to understand.

- (d) To reconvene the Inquiry would be a costly and undignified enterprise. To rebuild the theatre; to replicate the broadcast arrangements; to re-assemble all the lawyers; to attempt to re-heat the vitality and gravitas of proceedings which until now have enjoyed an enviably timeous beginning, middle and end.
- (e) To reconvene the Inquiry would delay the Maxwellisation process and thus the Chairman's report (and the public's sight of it).
- (f) To reconvene the Inquiry for this purpose would deflect and distract attention, from the core issues in the proceedings, to a disproportionate focus on a marginal afterthought.
- (g) The Chairman will be alive to the possibility that reconvention could be attractive as a theatrical device to inflate the apparent significance of particular partisan contentions beyond their natural merit. Or that such distortion might be its unintended consequence.

B LIVE EVIDENCE

4. The Caruana letter dated 25th November 2024 applied for an order that the oral evidence hearings be re-opened and that Mr McGrail and Mr Ullger be re-called for questioning about 'the RGP WhatsApp chats'. Those representing the RGP and those representing Mr McGrail will have their own submissions about that. Mr Richardson filed no submissions on the subject (by 25th November 2024) and has no questions of either witness arising from the full accounts that they (and other RGP witnesses) have provided about the records that are /not recoverable.
5. The Caruana letter dated 10th January 2025 extended GoG's re-open / re-call application to include an order that Mr Richardson (and Mr Yeats) also be re-called for questioning. In Mr Richardson's case the single topic for cross-examination was given as 'Mr Richardson's explanation for the absence of the 12 May 2020 WhatsApp to Mr McGrail'.
6. This application is opposed.
 - (a) Mr Richardson's explanation for the absence of the 12 May 2020 WhatsApp (or SMS, if that is what it was) has already been provided – as the Caruana letter dated 10th January 2024 acknowledges – in his fourth witness statement dated 3rd December 2024.

- (b) The memory of a message on 12th May 2020 was addressed in Mr Richardson's second witness statement at paragraph 18(f)¹ [and in Mr McGrail's first witness statement at paragraph 29²]. STI asked specifically about Mr Richardson's 12th May 2020 memory in their letter dated 14th November 2024. Mr Richardson gave as full an answer as he could, as requested, in a fourth statement. If there were any more information that he could give the Chairman on this subject, he would already have done so.
- (c) In short, he remembers sending a message to Mr McGrail on 12th May 2020 when the warrant was about to be executed. The message would have been via WhatsApp unless 4G was not available, in which case it would have gone via SMS. He had two mobile telephones at the time:
- (i) Mr Richardson's work mobile was passed to Ch Insp Enriles in 2021³ when he retired – it has been examined and contains no history of messages to or from either of Mr McGrail's telephones⁴;
 - (ii) Mr Richardson's personal mobile has been examined and contains no messages to Mr McGrail's telephone on 12th May 2020.
- (d) All the messages exchanged with Mr McGrail's first and second telephones have been exhibited as Exhibits 1 and 2 to Mr Richardson's fourth statement. The potentially relevant subset had long ago been provided to STI in June 2023. The remainder were provided on 21st November 2024, for completeness, at STI's request (and were indeed, as can be seen, irrelevant).
- (e) There would be no value in re-calling Mr Richardson to give this evidence orally. His ability to give evidence on the subject has been exhausted in writing. His written accounts on the subject are clear and comprehensible to the Chairman and the public (presuming that his fourth statement would be published on the Inquiry website). The evidence is uncontentious and requires no elaboration. There is no further light to shed, only heat to contrive.

¹ *'I communicated with Mr McGrail about the search warrants. I remember him asking me to advise him when the warrant was about to be executed so that he could brief the Chief Minister. I did as requested.'*

² *'I was at a COVID-19 meeting at "The Bunker" at about 1220hrs when I received a text from Supt Richardson who was about to execute the warrants.'*

³ See Ch Insp Enriles' statement dated 4th December 2024

⁴ See Sgt Connor's statement dated 5th December 2024, para 7

- (f) The accident by which the messages which Mr Richardson had disclosed to STI in June 2023 were not forwarded by STI to the other CPs until 24th April 2024 is not suggested to be any justification for re-calling Mr Richardson now, nor could it be.
- (g) To drag Mr Richardson out of retirement again, to require him again to prepare himself for oral evidence and live broadcast, to force him again to “achieve best evidence” in the face of whatever ‘cross-examination’ might be levelled at him, with no prospect of evidential addition or progress, would be unfair and wholly disproportionate.
- (h) It is not known whether the long suffering Police Superintendents Association would agree to support him all over again.
- (i) See paragraph 3(d) above.
- (j) See paragraph 3(e) above.
- (k) See paragraph 3(f) above.
- (l) When the Inquiry hearing concluded, on time, and with a universal sense of a successful process professionally performed, Mr Richardson – like the public – had a legitimate expectation of finality, and high hopes of reading the Chairman’s conclusions within a reasonable time. It would be most unfortunate if that expectation were now to be thwarted, or deflected, or delayed, completely unnecessarily.

C ESTIMATED DURATION

7. If the Inquiry were to be reconvened, and the mystery submissions were to be delivered orally, followed by (presumably) oral submissions in response, and the four suggested (ex-)police witnesses were to be re-called and ‘cross-examined’ by STI and GoG and other CPs, we estimate that two full days would probably be required.
8. How long it would take to rebuild the courtroom, and re-wire the broadcast arrangements, and prepare for submissions and questioning, we cannot say.
9. How much it would cost for the Inquiry and the CPs to do all that, we cannot say.

10. When it might next be possible to re-assemble the necessary participants, we cannot say.

11. What the public would think about that, we cannot say.

12. Whether / how Mr Richardson's participation in that process might be resourced, is unclear.

15th January 2025

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