



NSW POLICE FORCE

P190B

STATEMENT OF POLICE

In the matter of: Special Commission of Inquiry into LGBTIQ Hate Crimes -
summons NSWPF69

Place: Homicide Squad - State Crime Command

Date: 29 March 2023

Name: Nigel WARREN Tel. No: [REDACTED]

Rank: Detective Inspector

Station/Unit: Homicide Squad

STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true.
2. I am 57 years of age.
3. I am a Detective Inspector in the Homicide Squad of the New South Wales Police Force (**NSWPF**).
4. As part of my role, I am assisting the NSWPF in responding to requests issued by the Special Commission of Inquiry into LGBTIQ Hate Crimes (**Inquiry**).
5. I make this statement in respect of Summons No. NSWPF69 dated 14 March 2023 and provided to the Commissioner of NSW Police (**Commissioner**) on 15 March 2023 (**Summons 69**), returnable on 22 March 2023:
6. I make this statement on the basis of information known to me and information provided to me by colleagues in the NSWPF and believe that information to be true at the time of making this statement.

3473-1603-6000

Witness:

[REDACTED]

Kimberly Smith
Detective Senior Constable
Homicide Squad
29 March 2023

Signature:

[REDACTED]

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7. Summons 69 requested the production of 62 individual exhibits associated with the death of Ernest Head on or about 17 June 1976 (referred to together in this statement as “**Exhibits**”). A complete list of the Exhibits requested by the summons is set out in Schedule 1 to this statement.
8. A cover letter from Mr Enzo Camporeale - Solicitor Assisting the Inquiry, requested that the NSWPF provide the location rather than the production of the Exhibits in the first instance. In circumstances where the Exhibits could not be located, the Inquiry requested a statement regarding the searches undertaken in order to locate the Exhibits.

Exhibits located

9. Following the searches detailed below, the following exhibits were located:
- a) item cc : “One non-filtered cigarette butt said to be found on floor near front door in lounge room”;
 - b) item ee: “One part used non-filtered cigarette said to be found on floor of main bedroom”; and
 - c) item ff: “Non-filtered cigarette butt said to be found on floor of second bedroom”
10. These exhibits are located at the Metropolitan Exhibit and Property Centre.

Searches undertaken

11. The NSWPF has conducted the following enquiries to locate the Exhibits:
- a) Searches of the NSWPF exhibit management system - Exhibits Forensic Information and Miscellaneous Property System (**EFIMS**) were conducted. The EFIMS system catalogues exhibits maintained by NSWPF. The three exhibits listed in paragraph 9 above were located as a result of this search.
 - b) Searches of all NSWPF investigative holdings – WebCOPS, Historical COPS Data, Pre-COPS data, E@glei and KODA (‘Google’ Style Search Engine across NSWPF systems) were reviewed. No records of the Exhibits were located as a result of these searches.

3473-1603-689

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- c) Enquiries were made with the Ashfield Exhibit Centre at the Ashfield Police Station (being the station with carriage of the original investigation) to determine whether any of the Exhibits were stored there. The Ashfield Exhibit Centre advised that, apart from firearms, all exhibits within the Ashfield Exhibit Centre were entered on EFIMS and all historical exhibits were entered on EFIMS and stored at the Metropolitan Exhibit and Property Centre (**MEPC**) (discussed below).
- d) Enquires were made with NSWPF Records and Information Management Unit (**Archives**). Archives advised that no exhibit books were located for the period between 1975 and 1977. Archives further advised that the majority of the case file boxes for the relevant period are currently on loan to the Inquiry.
- e) Enquiries were made with Forensic Evidence & Technical Services (**FETS**). FETS maintains the exhibit and exhibit records for cold cases and works closely with UHT on cold cases. Senior Sergeant Anne COADY, Coordinator - Cold Case, DNA Management Unit is the contact point for UHT within FETS for these types of requests. After conducting searches of FETS systems, Senior Sergeant COADY advised that the crime scene file is currently on loan to the Inquiry and FETS does not hold any other records of the Exhibits.
- f) Enquiries were made with Dr David BRUCE, Senior Forensic Biologist for the NSW Forensic and Analytical Science Service (**FASS**). FASS's role is to test exhibits during the conduct of investigations. In some instances, exhibits are not returned to NSWPF but are rather retained by FASS whether that be for further testing or other reasons. Dr BRUCE is the contact point for UHT within FASS for these types of requests. Dr BRUCE advised that FASS does not hold any of the Exhibits. However, Dr BRUCE was able to provide the following documents to assist the Inquiry:
- i. copies of pages of a receipt book in relation to the 1976 murder of Mr HEAD. Copies of these pages are annexed to this statement and marked "A".

3473-1603-6898v3

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- ii. an Analysis Certificate prepared by Forensic Biologist, Paul Arthur CONNELLAN from the Division of Forensic Medicine, Glebe annexed to this statement and marked "B".
 - iii. a Database Report annexed to this statement and marked "C".
 - iv. a receipt book entry in respect of a knife connected with the death of Mr HEAD annexed to this statement and marked "D".
- g) Enquires were made with the Department of Forensic Medicine, located at Lidcombe Coroners' Court. The Department of Forensic Medicine conducts autopsies in New South Wales and may have records of Exhibits. Senior Registry Officer Kelly TERS advised that the only documents held by the Department of Forensic Medicine, being the Court file and bench sheets, were provided to the Inquiry on 26 August 2022.
- h) The NSWPF uses a central long-term exhibit storage location, the MEPC. A physical search of the MEPC was conducted by the Exhibit officer at MEPC however, no Exhibits were located. All exhibits stored at the MEPC are recorded on the EFIMS system.
12. I consider the above searches and enquiries to be an exhaustive search for the Exhibits and no further avenues of enquiry are available to locate the Exhibits.

3473-1603-68

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Schedule 1: Exhibits called for in Summons 69

- a) Dried blood sample said to be removed from left ear of Ernest Alan Head;
- b) Penile swab said to be from Ernest Alan Head;
- c) Anal swab said to be from Ernest Alan Head;
- d) Dried blood sample from left foot of Ernest Alan Head;
- e) Dried blood sample from right shin of Ernest Alan Head;
- f) Maroon and white striped shirt said to be worn by I454;
- g) One pair of maroon trousers said to be worn by I454
- h) Maroon and white tie said to be worn by I454
- i) One pair of maroon shoes said to be worn by I454;
- j) Blood sample said to be from I462
- k) Head hair said to be from I462
- l) Pubic hair said to be from I462
- m) Blood sample said to be from Ernest Alan Head;
- n) Head hair said to be from Ernest Alan Head;
- o) Pubic hair said to be from Ernest Alan Head;
- p) Perineal hair said to be from Ernest Alan Head;
- q) HMV 'transistor stereo' gramophone;
- r) 'Gerber French' knife in wooden sheath;
- s) 'Gerber Shorty' knife in leather sheath;
- t) Double bed blanket;
- u) Multi-striped flannelette double bed sheet;
- v) White cotton double bed sheet;

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- w) Two apricot coloured pillow slips;
- x) Green/ brown towel;
- y) One pair white buckle men's shoes;
- z) Orange/ white sponge;
- aa) One pair brown/ white checked men's trousers;
- bb) Green/ white dish washer said to be found in shower recess;
- cc) One non-filtered cigarette butt said to be found on floor near front door in lounge room;
- dd) Three non-filtered cigarette butts and one part used cigarette said to be found in ashtray in lounge room;
- ee) One part used non-filtered cigarette said to be found on floor of main bedroom;
- ff) Non-filtered cigarette butt said to be found on floor of second bedroom;
- gg) Hair samples said to be found on double bed in main bedroom;
- hh) Hair samples said to be found in bath tub in bathroom;
- ii) Hair samples said to be found on vanity basin in bathroom;
- jj) Hair samples said to be found in shower recess of bathroom;
- kk) Blood scrapings said to be from shelf in kitchen;
- ll) Blood scrapings said to be from cupboard door in lounge room near kitchen doorway;
- mm) Blood scrapings said to be from carpet in hallway and lounge room;
- nn) Blood scrapings said to be from door in main bedroom;
- oo) Blood scrapings said to be from wall in hallway near bathroom;
- pp) Blood scrapings said to be from top of vanity unit near sink in bathroom;
- qq) Blood scrapings said to be from light switch in bathroom;
- rr) Blood scrapings said to be from power point in bathroom;

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- ss) One dark brown men's handkerchief said to be found at scene;
- tt) One plastic bag said to be from second bedroom;
- uu) Grey shirt said to be clothing of [I462];
- vv) One pair of dark green trousers with belt said to be clothing of [I462];
- ww) Blue jumper said to be clothing of [I462];
- xx) Mustard coloured cardigan said to be clothing of [I462];
- yy) Blood sample said to be from [I454];
- zz) Head hair said to be from [I454];
- aaa) Pubic hair said to be from [I454];
- bbb) One pair of men's multicoloured underpants found near head of deceased
- ccc) One navy blue long sleeved Shield brand shirt found wet in bathtub;
- ddd) One green two gallon plastic bucket found in bath tub;
- eee) One yellow with thin black stripes crew neck terry towel T shirt;
- fff) One pair white men's Exacto brand underpants;
- ggg) One grey checked men's handkerchief;
- hhh) One green material covered button;
- iii) One pair of green men's socks;
- jjj) One pair of brown men's socks.

3473-1603-
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