



Special Commission of Inquiry into LGBTIQ hate crimes

19 April 2023

Mr Patrick Hodgetts
Senior Lawyer
Office of the General Counsel, NSW Police Force

By email: [REDACTED]

Dear Mr Hodgetts,

Special Commission of Inquiry into LGBTIQ hate crimes

I refer to the above Inquiry, and to our ongoing correspondence in relation to the death of Crispin Dye.

I refer also to the discovery of a piece of yellow paper and a white card in the top left-hand pocket of Mr Dye's blue denim shirt (Exhibit number X0000638079), which has been the subject of previous correspondence.

Testing of the white card

Thank you for your email of 21 March 2023 in relation to testing of the white card (with a brown mark) found in Mr Dye's shirt. In that email, and based on advice from FETS, you advised that there are sequences of testing that could be undertaken to maximise the opportunity of obtaining both fingerprint and DNA evidence.

The "first level" of tests that were suggested in this email were as follows:

- DNA testing via a "tape lift", with the view that a tape lift has minimal impact on any fingerprint residue; and
- After a tape lift has been undertaken, a first level of fingerprint treatment to identify any fingerprints on the exhibit. In your email, you indicated that this process preserves any DNA that may be present.

The Inquiry has communicated with the Forensic Analytical and Science Service ("FASS"), who have expressed concerns about this suggestion. A letter explaining FASS's views is **attached**.

We note that in your email of 13 March 2023 you have informed the Inquiry that the NSWPF hold the view that the mark is "consistent with" a partial fingerprint but that no conclusive views can be drawn. Given the concerns that FASS have outlined and given that the NSWPF has the relevant expertise in relation to fingerprints, we write to request that those who instruct you provide the Inquiry with an opinion as to whether it is more likely than not that the brown mark on the white card is a fingerprint.

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The Inquiry considers this information to be critical to determining the next steps for forensic testing in this case. If the brown mark is likely to be a fingerprint, Counsel Assisting the Inquiry is of the opinion that fingerprint testing of the mark should be prioritised, as it would be more likely to be of forensic value than any DNA evidence that could be extracted from the same mark. However, the Inquiry is reluctant to lose the opportunity to test the mark for DNA if the NSWPF do not consider that it likely that the mark is a fingerprint. In this regard, it is relevant that FASS has also located blood on the rear back pocket of Mr Dye's jeans (exhibit number X0000638075) that does not match Mr Dye's. At the time of writing, an incomplete profile has been extracted and a match for the DNA in the blood has not yet been found.

It may be necessary or preferable that those who instruct you attend FASS to view the white card in situ and gain a better view of the brown mark and in order to form an opinion as to whether it is likely that this mark is a fingerprint. Please do not hesitate to contact me if I can be any assistance in facilitating this.

Timeframe for response

To ensure the next steps can be determined as soon as possible, I would be grateful to receive a response in relation to the above by **3pm on 24 April 2023**. In the event that you anticipate any difficulties with this timeframe, please advise as a matter of urgency.

Thank you for your assistance to date in this matter.

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



Enzo Camporeale

Director, Legal

Solicitor Assisting the Inquiry

Encl. (1)



12th April 2023

Jacqueline Krynda
Senior Solicitor
Solicitor Assisting the Inquiry
GPO Box 5341
Sydney NSW 2001

FASS Ref: FS23/2449

By email: 

Dear Ms Krynda,

Re: NSW Special Commission of Inquiry into LGBTIQ hate crimes
Testing of exhibits - death of Crispin Dye

Reference is made to your letter dated 3rd April 2023.

I have considered the proposed testing of the brown mark on the white card, as suggested by the New South Wales Police Force.

For the first level of testing in point 1, I don't agree that a tape-lift would have minimal impact on the card, due to the fragile nature of the paper-based card. This opinion was formed when the card was first examined. In order to recover any cells sitting on the card, a very small unstained area, immediately next to the brown staining, was tape-lifted. The tape-lift bound very strongly to the paper-based card and testing was immediately halted to prevent physical damage to the card.

I am unsure if the first level of fingerprint treatment described in point 2 would preserve 'any DNA that might be present' as stated in the letter. As the staining on the exhibit is about 30 years old and the paper is a delicate porous substrate, this should be factored in when assessing the expected recovery of DNA after fingerprinting.

In light of the above considerations, in order to optimise the chance of recovering DNA, the removal of a very small section of the brown stain for testing is recommended before it undergoes any fingerprint testing. If we find that the DNA is consistent with another DNA profile already recovered in this case, then it would not be crucial to extensively test the stain and the remainder could be subjected to fingerprinting. If, however, the indications from the initial DNA testing of a very small section suggest a different individual, an additional section of the brown stain could be removed for DNA testing, but this would impact the ability to carry out fingerprinting on the stained area.

NSW Police are best placed to decide whether a DNA result or a fingerprint result is most likely to assist the investigation, if attempting to obtain both will compromise the chance of obtaining either one.

Yours faithfully,



Michele Franco
Group Manager, Evidence Recovery Unit
Forensic Biology/DNA