

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**

**SECOND 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 to 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 questions posed by the STI in their letter of the 2nd April 2025. I have set out their questions and my corresponding answers below.

What was the date range for the report that he generated at E832, of messages between Mr McGrail and Mr Richardson's personal phones? Was this for the extended date range of 1 January and 30 June 2020, or the more limited date range of 12 May to 9 June 2020? It appears from Yeats 5 para 24 [E279] that it was the extended date range.

6. The date parameters used to analyse the WhatsApp chat between Mr. McGrail and Mr. Richardson was between 01/01/20 and 30/06/20.

We refer to the disclosure provided by Mr Richardson at E264. You will note that this includes messages sent between Mr McGrail and Mr Richardson from 22 May to 9 June 2020 [E265-6]. These messages do not appear in the report generated from the image of Mr McGrail's phone at E832. Can DC Garcia explain why those messages did not appear on the image of Mr McGrail's phone?

7. In my view, there are two reasons why the messages did not appear during the analysis of Mr. McGrail's phone. The first is that they were never on that specific device and the second could be the result of limitations during the forensic process.
8. I am unable to visually verify exactly how many messages were on Mr. McGrail's phone given that I have never had physical possession of it. There is a possibility that there were only ever 32 messages (within the relevant period) on that device. If so, the discrepancy between the 32 messages on Mr. McGrail's device and the additional messages found on Mr. Richardson's device could be attributed to a change of phone.
9. If there were more than 32 messages on Mr. McGrail's device (within the relevant period) then there are three possible explanations for the incomplete chat, namely:
 - a. Extraction stage – Limitations of the forensic tool (Graykey);
 - b. Decoding stage – Limitations of the decoding software (Physical Analyzer);
and
 - c. Reporting stage – Bug in report creation (Physical Analyzer).

Extraction Stage

10. I understand that the data extraction was completed by a PSNI officer. The extraction log indicates that the data extraction was carried out on 09/05/23 by GrayKey Software: OS Version: 1.14.2.24410001, App Bundle: 3.17.0.24261541. A Full File System data extraction was conducted, being the highest level of forensic extraction available by Graykey for this device. Although this is expected to extract most of the user data it is not a Physical data extraction which is a bit-by-bit copy of the device.

Decoding Stage

11. The decoding of the data dump was completed using Physical Analyzer. The software decodes raw data, including databases, extracted by the forensic tool. The amount of data that it decodes depends on the capabilities of the software. In

unrelated matters I have previously extracted data from devices which are not then decoded fully by Physical Analyzer.

Reporting Stage

12. I have today reviewed the WhatsApp chat between Mr. McGrail and Mr. Richardson using Physical Analyzer 10.5. I filtered the chat between the date range 01/01/20 and 30/06/20. The Extraction Report (04/04/25) contains 32 messages. I note that my previous Extraction Report (06/02/25) contained 30 messages and was created with Physical Analyser 7.6. The two new messages are system messages (outgoing calls) on the 7th April and 30th April 2020.
13. The discrepancy between one report and the other is highly likely due to using different versions of Physical Analyzer.
14. I have also compared the Physical Analyser data (decoding stage) with the Extraction Report (04/04/25) data (reporting stage) and note that there are 32 relevant messages displayed at both stages. The Extraction Report (04/04/25) is therefore accurate.

In light of paragraph 2 above, does DC Garcia maintain that there were no deletions on Mr McGrail's phone between 1 January and 30 June 2020?

15. I maintain that there were no deletions detected within the relevant period during my analysis of this chat. For the reasons stated above however, there are limitations in the forensic process which may account for the anomalies identified.

STATEMENT OF TRUTH

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



NAME: Alfred GARCIA

DATE: 4th April 2025