



STATEMENT OF POLICE

In the matter of:	Special Commission of Inquiry (SCOI) – LGBTIQ (Hate Crimes)
Place:	Homicide Squad – State Crime Command
Date:	30 March 2023

Name:	Nigel Warren	Tel. No:	[REDACTED]
Rank:	Detective Inspector		
Station/Unit:	Homicide Squad		

STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief, and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true.
2. I am 57 years of age.
3. I am a Detective Inspector in the Homicide Squad of the New South Wales Police Force (**NSWPF**). I have been a detective for 28 years, including 13 years as a homicide detective. I am currently an Investigations Coordinator within the Unsolved Homicide Team (**UHT**).
4. On 13 March 2023, the Special Commission of Inquiry into LGBTIQ Hate Crimes (**Inquiry**) sent a letter to Mr Patrick Hodgetts, Senior Lawyer, Office of the General Counsel, NSWPF, requiring production of a statement or statements from an appropriate NSWPF officer or officers, setting out the sequence of events in relation to specific items of Mr John Russell's clothing during the period between 23 November 1989 to the present. The specific items of clothing comprise:
 - a. a pair of Lyrebird brand gym shoes (X0000639119 – pre EFIMS D685416);

Witness

[REDACTED]

Kim Fidler
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30 March 2023


Statement of Nigel WARREN
In the matter of Special Commission of Inquiry (SCOI) –
 LGBTIQ (Hate Crimes)


- b. a red sloppy joe (X0000639118 – pre EFIMS D685416); and
- c. bone¹ coloured Levi jeans (X0000639117 – pre EFIMS D685416),
- together, **Mr Russell's clothing**.
5. A copy of the 13 March 2023 letter requesting the statement is attached as **NW-1**.
6. I make this statement based on information known to me from my review of relevant records held by NSWPF, and my experience as a homicide detective and Investigations Coordinator, unless otherwise stated.
7. I have reviewed the following records in order to prepare this statement, which are attached as **NW-2**. When referring to an individual document within NW-2 in this statement, I refer to it by Document ID.

Document ID	
NPL.0100.0002.0004	NPL.0100.0002.0007
NPL.0100.0002.0017	NPL.0100.0002.0053
NPL.0100.0002.0054	NPL.0100.0002.0058
NPL.0100.0002.0060	NPL.0100.0002.0062
NPL.0100.0002.0073	NPL.0100.0002.0075
NPL.0100.0002.0077	NPL.0100.0002.0079
NPL.0100.0002.0085	NPL.0100.0002.0097
NPL.0100.0002.0100	NPL.0100.0002.0101
NPL.0100.0002.0102	NPL.0100.0002.0105
NPL.0100.0002.0107	NPL.0100.0002.0109
NPL.0100.0002.0424	NPL.0100.0002.0535
NPL.0100.0002.0536	NPL.0115.0002.9854
NPL.0115.0003.0371	NPL.112.001.7376
NPL.112.001.7900	NPL.112.002.1535

Document NPL.0100.0002.0017

¹ In the crime scene files that are referred to later in this statement at [43.c], the jeans are described as 'light blue' rather than bone coloured.

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8. The above list refers to document NPL.0100.0002.0017. This is a compilation of crime scene notes and documents in respect of the crime scene relating to Mr Russell. This is in the form of a folder managed by Crime Scene Officer Carlton Cameron in 1989, Mr Cameron being one of the officers who examined the crime scene. The first page of this product is a fax coversheet sent by Mr Cameron to Det/Sgt Page. The fax coversheet is undated, however, the E@glei records refer to the 'scientific job folder created by Carl Cameron, copied on 2 October 2001'.² E@glei is the software which allows electronic storage of Police documents and management of a Police investigation.
9. The first pages 1 – 20 are the original file, but this material is then duplicated: the pages from 21 onwards are the original file with 'translations' of the handwritten notes in the file. I am unable to confirm who 'translated' the notes, though I observe that:
- a. Strike Force Taradale E@glei has the identical notes without the translation, while Strike Force Neiwand E@glei has the identical notes with the translation. The Strike Force Neiwand notes with translation were uploaded to E@glei by Detective Senior Constable Katherine Tierney on 24 November 2016.
 - b. Based on my review of the E@glei holdings I believe it is likely that a member of Strike Force Neiwand created the translated version of the notes, as they are not contained within the Strike Force Taradale E@glei.
 - c. I understand that hardcopy records maintained by Strike Force Taradale and Neiwand were provided to the Inquiry on 2 June 2022 and that copies of those records are no longer in NSWPF's possession in hard copy. It should be the case that the Strike Force Taradale and Strike Force Neiwand E@glei simply duplicate the hard copy records, but I am unable to confirm this based on information available to me.

² E@glei NPL.0100.0002.0536

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10. I have reviewed both the original handwritten notes and the translated version of these notes in the preparation of this statement. Where my view of the handwritten records differs from the 'translation', I have identified this in my statement.

Sequence of events in relation to Mr Russell's clothing

11. I set out below a chronology of events concerning the handling of Mr Russell's clothing as I understand it to be, based on the records that I have reviewed.

Up to 1 December 1989

12. On 1 December 1989, handwritten notes inside the crime scene notes file appear to state Sergeant Adrian Ingleby attended 'CSU' at 3.15 – 3.30pm, to '*browse clothing of deceased*', also stating '*cleaned*' and '*for fitting to display model*'.³ CSU means Crime Scene Unit. Members of the CSU attend to examine crime scenes. From this record I infer that as at 1 December 1989 (approximately one week after Mr Russell's death), his clothing was at CSU. I address the reference to "cleaned" below at paragraph [43.c] of my statement.

13. Also on 1 December 1989, there is a handwritten note inside the crime scene notes file which appears to state '*clothing for (dummy dressed)*'.⁴

14. I am unable to determine from the records I have reviewed how Mr Russell's clothes were handled between Mr Russell's death and 1 December 1989. Given this was well over 30 years ago, it is my understanding that there are no currently-serving NSWPF officers who were involved in Mr Russell's case at this time, including Sergeant Ingleby.

³ Crime scene notes NPL.0100.0002.0017 at 0042

⁴ Crime scene notes NPL.0100.0002.0017 at 0049

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December 1989-1990

15. On 9 December 1989, handwritten notes inside the crime scene notes file appear to state '*Rang Adrian / re above – dummy to be dressed / photo by Thurs 14/12*'.⁵ I believe based on my review of the relevant documents that 'Adrian' is Sgt Adrian Ingleby.
16. On 10 December 1989, Detective Senior Constable Manuel Riviera took photographs of a mannequin wearing Mr Russell's clothing.⁶ Plain Clothes Constable Dunbar states the photographs were published in the newspaper in order to try to generate further lines of enquiry.⁷
17. On 20 February 1990, the crime scene notes file appear to state '*2 sets 7" x 7" prints & box clothing picked up by C. A. Brooks 20 February 1990*'.⁸ I am not able to confirm who the reference to 'C A Brooks' is, though I observe that a search on the Computerised Operational Policing System (**COPS**) contains a record relating to a public servant, Carol Anne Brooks. In my experience a 'public servant' is a person who is employed in the NSWPF for administrative duties and is not a sworn police officer. In my experience it is not common for administrative personnel to be managing exhibits: from a security and continuity perspective (particularly when evidence is required to be given at in Court) it is usually preferable for a police officer to maintain chain of custody. It is not clear from the crime scene notes file record where Mr Russell's clothes were then placed after collection by 'C A Brooks'.
18. I observe that E@glei records state that following Mr Russell's death, Mr Russell's clothing was "preserved by his family".⁹ Based on the records I have reviewed, I believe that Mr Russell's clothes are likely to have been returned to his family after they had been removed from the mannequin and collected by C A Brooks described above.

⁵ Crime scene notes NPL.0100.0002.0017 at 0038. The 'translation' of this note states 'photo by RUS', however, looking closely at the notes and checking the calendar for 1989 this matches with 14 December 1989 being a Thursday. Accordingly, I consider my review of the handwritten note more likely to be correct than the 'translation'.

⁶ E@glei NPL.0100.0002.0053

⁷ Plain Clothes Constable Dunbar transcript before Taradale Inquiry, T54:25-45

⁸ Crime scene notes NPL.0100.0002.0017 at 0038

⁹ E@glei NPL.0100.0002.0079

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19. I have not been able to locate any records which describe how Mr Russell's clothes came to be returned to his family, or when. It is not clear from the records if they were also provided to the family *prior* to 1 December 1989. I note that DSC Manuel Riviera and Plain Clothes Constable Dunbar are no longer with the NSWPF.

2001

20. On 14 June 2001, Detective Dennis attended [REDACTED] together with Constable Nolan¹⁰ and obtained from Mr Edwin Russell (though sometimes referred to as 'Edward' in the some source documents) a sealed cardboard box containing Mr Russell's clothing.¹¹ Also on 14 June 2001, Mr Russell's clothing was entered into exhibit book '19/C607290' at Paddington Police Station, signed in by Constable Kotek after gloved examination by Constable Fiennes.¹²

21. On 18 June 2001, Mr Russell's clothing was conveyed and submitted to the Department of Analytical Laboratories and where a reference number was given FS 01/1971¹³ by Constable Harrison, for analysis by Mr Beilby.¹⁴ Mr Beilby's staff, Ms Brown, took delivery of Mr Russell's clothing¹⁵ and it was then examined by Mr Beilby.

22. The specimen / exhibit examination form that accompanied delivery of Mr Russell's clothing to Mr Beilby is available at NPL.0115.0003.0371 at 0374. The specimen / examination form records in part that '*new evidence has come to light*', '*it is believed [Mr Russell] was viciously assaulted in the park before being thrown off the cliff*', and that '*investigators wish for all items listed to be examined and analysed for any traces of blood, DNA and possibly hair fibres*'.¹⁶

¹⁰ Statement of DSC Dennis, NPL.112.002.1535

¹¹ E@glei NPL.0100.0002.0102 (noting that this record states that the clothing was collected from Mr Edward Russell, not Mr Edwin Russell).

¹² E@glei NPL.0100.0002.0100

¹³ E@glei NPL.0100.0002.0079; specimen / exhibit form NPL.0115.0003.0371 at 0374; Statement of Constable Harrison NPL.0115.0003.0371 at 0375

¹⁴ Expert statement of Beilby, NPL.0115.0003.0371 at 0372

¹⁵ E@glei NPL.0100.0002.0097

¹⁶ Specimen / examination form NPL.0115.0003.0371 at 0374

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23. Mr Beilby's report is available at NPL.0115.0003.0371 at 0372 and is discussed at paragraph 25 below.

2002-2016

24. On 11 June 2002, an E@glei entry created by Sergeant Page states that Mr Edward Russell (referred to as 'Ted' in the source documents) was contacted by NSW police.¹⁷ Based on my review of the E@glei records, I believe that:

- a. Sgt Page is likely to be the person who contacted Mr Edward Russell;
- b. Sgt Page contacted Mr Ted Russell 'in relation to the possibility of DNA comparison material being available for John Russell'.¹⁸ E@glei record states that Mr Ted Russell would '*have a look to see what he could find*' and that he '*added that he believed the clothing may have been washed prior to its return to him*'.¹⁹ I have been unable to locate from my enquiries any records detailing what, if anything, was done in response to Mr Edward Russell's comments about Mr Russell's clothes potentially having been washed.

25. Mr Beilby's report described in paragraph 23 above is dated 11 January 2003. His report states in part that '*screening test for blood was positive on [the clothing and shoes]*' and that DNA testing was unsuccessful.²⁰ I am unable to determine from the records why the report was not dated until January 2003, when Mr Russell's clothing appears to have been conveyed to Mr Bielby in June 2001.

26. On 11 September 2007, exhibit book C607290²¹ states that Mr Russell's clothing was returned from Division of Analytical Laboratories (now Forensic and Analytical Science Services, **FASS**) to Paddington

¹⁷ E@glei NPL.0100.0002.0101

¹⁸ E@glei NPL.0100.0002.0101

¹⁹ E@glei NPL.0100.0002.0101

²⁰ Expert statement of Beilby, NPL.0115.0003.0371 at 0372; also reflected in E@glei NPL.0100.0002.0085

²¹ Exhibit book NPL.0115.0002.9854 at 9856.

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Police Station.²² It appears to be signed in by 'Rowe' with a police registered number [REDACTED] written next to 'Rowe'. A COPS check revealed that the police officer with registered number [REDACTED] is John Rowe

27. Around 2007, police stations had a designated locked exhibit room which was normally maintained by an exhibit officer. In the exhibit room was shelving used for storage of exhibits. It is not unusual that FASS would seek the return of exhibits to Paddington once testing was complete. Further, Paddington Police Station at that time was the holding station for exhibits in the Eastern Suburbs area.
28. However, based on the records I have reviewed, I am unable to explain why Mr Russell's clothes were transferred from DAL (now FASS) to Paddington in 2007 (as opposed to some earlier time, noting FASS first received Mr Russell's clothing in 2001). I am also unable to explain how FASS would have stored Mr Russell's clothing between 2001 and 2007. However, I observe that Strike Force Taradale operated from Paddington from 2001 and the movement of Mr Russell's clothes at that time may have been connected to that Strike Force.
29. On 2 August 2011, 18 items (including Mr Russell's clothing) were transferred into the long term exhibit book at Paddington, D685416 by Robert Toovey, whose registered NSWPF number is [REDACTED]²³ The record states this was to 'transfer the exhibits to long term book'. I am unable to say based on my review of the records why this transfer between exhibit books occurred. However, in my experience, long term exhibit books are usually used to consolidate records of older exhibits which need to be retained (rather than, for example, returned to owners or being disposed of in appropriate cases) to avoid stations having to keep multiple exhibit books with only a few entries remaining in each. In short, the 18 items remained at Paddington Police Station but were recorded in book D685416.
30. On 24 January 2013, DSC Grant Davidson from UHT collected the 18 items I have described in paragraph 29 above. DSC Davidson conveyed the 18 items to Metropolitan Exhibit and Property Centre (referred to

²² E@glei NPL.0100.0002.0079. Note that NPL.0100.0002.0079 also appears to refer to Mr Russell's clothing being 'sent out' from DAL / FASS on 27 March 2007, however, I have not been able to locate a reference to this date or movement in any other record.

²³ E@glei holdings NPL.0100.0002.0058, NPL.0100.0002.0060, NPL.0100.0002.0062; exhibit book NPL.0115.0002.9854 at 9856

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as the **MEPC**) at Potts Hill.²⁴ The MEPC was a large warehouse controlled by the NSWPF which opened in December 2011 to provide storage for long term exhibits that were required to be stored due to the crime they related to, including unsolved homicides. The MEPC is also used to store exhibits relating to offences carrying a penalty of 15 years or more imprisonment, current protracted Court proceedings, and exhibits relating to high profile or political incidents with significant media interest. It is consistent with the purpose of the MEPC that the DSC Davidson collected the items and conveyed them to the MEPC, however, I am unable to say from the records I have reviewed why Mr Russell's clothes were moved to the MEPC in 2013.

31. In 2016 the Unsolved Homicide Team, Homicide Squad, commenced a project to recover and centralise historical unsolved homicide case exhibits in NSW. I have attached to my statement a paper which sets out detail of the 'exhibit recovery project plan'.²⁵ The project utilised the then-new Exhibits Forensic Information and Miscellaneous Property System (known as **EFIMS**). This is an online database for management of all NSWPF exhibits, including records of movements. EFIMS allowed exhibits to be tracked by reference to barcodes and also enabled tracking of any forensic requests, among other things. With the creation of EFIMS and storage of exhibits at the MEPC, the exhibit project was an opportunity to identify and record exhibits seized into police possession prior to the existence of EFIMS. The MEPC then provided a long term storage solution at one location to store the exhibits.

Strikeforce Neiwand

32. From my review of the records, on 15 April 2016, DS Tse, DSC Oldfield and DSC Chebl attended the MEPC and located a sealed box labelled '*Suspicious Deaths, Det Stephen Page, Operation Taradale. Book 61 D685416. Items 1 – 18*'. Contained in that box was Mr Russell's clothing.²⁶ At that time, Mr Russell's clothing was then entered as exhibits X0000639117, X0000639118 and X00006391179 into EFIMS. DS Tse was involved in the project to recover and centralise historical unsolved homicide case

²⁴ E@glei holdings NPL.0100.0002.0058, NPL.0100.0002.0060, NPL.0100.0002.0062; exhibit book NPL.0115.0002.9854 at 9856

²⁵ Exhibit recovery project plan NPL.0100.0002.0536

²⁶ E@glei holdings NPL.0100.0002.0058, NPL.0100.0002.0060, NPL.0100.0002.0062; see also investigator note NPL.112.001.7376

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 LGBTIQ (Hate Crimes)

exhibits in NSW that I have described immediately above; while DSC Oldfield and DSC Chebl were members of Strike Force Neiwand. In 2016 Strike Force Neiwand was investigating the matter of John Russell and based on discussions with DS Steve Morgan and DSC Oldfield I understand that exhibit D685416 was collected for the purposes of Strike Force Neiwand.

33. On 10 August 2016, records show that DSC Oldfield collected Mr Russell's clothing from the MEPC at 9.44am and conveyed them to Sydney City Crime Scene at 11.02am for tape lifts, blood examination and DNA examination.²⁷ Sydney City Crime Scene is the office location of the Forensic Evidence Technical Services (referred to as FETS) in Sydney. FETS have the ability to perform forensic examination. The request for examination from DSC Oldfield asked that the examiner focus on *'the pockets and belt line of the jeans'*, noted blood staining in various locations on the jumper, and requested a focus on the *'upper ankle section of the shoes'*.²⁸ The E@glei record refers to job AJ00514788. I have reviewed job AJ00514788, which also states that DSC Michael Chebl was the 'responsible officer' / 'contact officer'.²⁹
34. On 23 August 2016, Senior Sergeant Schibeci examined Mr Russell's clothing and 'sub exhibits' (that is, evidence samples) were collected from the clothing. A total of 15 samples were forwarded to FASS for analysis.³⁰ The results of the analysis are described at paragraph [37] below.
35. On 7 September 2016, Mr Russell's clothing was conveyed to Pemulwuy (another FETS department) from Sydney Zone Crime Scene SPC.³¹ I am unable to say from the records I have reviewed why Mr Russell's clothing was taken to FETS at Pemulwuy, but I understand Pemulwuy has the ability to carry out additional testing beyond what is available at Sydney City Crime Scene. On 9 September 2016, Mr Russell's clothing

²⁷ E@glei holding NPL.0100.0002.0073, noting that the holding identifies that the original request for examination was made on 20 June 2016, though was resubmitted on 4 August 2016; EFIMS check out receipt NPL.112.001.7900; EFIMS exhibit custody reports NPL.0100.0002.0105, NPL.0100.0002.0107, NPL.0100.0002.0109

²⁸ E@glei holding NPL.0100.0002.0085

²⁹ E@glei holding NPL.0100.0002.0424

³⁰ E@glei holding NPL.0100.0002.0075

³¹ EFIMS exhibit custody reports NPL.0100.0002.0105, NPL.0100.0002.0107, NPL.0100.0002.0109

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Statement of Nigel WARREN
In the matter of Special Commission of Inquiry (SCOI) –
 LGBTIQ (Hate Crimes)

was returned to Paddington Police Station.³² I am unable to say from the records I have reviewed why Mr Russell's clothing was taken to Pemulwuy.

36. On 22 September 2016, Mr Russell's clothing was returned to the MEPC.³³
37. On 16 November 2016, E@glei was updated by SDC Tierney to reflect the analysis provided of Mr Russell's clothing. The update stated that *'there was no sufficient DNA profiles found during this examination of the clothing. All results were either "Mixed DNA profile, weak / complex" or "DNA testing unsuccessful"*.³⁴ It is not clear from the E@glei note when the analysis was received. In my experience, FASS certificates are not requested unless they are required for Court purposes and it may be that FASS certificates were not requested for this analysis.
38. On 19 December 2016, a further Strike Force Neiwand E@glei task states *'On 23/11/1989 the body of John RUSSELL was discovered at the base of a cliff below the walkway of Marks Park between Tamarama and Bondi. Submit all exhibits related to John RUSSELL (J01475691) for re-examination'*. The 'allocated resources' are Detective Senior Constable Jon Oldfield and Detective Senior Constable Katherine Tierney. Although this entry is dated 19 December 2016, it appears to be a record confirming the re-examination referred to above has been completed.³⁵

Present day

39. I have only been able to locate one further record describing storage of Mr Russell's clothing between 19 December 2016 and the present day.
40. On 16 March 2023 a member of NSWPF has prepared an exhibit custody report from EFIMS for Mr Russell's clothing on my instructions. The last entry in the report is dated 2 March 2023, and records the exhibit being checked out by DSC Samantha Meredith, and delivered to FASS at the request of the Inquiry.

³² EFIMS exhibit custody reports NPL.0100.0002.0105, NPL.0100.0002.0107, NPL.0100.0002.0109

³³ EFIMS exhibit custody reports NPL.0100.0002.0105, NPL.0100.0002.0107, NPL.0100.0002.0109

³⁴ E@glei holding NPL.0100.0002.0077

³⁵ E@glei NPL.0100.0002.0535

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The custody reports are available at NPL.0100.0002.0105, NPL.0100.0002.0107 and NPL.0100.0002.0109.

Other questions posed by the Inquiry

41. In its request for a statement, the Inquiry also asked that the statement address two further questions, which I now consider in turn.

Identification of police officers who handled or transported Mr Russell's clothing at any time

42. Where names of police officers are apparent on the face of the records I have reviewed, I have included their names in the chronology above.

Whether, when and why Mr Russell's clothes were washed, in about December 1989 or at any other time, while in the possession of police

43. From my review of the documents, I observe that:

- a. crime scene photographs show pooling of blood around Mr Russell's body;³⁶
- b. crime scene photographs also show that the red sloppy joe has dark red staining on the left sleeve and front of the sloppy joe.³⁷ I believe it reasonable to infer that the staining is likely to be blood;
- c. handwritten notes inside the crime scene notes folder dated [1 December 1989] refer to clothing being 'cleaned';³⁸
- d. black and white photographs were taken of a mannequin wearing Mr Russell's clothing on 10 December 1989 and negatives were developed by Forensic Imaging Section on 3 May 2016.³⁹

³⁶ See example photograph NPL.0100.0002.0004

³⁷ See example photograph NPL.0100.0002.0007

³⁸ Crime scene notes file NPL.0100.0002.0017 at 0042

³⁹ E@glei NPL.0100.0002.0053 and NPL.0100.0002.0054

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The photographs do not appear to show blood stains, but the August 2016 request for examination of the clothing by DSC Oldfield refers to blood staining on the jumper;⁴⁰ and

- e. Mr Edward Russell referenced in 2002 that the clothing may have been washed before being returned to him.⁴¹

44. From the above records I consider it is likely that Sergeant Ingleby attended the Crime Scene Unit with the original clothing of Mr Russell, which he was wearing at the time of his death on 23 November 1989. It is my view that the records suggest that the clothing may then have been cleaned prior to it being placed onto a mannequin (dummy) for display.
45. I am not aware that Mr Russell's clothes have been cleaned at any other time.
46. The documents I have reviewed do not explain why the clothing was cleaned, if this is what occurred. However, I infer that the clothing may have been cleaned on the basis that there was a view held at the time by investigating officers that this should occur before they could be placed onto the mannequin for display to the public in an attempt to elicit information from members of the community in order to assist the investigation.
47. During 1997, I was involved in the investigation of a suspicious disappearance in Parramatta. One strategy used to gather evidence was the public display of a mannequin dressed in similar clothing including a wig, which was displayed outside a hotel with a mobile police station for four days. The original clothing was not available in this investigation, as it concerned a suspicious disappearance. During the display period, information about the disappearance was provided by members of the community to NSWPF. I have included this information in my statement as an example of an investigation that I am aware of where a similar evidence-gathering strategy appears to have been deployed in the 1990s.
48. For completeness, I observe that DNA testing was not available in 1989. To the best of my knowledge and belief, DNA testing did not become available until the mid-to-late 1990s, and at that time, it was only

⁴⁰ E@glei NPL.0100.0002.0085

⁴¹ E@glei NPL.0100.0002.0101

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available by sending exhibits to overseas laboratories. Further, I note that for NSW police, the *Forensic Procedure Act 2000* was introduced to enable police to obtain DNA from suspects, inmates and volunteers. Given the huge advancements that have occurred in forensic testing, there are very different policies and procedures today used by the NSWPF to manage exhibits to preserve the potential for DNA testing.

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NW-1

Special Commission of Inquiry into LGBTIQ hate crimes

13 March 2023

Mr 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 – John Russell

I refer to the above Inquiry, and to the ongoing contact between the staff of the Inquiry and the NSW Police Force (“NSWPF”) regarding the death of John Russell.

Timeline in relation to John Russell’s clothing

The Inquiry’s review of relevant material, including the NSWPF and Coroners Court holdings in relation to John Russell’s death, indicates the following in relation to exhibits X0000639117, X0000639118, X0000639119 (“**Mr Russell’s clothes**”):

- In about late November or early December 1989, Mr Russell’s clothes (consisting of bone coloured Levi jeans, red sloppy-joe and Lyrebird brand gym shoes) were returned to his family, in the condition they were in when the body was found.
- In about December 1989, police retrieved those clothes from the family, still unwashed, and placed them on a mannequin outside Bondi police station, in connection with an appeal to the public for information.
- Photographs of the mannequin, dressed in Mr Russell’s clothes, were taken by Crime Scene Officer Detective Senior Constable Rivera on 31 December 1989, and later reviewed as part of Strike Force Neiwand.
- At some later time, Mr Russell’s clothes were again returned to the family.
- On or about 14 June 2001, as part of Operation Taradale, Detective Senior Constable Dennis collected from Mr Russell’s family a sealed box containing Mr Russell’s clothes from the night of his death. Samples taken from the clothes were forensically tested in 2001 as part of Operation Taradale, and again in 2016 as part of Strike Force Neiwand.
- DNA testing conducted on staining from the items was unsuccessful in 2001. Results in 2016 were either “mixed DNA profile, weak/complex” or “DNA testing unsuccessful.”

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- In April 2003, several police officers gave evidence at the Taradale inquest in relation to, *inter alia*, what was done with both the hairs found on John Russell's hand and the clothes that he was wearing, following the discovery of his body on 23 November 1989. That evidence included the evidence of former Plain Clothes Constable Dunbar (Johnston) (2 April 2003, transcript pages 51-63), Senior Sergeant Ingleby (2 April 2003, transcript pages 69-88), and former Constable Cameron (3 April 2003, transcript pages 63-88).

Request for statement

In light of the above, the Inquiry requires a detailed statement or statements, from the appropriate NSWPF officer or officers, clearly setting out the sequence of events in relation to Mr Russell's clothing between 23 November 1989 and the present, including as to the events of:

1. 23 November 1989;
2. November 1989 – December 1990, including the transport of Mr Russell's clothes to and/or from any location (including the morgue, any testing facility, any police location, the home of any Russell family member, or otherwise);
3. 1991 – 2001;
4. 2001 (including Operation Taradale and any testing undertaken);
5. 2001 – 2016;
6. 2016 (including Strike Force Neiwand and any testing undertaken);
7. 2016 – the present.

The statement or statements should:

- identify the names of relevant police officers who handled or transported those exhibits at any time;
- attach any document recording the handling or transportation of those exhibits;
- identify whether, when and why Mr Russell's clothes were washed, in about December 1989 or at any other time, while in the possession of the police.

Please provide the Inquiry with the requested statement by no later than 5pm on **27 March 2023**. The maker of the statement may be required to give evidence at any subsequent hearing.

Please do not hesitate to contact Elizabeth Blomfield on 0413 428 979 if you have any queries in relation to this matter.

Yours faithfully,



Enzo Camporeale
Director, Legal
Solicitor Assisting the Inquiry