



NSW POLICE FORCE

P190B

STATEMENT OF POLICE

In the matter of:	Special Commission of Inquiry into LGBTIQ Hate Crimes
Place:	Pemulwuy – Crime Scene Services Branch
Date:	24 April 2023

Name:	Roger Best	Tel. No:	[REDACTED]
Rank:	Superintendent		
Station/Unit:	Crime Scene Services Branch		

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 55 years of age.
3. I make this statement in respect of the Request for Statement issued by the Special Commission of Inquiry into LGBTIQ Hate Crimes (**Inquiry**) on 13 March 2023, specifically requesting a statement by an appropriate officer of the New South Wales Police Force (**NSWPF**) addressing a range of matters in respect of the handling and storage of exhibits in homicide cases (**Request for Statement**).
4. I am responding to two of the questions in the Request for Statement in this statement, being:
 - a. the exhibit management procedures followed by the NSWPF in respect of arranging for the forensic testing of exhibits (Question 1(d)); and
 - b. the arrangements the NSWPF has in place with the Forensic & Analytical Science Service for the testing of exhibits (Question 4).

3444-9869-3154v24

Witness:

[REDACTED]
 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

[REDACTED]
 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

5. I am responding to these specific queries as they fall within the responsibilities of my role. I understand that Assistant Commissioner Rashelle Conroy, Commander, Forensic Evidence and Technical Services Command is responding to the other aspects of the Request for Statement.
6. The Request for Statement asks for information covering a more than fifty-year period between 1970 and 2010, as well as information in respect of the present day. Given the breadth of this period, it is not possible for one person to comprehensively address any of the questions posed by the Request for Statement from their own knowledge. I have therefore attempted to provide the information requested both from my own knowledge and by reference to relevant NSWPF documents which I have reviewed when preparing this statement. Throughout this statement, I identify the documents to which I have had reference by referring to the electronic document identification number assigned to each document, in the format 'NPL.XXXX.XXXX.XXXX'.
7. Before responding to the specific questions raised in the Request for Statement, I provide information regarding my current role, policing experience and my personal qualifications and training, together with a brief history of the Crime Scene Services Branch (**CSSB**).
8. The structure of my statement is therefore as follows:
- a. **Section A:** provides background on my role and policing experience;
 - b. **Section B:** sets out my qualifications and training;
 - c. **Section C:** provides a brief background of the Crime Scene Services Branch (**CSSB**);
 - d. **Section D:** responds to question 1(d) in the Request for Statement concerning the exhibit management procedures in respect of arranging for the forensic testing of exhibits;
 - e. **Section E:** responds to question 4 in the Request for Statement concerning the arrangements the NSWPF has in place with the Forensic & Analytical Science (**FASS**) for the testing of exhibits; and

3444-9869-3
 Witness:

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

- f. **Section F:** responds to the Inquiry's invitation to provide any further relevant information.

SECTION A: MY ROLE AND POLICING EXPERIENCE

9. I am a Superintendent in the CSSB of the NSWPF. I am currently a Commander. I have held this position since July 2021.
10. As part of my role, I am responsible for the overall management of the CSSB which employs over 420 staff engaged in the delivery of a forensic response to scenes of crime and incident scenes. These staff are a mixture of sworn police officers and civilians with scientific qualifications who attend crime scenes and conduct laboratory-based examinations to identify, record, and collect physical evidence using an assortment of highly specialised forensic science techniques.
11. The CSSB's role is to conduct and assist in scene and laboratory examinations of exhibits in order to obtain forensic evidence which may be used to further advance investigative lines of enquiry. The CSSB encompasses 18 decentralised crime scene laboratories strategically located across NSW. The geographic locations of the laboratories seek to support the CSSB to provide a timely forensic response to criminal and coronial investigations. I explain the history of the CSSB and its predecessor units at paragraphs [21]-[34] of my statement below.
12. Each of the laboratories, which are typically referred to as a crime scene section, is overseen by a Coordinator (Senior Sergeant) and Manager (Inspector). A Coordinator and Manager may be responsible for more than one section depending on staffing and geographical responsibility within NSW. The current leadership team consists of nine operational Senior Sergeants, three support role Senior Sergeants (Training, Human Resources, and Laboratory), five Inspectors, and me as Commander.
13. My role as Commander includes the oversight of policies and procedures as they relate to CSSB. I must ensure those policies and procedures support the NSWPF to efficiently and effectively identify, collect, and analyse forensic evidence from scenes of crime or other incident scenes that may warrant police involvement (for example, workplace accidents, mass casualty disaster victim identification, and coronial investigations including fires).

3444-9869-315

Witness:

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

14. I have been a sworn officer of the NSWPF since attesting from the Police Academy on 25 January 1990.
15. The majority of my career has been spent in the field of criminal investigation. This commenced with duties at Proactive Crime teams from 1992 until 1996 before moving to general investigative duties with Redfern and Manly Detectives. In 1999, I commenced a career in major crime investigation at the then Crime Agencies (now State Crime Command) until 2010. During this period, I performed duties at the Homicide Squad from 2000 until 2005. Whilst at the Homicide Squad, I was promoted to Detective Sergeant (2004), performing the function of Team Leader. I then performed duties as a Duty Officer and then Crime Manager at the New England Local Area Command, before being promoted to Superintendent in July 2021 at the CSSB.
16. Although prior to July 2021 I did not have a formal role within CSSB, my role as a criminal investigator, particularly in major crime and the Homicide Squad, meant I had a detailed understanding of CSSB capabilities. In the vast majority of major crime incidents I have investigated (illicit drug supply excluded), the relationship I have had with the CSSB officer has been a cornerstone of the investigation. I am the first Commander of CSSB without a previous career within the CSSB. My detailed understanding and exposure to CSSB capabilities through my role as a criminal investigator has allowed me to successfully navigate the requirements of the role.

SECTION B: QUALIFICATIONS AND TRAINING

17. I have a Bachelor of Policing (Investigations), a Graduate Certificate and Graduate Diploma in Police Management all from Charles Sturt University and an advanced certificate in management from TAFE NSW. I have completed numerous internal courses on major crime investigation, leadership and general policing.
18. Further detail on my qualifications and training are set out in my NSWPF Individual Profile at **NPL.9000.0003.0079**.

3444-9869-3154
 Witness: _____

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature: _____

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

SECTION C: BRIEF BACKGROUND OF THE CSSB

19. In this section of my statement, I provide a brief background of the CSSB, including its history, its division into different zones and units, the training of its staff, and the policies and procedures by which it is governed. I consider it is necessary to have an understanding of these matters in order to understand the answers to questions 1(d) and 4 posed by the Inquiry in the Request for Statement, particularly given the lengthy time period (1970-2010) that the Inquiry has directed should be considered.

History of the CSSB

20. Forensic testing is a broad term that encompasses many specialised scientific disciplines. For the most part, these disciplines have origins dating back to at least the 19th century and have undergone a steady evolution since that time. Disciplines include (but not limited to) fingerprint identification, ballistics, forensic biology, shoe/tyre and tool marks, hair/fibre/glass and paint analysis, bloodstain pattern analysis, and document examination.
21. The CSSB has a long history in the NSWPF. The CSSB was originally established in 1938 when it was known as the Scientific Investigation Bureau (**SIB**) and was located at Central Police Station. After 10 years, it amalgamated with the already existing photographic, ballistics and handwriting sections of the NSWPF. This newly formed group would continue to be known as the SIB under the Criminal Investigation Branch (**CIB**).
22. Later it became commonly known as the Scientific Investigation Section (**SIS**). In 1952, the SIS commenced a decentralisation program by establishing an office at Newcastle. In 1973, the SIS moved from the CIB and, with other groups of the NSWPF, was placed under Scientific and Technical Services Command (**STSC**). Later, the SIS returned to the CIB until 1987. In that same year, the SIS was transferred to the State Operations Support Group and renamed the Physical Evidence Section (**PES**).
23. In 1990, the (then) Commissioner of Police, John Avery, directed a review be undertaken of police physical evidence support services. The '**Gibson Review**', facilitated by the (then) Assistant Commissioner, Bruce Gibson (a former crime scene and ballistics practitioner) set

3444-9869-315
 Witness: _____

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature: _____

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

the direction of what ultimately became the CSSB. A copy of the Gibson Report is at **NPL.9000.0003.0606**.

24. What later became the CSSB would undergo a further name change as a result of the Gibson Review to the Crime Scene Operations Branch (**CSOB**) which took on responsibility for all crime scene sections. In 1995, the CSOB also took on responsibility for the Forensic Ballistics Investigation, Forensic Imaging and Engineering Investigation Sections of the NSWPF before a further name change to CSSB in the mid 2000s.
25. The command under which the CSSB sits changed in around 1995 with the formation of the Forensic Services Group (**FSG**), and at this time there was an amalgamation of the Physical Evidence and Fingerprint Sections. In 2017, the FSG was renamed to the Forensic Evidence and Technical Services Command (**FETS Command**), as it is known today.
26. Name changes for both CSSB and FETS Command over the time period the subject of this statement including realignment of services, were generally administrative only and did not change the primary task of CSSB officers in the identification, recording and collection of physical evidence at crime and incident scenes. Rather, the name changes reflected alterations to senior governance, amalgamation or decentralisation of business units or reporting lines. FETS Command is now a stand-alone command governed by an Assistant Commissioner reporting to a Deputy Commissioner.
27. FETS Command encompasses an administrative business unit and four separate branches being: the CSSB, the Identification Services Branch (which includes Fingerprints, Ballistics, Forensic Imaging, Engineering Investigation, DNA Results Management, and Criminal Records), the High Tech Crime Branch (which includes the Telecommunications Intercept Unit, Digital Forensic Unit and Technical Capability Unit), and the Technical Evidence and Science Branch (which includes the Science and Technology Unit, the state Technical Investigation Unit, and Advanced Technology Centre).

Zones

28. The term "zones" found in guidance documents refers to geographical regions of supervision and administrative oversight within the CSSB. The creation of zones occurred following

3444-9869-318

Witness:

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

recommendations made in 1990 in the context of the Gibson Review. There are currently seven zones responsible for the management of one or a number of crime scene sections, all under the overarching governance of the CSSB. These are: Northern Rivers, Hunter, Western, South Coast and Highlands, Riverina, Pemulwuy and Sydney.

CSSB Laboratories

29. The term “crime scene units”, “physical evidence sections” and “crime scene sections” in various associated guidance documents all refer to decentralised laboratories that are now under the governance of the CSSB. As for the name changes over the years listed in the history of the CSSB above, the names simply reflect administrative changes only and not the core business of the CSSB.
30. These sections are operational police response units generally housed in or near police stations where staff perform an assortment of forensic examinations. These sections have operated at various locations in NSW throughout the period from the 1950s to today. There are currently 18 decentralised CSSB laboratories.
31. The current placement of crime scene sections includes Sydney, Pemulwuy, Newcastle, Gosford, Wollongong, Lismore, Coffs Harbour, Taree, Inverell, Tamworth, Bathurst, Dubbo, Broken Hill, Nowra, Queanbeyan, Albury, Wagga Wagga and Griffith. These sections are accredited through the National Association of Testing Authorities (**NATA**) under ISO/IEC17025 demonstrating each section laboratory maintains test and calibration standards. An FSG accreditation project team was implemented in 2002. NATA accreditation of the first crime scene section would be realised in 2005 with all other sites assessed against the standard by 2009. Crime scene sections undergo internal compliance audits every 12 months and external NATA compliance audits every 18 months..
32. The forensic examinations performed at these sections include (but are not limited to) collecting exhibits with forensic value relevant to investigations, crime scene photography and other documentation, fingerprint recovery (field and laboratory), shoe and tyre mark comparison, bloodstain pattern analysis, fire scene investigation, and drug subsampling.

3444-9869-3154v

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

33. Additional units within CSSB include the Document Examination Unit and the Technical Forensic Support Unit encompassing clandestine drug and explosives laboratories, and Chemical, Biological Radiological Nuclear (**CBRN**) incidents, and the Training & Support Unit responsible for all technical forensic training programs and CBRN / Disaster Victim Identification (**DVI**) field support.
34. Other specialised forensic examinations like blood typing, DNA analysis, chemical criminalistics (which includes hair, fibre, paint, and glass comparison), and forensic toxicology and pathology fall within the scope of the FASS (which at various times throughout its history has been known as the Division of Forensic Medicine (**DoFM**), the Division of Analytical Laboratories (**DAL**) and now FASS).

Training and qualifications

35. Until around the mid-1980s, crime scene investigators were required to undertake the Detectives Education Program (commonly known as the Detectives Course). The Detectives Course has had various iterations over the preceding decades, however the core themes within the program include the subjects of law, planning and conducting investigations, managing incident scenes, investigative interviewing, information management, and media strategies. The courses invariably consisted of distance education and face-to-face components, examinations, and assessments. The current version of the course takes approximately 24 months to complete.
36. The requirement to complete the Detectives' Course was later removed and replaced with a 10-day Crime Scene Examiners course, 18-day Police Drafting course and on-the-job training at the work location.
37. The training required to become a forensic investigator/crime scene officer changed markedly following the Gibson Review. This report recommended that officers undertake an Associate Diploma in Applied Science (Forensic Science) facilitated by TAFE Bruce, Australian Capital Territory. These recommendations were put into effect in or around 1992-93.
38. There are now two types of officers providing a forensic response for the CSSB.

3444-9869-3154v2

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

39. The first type undertakes complex forensic examinations on exhibit items and within crime scenes (for example, forensic light source examinations, enhancement using advanced chemical techniques, interpretation and reconstruction of incidents). Sworn police officers in this role are referred to as **Forensic Investigators**, while civilian officers in this role are referred to as **Crime Scene Officers**.
40. The second type of officer are Scenes of Crime Officers (**SOCOs**), who are also civilian staff and they perform non-complex forensic examinations on exhibit items and at crime scenes (for example, forensic photography, DNA swabbing, fingerprint powdering).
41. It is a requirement that all civilian officers have undergraduate or postgraduate qualifications in science/forensic science. Sworn police have a minimum of an undergraduate policing qualification (including legal studies) and, consistent with the recommendations in the Gibson Review, must complete a post graduate forensic science qualification as a condition of their employment within CSSB.
42. Forensic Investigators and Crime Scene Officers who join the CSSB today also participate in a Forensic Investigator training program over a minimum of four years, during which they are required to complete external qualifications including an Advanced Diploma of Forensic Investigation and Graduate Certificate in Crime Scene Investigation recognised by the Australian Qualifications Framework and facilitated by an external service provider, the Canberra Institute of Technology. Internally, training is delivered both online (distance education) and face-to-face in a number of key areas. Core internally delivered courses including Respirator Training, Drug Examination, Compartment Fire Investigation, Biological Evidence Recovery, and Bloodstain Pattern Analysis must also be completed during this four-year training program.
43. At the finalisation of the program, officers are eligible to undertake assessment for certification of expertise in the methodology of crime scene investigation. The certification process is facilitated by the Australasian Forensic Science Assessment Body (**AFSAB**); an independent body operated under the auspices of the National Institute of Forensic Science (NIFS)/Australian New Zealand Policing Advisory Agency (**ANZPAA**). Officers must be recertified annually and undergo a more rigorous review and recertification every five years.

3444-9869-3154v2

Witness: _____

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature: _____

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

CSSB AFSAB experts are appointed as the forensic case manager for all major crime investigations including homicides, historical unsolved homicides, suspicious and unusual deaths, critical incidents, aggravated or unknown offender sexual assaults, high risk missing persons, extortion, abduction, terrorism, post-blast analysis, disaster victim identification, chemical biological radiological and other high-profile incidents. There are currently 68 operational AFSAB experts within CSSB.

44. Ongoing education and training is a key aspect of a CSSB officer's role. Additional internal training for Forensic Investigators and Crime Scene Officers includes Disaster Victim Identification, Wildfire (Bushfire) Investigation, Bomb Scene Investigation, Chemical, Biological Radiological and Nuclear Examination, Advanced Fingerprint Recovery, Shoe and Tyre Mark Examination, Vacuum Metal Deposition Chamber Operators Course, Portable Laser Training, Vehicle Hoist and Positioning Jacks, Infrared Photography, and Crime Scene Reconstruction. Officers are selected for these training programs based on the required skill set for the crime scene unit within their geographical location, their aptitude in the particular forensic discipline and course availability.
45. SOCOs who perform non-complex forensic examinations, having already completed an undergraduate or post graduate science / forensic science qualification, are required to complete a shorter training program due to the nature of their duties and previous education.

Policies and guidance

46. Governance of NSWPF processes and protocols for exhibit handling, storage, transport and disposal were managed initially via the NSW Police Rules and Instructions. I understand that these were first printed in 1915 and revised in 1924, 1928, and 1932. They were reprinted in 1952, 1957, and 1962, and revised and reprinted in 1977 and 1988. The Commissioner's Instructions superseded the NSW Police Rules and Instructions on or around 19 December, 1991.
47. The NSW Police Rules and Instructions and later the Commissioner's Instructions, were produced in a loose-leaf service where individual pages could be updated locally as minor amendments to processes were changed.

3444-9869-315

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

48. The Commissioner's Instructions were then superseded by the NSW Police Service Handbook on or around 1 January 1999. The Handbook was distributed as a full hardcopy publication (not loose-leaf) before being migrated online to the NSWPF intranet in 2005.
49. I understand that Assistant Commissioner Conroy will provide more detail on the processes and governance documents set out above that are relevant to NSWPF's exhibit management procedures. I mention and make reference to particular sections of these guidance documents in my statement below where I consider it is relevant to the particular questions I address in my statement, being the decision to arrange for the forensic testing of exhibits and the relationship between the NSWPF and FASS.
50. I have conducted or caused to be conducted searches in order to locate the various historical policy documents which governed the forensic processes I refer to in this statement. Following those searches, guidance documents including the NSW Police Rules and Instructions in respect of Exhibits from 1957,¹ 1962,² 1977,³ 1989,⁴ the Commissioners Handbook in respect of exhibits from 1992;⁵ and the NSW Police Service Handbook in respect of exhibits from 2000-2002,⁶ and 2005⁷ are supplied.
51. I explain earlier in this statement the evolution of CSSB and identify its predecessor agencies including the SIS and PES. To avoid confusion, when explaining the processes used in earlier decades, I will refer to CSSB rather than use the various names by which it has previously been known. I will also use the term FASS rather than use the various names by which it has previously been known.

¹ Instruction 24 in respect of Exhibits NPL.9000.0003.0563.

² Instruction 24 in respect of Exhibits NPL.9000.0003.1471.

³ Instruction 33 NPL.9000.0003.0576.

⁴ Instruction 33 NPL.9000.0002.0074.

⁵ NPL.9000.0003.0255.

⁶ NPL.9000.0003.0422.

⁷ NPL.9000.
3444-9869-3154v24

Witness:

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

SECTION D: ARRANGING FOR THE FORENSIC TESTING OF EXHIBITS

52. In this section of my statement, I address the following request from the Inquiry, being question 1(d) in the Request for Statement:

In respect of the period from 1970 to 2010 and also in respect of the present day, the exhibit management procedures followed by the NSWPF in respect of arranging for the forensic testing of exhibits.

1970s and 1980s processes

The decision to undertake forensic analysis

53. I understand from information available to me in the context of preparing this statement that during the 1970s and 1980s the process for having an exhibit forensically tested depended on the type of exhibit collected and the required test procedure.

54. CSSB crime scene unit staff would attend a crime or incident scene upon the request of the officer in charge of the investigation (**OIC**). The CSSB staff would record the scene by way of photographs and notes and collect physical evidence for analysis. Where a forensic test could be undertaken by CSSB staff, it was the responsibility of the OIC, upon determining such a test was appropriate, to make a request to the relevant area of the CSSB responsible for conducting that particular test. I understand that the decisions on the precise nature of testing were then made by the CSSB in conjunction with the OIC.

55. Certain specialised forensic tests have always been conducted by FASS. During this period, where a forensic test could not be undertaken by CSSB (for example, where testing required blood typing) this testing would be undertaken by FASS. CSSB would create a P.377 "NSW Police Specimen/Exhibit Examination Form" outlining the items to be examined and the testing required and then forward the item to the FASS laboratory. An example of a completed P.377 form (and the results from that request) is at **NPL.9000.0003.0062**. The request would then be allocated to a forensic scientist at FASS, who would determine the best examination processes for maximising the evidentiary potential of the item.

3444-9869-3154v

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

56. All submissions for testing with FASS required the endorsement of the CSSB (i.e., the OIC could not make the request independently of the CSSB). Decisions to make a request for testing by FASS could also be made by the CSSB officer (without further consultation with the OIC) where they considered it appropriate based on their specialised knowledge of the potential evidence which could be obtained from forensic exhibits.
57. The decision to have an exhibit forensically tested could be made at any stage during the investigation life-cycle, from initial crime scene examination through to production of evidence at court. This could mean that in serious matters where an offender was unknown, an item could be referred for examination and tested immediately upon receipt of the item from the crime scene. In other matters, where testing was less urgent or likely to be of less utility, such as where the perpetrator or other parties involved were known, exhibits could be stored and only examined if lines of enquiry opened during the investigation required an answer for which forensic science could assist. In some cases, additional testing could also be later identified as necessary by the court. This flexibility in the timing of requests for forensic testing both allowed requests to be made as an investigation progressed, and ensured a degree of prioritisation of testing of the most urgent cases.

Management of exhibits

58. In this section of my statement I set out the processes in relation to management of exhibits for forensic testing. I understand that Assistant Commissioner Conroy will outline in her statement the general management of exhibits.
59. An overarching principle of exhibit management is risk management, that is, managing the risks of loss, damage, safety and storage capacity. During all of the periods of time addressed in this statement, it has been the case that an enormous volume of items came into the custody of the NSWPF and responsibility for these items ultimately rested with the OIC of the police station where the items came into the custody of police. The significance of managing exhibits is reflected in the fact that each charging police station (a station which had the facilities to lay charges against individuals and detain those individuals) also had at least one officer dedicated to the management of exhibits at that station, called an exhibits

officer
 3444-9869-3154

Witness: _____

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature: _____

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

60. At the core of the exhibit management process during the 1970s and 1980s was a hard copy exhibit book that noted the details of each item, locations and actions. The exhibit officer's role included the receipt, safe storage, movement and disposal of items. They were required to reconcile each item on a monthly basis and would call for updates from OICs of cases every 28 days.
61. Physical exhibit items were stored in a secure exhibit room at the relevant police station (which was generally the station closest to the locality of the original crime or incident scene). All movements of the exhibit and audit inspections were expected to be recorded in a hardcopy exhibit book.⁸ A copy of an exhibit book similar to the one which I understand was used at NSW police stations during this period is at **NPL.9000.0002.0491**.
62. Exhibit officers were also required to record in exhibit books the status and movement of items being forensically examined. The length of time taken at the laboratories would be estimated by the OIC and the file held until further advice was received. In my assessment, on occasions during the 1970s and 1980s once an exhibit was transferred to either CSSB or FASS, there was a reduction in the effective recording of information about the status and location of that exhibit by exhibit officers and others. As I explain when addressing subsequent periods of time, exhibit management processes with respect to forensic testing of exhibits have been significantly enhanced over time so that this issue no longer arises.
63. Transport of the item to the relevant laboratory (CSSB or FASS) was completed by the OIC of the investigation, exhibit officer, or a delegate of the OIC, upon completion of a P.377 NSW Police Specimen/Exhibit Examination Form.⁹ Both the P.377 form and the exhibit were transported to the relevant CSSB or FASS laboratory together. The delivery of exhibits was generally not undertaken on Saturdays, Sundays or public holidays unless necessary.¹⁰

⁸ See paragraph [14] of Instruction 33 dated 1977 at **NPL.9000.0003.0576**, paragraph [14] of Instruction 33 dated 1982 at **NPL.9000.0002.0038**; and paragraph [33.29] of Instruction 33 dated 1989 at **NPL.9000.0002.0074**.

⁹ See paragraph [41] of Instruction 33 dated 1977 at **NPL.9000.0003.0576**; paragraph [41] of Instruction 33 dated 1982 at **NPL.9000.0002.0038**; and paragraph [33.50] – [33.52] of Instruction 33 dated 1989 at **NPL.9000.0002.0074**.

¹⁰ See paragraph [44] of Instruction 33 dated 1977 at **NPL.9000.0003.0576**; paragraph [44] of Instruction 33 dated 1982 at **NPL.9000.0002.0038**; and paragraph [33.94] of Instruction 33 dated 1989 at **NPL.9000.0002.0074**.

3444-9869-3154v

Witness:

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

64. Once the relevant tests had been completed by CSSB or FASS, the results would be provided to the station which had carriage of the investigation. The OIC would then arrange for the exhibits to be retrieved from the relevant laboratory. As with the delivery of the exhibit, the transportation would be completed by the OIC of the investigation, exhibit officer, or a delegate of the OIC.¹¹
65. From my review of the relevant records, there were times where an officer attending CSSB or FASS to deliver exhibits for testing may be asked to collect exhibits when testing was complete to return them to the relevant police station if the officer was from the same station (i.e., on occasions, exhibits would have been collected and transported as a result of logistical convenience rather than pre-arranged collection). There were also instances where an item would be destroyed and/or consumed during the analysis process and the exhibit entry would be reconciled with a copy of the analysis certificate. Such processes greatly reduced the effectiveness of the NSWPF exhibit management system to effectively track the exhibits that went to laboratories for analysis during this period. As I explain below, developments since this period have alleviated such difficulties.

1990s – 2010

66. Exhibit management procedures for the arranging of forensic testing of exhibits generally remained the same as that described above in the 1990s. Exhibit item tracking during this time was still managed via a hardcopy exhibit book (a Miscellaneous Property Book or Exhibit Book at police stations and a Specimen/Item Register at crime scene units/physical evidence sections); Extracts from the NSWPF Handbook from September 2002 at **NPL.9000.0003.0422** (handbook 2000-2002); February 2005 **NPL.9000.0003.0531** (Exhibits) and **NPL.9000.0003.0513** (Fingerprints) generally describe the process consistent with that in earlier periods.
67. Computerised exhibit tracking was introduced on or around March 2011 and will be discussed further in relation to forensic testing of exhibits below at paragraph [83].

¹¹ See paragraph [41A] of Instruction 33 dated 1977 at **NPL.9000.0003.0576**; paragraph [41A] of Instruction 33 dated 1982 at **NPL.9000.0002.0038** and paragraph [33.91] of Instruction 33 dated 1989 at **NPL.9000.0002.0074**.

3444-9869-3154v2

Witness: _____

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature: _____

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

The decision to undertake forensic analysis

68. The Gibson Review found that the CSSB Crime Scene Officer should be the sole point of contact between the OIC and FASS where evidence has been collected by the CSSB Officer. This recommendation was made to reduce the duplication of enquiries to FASS regarding results and facilitate an intermediary between the OIC and the laboratory based on the specialised knowledge of the crime scene investigator. Decisions in relation to what exhibits required examination and the reason for the examination were made by the crime scene investigator in conjunction with the OIC and outlined in the P.377 NSW Police Specimen/Exhibit Examination Form. The decisions on the test procedure used, sequence of tests and final interpretation of results and reporting were made by the FASS scientist.
69. However, this did not preclude an examination request by an OIC directly to FASS where the item was collected in other circumstances, for example a search warrant.
70. Following the increased capability of FASS to provide DNA testing of exhibits discussed below, I understand that by 2007, a significant percentage of decisions made to send exhibit items (and associated requests for forensic analysis) to FASS were by the OIC and had little or no input from CSSB staff.
71. The CSSB continued to undertake forensic testing which was within its scope of expertise (for example, forensic photography and general crime scene examinations, shoe and tyre mark comparison, bloodstain pattern analysis, fire scene investigation etc.) during this time.

DNA testing developments

72. Deoxyribonucleic Acid (**DNA**) testing was a significant improvement to the forensic capability of the NSWPF and was first formally introduced as a service provided to NSWPF by FASS on or around 1 February 1992. The arrangements for forensic testing remained relatively consistent due to the comparatively primitive nature of DNA testing available in the early years. A copy of a Commissioners Notice CN 92/18 outlining the process for submitting exhibits to FASS for testing is at **NPL.9000.0003.1358**. Further amendments were introduced in a 1999 Police Service Circular (which replaced Commissioner Notices) as DNA testing became more sensitive and additional contamination protocols were introduced, such as to

3444-9869-3154

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

ensure that only FASS or CSSB staff opened sealed bags which contained exhibits for DNA testing. A copy of this Police Service Circular is at **NPL.9000.0003.1407**.

73. Prior to the introduction of DNA testing, only blood type testing was available. I understand that the DNA new technology at the time it was introduced, was not particularly sensitive and required a large (by modern standards) sample of blood to be swabbed for testing purposes. I am informed that the collection of this sample would be taken using a small square of cotton material that would be wetted, held with tweezers and rubbed against the suspected bloodstain at the crime scene. This cotton square would then be stapled to a backing card with case details written on the card. This process would be in place until the late 1990s, when medical swabs were first introduced.
74. As there are only four primary blood types (A, B, AB, and O) with associated Rhesus factor (positive or negative, for example O⁺ or O⁻ blood), blood typing for criminal investigations was limited in its application and rather circumstantial in nature. The change from blood typing to DNA typing meant that investigators could now use biological material found in crime scenes to identify an individual. DNA typing was essentially a biological fingerprint at a cellular level, unique to the individual. As the capability at FASS grew to provide this new DNA service, so did the number of exhibit items that were retained for their DNA potential. Investigators recognised the forensic value beyond a simple fingerprint examination; identification of a person could now be gleaned from DNA left on the exhibit.
75. Examples of previous guidance documents on current contamination prevention and sampling techniques is provided as **NPL.9000.0003.1395**; **NPL.9000.0003.1390**; **NPL.9000.0003.1383**; **NPL.9000.0003.1362**

Attendance by CSSB officers

76. Given the specific role and responsibilities of the CSSB discussed above, it was/is not possible for CSSB to attend every incident (this has been a consistent approach throughout the periods mentioned in the statement). Call out guidance from this period is at **NPL.9000.0003.1144** and **NPL.9000.0003.1147**.

3444-9869-31

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

77. Attendance by CSSB officers was governed by the Crime Scene Procedures Manual which is at **NPL.9000.0003.1259** and **NPL.9000.0003.1262**. Attendance by CSSB staff at Major or Serious Crimes was also dealt with by relevant policies such as a Forensic Management of Major Crimes and incidents policy which applied across the CSSB unit and is included at **NPL.9000.0003.1485** (POLCS03 Mgt Major Crime Incidents)
78. In major or complex investigations, a formal review process was undertaken where police investigators, forensic staff, case managers, supervisors, other forensic experts and FASS staff met to discuss case specifics and identify forensic opportunities presented in the evidence collected. This formal review had several steps as outlined in the 2006 Forensic Management of Major Crimes and Incidents policy which is at **NPL.9000.0003.1487** and the 2009 version of the same policy is at **NPL.9000.0003.1512**. This includes a first report within 24 hours of the incident, a review two weeks after the report of the incident and ongoing monthly reviews.
79. Where CSSB officers did not attend a crime scene or incident scene, the physical evidence section of CSSB was responsible for providing advice to investigators in the best way to handle and package exhibits requiring a forensic examination (including DNA). This was set out in the Commissioners Instruction p78-32 at **NPL.9000.0003.0255**.
80. Sending samples to FASS for DNA analysis was completed by the CSSB officer as set out in Commissioners Instruction p78-37 at **NPL.9000.0003.0255**.
81. In light of the increasing requests for DNA recovery, 180 police positions were assigned to police stations across NSW in 1998 to provide a forensic response to crimes and incidents that were occurring in higher volumes where the required forensic examination techniques were non-complex (for example, break enter and steal offences, stolen motor vehicles, malicious damage to property). These positions were termed Local Area Fingerprint Gatherers (**LAFGs**) and general duties police were trained to collect fingerprints and DNA evidence from these scenes and any associated exhibits. The forensic response for more serious offences (for example, homicide, sexual assault, arson, fatal accidents, child abuse, robbery etc.) were attended by CSSB staff.

3444-9869-315

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

82. In 2001, the NSWPF approved the recruitment of 53 non-sworn (civilian) SOCOs with the first 32 deployed for duty in late December, 2001. The remaining 21 civilians were trained and deployed in 2002. A further cohort of 147 officers were recruited between 2005 and 2008. These civilian officers took over the role performed by LAFGs and were subsequently amalgamated under the control of the CSSB.

2010 - current date

Decision to undertake forensic analysis

83. Today, decision making authority with respect to forensic testing rests with the OIC, their representative (in the case of a Strike Force or other major Inquiry), or an officer from CSSB. An analysis request can be made by the OIC via an electronic exhibit management program called the Exhibits Forensic Information Miscellaneous Property System (**EFIMS**) either directly to FASS or to a Crime Scene Section depending on the nature of the testing required. Guidance for non-FETS Command staff has been provided through a standard operating procedure which is set out at **NPL.9000.0003.0050**. This covers similar requirements to the Police Instructions mentioned above and takes into account the EFIMS system.
84. I understand the development and use of EFIMS is addressed in Assistant Commissioner Conroy's statement made in response to the Inquiry's Request for Statement. However, in respect of the use of EFIMS when exhibits are to be subject to forensic testing in particular, the forensic test to be undertaken is entered into the system and allocated to that specific barcoded item. Upon transportation of the item to the relevant laboratory (either FASS or Crime Scene Section), the barcode is scanned and checked in to that facility, relevant testing is undertaken and upon completion of testing, the item is checked out again for return transport to the original home location of the exhibit (usually a police station). Subsamples are not returned to NSWPF from FASS as the required testing generally consumes the item (for example, blood on a swab is extracted from the swab in order to undertake DNA testing and the extraction sample then becomes the primary evidence). The originally sampled exhibit item (housed at the relevant police station exhibit room) can be re-swabbed and re-

3444-9869-3154

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

tested by forensic staff as needed, for example in the event that testing of the subsample is not successful.

85. Additionally, CSSB officers can create an analysis request directly to FASS for items they have collected at crime scenes (for example, a DNA subsample) without additional consultation. However, for exhibits other than subsamples obtained at the scene, the general practice is for the OIC and CSSB officers to make joint decisions as to the forensic testing required through the review process as described below.
86. In major or complex investigations, a formal review process is undertaken where police investigators, forensic staff, case managers, supervisors, other forensic experts and FASS staff meet to discuss case specifics and identify forensic opportunities presented in the evidence collected. The first review process begins as soon as possible after the event has been reported. A series of steps follow including case creation, a formal meeting of the above-mentioned individuals within seven days, a status report within 21 days of the crime being reported and ongoing reviews and meetings as required. This process is governed by the Major Crime and Incidents Policy and the Major Crime Assessment Panel – Terms of Reference. A copy of this policy effective from 2021 is at document **NPL.9000.0003.0041** and a copy of the terms of reference documents is at **NPL.9000.0003.0037**.¹²
87. For crimes that are not major or complex, the typical approach is that discussions take place between CSSB officers and the OIC either at the scene or during later communications as to the appropriate forensic analysis to be undertaken.
88. While limited, there are also times where no immediate forensic field response is required because the subject exhibit item is portable and information regarding how the incident occurred does not warrant an in-field examination of fixtures for example, doors, windows, walls and floors. An example might be an item of clothing relevant to an offence discarded in a public space. In these circumstances, the OIC has access to forensic packaging and sealing tape to allow items which can be collected to be suitably contained to prevent evidence contamination and allow for transport to a police station for later consideration of

¹² Earlier versions of this policy have existed including the Policy effective 1 July 2012 at **NPL.9000.0003.1504**.

3444-9869-3154v

Witness:

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

forensic examination. These examination requests are made by the OIC directly to the CSSB via the EFIMS exhibit tracking system and triaged by a crime scene supervisor (Sergeant).

89. The type of forensic testing to be undertaken will depend on the nature of the crime and the evidence available to investigators. The primary purpose of forensic testing is to locate, collect and analyse exhibits to identify involved individuals and/or support or disprove versions of events with a view to initiating and supporting a prosecution. The type of testing needed in the context of a particular crime scene to achieve those objectives will therefore necessarily be case specific.

Attendance by CSSB Officers

Expansion of CSSB coverage

90. Guidance first developed in the early 1990s was implemented to assist CSSB personnel to determine when an after-hours recall of staff was necessary. The guidance categorised investigations into types and allocated each type of investigation into either a category 1 or a category 2 investigation. Category 1 investigations required immediate notification to Forensic Investigators who would determine whether or not the CSSB should be alerted to attend. Category 2 investigations did not require after-hours notifications. A copy of this guidance is at **NPL.9000.0003.1245**.
91. However, in 2018, the after-hours call out guidance was removed and 24-hour coverage was implemented in Sydney metropolitan areas. Attendance requests are now managed via a forensic call centre staffed by senior CSSB personnel. Specialist advice is provided over the phone on a 24/7 basis and scene attendance requests are triaged by a crime scene expert.
92. Specialised regional guidance regarding attendance by CSSB officers has also been developed following the implementation of 24-hour coverage in Sydney metropolitan areas. A copy of the regional guidance is at **NPL.9000.0003.1241**.¹³

¹³ Previous versions of this Policy existed which are broadly similar to this document.

3444-9869-3154v24

Witness:

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

Protocol for attendance

93. The protocol for the initial response and scene attendance for CSSB officers is set out at **NPL.9000.0003.0021**. The policy generally provides that following a request from an OIC for a forensic response, the CSSB officer will contact the OIC, assess the crime scene, and formulate a scene management plan in order to maximise the recovery of potential forensic evidence.
94. In almost all circumstances, if an investigating officer requests a forensic response, that response is met by CSSB either deploying a SOCO for crimes of lower complexity examinations, or a Forensic Investigator / Crime Scene Officer for more complex matters (I note that an AFSAB trained CSSB officer must be deployed to all homicides, critical incidents and counter-terrorism investigations). As described above at paragraphs [38] to [45], the distinction between the two officer types is the level of training and authorisation to undertake certain examination processes like deploying specialised chemical techniques to enhance fingerprints.
95. A forensic response is generally declined only when there is no physical evidence or specialised skill set required to recover potential forensic evidence. An example of this is where an item of property is stolen from the front yard of a house and there is no information to suggest that the offender touched any fixtures that may require fingerprinting, swabbing for DNA or other forensic treatment.

Gathering of exhibits for forensic testing

96. In light of the evidence gathering expertise of investigative teams and the ability of OICs to refer exhibits to both CSSB and FASS for testing, it is not necessary for CSSB to attend a crime scene purely for exhibits to be obtained which will later be subject to forensic testing. There are numerous guidance documents for forensic investigators covering a broad range of topics related to general crime scene investigation processes (covering things such as health and safety, hazard management etc.). These documents are version controlled and accessible for all staff via the internal NSWPF intranet. Guidance has been issued by CSSB

3444-9869-3154v

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

on the evidence management procedures for exhibits which require forensic testing including a section dealing with incidents or crime scenes where the CSSB does not attend.

97. For example, the Evidence Management Guidance provides guidance to NSWPF officers on the packaging of items in suitable bags, the labelling requirements (including recommended terminology to ensure there is consistency across the NSWPF to enable fast processing and locating of exhibit items), proper sealing of exhibits, evidence handling, storing and transport of exhibits. A copy of this document is at **NPL.9000.0003.0024**.¹⁴

Testing processes

98. The evolution of the forensic testing processes since 2010 to the current date has largely been driven by the developments in both the testing capabilities of FASS and in exhibit management procedures.
99. Of particular importance to the forensic testing processes was the implementation of automatic/robotic DNA technologies for FASS in 2011. As a result of these automated testing processes, forensic investigators now take subsamples (smaller samples of the original exhibit item) directly from items of interest. Most subsamples for FASS analysis are taken directly from the crime scene or exhibit item, transported by courier in a security sealed bag and submitted to FASS for analysis while the original exhibit is retained at the relevant police station.
100. Once the results of this subsample are returned, a CSSB representative will review the case information to determine the probative value of any further testing of the original exhibit. Subsampling also allows a determination to be made in respect of any further testing required of other exhibit items collected at the scene or other locations (for example, items seized by investigators during a search warrant separate to the original location of the offence) prior to approving any examination request. Where DNA results are known for higher probative value items connected with the offence, it may reduce or eliminate the need for additional forensic testing. This then limits the subsequent need for transport and examination of other exhibit items.

¹⁴ The document was first produced following the Gibson Review. A copy of the first version from 1993 is at **NPL.9000.0003.0803.3444-9869-3154v2**

Witness:

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

Prioritisation of testing

101. A priority system exists for forensic testing requirements. The process in respect of assigning a priority to a particular crime or test is based on risk management. Where there is a potential threat to the community associated with a particular incident or crime scene (for example, an unknown assailant in a homicide investigation), a CSSB representative or OIC may request that forensic testing of relevant exhibits is prioritised where the result could assist in identifying a suspect.
102. Where an incident or crime is categorised as critical, it is referred to me and I personally approve forensic testing in connection with that incident or crime. A critical rating for a particular incident or crime (and associated tests) means that additional resources can be diverted by FASS to ensure that the testing is completed as soon as possible.
103. Where a crime or particular test is determined by CSSB Inspectors as high priority, the incident will take precedence over other testing requests either at FASS, Fingerprint Operations or CSSB laboratories. The process for determining risk and priority escalation level is based on an assessment by CSSB Inspectors of all case contextual information, in conjunction with their extensive experience and expertise in crime scene investigation.

Return of exhibits once testing is complete

104. As previously discussed, most exhibit items forwarded to FASS are now in the form of a subsample which is consumed during the testing process and not returned to NSWPF custody. Some whole exhibit items (for example, underpants from a sexual assault), are transported via the same security sealed bag courier procedure used for subsamples. All movements are tracked via EFIMS. Upon completion of testing, FASS returns the exhibit via courier bag to CSSB and arrangements for return of the item to its home police station exhibit room are completed, as detailed below for other items received and examined at CSSB laboratories.
105. Exhibits received for processing at CSSB laboratories are checked in via EFIMS and temporarily securely stored at the laboratory to facilitate forensic testing. At the completion of any required tests on exhibits that are not subsamples, the OIC is notified that the exhibit is

3444-9869-315

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

no longer required at CSSB and can be collected. The OIC (or their delegate) arranges for collection and return of the item to its home police station exhibit room. The item is checked out from the CSSB laboratory at the time of collection and then must be checked back in when received at the police station for storage in a secure exhibit room. These exhibit movements are all electronically logged in EFIMS and regular audits are undertaken by both staff from CSSB when exhibits are on hand at these laboratories and also at police station exhibit rooms.

SECTION D: ARRANGEMENTS WITH FORENSIC & ANALYTICAL SCIENCE SERVICE

106. In this section of my statement, I address the following request from the Inquiry, being question 4 in the Request for Statement:

The arrangements the NSWPF has in place with the Forensic & Analytical Science Service for the testing of exhibits.

History

107. FASS is a NSW Government Department of Health agency which provides a specialist, multi-discipline, scientific support role in the investigation of crime in New South Wales. These support services extend across all facets of laboratory-based scientific forensic analysis and reporting. This includes (but is not limited to) forensic biology (DNA), chemical criminalistics (hairs, fibres, paint, glass, gunshot residues etc.), drug analysis, toxicology, and pathology. FASS plays an integral role in investigations including in the identification of individuals involved in crimes and incidents, examination of trace biological material left at the scene and investigation into other physical evidence (for example, paint flakes) that may assist in opening or closing investigative lines of enquiry.

Role of FASS personnel

108. Prior to 2011, FASS played an active role (to varying degrees) in determining which exhibits were to be forensically examined and the types of forensic tests to be performed. Historically, Forensic Pathologists from the FASS also attended homicide scenes to examine deceased persons in situ.

3444-9869-3154

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

109. However, today FASS does not play a role in determining testing requirements for exhibit items in most circumstances. The introduction of subsampling means that CSSB staff perform the function of collection of potential DNA from scenes and exhibits, removing the requirement for this function by FASS staff. A typical engagement with FASS may involve direct contact with the scientist responsible for any downstream testing to discuss the best method of sample collection, packaging, reference samples or other required materials unique to the case. Routine evidence collection, being standard swabs, swatches (cuttings of fabric or other porous material), and tapelifts (applying a sticky-tape-like material to an exhibit to 'lift' DNA from the surface) are generally not discussed.
110. Contact is usually reserved for times where the exhibit is unique, the forensic test is novel or there is an examination process that could interfere with another laboratory test and discussion needs to take place to sequence the forensic examinations in a way that will maximise the potential for evidence recovery. An example of this would be fingerprinting an item that also required an examination for seminal fluid, because some fingerprint development techniques can be destructive to cellular material and may inhibit DNA recovery.
111. As discussed above, in major or complex investigations, scientists from FASS become involved in formal reviews over the life cycle of an investigation where police investigators, forensic staff, case managers, supervisors, other forensic experts and FASS staff meet to discuss case specifics and identify forensic opportunities presented in the evidence collected as part of the investigation. This review system was in place informally in the late 1990s/early 2000s and then formalised over subsequent years to current day. The current Major Crime and Incidents Policy (**NPL.9000.0003.0041**) provides for the on-call Crime Scene Coordinator (Senior Sergeant) to assemble a Forensic Support Team comprising of internal NSWPF personnel and external staff including FASS if the specialised nature, size, or seriousness of the incident warrants additional resources.

Formal arrangements between NSWPF and FASS

112. The relationship between the NSWPF and FASS is strong and has been built up over decades. I understand that over time, this relationship has been formalised as both

3444-9869-3154

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

organisations have developed and grown. In the course of preparing this statement, I have been provided with historical formal agreements between NSWPF and FASS (and its predecessor organisations). For ease of reference, I have referred to these predecessor organisations in this statement as FASS.

113. I understand the first formal agreement was a Deed of Agreement between the Commissioner of NSWPF and the Western Sydney Area Health Service on behalf of FASS in 2000. This agreement formalised the working relationship at that time and I understand was implemented as a result of legislative reforms and the development of a DNA database in NSW. A copy of the Deed is at **NPL.9000.0003.0108**.
114. I understand that between the period 2004-2011, additional agreements were signed between the NSWPF and FASS. I have not been able to obtain copies of those previous agreements in the time available, however, an extension of a Deed of Agreement is at **NPL.9000.0003.0131**.
115. In 2011, a service level agreement (**SLA**) was executed between NSWPF and FASS. A copy of this SLA is at **NPL.9000.0003.0133**. This SLA set out the general role of each of the parties in the provision of forensic services to NSWPF. It included provision for an Executive Committee, Advisory Committee and Operational Committee between the NSWPF and FASS in order to provide various levels of oversight, and strategic and operational advice in respect of the agreement. This reflected the increasingly close relationship between NSWPF and FASS which continues to this day.
116. A further SLA was entered into between NSWPF and FASS in 2017. A copy of this SLA is at **NPL.9000.0003.0201**. This is the SLA which governs the current arrangements between NSWPF and FASS (subject to the amendments discussed below). The SLA covers all aspects of the relationship between NSWPF and FASS, including the services to be provided by FASS to the NSWPF (Schedule B); minimum services levels and reviews; governance arrangements; the fee structure for forensic testing; intellectual property and ownership rights; confidentiality and privacy; termination and other standard contractual provisions. The SLA provides that NSWPF will cover the cost of asset replacement within the parameters of the SLA and potential purchase of new assets to assist in the forensic testing of exhibits.

3444-9869-315

Witness:

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

117. A Deed of Variation to the 2017 SLA was entered into in July 2021 (a copy of this document is at **NPL.9000.0003.0233**). This Deed provided for an amendment to the SLA to consolidate the Advisory Committee and the Operational Committee into a new Operational Review Committee. Following this amendment, the governance arrangement consisted of an Executive Committee and an Operational Review Committee.
118. The Executive Committee meets quarterly and meetings are attended by the Assistant Commissioner for the FETS Command; Assistant Commissioner State Crime Command; Deputy Commissioner, Investigations & Counter Terrorism; Director Legislation and Policy, Office of Commissioner of Police; Director, Finance and Business Services; Director of FASS; and Chief Executive, NSW Health Pathology.¹⁵
119. I understand the purpose of these quarterly meetings is to discuss higher level priorities and strategic issues (for example, resourcing requirements and funding). The terms of reference for the Executive Committee are at **NPL.9000.0003.1523**.
120. The Operational Review Committee also meets quarterly and is attended by me (and others as outlined in the SLA) and cover operational requirements like anticipated testing times and other operational efficiencies (for example, where processing may be sped up through amendments to the testing submission process). The terms of reference for the Operational Review Committee are at **NPL.9000.0003.1526**.
121. Specialised sub committees comprised of specialists from FASS and NSWPF covering Forensic Biology/DNA, Chemical Criminalistics, Cold Cases, Science and Research, Information Communications Technology, and Sexual Assault Investigation Kit (SAIK) Backcapture have also been formed. There is also a temporary subcommittee to implement an Action Group covering areas outlined in the Action Plan in response to the 2022 Beatson Report. The Beatson Report followed an external review of the FASS / FETSC processes to identify efficiencies and establish a sound platform to commence a business case for increased FASS funding to extend capacity.

¹⁵ I note that following internal administrative changes within the FETS Command, the relevant NSWPF position titles attending such meetings may change from time to time.

3444-9869-3154v2

Witness:

Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

122. The ability of both organisations to manage the day-to-day activities and challenges is further enhanced by excellent personal relationships between key members of each organisation. I have the mobile number for the Director, and Associates Directors of FASS and we routinely contact each other to discuss contemporary issues. My five Zone Managers (Inspectors of Police) also maintain regular personal contact with Associate Directors and Team Leaders of FASS. The excellent teamwork and collaboration is underpinned by a collective drive to solve crime through forensic expertise.
123. There is currently an Investment Decision Document being considered by Government that would see the FETS Command (excluding some sections) become joint tenants with the FASS at a Forensic Precinct in Lidcombe. A primary motivating factor of this proposal is to further enhance the relationship and realise efficiencies from colocation and increase capabilities through collaboration.

SECTION F: OTHER MATTERS

124. Question 5 of the Request for Statement references any further information relevant to the management of exhibits by the NSWPF which may assist the Inquiry.
125. In this regard, I note that the NSWPF is currently undertaking a procurement exercise to acquire an upgraded forensic case management system known as "Forensic Register". Forensic Register is a computer-based system which provides for evidence recording and collection, forensic examinations and reviews, digital image capture and retention, storage of digital files, diagrams, examination and analysis results into a single record which is available to NSWPF and FASS staff. The system is currently used in all comparable jurisdictions in Australia and has the potential to increase efficiencies both in the work of FASS itself (for example, by reducing the amount of manual recording and inputs into reports) and the communication between NSWPF and FASS. For example, currently CSSB staff are required to utilise three different systems to manage case notes, exhibit management and job requests. All these will now be conducted within the one system which will automatically workflow into FASS, who will also have complete vision over the case. It will also have powerful analytical tools which over time, will inform on the validity of certain high-volume

3444-9869-3154v2

Witness:

 Paul Laksa
 Detective Inspector
 Brisbane Water Police District
 24 April 2023

Signature:

 Roger Best
 Superintendent
 Crime Scene Services Branch
 24 April 2023

Statement of Superintendent Roger Best
In the matter of *Special Commission of Inquiry into
LGBTIQ Hate Crimes*

tasks (such as, swabbing of certain areas on stolen motor vehicles or public place surfaces such as toilet door handles).

126. The procurement process is ongoing; however, I am involved in this process and I have a high degree of confidence in its completion and implementation in the near future.

3444-9869-3154v

Witness:

Paul Laksa
Detective Inspector
Brisbane Water Police District
24 April 2023

Signature:

Roger Best
Superintendent
Crime Scene Services Branch
24 April 2023