



Special Commission of Inquiry into LGBTIQ hate crimes

31 May 2023

Patrick Hodgetts
Senior Lawyer
Office of the General Counsel, NSW Police Force
Locked Bag 5102
PARRAMATTA NSW 2124

By email: [REDACTED]

Dear Mr Hodgetts

Special Commission of Inquiry into LGBTIQ hate crimes: Request for information relating to death of Kenneth Brennan

As you are aware, the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”) is investigating the death of Kenneth Brennan (born 6 October 1941), which occurred on or around 11 June 1995.

Request for information regarding fingerprint testing

The Inquiry would be grateful if you could please confirm whether any of the fingerprints located at the crime scene have been uploaded onto the National Automated Fingerprint Identification Systems (“NAFIS”).

The Inquiry is aware of the existence of the following fingerprints:

- A partial bloody fingerprint located on curved exterior section of the Namco frypan;
- A fingerprint located on the inside of the wardrobe door in the bedroom; and
- A fingerprint on the champagne flute.

However, if there were any other fingerprints located, I would be grateful if you could please indicate so in your response.

The Inquiry is in receipt of the Results from FSG Fingerprint Unit dated 25 July 2016 (**enclosed**), which indicates that, as at 22 July 2016, Sergeant Mick Murray attempted to search some of these fingerprints through NAFIS.

Further, the Inquiry is in receipt of the Post Operational Assessment of Strike Force Skarratt dated 1 August 2019 (**enclosed**) which indicates that NSW Police Force were considering uploading the fingerprints from persons of interest in this matter to the NAFIS database, presumably for comparison purposes.

The Inquiry would be grateful if you could please indicate whether the fingerprints of the persons of interest in this matter were uploaded onto NAFIS, and, if so, whose fingerprints were uploaded to the NAFIS database.

Special Commission of Inquiry into LGBTIQ hate crimes

GPO Box 5341 Sydney NSW 2001

www.specialcommission.nsw.gov.au

Special Commission of Inquiry into LGBTIQ hate crimes

Timeframe for response

The Inquiry would be grateful if you could please respond to this request by **5 June 2023**. Any documents relevant to this request may be produced electronically.

In the event that you anticipate any difficulty with this timeframe, please forward a request for an extension of time in writing. To assist in considering the application for an extension, please provide a brief outline of the reasons an extension is sought and the date by which you anticipate being in a position to produce the material sought.

I would be grateful if you could please indicate, at the time of your response, whether you seek to make an application for non-publication orders in relation to any of the material provided in response to this request.

Thank you for your ongoing assistance to the Inquiry.

Please do not hesitate to contact Hermione Nicholls on [REDACTED], or by email at [REDACTED], if you have any queries in relation to this matter.

Yours faithfully,



Enzo Camporeale
Director, Legal
Solicitor Assisting the Inquiry

Encl. (2)

Results from FSG Fingerprint Unit

File Number: 24
Product Type: TEXT DOCUMENTS:Investigators Note
Date of Note: 25 Jul 2016
Brief Description: On 22/07/2016 DSC CLANCY received results from [REDACTED] (Mick MURRAY) in relation to comparing prints located at the crime scene (inside of the wardrobe and on the fry pan) and to the six suspects (refer to linked product).

The result from Sgt Mick MURRAY was:

I have compared all of the suspects against the wardrobe door and the frypan with no luck. The wardrobe door print is very clear and easy to compare against them all. Whilst reviewing again, I also tried searching through NAFIS again and tried a few different approaches all with no luck.

The frypan print has very little detail. Not suitable for searching on NAFIS at all. The amount of detail is not suitable for identification but can possibly be used for an inconclusive result if the points can be seen in the tenprints. Unfortunately I couldn't get a start on any of these persons.

Attached is the email correspondence between Sgt MURRAY and DSC CLANCY.

Other avenues will be required to locate the offender(s) for this investigation.

Re: Case reference number 95/214 - SF SKARRATT [DLM=For-Official-Use-Only]

#FPMC

to:

Rowena Clancy

22/07/2016 05:53

Sent by:

Michael I. Murray

Hide Details

From: #FPMC/Staff/NSWPolice

To: Rowena Clancy [REDACTED]/Staff/NSWPolice@NSWPolice

Sent by: Michael I. Murray [REDACTED]/Staff/NSWPolice

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

History: This message has been replied to.

Good Morning Rowena,

Sorry I didn't get back to you sooner, have been swamped with some big jobs, murders, critical incidents - the usual mayhem.

Anyway, I have compared all of the suspects against the wardrobe door and the frypan with no luck.

The wardrobe door print is very clear and easy to compare against them all. Whilst reviewing again, I also tried searching through NAFIS again and tried a few different approaches all with no luck.

The frypan print has very little detail. Not suitable for searching on NAFIS at all. The amount of detail is not suitable for identification but can possibly be used for an inconclusive results if the points can be seen in the tenprints. Unfortunately I couldn't get a start on any of these persons.

Cheers,

Mick.

-----Rowena Clancy [REDACTED]/Staff/NSWPolice wrote: -----

To: #FPMC/Staff/NSWPolice@NSWPolice

From: Rowena Clancy [REDACTED]/Staff/NSWPolice

Date: 07/21/2016 08:58AM

Subject: Re: Case reference number 95/214 - SF SKARRATT [DLM=For-Official-Use-Only]

Good morning Mick,

I was wondering if there was any success with this job.

Thank you.

Kind regards,

Rowena

Rowena CLANCY | Detective Senior Constable | Unsolved Homicide Team | State Crime Command | NSW

Phone: [REDACTED] | Eaglemail [REDACTED] | Fax: [REDACTED] | eaglefax: [REDACTED]

#FPMC---23/06/2016 05:01:03--- Good Morning Rowena, I have added the suspects for comparison. I will let you know results once d

From: #FPMC/Staff/NSWPolice

file:///C:/Users/[REDACTED]/AppData/Local/Temp/notesD58D5B/~web3835.htm

25/07/2016

To: Rowena Clancy, [REDACTED]/Staff/NSWPolice@NSWPolice
Date: 23/06/2016 05:01
Subject: Re: Case reference number 95/214 - SF SKARRATT [DLM=For-Official-Use-Only]
Sent by: Michael L Murray

Good Morning Rowena,

I have added the suspects for comparison. I will let you know results once done.

Cheers,

Mick.

-----Rowena Clancy, [REDACTED]/Staff/NSWPolice wrote: -----
To: #FPMC/Staff/NSWPolice@NSWPolice
From: Rowena Clancy, [REDACTED]/Staff/NSWPolice
Date: 06/22/2016 02:27PM
Subject: Case reference number 95/214 - SF SKARRATT [DLM=For-Official-Use-Only]

Good afternoon,

Could the following people have their prints compared to the prints obtained from the wardrobe door and fry pan (one of the murder weapons).

NP190	(CNI: [REDACTED] / DOB: [REDACTED] / 1961)
NP188	(CNI: [REDACTED] / DOB: [REDACTED] / 1969)
NP189	(CNI: [REDACTED] / DOB: [REDACTED] / 1956)
NP215	(CNI: [REDACTED] / DOB: [REDACTED] / 1953)
NP214	(CNI: [REDACTED] / DOB: [REDACTED] / 1932)
NP200	(CNI: [REDACTED] / DOB: [REDACTED] / 1978)

This matter relates to SF SKARRATT - murder of Kenneth BRENNAN on 11/06/1995.

Please advise if you require anything further.

Thank you.

Kind regards,
Rowena

Rowena CLANCY | Detective Senior Constable | Unsolved Homicide Team | State Crime Command | NSW
Phone: [REDACTED] | E-mail: [REDACTED] | Fax: [REDACTED] | E-mail fax: [REDACTED]

NSW POLICE STATE CRIME COMMAND



CRIME OPERATIONS SUPPORT

MEMORANDUM

TO: Commander, State Crime Command

FROM: Director, Crime Operations Support

DATE: 01 August 2019

RE: Post Operational Assessment – SF SKARRATT 2016-0215

Please find attached a copy of the subject Post Operational Assessment.

The following recommendation/s were/was raised in the Post Operational Assessment;

If the unknown fingerprints match an individual and/ or the unknown male DNA profile identifies a person on the database, this will provide an opportunity to re investigate this matter.

The following action was taken in respect of those recommendation/s;

Await possibilities of POI fingerprints being added to database. Outside of this, no recommendation.

M. Fileman
Detective Acting Chief Superintendent
Director, Crime Operations
Date .../.../...

S. Smith
Acting Assistant Commissioner
Commander, State Crime Command
Date 2.1.8.19

SENSITIVE – LAW ENFORCEMENT

Operation MONARDIA was formally reviewed. It was found to be a thorough and comprehensive investigation.

Forensic Review

A forensic exhibit review was conducted. All exhibits for this matter were identified however of interest during the Coronial Inquest Detective Senior Constable VAN LEEUWEN from East Sydney Crime Scene Section states he saw a diluted blood-stained champagne flute located on the kitchen bench. This was photographed, reference photograph number 25. He refers to this item in his statement dated 13 August 1996 and in the Coronial Inquest that it was fingerprinted by forensic officers at the crime scene. There is no record of the champagne flute being retained as an exhibit or fingerprinted.

Forensic Results

An unknown male 'A' DNA profile was located on one of three condoms located within the crime scene and the same profile was located on a pair of green YSL underpants. Police do not know who owns the underpants. This profile has been run through the state and National DNA databases with no match. No other profile has been located.

As a result of re-testing exhibits, a further fingerprint has located on the outside of the frying pan. Unfortunately, both fingerprints (being from the inside wardrobe door and the frying pan) can only be compared if a suspect / person of interest has been nominated. As a result, the suspects / person of interests nominated from the original investigation have had their prints compared to the fingerprints located at the crime scene. No one has been identified.

Further exhibits identified

Paperwork from the deceased's wallet was examined. There were three phone numbers written down on a two-sided piece of paper.

Investigators have since identified the users of these phone numbers in 1995. Two phone numbers, both home and work belonged to NP209 (DOB: [REDACTED] 1955) and the third phone number was used by NP209 (DOB: [REDACTED] 1950).

Investigations were under taken and [REDACTED] DNA was obtained POI NP209. Tests confirm NP209 can be excluded from the crime scene. Enquiries confirmed a second POI NP210 died on [REDACTED]. Investigators spoke with I294 (nephew of NP210). He declined to provide his DNA sample to assist this investigation.

Correspondence with FASS

In March and April 2019, Dr BRUCE from FASS conducted additional testing with the DNA profiles (from the underpants and condom located at the crime scene). It was reiterated that the DNA profile could be compared to an identified individual. Dr BRUCE did conclude the DNA profiles are not suitable for familial searching or DNA phenotyping and are too limited for Interpol searching.

NP214 confirmation as NP215 alibi

In March 2018 investigators spoke to NP214 who states he was at his home address in Woollahra with NP215 (boyfriend of the deceased) on the weekend the deceased was murdered.

SENSITIVE – LAW ENFORCEMENT

NP214 version of events remained the same from when he was interviewed in 1995, confirming
NP215 could not have left his home without his knowledge and reiterated he was confident
NP215 was with him that entire weekend.

Apart from the new information being an unknown male DNA profile located in the crime scene and a fingerprint located on the frying pan, all other lines of enquires have been exhausted and this matter has been thoroughly investigated. As a result, this investigation was suspended in April 2019.

Strike Force Parrabell Findings

The matter of Kenneth Brennan was subject of review in the NSW Police Force Strike Force Parrabell investigation which examined a number of bias crimes. Strike Force Parrabell noted Strike Force Skarratt was open and examining the unsolved murder. They noted the level of violence in the crime was extreme, however indicated there was no other circumstantial indications of a bias motivated crime.

3. Key Findings:***Operational Management and Practice***

Nil issues.

Impact

This investigation can be considered successful. Through the exhibit review, an unknown male DNA profile has been identified and is currently on the National DNA database. Also, two unknown fingerprints have been located on the inside of the wardrobe door and outside of the frying pan located in the bedroom. These fingerprints are on record to be compared to a suspect / person of interest.

Assessment of Future Threat

Nil applicable

Legislation

Nil applicable

Policy

Nil applicable

Performance Review

All staff performed with a high level of professionalism

e@gle.i

Tasks have all been completed and acquitted, all products completed and categorised. The status has been changed to Suspended.

COPS

Event - E903927 - updated and completed

Case - C2082041- status changed to suspended on 31 May 2019.

Nil intelligence reports submitted

Investigative Opportunities

Nil at this time

SENSITIVE – LAW ENFORCEMENT**4. Recommendations:**

If the unknown fingerprints match an individual and / or the unknown male DNA profile identifies a known person on the database, this will provide an opportunity to re-investigate this matter.

5. Annexure/s: (only if entirely necessary)

Nil

Post Operational Assessment Review

Strike Force Name	SF SKARRATT
Squad	Homicide Squad (unsolved)
Start & Finish dates	01/03/16 to 30/04/19
POA reviewed by	DSC POWER
Review date	01/08/19
Case closed on database	01/08/19

1. **Eagle.i**

0 incomplete tasks and 0 incomplete products

2. **Controversial Issues**

Nil

3. **Recommendations**

If the unknown fingerprints match an individual and/ or the unknown male DNA profile identifies a person on the database, this will provide an opportunity to re investigate this matter

4. **Action taken by squad to address recommendations**

Await possibilities of POI fingerprints being added to database. Outside of this, no recommendation.

[e@gle.i HELP](#)**Investigation Statistics Report**

Investigation SKARRATT
Unit Responsible Unsolved Homicide Team
Officer in Charge DET SEN CONSTABLE ROWENA CLANCY
Investigation Status Current
Commencement Date 23 Mar 2016

STAFFING

No of Staff listed on Investigation 13
No of Product Creators on Investigation 9

TASK STATUS

TASK TYPE	U/ALL	ALL	IP	PC	CP	COMP	REJ	CANC	O/D	TOTAL
Administration						5				5
Canvass										
Forensic										
General						5				5
Interview										
Legal										
Listening Device										
Search										
Statement										
Surveillance										
TIMS										
Telecommunication Intercept										
TOTAL						10				10

PRODUCT STATUS

PRODUCT TYPE	ENTERED	SUBMITTED	REJECTED	ACCEPTED	UNCATEGORISED	CANCELLED	TOTAL
AV- Audio Recording							
AV- FACE/Com-Fit							
AV- Other				1			1
AV- Photograph				5			5
AV- Plans and Sketches				1			1
AV- Video Recording							
PO- Audio/Video Tapes Etc.							
PO- Drug							
PO- Other				1			1
TX- Analysis Certificate						1	
TX- Background Check				14			14

TX- Call Charge Record	3	3
TX- External System Record	2	2
TX- Investigators Note	65	65
TX- Other Text Document	17	17
TX- Statement	1	1
TX- Surveillance Log	1	1
TX-Transcript ERISP		
TX-Transcript Listening Device		
TX-Transcript Other Transcript	1	1
TX-Transcript Telecommunication Intercept		
TOTAL	112	1 112

INDIVIDUAL STAFF WORKLOAD

OFFICER	INCOMPLETE TASKS	COMPLETED TASKS	INCOMPLETE PRODUCT	ACCEPTED PRODUCT	TOTAL
SEN CONSTABLE ROWENA CLANCY		10		107	117
SEN CONSTABLE STEPHEN HUNGERFORD				1	1
C/INSPECTOR DAVID LAIDLAW				1	1
SEN CONSTABLE DANIEL POOLE				1	1
SEN CONSTABLE HEATH SILVESTER				2	2
TOTAL		10		112	122

REVIEWING STAFF WORKLOAD

OFFICER	TASKS AWAITING REVIEW	TASKS REVIEWED	PRODUCT AWAITING REVIEW	PRODUCT REVIEWED	TOTAL
SERGEANT WILLIAM BEST		1		9	10
SEN CONSTABLE ROWENA CLANCY				5	5
SERGEANT MARK FITZHENRY		9		98	107
TOTAL		10		112	122

INVESTIGATION LOGS

LOG CREATOR	SUPERVISORY	GENERAL	CONFIDENTIAL	MANAGERIAL	TOTAL
SEN CONSTABLE ROWENA CLANCY		3			3
SERGEANT MARK FITZHENRY	1				1

C/INSPECTOR CHRISTOPHER OLEN				1	1
TOTAL	1	3		1	5

STATUS REPORTS

REPORT CREATOR	SITUATION REPORT	BRIEFING NOTE	PROGRESS REPORT	OPERATIONAL ASSESSMENT	CLOSING REPORT	OTHER	TOTAL
S/SERGEANT DAVID BENNETT				1			1
SERGEANT MARK FITZHENRY			1				1
SERGEANT LUC NGUYEN				8			8
SEN CONSTABLE BIBIANA PASSAK				1			1
SEN CONSTABLE PETER RHODES				5			5
TOTAL			1	15			16

D/2019/629240

**SENSITIVE – LAW ENFORCEMENT
POST OPERATIONAL ASSESSMENT**

(v0602018)



**Homicide Squad – Unsolved Homicide
Team**

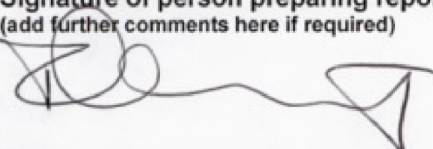
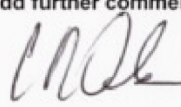
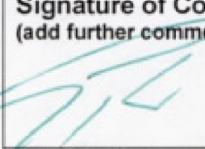
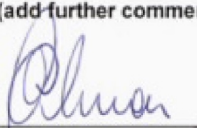
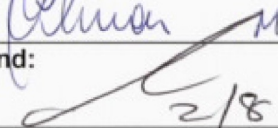
Strike Force SKARRATT

SCC 2016-0215

March 2016 to April 2019

Prepared by: DSC Rowena CLANCY

Publication date: 16 July 2019

<p>For further information on this operation please contact Detective Senior Constable Rowena CLANCY (case officer)</p>	
<p>Signature of person preparing report: (add further comments here if required)</p> 	<p>Signature of Supervisor/Investigation Coordinator: (add further comments here if required)</p>  <div style="border: 1px solid red; padding: 5px; display: inline-block; color: red;"> <p>C.R. Olen APM Detective Chief Inspector</p> </div>
<p>Signature of Commander: (add further comments here if required)</p>  <p>G TAYLOR. DIASUP.</p>	<p>Signature of Director: (add further comments here if required)</p>  <p>M. FLEMING 2/8/19</p>
<p>Notation by Commander, State Crime Command:</p>  <p>2/8</p>	
<p>Handling Instructions</p> <p><i>This document is not to be disseminated or copied without prior authorisation from the Commander, State Crime Command NSW Police. It must be handled, stored and transferred in accordance with the security procedures applicable to the appropriate security classification as laid down in the Information Technologies Policies & Procedures, Code of Best Practice for Information Management 2004, located on the NSW Police Intranet and any other relevant guidance.</i></p>	

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Superintendent Certification & Comment:

(In particular include comment about any matters raised in 'Investigative Opportunities' and 'Recommendations' with reference to what has been instigated to address the recommendation and by whom)

I hereby certify as to the completeness of this investigation:



I hereby certify that the Computerised Operational Policing System (COPS) has been completed in respect to charges, Intelligence Reports and the dissemination of such Intelligence Reports, as relevant to this investigation.



I hereby certify that the e@gle.i Investigative Management System is up to date as is relevant to the investigation at this time. (It is acknowledged that not all tasks may be completed and that additional task will/may be created in the future as this matter proceeds through the Courts.)

**General Comment:**

(Please provide comment on the general nature of the investigation, i.e. the success/or otherwise, good Policing, investigative opportunities etc.)

RE-INVESTIGATION APPEARS TO HAVE BEEN TO A HIGH STANDARD.

Action taken in respect of Recommendation/s:

(Please comment on any/all recommendations raised in the POA and provide detail of what action/s you have taken, or caused to be undertaken in respect of these and what the current status may be of the action so taken.)

AWAIT POSSIBILITY OF POI FINGERPRINTS BEING ADDED TO DATA BASE. OUTSIDE OF THIS NO RECOMMENDATIONS.

SENSITIVE – LAW ENFORCEMENT

POST OPERATIONAL ASSESSMENT

STRIKE FORCE SKARRATT
SCC 2016-0215**1. Terms of Reference:**

To re-investigate the murder of Kenneth BRENNAN (DOB: 06/10/1941) on the 12 June 1995 at [REDACTED] Onslow Avenue, Elizabeth Bay.

2. Investigation Summary:

On 23 March 2016 Strike Force SKARRATT was allocated to Unsolved Homicide to re-investigate the murder of Kenneth BRENNAN in Elizabeth Bay in 1995. The scope of the investigation was limited to a forensic review of exhibits.

Murder of Kenneth BRENNAN at [REDACTED] Onslow Ave, Elizabeth Bay on 12 June 1995.

In June 1995 the deceased Kenneth Richard BRENNAN (aged 53 years old, DOB: 06/10/1941) lived with his boyfriend [REDACTED] NP215 (DOB: [REDACTED] 1953) at [REDACTED] Onslow Ave, Elizabeth Bay. Their unit was a one-bedroom and located on the fifth floor of the building.

About 7pm on Saturday 10 June 1995 the deceased and [REDACTED] NP215 went to a dinner at the home of [REDACTED] NP214 (DOB: [REDACTED] 1932) [REDACTED] Fullerton Street, Woollahra. [REDACTED] NP215 and [REDACTED] NP214 later provided statements to police where they stated the three of them had consumed some dinner and wine before engaging in sexual intercourse with one another and that about 10pm on the same night the deceased stated he was tired and left the unit.

At 9.49am and 2.45pm on Sunday 11 June 1995 the deceased withdrew cash from the same National Australia Bank located in Darlinghurst Road, Kings Cross. Black and white photographs were obtained and show the deceased to be standing directly in front of the machine with no other persons visible in both pictures. The deceased is dressed in the same clothing on both occasions. No monies were located within the crime scene.

About 5.20pm on Monday 12 June 1995, [REDACTED] NP215 returned from [REDACTED] NP214's unit in Woollahra to the unit he shared with the deceased. He told police that he gained access via the elevator and used his keys to enter the unit. [REDACTED] NP215 noticed the blood throughout the bedroom and saw the deceased lying naked on the floor of the living room.

[REDACTED] NP215 alleged that the deceased was dead at this time and ran to the Kings Cross Police Station to report this matter. Police attended a short time later and found the deceased on the floor of the living room with stab wounds. He had a pillow underneath his head and had been sponged down with a cloth that was left on the body. Blood was present in all the rooms of the unit.

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Crime Scene Examination

On Monday 12 June 1995 Detective Senior Constable VAN LEEUWEN from East Sydney Crime Scene Section attended the scene. As a result, a number of items were seized including:

- three condoms (which appeared to have been used) located on and inside the toilet bowl
- a handle of the knife located in the toilet bowl, the blood-stained blade of this knife located on the bedroom floor
- a frypan located under the drawer in the bedroom, possibly used in the offence
- two pairs of underwear located in the bedroom

Autopsy

About 12.30am on Tuesday 13 June 1995 Dr BRADHURST, the Government Forensic Pathologist examined the deceased and pronounced life extinct. The deceased was transported to the Glebe Mortuary and an autopsy performed later that day by Dr BRADHURST with Senior Constable Robert FORD from East Sydney Crime Scene Section also present. A number of photographs were taken, and various items were seized as exhibits. The autopsy confirmed the deceased died as a result of multiple stab wounds to the torso of the deceased, with the fatal stab wound being to the right side of the rib cage, which ruptured the diaphragm, liver and heart. The time of death was estimated between 5.30pm and 11.30pm on Sunday 11 June 1995.

Fingerprint Examination

Forensic officers attended and fingerprinted the crime scene. Records from Major Crime reveal one fingerprint was located at the scene, inside of the wardrobe door in the bedroom and is recorded as being Graph B2 from Forensic Case 313808.

1995 Investigation

This matter was initially investigated by Kings Cross Local Area Command with the assistance of the Homicide Squad. Operation MONARDIA was established. A number of Lines of Inquiry and possible Persons of Interest were identified however this matter remained unsolved.

1996 Coronial Inquest.

On 17 September 1996, the Deputy State Coroner J. ABERNETHY found, *"that Kenneth Richard BRENNAN died on or about 11 June 1995 at [REDACTED] Onslow Avenue, Elizabeth Bay of stab wounds to chest inflicted then and there by persons unknown."*

Deputy State Coroner J. ABERNETHY recommended a reward be issued for any person who could assistance with this investigation. There was a \$100,000 reward announced on 11 March 1997 for the assistance in relation to this investigation.

Commencement of Strike Force SKARRATT

On 23 March 2016 Strike Force SKARRATT was allocated to Unsolved Homicide to re-investigate the murder of Kenneth BRENNAN in Elizabeth Bay in 1995. In consultation with retired Detective Chief Inspector LEHMANN, the investigation at that time, would be solely focusing on a forensic review of the exhibits and lines of enquiry stemming / flowing from results.