

**INQUIRY INTO THE RETIREMENT OF**

**THE FORMER COMMISSIONER OF POLICE**

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**9<sup>th</sup> STATEMENT OF IAN MCGRAIL**

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I, IAN MCGRAIL, of [REDACTED] SAY as follows.

1. I make this statement in response to the letter dated 26<sup>th</sup> November 2024 from the Solicitors to the Inquiry ("STI"). I will respond to the questions raised in the said letter using the same alphabetical referencing.

***Question A. Whether Mr McGrail was operating more than one phone at any time as Commissioner of the RGP (that is, a work phone and a personal phone or multiple work or personal phones):***

2. From when I was promoted to the rank of chief inspector in 2006 I was assigned the mobile number [REDACTED]4000. The phone I used was privately owned. I changed the phone a few times when it became faulty, or it required an upgrade. The RGP would pay the bills for [REDACTED]4000 which I used for both RGP and personal purposes
3. My recollection is that during the Covid-19 lockdown period the RGP adopted a policy to separate the use of phones for official and personal purposes. Consequently, new official phones and numbers were acquired, and these were assigned to those officers requiring mobile devices. I recall that these phones were *Samsung* mobiles though I do not know what model they were. Though I cannot recall the number assigned to me, it is possible that it ended with the digits '199' (i.e. 5\*\*\*\*199). I had previously not operated a personal phone alongside the [REDACTED]4000 phone prior to the change during Covid-19 lockdown.
4. Because I had previously heavily relied on the [REDACTED]4000 number for personal use, I had this number transferred officially to my personal Gibtelecom account and thereafter assumed personal responsibility for the billings.
5. I began to wind down on the use of [REDACTED]4000 for official purposes and because I was not proficient with the use of the Samsung device the transition was slower than what it might have been and I continued to use my now personal number [REDACTED]1000) for RGP communications, mainly with senior officials such as His Excellency the Governor, the Chief Minister, the Minister of Justice, the Attorney General, etc.

6. The forensic examination carried out by SIO McVea will confirm this. I cannot recall with certainty whether I got round to informing these officials that I had changed numbers and though I cannot discount that I did, they continued to communicate with me or [REDACTED] 4000.
7. However, my use of 5\*\*\*\*199 was limited because I was not proficient with the Android system used by Samsung, I did use it to try develop my proficiency and therefore did receive emails and text messages from colleagues on it.
8. When I retired on 9<sup>th</sup> June 2020 I left the Samsung device together with the work laptop behind at New Mole House. I did not retain any data pertaining to this phone. I am not aware whether this number and device were re-assigned to another officer or whether it was disconnected and no longer used.

***Question B. If Mr McGrail did operate more than one phone:***

- a. *the telephone numbers for each phone.*
  - b. *whether the device seized was Mr McGrail's personal or work phone*
  - c. *whether any other phone was ever used to send messages about RGP business.*
9. As explained above, I had originally been assigned [REDACTED] 4000 by the RGP which then became my personal number after I was issued the 5\*\*\*\*199 number on the Samsung mobile device by the RGP. For a short period, I was therefore using 5\*\*\*\*199 and [REDACTED] 4000.
  10. There were three devices seized from me by SIO McVea which I describe below:-
    - (i) the iPhone 7 which I had previously used with the [REDACTED] 4000 number,
    - (ii) an iPhone 11 which I purchased in late May 2020 with the number [REDACTED] 3000. I did not use this number for any RGP business – the forensic examination carried out by SIO McVea will confirm this. I had principally purchased this phone as a security measure to communicate with my lawyer after receiving the invitation to retire letter from the GPA but later kept it as my main number after I disconnected [REDACTED] 4000.
    - (iii) an old iPhone 11 (with cracked screen) which belonged to my daughter and which I used with a Spanish number [REDACTED] 991. I took out this number as an enhanced security measure to communicate with my lawyers because of the increasing worries I had following information received that my private communications were being monitored/intercepted. I did likewise with my email addresses. This was way after I left the RGP in or around February 2021.
  11. At no time did I use any other phone to send messages about RGP business. There are no other messages in my possession or control other than those that were contained in the three above mentioned devices. When SIO McVea eventually returned my devices in late September 2023 (over 7 months after they were seized from me), I was not able to access the WhatsApp accounts as these had been deactivated, and do not know why they were deactivated. SIO McVea imaged all three devices and therefore the RGP have all the messages contained in them.

***Question C – An explanation as to:***

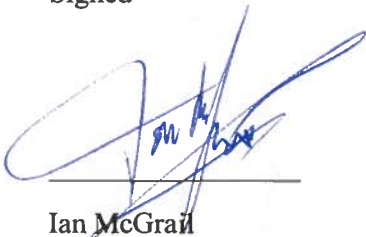
- a. why Mr McGrail did not disclose all of the messages between him and Mr Richardson and Mr Ullger on the seized device prior to it being seized by the RGP in March 2023, despite the scope of the request from the Inquiry on 4 April 2022;***
  - b. in particular, why Mr McGrail did not disclose the message from Mr Richardson on 12 May 2020 referred to in McGrail 1 para 29:***
  - c. whether Mr McGrail still has access to the full chat logs which he “exported” (see McGrail 8 para 17), and if not why not;***
  - d. whether Mr McGrail still has access to the full chat logs which formed the basis of the extracts of WhatsApp conversations that he did disclose to the Inquiry, and if not why not.***
12. 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.
  13. 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 chat logs from either of them (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.
  14. However, I am glad that the said chat logs have been extracted by SIO McVea and I understand have been made available to the Inquiry. If they have not, I allow the RGP permission to disclose these.
  15. The mention of the message I received from Mr Richardson in McGrail 1 para 29 was included in my affidavit from my vivid recollection of what happened on 12<sup>th</sup> May 2020. I did not have then and still do not have now any data to support this recollection. I can only deduce that Mr Richardson may have sent this message from *his* Samsung device (the number of which I certainly do not recall) to 5\*\*\*\*199 as otherwise the message in question would have appeared in the chats stored in [REDACTED]4000.
  16. Finally, I do have access to the full chat logs which I exported from [REDACTED]4000 and which to my knowledge were disclosed to the Inquiry. I also have these in unredacted format and can make these available to the Inquiry if required though the relevant messages are already in the possession of STI. I had provisionally lost possession and control of this data when I had my devices seized by Mr McVea on 23rd March 2023 but now have it back after he returned them to me, together with other data following my release from arrest in August 2023. I have copied them on to a pen drive and stand ready to share them with STI if required. These relate to;  
  
Mr Fabian Picardo; Mr Nick Pyle; Lt. Gen Ed Davis; Ms. Samantha Sacramento; Mr Michael Llamas; Mr Joey Britto; Mr Christian Rocca; Mr Darren Grech; Mr Neil Costa; Mr Phil Cullighan; and the Maritime Incident Group.

17. I trust that this is a sufficient response to STI's letter of the 26<sup>th</sup> November 2024 and should further clarification be required from me I shall be pleased to assist.

**STATEMENT OF TRUTH**

I believe the facts stated in this Witness Statement are true. I understand that proceedings for contempt may be brought against anyone who makes or causes to be made a false statement in a document verified by statement of truth without an honest belief in its truth.

Signed



Ian McGrail

*Presented by Charles Gomez & Co of 5 Secretary's Lane Gibraltar solicitors for Ian McGrail*