

Form 40 (Version 6)
UCPR 35.1

AFFIDAVIT OF VINCENZO CAMPOREALE 20 JUNE 2023

DETAILS

Jurisdiction Special Commission of Inquiry into LGBTIQ hate crimes

FILING DETAILS

Contact name and telephone Enzo Camporeale (02) 9372 8600

Contact email enzo.camporeale@specialcommission.nsw.gov.au

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AFFIDAVIT

Name	Vincenzo Camporeale
Address	121 Macquarie Street, Sydney NSW 2000
Occupation	Solicitor
Date	20 June 2023

I affirm:

1. I am a solicitor employed in the office of Karen Smith, Crown Solicitor of New South Wales.
2. On 21 April 2022, the Crown Solicitor was instructed as the solicitor assisting the Special Commission of Inquiry into LGBTIQ hate crimes (**the Inquiry**). I am one of the solicitors working on this Inquiry on a day to day basis, providing assistance to the Commissioner, the Honourable Justice Sackar (**the Commissioner**).
3. The matters to which I depose in this affidavit are based on my own direct knowledge or on my review of the files and records of the Inquiry to which I have access.
4. The contents of this affidavit are true and correct to the best of my knowledge, information and belief.
5. Exhibited to me at the time of affirming this affidavit is a bundle of documents which are annexed to this affidavit. The provenance of the documents is outlined below.

Correspondence re the provision of records pursuant to summons NSWPF1

6. On 18 May 2022, the Inquiry issued summons NSWPF1 to the NSW Police Force (**NSWPF**). That summons sought production of all documents relating to investigations by the NSW Police Force of various deaths falling within Category A of the Inquiry's Term of Reference, relevantly including the death of Crispin Wilson Dye (died 23 December 1993). That summons was returnable on 1 June 2022.
7. Nine boxes of material in relation to Mr Dye were produced on 8 June 2022.
8. On 13 June 2023, I wrote a letter to Katherine Garaty (**Ms Garaty**), Director, Crime Disruption and Special Inquiries Law at the Office of the General Counsel for the NSWPF addressing the ongoing late production of material under summons NSWPF1. The letter requested that the NSWPF conduct further searches for documents responsive to Summons NSWPF1 in relation to several matters for which public case hearings were yet to be held, including that of Mr Dye. A copy of that letter is annexed and marked with the letter "A".
9. At 1:56pm on 19 June 2023, I received a letter from Ms Garaty referring to my correspondence of 13 June 2023 and advising that a further three documents relating to Mr Dye's death would shortly be produced to the Inquiry. That letter expressed the

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view that it was "likely" those documents, or parts thereof, had previously been provided to the Inquiry by the NSWPF. A copy of that letter is annexed and marked with the letter "B".

10. I have reviewed the three documents produced pursuant to summons NSWPF1 on 19 June 2023 (NPL.0131.0001.1500, NPL.0131.0001.2959, NPL.0131.0001.3000). Those documents comprise a total of 261 pages. To my knowledge, at least significant parts of those documents were not previously known to the Inquiry, including a post operational assessment of Strike Force Barcoo and a Crime Scene Unit file enclosing pictures of Mr Dye's clothing and other exhibits.

AFFIRMED at

SYDNEY on 20 June 2023

Signature of deponent

J. Campbell

Name of witness

KATHRYN LOCKERY

Address of witness

121 Macquarie Street, Sydney NSW 2000

Capacity of witness

Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

1. I saw the face of the deponent.
2. I have known the person for at least 12 months.

Signature of witness

Kathryn Lockery

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

This page and the following 4 pages comprise(s) the annexure marked " A " referred to in the affidavit of Vincenzo Camporeale sworn before me this 20th day of June 2023.

Annexure 'A'



[Signature]
 Solicitor
 An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (NSW).

Special Commission of Inquiry into LGBTIQ hate crimes

13 June 2023

Katherine Garaty
 Director, Crime Disruption and Special Inquiries Law
 Office of the General Counsel, NSW Police Force
 Locked Bag 5102
 PARRAMATTA NSW 2124

By email: [REDACTED]

Dear Ms Garaty,

Special Commission of Inquiry into LGBTIQ hate crimes: Late production in response to summonses

I refer to the above Inquiry.

Late production

On 18 May 2022, the Inquiry issued summons NSWPF1. The summons sought production of the following documents in respect of 42 persons specified in Annexure B:

1. All documents relating to investigations by the NSW Police Force ("NSWPF") of the deaths of the persons listed in the Schedule at Annexure B to this summons, including:
 - a. All running sheets and surveillance running sheets;
 - b. All occurrence pad entries;
 - c. All criminal incident reports, police incident reports, intelligence reports, crime information reports, "Crimestoppers" reports and Computerised Operational Policing System event entries;
 - d. All statements and reports made to or by police;
 - e. All police notebook entries;
 - f. All police duty book entries;
 - g. All handwritten notes made by police;
 - h. All photographs, sketch plans and videotapes;
 - i. All exhibit book entries;
 - j. Any recordings (whether audio or video) of interviews, including transcripts thereof;

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2. Any other material held or created by the Unsolved Homicide Squad in relation to the death of the persons listed in the Schedule at Annexure B.

The summons was returnable on 1 June 2022.

On 25 May 2022, the summons was narrowed to material in relation to 30 deaths. The NSWPF has produced material in response to summons NSWPF1 in various tranches, starting on 8 June 2022 and continuing up to **5 June 2023**. That is to say, the NSWPF has continued to produce material responsive to summons NSWPF1 more than a year after production was required.

Reasons for the delay

The Inquiry understands that it has issued a significant number of summonses to the NSWPF and that the NSWPF has produced a significant volume of material in response. The Inquiry also understands that it has, in many cases, sought the production of materials on an urgent basis. However, as I have outlined previously, that has been unavoidable, given the nature of the Inquiry's work, the role of the NSWPF as the primary source of information in relation to each of the deaths the subject of the Inquiry and the date upon which the Commissioner is required to deliver his report.

Consequences of delay

The Inquiry's investigations and its documentary tender process are well-advanced. The production of material by the NSWPF at this late stage has, in some cases, required the Inquiry to revisit matters that were otherwise ready to proceed to documentary tender, and also reschedule cases due to NSWPF locating documents that ought to have been produced to the Inquiry a year ago.

Specific cases

Recent and significant examples of the late production of material by the NSWPF are outlined below. The following examples are by no means exhaustive.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Richard Slater

Richard Slater was one of the persons listed in Annexure B to summons NSWPF1. In the course of reviewing material produced by the NSWPF, the Inquiry identified that the brief of evidence for Strike Force Parrabell contained a selection of photographs from the crime scene for the death of Mr Slater, which had not been provided.

On 11 October 2022, the Inquiry issued summons NSWPF28 for that material, returnable on 19 October 2022.

On 19 October 2022, the NSWPF sought an extension to 26 October 2022.

On 1 November 2022, the NSWPF advised that they had been unable to locate the photographs with further searches.

On 18 November 2022, the NSWPF advised that they had located a further box of material, which was produced to the Inquiry on 23 December 2022. That box contained the photographs sought under NSWPF28, as well as autopsy photographs and diagrams drawn by a witness.

It is unclear why the materials were not produced in response to summons NSWPF1 or NSWPF28. In issuing summons NSWPF28, the Inquiry drew specific attention to the absence of the material and requested that extensive and thorough searches be undertaken for all material. Nevertheless, they were not produced until the NSWPF found the further box, seemingly by chance. These materials were of real significance and the failure to produce them in a timely fashion delayed the work of the Inquiry.

Robert Malcolm

On 30 May 2023, the Inquiry issued summons NSWPF113. That summons related to the matter of Robert Malcolm (DOB: 08/03/1950, DOD: 29/01/1992). It sought production of the following documents:

- a. All NSWPF running sheets prepared in connection with this death; and
- b. The police notebooks and duty books for Plainclothes Constable Shane Louise Bullock (also known as Shane Louise Passfield) covering the period 10 January 1992 to 4 August 1992.

On 5 June 2023, the NSWPF produced 24 files (consisting of a total of more than 1,500 pages) in response to summons NSWPF113. These files contained many documents which were not produced in relation to summons NSWPF1, or otherwise produced to the Inquiry. As you will observe, material responsive to [1(a)] of summons NSWPF113 is also responsive to [1(a)] of summons NSWPF1, while material responsive to [1(b)] of summons NSWPF113 is responsive to [1(e)-(g)] of summons NSWPF1. The material produced on 5 June 2023 ought to have been produced a year earlier, on 1 June 2022.

The Inquiry was otherwise prepared to proceed to documentary tender with this matter. The late production of this voluminous material is apt to frustrate the work of the Inquiry.

Scott Miller

On 24 May 2023, the Inquiry wrote to the NSWPF requesting the examination of debris located in Mr Miller's hand. The Inquiry requested that the NSWPF provide a statement by 1 June 2023.

On 1 June 2023, the NSWPF requested an extension of time to 7 June 2023, which was granted.

On 7 June 2023, the NSWPF wrote to the Inquiry advising that, in the course of its searches for the debris, it located additional documentary material relating to Mr Miller's death and that it was reviewing that material with a view to producing anything relevant to the Inquiry.

On 8 June 2023, the Inquiry directed the NSWPF to advise whether the material was responsive to the summons by 5:00pm that day.

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On 8 June 2023, the NSWPF advised that it was not possible to produce the material in the time requested by the Inquiry and advised that they would produce the material as soon as possible. The material was not produced until after 9:00pm on 9 June 2023. This matter is scheduled for documentary tender on 16 June 2023.

It is concerning, to say the least, that the NSWPF did not produce these documents in response to earlier summonses, and that they were only located by chance after the Inquiry made a specific request in relation to the debris.

Recommendations of Strike Force Parrabell

The Inquiry's Terms of Reference direct the Commissioner to have regard, *inter alia*, to the report and findings of Strike Force Parrabell. The report of Strike Force Parrabell included, as the first of 12 recommendations, a recommendation in the following terms:

Details of all cases required significant investigative effort by Strike Force Parrabell operatives. The system of archiving across NSW Government departments including the NSW Police Force has been historically deficient given the existence of paper-based files consistent with general use during the period of review. The NSW Police Force must ensure that the system of electronic recording and storage of evidence consistent with use of the e@glei system remains in use with policy imperatives requiring storage of all investigative material in the same location, so that permanent records of investigations from commencement to judicial conclusion are maintained.¹

That recommendation was made in June 2018. In December 2022, some four and a half years later, Assistant Commissioner Crandell gave evidence to the Inquiry. That evidence included the following exchange with Mr Tedeschi KC:

Q. And in the report I think you made 12 recommendations for internal changes?

A. Yes, I did.

Q. In the NSW Police Force?

A. Yes.

Q. How many of those 12 recommendations have been adopted?

A. All of them.

Q. And in your view as an Assistant Commissioner, has that resulted in any real changes in the NSW Police since the publication of the report?

A. Yes.²

Assistant Commissioner Crandell did not elaborate on how the recommendation in relation to archiving had been adopted by the NSWPF, or how that had resulted in any real changes. The failure of the NSWPF to produce materials to this Inquiry in a timely and complete fashion tends to suggest that the system of archiving within the NSWPF remains deficient, which tends to contradict the evidence of Assistant Commissioner Crandell on this issue. At the very least, it suggests that the recommendation has not been effectively implemented in practice, even if it has been adopted in principle.

¹ Exhibit 1, Tab 2, Final Report of Strike Force Parrabell, June 2018 (SCOI.02632).

² Transcript of the Inquiry 12 December 2022 T1067 20-34

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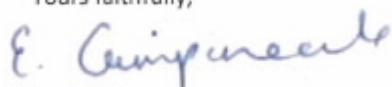
Request for statement and further searches

In those circumstances, the Inquiry requests that the NSWPF:

1. Conduct further searches in relation to the following matters which are likely to proceed to documentary tender in the coming weeks, by **4:00pm** on the following dates:
 - a. Scott Miller, by 14 June 2023;
 - b. Crispin Dye, by 15 June 2023;
 - c. Robert Malcolm, by 16 June 2023;
 - d. William Allen, by 16 June 2023;
 - e. Cyril Olsen, by 16 June 2023;
 - f. James Meek, by 19 June 2023;
 - g. Ross Warren, by 19 June 2023;
 - h. John Russell, by 19 June 2023;
 - i. Gilles Mattaini, by 19 June 2023;
 - j. [REDACTED];
 - k. [REDACTED];
 - l. [REDACTED];
 - m. [REDACTED]; and
 - n. [REDACTED]
2. By **10:00am on 27 June 2023**, provide a statement(s) from a suitably qualified officer within the NSWPF outlining:
 - a. Why the NSWPF has been unable to produce material in a complete and timely fashion in response to summonses issued to the Inquiry; and
 - b. The extent to which the first recommendation of Strike Force Parrabell has been implemented.

Please do not hesitate to contact Enzo Camporeale at [REDACTED] or on [REDACTED] if you have any queries in relation to this matter.

Yours faithfully,



Enzo Camporeale
Director, Legal
Solicitor Assisting the Inquiry

This page and the following 0 pages comprise(s) the annexure marked "B" referred to in the affidavit of Vincenzo Camporeale sworn before me this 20th day of June 2023.

Annexure 'B'

Sensitive: Legal


Solicitor
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (NSW).



NSW Police Force

19 June 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: Production of Documents – Crispin Dye

We refer to:

- a) Summons No. NSWPF1 issued to the Commissioner of NSW Police (Commissioner) dated 18 May 2022 (Summons 1);
- b) your letter dated 13 June 2023; and
- c) my email to you on 14 June 2023.

Production of Documents

Following further review, the Commissioner is to produce three further documents to the Inquiry in respect of Crispin Dye. An index of the further documents to be produced under Summons 1 is enclosed with this letter. Production of these documents will be facilitated by Corrs Chambers Westgarth on the Commissioner's behalf via the iCourts portal.

As you know, the Commissioner has previously provided the Inquiry with a substantial number of documents in respect of Summons 1. We are instructed that it is likely that these documents (or parts thereof) have previously been provided to the Inquiry by way of hard copy documents (copies of which the Commissioner no longer retains). The content of the Documentary Tender Bundle is supportive in that regard.

We are further instructed that an additional hardcopy of what appears to be the coronial brief has been identified and is in the process of being digitised. We understand that the Inquiry already has a copy of this brief, however, out of an abundance of caution, we are instructed to provide this further copy to you as soon as possible once the digitisation process has been completed. We will write to you separately once that has been completed this afternoon.

Please contact me should you have any questions.

Yours sincerely



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

3458-3438-5443v2

OFFICE OF THE GENERAL COUNSEL

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