



Special Commission of Inquiry into LGBTIQ hate crimes

12 May 2023

Patrick Hodgetts
 Senior Lawyer
 Office of the General Counsel, NSW Police Force
 Locked Bag 5102
 PARRAMATTA NSW 2124

By email: [REDACTED]

Dear Mr Hodgetts,

Special Commission of Inquiry into LGBTIQ hate crimes

I refer to the above Inquiry, and to my letter of 3 May 2023 advising that the Inquiry proposes to hold a public hearing dealing with changes to NSW Police Force (“NSWPF”) investigative practices and procedures.

Investigative Practices Hearing: Request for further statement

The NSWPF has advised, in response to summonses to produce, that exhibits in several cases the subject of the Inquiry have been lost or destroyed. The Inquiry has been assisted by statements in specific cases from DS Neil Sheldon (statements dated 21 December 2022, 18 January 2023, 19 January 2023, 23 January 2023, 17 April 2023 and 5 May 2023) and DS Nigel Warren (21 February 2023, 29 March 2023, 30 March 2023, 5 May 2023).

Attached to this letter is a schedule identifying the cases where the Inquiry has summonsed exhibits and received a response that some or all of those exhibits have not been able to be located and/or have been destroyed (“Exhibits Schedule”). Where relevant, the Exhibits Schedule identifies the response received from the NSWPF in relation to those exhibits.

In anticipation of the Investigative Practices Hearing, the Inquiry would be assisted by a statement from an appropriate officer of the NSWPF, who is available to give evidence at the public hearing on **20 June 2023**, addressing the matters detailed below.

This statement is sought to assist in identifying those matters which will be explored at the Investigative Practices Hearing. In addition, it is intended to provide the NSWPF with the opportunity to respond with particularity to some of the matters of concern to the Inquiry.

Matters to be addressed

The requested statement should address the following matters, having regard to the specific cases identified in the Exhibits Schedule. The phrase “act or omission” refers to conduct by the NSWPF or a member of the NSWPF that led to the loss or destruction of the relevant exhibits.

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Please identify:

- (1) Which NSWPF exhibit management policies and procedures were in operation at the time of the investigation when the act or omission occurred;
- (2) Whether the act or omission was consistent or inconsistent with the applicable policies and procedures identified at (1) at the time of the investigation. If inconsistent, please identify which policies or procedures the act or omission was inconsistent with;
- (3) Whether the NSWPF is of the view that the act or omission was consistent or inconsistent with proper police practice as it was understood at the time of the investigation. If inconsistent, please explain how it was inconsistent;
- (4) Whether the NSWPF is of the view that the act or omission was consistent or inconsistent with proper police practice as it is understood today. If inconsistent, please explain how the act or omission is inconsistent. If your answer differs to (3), please explain how proper police practice has changed since the time of the act or omission;
- (5) Any NSWPF policies, procedures or practices that have changed since the time of the investigation to avoid or reduce the risk of a similar act or omission occurring in a current investigation.

For the avoidance of doubt, if it is not clear when or how an exhibit came to be lost or destroyed, or who was directly responsible for the act or omission that led to the loss or destruction, it is expected that the statement will nonetheless address the matters identified at (1)-(5) to the best of the deponent's knowledge having made reasonable inquiries.

Where the officer refers to a NSWPF policy, procedure, guideline or chapter of the NSWPF Handbook, a copy of the relevant document (historical and current) should be annexed to the statement.

Non-publication orders

It is anticipated that the Inquiry will tender the requested statement in evidence in a public hearing and that the statement will be uploaded to the Inquiry's website.

In the event that the Commissioner of the NSWPF seeks any non-publication orders in relation to the statement and/or any annexures, a schedule of the proposed orders sought should be provided to the Inquiry at the same time as the signed statement, for consideration by Senior Counsel Assisting.

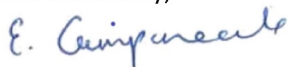
Timeframe for provision of the statement

Please provide the Inquiry with the requested statement and any schedule of non-publication orders sought by no later than **5pm on 1 June 2023**.

In the event that you anticipate any difficulty with the above timeframe for the provision of the statement, please forward a request for an extension of time in writing as soon as possible. To assist in considering the application for an extension, please provide a brief outline of the reasons an extension is sought and the date by which you anticipate being in a position to produce the material sought.

Please do not hesitate to contact Kate Lockery on [REDACTED] if you have any queries in relation to this matter.

Yours faithfully,



Enzo Camporeale

Director, Legal

Solicitor Assisting the Inquiry

SPECIAL COMMISSION OF INQUIRY INTO LGBTIQ HATE CRIMES

SCHEDULE OF EXHIBITS

CSO Ref: 202201144

I note that by summons dated 18 May 2022 (**NSWPF1**), the Inquiry sought production of all documents relating to NSWPF investigations into the deaths of 42 persons identified in a Schedule at Annexure B.

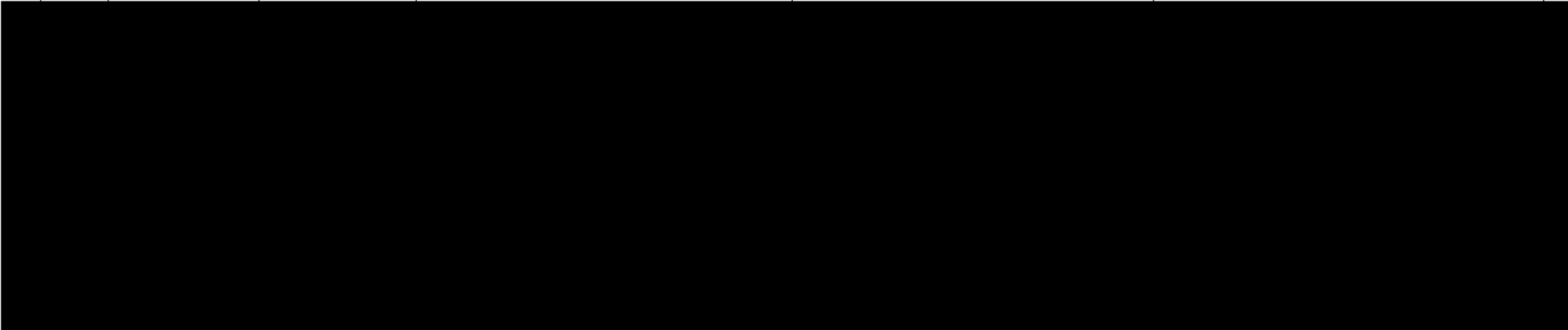
	NAME (DOB)	DATE OF DEATH	SUMMONS/REQUESTS AND RESPONSES	RELEVANT EXHIBITS	SUBMISSIONS OR STATEMENTS
Matters considered by the Inquiry					
1.	CUTHBERT, Gerard Leslie	17 January 1981	<p>On 2 June 2022, in response to NSWPF1, the NSWPF produced material concerning Mr Cuthbert.</p> <p>On 23 September 2022 and 25 November 2022 the Inquiry wrote Letters of Request to the NSWPF concerning forensic exhibits and fingerprint records.</p> <p>A statement of DS Sheldon dated 18 January 2023 explained that NSWPF could not locate the exhibit material referred to in the Letters of Request.</p>	The exhibits and associated exhibit books identified in the letter of request dated 23 September 2022.	<p>Statement of DS Sheldon dated 18 January 2023 at [7]-[23].</p> <p>Written submissions dated 12 April 2023, [6], [9]-[13].</p>
2.	LLOYD- WILLIAMS, David	c. 1979	The NSWPF produced no material concerning Mr Lloyd-Williams in response to NSWPF1 .	The investigative file in relation to Mr Lloyd Williams.	Written submissions dated 21 February 2023 at [92]-[94].

			On 9 September 2022, in response to NSWPF13 , the NSWPF indicated there was nothing to produce in relation to Mr Lloyd-Williams.		
3.	SHEIL, Peter	27 to 20 April 1983	On 13 September 2022 in response to NSWPF1 , the NSWPF indicated there was nothing to produce concerning Mr Sheil.	The investigative file in relation to Mr Sheil.	Written submissions dated 18 April 2023 at [5(b)].
4.	RAYE, Samantha	19 to 29 March 1989	By summons dated 26 September 2022 (NSWPF19), the Inquiry sought production of a missing persons report made by Wayne Hurrell and Hanna Hedler in relation to Ms Raye. On 7 October 2022, representatives of the NSWPF advised that the missing persons report could not be located.	The missing persons report specified in NSWPF19 .	Written submissions dated 12 April 2023, at [36]-[39].
5.	STEWART, Mark	10 to 11 May 1976	By summons dated 29 September 2022 (NSWPF22), the Inquiry sought production of any exhibit book references for the items identified at 1(a) and (b) of the Summons. On 11 October 2022, the NSWPF indicated that there was nothing to produce in response to NSWPF22. On 3 March 2023, the Inquiry requested a formal response from the NSWPF regarding the status of the	The documents identified at Item 1 of NSWPF22 and at 1a-d of the letter of request dated 3 March 2023.	Written submissions dated 12 April 2023, at [54]. Statement of Detective Sergeant Neil Sheldon dated 16 March 2023.

			<p>physical exhibits in Mr Stewart's case, including the wristwatch, notepaper, cigarette lighter and steel comb found on or near his body.</p> <p>On 16 March 2023, the NSWPF advised that no physical exhibits for Mr Stewart's case could be located.</p>		
Matters not yet considered by the Inquiry					
6.	WAINE, Wendy	29 or 30 April 1985	<p>By summons dated 24 August 2022 (NSWPF10), the Inquiry sought production of any exhibit book references and EFIMS records in relation to the exhibits identified at items 1(a)-(d).</p> <p>On 7 September 2022, the NSWPF advised that the exhibit book references and EFIMS records specified in NSWPF10 could not be located.</p> <p>On 28 April 2023, the NSWPF further advised that the exhibits in relation to those items could not be located.</p>	The material the subject of NSWPF 10 , in addition to the exhibits specified at items 1(a)-(d) of NSWPF10 .	Statement of DS Sheldon dated 16 March 2023, at [8]-[13]
7.	SLATER, Richard	22 December 1980	By summons dated 5 December 2022 (NSWPF 39), the Inquiry sought production of specified exhibits.	The exhibits identified at Items 1-6 of the Annexure to NSWPF39 .	Statement of Detective Sergeant Neil Sheldon dated 18 January 2023 at [13]-[14].

			On 15 December 2022, the NSWPF advised that the exhibits sought could not be located.		
9.	BEDSER, Walter John	2 December 1980	<p>By summons dated 21 December 2022 (NSWPF49), the Inquiry sought production of specified exhibits.</p> <p>On 23 January 2023, the NSWPF advised that they could not locate the exhibits sought. A statement of DS Sheldon of the same day described the steps taken to locate the exhibits.</p>	The exhibits identified at Items 1-6 of the Annexure to NSWPF49 .	Statement of DS Sheldon dated 23 January 2023 at [10].
10.	JONES, Barry	26 September 1976	<p>By summons dated 2 February 2023 (NSWPF53), the Inquiry sought production of specified exhibits.</p> <p>On 21 February 2023, the NSWPF notified the inquiry that the exhibits</p>	The exhibits identified at Items 1(a)-(k) of the Annexure to NSWPF53 .	Statement of DI Warren dated 21 February 2023 at [8].

			sought could not be located. A statement of DI Warren of the same date described the steps taken to locate the exhibits.		
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12.	RUSSELL, John	23 November 1989	<p>A clump of hair was identified in the crime scene photographs pertaining to Mr Russell.</p> <p>It appears from records held regarding the coronial inquest into Mr Russell's death that the clump of hair was lost at some stage before the inquest (see SCOI.02744.00023).</p> <p>The Inquiry also sought an explanation as the state of certain clothing worn by Mr Russell when he was discovered.</p> <p>In his statement of 30 March 2023, DI Warren sets out the steps taken by the</p>	<p>The clump of hair visible in the crime scene photographs.</p> <p>The treatment of Mr Russell's clothing by NSWPF.</p>	Statements of DI Warren dated 30 March 2023 and 5 May 2023.
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			NSWPF in respect of Mr Russell's clothing. It appears that the clothes were laundered and placed on a mannequin before eventually being returned to Mr Russell's family.		
13.	ROONEY, William	14 February 1986	<p>By letter dated 9 March 2023, the Inquiry requested that the NSWPF take steps to identify and locate certain physical exhibits in relation to Mr Rooney.</p> <p>On 27 March 2023, the NSWPF advised that no physical exhibits or exhibit books had been located.</p>	The exhibits specified in the letter dated 9 March 2023 and the associated exhibit books.	N/A

15.	WARK, Simon Blair	11 January 1990	<p>By summons dated 20 December 2022 (NSWPF47), the Inquiry sought production of specified biological samples.</p> <p>On 20 January 2023, representatives of the NSWPF advised that they did not hold the material sought. The steps taken to locate the exhibits are set out in a statement of DS Sheldon dated 19 January 2023.</p>	The biological samples specified in Item 1 of the Annexure to NSWPF47 .	Statement of Detective Sergeant Neil Sheldon dated 19 January 2023 at [10].
16.	SEYMOUR, Stephen	16 April 1994	<p>By summons dated 10 March 2023 (NSWPF70), the Inquiry sought production documents and exhibits,, including exhibits identified in Annexure B to the Summons.</p> <p>On 28 March 2023 and 11 April 2023 the NSWPF produced documents responsive to NSWPF70. On the same day, the NSWPF advised that the exhibits identified in Annexure B were unable to be located.</p>	The exhibits listed in Annexure B to NSWPF70 .	N/A
17.	DYE, Crispin	25 December 1993	By letter dated 28 September 2022, the Inquiry requested that the NSWPF undertake inquiries to identify and locate the physical exhibits in relation to Mr Dye.	The two exhibits identified in the letter of 7 October 2022 as exhibits that could not be located.	N/A

			<p>On 7 October 2022, the NSWPF advised that two exhibits could not be located, namely:</p> <ul style="list-style-type: none">• Health Care and Frequent Flyer cards belonging to Crispin Dye; and• Items from Crispin Dye's wallet and items belonging to Michael Belston. <p>By letter dated 23 March 2023, the Inquiry requested that the NSWPF locate what was described as "<i>pieces of paper found on body of C Dye</i>", a photocopy of which was apparently annexed to a statement of Detective Sergeant Roy Knight. According to a table of contents in respect of the coronial brief (c. August 1995), the papers were described as "<i>personal papers and Metway Bank business card removed from the clothing of the deceased</i>".</p> <p>On 3 April 2023, the NSWPF advised that they could not provide a response to the Inquiry's request until they received the hard copy boxes held by the Inquiry.</p> <p>Inquiry staff searched through the relevant physical boxes and were unable to locate these pieces of paper.</p>		
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			Those boxes have been returned to the NSWPF and the Inquiry is awaiting a response as to its request.		
18.	STOCKTON, Carl		<p>By letter dated 27 March 2023, the Inquiry sought a statement outlining the location and status of the following exhibits which were collected as part of the initial investigation into the death of Mr Stockton:</p> <ul style="list-style-type: none"> a) Mr Stockton's clothing; b) 17 glass bottles located at Mr Stockton's address; c) Mr Stockton's wallet; and d) Timber seized from Matterson Lane. <p>In a statement dated 17 April 2023 DS Sheldon identifies that these exhibits could not be located.</p>	The exhibits identified in the letter of 27 March 2023.	Statement of Detective Sergeant Neil Sheldon dated 17 April 2023.
19.	REARDON, Bernard	Last seen 18 January 1989	Material in the possession of the Inquiry indicates that Mr Reardon's dental records were obtained by the NSWPF in 1989. A statement of Joanne Williams dated 23 May 2012 that Mr Reardon's original dental records were lost.	The original dental records of Mr Reardon.	N/A