



Special Commission of Inquiry into LGBTIQ hate crimes

3 April 2023

Michele Franco
Laboratory Manager
Forensic and Analytical Science Service

By email: [REDACTED]

Dear Ms Franco,

NSW Special Commission of Inquiry into LGBTIQ hate crimes

I refer to the above Inquiry and to your previous correspondence, by phone and by email, with staff members of the Inquiry in relation to testing of exhibits in relation to Crispin Dye.

I refer also to the discovery of two papers in the top left-hand pocket of Mr Dye's blue denim shirt (Exhibit number X0000638079).

Testing of exhibits – death of Crispin Dye

I understand that one of the papers was a white card with a brown mark on it. I confirm your advice that you have tested this card and the brown mark returned a positive result on a presumptive test for blood. I have **attached** a photograph of this, provided by you on 21 March 2023, depicting this paper.

The Inquiry has liaised with the NSW Police Force ("NSWPF") who have indicated that the brown mark may also be a partial fingerprint. The NSWPF has advised, by way of email, that there are "sequences of testing" that can be undertaken to maximise the opportunity of obtaining both fingerprint and DNA evidence.

The "first level" of tests that the NSWPF say can be undertaken are as follows:

1. DNA testing via a "tape lift", NSWPF has informed the Inquiry that a tape lift has minimal impact on any fingerprint residue; and
2. After a tape lift has been undertaken, a first level of fingerprint treatment can then be undertaken to identify any fingerprints on the exhibit. NSWPF has informed the Inquiry that this process preserves any DNA that may be present.

On the basis of the above advice, the Inquiry proposes to arrange for the "first level" tests to be undertaken with a view to identifying any fingerprints on the exhibit whilst preserving any DNA that might be present. We understand, based on correspondence received from the NSWPF, that if these tests do not yield any results, then further "second level" testing can occur. This testing is discussed further below.

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If you are of a contrary view, namely that a “tape lift” and a “first level of fingerprint treatment” are not an advisable course of action, please let me know at your earliest opportunity in writing and by **12 April 2023**. In particular, please advise us if you feel that the first level of fingerprint testing proposed to be carried out by the NSWPF would, in fact, degrade any DNA present on the card. I assume that any “tape lift” would occur at FASS and then fingerprint treatment at NSWPF premises after the exhibit has been transported there from FASS.

After the above two steps have been completed, the NSWPF has advised that the following further testing could occur, depending on whether any positive results are recovered from the first level testing:

3. Heat treatment for fingerprints. NSWPF has advised the Inquiry that this treatment will destroy any DNA that is present; and
4. Further and more extensive DNA testing could be undertaken (such as chemical treatment or cutting the exhibit) to recover any DNA. The NSWPF has advised the Inquiry that this level of testing may destroy any available fingerprint residue. The NSWPF suggests consulting with you before this is done.

The Inquiry does not propose to consider these steps until the results of Steps 1 and 2 above are known.

Next steps

I would be grateful if you could please indicate whether you agree with the sequential approach being proposed by the NSWPF above, and whether you would be able to liaise with Senior Sergeant Anne Coady, NSWPF, for the transport of the white card to the NSWPF after a tape lift has occurred.

If you do agree with the sequential approach, and are content to liaise with Senior Sergeant Coady for the transportation of the white card, I would be grateful if you could also transport the other paper found in Exhibit X0000638079, namely the yellow post-it note (photo **attached**), to the NSWPF. I understand from our previous discussions that you are of the view that no useful DNA can be extracted from this yellow paper and that fingerprinting may yield more informative results.

As noted above, the Inquiry would be grateful to receive a response by **12 April 2023**.

Please do not hesitate to contact Jacqueline Krynda on [REDACTED] if you have any queries in relation to this matter. If Jacqueline Krynda is not available, please contact Kate Lockery on [REDACTED].

Yours faithfully,

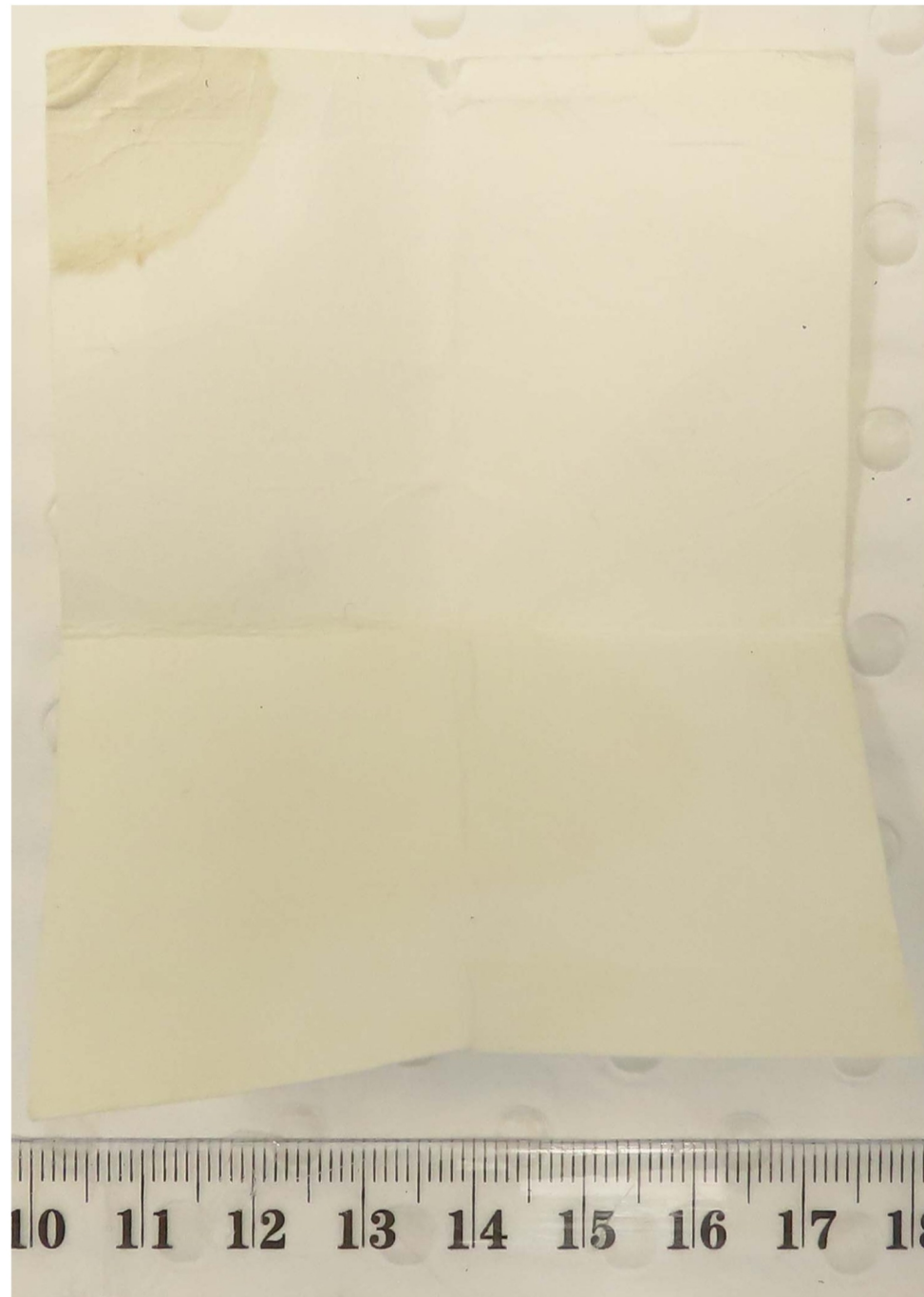
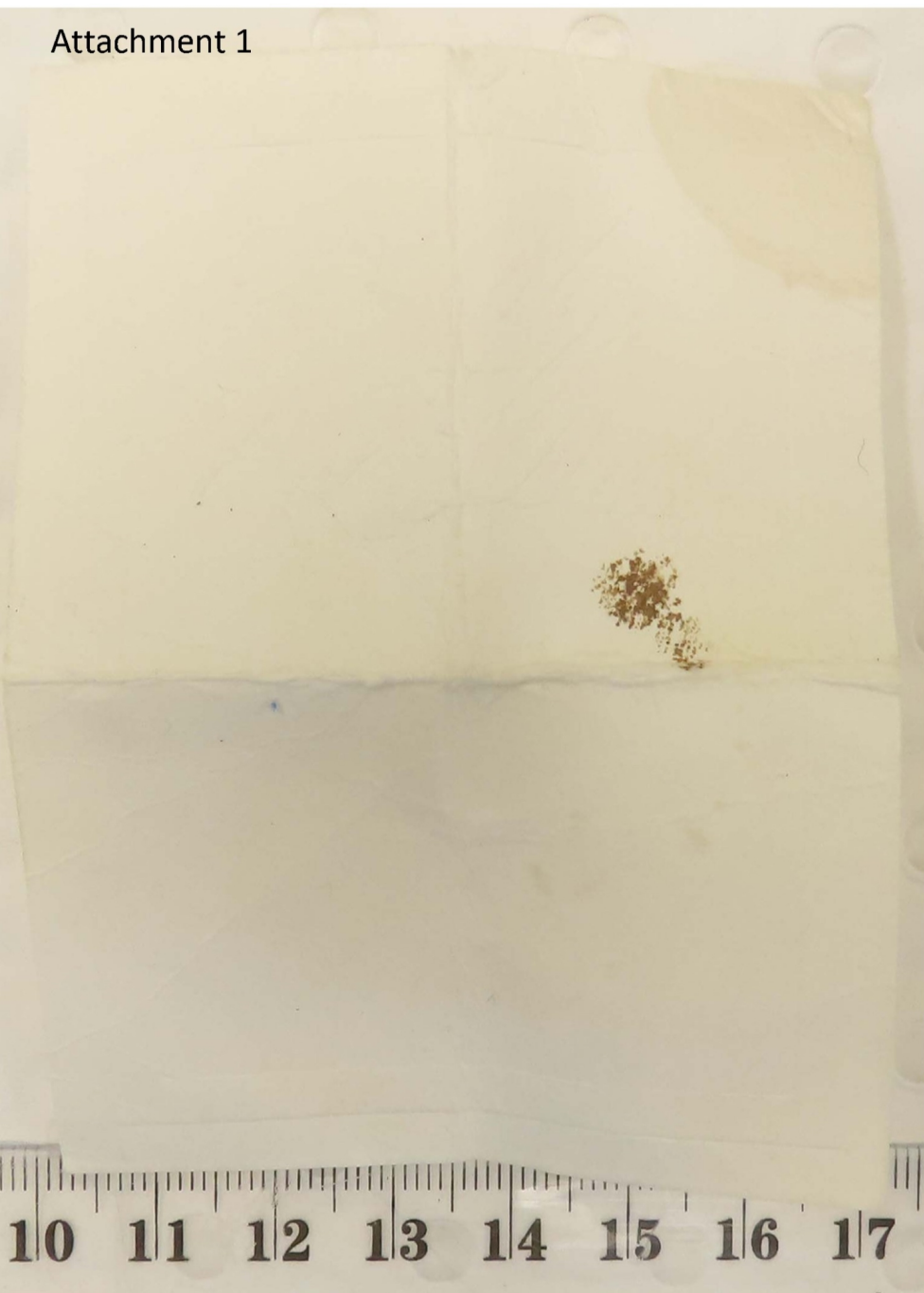


Jacqueline Krynda
Senior Solicitor
Solicitor Assisting the Inquiry

Encl. (2)

FS23/2449-3b White Card from pocket NSW 13/02/2023

Attachment 1



FS23/2449-3c Post-it note NSW 13/02/2023

Attachment 2

Ganny Hood.

558.5335

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