



NSW POLICE FORCE

P190B

## STATEMENT OF POLICE

**In the matter of:** Special Commission of Inquiry (SCOI) – LGBTIQ (Hate Crimes)  
**Place:** Homicide Squad – State Crime Command  
**Date:** 5 May 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 detailed 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 (**Request for Statement**).

Witness:

[REDACTED]  
 Andrew Hamill  
 Detective Sergeant  
 Homicide Squad  
 5 May 2023

Signature:

[REDACTED]  
 Nigel Warren  
 Detective Inspector  
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**Statement of** Nigel WARREN  
**In the matter of** Special Commission of Inquiry (SCOI) –  
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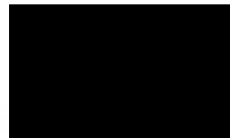
5. In accordance with that request, I provided a statement to the Inquiry dated 30 March 2023 (**March Statement**).
6. On 27 April 2023, the Inquiry sent a further letter to Mr Hodgetts requesting production of a supplementary statement from me, addressing the following matters (**Further Request**):
- I. What is meant by the word “cleaned” as used in the statement of DI Warren? In particular:
    - a. Does “cleaned” involve simply the use of a washing machine, or the laundering of the clothes (for example by a commercial laundry), or something else?
    - b. By whom (e.g., by someone within the NSWPF, or by a commercial laundry, or by some other means) was such “cleaning” carried out?
    - c. What, if any, chemicals or other laundry products were used to clean John Russell’s clothing?
    - d. What, if any, chemicals or other laundry products were routinely used by the NSWPF to “clean” clothing in 1989-1990?
  - II. On what basis does DI Warren consider that there was a view held by investigating officers in 1989 that clothing should be “cleaned” prior to public placement on a mannequin? Please provide any documents to support this view.
7. 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.
8. This statement should be read together with my March Statement.

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Detective Sergeant  
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**Questions 1(a), (b) and (c)**

9. I had no personal involvement in the original investigation into Mr Russell's death, or in subsequent reviews or reinvestigations. As set out in my March Statement, it is my understanding that there are no currently-serving NSWPF officers who were involved in Mr Russell's case at that time. Therefore, in order to assist the Inquiry as far as possible, in my March Statement I set out a chronology of events concerning the handling of Mr Russell's clothing and answered the questions posed by the Inquiry on the basis of the records I had reviewed. I also annexed copies of those records.
10. The use of the word "cleaned" in my March Statement was by reference to this term as used in the documents which I reviewed in the course of the preparation of my March Statement, in particular, the Crime Scene Notes (**NPL.0100.0002.0017**) referenced at [12] of my March Statement.
11. By using this word, I was not seeking to draw a distinction between the term "cleaned" and the term "washed", as referenced in the Inquiry's original Request for Statement. Rather, my use of this word was to describe with accuracy what had been recorded in the contemporaneous records in relation to Mr Warren's clothing.
12. As I did not have any personal involvement in the investigation, and there is no further information in the documentary records about what it meant for the clothing to have been "cleaned" (if this is in fact what occurred), I am unable to assist the Inquiry to identify whether a washing machine or something else was utilised for any cleaning process (Question 1(a)), by whom any such cleaning was carried out (Question 1(b)), or what if any chemicals or other laundry products were utilised (Question 1(c)).

**Question 1(d)**

13. I have been unable to identify any documentary records which suggest there was any routine practice of the NSWPF to "clean" clothing in the period 1989-1990, as is implied by Question 1(d).

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[Redacted]

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14. I therefore do not understand there to be any chemicals or other laundry productions routinely used by NSWPF during that period for this purpose.

**Question 2**

15. The original Request for Statement from the Inquiry required the deponent to address “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.”

16. As already emphasised, based on the searches I have undertaken I do not believe it is possible to determine with certainty whether Mr Russell’s clothing was cleaned or washed. However, to assist the Inquiry, at [43] of my March Statement, I set out the matters relevant to this issue that could be deduced from the available records and at [44]-[48] set out my view that on the basis of these records, “the clothing may then have been cleaned prior to it being placed onto a mannequin (dummy) for display”.

17. At [46] of my March Statement, I reference a possible inference that the clothing may have been cleaned on the basis that there was a view held 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. This inference was based on the following, from my experience as a detective:

- I. Material associated with a crime that may be distressing to the public or insensitive or disrespectful to the family of a deceased is generally not publicly disseminated by Police. Blood-stained items in the context of an investigation into a death fall within this category of sensitive material.
- II. Therefore, in circumstances where Police seek the public’s assistance in relation to information about a crime, such sensitive aspects are typically removed prior to public dissemination. Today, material to be circulated is usually in the form of photographs, CCTV images or footage, mobile phone footage or other forms of high-resolution

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imagery that can be published online. This means sensitive aspects of that material can be removed or blurred as appropriate, prior to publication.

- III. In 1989-1990 at the time of the initial investigation into Mr Russell's death, there was no internet or social media available. Police had to rely on other strategies to reach the public in an attempt to refresh a witness' memory that they may have seen the victim, and to encourage them to come forward with information. I consider that it is reasonable to assume that the use of the mannequin to display Mr Russell's clothing in this matter was for this purpose.
- IV. It is in this context that I inferred that the investigating officers may have considered it appropriate to clean or wash the blood-stained clothing prior to its public display, so as not to cause distress to the public or be insensitive or disrespectful to Mr Russell's family.
- V. As I have already set out in my March Statement at [48], if this is indeed what occurred, this took place well before the availability of DNA testing in New South Wales.

**Other matters referenced in the Further Request**

18. Finally, for the avoidance of doubt, my reference at [47] of my March Statement to the use of a mannequin for the display of clothing in the context of a suspicious disappearance in 1997 was to demonstrate that I was aware of other matters in which the use of a mannequin to display clothing had been used to generate public attention as an evidence-gathering strategy.
19. I did not intend to suggest there was any routine practice for the cleaning or washing of clothing by Police at that time. As recorded in my statement, in the 1997 matter, similar clothing to that believed to have been worn by the person (victim) involved in the disappearance was utilised.

**Correction to March Statement**

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20. I refer to paragraph 35 of my March Statement.

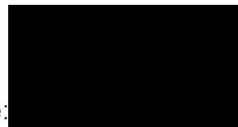
21. Since my March Statement was prepared, I have been advised that as at 2016, Sydney Zone Crime Scene SPC did not have exhibit staff or holding facilities. It is therefore possible that Mr Russell's clothing was conveyed to Pemulwuy so that exhibit staff located at Pemulwuy could return it to Paddington Police Station, rather than for the purposes of any additional testing.

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