



NSW POLICE FORCE

P190B

STATEMENT OF POLICE

In the matter of: Special Commission of Inquiry into LGBTIQ Hate Crimes -
Exhibit Inquiries – John Russell

Place: Homicide Squad – State Crime Command

Date: 23 June 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. In this statement, where I refer to documents I also include their document ID number for identification purposes, in the form **SCOI.XXXX** and **NPL.XXXX.XXXX.XXXX**.
4. 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**).
5. I make this statement in the context of the Special Commission of Inquiry into LGBTIQ Hate Crimes (**Inquiry**) in respect of the matter of the death of Mr John Russell. I have previously prepared two statements in the context of this matter dated 30 March 2023 (**March Statement**) (NPL.9000.0001.0001), and 5 May 2023 (**May Statement**) (NPL9000.0001.0017). This

3472-0201-19

Witness: [REDACTED]

Health Silvester
Detective Senior Constable
Homicide Squad
23 June 2023

Signature [REDACTED]

Nigel Warren
Detective Inspector
Homicide Squad
23 June 2023

Statement of Nigel Warren
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statement should be read together with the March Statement and May Statement and I do not repeat the matters therein.

6. In the course of NSWPF's preparations for the investigative practices hearing before the Inquiry, Police Instruction No. 78 has been brought to my attention. I understand that the nature of Police Instructions generally has been explained in the statement of Assistant Commissioner Rashelle Conroy dated 11 June 2023 (**NPL.9000.0008.1049**) previously provided to the Inquiry.
7. In particular, I note clause 19(e)(vi) which relevantly provides as follows:
- (e) *The following procedure will be followed by Police in respect of the handling of property and clothing found on the body of a deceased person conveyed to the City Morgue, Glebe:*
- (vi) *When clothing of an obnoxious nature is removed from the body of a deceased person, the attendant on duty will treat the clothing with deodorant and the member of the Force concerned will place it in a plastic bag and then into a chaff bag; these items are on hand at the City Morgue for this purpose. The clothing will then be placed by the member of the Force concerned into one of two standard size garbage tins at the City Morgue which can be identified by the lids which are painted red and have the letters N.S.W.P printed thereon. The tin will be removed from the City Morgue by a Government contractor for the disposal of its contents. Prior to clothing being disposed of in this manner, the consent for such action being taken is to be obtained in writing from a relative of the deceased person, next-of-kin if practicable, and this authority will be filed on the duplicate copy of the relevant miscellaneous property receipt at the Police Station concerned.*
8. A copy of Police Instruction No. 78 is annexed to this statement as **NPL.9000.0008.1008**.

3472-0201-1940v

Witness:

Health Silvester
 Detective Senior Constable
 Homicide Squad
 23 June 2023

Signature:

Nigel Warren
 Detective Inspector
 Homicide Squad
 23 June 2023

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- 9. I raise this in the context of the Inquiry’s questions that are the subject of my March Statement and May Statement about whether, when and why Mr Russell’s clothing may have been washed in about December 1989.
- 10. In doing so I note the following:
 - a. Police Instruction No. 78 has been drawn from the 1977 Police Instructions which were still in place in 1988 but were republished at some point in 1989, with clause 19(e)(vi) removed. I have attempted but have been unable to establish during which month in 1989 the instructions were republished. Given Mr Russell’s death on 23 November 1989, it seems likely instruction 19(e)(vi) was no longer in force, but it does remain possible.
 - b. The clause does not reference any washing of clothing, but does refer to the use of deodorant in the circumstances described.
 - c. Any such treatment was to be carried out by the attendant of the City Morgue and not NSWPF.
- 11. The above matters do not change the answers I have given in my March Statement and May Statement but I provide this further information to the Inquiry by way of completeness, particularly in relation to Question 1 in the context of my May Statement.

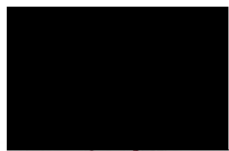
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Witness:



Health Silvester
Detective Senior Constable
Homicide Squad
23 June 2023

Signature:



Nigel Warren
Detective Inspector
Homicide Squad
23 June 2023