

4. DCI Lehmann

- For discussion wrap with myself  
moving forward.

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Detective Superintendent  
Commander  
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3/18/16

**ISSUE:**

Proposal for a project plan concerning the locating, identification and reconciliation of exhibits relating to unsolved homicide cases.

**BACKGROUND:**

The charter of the Unsolved Homicide Team (UHT) is to investigate historical unsolved homicides and missing person's cases. The bulk of those investigations are dated between 1970 and 2000. One of the main considerations prior to re-investigating 'cold cases' is the opportunity to apply new scientific / forensic technologies on exhibits that did not exist when the crime occurred or during the time of the original investigation.

**Problem - 1**

Unsolved cases are put through an assessment and review process in determining whether they will be subject to a 'fresh investigation'. A significant component of this process is the search for exhibits relating to the case. The experience of the UHT is that this has been a frustrating and difficult task in many cases due to exhibits having been;

- a) Destroyed, lost or misplaced or;
- b) Exhibit records - Destroyed, lost, inaccurate or incomplete.

Therefore, new opportunities utilising forensic technologies to identify an offender or suspect, are lost. Certainly, these problems stem from a lack of proper care and diligence when it came to exhibit retention due in part to no foresight or little appreciation of the value of forensic science in future investigations on 'cold cases'.

**Problem - 2**

On many occasions when exhibits have been located (often through luck and at locations that are unexpected or not indicated through records) problems are still encountered due to the following:

- a) Exhibits are not labelled or they are improperly labelled;
- b) They are improperly secured;
- c) They are mixed with other exhibits from separate cases;
- d) They are not readily identifiable as pertaining to a particular case because of the above.

These issues will undoubtedly affect the integrity of the investigation and will ultimately lead to challenges at court thus jeopardising successful prosecutions due to:

- a) Cross contamination with other exhibits or external environmental elements;
- b) Broken continuity regarding the movements / handling of exhibits.

**Problem - 3**

Many of these poorly secured exhibits include; homicide victim's clothing, post mortem and crime scene specimen swabs - giving rise to work, health and safety issues due to biohazard risks for those investigators coming into contact with the items on examination.

#### Problem – 4

At the conclusion of original investigations that remain unsolved, the UHT experience has found that many briefs of evidence, case file documents and physical evidence exhibits were not archived and stored in the proper manner. Many exhibits are improperly packaged and archived within case file boxes and in other cases, case file boxes including exhibits were not even recorded and archived, but left on shelves at various locations in police premises or in some cases, left in non police premises with no records to indicate their movement or whereabouts. In 2015 the NSWPF Records Repository at Stanmore closed with the contents transferred to the State Archives depot at Kingswood or the Records Section at PHQ Parramatta. During the move, numerous exhibits were located amongst case file boxes having been improperly stored. This resulted in 8 pallets of items being transferred to the MEPC [REDACTED] where they now await identification and recording. Many of these items may relate to unsolved homicide cases and they will have to be examined by UHT investigators to determine this.

#### Problem - 5

Over the years, changes in organisational structure, police regions, former districts, divisions, the realignment of boundaries and formation of local area commands, have all had a detrimental effect when it comes to locating historical exhibits. Police premises formerly used for exhibit storage have changed or no longer exist. Historical exhibits were re-located to new premises or storage facilities as a result however, in many cases exhibit records do not reflect this.

When the UHT reviewed 400 cases between 2004 and 2008, the reviewing officers relied on known exhibit records that existed indicating the last known location of the exhibit searched for. On occasions when making enquiries with the relevant staff in charge of exhibit management, UHT reviewing officers were informed that the exhibit was not at the location or could not be found. This essentially ended the search for that exhibit and was significant for the outcome of the case review and its determination for future re-investigation.

Through experience gained since that time we now know that the exhibit may have existed but:

- a) The exhibit officer did not know that the item was at the location because there was no updated record that indicated so.
- b) The exhibit had been moved to a new location however there was no updated exhibit movement record to indicate this.

A prime example illustrating the seriousness of the problem is as follows: Strike Force Reddan is a current investigation into a series of crimes including 4 murders, attempted murders and bombings between 1980 -1985 known as 'The Family Court Murders'. Although a prime suspect always existed, this major investigation was hampered for many years due to the lack of physical evidence available.

In 2013, the UHT undertook a (limited) general search for exhibits at Police Local Area Commands and Forensic Services Group locations. The search included enquiries at the Ballistics Unit, Sydney Police Centre (SPC). UHT officers were directed to a basement

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storeroom in the SPC and located a number of separate exhibit items relating to 22 unsolved homicide cases dating back to the 1970's that had been undiscovered.

Amongst these exhibits was physical evidence from the Jehovah's Witness Hall bombing at Casula in 1985, the last in the series of crimes investigated by SF Reddan that resulted in the murder of one victim, serious injuries to dozens of others and the complete destruction of a building. SF Reddan had forensic examinations conducted on the evidence which resulted in the offender's DNA being identified at the crime scene. This crucial piece of evidence was the lynch pin in the decision to charge the offender, Leonard John Warwick in 2015 with all the murders and associated crimes in that investigation. These matters are currently before the courts.

The discovery of the evidence in that case was purely by chance. Investigators had been unable to locate exhibit records indicating that the evidence was located in that storeroom at the SPC. Without the discovery of such a vital piece of evidence, the crimes may well have remained unsolved, hence the importance of locating these 'lost' exhibits.

#### **COMMENT:**

The problems outlined stemming from yesteryear have been alleviated by improvements in exhibit handling and record management, particularly through the advent of the EFIMS system. In addition a Commissioners Instruction now exists that all exhibits relating to homicide cases are to be retained indefinitely. It is the legacies of the poor exhibit and record management practices of the past, compounded by the passage of time that causes significant problems for the UHT today.

#### **Previous Searching by UHT**

Problems associated with the searching and locating of exhibits from historical homicide cases has been recognised by the UHT for a number of years. In December 2012 a search of the NSW Records Repository at Stanmore resulted in the locating of a number of homicide exhibits (see above – 'Problem 4').

In January 2013 the UHT conducted searching at exhibit storage facilities at the SPC, Castle Hill LAC, Paddington LAC and Ashfield LAC. Unsolved homicide exhibits were identified (where possible) and taken to the Metropolitan Exhibit and Property Centre (MEPC) for triaging, itemising and entering on EFIMS. This process is unfinished and will take time to complete. Difficulties encountered have been; poor labelling, unsecured packaging and, some exhibits from separate matters mixed together in the same bags (see above – 'Problems 2 & 3').

In October 2013, the UHT searched a room in the basement of the SPC used as a storage location for old exhibits at the Ballistics Unit. A number of exhibits from historical homicide cases were located including the physical evidence relating to SF Reddan (see above 'Problem 5').

In April 2016, UHT investigators travelled to Orana and Darling River Local Area Commands to search for exhibits relating to SF *Polwood* (murder of Janine Perrin in 1990 at Bourke). Exhibit rooms were searched at Dubbo, Bourke, Gilgandra and Enngonia Police Stations. A

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number of exhibits relating to historical homicide and sexual assault cases were located. An inventory was made of the exhibits and investigators are in the process of ascertaining which exhibits relate to solved and unsolved cases.

In May 2016, the UHT were notified by the Sydney Crime Scene office at the SPC about the discovery of numerous exhibits in their 'Country Room'. UHT investigators inspected the exhibits and saw that they related to at least 5 known unsolved homicide cases. Further, investigators were informed of the existence of a former Crime Scene Office card system which tracked the movement of exhibits in and out of the possession of Crime Scene Units. This may well prove a valuable tool for the future search and identification of locations where exhibits exist. The located items will be transferred to the MEPC at [REDACTED] for long term storage and entering onto EFIMS.

Previous searching by the UHT as set out above has been limited and is far from exhaustive. It clearly illustrates the extent of the problem concerning the reconciliation of historical exhibits that known records have been unable to track and locate. A plan is now required to address the issue ensuring that in the future, investigators have absolute knowledge regarding the existence or non existence of exhibits relating to unsolved homicide cases.

#### Reconciliation Plan

1. Phase one of the project will be to have all exhibits that have already been located from local area commands, crimes scene offices and the NSWPF Records Section – identified and matched to their respective cases, then entered onto EFIMS and stored at the MEPC, [REDACTED]. During this process, an assessment will be required on each of the items to determine whether they should be subjected to immediate forensic reviews leading to possible forensic examinations.

There are also approximately 45 cases where exhibits have been kept in long term storage at Forensic Analytical Science Service, Lidcombe (FASS). UHT are currently in the process of having these exhibits transferred to MEPC, [REDACTED] and entered onto EFIMS. The processing of these exhibits is in progress however will be time consuming.

2. The second phase will be to generate files to all Regions, Local Area Commands and, FSG Crime Scene Offices requesting a search / audit of all historic or long term homicide exhibits being held in premises under their control. This will also include auditing of all existing exhibit records, registers or movement documentation. It is expected that all historic exhibits located will not have been entered onto EFIMS. Contact will then be made with responsible exhibit officers or appropriate personnel for progress reports and results as the searching and auditing takes place. It will be requested that an inventory be made of all located historical exhibits and records. If personnel are unsure as to the identification or origin of the exhibit, the UHT should be contacted for consultation and advice. Files will be required to be returned to the UHT with results including 'Nil Returns'. It is expected that many identified exhibits will relate to solved cases. These will need to be determined by UHT staff on inspection.

3. Once the UHT are notified about the identification of historical exhibits, they will travel to the respective location, inspect and assess the exhibit(s) then secure and transport them to MEPC, [REDACTED] and enter onto EFIMS. If exhibits are recovered that relate to active

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investigations, case officers will be notified for appropriate attention. Examination of exhibits will be conducted in adherence to work, health and safety guidelines.

4. The recording of all searching, locating of exhibits, processing, tracking of generated files and contacts will be managed in a special category of E@glei Strike Force Palace maintained by the Review Team, UHT. Links will be made regarding exhibits pertaining to separate individual E@glei Strike Force investigations.

5. The Reconciliation project will be managed and supervised by the Review Team UHT however such is the size and scope of the plan, assistance will be sought from all UHT personnel when required.

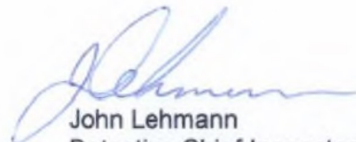
Time Frame

As indicated, Phase One of the project is currently underway. The expected completion date for the entire project is June 30 2017. At the conclusion of the project, an ongoing assessment of exhibits relating to unsolved homicide cases should be conducted on a yearly basis.

The project should enable the establishment of contact protocols between the UHT and NSWPF personnel having responsibility for the storage and management of police exhibits. This project, along with the advent of EFIMS and existing Commissioner's instructions should prevent a recurrence of unsolved homicide case exhibits being destroyed, lost or misplaced in the future.

**RECOMMENDATION:**

Forwarded for information and action.



John Lehmann  
Detective Chief Inspector  
Unsolved Homicide Team  
5 August 2016

1. Commander, Homicide Squad

*Forwarded for the information of the Director SCD + Commander SCC. I have provided approval to the UHT in relation to the proposal outlined by DCT Lehmann but the contents of this report outline systemic issues for the NSWPF similar to those being experienced by other jurisdictions (ie. WA Pol). For further discussion*

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Detective Superintendent  
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2. Director SCD

*Noted & reviewed separately*

John Kerlatec APM  
Detective Chief Superintendent 23-6-16

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3. Commander SCC

*Noted. Review approved. Issue provided status reporting 1st by 1/12/16.*

*Approved. Issue provided 23/6/16 SCC*