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NSW Police Force

26 May 2023

Mr Enzo Camporeale
 Director, Legal
 Special Commission of Inquiry into LGBTIQ hate crimes
 121 Macquarie St
 SYDNEY NSW 2000

By email ONLY: [REDACTED]

Dear Mr Camporeale

Special Commission of Inquiry into LGBTIQ hate crimes (Inquiry) – Further information regarding Waine UHT review

We refer to your letter dated 17 May 2023 and the documents referred to therein in relation to the matter of Wendy Waine.

I am responding to the queries raised in your letter on instructions from Detective Sergeant Andrew Hamill. As you are aware, D/Sgt Hamill is a team leader within the Unsolved Homicide Team (**UHT**). We understand that D/ Sgt Hamill undertook various inquiries in order to respond to the matters raised in your letter.

Standard Operating Procedures (SOPs)

In your letter, you have requested that:

*[the New South Wales Police Force (**NSWPF**)] provide copies of any SOPs [sic] that would have been applicable to the UHT in 2004 and 2005.*

I am instructed that as at the requested time, proposed SOPs had been developed for UHT but it cannot be confirmed when they were finalised. A copy of the proposed SOP has been located and can be provided promptly on receipt of a summons. The SOPs referenced in the statement of Detective Superintendent Daniel Doherty dated 18 April 2023 were otherwise operational at the times indicated in that statement.

Storage location of the UHT review document

In your letter, you have requested that the NSWPF provide clarity in respect of:

Where amongst the NSWPF's records the UHT review document [in the Waine matter] was stored (and in particular, whether it was held as part of the UHT's own records, or amongst materials relating to NSWPF training exercises and programs such as the Homicide Course).

The UHT review form is stored in UHT's own records on a drive known as the "M Drive" which is a shared drive for NSWPF personnel connected to UHT. I am instructed that the UHT review document was also stored in e@gle-i under Strike Force Palace (which is a Strike Force established to manage and review the assessment of unsolved homicides).

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We note that during the course of the NSWPF reviewing records to respond to your letter, a further case review file completed by the participants of Homicide Course No. 18 at the Goulburn Police Academy in October 2004 was located. This document was located in a homicide office storage room with hardcopy files. The storage room contains both homicide and UHT documents and administrative, files and is generally used to temporary store files and other material. I am instructed that a review of this storage room was undertaken out of an abundance of caution.

A copy of the document is **enclosed** with this letter and marked **NPL.9000.0012.0063**, and is being produced to the Inquiry in accordance with Summons NSWPF86.

Roles and Functions of Detective Senior Constable McDonald and Detective Inspector Jarrett

In your letter, you have requested that the NSWPF provide clarity in respect of:

The roles and functions of DSC McDonald and DI Jarrett (whose [sic] are recorded on the UHT review document as “reviewer” and “unit co-ordinator”, respectively) at the time of the review and certification

Roles

Both DSC McDonald and DI Jarrett were attached to the Unsolved Homicide Team at the time of the review and certification. Detective Senior Constable McDonald was an investigator whilst Detective Inspector Jarrett was an investigations coordinator.

Functions in the context of reviews

I am instructed that DSC McDonald was a criminal investigator attached to UHT and assigned to undertake reviews of unsolved homicide investigations. DSC McDonald’s function as a reviewer was to undertake a thorough review of a matter by accessing all available documents and exhibits (as detailed in the reviewer’s certification on the case screening form). Investigators attached to UHT and assigned to undertake reviews did not conduct any reinvestigations of the matters under review.

As an investigations coordinator, DI Jarrett managed staff as part of the UHT unit, and in the context of reviews of unsolved matters, ensured such reviews were being undertaken appropriately. This oversight was achieved by conducting a high-level review of the matter and would not typically, for example, involve a review of each the underlying documents which supported the conclusions reached by the investigator in the review.

Function of the UHT review into Ms Waine’s death

In your letter, you have requested that the NSWPF provide clarity in respect of:

What function (if any) the UHT review into Ms Waine’s death, conducted in the manner it was by participants of the Homicide Course at Goulburn Police Academy and thereafter “certified”, performed in the context of the UHT’s operations, either at the time or as a record to which reference might be had in the future.

In the course of responding to your letter, information has been sought from DI Jarrett and participants of the Homicide Course at or around the time the review of Ms Waine’s death was completed by the Homicide Course at Goulburn. Based on that information, I am instructed that unsolved homicide investigations were given to syndicates of students at the Homicide Course as part of desktop exercises conducted during the course. The exercise was completed by a group consisting of four or five investigators (who were usually from various investigative backgrounds, locations and experience levels). Each of the groups were provided with a different case to review.

I am instructed that the main reasons for using unsolved homicides for these courses were that they were serious crimes, often involved some complexity that could be explored and discussed over the course of several days, had existing records and case files available, and were not current

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or live investigations, therefore limiting the risk of interference with an active investigation. The material supplied to each group was generally easily retrievable and transportable archived records/case files. This meant that it did not involve large volumes of material and did not include physical exhibits.

I am further instructed that D/Sgt Hamill spoke with former DSC McDonald on 23 May 2023. DSC McDonald has no recollection of the death of Ms Waine or compilation of the case screening form he completed for Ms Waine's case.

Yours sincerely



Katherine Garaty
Director – Crime Disruption and Special Inquiry Law
Office of the General Counsel
NSW Police Force