



Special Commission of Inquiry into LGBTIQ hate crimes

12 May 2023

Clint Cochrane
 Laboratory Manager, Forensic Biology/DNA
 Forensic and Analytical Science Service
 480 Weeroona Road
 LIDCOMBE NSW 2141

By email: [REDACTED]

Dear Mr Cochrane

Special Commission of Inquiry into LGBTIQ hate crimes – Ernest Head

I refer to the above Inquiry, and to the conference held on 3 May 2023 between the Forensic Analytical Science Service (“FASS”) and the Inquiry to discuss the possibility of further forensic testing in relation to several deaths being reviewed by the Inquiry.

Among the matters discussed on that date was the death of Ernest Head (born 27 February 1932, died on or around 17 June 1976).

Exhibits and further testing

At the conference on 3 May 2023, FASS indicated that it did not hold any exhibits in relation to Mr Head’s death. The exhibits originally retained include penile and anal swabs, a handkerchief with semen on it and hair samples.

To date, the NSW Police Force (“NSWPF”) has not been successful in its efforts to locate the majority of the exhibits on behalf of the Inquiry. However, NSWPF have advised the Inquiry that they are in possession of three cigarette butts (and potentially a match) collected from the scene of Mr Head’s death. The cigarette butts were considered to be unsuitable for DNA analysis in 2008. The testing of the match was either unsuccessful, or yielded a profile that was unsuitable to enter onto the DNA database.

The Inquiry would be grateful if further testing could be done on the cigarette butts and match to obtain any DNA information that may shed light on Mr Head’s death. The Inquiry would be grateful if testing could be completed within **two weeks of receipt of the exhibits from NSWPF**. The Inquiry is in the process of arranging for NSWPF to provide the exhibits to FASS.

Request for statement

The Inquiry would be grateful if an appropriate staff member of FASS could prepare a formal statement setting out, in detail, the opportunities for forensic testing which might have been available if the exhibits that are no longer available were able to be located, and the kind of information that may have been able to be obtained from such testing to assist any investigation into Mr Head’s death. It is anticipated that such a

Special Commission of Inquiry into LGBTIQ hate crimes

statement would be formally admitted into evidence before the Inquiry and assist in shaping any recommendations the Inquiry may make in relation to Mr Head's death.

The Inquiry would be grateful if a statement addressing the above matters could be provided by **29 May 2023**.

P377 forms or similar documents

As indicated at the conference, the Inquiry would be grateful if FASS could please provide copies of the P377 forms, or any other similar documents from the NSW police force setting out the provenance of the exhibits and/or the requested testing, in relation to Mr Head's case. The case number in relation to Mr Head is **FS 76/178**. I would be grateful if these forms could please be provided by **29 May 2023**.

In the event that you anticipate any difficulty with the timeframes outlined above, please advise me in writing noting the reasons why further time is required and when it is anticipated that the statement will be completed.

Thank you very much for your assistance to the Inquiry.

Please do not hesitate to contact Francesca Lilly by email on [REDACTED] or by telephone on [REDACTED] or if you have any queries in relation to this matter.

Yours faithfully,



Francesca Lilly
Solicitor

For Solicitor Assisting the Inquiry