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NSW Police Force

13 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 (Inquiry): Kenneth Brennan

We refer to:

- a) your letter dated 31 May 2023 (**Letter of Request**) in which you requested:
- 1) confirmation of whether any of the fingerprints located at the crime scene have been uploaded onto the National Automated Fingerprint Identification Systems (**NAFIS**);
 - 2) an indication of whether there were any other fingerprints located at the crime scene; and
 - 3) an indication of 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; and
- b) our letter to you dated 13 June 2023.

In response to the Letter of Request, the Commissioner of NSW Police (**Commissioner**) produced one document, being NPL.0100.0017.0001: Expert certificate (with Annexures) of Senior Crime Scene Officer, Kate Reid (**Expert Certificate**). As foreshadowed in our letter dated 13 June 2023, set out below are further details with respect to the content of the Expert Certificate to assist the Inquiry.

Response to Question One

We are instructed that the fingerprints located at the crime scene for the matter of Kenneth Brennan are identified at paragraph [6]. The results of the examinations of the fingerprints are recorded at paragraph [23]. The fingerprint graphs were identified to record fingerprints supplied in Major Crime Folder 95/214; these graphs are not on NAFIS.

Searches of fingerprint graph "B2" appearing in the images from Forensic Case Number 313808 against NAFIS did not result in an identification of the relevant fingerprint.

Response to Question Two

See paragraphs [6] and [7] of the Expert Certificate.

Response to Question Three

We are instructed that the fingerprint records for persons listed in paragraph [19] were supplied within Major Crime Folder 95/214 and were not on the NAFIS database. They were taken as forensic procedures for the purpose of comparison to this matter, and therefore not permitted to be entered

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onto the NAFIS database. We are further instructed that fingerprint records for persons listed in paragraphs [20] and [21] were retrieved from NAFIS (i.e. they are records that are already lawfully on the NAFIS database).

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