NSW POLICE FORCE **P190B**

STATEMENT OF POLICE

In the matter of:	Special Commission of Inquiry into LGBTIQ Hate Crimes -
Place:	Police Headquarters, Parramatta
Date:	22 May 2023

Name:	Rashelle Conroy	Tel. No:	[redacted]
Rank:	Assistant Commissioner		
Station/Unit:	Forensic Evidence and Technical Services Command		

STATES:

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

2. I am 50 years of age.

3. At the time of signing this statement, I have been shown a zip file of electronic documents marked with electronic document IDs in the format '**NPL.XXXX.XXXX.XXXX**'. Where I refer to a document in this statement, I refer to it by its electronic document ID.

4. I am currently an Assistant Commissioner, Forensic Evidence & Technical Services Command.

5. I make this statement in respect of the request for statement made by the Special Commission of Inquiry into LGBTIQ hate crimes (**Inquiry**) by way of letter to Katherine Garaty dated 13 April 2023 (**Letter of Request**). The Letter of Request requested a statement by an appropriate officer of the NSW Police Force (**NSWPF**) addressing several topics concerning the recommendations made by Senior Deputy

Witness: [redacted]	Signature [redacted]
Sacha Debnam Inspector Forensic Evidence and Technical Services Command 22 May 2023	Rashelle Conroy Assistant Commissioner Forensic Evidence and Technical Services Command 22 May 2023

State Coroner Milledge on 9 March 2005 (**Taradale Recommendations**) in the context of the inquest into the deaths of Ross Warren, John Russell and Giles Mattaini (**Taradale Inquest**), being:

a. *Whether and by what means (annexing any relevant document) the NSWPF accepted each of the recommendations, including in particular the following recommendation*

   Audit outstanding homicides and suspected deaths to ensure investigations are active and ongoing. Where investigations have stalled these matters are to be referred to the State Coroner for his consideration

b. *Whether, by what means, and to what extent, the NSWPF has implemented each of the recommendations (annexing any relevant document);*

c. *Whether the NSWPF's current practices are consistent with the recommendations;*

d. *The results of any reviews undertaken by the NSWPF as a result of the recommendations (annexing documents as appropriate); and*

e. *Any other action undertaken by the NSWPF as a result of the recommendations*

6. I am responding to the questions in paragraph [5] in respect of the following recommendations:

   a) review procedures in relation to the collection and retention of physical evidence and exhibits relating to unsolved homicides and any deaths reportable to the coroner (**Recommendation 5**); and

   b) review procedures in relation to tracking exhibits sent to other areas for forensic testing or examination (**Recommendation 6**).

7. It is my understanding that in some of the matters the subject of the Taradale Inquest, there were issues regarding the inability to locate exhibits and/or that exhibits had not been sent for forensic testing, in particular a hair sample relevant to the investigation into the death of John Russell, and that it was in this context in particular that Recommendations 5 and 6 were made.

Witness:

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature:

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

8. I am responding to these specific questions as they fall within the current area of my responsibility as the NSWPF Corporate Owner of Exhibits. However, I note that at the time the Taradale Recommendations were made I was a Detective (Technical) Senior Constable at Gosford Crime Scene Section, performing duties as a Forensic Investigator. In this role, I did not have any involvement in the receipt and/or implementation of the Taradale Recommendations. Nor have I had any direct involvement into the investigations into the deaths of Mr Warren, Mr Russell or Mr Mattaini.

9. To my knowledge, neither I, nor anyone else in the NSWPF, can comprehensively address the questions in the Letter of Request with respect to Recommendation 5 and Recommendation 6 from their own knowledge given the passage of time and the scope of the recommendations covering a number of areas of operation of the NSWPF. I have, however, attempted to provide the information requested, by making appropriate inquiries to inform the content of my statement with respect to these recommendations, and by reference to documents that I have been given access to and have reviewed in the time provided to respond to the Letter of Request.

10. I have previously provided a statement to the Inquiry dated 2 May 2023, in response to a request for a statement addressing a range of matters in respect of the handling and storage of exhibits in homicide cases (**First Statement**). Rather than repeat matters already addressed, where appropriate I cross-reference the relevant paragraphs in my First Statement in this statement. In this way, this statement should be read together with my First Statement.

11. My statement is structured as follows:

    a) **Section A**: provides background on my role and policing experience, qualifications and training;

    b) **Section B**: responds to the requests from the Inquiry in respect of Recommendation 5; and

Witness:

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature:

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

c) **Section C**: responds to the requests from the Inquiry in respect of Recommendation 6.

SECTION A: ROLE, QUALIFICATIONS AND POLICING EXPERIENCE

12. Full details of my education and qualifications, policing experience and current role are set out at paragraphs [10] to [23] of my First Statement.

SECTION B: COLLECTION AND RETENTION OF PHYSICAL EVIDENCE AND EXHIBITS (RECOMMENDATION 5)

13. In this section of my statement, I address Recommendation 5 made by Senior Deputy State Coroner Milledge, which recommended that the Minister of Police and Police Commissioner:

Review procedures in relation to the collection and retention of physical evidence and exhibits relating to unsolved homicides and any deaths reportable to the coroner

Whether and by what means the NSWPF accepted the recommendation

14. As stated at paragraph [8] above, I was not the NSWPF Corporate Owner of Exhibits at the time Recommendation 5 was made, nor was I personally involved in the receipt or implementation of Recommendation 5. It is therefore difficult for me to offer a view as to the extent to which Recommendation 5 was "accepted" by NSWPF. However, I can make a number of observations in this respect.

15. In the context of preparing this statement, I have been shown a copy of an issues paper dated 9 August 2005 prepared by Paul Jones, the former Detective Superintendent and Commander of the Homicide Squad (**Issues Paper**). The Issues Paper provides comment from the State Crime Command sought by the Professional Standards Command regarding the Taradale Recommendations. The Issues Paper is signed by Detective Superintendent Jones, the Manager of the Operations State Crime Command and the Commander of the State Crime Command at the time. A copy of the Issues Paper is at **NPL.0100.0009.0073**.

16. In the Issues Paper, Detective Superintendent Jones makes a number of comments in response to the Taradale Recommendations. Specifically, in relation to Recommendation 5, Detective Superintendent Jones states:

> *Whilst responsibility for the collection and retention of exhibits falls to the Forensic Services Group and Local Area Commands respectively, this Command has observed the strict collection and recording processes that are in place for the management of exhibits. The Command Management Framework which is a comprehensive audit and compliance process also requires the regular auditing of exhibits held by police.*

17. The strict procedures in respect of collection and recording of exhibits referred to by Detective Superintendent Jones are set out in paragraphs [36] to [62] of my First Statement, with procedures regarding exhibit storage set out at paragraphs [63] to [90]. Relevantly, at paragraphs [111] to [117] of my First Statement, I explain both the historical and current practices associated with exhibit retention and disposal, particularly with regard to the need to retain exhibits for forensic examination, using current and/or future capabilities.

18. These paragraphs in my First Statement show the evolution of exhibit management practices over time and demonstrate significant improvements in the way in which exhibits are collected and retained by the NSWPF from the time of the deaths of John Russell, Ross Warren and Gilles Mattaini in the 1980s, to the time of the Taradale Recommendations in 2005, to the present day. I also note at paragraphs [142] to [144] of my First Statement, that the Commissioner of Police has approved the deployment of a new exhibit management system in 2024 to further enhance exhibit management practices.

19. The Command Management Framework (**CMF**), cited by Superintendent Paul Jones in the Issues Paper, is also detailed at paragraphs [83] to [89] in my First Statement. In summary, the CMF provides a mechanism to improve accountability via regular risk driven self-assessments and reporting, and exhibit management.

Witness:

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature:

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

Statement of Assistant Commissioner Rashelle Conroy APM
In the matter of *Special Commission of Inquiry into LGBTIQ Hate Crimes*

20. Although the CMF was not in place at the time during which the deaths of John Russell, Ross Warren and Gilles Mattaini were examined by Strike Force Taradale, the CMF was a well-established practice by the time the Taradale Recommendations were handed down, having been introduced in 2001.

21. In my view, and having regard to the significant improvements in the collection and retention of physical evidence and exhibits between the time of the deaths the subject of the Taradale Inquest and Recommendation 5, it cannot be said that NSWPF did not accept Recommendation 5. Rather, the question was whether, and to what extent, the substance of the recommendation had already been implemented by the time Recommendation 5 was made. I address this issue in the next section of my statement.

Whether, by what means, and to what extent, the NSWPF has implemented the recommendation

22. In addressing whether the NSWPF implemented Recommendation 5, it is necessary to provide background in relation to a review conducted by the NSWPF prior to the Taradale Recommendations.

Gibson Review

23. In 1990, the then Commissioner of Police, John Avery, directed that a review of physical evidence support services be undertaken, following acceptance of the Criminal Investigation Working Party Report (known as the 'Parsons Report') by the State Executive Group, which included the following recommendation in relation to forensic investigative services:

    The Working Party recommends that the relationship between criminal and forensic investigative services be reviewed, with respect to the standards of communication and of performance; and with respect to the administrative and other difficulties which might be encountered in preparing evidence for Court.

24. The review was conducted by the then Assistant Commissioner, Bruce Gibson, and became known as the 'Gibson Review'. The Gibson Review was twofold in purpose:

Witness: [redacted]
Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature: [redacted]
Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

a) first, to identify any shortcomings within the physical evidence service (now known as the Crime Scene Services Branch (**CSSB**)); and

b) second, to develop a series of positive recommendations to correct the defects and provide a professional service into the future.

25. Following the review, ninety-two recommendations were made to improve physical evidence practices and management, all of which were accepted and recommended for implementation by the NSWPF State Executive Group and the Police Board. In undertaking the Gibson Review and implementing the recommendations, it is my understanding that the NSWPF identified areas for improvement in the management of forensic exhibits and pre-emptively addressed what would become Taradale Recommendations 5 and 6. The recommendations from the Gibson Review relevant to Recommendations 5 and 6 are described in more detail at paragraph [66] below. A copy of the final report of the Gibson Review is at **NPL.9000.0003.0606** and is addressed in further detail in Superintendent Roger Best's statement made on 24 April 2023 at paragraphs [23], [28], [37], [41] and [68].

Submission to the Ministry for Police

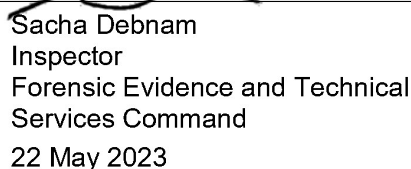
26. In the context of preparing this statement, I have been a shown a copy of a submission to the Ministry for Police dated 16 September 2005, prepared by Caroline Braden (**Submission**), who I understand was a Project Officer within the Professional Standards Command. The Submission is signed by Ms Braden, the Director of Strategic Support and the Assistant Commissioner of Professional Standards. The Submission was prepared in response to the recommendations of the State Coroner following the Taradale Inquest. A copy of the Submission is at **NPL.0100.0009.0066**.

27. The Submission noted that advice was obtained from:

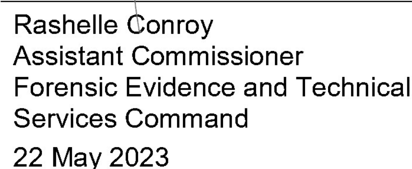
a) Commander, Education Services;

b) Commander, Operational Information Agency;

c) Director, Forensic Services Group;

Witness: 

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature: 

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

d) Commander, Crime Management Faculty; and

e) Commander, State Crime Command.

28. The Submission provides a summary of the responses prepared to assist the Ministry for Police in responding to the recommendations made by the Senior Deputy State Coroner at the conclusion of the Taradale Inquest. As I understand it, this informed a written response from the then-Minister for Police Carl Scully, who, after outlining the NSWPF response to each of the recommendations, concluded that he considered that the foregoing information had demonstrated that his portfolio had been taking positive steps to implement both the letter and spirit of the recommendations made by Senior Deputy State Coroner Milledge. A copy of the written response is at **NPL.9000.0011.0004**.

29. Relevant to Recommendation 5, the Submission outlined a number of procedural documents and systems that had been developed since the events examined during the Taradale Inquest, as follows:

    a) Police Circular 91/103;

    b) Forensic Services Procedures Manual;

    c) clearly defined Call-out Procedures;

    d) the Major Crime Policy;

    e) the Major Crime Database;

    f) the introduction of Computerised Operational Policing System (**COPS**) and the Forensic Services Information Management System (**FSIMS**); and

    g) the CMF as a comprehensive audit and compliance process which requires the regular auditing of exhibits held by police.

30. A summary of the above procedural documents and systems are discussed in the following paragraphs of my statement.

Witness: [redacted] Signature: [redacted]

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

(a) Police Circular 91/103

31. Police Circular 91/103 entitled 'Physical Evidence Review - Restructure of Regional Physical Evidence and Fingerprint Sections - Crime Scene Responsibilities' dated 24 June 1991, provides an overview of the changes to be implemented from 1 July 1991 with respect to the restructure of the CSSB (and the zone structure described in Superintendent Roger Best's statement at paragraph [28]) and division of responsibilities of senior investigating officers and crime scene examiners when attending a crime scene. A copy of Police Circular 91/103 is at **NPL.9000.0011.0001**.

32. As set out in the circular, where a crime scene examiner attends a crime scene they are the coordinating person who is responsible for all physical evidence and are the link between the investigator and the laboratory for the submission of items, information on progress and receipt of analysis results.

33. The restructure noted in this circular was still in place at the time of the Taradale Recommendations. Since then, there has been a consolidation of crime scene sections and realignment, with the current structure being:

    a) Metropolitan Region: sections at Sydney Police Centre and Pemulwuy;

    b) Northern region: consisting of the Northern Rivers Zone (Lismore and Coffs Harbour) and Hunter Zone (Taree, Newcastle and Gosford);

    c) Western Region: Tamworth, Inverell, Dubbo, Broken Hill and Bathurst;

    d) Southern Region: consisting of the South Coast Highland Zone (Wollongong, Queanbeyan and Nowra[1]); and

    e) Riverina Zone: Albury, Wagga Wagga and Griffith.

34. Crime Scene staff have also been upskilled in fingerprint recovery from scenes and now perform that function.

---

[1] Nowra will close as a crime scene section in late 2023/early 2024 when Bega Crime Scene opens.

35. There are also a number of sites across the state where Scene of Crime Officers are deployed to service non-complex crime types (e.g. break and enters, steal from motor vehicle (**SFMV**) offences, property related crimes) in the absence of a full crime scene section. This is done to provide timely service to victims of crime.

36. Further detail regarding the current structure of crime scene zones, the responsibility of senior investigators and crime scene staff as described in the circular with respect to the submission of items to Forensic Analytical Science Service (**FASS**)/laboratory liaison, and the current process by which requests are placed into EFIMS by investigators and subject to triage by the CSSB before submission to FASS is outlined in the statement of Superintendent Roger Best at paragraphs [31], [68] to [70] and [83].

(b) Forensic Services Procedures Manual

37. The Forensic Services Procedures Manual comprehensively outlines the responsibilities and methodologies for investigating crime in NSW. The manual covers all aspects of exhibits, for example, collection, packaging, continuity and testing, within a crime scene context. At the time, it was a hard copy guide provided to Forensic Officers to assist in examining crime scenes, providing general and specific instructional advice and recommendations on examining crime scenes. For example, specific advice was provided on the examination of deceased persons and on examination of deaths by drowning. While I understand that there was no specific requirement for all NSWPF to read the Forensic Services Procedures Manual, it was provided to Forensic Officers as a reference guide to supplement their training and to assist them in the field.

38. The Forensic Services Procedures Manual was first published in 1993 following the Gibson Review. Since its inception, the Forensic Services Procedures Manual has been subject to regular review and update to ensure that it reflects current best practices. A copy of the document which was in effect at the time of the Taradale Recommendations is at **NPL.9000.0003.0803**.

Witness:	Signature:
Sacha Debnam Inspector Forensic Evidence and Technical Services Command 22 May 2023	Rashelle Conroy Assistant Commissioner Forensic Evidence and Technical Services Command 22 May 2023

39. The Forensic Services Procedures Manual, now known as the Crime Scene Procedures Manual, is available electronically on the NSWPF Intranet page and is referred to in the statement of Superintendent Roger Best at paragraph [77].

(c) Call-out Procedures

40. Call-out Procedures for forensic investigators were initially published as a three-page document dated 1 June 2000 and indicated the categories of incidents which necessitate recall to duty for crime scene examiners as well as Command notification procedures. A copy of this document, which was in place at the time of the Taradale Recommendations, is at **NPL.9000.0003.1144**.

41. Call-out procedures do not necessarily relate to exhibits per se, however they do reference the need to consult CSSB in circumstances where there is fragile evidence or a scene unable to be preserved to ensure evidence is not lost through no immediate attendance by CSSB.

42. Whilst metropolitan crime scene zones no longer use call out guidelines as they now operate on a 24-hour on-shift response model, a version of the call out guidelines is maintained to this day for deployment of regional crime scene staff. This is addressed in further detail in the statement of Superintendent Roger Best at paragraphs [90] to [92]. A current version of the Regional Notification and Recall Guidelines is at **NPL.9000.0003.1241**.

(d) The Major Crime Policy

43. The Major Crime Policy (also referred to as the Major Crime and Incidents Policy), outlines the procedures for tasking and deployment of staff, in addition to the responsibilities of supervisors with management of major crimes and incidents. It also outlines the reporting requirements for such incidents, including timings for the submission of situation reports (**SITREP**), in addition to documenting the formal review process.

Witness:	Signature:
Sacha Debnam Inspector Forensic Evidence and Technical Services Command 22 May 2023	Rashelle Conroy Assistant Commissioner Forensic Evidence and Technical Services Command 22 May 2023

44. The formal review process is a meeting held between the Forensic Officer, the Officer in Charge (**OIC**) and other experts as identified by either the Forensic Officer or the OIC. Typically, this would include the Forensic Pathologist, Forensic Biologist, Ballisticians and other subject matter experts depending on the evidence recovered from the crime scene. During the formal review process, the results of the crime scene, autopsy, exhibit examinations and exhibit analysis prioritisation are discussed along with the future forensic strategy of the investigation.

45. While the Major Crime Policy does not necessarily relate to exhibits, it outlines broader crime scene management principles, supervisor responsibilities and reporting required to ensure an appropriate crime scene response is provided, commensurate to the seriousness of the incident.

46. A copy of the earliest available state-wide published version which I could locate during the course of preparing this statement (version 5.0, effective as of 1 January 2006) of the Major Crimes and Incidents Policy is at **NPL.9000.0003.1487**. The stated purpose of this policy is to, amongst other things, *"improve the quality and timeliness of forensic evidence analysis for both investigative purposes and ultimately the Court (including the Coroner)"*.

47. Prior to its implementation across the state, the policy was implemented in the South Western Zone. A copy of the policy published on 1 July 2005 is at **NPL.9000.0003.1485**. I also provide a current version of the Major Crimes and Incidents Policy at **NPL.9000.0003.0041**.

(e) *The Major Crime Database*

48. The Major Crime Database was a computer-based system used to record key details of major crimes and incidents. This database was used to assist in monitoring of ongoing investigations and to ensure compliance with the review schedule for major crimes, in addition to providing overall case management processes. The database was updated at the time by the relevant Zone Manager, particularly in circumstances following a formal case review. The Zone Manager would record the date of the formal case review

Witness:

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature:

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

and any follow up actions arising from the formal case review. This would be reviewed by the Zone Manager to ensure action items were followed up and subsequent reviews were conducted on the case as required. The major crime status report is at **NPL.9000.0011.0010**. The CSSB Operations Coordinator was responsible for maintaining the Major Crime Database at the Command level.

49. In line with the current policy on the Management of Major Crimes and Incidents, the current practice is now for the CSSB Managers to maintain oversight of major crime investigations within their regions and information regarding the investigations is maintained electronically by the CSSB Commander. All case details are recorded onto a centrally maintained spreadsheet using Microsoft Excel. This enables all Forensic Managers to oversee cases within their Regions, ensuring formal case reviews are completed. The major crime review cycle is at **NPL.9000.0011.0016**.

(f) Introduction of COPS and FSIMS

50. The introduction of COPS and FSIMS led to computer-based record keeping for the NSWPF. COPS was implemented in 1994 as a state-wide system for recording policing incidents. FSIMS was implemented in 2001 as an electronic job management system within COPS used for forensic examination requests and to record information and results from forensic examinations.

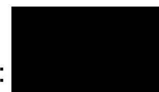
51. In 2011, FSIMS was replaced with the Exhibits Forensic Information Miscellaneous Property System (**EFIMS**). Information regarding the implementation of EFIMS is detailed at paragraphs [118] to [131] in my First Statement. Whilst EFIMS remains in use, as noted in my First Statement at paragraphs [142] to [144], the Commissioner of Police has approved the deployment of a new system that will replace EFIMS in 2024.

(g) CMF

52. As stated at paragraph [19] above, the CMF is a comprehensive audit and compliance tool used to manage operations and improve accountability through the conduct of regular risk driven self-assessments and reporting across a range of key areas, including

Witness:

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature: 

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

exhibit management. It was introduced in 2001 and was well-established by the time Recommendation 5 was made. The implementation and operation of the CMF with respect to exhibit management is addressed in paragraphs [83] to [89] of my First Statement. These processes and systems are still in use today.

53. The CMF relates to exhibits, in that, within this system there are a number of risk-based self-assessment tests specific to exhibits that commands perform to demonstrate compliance with the relevant policies for exhibit management and which also provides a record of these.

54. I am aware that during the Taradale Inquest, specifically with respect to the investigation into the death of John Russell, that the loss of an exhibit was identified. In my view, the developments outlined above with respect to both the management of major crimes and incidents and improvements in NSWPF exhibit management procedures, including collection and retention of exhibits, significantly reduce the likelihood that exhibits will be lost, misplaced or stored inappropriately.

Whether the NSWPF's current practices are consistent with the recommendation

55. In my opinion, current NSWPF exhibit management practices, including in relation to the collection and retention of physical evidence and exhibits, and the fact that such procedures are subject to ongoing review, are consistent with the substance of Recommendation 5.

56. Critically, as outlined in detail in my First Statement, there have been significant developments in NSWPF's procedures for obtaining, storing, handling, disposing and managing exhibits, as addressed in paragraphs [156] to [158]. These processes are documented in the current Exhibit Procedures Manual, the Exhibits chapter of the Police Handbook and are supported through the use of EFIMS and CMF for the purpose of recording, managing and auditing exhibits. These documents are referred to and annexed to my First Statement.

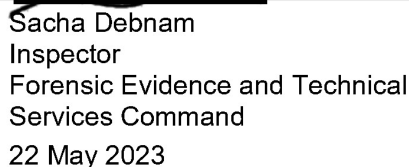
Witness:	Signature:
Sacha Debnam Inspector Forensic Evidence and Technical Services Command 22 May 2023	Rashelle Conroy Assistant Commissioner Forensic Evidence and Technical Services Command 22 May 2023

57. It should be noted that while all exhibits are generally managed under the same procedures as set out in the Exhibits Procedures Manual and Exhibits Chapter of the Police Handbook (as detailed in my First Statement at paragraphs [36] to [47] in respect of obtaining exhibits, paragraphs [63] to [73] for storage of exhibits, and paragraphs [101] to [110] for disposal of exhibits), there are specific additional requirements in regards to the retention and storage of certain coronial and unsolved homicide exhibits, namely:

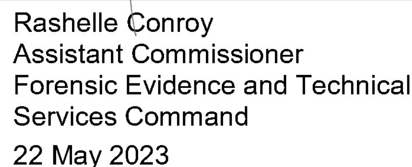
    a) in all cases, whether criminal proceedings are pending or not, when an exhibit relates materially to the cause of death it must be kept pending a discussion with the coroner. The exhibit must be recorded on EFIMS and stored in accordance with the standard policies and procedures for storage and cannot be disposed of until the coroner directs. This is outlined at paragraphs [63] to [75] in my First Statement and included in the Exhibits Procedures Manual and Police Handbook annexed and referred to in my First Statement at paragraph [102], and noted in Law Notes 10/08 entitled 'Disposing of coronial exhibits relating to deaths or fires' in the NSW Police Gazette at **NPL.9000.0011.0017**; and

    b) in the case of unsolved homicide exhibits specifically, these should be retained and stored at the Metropolitan Exhibit and Property Centre (**MEPC**), as they meet the requirement relating to unsolved offences which carry a penalty of 15 years or more imprisonment. Further detail regarding the MEPC and the centralised storage of exhibits is detailed in my First Statement at paragraphs [145] to [153].

58. Further, the processes in relation to recording exhibits on EFIMS, as outlined in my First Statement at paragraphs [43] to [47], being the current processes in place, are consistent with the intent of Recommendation 5 to ensure that there are robust and accountable procedures in place for the collection and retention of physical exhibits relating to homicides (both solved and unsolved) and any deaths reportable to the Coroner.

Witness: 

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature: 

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

Results of any reviews undertaken by the NSWPF as a result of the recommendation

59. To my knowledge, the NSWPF have had four significant reviews that, whilst not as a direct result of the Taradale Recommendations, have led to significant reform within the NSWPF in the areas of exhibit management, namely:

    a) the first being the Gibson Review, referred to at paragraphs [23] to [25] above;

    b) the second was conducted in 2006 by the NSW Ombudsman and is detailed in my First Statement at paragraphs [121] and [122];

    c) the third was conducted by the NSW Auditor General and is detailed in my First Statement at paragraph [30]; and

    d) the fourth review was conducted internally in 2012 and was referred to as the "Strategic Drug Exhibit Project", and is also referred to in my First Statement at paragraph [30].

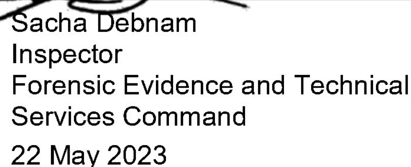
60. Further to the above, reviews and audits are conducted annually by the Governance Command on Police Area Commands and Police Districts. These annual reviews include a review of exhibits management as I describe at paragraphs [78] and [79] below.

Any other action undertaken by the NSWPF as a result of the recommendation

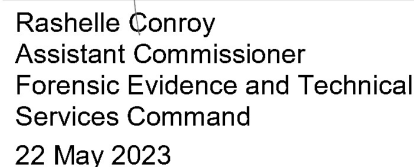
61. Collectively, over the past 30 years there have been significant improvements to the handling and management of forensic exhibits within the NSWPF. In addition to the implementation of the procedural documents and systems relevant to Recommendation 5 set out at paragraph [29] above, the NSWPF have undertaken the following over this time period to improve exhibit practices:

    a) implementation of EFIMS, which I refer to at paragraph [51] above and in my First Statement at paragraphs [118] to [131];

    b) introduction of the Exhibit Procedures Manual, referred to in my First Statement at paragraphs [26] to [30];

Witness: 

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature: 

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

c) improvement in exhibit collection methodology, referred to in my First Statement at paragraphs [39] to [42];

d) obtained National Associate of Testing Authorities (**NATA**) accreditation at all Forensic facilities across NSW, referenced in the statement of Superintendent Roger Best at paragraph [31];

e) continued to improve the training and education of Forensic Investigators with the alignment of forensic training to the Australasian Forensic Science Assessment Body (**AFSAB**), as referenced in the statement of Superintendent Roger Best at paragraph [43]; and

f) implementation of centralised storage at the MEPC for exhibits relating to unsolved homicides, as detailed in my First Statement at paragraphs [145] to [153].

SECTION C: TRACKING EXHIBITS SENT TO OTHER AREAS FOR FORENSIC TESTING OR EXAMINATION (RECOMMENDATION 6)

62. In this section of my statement, I address Recommendation 6 made by Senior Deputy State Coroner Milledge, which recommended that the Minister of Police and Police Commissioner:

> *Review procedures in relation to tracking exhibits sent to other areas for forensic testing or examination*

Whether and by what means the NSWPF accepted the recommendation

63. The Submission prepared for the purposes of assisting the Ministry for Police in responding to the recommendations arising from the Taradale Inquest, as referred to at paragraph [26] above, recorded the following in relation to Recommendation 6:

> *All forensic exhibits are followed up in accordance with the Forensic Service Branch Standard Operating Procedures, via the Major Crime Database and by the Forensic Services Liaison Officer, Division of Analytical Laboratories, Lidcombe.*

Witness: [redacted]	Signature [redacted]
Sacha Debnam Inspector Forensic Evidence and Technical Services Command 22 May 2023	Rashelle Conroy Assistant Commissioner Forensic Evidence and Technical Services Command 22 May 2023

64. It is my understanding that the Submission informed the written response from then-Minister for Police Carl Scully, who after outlining the Police response to each of the recommendations concluded that he considered that the foregoing information had demonstrated that his portfolio had been taking positive steps to implement both the recommendations made by the Coroner, as stated at paragraph [28] above.

65. Consistent with the Submission, and as was the case in relation to Recommendation 5, it is my understanding that by the time Recommendation 6 was made, steps had already been taken to implement the substance of that recommendation. I address this issue in the next section of my statement.

Whether, by what means, and to what extent, the NSWPF has implemented the recommendation

66. As stated above, the Gibson Review pre-empted several issues that were later identified in the Taradale Recommendations. In terms of matters which would impact on the ability to track exhibits, including forensic exhibits, the Gibson Review made the following recommendations:

    a) Recommendation 4: A computerised Case Management System be developed that will, upon certain required entries, generate a report to the investigator setting out the physical evidentiary situation.

    b) Recommendation 6: The Crime Scene Examiner should be the co-ordinating person responsible for all physical evidence when they attend the scene.

    c) Recommendation 7: At scenes where evidence is collected by the Crime Scene Examiner, then that Examiner should be the only link (unless some exceptional circumstances exist) between the investigator and the laboratory for the submission of items, information on progress, and receipt of results of analysis.

    d) Recommendation 36: The initial steps taken by the Review to invoke a new system of exhibit handling be advanced and appropriate trials of this system be introduced. It should be noted that this recommendation, in referencing a "new

system", specifically referred to a proposal to investigate the use of secure mail services to transport items to FASS.

67. It is my understanding that the Forensic Services Group, now the Forensic Evidence and Technical Services Command (**FETS**) as detailed in the statement of Superintendent Roger Best at paragraphs [24] to [27], commenced actioning the recommendations from the Gibson Review upon its completion.

68. Specifically, Recommendation 4 of the Gibson Review saw the implementation of FSIMS in 2001, which I describe at paragraph [50] above.

69. The changes documented in the Police Circular 91/103, referred to at paragraph [31] above, were in response to Recommendations 6 and 7 of the Gibson Review. The circular sets out the responsibilities of senior investigating officers and crime scene examiners when a crime scene examiner is called to an incident. While the overall responsibility for the investigation of that incident remains with the senior investigating officer present, the crime scene examiner assumes responsibility for examining, assessing, recording and collecting any physical evidence at the scene. This extends to the crime scene examiner being responsible for informing the senior investigating officer of any developments, including laboratory results in the matter.

70. This circular also provides that the crime scene examiner is to provide the link for communication between the laboratory and the senior investigating officer for all inquiries unless exceptional circumstances exist. The clarification of roles placed on the responsibility on the crime scene examiner regarding the forensic evidence, in conjunction with the implementation of the Forensic Services Procedures Manual and the Major Crimes and Incidents Policy, along with the Major Crime Database, saw increased accountability and oversight of forensic processes. In my view, following these improvements, the loss of a forensic exhibit such as the hair exhibit in the Russell case would be far less likely to occur.

71. Recommendation 36 of the Gibson Review in relation to the use of a secure postal service was not implemented until September 2011, when sub sampling was introduced

by FETS. Both sub sampling and the courier service for the transportation of exhibits between the NSWPF and FASS is detailed in the statement of Superintendent Roger Best referred to at paragraphs [84] and [99].

Whether the NSWPF's current practices are consistent with the recommendation

72. The current practices are generally in line with the procedures as set out in this statement above, which were put in place to address concerns with the accountability for and tracking of exhibits submitted for further testing. The processes documented in the Major Crime Review Policy and associated reporting functions as set out above at paragraphs [43] to [47] also provide high-level of oversight.

73. However, a key development in more recent years was the implementation of EFIMS, which has improved the tracking of forensic exhibits by using the electronic system to record not only exhibit movements, but also examination requests and results.

74. Significantly, there is full integration between EFIMS and the FASS IT system (known as LIMS) in respect of DNA analysis (sub sample submission), which constitute the bulk of submissions to FASS. This provides for the automated check in and out of transactions being sent from FASS to EFIMS as detailed in my First Statement at paragraphs [136] to [139]. Job status updates and disposal are also fully integrated within EFIMS, as are results, with specific fields in EFIMS populated with results by FASS.

75. In other areas, there are some limitations to the data exchange that is able to be made when transferring exhibits to FASS, and which vary depending on the laboratory within FASS that an exhibit is sent to. Specifically, I note that:

    a) Illicit Drug Identification: the systems are partially integrated, with automated check in and out transactions being sent from FASS to EFIMS. Job status updates and disposal are also fully integrated with EFIMS. Results are only partially integrated, being sent out by FASS as a PDF document to the OIC.

Witness:	Signature:
Sacha Debnam Inspector Forensic Evidence and Technical Services Command 22 May 2023	Rashelle Conroy Assistant Commissioner Forensic Evidence and Technical Services Command 22 May 2023

b) All other services, being Ignitable Liquid Analysis, Less than trafficable Cannabis Testing, Toxicology Examination (poisoning) and Toxicology (Food drink spiking or suspect samples) currently have no integration with EFIMS. In these cases, when transferred to FASS the exhibit will show as "in transit" on EFIMS. To track the exhibit, it is then necessary to make an enquiry directly to FASS, who keep a record of all exhibits received. EFIMS also has the capacity to add detailed notes explaining the movement of the exhibit as well as attachments where appropriate to account for the exhibits.

76. The new system to be implemented in 2024 to replace EFIMS will see continued improvement in this area, with specific system functionality having been requested to further enhance tracking capabilities, which I describe in detail below at paragraphs [80] to [83].

Results of any reviews undertaken by the NSWPF as a result of the recommendation

77. As outlined above, the use of EFIMS is the key mechanism by which exhibits, including forensic exhibits sent for testing or examination, are tracked.

78. As the Corporate Owner of Exhibits, I am required to review exhibit management practices annually in line with the Police Handbook reviews. Over the course of the past 12 years, NSWPF have made improvements to EFIMS aimed at improving system performance, reporting functionality and integration into other systems. As EFIMS functionality is enhanced, training material and guides continue to be updated.

79. In addition to the above, the NSWPF Governance Command review all systems and processes of Police Area Commands and Police Districts, including exhibit management, on an annual basis. Appropriate measures are then put in place to address any issues identified. By way of example, in a recent review of exhibits undertaken in 2019 by the NSWPF Governance Command Assessment Team, some exhibits were identified as having been checked out of a location and not checked into a location, most commonly where they were checked into a Laboratory at FASS that is not integrated with EFIMS. In response, a requirement for Exhibits in Transit weekly and

monthly reporting via the CMF was introduced, together with specific Exhibit Officer training regarding Exhibits in Transit and updating of the Exhibit Procedures Manual. Relevantly, updates were made to the Exhibit Procedures Manual, namely version 2.3 in May 2020 and version 5 in August 2022. The EFIMS replacement will also result in increased integration with LIMS (as outlined at paragraph [74] above).

Any other action undertaken by the NSWPF as a result of the recommendation

80. As set out in my First Statement, the Commissioner of Police has approved the deployment of a new system that will allow for the replacement of the current EFIMS system, which will ensure consistency and standardisation of exhibit management. Details regarding the new system are detailed in paragraphs [142] to [144] of my First Statement.

81. With respect to the new system and its functionality to track exhibits, considerable improvements will be realised in this area. Through the current procurement process to replace EFIMS, a detailed set of system requirements were devised to remove the current limitations and to provide considerable improvement in the management of exhibits and forensic results. It is intended that these requirements will be incorporated into the contract with the successful vendor for delivery.

82. Specifically relating to the movement and tracking of exhibits sent for forensic testing, the requirements mandate the seamless movement and tracking of exhibits across business units and agencies, with automated notifications for results and status updates. As part of the procurement process, I understand that the NSWPF is exploring opportunities with FASS to utilise the same system. Whether FASS utilise the same system or not, NSWPF's access to the new system will still improve the procedures for tracking exhibits sent for forensic testing or examination.

83. As part of the new system, I understand that examples of the specific system requirements to be implemented include:

a) the new system must display the movement of exhibits from the place of collection to a NSWPF internal unit or external agency conducting the analysis. The system must also facilitate strict rules around movement of exhibits to locations that are capable of conducting specific examinations and have accepted an exhibit for examination;

b) the new system must provide flexible dashboards for exhibit management, permitting tailoring for different user roles, filtering, and flags and notifications based upon business rules (for example, eligibility for disposal, and in-transit items). Dashboards must provide a holistic view of all exhibits for a case, including those created within FASS and FETS, including locations and status;

c) the new system must seamlessly interact with the operational policing and forensic solutions to cross reference/auto-populate event details, exhibit references, CNIs, police action taken on results, judicial outcomes, results, and other relevant information;

d) the new system must automate and/or allow an Authorised User to create and forward a request for assistance to NSWPF internal units and external agencies, e.g. forensic analysis, or forensic investigation;

e) the new system must send an automated notification to relevant parties of an investigation or exhibits and/or the relevant NSWPF organisation unit for relevant alerts, for example when a forensic analysis result has been provided, an analysis result has been updated, examination has been completed, case finalised, task rejected, relevant exhibit has arrived at a particular facility, or a specific time period has expired for exhibit management;

f) the new system must display a consolidated view of all current outstanding and completed forensic analysis tasks, requests and exhibits for an organisation unit. It must also display the status of all forensic analysis tasks/requests/exhibits, with automated alerts based on business rules; and

Witness: ______________________

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature: ______________________

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023

g) the new system must allow for holistic forensic case management with visibility and tracking across an entire investigation rather than siloed information hubs, and incorporate supervisions/case manager roles, schedule notifications and review cycles. All forensic results for a case must be able to be collated for centralised presentation for court.

84. In my view, the inclusion of these system requirements as mandatory functionalities will improve the processes for tracking exhibits, particularly in circumstances where they are sent to other areas for forensic testing or examination under the EFIMS replacement system.

Witness:

Sacha Debnam
Inspector
Forensic Evidence and Technical Services Command
22 May 2023

Signature:

Rashelle Conroy
Assistant Commissioner
Forensic Evidence and Technical Services Command
22 May 2023