

Sensitive: Legal



NSW Police Force

18 May 2023

Mr Enzo Camporeale
 Director, Legal
 Special Commission of Inquiry into LGBTIQ hate crimes
 GPO Box 5341
 SYDNEY NSW 2001

By email: [REDACTED]

Dear Mr Camporeale

Special Commission of Inquiry into LGBTIQ hate crimes – Summons No. NSWPF102

We refer to:

- a) summons No. NSWPF102, issued to the Commissioner of NSW Police (**Commissioner**) dated 9 May 2023 (**Summons**), with a return date of 18 May 2023; and
- b) Your letter of 9 May 2023 enclosing the Summons (**Letter**).

The Summons and Letter are **enclosed** for ease of reference.

Production of Exhibits

Our Office has reviewed the exhibits from the investigation into the death of Robert Malcolm that were collected as part of the initial NSW Police Force investigation. Set out below is a table that sets out the status and location of each of the exhibits requested by the Summons.

	Description	Status	Location
<i>Exhibits collected during the investigation process at 6 Holden Street, Redfern</i>			
i.	Brocken brick with blood staining	Destroyed on 1 May 1996	n/a
ii.	Multiple pieces of blood-stained timber	Destroyed on 1 May 1996	n/a
iii.	“Toohey’s Draught” beer bottle	Destroyed after examination	n/a
iv.	“Victorian Bitter” beer bottle	Destroyed after examination	n/a
v.	Swab of blood from the veranda	Sample in cold storage	FASS
vi.	“Telegraph Mirror” newspaper	Destroyed after examination	n/a
vii.	Pair of black male shoes	Destroyed on 1 May 1996	n/a
viii.	Red jumper	Destroyed on 1 May 1996	n/a
ix.	2 x buttons	Destroyed on 1 May 1996	n/a
<i>Exhibits collected from Royal Prince Alfred Hospital</i>			
i.	Sexual Assault Investigation Kit (SAIK#5956)	Destroyed on 1 May 1996	n/a
ii.	Pair of grey trousers	Sample in cold storage	FASS
iii.	Belt	Destroyed on 1 May 1996	n/a
iv.	Pair of underwear	Destroyed on 1 May 1996	n/a
v.	Blood-stained singlet (torn)	Sample in cold storage	FASS

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OFFICE OF THE GENERAL COUNSEL

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T [REDACTED] F [REDACTED] W www.police.nsw.gov.au

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We trust that this satisfies the Summons, and we will proceed on that basis unless the Inquiry otherwise advises.

Yours sincerely



Katherine Garaty
Director – Crime Disruption and Special Inquiries Law
Office of the General Counsel
NSW Police Force