

STATEMENT OF JOHN PAUL LEHMANN

Name: John Paul LEHMANN

Address: [REDACTED]

Occupation: Retired

Date: 29 August 2023

1. I am 61 years of age. I am retired after having served in a career with the NSW Police Force from 1984 to 2018.

2. This statement accurately sets out the evidence which I would be prepared, if necessary, to give to the Special Commission of Inquiry into LGBTIQ hate crimes (The Inquiry), as a witness. The statement is true to best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

3. On 23 September 2023 I received a Summons from the Special Commission of Inquiry into LGBTIQ hate crimes, to give evidence at hearings commencing 18 September 2023. In addition to any evidence I give, I have decided to provide a statement to the Inquiry regarding my knowledge, my background and, involvement into some of the matters already recorded in evidence at previous hearings and written submissions.

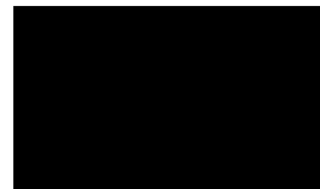
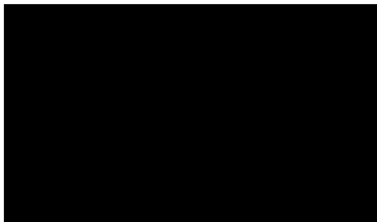
Background /Experience / Qualifications

4. I was attested as a Constable of Police on 6 April 1984 at the Redfern Police Academy. From that time on I have had many postings mainly involved in operational policing. The majority of my career has been in criminal investigation from patrol level to serious, major and organised crime investigations. I rose through the rankings reaching the rank of Detective Chief Inspector. I have also relieved at the rank of Detective Superintendent as acting Commander at a number of squads at the State Crime Command, including at the Homicide Squad.

5. My Internal and external qualifications include: Detectives Training Course; Police Negotiators Course; Management of Serious Crime Course, Australian Federal Police; Diploma of Police Negotiation, Charles Sturt University; Graduate Certificate in Applied Management, Australian Institute of Police Management.

6. In October 2008 I took up the position of Investigations Coordinator, Unsolved Homicide Team (UHT), Homicide Squad, State Crime Command until I was medically discharged from the Police Force on 11 January 2018 from hurt on duty and non-hurt on duty related injuries.

7. My role at the UHT included: Managing a number of investigation teams including regional UHT teams involved in strike force investigations; Managing the UHT Review Team involved in the assessment of unsolved homicide cases with a view to commencing strike force investigations; Oversighting the list of over 500 unsolved homicide cases maintained by the UHT; Managing the team's day to day business including; rostering, education and training,



budget matters, human resources, business planning and reporting to the Commander, Homicide Squad; I was also involved in victim's family liaison, media liaison, internal and external stakeholder coordination and active participation on numerous committees including the Homicide Victims Support Group.

UHT History / Review Process / Operational and Business Issues

8. Given the advent and publicity surrounding improvements in DNA related science, In the mid 2000's the NSWPF implemented the formation of the Unsolved Homicide Team ("UHT") – a dedicated team of investigators tasked to review and potentially investigate over 500 unsolved homicide cases dating back to 1970. The first couple of years were solely dedicated to reviewing those cases only. When enough of those cases were reviewed and some were deemed suitable for new investigations, the UHT added investigation Teams to its roster about 2007 / 2008. When I joined the team in October 2008, those initial investigations were underway. DCI Dennis Bray was the existing Investigations Coordinator and I became the second.

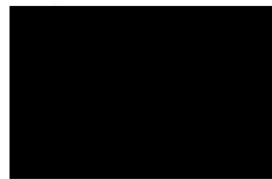
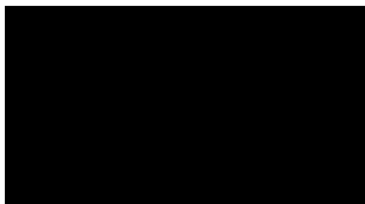
9. The protocol of the UHT is to conduct reviews or examinations of the list of over 500 unsolved homicide cases from 1970 to present. The list is added to as new cases are referred to the Homicide Squad by the Coroner following Inquest. A typical case review will involve the search for; documents, briefs of evidence, physical exhibits, suspects, witnesses, family members and, police officers or other persons involved in original investigations.

10. Other UHT cases are added following investigations by the Homicide Squad or other areas of NSWPF, that are no longer active or are dormant. A case referred to the UHT by the Coroner will not be immediately investigated unless fresh, compelling evidence has come to light. The idea is that the UHT cannot add anything new to an investigation if the Coroner has found that the original investigation was thorough. Sometimes the passage of time is needed for new evidence to come to light, science and technologies are improved or new investigative strategies are possible that were not viable or available in the past.

11. Following the review of an unsolved homicide case, a point score rating is given to cases which determines the viability and priority for possible future investigation. The rating score is given according to evidence available or possible evidence available including: Physical evidence available; Physical evidence available suitable for DNA testing; Witness evidence is available; There is a known suspect/s whose whereabouts are known; A crime scene still exists that is suitable for forensic/scientific re-examination, and so on.

12. When these factors are determined – the applicable rating is given. Scores reaching a certain number are given a 'High', 'Medium' or 'Low' priority rating for future investigation. No other external influences, prejudices or interferences are taken into account when reviewed cases are rated. It is a simple and pragmatic process. Cases rated 'High' are given priority for selection to be investigated. Other factors are also involved when a decision is made to commence a new investigation. These include: The availability of staff and resources; Notification to family members and; Timings relating to media releases.

13. In the review of the Scott Johnson case by the UHT – no brief of evidence from prior investigations was found. No physical evidence was found. No witnesses were identified. No suspects were identified. Scientific re-examination of a crime scene was not viable. I was not the only senior detective involved in different reviews of the death of Scott Johnson. Other reviews conducted, resulted in a similar determination to the review I was involved with.



14. In late 2008 I was the Investigations Coordinator overseeing the case of the murder of Felipe Flores in 1991, a gay man found bashed to death in a lane way in Woolloomooloo, Sydney. I was horrified at the severity and brutality of his injuries on reading the autopsy report including; the force of the attack leaving an imprint of the offender's shoe on Mr Flores' body from having been stomped on, causing his liver to have been split in two.

15. A breakthrough in the case came when a suspect was identified through a DNA 'hit' on evidence. This resulted in witnesses being identified and other evidence uncovered that had never been obtained previously. I then led a team to Tasmania undertaking a covert operation against the suspect. Paul Darcy Armstrong was arrested, extradited and charged with Mr Flores' murder. I took personal pride in being present and informing Armstrong that he was under arrest for the murder. Armstrong was convicted and sentenced for the murder at the Supreme Court of NSW. Mr Flores' family had travelled from South America for the court proceedings and I took great pleasure in meeting them and providing comfort and assurances for them. They were very emotional and grateful that after 20 years, they had finally found justice for Felipe.

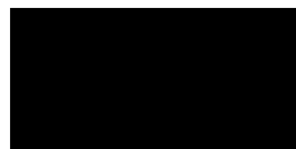
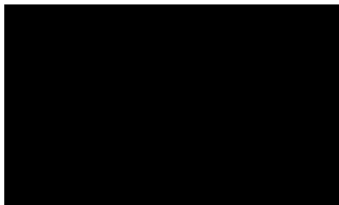
16. The Felipe Flores case was a breakthrough for the UHT and the first 'cold case' resulting in an arrest and conviction since the unit's formation. My experience on this case and most of the others I was involved with taught me that, the team wasn't solely DNA driven. To secure a strong brief of evidence, in addition to DNA evidence, most cases needed corroborating physical evidence, witness evidence and sometimes, covertly obtained evidence.

17. The city office of the UHT had an authorised strength of approximately 25 investigators. With vacant positions, staff on leave, staff seconded to active cases at the Homicide Squad, the real numbers of investigators at the UHT at any one time typically numbered between 15-20.

18. On occasions I was required to lead the On Call Homicide Squad teams for 7- night rosters. This requirement was in addition to my duties at the UHT. In November 2010 I was the On Call Inspector for the Homicide Squad when I responded to a critical incident involving the shooting of 2 offenders by police at Condell Park, Sydney, resulting in the death of one of the offenders. I led the critical incident investigation, setting up a strike force investigation room at Bankstown Police Station and, preparing a brief of evidence for a Coronial Inquest. My attention was focussed on this investigation only, from that time until the completion of the Inquest in 2012.

19. Other investigators from the UHT were similarly required to be seconded to on call duties and 'live' strike force investigations at the Homicide Squad, when needed – taking them away from their duties at the UHT. During my time at the UHT, ongoing murders associated with organised crime in Sydney was a major issue for the squad, depleting staff and resources often. The expectation at the squad was, that priority was given to the active 'live' or 'hot' cases. UHT staff were expected to contribute to those cases when required then, resume their duties at UHT when they were able to. This caused continuity issues with our investigations.

20. Investigations at UHT were typically protracted and 'long term' by their nature. These were unsolved cases because they were difficult or the original investigations were



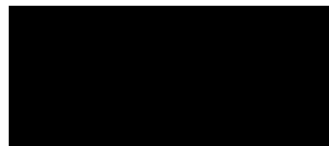
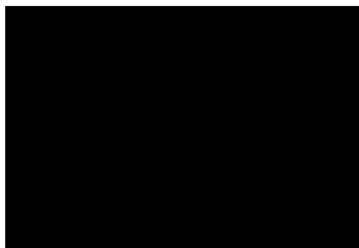
inadequate, mishandled or investigative opportunities were not taken. Also, in the 1970's and 1980's there was little or no foresight regarding the value of keeping physical exhibits long term with the knowledge that DNA or scientific improvements could lead to the discovery of new evidence. Many exhibits were destroyed or disposed of, along with their valuable evidence. Further, exhibit handling procedures at the time often meant that any exhibits retained could be contaminated and the evidence would be tainted or left useless. On average, UHT investigations ranged from 12 months to 3 years in duration. From 2008 to 2016 our 'strike rate' (cases solved through the arrest of an offender) was 2 per year.

21. The future of the UHT was not set in concrete and this was made clear to me by my superiors. The setting up of the unit and ongoing operational expenditure was high. The Unit attracted high media attention and the expectations for success were high. Evidence on some cases was sent for scientific examination to overseas laboratories where the science was more advanced than local facilities that could be sourced at the time. This was costly and time consuming. The future existence of the unit was based on achieving results, that is, charging and convicting offenders for 'cold case' murders. This was made no more apparent to me when I recall a conversation with the COP at the time, Andrew Scipione, when he said to me at a reception at the State Crime Command, "You're doing great work, but we need results John." Priority then, was always given to those cases that had the best chance of results being obtained.

22. Between 2012 and 2015 the major focus of the UHT was on one investigation – The so called 'Family Law Court bombings and murders'. A DNA 'hit' identifying a known suspect, Leonard Warrick' was the impetus driving this investigation. With this new DNA evidence, the investigation strategy focussed on building a case on tendency and coincidence evidence regarding the numerous murders, bombings and acts of terror involved in this case. This was a mammoth task that had never been undertaken before. Previous investigations were centric or more focussed on those individual crimes even though, links to all the crimes and Warick were seemingly apparent.

23. The decision to undertake the investigation and give it priority (Strike Force Reddan), was made by the Commander, Homicide Squad and the Commander, State Crime Command. At the time these crimes occurred, there was high media attention and public outrage. This was not only an attack against multiple innocent victims, it was an attack on the justice system itself. The strike force was led by DCI Pamela Young with the UHT teams under her management. Their attention was primarily on this investigation. I was left to coordinate the remaining investigators (some 12 detectives) and the strike forces they undertook. However, myself and staff from the teams I led were often called to assist, particularly towards the end of the strike force when resolution and arrest phases were being planned. My involvement included: Attending Strike Force Reddan operational planning meetings; Coordinating staff and resources for the resolution phase; Regular team briefings and; Leading a search warrant team for the execution of a search warrant at Warrick's home and property following his arrest.

24. The success of Strike Force Reddan was initiated through the chance discovery of an exhibit from one of the crime scenes – the Jehovah's Witness Kingdom Hall, at Casula, Sydney. The location of this exhibit was through a chance discovery, during a general search of 'cold case' exhibits by the UHT at the Sydney Police Centre. Along with the exhibit relating to Strike Force Reddan, numerous exhibits were located from other unsolved homicide cases.



25. The discovery of exhibits kept stored in an unsatisfactory manner led me to write a report in 2016, raising serious problems, questioning exhibit handling procedures and storage of long-term exhibits/evidence. This led to a project run by the UHT Review Team involving a protracted search and auditing of evidence held in long-term property storage by NSWPF at police stations, buildings and facilities across NSW. As a result, the COP then issued a directional policy that all exhibits/evidence relating to homicides be indefinitely retained.

26. In August 2015 DCI Young went on sick report and did not return to the UHT. For some time, I was the only Investigations Coordinator at the UHT responsible for, not just one strike force investigation, but all of the investigations and business occurring during that time.

Involvement in Matters referred to in Evidence at the Special Commission of Inquiry Into LGBTIQ Hate Crimes

27. In 2013 It was brought to my notice through media articles and contact with Miss Sue Thompson, alleging numerous historic unsolved homicides on victims, motivated from gay hate over numerous years from the 1970's onwards.

28. On receiving my summons and accompanying letter from the Special Commission of Inquiry, reference has been made to my involvement (or mention of me) and role relating to these matters as referred to in paragraphs from written submissions by Counsel Assisting the Inquiry filed on 7 June 2023. I refer to some of these paragraphs now. I do not have access to Police documents or records relating to these matters therefore I rely only on my memory and some dates mentioned in these paragraphs.

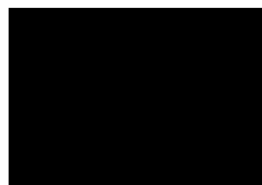
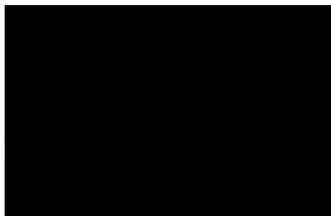
Written Submissions by Counsel Assisting the Inquiry

29. At para. 75 reference is made that DCI Young and I found no evidence of homicide regarding the death of Scott Johnson. This relates to a review that was conducted by the UHT whereby we did not find any evidence to indicate homicide had occurred (also see para. 13 above).

30. At para. 80 reference is made that in 2013 Ms Sue Thompson provided me with a list of 88 deaths that were possible victims of gay hate motivation. I recall that I met Ms Thompson at her home and she provided me with this list that was in spread sheet form, that included names of victims and dates of death.

31. At para. 85 reference is made that I asked Ms Thompson to provide me with information about gay hate murders referred to in a media article by Journalist Rick Fennelly in July 2013. I don't have a recollection of this other than the meeting I had with Ms Thompson at her home.

32. At paras. 86,87-89 reference is made to a report I made with DCI Young regarding the examination of 30 cases of alleged deaths related to gay hate crimes. The report was the culmination of examining documents on file, mainly at the Coroner's Office. Many of these cases were not on file amongst the list of unsolved homicides held at the UHT. This indicated to me that those cases had not been previously investigated by the Homicide Squad or had not been referred to the Homicide Squad for investigation by the Coroner, after Inquest. There is no doubt that these deaths were unnatural or violent but we did not find evidence in those documents on file, that all of the cases were definitely homicides or linked to gay hate crimes. I recall that my report indicated that in about 8 of the 30 cases, I considered those to be 'possible' or 'probable' homicides.



33. At para. 328 reference is made to my appearance on the ABC television program, 'Australian Story' where I was interviewed by a journalist. I made a comment, "Certainly, we haven't closed the books on this case. It's an open case". I reject the assertion that my words conveyed the impression that the UHT was actively working on the case. As with all of the unsolved cases on file at the UHT, cases are not closed unless, for example, an offender/s is convicted of the homicide or; New evidence is obtained enabling the matter to be heard again by the Coroner who determines, the cause and manner of death – usually in matters where the suspect/s is known to be deceased.

34. In the same paragraph reference is made to me having given the rating score of the Scott Johnson death review, a 'Zero' rating. I have explained how this eventuated in paras. 11-13 above.

35. Paras. 625-629 refer to evidence given by Assistant Commissioner Anthony Crandell who stated that the selection of myself as supervisor of Strike Force (SF) Niewand was a "Very striking choice...an unfortunate choice that did not aid the notion of objectivity", because I had expressed a view that media articles relating to 30 gay hate murders was, 'A gross exaggeration'. This was an opinion I stated in a report based purely on the fact that at the time of writing that report, I did not have evidence available to me, that indicated to me that homicide was involved in many of those cases.

36. In the same paragraphs there is an assertion that I supported a contention that all 4 deaths (Scott Johnson and the 3 victims subject of SF Niewand) were not, or may not have been gay hate related. A belief or suspicion, or opinions by others, of homicides that were motivated by gay hate is something that I never rejected. Rather, I looked to find evidence that would support those beliefs or opinions. My decisions regarding operational direction at the UHT was purely evidence (factually) based.

37. In para. 635 there is an assertion that the actual objective of SF Niewand was to attack and rebut the work of Operation Taradale and the findings of Coroner Milledge. I utterly reject this assertion.

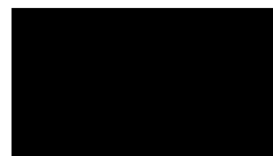
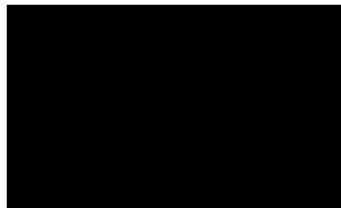
38. In para. 641 there is an assertion that SF Niewand bluntly sought to undermine and discredit Operation Taradale, Detective Steven Page and Coroner Milledge. This is incorrect. I reject this assertion.

39. The written submissions by Counsel Assisting the Inquiry that; As Investigations Co-ordinator of the UHT and SF Niewand, I would deliberately neglect the investigation or undermine the work of previous investigators or former Coroners, because of a prejudice based on the fact that the victims were gay, is completely wrong.

Written Submissions for the Commissioner of Police

40. I have also read paragraphs from the written submissions of the Commissioner of Police filed on 28 June 2023.

41. In paras. 108 – 113 reference is made to my appearance on the ABC television program 'Australian Story'. Any comments I made on that program were truthful and were not intended to mislead the public that the UHT were actively working on the Scott Johnson case. Also mentioned in this part of the submission is that Counsel Assisting are seeking to allege that I lied on National television (Australian Story). I refute this notion.




42. Para. 350 mentions that Counsel Assisting's submission seeks to; "Impugn my professional conduct" and further, that, "My motivation in supervising an investigation (I'm assuming – SF Niewand) might be reasonably supposed to have been nefarious" and a further submission that, "I was motivated to pervert the course of justice". I completely refute this.

43. In reading the written submissions of Counsel Assisting the Inquiry I detect undertones of me having a homophobic bias against victims who were gay. This could not be further from the truth. I have family members who are gay whom I love very much. My decisions in prioritising and pursuing unsolved homicide cases were purely based on their solvability prospects. Race, sexual preference, religious or political leanings, the criminality or otherwise of victims, had no bearing on my duties and decisions at the UHT or at any other time during my career in NSWPF.

44. In October 2016 I went on long term sick report with Post Traumatic Stress Disorder (PTSD) injuries and this led to my retirement from NSWPF in 2018. Part of my PTSD condition I attribute to the constant pressure I experienced as an Investigations Coordinator at UHT, in particular, the pressure of achieving successful results, the overwhelming nature of being responsible for over 500 unsolved homicide cases and also, the emotional pressure of constantly meeting and communicating with the grieving families of unsolved homicide victims, knowing that in reality, I would never be able to provide answers or results for most of them.

45. In my career at the UHT for 8 years, I led investigations with integrity, to the best of my ability with the staff and resources available to me. My duty and goal was - to diligently undertake investigations and seek to provide answers and justice to all of the over 500 victims and families of unsolved cases that I had carriage over and, nothing less.

Signed:  J. Lehmann

Witness:  Oliver Redman