



Special Commission of Inquiry into LGBTIQ hate crimes

Statement of Penelope Smith

31 October 2023

This statement made by me accurately sets out the evidence that I would be prepared, if necessary to give to the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”) as a witness. This statement has been prepared from my own knowledge and also from perusing the records of the Inquiry. The statement is true to the best of my knowledge and belief.

1. My name is Penelope Smith. My address is known to the Special Commission of Inquiry.
2. I am employed as a Senior Solicitor by the Special Commission of Inquiry into LGBTIQ hate crimes.
3. In the course of my duties, I have reviewed and conducted inquiries in relation to the death of Ernest Head, who died on 17 June 1976 at Summer Hill, NSW.
4. The information contained in this statement is true based on my own knowledge, and from documents in the possession of the Inquiry relevant to Mr Head.

Fourth Expert Certificate of Kate Reid, Senior Crime Scene Officer

5. On 11 October 2023, following the public hearing held in relation to Mr Head’s death on 10 October 2023, the Inquiry wrote to the NSW Police Force (NSWPF) seeking further information regarding the V11 matcher technology used in this matter, and when it became available. This letter invited Kate Reid, Senior Crime Scene Officer – Fingerprint Expert, to attend a conference with staff of the Inquiry. A copy of that letter is included in the tender bundle (**SCOI.86390**).
6. On 16 October 2023, the NSWPF advised that Ms Reid would need to request this information from the Australian Criminal Intelligence Commission (**ACIC**). A copy of that letter is included in the tender bundle (**SCOI.86392**).
7. Ms Reid subsequently produced a further Expert Certificate with further information regarding the V11 matcher technology. A copy of that Expert Certificate is included in the tender bundle (**NPL.9000.0039.0001**).

Conference with Australian Criminal Intelligence Commission

8. On 24 October 2023, the Inquiry held a conference with Jeremy Johnson and Andy Waugh of ACIC regarding the functions and use of the V11 matcher technology.
9. Mr Waugh and Mr Johnson informed the Inquiry that V11 was presented to CrimTrac as an upgrade in 2013, before being rolled out to law enforcement bodies in Australia in 2015.

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10. The results of V11 showed a significant increase in accuracy of identifying latent palm prints from the previous version, particularly for marginal prints where the reference print and/or the target print are of poor quality.
11. Mr Waugh informed the Inquiry that the V11 does not return a palmprint “match”, but instead a list of possible candidates. The V11 program produces the list of possible candidates in descending order of likelihood of match, according to the algorithm used by V11. The list might be very long, with candidates lower down the list being “assessed” by the algorithm as being less likely to be a match. The list of candidates is then reviewed by an expert technician, who reviews the list to look for a match. It is a matter for the expert technician to decide how far down the list to review the candidates, based on considerations which might include timing, resource allocation and seriousness of the crime being investigated. For high volume crimes, this might be the top 10 candidates, whereas for serious crimes it might be the top 50 or 100 candidates, with two reviewers analysing the candidates on the list. The newer technology means a genuine match is more likely to be close to the top of the candidate list.
12. Aside from the matching technology, Mr Waugh and Mr Johnson explained that a number of variables influence the possibility of finding a palmprint match, including:
 - a. The length of the list of candidates considered by the reviewer;
 - b. Risk of oversight by the reviewer in failing to detect a match;
 - c. The quality of coding of the latent palmprint taken from the crime scene, including the deletion of any minutiae by the operator/reviewer. This coding is typically performed by the reviewer as part of preparing the palmprint for submission to the program, so that, in relation to the palmprint in Mr Head’s matter, the coding is likely to have been different in 2002, 2004, 2005 and 2023;
 - d. The reference sets (against which the prints taken from the crime scene are matched) available on the database, which grows substantially each year. In relation to the match between the palmprint in Mr Head’s matter and the reference set for Mr Simsek, this last consideration is unlikely to have been a factor, because the reference set for Mr Simsek would have been in the system since around 2000 or 2001. The reference set for Mr Simsek was taken in 1980 and the Inquiry has received evidence that record fingerprints existing at that time were converted from hardcopy to digital format in a process that commenced in early 2000.
13. Mr Waugh and Mr Johnson told the Inquiry that Australia sits at the leading edge of the world in terms of palmprint matching technology and practices.

Signature:



Name: Penelope Smith

Date: 31 October 2023