

Sensitive: Legal



NSW Police Force

27 April 2023

Mr Enzo Camporeale
Director, Legal
Special Commission of Inquiry into LGBTIQ hate crimes
GPO Box 5341 SYDNEY NSW 2001

By email: [REDACTED]

Dear Mr Camporeale

Special Commission of Inquiry into LGBTIQ hate crimes – Production of documents pursuant to Summons No. 86

I refer to your letter dated 17 April 2023 (**letter**) which requests information relating to the death of Wendy Waine and encloses Summons No. NSWPF86 (**Summons**) issued to the Commissioner of Police (**Commissioner**), returnable Thursday 27 April 2023.

Production of documents

In response to the Summons, the Commissioner is to produce three documents. A copy of an index listing the documents being produced is also **enclosed** with this letter. The documents will be produced electronically, with production being facilitated on the Commissioner's behalf by Corrs Chambers Westgarth.

Category 1(e) of the Summons

In relation to category 1(e) of the Summons, I refer to paragraph [16] of Statement of Detective Sergeant Neil Sheldon dated 16 March 2023 which has previously been produced to the Inquiry (**Statement**). Pages 5 through 6 of the Statement set out the searches performed by NSWPF for records relating to [REDACTED] NP177's service as an officer in the NSWPF. On the basis of the searches set out in the Statement, our Office is instructed that NSWPF does not have any documents to produce in response to this category of the Summons.

Category 2 of the Summons

In respect of category 2 of the Summons, I again refer to the Statement of Mr Sheldon which sets out at paragraphs 8 through 13 (contained on pages 2 through 5 of the Statement) detail of the exhaustive searches conducted by NSWPF in attempts to locate the exhibits referred to in the Summons. In the circumstances, our Office is instructed that no additional information in respect of the exhibits is available. Please let us know if the Inquiry would be assisted by a separate new statement setting out the information contained in Mr Sheldon's statement.

3472-9238-1475v1

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In respect of the fingerprint file referred to in category 2(b) of the Summons I am instructed that the investigation file containing the fingerprint file has previously been provided to the Inquiry on 2 June 2022. The file has the following identifying information:

GRR Number	Record Number	Title	Content
B0876593	B/2017/12973	Forensic Services Group (FSG) - Exhibit Examination Case Folders - Box 19	206 85/8076 VIC: BRENNAN, Wayne 30/04/1985 [REDACTED] Darlinghurst Road, Kings Cross Murder

In the circumstances where the hard copy file is no longer in its possession, our Office is instructed that NSWPF is unable to respond further to this category of the Summons.

Inquiry as to firearms records

The letter requests information about NSWPF practice in relation to firearms handling and record-keeping in the 1980s. In particular, your letter requests information as to:

1. Whether, as at 1985, firearms used by NSWPF officers would have had to be signed back into a firearms safe at a given station and;
2. Whether any records are likely to exist relating to the discharge of firearms in the course of duty on in around 1985.

In relation to 1 above, our Office is instructed by Police Armoury that at the relevant time combined gun safes, where all officers stored their handgun, were only gradually being introduced. At this time, in the main, officers would store their firearm in their personal locker and generally the only time a firearm was 'handed-in' to senior officers for dedicated security was when the officer was going on leave. It would then be stored in the station safe, where access was controlled by a supervisor. Accordingly, pistols were not signed back into firearms safes at police stations.

In relation to 2 above, our instructors cannot say with any certainty whether or not such records were created as a matter of practice and are unaware of any formal structure or practices for such record keeping; however it is expected that an occurrence pad entry would have been made.

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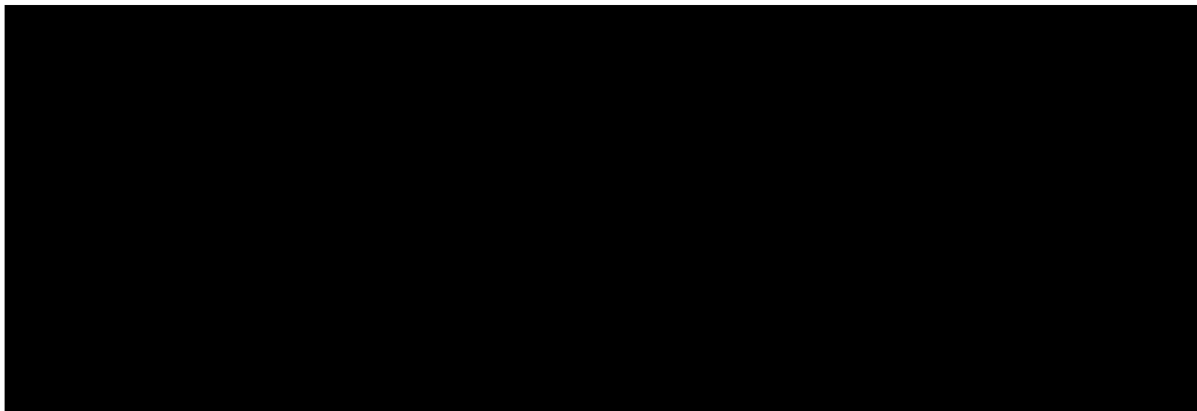
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Non-publication claims



Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Garaty', is positioned below the closing.

Katherine Garaty
Director – Crime Disruption and Special Inquiries Law
NSW Police Force

