

Sensitive: Legal



NSW Police Force

21 June 2023

Mr Enzo Camporeale
 Director, Legal
 Special Commission of Inquiry into LGBTIQ hate crimes
 121 Macquarie St
 SYDNEY NSW 2000

By email ONLY: [REDACTED]

Dear Mr Camporeale

Special Commission of Inquiry into LGBTIQ hate crimes: Production of Documents – Robert Malcolm

We refer to:

- a) Summons No. NSWPF1 issued to the Commissioner of NSW Police (**Commissioner**) dated 18 May 2022 (**Summons 1**);
- b) your letter dated 13 June 2023;
- c) my email to you on 14 June 2023;
- d) my letter to you dated 19 June 2023; and
- e) your letter dated 19 June 2023.

Production of Documents

An index of the further documents to be produced under Summons 1 is **enclosed** with this letter. Production of these documents will be facilitated by Corrs Chambers Westgarth on the Commissioner's behalf via the iCourts portal.

We are instructed that this material was located after further searches were performed of the Parramatta Records Repository – Police Headquarters and the Government Records Repository using refined search terms. It appears from an initial review of the material that at least some of the material has previously been produced to the Inquiry, likely in hard copy. The index to the Tender Bundle is supportive in that regard. In the interests of time, however, we have not been able to undertake a document-by-document review.

An itemised index is currently being prepared and can be provided to the Inquiry tomorrow.

Scope and manner of searches for records undertaken by the Commissioner

We are otherwise instructed that the Commissioner's response to Summonses 1 and 3 concerning Robert Malcolm is complete.

In providing those instructions, we note that our instructors have, as a matter of regularity, caused for the following searches to be performed (where applicable) in relation to summonses in general:

- a) Review of NSWPF computer systems: The NSWPF e@gle-i system, the Exhibits Forensics Information and Miscellaneous Property System (**EFIMS**), NSWPF secure and shared drives, State Crime Command Databases, the Computerised Operational Policing System

3448-8858-0132v1

OFFICE OF THE GENERAL COUNSEL

LOCKED BAG 5102 PARRAMATTA NSW 2150

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

Sensitive: Legal

- (COPS); and the records management system are all regularly searched in response to summons issued by the Inquiry.
- b) Searches of Police Area Commands: Relevant Police Area Commands have been instructed to search their holdings to identify documents which may be relevant to summonses No. NSWPF1 and NSWPF3 and other summonses where applicable.
 - c) Forensic Evidence and Technical Services (FETS) Command: Searches are undertaken with FETS in respect of every summons issued by the Inquiry in order to locate relevant documents and exhibits (where requested by the Inquiry).
 - d) Metropolitan Exhibit and Property Centre (MEPC): Where a summons requests information about exhibits, the MPEC is searched for relevant documents and exhibits.
 - e) Contact with current and former NSWPF officers: In addition to assistance from serving NSWPF officers with personal knowledge of matters within the Inquiry's Terms of References, where the NSWPF considers it may assist with its response to the Inquiry, contact is also made with former officers of the NSWPF.
 - f) Requests submitted to archives: To recover certain historical records stored within State Archives, our instructors are generally reliant on searches performed by the Corporate Records Team within the NSW Police Force. In relation to Summonses 1 and 3, this team has now performed further and more refined searches by separate team members. We note for completeness that the Commissioner's staff are not permitted to directly access Government Records Repository facilities to manually search for material.
 - g) New South Wales Department of Health: Where requests relate to the Forensic and Analytical Science Service (FASS), autopsy or other related processes the Commissioner's staff engage with representatives of the Department of Health in order to locate documents which may be relevant to summons issued by the Inquiry.
 - h) Coroner's Court: Where necessary, the Commissioner engages with the Coroner's Court in order to locate documents which may be relevant to summons issued by the Inquiry.

Should the Inquiry particularise specific further searches that it considers should be undertaken, the NSWPF will endeavour to conduct such searches as expeditiously as is reasonably possible.

We would otherwise be grateful for a response to our letter of 14 June 2023 concerning the return of hard copy material produced to the Inquiry between May and October 2022.

Yours sincerely



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