

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**

**FIRST WITNESS STATEMENT OF
DETECTIVE CONSTABLE ALFRED GARCIA**

1. My name is Alfred Garcia and I am a Detective Constable of the Royal Gibraltar Police ("the RGP"). I have been a police officer for 19 years.
2. I am currently attached the RGP Digital Forensics Unit ("DFU") where I have worked for approximately 8 years.
3. In 2018 I completed the Certified Logical Operator course and also certified as a Cellebrite Certified Physical Analyst, which was approved by Cellebrite for use with RGP licensed Cellebrite UFED (Universal Forensic Extraction Device), specifically designed for the extraction of data from mobile devices. Accreditation is valid for a period of 2 years, after which a recertification process is required. In January 2021, and again in early 2024, I was recertified.
4. On the 26th August 2022 I completed the Magnet Axion Advance Mobile Forensic Course and on the 4th November 2022 I completed the Magnet Axion and Graykey Advanced IOS Examinations Course.
5. I write this statement in response to representations made by the Government on the 25th November 2024, and the subsequent Ruling by the Chairman on the 10th February 2025.
6. Following instructions from Supt. Wyan, on the 26th July 2024 I carried out a full file system forensic extraction of his personal phone, an iPhone 8. I then commenced an analysis of the data and tagged all messages between the 01/05/2020 and 30/06/2020 between Supt. Wyan ([REDACTED] 840) and Mr. Richardson ([REDACTED] 9135). On the 1st August 2024 I created a Universal Forensic Extraction

Device Report (“UFDR”) containing the tagged items which I produced in PDF format. There were no messages during this period between Supt. Wyan and Mr. McGrail.

7. On the 10th December 2024 I received instructions from AC Yeats requesting that I forensically examine two RGP mobile phones. He informed me that the first was currently being used by CI Alex Enriles (■■■■ 007) and was believed to have been previously used by Mr. Richardson. He informed me that the second was currently being used by CI Tunbridge (■■■■ 010) and was previously believed to have been used by Mr. McGrail.
8. On the 14th December 2024 I received an email from AC Yeats requesting the following forensic analysis:
 - a. Messages between ■■■■ 9010 and ■■■■ 9003 between 01/01/2020 and 30/06/2020;
 - b. Outgoing messages from ■■■■ 9010 on 12/05/2020;
 - c. Incoming messages to ■■■■ 9010 on 12/05/2020;
 - d. Outgoing messages from (now) ■■■■ 9007 on 12/05/2020; and
 - e. Incoming messages to (now) ■■■■ 9007 on 12/05/2020.
9. On the 14th December 2024 the results of my forensic analysis in respect of CI Enriles’ phone (■■■■ 9007) revealed that there were no relevant messages during the specified period.
10. On the 17th December 2024 the results of my forensic analysis in respect of CI Tunbridge’s phone (■■■■ 9010) revealed that there were no relevant messages during the specified period.
11. On the 16th December 2024 I opened the UFDR of Supt. Wyan (■■■■ 4840), which had been previously extracted. I had previously created a UFDR of messages between Mr. Richardson (■■■■ 9135) and Supt. Wyan (■■■■ 4840) between 01/05/2020 and 30/06/2020. I had been informed that the parameters of the messages had been extended to 01/01/2020 to 30/06/2020. Although I intended to extend the date range I made an error and tagged all messages between 01/05/2020 and 30/06/2020 as I had on the 1st August 2024. I subsequently created a UFDR. The extended date range is referred to in paragraph 18 below.

12. On the 16th December 2024 DS Caruana handed to me a portable hard drive with several files. He explained that one of the files was the PSNI UFDR of Mr. McGrail's personal phone (████4000). After opening the UFDR I tagged the following messages between 01/01/2020 and 30/06/2020:
- a. 2733 messages tagged between Mr. McGrail (████4000) and Mr. Ullger (████5000);
 - b. No messages tagged between Mr. McGrail (████4000) and Mr. Ullger (████9001);
 - c. 30 messages tagged between Mr. McGrail (████4000) and Mr. Richardson (54009135);
 - d. No messages tagged between Mr. McGrail (████4000) and Mr. Richardson (████9004);
 - e. 338 messages tagged between Mr. McGrail (████4000) and Mr. Yeats (58196000);
 - f. No messages tagged between Mr. McGrail (████4000) and Mr. Yeats (████9002).
13. Where messages were tagged at paragraph 12 above, I created a UFDR in PDF format.
14. On the 6th February 2025 I reviewed the UFDR between Mr. McGrail (████4000) and Mr. Richardson (████9135) and between Supt Wyan (████4840) and Mr. Richardson (████9135) following a query regarding references to deletions.
15. In respect of the data set of Mr. McGrail I wrote the following in my notes:

"From the UFDR (Cellebrite reader) of Mr Ian McGrail I have been able to confirm that on this data set there are a total of 615 different WhatsApp chats of which 88 of those 615 chats have been deleted. Each of those 615 chats relate to conversations Mr McGrail has had with different people. Some of these chats could be blank or they could be group chats with several persons included.

From those 615 WhatsApp chats, one of those chat is a chat between Mr Ian McGrail and Mr Paul Richardson. This chat contains 153 messages. The first one was sent on 30/07/2016. I have filtered this chat between the data parameters provided to me, them being all messages between 01/01/20 to 30/06/20. This returned 30 messages. There are deleted recovered messages within this chat but none between the data parameters provided."

16. In respect of the data set of Supt. Wyan I wrote the following in my notes:

“I have viewed the data set on Physical Analyzer 10.4, (forensic software program used to decode and analyse data) and I am able to confirm that in this data set there are 306 different WhatsApp conversations of which 13 have been deleted. This means there are 306 different conversations with 306 different persons. From those chats there are two with Mr Paul Richardson. One of those however is blank. The other WhatsApp conversation was started on 5/5/17 with a total of 1372 messages. I then applied the requested date parameters, them also being 01/01/20 to 30/06/20. This showed 223 messages.”

17. I can confirm that there were no deletions of messages between Mr. McGrail (██████0) and Mr. Richardson (██████9135) or between Supt Wyan (██████4840) and Mr. Richardson (██████9135) between 01/01/2020 and 30/06/2020.

18. At 1429 hours on the 6th February 2025, as a result of further instructions, I carried out a forensic analysis of messages between Supt Wyan (██████4840) and Mr. Richardson (██████9135) between 01/01/2020 and 30/06/2020 for the extended date range. I tagged 223 messages during the relevant period and created a UFDR in PDF format.

19. On the 10th February 2025 I decoded the data extraction from PSNI of Mr. McGrail's phone (██████4000) using Physical Analyzer (PA) 10.4.1. The advantage of using PA over a UFDR (paragraph 12 above) is that it ensures that there is no missing data and allows full use of the forensic software. On the 12th February 2025 I analysed the data in accordance with the parameters set by AC Yeats, namely messages between Mr. McGrail (██████4000) and the following groups / individuals between 01/01/2020 and 30/06/2020 (except group chats):

- a. Command Team group found with the chat ending on 03/09/2019;
- b. No Gold Command chat found;
- c. No messages with number ██████9001;
- d. No messages with number ██████9002;
- e. No messages with number ██████9003;
- f. No messages with number ██████9004;
- g. No messages with number ██████9005;
- h. No messages with number ██████9021.

20. On the 13th February 2025 I was instructed to access the Gmail accounts of every officer from CI rank and above to establish whether any Whatsapp backups were available. I obtained the following information:

- a. COP[REDACTED]9010@gmail.com –Account unavailable;
- b. Assistcop[REDACTED]9001@gmail.com –Account unavailable;
- c. suptpds[REDACTED]9002@gmail.com – Account unavailable;
- d. suptops[REDACTED]9003@gmail.com – No backup available;
- e. suptcrime[REDACTED]9004@gmail.com – Account unavailable;
- f. Suptsp[REDACTED]9005@gmail.com – No backup available;
- g. cicrime[REDACTED]9006@gmail.com – Backup belongs to number [REDACTED]9003 updated on 12/02/2025. Oldest chat on 08/09/2024;
- h. ciops[REDACTED]9007@gmail.com – Account unavailable;
- i. cispecialops[REDACTED]9008@gmail.com – Backup belongs to number [REDACTED]9011 updated 19/11/2024. Backup cannot be restored;
- j. cipds[REDACTED]9009@gmail.com – No backup available.

STATEMENT OF TRUTH

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



NAME: Alfred GARCIA

DATE: 11th March 2025