

**SENSITIVE: LAW ENFORCEMENT**

NSW POLICE FORCE

P190B

**STATEMENT OF POLICE**

**In the matter of:** Special Commission of Inquiry into LGBTIQ Hate Crimes  
**Place:** Police Headquarters, Parramatta  
**Date:** 2 May 2023

**Name:** Rashelle Conroy Tel. No: [REDACTED]  
**Rank:** Assistant Commissioner  
**Station/Unit:** Forensic Evidence and Technical Services Command

**States:**

1. This statement made by me accurately sets out the evidence which 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 shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.
2. I am 50 years of age.
3. At the time of signing this statement, I have been shown a zip file of electronic documents marked with electronic document IDs in the format '**NPL.XXXX.XXXX.XXXX**'. Where I refer to a document in this statement, I refer to it by its electronic document ID.
4. 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**). A copy of the Request for Statement is at **NPL.9000.0002.0493**.

Witness: [REDACTED]

Claire Carter  
 Sergeant  
 Forensic Evidence and Technical  
 Services Command  
 2 May 2023

Signature: [REDACTED]

Rashelle Conroy APM  
 Assistant Commissioner  
 Forensic Evidence and  
 Technical Services Command  
 2 May 2023

**Statement of:** Assistant Commissioner Rashelle Conroy APM  
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### Scope of statement

5. I am responding to four of the questions in the Request for Statement in this statement, being:
- a. the exhibit management procedures followed by the NSWPF in respect of:
    - i. obtaining exhibits (Question 1(a));
    - ii. storing exhibits (Question 1(b));
    - iii. handling exhibits (Question 1(c));
    - iv. disposing of exhibits (Question 1(e));
  - b. the operation of the Exhibits Forensic Information and Miscellaneous Property System (**EFIMS**) (Question 2);
  - c. the extent to which the storage of exhibits (including exhibits books) by the NSWPF has been centralised (Question 3); and
  - d. any further information relevant to the management of exhibits by the NSWPF that I consider may assist the Inquiry (Question 5).
6. I am responding to these specific questions as they fall within the area of my responsibility as the NSWPF Corporate Owner of Exhibits. As the "Corporate Owner", I am the Commander with overall responsibility for exhibit management within the NSWPF. I explain more about my role at paragraphs [19] to [23] below.
7. I am aware that Superintendent Best has completed a statement for this Inquiry. That statement addresses, in detail, the history of the Crime Scene Services Branch (**CSSB**), the resources and training regimes for officers working within that branch, the forensic testing of exhibits and the arrangements NSWPF have in place with the Forensic Analytical Science Service (**FASS**) (that is, Question 1(d) and Question 4). To avoid duplication, I have not addressed those areas in this statement.
8. The Request for Statement seeks information from 1970 to the present day. To my knowledge, neither I, nor anyone else in the NSWPF, can comprehensively address the

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relevant matters raised in the Request for Statement for the whole period from their own knowledge. I have however, attempted to provide the information requested, by reference to documents held on file which I have been able to obtain in the time required to respond to the Request for Statement.

9. My statement is structured as follows:
- a. **Section A:** provides background on my role and policing experience, qualifications and training;
  - b. **Section B:** sets out an overview of the exhibit management process;
  - c. **Section C:** responds to question 1(a) concerning the exhibit management procedures in respect of obtaining exhibits;
  - d. **Section D:** responds to question 1(b) concerning the exhibit management procedures in respect of storing exhibits;
  - e. **Section E:** responds to question 1(c) concerning the exhibit management procedures in respect of handling exhibits;
  - f. **Section F:** responds to question 1(e) concerning the exhibit management procedures in respect of disposing of exhibits;
  - g. **Section G:** responds to question 2 concerning the operation of the Exhibits Forensics Information and Miscellaneous Property System (**EFIMS**);
  - h. **Section H:** responds to question 3 concerning the extent to which the storage of exhibits (including exhibit books) by the NSWPF has been centralised; and
  - i. **Section I:** responds to question 5 concerning further information relevant to the management of exhibits by the NSWPF.

## SECTION A: ROLE, QUALIFICATIONS AND POLICING EXPERIENCE

### Education and qualifications

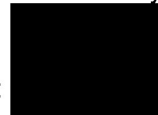
10. I have been a member of the New South Wales Police Force for twenty-seven years.

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11. I hold the following relevant qualifications:
- a. Diploma of Policing – Charles Sturt University (2000);
  - b. Bachelor of Policing – Charles Sturt University (2004);
  - c. Diploma of Public Safety (Forensic Investigation) – Canberra Institute of Technology (2005); and
  - d. Graduate Certificate in Applied Management – Australian Institute of Police Management (2015).
12. In addition to completing internal promotional processes, examinations and courses within the NSWPF, which have qualified me to the rank of Assistant Commissioner, I have also undertaken the following courses:
- a. Vehicle Identification Course (1999);
  - b. Arson/Fire Investigation (2000);
  - c. Hairs and Fibre examination course (AFP) (2001);
  - d. Chemical Targeting of Biological Evidence (2002);
  - e. Disaster Victim Identification Practitioner (2004);
  - f. Traffic/Crash/Homicide investigation (IPT&M) (2005);
  - g. Footwear marks examination Course (UTS) (2006);
  - h. Snr Structure Fire Investigation Course (2007);
  - i. Disaster Victim Identification Commanders Course (2007); and
  - j. ANZ/CTC Forensic Coordinators Course (2011).
13. I have been assessed and held certification as an expert in the Methodology of Crime Scene Investigation by the Australasian Forensic Science Assessment Body (**AFSAB**) between 2008 and 2022. I have also been authorised by the AFSAB to assess applicants applying for expertise in the Methodology of Crime Scene Investigation. Between 2006 and 2018, I held

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the role of a technical assessor of forensic facilities for the National Association of Testing Authorities (**NATA**). NATA is Australia's national accreditation body for the accreditation of laboratories, inspection bodies, calibration services, producers of certified reference materials and proficiency testing scheme providers.

### **Policing experience**

14. Between 1996 and 1999, I was a General Duties police officer attached to the Blacktown and Cabramatta Local Area Commands.
15. Between 1999 and 2011, I was attached to Penrith, Gosford and Newcastle Crime Scene Sections as a Forensic Investigator, Forensic Supervisor (Sergeant) and Forensic Coordinator (Senior Sergeant). My duties included the investigation of serious crime, including homicides and coronial investigations. In particular, my role included recording the scene by way of photographs, the collection of physical evidence for analysis and the interpretation of evidence located at the scene.
16. In 2011, I was promoted to the rank of Inspector and was attached to Tuggerah Lakes Police District as a Police District Inspector to 2014. Between 2014 and 2018, I was attached to Forensic Evidence and Technical Services (**FETS**) Command as the Human Resources and Professional Standards Manager. Part of this role involved responsibility for the provision of advice and guidance on FETS employee behaviour-related investigations and the monitoring and review of investigations into police complaints.
17. In 2018, I was promoted to the rank of Superintendent, where I performed the role of the Commander, CSSB. Whilst performing that role I was responsible for the management of the CSSB and overall forensic response to criminal and coronial investigations for the NSWPF. In 2021, I was transferred to Regional Field Operations to take up the position of District Commander, Lake Macquarie Police District. I held that position between 2021 and 2022.
18. In April 2022, I was promoted to the rank of Assistant Commissioner and appointed as the Commander, FETS Command.

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**My current role**

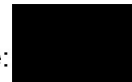
19. As the Commander of FETS, I am responsible for leading and directing the provision of forensic and technical resources to ensure effective delivery of policing services to prevent, disrupt and respond to crime and provide a safe environment for the community. I represent the NSWPF and the Commissioner in relation to relevant government, operational and/or corporate level decisions specific to the FETS Command.
20. FETS is comprised of four branches and a Business Management Unit, and has approximately 1000 staff attached to the Command. Each branch provides unique services to NSWPF, covering all aspects of forensic and technical services. Specifically:
- a. CSSB is responsible for the provision of field forensic services across NSW. Officers attached to that branch attend crime and coronial scenes where they identify, examine, and collect evidence.
  - b. Identification Services Branch is responsible for the provision of fingerprint identifications, forensic intelligence and DNA results management, ballistics evidence, weapons disposal, and engineering investigations services. That branch also manages the NSWPF National Police Checking Service and criminal records management.
  - c. High Tech Crime Branch are responsible for the provision of all telecommunications and interception services and digital forensic support, which includes the examination and expert analysis of electronic evidence.
  - d. Technical Evidence and Science Branch are responsible for all electronic surveillance services and forensic imaging services across NSW. This branch is also responsible for the management of the Metropolitan Exhibits and Property Centre (**MEPC**).
21. As the Commander of FETS, I also have ownership (referred to as capability ownership) of EFIMS and manage the budget for the entire Criminalistic Service, which includes the biology, illicit drug, toxicology, and chemical analytical services provided by FASS to NSWPF.
22. Given the Commander of FETS holds responsibility for the MEPC, EFIMS and overall responsibility for all forensic exhibits, this role has the further responsibility of being the

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“Corporate Owner of Exhibits” for the NSWPF. This means it is my responsibility to drive policy, strategy and practice in all aspects of exhibit management across the NSWPF. This includes providing clear, evidence-based advice on issues relating to exhibits consistent with NSWPF priorities and strategies, and maintaining up-to-date knowledge on exhibit management and ensuring communication and implementation of relevant best practice.

23. Finally, as a member of the NSWPF Executive, I am also involved in the implementation of strategies, policing services, emergency management responsibilities and reform initiatives to give effect to Government and organisational priorities to prevent crime, engage with the community and maintain public safety whilst enhancing leadership, developing capable and resilient people and building effective systems.

## **SECTION B: OVERVIEW OF EXHIBIT MANAGEMENT PROCESS**

24. In terms of the historic processes governing exhibit management, I understand that during the period 1970-1990, ‘Police Rules and Instructions’, which were updated from time to time, governed the NSWPF’s approach. 1990 saw the Introduction of the ‘Commissioner Instructions’, which followed the introduction of the *Police Service Act 1990* (NSW). In turn, these Commissioners’ Instructions were replaced by the NSW ‘Police Handbook’ in or around 1999. The online version of the Police Handbook was introduced in 2005.
25. The exhibit management process within NSWPF can be best described as a lifecycle, comprising of a number of key stages. The current processes are reflected in the:
- a. Exhibit Procedures Manual; and
  - b. Exhibits chapter of the Police Handbook, accessible via the NSWPF intranet.

### **The Exhibits Chapter and Exhibit Procedures Manual**

26. The Police Handbook contains an “Exhibits” chapter that provides general guidance regarding the effective management of exhibits, with its predominant purpose being to ensure compliance with relevant legislation, appropriate retention of exhibits in a way that facilitates investigations and prosecutions, and to assist Commanders in making appropriate and timely decisions in relation to exhibit disposals.

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27. Officers are required to read the Exhibits chapter in conjunction with specific instructions related to the use of EFIMS, and the Exhibit Procedures Manual. The current version of the Exhibits chapter otherwise replaces all previous versions of State-wide memos, notices, circulars, policy notices and Standard Operating Procedures, except with respect to additional guidelines which are provided in relation to photographing exhibits.
28. The specific instructions relating to the use of EFIMS provides user guidance of that system and how to navigate the exhibit process. This includes specific instructions on recording, labelling, moving, storing, and disposing of exhibits using EFIMS. An EFIMS eGuide is provided to NSWPF officers via the intranet. A copy of the EFIMS intranet homepage is at **NPL.9000.0008.0891**.
29. The Exhibit Procedures Manual provides additional information to the Police Handbook, including compliance requirements for exhibits and exhibit security including roles and responsibilities, and more detailed information and guidance on the management of specific exhibits exhibit transport, disposals and Work Health and Safety.
30. The Exhibit Procedures Manual was first released in December 2012. A copy of version 1 of the Exhibit Procedures Manual dated December 2012 is provided at **NPL.9000.0002.1706**. I understand the development of the Exhibit Procedure Manual followed an audit conducted by the NSW Auditor General over 2011-2012, and a review referred to as the "Strategic Drug Exhibit Project", also in 2011-2012. While these reviews primarily focussed on drug exhibits, they also provided wider commentary on the opportunity to develop exhibit standard operating procedures separate to the Police Handbook to more adequately address the range of risks associated with exhibit management, such as work, health and safety, theft, preservation of evidence, storage, transport, disposal and the use of EFIMS. A copy of the final NSW Auditor General's Report dated 28 February 2013 is at **NPL.9000.0008.0073** and a copy of the final Report and Recommendations from the Strategic Drug Exhibit Project is at **NPL.9000.0008.0747**.
31. I understand that the improvements to exhibit management procedures reflected in the Exhibit Procedure Manual would have also incorporated relevant recommendations from Coroners in relation to exhibits or significant trial outcomes.

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32. Exhibit management procedures have developed over time to reflect and support the advancements in handling and storage of exhibits, forensic capabilities, and changes to legislation. As a result, the Exhibit Procedures Manual and general practices associated with handling of exhibits has similarly evolved to reflect and support such advancements and changes. A copy of the current versions of the Exhibit Procedures Manual and the Exhibits chapter of the Police Handbook is at **NPL.9000.0002.0137** and **NPL.9000.0002.0128**.

#### Overview of the exhibit management “lifecycle”

33. Broadly speaking, the lifecycle of the exhibit management process involves the steps described below. Depending on the nature of the exhibit, not all stages of the lifecycle will be met (for example, because the exhibit may be destroyed during the testing phase, as is the case with DNA swabs):
- a. **Identification:** The first step is identifying potential exhibits at an incident or crime scene and considering the evidentiary purpose that would be served by collecting and potentially testing the exhibit. For all major crimes, this is generally done in consultation with Detectives, members of the CSSB and the officer in charge of the investigation (**OIC**), based on their specialist skills and knowledge. Where a crime or incident is of lower complexity or seriousness, CSSB may not attend the scene but can be called upon for their expertise if required.
  - b. **Collection:** The second step is collecting the exhibit. As part of this process, exhibits are collected at the direction of the OIC in consultation with CSSB staff and other specialists. The process around collection of exhibits has developed over time to support and reflect the advancements in testing technology.
  - c. **Recording:** The third step is recording the exhibit so that it can be tracked as it goes through the remainder of the exhibit lifecycle and the chain of custody can be proved, for which the OIC is responsible. This is generally done by entering details of the exhibit into the EFIMS.
  - d. **Testing:** The fourth step is sending the exhibit for appropriate testing. The type of testing to which an exhibit may be subjected is generally guided by the specialised

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skills and knowledge of members of the NSWPF (including the OIC, Detectives and CSSB staff) and supporting agencies (including FASS) in order to maximise the evidentiary potential of an exhibit.

- e. **Storage:** The fifth step is storing and retaining the exhibit for as long as it is needed for investigative purposes or as evidence in a prosecution in accordance with part 17 of the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) (**LEPRA**) and other NSWPF policies and procedures.
- f. **Disposal:** The sixth and final stage is disposal. Once it has been determined that the exhibit is no longer needed the exhibit will be disposed of in accordance with the general rules set out in part 17 of LEPRA or Div 3, Part 3 of the *Drug Misuse and Trafficking Act (DMTA)*. This generally involves three possible processes: return of the property to the person from whom it was seized (or their family); auction of the property; or destruction of the property.

#### Accountability for exhibit management

34. In accordance with the current version of the Exhibits chapter of the Police Handbook, Police Area/District Commanders and equivalent Specialist Commanders are accountable for the overall effective management of exhibits. This includes transportation, retention, security, safe handling and disposal of exhibits. All officers have a duty to assist in this regard. The responsibility, however, for ongoing decisions to retain or dispose of the exhibit rests with the Commander of the OIC.
35. Police Area/District Commanders and equivalent (of or above the rank of Superintendent) are required to ensure that when the OIC ceases employment with the NSWPF or is absent for any extended period (three months or more), all pending investigations, including exhibit responsibilities, are allocated to another officer. If the OIC is absent for less than three months, the second officer in charge of the relevant investigation will retain responsibility for the exhibits for the duration of the OIC's absence.

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### SECTION C: OBTAINING EXHIBITS

36. In this section of my statement, I set out the current process for obtaining exhibits, before outlining what I understand to be the previous practice in this area. This section is responsive to Question 1(a) of the Request for Statement.

#### Current practices and procedures associated with obtaining exhibits

##### Powers to obtain exhibits

37. When determining whether an item, whether located at a crime scene or otherwise brought to NSWPF's attention (such as in the context of interviews with witnesses or suspects), ought to become an exhibit, an officer will consider a number of factors, including the evidentiary purpose that would be served by obtaining the item and the officer's powers of seizure.

38. NSWPF obtains exhibits in accordance with the powers conferred by the provisions of the following legislation:

- a. *Law Enforcement (Powers and Responsibilities) Act 2002;*
- b. *Coroners Act 2009;*
- c. *Crimes (Appeal and Review) Act 2001;*
- d. *Drug Misuse and Trafficking Act 1985;*
- e. *Drug Misuse and Trafficking Regulation 2011;*
- f. *Firearms Act 1996;*
- g. *Firearms Regulation 2006;*
- h. *Road Transport (General) Amendment (Vehicle Sanctions) Act 2012;* and
- i. *Confiscation of Proceeds of Crime Act 1989.*

##### Collection and packaging of exhibits

39. Once a lawful power has been established to seize an exhibit and the item has been determined to hold probative value, the officer may collect the exhibit. However, obtaining the

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physical exhibit is not required in every case. In this regard, the Exhibits chapter of the Police Handbook, in the section "Exhibits not subject to the Post-Conviction DNA Testing or Double Jeopardy Provisions" provides the following advice:

*The actual seizure of an item is often unnecessary. On most occasions, photographs of an exhibit will suffice as evidence. You only need to keep the actual item where there is something special about it that would not be obvious from the photograph. Examples of exhibits that should be kept include items that:*

- are to be analysed or tested in some way and/or
- have a unique characteristic, label or marking

40. If the conditions are met to obtain the exhibit, the exhibit can be collected using various methods, including but not limited to:

- a. **Picking:** which involves the collection of an exhibit via an officer picking it up in a gloved hand.
- b. **Swabbing:** which involves a Forensic Officer (an officer with specialised training on collection techniques) using a sterile swab to collect evidence whilst wearing appropriate personal protective equipment (such as gloves, masks, eye protection).
- c. **Lifting:** which involves a Forensic Officer using a sterile tape lift to collect evidence whilst wearing appropriate personal protection equipment (such as gloves, masks, eye protection).

41. The following then provides guidance to police in relation to the packaging of obtained exhibits:

- a. Always use gloves when collecting, handling and packaging items.
- b. Physically protect the items from damage e.g. glass bottles should be put in sharps tube, box or arson tin.
- c. Minimise the disturbance of physical and/or trace evidence.
- d. Place each item in a separate paper bag and place heavy items in a cardboard box.

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- e. Use tubes for 'Sharps' such as knives or similar items.
  - f. Very wet or heavily blood-stained items: place into an open plastic bag, then package into a paper bag as detailed above. Convey to local Crime Scene Section without delay.
  - g. Document examination: complete details on exhibit bag before putting documents inside and sealing, to avoid damaging the evidence.
  - h. Paper bags must be used for: Blood-stained clothing, shoes (blood stained or not), damp or wet items organic material and any item that may require DNA or biological examination.
42. Details regarding the specific processes employed in relation to the collection and packaging of exhibits required for forensic testing are provided in the statement of Superintendent Best.

Recording of the exhibit

43. At the time of collection, the officer collecting the exhibit should wherever possible photograph the item and make a record of the exhibit, including a description of the item, in their official police notebook. The exhibit will remain in the custody of that officer until the exhibit is entered in EFIMS. As a general rule, exhibits are to be recorded in EFIMS as soon as possible, as provided in the current version of the Exhibit Procedures Manual.
44. Further detail about the development and use of the EFIMS system is provided from paragraph [118] below. However, by way of brief summary, an obtained exhibit will be allocated a unique EFIMS reference number when the officer with custody of the exhibit returns to the police station. The exhibit is labelled with a barcode carrying that EFIMS number that is placed on the bag or container securing the exhibit.
45. The EFIMS barcode is generally not placed directly on any exhibit, as recommended in 1.5.1 of the Exhibit Procedure Manual. However, in relation to bulky exhibits the label may be attached directly to the item, provided the application of the label would not interfere with any forensic testing. The exhibit is then scanned into EFIMS using the EFIMS barcode. Details regarding current exhibit barcodes practices and the manner by which they should be attached to an exhibit are dealt with in more detail in the Exhibit Procedures Manual and in

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the 'Exhibits, Forensic Information and Miscellaneous Property System (EFIMS)' chapter of the Police Handbook. A copy of this chapter is at **NPL.9000.0002.0026**.

46. All exhibits recorded in EFIMS have a transaction log of all movements and handovers. The log covers the period from the time of receipt of the exhibit to its ultimate disposal, details how the exhibit was disposed of (for instance, whether disposal occurs by way of destruction or auction) and identifies the OIC and details of the officer authorising any disposals.
47. Once an exhibit is scanned into EFIMS, it is secured within a police exhibit room within a police premises.

### **Prior practices and procedures associated with obtaining exhibits**

#### 1970s - 1990s

48. As set out above at [24], the management of exhibits by NSWPF, including the process for obtaining exhibits, was governed by Police Rules and Instructions between 1970 and 1990. The Police Rules and Instructions reflected relevant legislation at the time including the *Crimes Act 1900* (NSW).
49. In the context of preparing this statement, I have obtained a complete copy of the Police Rules and Instructions amended to 1991. A copy of the index to that document and what appear to be the most relevant extracts is at **NPL.9000.0002.3021**.
50. Copies of the following sections of the Police Rules and Instructions particularly relevant to obtaining exhibits are also provided as follows:
- a. Instruction 33, incorporating amendments to 1982: **NPL.9000.0002.0038**; and
  - b. Instruction 33 dated 1989: **NPL.9000.0002.0074**.
51. In 1990s, the 'Commissioner Instructions' were introduced. A copy of the sections of the Commissioner Instructions relevant to obtaining exhibits which I understand was in force during this time is provided at **NPL.9000.0003.0255**.
52. Noting I became a sworn officer of NSWPF in 1995, I do not have personal knowledge of the specific procedures utilised in respect of obtaining exhibits during much of this period.

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However, based on my perusal of the Police Rules and Instructions and Commissioner's Instructions, generally prior to 1990 exhibits were collected in a brown paper, unlabelled bag, although specific procedures for the obtaining of particular types of exhibits (for example, drugs, vehicles, money and perishable goods) were provided for. The Police Rules and Instructions and Commissioner's Instructions also outlined the process associated with recording an exhibit once it had been obtained, which generally involved:

- a. recording the exhibit in the exhibit book;
- b. adding a cross reference to the exhibit book page to the event number (a reference number assigned to the incident) in the Computerised Operational Policing System (**COPS**);
- c. tagging the item (ie, recording the exhibit reference number on the bag containing the exhibit) and
- d. securing the item in the exhibit room of the charging police station.

53. I recall that until the mid to late 1990s, the OIC of a case maintained the responsibility to obtain exhibits, including physically transporting the exhibit back to the station and recording it in the exhibit book. A copy of an exhibit book which I understand was used at this time is at **NPL.9000.0002.2690**.

54. By the late 1990s, exhibit bags were printed with a pre-formatted label that provided general information about the investigation, OIC details, a description of the exhibit and the date, time and location from which it was obtained.

2000s

55. As set out above at [24], in or around 1999-2000, the Police Handbook replaced the Commissioner's Instructions, and in 2005, the paper version of the Police Handbook was migrated to an online resource, retaining the name 'Police Handbook'. The Police Handbook continues to be accessible by all NSWPF officers via the NSWPF intranet.

56. It is my understanding that as part of the creation of the Police Handbook, the then in-force Instructions were copied to the Police Handbook, although subject to minor changes, including

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Signature:

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alphabetical indexation, an update to section titles from, for example, 'Instruction 33' to 'Exhibits', and a separate section created for 'Miscellaneous Property'. It is also my understanding that the Police Handbook was updated on an as-needed basis to reflect changes in legislation, such as the introduction of LEPR.

57. A copy of the relevant sections of the Police Handbook relating to the obtaining of exhibits as at 2005 is provided at **NPL.9000.0002.4655**.
58. In brief, the key changes to the processes for obtaining exhibits at this time centred on the significant developments in forensic testing that had been achieved by the early 2000s. For example, by this point, forensic sealing tape was used to seal exhibit bags, and the Police Handbook provided detailed advice and direction on the collection of exhibits in ways to avoid contamination of exhibits that could be potentially be the subject of forensic testing. Disposable gloves were also issued and required to be worn by all police officers investigating a crime scene.
59. Where an exhibit containing biological material was located at a crime scene, the job of collecting these types of exhibits fell to the CSSB staff (now known as Forensic Investigators), who would attend at the request of the OIC. I understand this process is explained in detail in the statement of Superintendent Best.
60. Once the Forensic Investigator staff had completed their examination and assessment of the crime scene, detectives would assess what other items might be relevant to the investigation and would, where appropriate, take items as exhibits. The OIC, or, in the case of serious incidents, a Detective, would consider how the crime may have been committed, and in doing so, identify items via an investigative search that might connect the crime scene to a suspect. Depending on the size of the crime scene, an individual or a team from the local Detectives' office would then collect the exhibits according to the process set out in the relevant policies and procedures described above at [55] to [58].
61. The OIC would be responsible for the collection of physical items not requiring forensic testing. Similar to the current processes as described above at [39] to [41], there were specific collection processes using bags with a printed section for reference numbers and containers that were labelled with the main exhibit book reference once returned to the station. Over

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time, the type of bags used for different exhibits would change as new versions were developed.

62. Once collected, exhibits would be taken to the OIC's Police station. The OIC recorded the exhibits in the exhibit book. Prior to the introduction of EFIMS in 2011, the exhibit number would also often have been included in what was referred to as the electronic investigation management system (in particular for serious crimes). The exhibits were then given to the exhibit officer for storing in the exhibit room. The OIC would complete the exhibit report, which was an initial report to the Commander and exhibit officer detailing the reason for retaining the exhibit.

#### **SECTION D: STORING EXHIBITS**

63. In this section of my statement, I address the exhibit management procedures in respect of storing exhibits, as required by the Request for Statement (Question 1(b)).

#### **Current practices and procedures associated with storing exhibits**

##### Polices and guidance

64. The current processes for storing exhibits are set out in the current versions of the Exhibits chapter of the Police Handbook and the Exhibit Procedures Manual referred to at paragraph [32] above.
65. As set out these resources, the location of and process for storage of exhibits varies depending on the type of exhibit. Police Area/District Commanders and equivalent Specialist Commanders are accountable for the safe handling and storage of exhibits, which includes minimising potential risks under the *Work Health and Safety Act 2011* (NSW) in regards to weapons, other prohibited items, and contaminated or hazardous exhibits.
66. Exhibits are stored and retained for as long as they are needed for investigative purposes or as evidence in a prosecution in accordance with LEPR or other legislation, and NSWPF policies and procedures as set out in the Police Handbook and Exhibits Procedure Manual.

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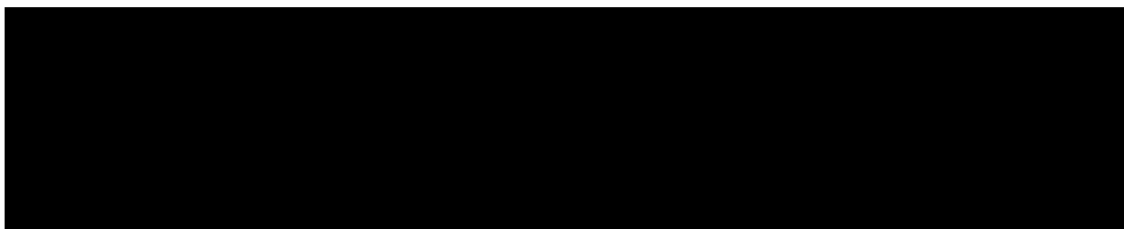
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Storage at Police Stations

67. Seized exhibits may be stored in the exhibit room of either the police station closest to the location the exhibit was seized from, or the police station the OIC is attached to. An exhibit room generally contains numbered shelving and cupboards to store exhibits. References to an exhibit's location (i.e. shelf number) within an exhibit room of a police station is recorded in EFIMS.
68. Exhibit rooms are locked and only accessible by certain NSWPF personnel, including Exhibit Officers, Supervising Sergeants, Duty Officers, District Inspectors and Station Commanders.



69. An Exhibit Officer attached to police station will manage the custody of the exhibit once it is in the exhibit room. Whilst the exhibit remains at the police station the Exhibit Officer will continue to liaise with the OIC until such time as the exhibit is either disposed of, returned to the owner or destroyed.
70. In 2014, an Exhibits Managers course was developed, which is provided to officers undertaking Exhibit Officer functions. The course consists of a four-day face-to-face program, including workplace assessments. The course outline is provided at **NPL.9000.0008.0893** and the role description for the position of Team Leader – Exhibits, a position to be held by a Sergeant, is provided at **NPL.9000.0008.0880**.

Storage at the Metropolitan Exhibit and Property Centre

71. Since 2011, the Metropolitan Exhibit and Property Centre (**MEPC**) warehouse has been available for the storage of long term and bulky exhibits.
72. I explain the criteria and process for the storage of exhibits at MEPC below from [152] in the context of Question 3 from the Request for Statement relating to the centralised storage of exhibits.

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Storage of specialist categories of exhibit

73. Some exhibits require specialist storage arrangements. For example:
- a. [REDACTED]
  - b. biological evidence such as Sexual Assault Investigation Kits are stored in a refrigerator whilst they await transportation to FASS;
  - c. vehicles are stored in holding yards, some of which operated by independent, private companies contracted to the NSWPF and some of which are operated by NSWPF on NSWPF-owned properties. The vehicles stored in these yards are subject to a number of security measures to protect the integrity of the exhibits; and
  - d. [REDACTED]

Storage of exhibit books

74. As noted at paragraph [62], physical exhibit books have now been replaced by electronic record keeping of exhibits using EFIMS. However, exhibit books are still used in limited cases (such as when EFIMS is not accessible) and exhibit books prior to the introduction of EFIMS also need to be stored.
75. Exhibit Books, as hardcopy records, are stored locally at Commands and Business Units for a minimum of two years or until such time as they are no longer frequently accessed in accordance with the Records and Information Management Policy Statement, "Policy Principle 2 – Storage and Transfer" provided at page 4 of **NPL.9000.0008.0869**. After this time, they may be transferred for central storage to the Government Records Repository at Kingswood where they are to be retained for a period of at least 20 years after completion in accordance with "Functional Retention and Disposal Authority: DA220, No. 024 & 025" provided at **NPL.9000.0008.0837**. This is a secure climate-controlled facility that ensures the integrity of those records.

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Auditing of stored exhibits

76. Whilst an exhibit remains in the custody of an Exhibit Officer, it will be subject to regular EFIMS audits. EFIMS auditing functionality is performed by running EFIMS audit reports and using hand-held barcode scanners. EFIMS also has functionality to run disposal reports and chain of custody reports. This is possible due to the fact all exhibit movements within EFIMS are recorded, and the system will create alerts should there be any anomaly or disruption of an exhibit's chain of custody.

**Prior practices and procedures associated with storing exhibits**

1970s - 1990s

77. During this period, I understand that the process associated with storing exhibits was that reflected in Instruction 33 of the NSW Police Rules and Instructions at **NPL.9000.0002.0074**. Instruction 33 generally provides for:

- a. retention for exhibits at Police Stations;
- b. specialised storage procedures for cash and other exhibits;
- c. monthly inspection of exhibits by non-commissioned officers; and
- d. at least six-monthly inspections of exhibit books and exhibits by the relevant Division Commander

78. I understand that during this period, most exhibits were stored in the exhibit room located at the relevant NSWPF "charging station".

79. At that time, there were "main" police stations being the charge stations where the Commander was located and there were stations which were referred to as sub-stations that had no charging facilities. Exhibit rooms were generally located at charge stations which meant that, for example, if a person was arrested, they would be taken to the nearest charge station where they would be fingerprinted and bailed and the exhibits relevant to the crime would be recorded in the exhibit book by the Exhibit Officer or Supervising Sergeant. In circumstances where there was no nearby charge station, exhibits would be kept in a secure

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place, placed in a bag and transport would be arranged to the appropriate charge station. It is my understanding that this was a common procedure when seizing exhibits in rural and remote locations across NSW.

80. Exhibits were stored in the exhibit room in bags or boxes and were grouped by crime scene, where practical.
81. During this period, exhibit management was an entirely manual process. Whilst exhibits should have been stored in the Exhibit Office, it was not always possible to keep track of exhibits occasionally stored elsewhere, such as in Detectives' officers or case files. When exhibits were moved from their nominated location, this was supposed to be recorded in the exhibit book, but given it was an entirely manual process, this was not always up-to-date.
82. During exhibit audits, the Station Controller or nominated supervisor also had to manually review all current exhibit books and physically search for the item recorded as being on hand. These audits were required to be completed every three months. Sometimes exhibits would be unable to be located and this was largely attributed to the fact that tracking exhibit movements was difficult using manual books, and errors and omissions could be made.

### 2000s

#### *Command Management Framework*

83. In 2001, NSWPF implemented the Command Management Framework (**CMF**) and it is still utilised today.
84. The CMF is a tool used to manage operations and improve accountability at Commands by way of the conduct of regular, risk-driven self-assessments and reporting, including in relation to exhibit management.
85. The responsibilities and accountabilities in respect of the CMF in the context of exhibit management are outlined in the Exhibit Procedures Manual at **NPL.9000.0002.0137**.
86. Relevantly, the CMF requires certain tests and audits to be conducted on exhibits on a regular basis. The management of and results generated by this system are centralised to ensure that accountability is properly managed and any discrepancies are identified quickly and

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responded to centrally. Tests relating to compliance with the Exhibit Procedures Manual are managed by FETS Command.

87. An annual 100% audit of exhibits and monthly dip-samples (which are less than complete audit checks but undertaken to determine whether there have been any instances of non-compliance) have been available on the CMF since 2011.
88. In addition to the 100% annual exhibit audit and monthly dip samples, other tests on the CMF include:
- a. 100% monthly audit of drugs on hand;
  - b. 100% account of cash on hand;
  - c. exhibits in transit auditing;
  - d. firearms disposal compliance;
  - e. drug destruction compliance;
  - f. exhibit package/storage inspections; and
  - g. Sexual Assault Kits transported to FASS auditing.
89. The development of EFIMS has meant that these audits can now be conducted electronically through EFIMS rather than via a manual check of the exhibit rooms.

*Other developments relevant to storage of exhibits*

90. From 2005, the processes for storage of exhibits were governed by the Exhibits chapter of the Police Handbook. In brief, the most significant changes implemented during this period related to the separation of exhibit management from miscellaneous property management (for example, found property), and the development of appropriate storage facilities for biological samples, such as installation of refrigeration facilities at Police Area Commands, to keep up with the advancements in forensic testing.

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## SECTION E: HANDLING EXHIBITS

91. In this section of my statement, I address the exhibit management procedures in respect of handling exhibits, as required by the Request for Statement (Question 1(c)).

### Current practices and procedures associated with handling exhibits

92. Since December 2012, the Exhibit Procedures Manual has governed the general procedures with respect to handling exhibits. A copy of the current version of the Exhibit Procedures Manual is found at **NPL.9000.0002.0137**. The EFIMS chapters of the Police Handbook also cover general procedure regarding handling of exhibits and how relevant EFIMS entries recording the location of the exhibit are to be made at every stage.

93. The process of exhibit handling is complex in nature due to the various situations and circumstances that may arise requiring the handling of exhibits. Some of these circumstances may include:

- a. transport of the exhibit for forensic examination;
- b. examination of the exhibit by local forensic officers or Digital Evidence First Responders (a role assigned to a police officer attached to the Police station who has been provided appropriate training to exploit evidence from mobile devices using digital forensic tools) in the case of digital evidence;
- c. production of the exhibit during suspect interviews;
- d. production of the item at court; or
- e. inspection of the item during audits.

94. As such, the process involved in handling exhibits is often case specific. For example, specific guidelines apply when handling drug exhibits in accordance with the 'Drugs - Prohibited Drugs and Plants' chapter of the Police Handbook. A copy of this chapter is at **NPL.9000.0002.0460**.

95. However, in all cases where an exhibit has been accessed or removed from the Exhibit room, a record of that movement is made in EFIMS, and includes the details of the officer removing the exhibit and the reason for the movement of or access to the exhibit.

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### **Prior practices and procedures associated with handling exhibits**

#### 1970s - 1990s

96. Depending on the type of exhibit seized, exhibits were recorded in the exhibit book as soon as possible. When recording an item in the exhibit book, a description of the exhibit or property was required and all movements of any exhibit were to be correctly recorded and receipts obtained when an exhibit was transferred to another location, disposed of or destroyed.
97. Generally, exhibits were to remain in the custody and control of the senior arresting officer, except for in large operations where an assigned officer was responsible for handling exhibits and entering the exhibits into the exhibit book.
98. The signature of the senior arresting officer or officer assigned to attend to the exhibits was also required to be placed on the relevant page of the exhibit book.

#### 2000s

99. As I understand it, prior to the current processes which were implemented in 2012 as discussed above, the OIC was in charge of all exhibits associated with their matter, including their handling, photographing and testing.
100. Access and movements of exhibits remained a completely manual process that required officers to record the details of the exhibit movement in the Exhibit Book. If a record was not made in the Exhibit book at the time of the access or movement, tracking of the exhibit therefore became very difficult.

### **SECTION F: DISPOSING OF EXHIBITS**

101. In this section of my statement, I address the exhibit management procedures in respect of disposing of exhibits, as required by the Request for Statement (Question 1(e)).

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### Current practices and procedures associated with disposing of exhibits

102. Current exhibit disposal procedures in NSWPF are governed by relevant legislation and supported by the Exhibit Procedures Manual<sup>1</sup> and the Exhibits chapter of the Police Handbook.<sup>2</sup>
103. In accordance with the Police Handbook, whether and when an exhibit can be disposed of is dependent on the need for its retention for evidentiary purposes during an investigation or prosecution. Whether an exhibit needs to be retained should be considered before, during and after prosecutions, including any appeal period. In many cases, exhibits that have been photographed, video recorded, or both, and subjected to forensic analysis as required, are then able to be returned promptly to the owner or person who lawfully possessed them before seizure in accordance with part 17 of LEPPRA, provided it is lawful for that person to have possession of them.
104. However, when dealing with serious offences, it is normally desirable to retain exhibits, including for production at court. For example, all weapons and implements used in the commission of a serious criminal offence, i.e. homicide, armed hold-up, serious assaults etc, are to be retained for a period which meets the requirements in paragraph [153] below. Additionally, some exhibits may have distinctive characteristics or features that would not be adequately conveyed to a court without their physical production. Section 75 of the *Criminal Procedure Act 1986* relating to the ability of an accused to inspect certain exhibits provides another example of legislation requiring the retention of exhibits in particular circumstances.
105. In short, the OIC is to assess the need to retain exhibits on a case-by-case basis, considering all relevant legislation and the exhibit's evidentiary purpose during investigation or prosecution. Where an exhibit is not retained for these reasons, then actions should be taken promptly to dispose of it in accordance with Part 17 of LEPPRA.

<sup>1</sup> See section 4.0 of version 5 of the Exhibits Procedure Manual dated August 2022 at NPL.9000.0002.0137.

<sup>2</sup> See the Exhibits chapter of the Police Handbook at NPL.9000.0002.0128.

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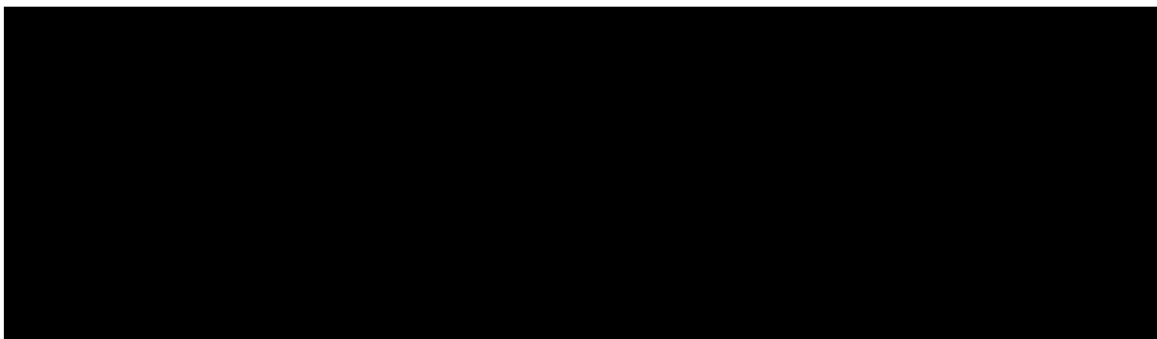
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106. If of the opinion the exhibit is to be disposed of, the OIC will make written submission to the Police Area Command Commander or Police District Commander to authorise the disposal of the exhibit.
107. Property will be "disposed of" by returning it to its the owner when:
- a. the owner is known;
  - b. there are no rival claimants;
  - c. the property has been photographed;
  - d. return of the property will not prejudice court proceedings;
  - e. it is safe to do so; and
  - f. once returned it will not be used in the commission of further offences.
108. If the property it is unable to be returned to its owner after one month or is otherwise not suitable for return, police may take other steps to dispose of the exhibit. The precise method of disposal will vary depending upon the nature of the item.
109. In the case of money, it is paid to the Treasurer to go into Consolidated funds; otherwise, an exhibit may be sold at auction or disposed of in accordance with the directions of the Police Area Commander.
110. There are also specific requirements for disposal in respect of some specialised exhibits, including:



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### **Prior practices and procedures associated with disposing of exhibits**

#### 1970s-1990s

111. The Police Rules and Instructions entitled 'Instruction 33 (Rules Instructions Rev. 1977) amended to 31.08.1982' at **NPL.9000.0002.0038** and referred to at paragraph [50.a] above, provides guidance in relation to the disposal of exhibits during this period, depending on the type of exhibit. For example, prohibited or dangerous drugs were required to be destroyed as soon as practicable by the "the most suitable means" and for clothing or other property in a "filthy or otherwise offensive state" that were no longer required for any purpose, or not claimed by the owner or the finders, direction was to be sought from the Divisional Officer as to their disposal.
112. At a broad level, there were similarities between procedures for the disposal of exhibits during this period and current procedures, in that exhibits were generally returned to the owner, sold at auction, or destroyed.
113. However, the considerations relating to the assessment of forensic value at the time were different. When making the decision to dispose of exhibits, I understand that the process at the time was generally to consider future evidentiary or forensic value, but, because DNA testing was not available, this did not generally factor into decision making. As a result, it is possible the exhibits which would be retained now (taking into account forensic potential) would not have been retained in the past. Similarly, there is now a much greater understanding that crimes that may not presently be able to be solved using current forensic and technological capabilities may be able to be progressed in the future due to subsequent advances in these areas. Decisions regarding the retention and disposal of exhibits are now therefore made bearing such factors in mind.

#### 2000s

114. In January 2002, the Commissioner of Police at the time directed that there was to be a moratorium on the disposal of all exhibits which may be subject to potential DNA analysis. This was because of the Government's desire to enact legislation which created a DNA

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Review Panel, and intended law reform which would overturn the double jeopardy rules in serious cases, which would see a need for the longer retention of exhibits.

115. In 2003, in light of proposed changes to the laws referred to above, the Exhibits guideline in the Police Handbook was subject to a review, which resulted in a requirement that all exhibits associated with the prosecution of serious indicatable matters and all sexual assaults (including those matters dealt with summarily) were to be retained by Local Area Commands and under no circumstances were these exhibits to be destroyed or disposed of during the period of the moratorium. A copy of the Police Notice dated 22 September 2003 titled 'Retention and disposal of exhibits' is at **NPL.9000.0002.4086**.
116. In 2007, the Commissioner amended the moratorium at the time to mirror the scope of the *Crimes (Forensic Procedures) Act 2000*. This meant that from August 2007, a more limited set of exhibits were to be retained by Local Area Command or Regions. A copy of the Police Notice dated 21 August 2007 titled 'Change to existing exhibit moratorium' is at page **NPL.9000.0002.4085**. The exhibits captured by the amended moratorium were:
- a. cases involving convictions before 19 September 2006 where any offence that had been proven carried a maximum penalty of life imprisonment or 20 years and above;
  - b. any acquittal case where any offence charged carried a maximum penalty of 15 years or more; and
  - c. a matter before the court awaiting finalisation, including those cases waiting for consideration of an appeal or where any appeal period is yet to expire.
117. Since 2012, the process has been amended such that exhibits subject to the DNA Review Panel and Double Jeopardy provisions of the *Crimes (Appeal and Review) Act 2001 (NSW)* are unable to be disposed of until 28 days after the finalisation of the court matter. The general provisions are covered in the Police Handbook under the Exhibits Chapter. A copy of the Commissioner's Policy Notice 10/12 titled 'Maintenance of exhibits by the NSW Police Force' is at page **NPL.9000.0002.4084**.

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## **SECTION G: EXHIBITS FORENSICS INFORMATION AND MISCELLANEOUS PROPERTY SYSTEM (EFIMS)**

118. In this section of my statement, I address the operation of EFIMS, as required by the Request for Statement (Question 2).

### **Background to the development of EFIMS**

119. The advancement of Deoxyribonucleic Acid (**DNA**) analysis in 1992 provided law enforcement with increased opportunities to solve crime. Initially due to limits in technology, the use of DNA was quite low across the NSWPF, however by the late 1990s, DNA was emerging as a valuable source of evidence to identify offenders. In January 2000 the *Crimes (Forensic Procedures) Act 2000* was enacted. This legislation clarified and expanded the power of police officers to take DNA samples and conduct forensic procedures on suspects and volunteers.

120. With the advancements in DNA evidence and the Forensic Procedures legislation, evidence collection across the NSWPF increased significantly from 2000 onwards. Police Officers would routinely collect exhibits for forensic testing, FETS increased their staffing in response to the demand for forensic services, and consequently further exhibits were collected for DNA analysis across the state. By the mid-2000s, the demand for DNA services was substantial and DNA backlogs had emerged at FASS. FETS and FASS were working together to identify backlog reduction strategies, which at the time included outsourcing of exhibits to other laboratories and implementing more robust exhibit analysis triaging protocols.

121. In 2006, the NSW Ombudsman conducted a review of the NSWPF's implementation of the *Crimes (Forensic Procedure) Act 2000*. The review was titled "DNA sampling and other forensic procedures conducted on suspects and volunteers under the *Crimes (Forensic Procedures) Act 2006*". The finalised report was received by the NSWPF in October 2006 and is provided at **NPL.9000.0002.2691**. The review made over 100 recommendations to the NSWPF, including, relevantly, recommendations to improve DNA information management, workflows and DNA processing.

122. This review and the associated recommendations were the catalyst for the NSWPF to transition from a paper-based exhibit management system to an electronic forensic

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information management system. The business case for what was known as the Forensic Information Management System (**FIMS**) was submitted and approved in 2006 and is provided at **NPL.9000.0008.0281**.

123. The FIMS project aimed to provide NSWPF with a fully integrated system that would effectively manage the life cycle of forensic exhibits, from the collection of such an exhibit through to analysis and reporting, via the use of electronic software.
124. The system would also provide NSWPF with:
- a. forensic intelligence, such as via the drawing of links between otherwise unrelated cases and incidents by the use of DNA matches;
  - b. improved visibility of the forensic process and provision of timely information to investigators regarding forensic results;
  - c. improve identification turn-around times and consequent reduction of the DNA backlog at FASS by the sharing of testing results electronically rather than via a paper-based system; and
  - d. integration with the NSW Health Laboratory Information Management system;
125. The FIMS project continued to progress over the course of 2007 and 2008, and in 2009 the project team identified an opportunity to extend the FIMS project to include the management of **all** exhibits and miscellaneous property across NSWPF. It was identified by the NSWPF that the paper-based exhibit management system was dysfunctional, inaccurate, labour intensive, constrained by red tape and embodied significant and substantial operational problems and risks. These included but were not limited to loss of exhibits, continuity of evidence concerns, allegations of impropriety, inability to sufficiently track items, delays in locating and disposing of exhibits, as well as associated costs. It was incumbent upon NSWPF to drastically reduce the incidence of loss of exhibit and miscellaneous property items and the transition to an electronic exhibit management system provided that opportunity. An executive summary detailing the broader proposal is provided at **NPL.9000.0008.0063**.

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126. The NSWPF endorsed the recommendation and the project previously known as FIMS was renamed to the Exhibits, Forensic Information & Miscellaneous Property System (**EFIMS**) to reflect the extension of the project. A copy of this endorsement is provided at **NPL.9000.0008.0063**.

#### **Implementation of EFIMS**

127. EFIMS was implemented across the NSWPF in March 2011 and a further enhanced functionality for forensic analysis requests was implemented in November 2011.

128. EFIMS provided NSWPF with the capability to electronically manage all aspects of the exhibit life cycle, namely:

- a. recording the obtaining of exhibits;
- b. booking exhibits into a location;
- c. recording the transfer of exhibits to other locations;
- d. exhibit auditing;
- e. recording exhibit disposal;
- f. making scene attendance requests (for forensic examinations);
- g. making forensic analysis job requests (for exhibit examinations); and
- h. viewing job replies and analysis results (for forensic examinations).

129. EFIMS also provided reporting functionality to enable reports to be generated relating to the management and movement of exhibits, including:

- a. chain of custody reports;
- b. exhibit summary reports;
- c. disposals candidate reports; and
- d. audit reports.

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130. At the time of implementation, a full suite of training and information was provided across the NSWPF to ensure every officer within the NSWPF had access to and the ability to use EFIMS. This included:
- a. Introduction to EFIMS, version 1, dated 27 April 2010 (**NPL.9000.002.0366**); and
  - b. EFIMS training for NSWPF recruits dated 2010 (**NPL.9000.002.0265**)
131. On implementation, EFIMS was accessible on every NSWPF computer.

#### **Subsequent updates of EFIMS**

132. EFIMS remains NSWPF's exhibit management system and is the second most used IT system in the NSWPF (with the most frequently used policing system being the broader COPS).
133. Over the course of the past 12 years, NSWPF have made improvements to EFIMS aimed to improve system performance, reporting functionality and integration into other systems. As EFIMS functionality is enhanced, training material and guides continue to be updated.
134. As outlined above at [31] in 2012, the Audit Office of NSW conducted a review of the NSWPF regarding the management of drug and other high-profile goods. The NSW Auditor-General's final report dated 28 February 2013 documented several recommendations for the NSWPF regarding the management of drugs, vehicles and firearm exhibits and is provided at **NPL.9000.0008.0073**. Of particular relevance in relation to EFIMS, the NSW Audit Office stated that:

*NSW Police manages the recording, storage and tracking of drug exhibits and other high-profile goods well. These items are kept securely in NSW Police storage facilities, are routinely audited and there are few recorded instances where they have gone missing or been damaged (Page 2).*

...

*NSW Police has made a significant improvement to its system for recording and tracking drug exhibits with the introduction of EFIMS. Prior to EFIMS, books were kept in each police station to record all details of exhibits and other items, as well as movements, audits and disposal. These manual records prevented NSW Police from obtaining state-wide data on exhibits,*

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*including drugs. EFIMS has given NSW Police the ability to better manage all exhibits and has improved the efficiency of recording movements and disposals. (Page 18)*

135. Whilst not a specific recommendation of the review, the report provided commentary on the opportunity to develop Exhibit Standard Operating Procedures separate to the NSW Police Handbook to more adequately address the range of risks associated with exhibit management such as work, health and safety, theft, preserving evidence, storage, transport, disposal, and the use of EFIMS (page 17). As noted above, this commentary was the catalyst for the development of the NSW Exhibit Procedures Manual in December 2012.

#### **Current use of EFIMS**

136. The current version of the EFIMS Advanced Guide is at **NPL.9000.002.0280**. The Police Handbook also provides guidance on EFIMS at the chapter titled "Exhibits, Forensic Information and Miscellaneous Property System (EFIMS)", found at **NPL.9000.0002.0026**.

137. As a general overview, the following steps for recording exhibits in EFIMS involves:

- a. a police officer logging on to a computer connected to the NSWPF network using their credentials;
- b. opening the EFIMS application on the NSWPF intranet system page;
- c. selecting the Exhibits/Property menu to record the exhibit entry, which will involve filling out a number of mandatory fields including the Event Number, the name of the OIC, Warrant Number (if applicable), Strike Force Name (if applicable), classification of the exhibit, description of the exhibit, quality of the exhibit and providing any additional information on the exhibit; and
- d. saving the exhibit entry.

138. When updating the record of the movement of an exhibit in EFIMS, a similar process will be undertaken to the above, however the record will be updated to record the movement of the exhibit between locations.

139. Every time an exhibit is updated in EFIMS, the system will automatically create a time of entry and record the person who has made the entry.

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140. In addition, when completing an exhibit entry, if a mandatory field is left blank, a warning will be displayed at the top of the screen in red, to ensure all mandatory fields are completed prior to saving on EFIMS.
141. In circumstances where EFIMS is subject to a system update and is unable to be accessed, exhibit information is recorded contemporaneously in an exhibit book or an officer's notebook and then updated on EFIMS as soon as the system is back online.

**New system to be rolled out in 2024**

142. For completeness, I note that the Commissioner of Police has approved the deployment of a new system that will allow for the eventual decommissioning of the current EFIMS system. This deployment forms part of the wider rollout of the cloud-based Integrated Policing Operations System (**iPOS**) to replace COPS and other legacy frontline policing systems.
143. In particular, the proposed new system will ensure consistency and standardisation of exhibit management. Other benefits of the new system will include:
- a. enhanced in-field recording and transfer of exhibits via a mobile application to improve documentation of exhibits and reduce data entry errors;
  - b. inclusion of features such as dashboards which display exhibits on hand and relevant status updates, and include searching functionality and filters to allow exhibit holdings to be more easily tracked and located;
  - c. ability for the sending of notifications:
    - i. to officers, prompting actions required in respect of exhibits, such as transportation to forensic labs or return of exhibits to owners; and
    - ii. to owners, confirming property kept as an exhibit can now be collected;
  - d. inclusion of warnings in respect of particular exhibits;
  - e. incorporation of exhibit disposal and authorisation workflows, to allow these processes to be more effectively tracked; and
  - f. enhanced auditing, reporting and statistical functionality.

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144. The current EFIMS system is expected to be decommissioned and replaced by the new system by 30 June 2024, with further upgrades to follow.

#### **SECTION H: CENTRALISED STORAGE OF EXHIBITS**

145. In this section of my statement, I address the extent to which storage of exhibits has been centralised, as required by the Request for Statement (Question 3).

146. As detailed in the exhibit storage section of this statement, NSWPF retain most exhibits within the exhibit rooms of the police station either nearest to where the exhibit was collected or at the police station to which the OIC is attached. Holding exhibits at the police station is preferred where possible because it provides timely access to the exhibit:

- a. for the OIC to produce during suspect interviews, or further inspections as required throughout the investigation;
- b. for production at court;
- c. to examine the exhibit, particularly when extracting digital evidence from electronic devices;
- d. for forensic examination; and
- e. to enable timely return of exhibits to owners (where appropriate).

147. Exhibits that are held within the police stations are subject to regular auditing, inspections for safe storage and are held securely in exhibit storage areas.

148. However, centralised storage of some exhibits does occur across NSWPF, particularly where the exhibit item necessitates specific storage requirements that are not available within the police station, such as explosives and commercial quantities of drugs.

149. Centralised storage is available at the following locations:



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[Redacted]

150. [Redacted]

151. [Redacted]

152. [Redacted]

153. [Redacted]

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## SECTION I: OTHER MATTERS

154. In this section of my statement, I address Question 5 of the Request for Statement, being the identification of any further information relevant to the management of exhibits by the NSWPF which I consider may assist the Inquiry.
155. I understand that during the course of the Inquiry, cases have been identified, often relating to deaths which occurred in the 1970s and 1980s, in respect of which exhibits have been lost, cannot be accounted for, or were not stored or preserved in a way which allows for present-day forensic testing to now be conducted. As noted in the Request for Statement itself, this was the context in which the Inquiry requested statements from NSWPF addressing the matters contained in this and Superintendent Best's statement.
156. Throughout my statement I have identified the significant developments in NSWPF's procedures for the obtaining, storing, handling, disposal and overall management of exhibits that have taken place since that time.
157. In my view, these extensive developments mean it is far less likely that exhibits will be lost, misplaced or stored inappropriately. While there have been many incremental changes to the procedures to manage exhibits over the last fifty years, of particular significance was the rollout of EFIMS in 2011, and the Exhibit Procedures Manual in 2012. I have already explained the development and nature of these initiatives at paragraphs [26] to [32] of my statement respectively. However, by way of brief summary, I consider that the procedures now in place by virtue of this combination of initiatives have significantly improved the tracking and preservation of exhibits, both for present and future use, for the following reasons:
- a. mandatory, centralised, electronic recording of every time an exhibit is accessed or transported from obtaining through to disposal means it is much more difficult for an exhibit to be lost through a failure to record a movement, a failure to record a movement in the correct place or a loss of the relevant physical documentation;
  - b. electronic recording also streamlines and improves the accuracy and efficacy of audits in identifying any discrepancies in the location of the exhibit, by pinpointing its last known location and the officer responsible;

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- c. the development of clear guidance regarding the collection and preservation of exhibits in a way which not only maintains their integrity for present forensic testing, but also for future development of new technologies and testing capabilities;
  - d. the development of clear guidance, including the authorisation required, for the disposal of exhibits, to ensure key evidence is not lost prematurely; and
  - e. the implementation of the CMF system described above at paragraphs and [83] - [89] introduced additional audit requirements and accountability measures.
158. As demonstrated by the continued updating of the exhibit management procedures and the software that supports them (including the rollout of a new system to replace EFIMS in 2024), review of the exhibits management process to ensure it is fit for purpose, up to date and takes advantage of all available technological and forensic advancements remains a key focus of NSWPF.

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