

AUSTRALIAN CAPITAL TERRITORY
BOARD OF INQUIRY
CRIMINAL JUSTICE SYSTEM

**In the matter of the *Inquiries Act 1991*
Inquiries (Board of Inquiry – Criminal Justice System) Appointment 2023
Board of Inquiry into the Criminal Justice System in the Australian Capital Territory**

STATEMENT OF TRENT ROBERT MADDERS

I, Trent Robert Madders, of Winchester Police Centre, corner Benjamin Way and College Street, Belconnen, in the Australian Capital Territory (ACT), swears as follows:

The following statement is provided in response to the subpoena I received from the Board of Inquiry into the Criminal Justice System in the Australian Capital Territory requiring me to give information in a written statement regarding my knowledge of matters set out in the Schedule attached to that subpoena. Attached and marked 'Exhibit 1' is a copy of the relevant subpoena.

Current Employment

1. I am a Detective Leading Senior Constable of the Australian Federal Police, currently attached to the Australian Capital Territory Policing (“ACTP”).
2. I am a member of the ACT Joint Anti Child Exploitation Team (“ACT-JACET”).
3. The Joint Anti Child Exploitation Teams (“JACET”) are joint AFP and State and Territory police child protection teams located in all capital cities to collaboratively share the risks and responsibilities in combatting child sexual exploitation.
4. The role of an ACT-JACET member is to be responsible for contributing to a coordinated effort to combat child exploitation networks across jurisdictional boundaries. The member will also investigate the production, dissemination and possession of child sexual abuse material that is facilitated by the use of the internet or telecommunication devices.

Personal information
Trent Rob

Personal information
Witness

5. I do not have a current CV.

Tertiary Qualifications

6. I have an advanced diploma Public Safety (Police Investigations). This was obtained through the AFP College and achieved on 8 August 2016.

Courses and/or Diplomas

7. I have participated in and completed the following courses whilst employed by the AFP:

- ACT Recruits Training – 15 December 2000;
- Brief Adjudication Workshop – 23 January 2006;
- Tyre Deflation Operations Course – 7 September 2007;
- Victims of Crime Awareness Training – 17 April 2011;
- Respectful Workplace Workshop – 24 May 2011;
- Detective Training Program – Stage 1 – 21 March 2014;
- Investigative Interviewing Program – 21 March 2014;
- Immediate Action Rapid Deployment – 15 September 2015;
- Interview Vulnerable Witnesses Program – 16 December 2015; and
- Detective Training Program – Stage 3 – 8 August 2016.

8. In addition to the listed courses, I am required to periodically complete online courses and have continued to maintain my compliance with those courses.

Employment Chronology

9. I had no previous Policing experience before joining the AFP.

10. I began AFP recruit training on 21 August 2000 and completed the course on 15 December 2000.

11. Personal information

Personal information
Personal information

Personal information
Personal information

Trent Robert Madders Witness

12. Personal information

13. I completed recruit training at the AFP College, Brisbane Avenue, Barton ACT. The course ran from 21 August 2000 to 15 December 2000. The training was conducted by AFP Learning and Development staff. The course training covered all the necessary knowledge and skills needed to perform the duties of a Constable.

14. I have been deployed to the following areas in the AFP:

City Response Team 3 – City Police Station, ACT	Team member	16 December 2000 to 25 March 2012
	Acting Sergeant	8 December 2003 to 13 February 2004; 19 October 2005 to 27 December 2005; 7 April 2005 to 12 May 2005; 13 July 2006 to 1 September 2006; 4 October 2006 to 3 November 2006; 5 December 2006 to 2 February 2007; 11 August 2007 to 26 August 2007; 1 June 2008 to 16 July 2008; 2 August 2008 to 24 August 2008; 12 February 2009 to 18 June 2009; 5 August 2009 to 15 September 2009; 21 June 2010 to 14 September 2010; 11 January 2011 to 20 January 2011.
Operation Halite – City Police Station, ACT	Team member	18 November 2004 to 9 February 2005
Regional Watch House – City Police Station, ACT	Team member	10 March 2005 to 2 April 2005
	Acting Sergeant	3 April 2005 to 4 May 2005
Criminal Investigations – Fraud Team – Winchester Police Centre ACT	Team member	26 March 2012 to 31 August 2015
Criminal Investigations – Sexual Assault and Child	Team member	1 September 2015 to 7 March 2022

Personal information

Trent Robert Madders

Personal information

Witness

Abuse Team – Winchester Police Centre ACT		
	Acting Sergeant	20 July 2016; 15 May 2017 to 13 August 2017; 5 February 2018 to 14 February 2018; 10 March 2018 to 28 March 2018; 14 April 2018 to 16 April 2018; 11 June 2018 to 24 June 2018; 12 July 2018 to 24 September 2018; 23 November 2018 to 10 December 2018; 25 May 2019 to 17 June 2019; 8 October 2019 to 13 April 2020; 9 May 2020 to 9 July 2020; 28 December to 5 January 2021.
Criminal Investigations – Joint Anti Child Exploitation Team – Winchester Police Centre ACT	Team member	8 March 2022 to present day

15. I have held the following ranks:

- Constable – 16 December 2000 to 16 December 2006;
- Senior Constable – 17 December 2007 to 17 December 2015;
- Leading Senior Constable – 17 December 2015 to present day; and
- Detective designation – 8 August 2016.

16. The purpose of the areas I have served in are as follows:

- City Response Team 3 – General Duties Policing;
- Operation Halite – Recidivist property offender task force;
- Regional Watch House – Watch House duties;
- Criminal Investigations Fraud Team – Investigation of complex, protracted and serious fraud related matters;
- Criminal Investigations Sexual Assault and Child Abuse Team – SACAT undertake Investigations into reported sexual assaults of adults and children. Additionally, they undertake Investigations of physical assaults and serious incidents involving abuse and neglect of children; and

Personal information



Trent Robert Madders

Personal information



Witness

- ACT – Joint Anti Child Exploitation Team – JACET detects, identifies, investigates and prosecutes persons accessing, trading, and manufacturing online child abuse material, and allegations of online grooming of children.

17. I was already working in the Sexual Assault and Child Abuse Team (“SACAT”) when I received my Detectives’ designation. In this position, I was responsible for investigating sexual assault and child abuse allegations.

18. In addition, my duties included fulfilling the role of Acting Sergeant when required, assisting with education of AFP recruits on sexual assaults, liaising with external agency partners and management of the general day to day operations of SACAT.

19. I could not give an accurate number of sexual assault investigations I have conducted in my police career. I am comfortable in estimating it would be at least a couple of hundred. These were all conducted in the ACT as I have been an ACTP member my entire career.

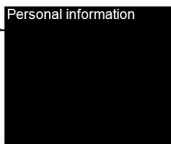
Training and Education

20. I have received no formal training specific to sexual assault investigations. I was provided informal training and was guided by SACAT members once I was attached to the area.

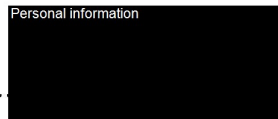
21. I am not currently in the process of completing any training courses but will be attending a conference at the end of April regarding Youth, Technology and Virtual Communities.

22. The majority of the training I have received specifically regarding sexual assault Investigations has been through hands on experience as a Police Officer and learning the intricacies of the crime type whilst in SACAT. I regularly consult with other members of SACAT, including the Team Leaders, regarding investigations.

23. SACAT members have a mixture of different levels of experience and training. Member’s levels of experience range from those who have come straight from General Duties to those who have been in another area of Criminal Investigations prior to SACAT. The training levels of SACAT members are equally diverse.

Personal Information


Trent Robert Madders

Personal Information


Witness

24. I believe that members should come to SACAT from other areas of Criminal Investigations. This prior experience enables members to better meet the demands and requirements of conducting Criminal Investigations.
25. There was no specific training or experience required to be a member of SACAT as at 1 February 2021. The base requirements were the member had to be suitable for Criminal Investigations, clear psychological clearances and complete Interview Vulnerable Witnesses Training, to ensure they could conduct Evidence-In-Chief-Interviews.
26. This has changed since 1 February 2021. I am now aware of a SOCA training course that provides members with holistic training on how to interact with sexual assault complainants, the support agencies and assistance the support agencies can provide to the investigation. The course was last conducted in February 2023.
27. Psychological assessments are mandatory in SACAT and are now conducted annually. The assessments were conducted bi-annually when I joined SACAT. These psychological appointments have been mandatory since I joined SACAT in September 2015. I attended my appointed assessments and would participate in an unscheduled assessment if I felt the need.
28. I understood the purpose of the psychological assessment to be to provide SACAT members with on-going support for their mental wellbeing and to determine if the member is still able to work in SACAT.
29. I am aware there are guidelines for the assessments and they are organised through AFP Operational Health but I am unable to locate the guidelines.

Organisational Structure

30. In February 2021, SACAT consisted of three teams with a team structure of one Team Leader and six Investigators. The Team Leader role was filled by a Detective Sergeant (“D/Sgt”) or when necessary, a senior member as an Acting Sergeant.
31. The six Investigators or Team members would report to the Team Leader who would report to the Officer-In- Charge (“OIC”) of Response Crime. The OIC was a Detective Inspector

Personal information

Personal information

Trent Robert Madders

Witness

(“**D/Inspector**”) Rank and would report to the Detective Superintendent (“**D/Superintendent**”) of Criminal Investigations.

32. In February 2021, I was a Team member of SACAT 3 and my Team Leader was D/Sgt Jason McDevitt (“**McDevitt**”). The OIC of Response Crime was D/Inspector Marcus Boorman (“**Boorman**”) and the Criminal Investigations Superintendent was D/Superintendent Scott Moller (“**Moller**”).
33. I do not have a copy of the official organisation structure/chart for the AFT/ACT Policing SACAT as at February 2021. However, the organisation structure, including the person who filled each role, their rank and position is described above.
34. The Criminal Investigations Team are currently structured as three portfolios: Major Crime, Organised Crime and Sexual Offences and Child Abuse (“**SOCA**”). The portfolios each have a Detective Inspector as the OIC who reports to the Detective Superintendent of Crime.
35. The Major Crime portfolio comprises of the Response Crime Teams.
36. The Organised Crime portfolio comprises of the Drugs and Organised Crime Team, Financial Investigations Team, Nemesis (OMCG Taskforce), Homicide Investigations Team and Unsolved Homicide Investigations Team.
37. The SOCA portfolio comprises of SACAT, ACT-JACET and the Child Sex Offenders Registry Team (“**CSORT**”).
38. The SOCA was formed as the area, (including ACT-JACET), had grown to a size to require its own OIC. I am a team member in the ACT-JACET.
39. I understand the structure changed in early 2022.
40. I do not have a copy of the current official organisation structure/chart for the AFT/ACT Policing Criminal Investigations Team. However, the organisation structure, including the person who filled each role, their rank and position is described above.

Personal information

Personal information

Trent Robert Madders

Witness

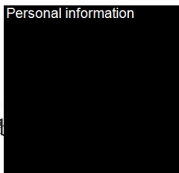
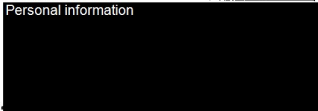
Duties and Responsibilities

41. When it relates to sexual assaults, my belief is a Police Officer should objectively and thoroughly investigate any allegation of sexual assault or child abuse, whilst keeping the welfare/safety of the complainant or child as the foremost concern.
42. I understand that my duties and responsibilities are set out in the AFP Investigations Doctrine, which states:
- a. Investigators have a responsibility to search objectively for the truth of the case;
 - b. They should engage in critical thinking and explore possible sources of inculpatory and exculpatory evidence to challenge the strength of any investigative hypotheses;
 - c. Inculpatory evidence shows, or tends to show, a person's involvement in an act or omission;
 - d. Exculpatory evidence is favourable to a suspect or defendant; and
 - e. This process makes the investigation more robust and improves the chances of success in any judicial proceedings.

Attached and marked '**Exhibit 2**' is a copy of the AFP Investigations Doctrine.

43. The duties and responsibilities in conducting a sexual assault investigation are the same for a Criminal Investigations Investigator as a Police Officer. A Criminal Investigations investigator is responsible for the coordination and investigation of serious, complex and protracted criminal offences. I report directly to D/Sgt McDevitt.
44. The Better Practice Guide – Criminal Investigations response and notification outlines the process for referral of investigations to Criminal Investigations and the threshold of accepting the referrals. Attached and marked '**Exhibit 3**' is a copy of the Better Practice Guide – Criminal Investigations response and notification.

.....

Trent Rol   Witness

v

Triage Process for Sexual Assault Complaints

45. Sexual assault complaints are able to be reported to ACTP via a direct report by the complainant (eg. a phone call or attending a Police station), a referral from a support agency (eg. Canberra Rape Crisis Service or the Child Youth Protection Service) or through a referral from an external agency (eg. Child At Risk Health Unit, Forensic and Medical Sexual Assault Care, National Redress Scheme or the Australian Defence Force).
46. In the case of a direct complaint by a complainant, the complaint is first assessed by a General Duties member, and if it meets the threshold for referral to Criminal Investigations it is then referred. If the General Duties member needs advice, they can contact the Criminal Investigations Reception Officer or a SACAT Team Leader.
47. A direct complaint of sexual assault that is within the time limits for forensic examination and crime scene examination, or that presents a threat to the public will be given priority. A historical sexual assault is triaged differently as forensic evidence is not a factor.
48. The process for reporting historical sexual assaults did change from March 2019 to February 2021 with the implementation of the online reporting portal. The online portal allowed complainants to report historical sexual assaults without the need to attend a Police station or to call Police. The option to attend in person or call was still available if the person wished to do so.
49. The online reports are directly received by SACAT and assessed on the information provided. A SOCA meeting of the OIC and Team Leaders is held every week to allocate the complaints.
50. When a sexual assault complaint is made, the responding member from SACAT would be an available member who was on shift at the time of the complaint being received. The officer who is assigned the Investigation would contact the complainant and arrange for a meet/greet information session.
51. The meet/greet information session could be conducted immediately or at a later stage dependent on what the complainant wished. If there was forensic evidence to be considered then the officer would urge the complainant to participate in a meet/greet immediately, so pro-active steps to commence an Investigation could be made.

Personal information

Trent Robert Madders

Personal information

Witness

52. Once the meet/greet information session had been completed, and the complainant was made aware of what support services are available, an Evidence-In-Chief-Interview (“**EICI**”) would be organised. This is again dependent on the complainant and when they felt able to participate in an EICI.
53. It is explained to the complainant that during the EICI they are able to have a support person present. The support person may be a worker from a support service, which is generally Canberra Rape Crisis Service, or another person of his or her choice who is not involved with the Investigation. A person involved in the Investigation means someone who the complainant has disclosed the details of the allegation or who is a witness to the alleged offence.
54. The process of responding to a sexual assault between March 2019 and February 2021 was the same as described above.

Investigating Sexual Assault Complaints

55. The first step in a sexual assault Investigation conducted by SACAT is the meet/greet information session. The purpose is to allow the complainant to make an informed decision about whether they wish to proceed with a criminal Investigation and what support services are available to them.
56. The information supplied is contained in a proforma document titled Meet and Greet – Information to Victim (SACAT). I have this document secured to the inside of the front cover of my AFP Diary. Attached and marked '**Exhibit 4**' is a copy of the relevant document titled Meet and Greet – Information to Victim.
57. The information provides an overview of the following information:
- a. How an Investigation would be conducted;
 - b. The anticipated time frames if the matter is progressed to Court;
 - c. What sorts of evidence will be collected;
 - d. Who will be spoken to; and
 - e. That the welfare of the complainant is the paramount concern.

Personal information

.....

Trent Robert Madders

Personal information

.....

Witness

58. The meet/greet information session also allows the Police Officer to begin building rapport with the complainant to ensure the best collection of evidence.
59. If the complainant wishes to have a person from a support area in attendance for the EICI we will make arrangements to have the person attend. We will also allow the support person to speak to the complainant prior to the interview and post interview to ensure they are receiving the necessary support.
60. If the victim is a child, then the engagement of the Intermediary Scheme will be sought. The Intermediary Scheme is a program to assist with interviewing children and young people. The Intermediary Scheme works collaboratively with SACAT to obtain the best possible evidence from children and young people.
61. When we conduct an Investigation, we start with the EICI and then follow any avenues of enquiry from that interview. The avenues of enquiry may take the form of:
- a. Disclosures to witnesses;
 - b. Any forensic evidence that may be available;
 - c. Any video footage that may be available;
 - d. Telephone data (eg. messages, images, videos, call records);
 - e. Medical records;
 - f. Corroborative documents (eg. school records, immigration records, etc); and
 - g. Any other information that is relevant to the investigation.
62. In regard to historical sexual assaults, we rely heavily upon corroborative evidence and disclosures to progress the Investigation. We also have Police methodology at our disposal that may assist with obtaining further evidence, i.e pre-text phone calls.
63. The ODPP or DPP may be consulted for advice at the investigative stage in large, complex or sensitive investigations. Advice in these circumstances is limited to:
- a. The admissibility of evidence that has already been obtained or likely to be obtained by Police; and
 - b. The legal implications of alternative or proposed Police actions.

.....
Trent

Personal information

.....

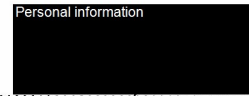
Personal information

.....
mess

64. The Collaborative Agreement between Australian Federal Police (ACT Policing and ACT Director of Public Prosecutions) outlines the agreement regarding seeking advice from the DPP. Attached and marked 'Exhibit 5' is a copy of the relevant Collaborative Agreement.
65. To the best of my knowledge, the process of conducting a sexual assault Investigation has not changed, however some of the decision-making processes that occur during an Investigation have changed.
66. The new process involves matters being referred to the Criminal Investigations Management Committee ("CIMC"), which is comprised of the Detective Superintendent of Criminal Investigations and the three OIC's.
67. The CIMC will provide a recommendation regarding an Investigation for a charge to be laid, the matter to be finalised, further enquiries to be conducted or the matter sent to the DPP for advice.
68. Previously, these recommendations were provided by the team leader of the SACAT team or between at least two SACAT team leaders.
69. I believe this changed due to the Sexual Assault Prevention and Response Steering Committee's report titled "*Listen. Take Action to Prevent, Believe and Heal*" and to offer more support to SACAT members.
70. Prior to Operation Covina, I did not have a Superintendent directly involved in a sexual assault Investigation. I must also point out that I have never been involved in an Investigation similar to Operation Covina in terms of the amount of intense media pressure and public scrutiny.
71. I believe that Detective Superintendent Moller became engaged in this Investigation to reduce the pressure on the Investigations team due to the intense media pressure and public scrutiny on the Investigation.

 Personal info
 

Trent Robertson

 Personal information
 

Witness

72. In the Investigations Plan that was completed on 22 February 2021, it was requested by the Investigations Team that a Senior Investigations Officer (“SIO”) be appointed to the investigations. A SIO was not allocated to the investigation.
73. In Operation Covina, the level and nature of D/Superintendent Moller’s involvement was to provide support, co-ordinate the resources and make critical decisions relating to the investigation.
74. Generally, the Superintendent would be updated on SACAT Investigations through the Team Leaders’ reports that are submitted fortnightly.

Explain the adjudication process for compiling briefs of evidence for the ODPP.

75. Once a Mention Brief of evidence is completed it is vetted by an adjudicating member. An adjudicating member is either an Adjudication & Practices member or Regional Watch House Sergeant (in the event of an arrest).
76. The vetting process occurs to ensure that:
- a. The proofs of the offence are met;
 - b. The relevant documents are included in the brief;
 - c. Grammar and spelling is checked;
 - d. Any further avenues of enquiry are identified;
 - e. Ensure documents are redacted; and
 - f. Ensure disclosure requirements have been satisfied.
77. Once the Mention Brief has been adjudicated, the brief is sent to the Brief Management Team (“BMT”) who again undertake quality assurance on the brief. Once they are satisfied with the brief of evidence, it is delivered to the DPP.
78. To my knowledge, the process has not changed over the last four years.
79. There are guides to assist with the preparation of a Mention and Hearing brief but no procedural document relating to the adjudication process. Attached and marked 'Exhibit 6' is a copy of the

.....
Trent Robert Madders

.....
Witness

AFP Guides relating to brief adjudication. The Brief Adjudicators Workshop provides the procedural information relating to brief management. The guides, that can be located on the AFP Hub (Intraweb) are:

- a. ACT Policing statement guide;
- b. ACT Policing Statement of Facts (“SOF”) guide;
- c. ACT Police Brief marking guide; and
- d. ACT DPP Prosecution Policy.

80. The brief is redacted in regards to personal details of the complainant and witnesses. The type of information that is redacted are:

- a. Dates of birth;
- b. Residential or work addresses;
- c. Phone numbers;
- d. Email addresses;
- e. Social media handles; and
- f. Identification numbers (passport, drivers licence, Medicare, etc) or any other personal information not relevant to the Investigation/allegation.

81. Redactions can be made on documents, diary notes, audio recordings and CCTV footage, but not to EICI’s without Court approval. The redactions relate to anything that is not relevant to the alleged offence.

82. For Police Officers, redacted information includes diary notes that are not relevant to the Investigation or allegation, any notes that contain either Public Interest Immunity (“PII”) or Legal Professional Privilege (“LPP”) or any personal information relating to the complainant or witnesses. A list of advice for redactions in briefs can be found in the ACTP BOE Marking Guide. Attached and marked ‘**Exhibit 7**’ is a copy of the ACTP BOE Marking Guide.

83. The redactions are conducted by a member involved or assisting with the Investigation. Redactions are completed by using the available redaction tools on the particular item, eg PDF redaction tool.

	Personal information	Personal information
Trent Robe		Witness

If audio or audio-visual recordings need redactions, the Digital Audio and Video Operations team, is tasked with the redaction.

84. To my knowledge, the process has not changed over the last four years.

Outline the system and methods of communication the AFP/ACT Policing utilise to speak with sexual assault complainants.

85. I would communicate with complainants via their preferred method of communication. All complainants are different in the way they wish to communicate with Police and so a varied approach may be required. Some complainants would prefer telephone calls to email or face-to-face meetings over either form of communication. I would establish which method a complainant would prefer and then use that method.

86. The ACT Victims of Crime Charter states that if a victim asks to be updated about an Investigation, they must be updated at least every six weeks. The requirement used to be every four weeks but it was changed. Attached and marked 'Exhibit 8' is a copy of the ACT Victims of Crime Charter.

87. I cannot recall when this requirement changed or the purpose of the change. I am not aware of any other changes regarding communication with complainants.

88. Normally, I ask a complainant whether they want an update on an Investigation every six weeks or if they would prefer an update only whenever there was a significant change in the Investigation. A significant change would include whether charges were to be laid, the Investigation was to be finalised or the matter was before the Court and there were changes to the Court proceedings.

89. It is not uncommon in SACAT to contact a complainant and receive no reply for a number of weeks or months. If a complainant wished to speak to an investigating officer, they are supplied with the contact details of the officer and informed to contact the officer when they wish.

Personal information

Trent Ro [Redacted Signature]

Personal information

[Redacted Signature]

Witness

Describe the AFP/ACT Policing's "victim-centric" approach to liaising with sexual assault complaints.

90. The victim-centric approach is a method that puts a focus on the wellbeing of a complainant and ensures they are receiving the necessary supports to assist them. The approach is adopted to minimize the re-traumatisation of a complainant and allow them some measure of control over a Police Investigation.
91. I believe that the meet/greet information session assists with this process as it focuses on the wellbeing of the complainant. I have had multiple complainants tell me after the meet/greet that they were grateful for the information and explanation of how a Police Investigation may be conducted, including the realistic time periods for any Court proceedings.
92. Other aspect of the victim-centric approach are to ensure that a complainant becomes comfortable with the Police Officer assigned to their Investigation and that the complainant does not feel judged whilst speaking about the alleged incident. I have had complainants tell me that they felt better for being able to tell their version of events to Police as they felt they had been listened to.

Explain your understanding of the threshold to charge a person with a sexual offence

93. The threshold to charge a person with a sexual offence is:
- a. There has to be a belief that prima facia evidence supports the allegation, for all elements of the offence; and
 - b. There has to a prospect of obtaining a successful conviction.
94. Some of the determining factors for determining whether an Investigation meets the threshold to charge are:
- a. A consistent version of events provided by the complainant;
 - b. Physical evidence of the act being committed;
 - c. Corroborative evidence in the form of messages/medical records/disclosures/witness corroboration; and

Personal Information

Personal Information

Trent Robert Madders

Witness

d. False denials or admissions by the accused.

95. Things that may affect the threshold include, but are not limited to:

- a. Evidence that the complainant has been deleting evidence;
- b. The complainant becomes unwilling to continue the Investigation or ceases to cooperate with the Investigation;
- c. The complainant has lied about aspects of their evidence;
- d. The complainant has ulterior motives regarding the allegation;
- e. The complainant provides contradictory evidence;
- f. Witnesses provide contradictory evidence to the complainant’s evidence; and
- g. The accused has an alibi.

96. Corroboration is collection of facts and information that supports someone's version of events. Corroboration is necessary for someone to be charged with a sexual offence.

If your understanding of the threshold to charge a person with a sexual offence has changed in any way over the past four years, explain when, how and why it has changed.

97. My understanding is the threshold to charge a person with a sexual offence is now defined as there is an honest belief that the probability of the accused’s guilt is such that a charge is warranted and there is a sufficient basis on the material present for this belief.

98. The threshold used to be there has to be a belief that prima facia evidence supports the allegation, for all elements of the offence; and there has to a prospect of obtaining a successful conviction.

99. The threshold changed in 2022 but I cannot remember the date.

100. I am unsure why the wording of the threshold to charge changed but I am aware that it is incorporated in the Criminal Investigations Management Committee (“CIMC”) referral documentation.

.....

Trent [Redacted Signature] [Redacted Signature] Witness

[Redacted Signature] [Redacted Signature]

Explain the process that is undertaken by AFP/ACT Policing when a further statement or further information is required from a complainant.

101. When a further statement or further information is required from a complainant, if the information required is a small request, such as clarification about a witness contact number or details about the accused, then speaking to the complainant directly and obtaining those details is the most appropriate method to use.
102. If the required information is to clarify evidence that appears to be inconsistent with what the complainant has provided via EICI, then a second EICI will be the most appropriate method. This is most appropriate for the following reasons:
- a. To ensure the evidence can be obtained whilst keeping the EICI protections in place; and
 - b. To ensure that Police cannot be accused of seeking to have the complainant to change their version or lead the evidence to the complainant.
103. A second EICI will allow Police to potentially establish why there are inconsistencies with the complainant's evidence and identify further avenues of enquiry that may assist the Investigation. While a second EICI is not desirable, they are sometimes necessary as the complainant is generally providing large amounts of evidence of a traumatic event and there may be information that was not fully explored in the first EICI.
104. The Better Practice Guide – Evidence-In-Chief-Interviewing young people or vulnerable witnesses does not cover the use of a second EICI. Attached and marked '**Exhibit 9**' is a copy of the relevant Better Practice Guide.
105. I am not aware of any policy or guideline that covers this but in the advice from the DPP the Director does not state it is not to be conducted only that a witness should not be exposed to other evidence, whether it is consistent or inconsistent with their evidence. Attached and marked '**Exhibit 10**' is a copy of the relevant advice from the DPP.
106. This procedure has/has not changed. Provide information regarding prior policy, date of change and reason for change if there was a change.

Personal information

Trent Robert Madders

Personal information

Witness

Following an investigation, explain the process that is undertaken by AFP/ACT Policing in advising and/or consulting with complainants when a decision is made to charge or not to charge.

107. Following an Investigation, there is a consultation/advisory process undertaken when a decision is made to charge or not charge someone in relation to a sexual assault complaint.
108. The consultation process with the complainant will be that the Police Officer contacts them and informs them that they have an update regarding the Investigation. The Police Officer will ensure that the complainant has access to any support they require and will communicate with the complainant regarding how they would like to be notified.
109. The complainant will be informed of the decision to either intend to proceed to Court or to finalise a matter. The complainant is encouraged to ask any questions they wish regarding the decision, and the Police Officer will answer the questions to the best of their ability. The complainant will be reminded of and encouraged to continue using the available support services.
110. If the matter is to proceed to Court, the complainant will be asked if they still wish the matter to progress. If possible, they will be advised of the next step in the process (eg. a summons or arrest), however this may not be a viable option due to operational security. The complainant will be informed as soon as practicable if the accused is arrested or of the date they will be summonsed as this may have welfare implications for the complainant.
111. If an Investigation is to be finalised with no charges laid then the complainant will be provided with as much information as they wish, unless the information reveals Police methodology or there are privacy issues. The complainant will be reminded that the reason for not progressing the matter to Court is not because Police do not believe them, but due to Police being unable to reach the threshold to charge.
112. The only policy I am aware of is the Victims of Crime Charter. Attached and marked 'Exhibit 8' is a copy of the Victims of Crime Charter.
113. There has not been any changes to this process.

Personal information

.....
Trent Ro

Personal information

.....
Witness

State whether you believe any underlying cultural views have existed within the AFP in the past four years with respect to conducting sexual assault investigations.

- 114. I do believe that sexual assault complainants are treated differently to other victims of crime. I believe that Police Officers are very aware of the negative connotations linked to sexual assaults and they try to ensure that any complainant of sexual assault is treated with dignity and respect.
- 115. I have been involved in numerous information sessions given to ACTP recruits, before they are deployed to their stations, about SACAT. The training package provides legislation, procedures when taking a report of sexual assault, how to contact SACAT, how to refer an Investigation to SACAT, the threshold for referral to SACAT and case studies.
- 116. The most important message provided to the recruits is the need to treat each complainant of sexual assault with respect, understanding and patience. They are also advised of the available support services for sexual assault complainants.
- 117. I believe that SACAT members are highly dedicated and passionate about working in the SACAT area. The mental and physical toll on the Police Officers is high and in my experience, every person I have worked with in the last four years has been truly considerate and empathic towards the complainants. We are all aware that sexual assaults are an insidious offence that are very difficult to prosecute and have a massive emotional impact on the complainant that requires on-going support.

Outline the process for discontinuing an investigation at the request of a complainant.

- 118. When a complainant does not wish to progress an Investigation, the process is they only have to inform us of their decision. Once they have stated they do not wish for an Investigation to continue, we will inform them that the Investigation will be finalised, but it may be re-opened once they are ready to continue if they wish. We then finalise the Investigation.

.....

.....

Trent Robert [Redacted] [Redacted] Witness

119. A complainant will be advised that if an Investigation does cease and there are outstanding enquiries (eg. witnesses to be interviewed, footage to be obtained, etc) then this may impact any later Investigation, however their welfare is the main priority and we respect their decision.
120. There are numerous reasons why a complainant may not decide to continue with an Investigation and such a decision is not viewed unfavourably by ACTP.

State whether you believe any underlying cultural views have existed within the AFP in the past four years with respect to conducting sexual assault investigations after it has been reinstated by a complainant.

121. I do not believe there are any underlying cultural views towards a complainant re-instating an Investigation after it had been ceased or towards conducting sexual assault Investigations after they have been reinstated by a complainant.
122. The Investigation may have additional challenges due to the time lapse, but that is not seen as the fault of the complainant. I have always reinforced with complainants, during the meet/greet, all we require from them is to tell everything that has happened in as much detail as possible.
123. I believe that the attitude of the ACTP towards sexual assaults complainants is generally positive and that Police Officers try to lessen the stress of complaints who report sexual assaults.

Challenges, Issues and/or Pressures

Explain any issues, challenges and/or pressures you perceive to have existed within the AFP/ACT Policing in the past four years that have hindered the conduct of sexual assault investigations.

124. One of the pressures placed on SACAT members is the constantly understaffed team levels. The teams are meant to have a nominal strength of 1 x Team Leader and 8 x Investigators, but the reality is generally 1 x Team Leader and 6 x Investigators. When members are away due to Court commitments, travel for Investigations or leave then the team numbers drop even lower.
125. Another pressure is the volume of referrals to SACAT, which creates significant fatigue in the area. With the reduced number of members this creates a feeling of being overwhelmed by

Personal information

Personal information

.....
Trent R

.....
tness

Investigations at times, which then leads to a high turnover rate of staff. The high turnover rate then leads to disruption in the area. The high turnover is also present in the Sergeants in SACAT meaning we often have Acting Sergeants in charge of the area for extended periods of time.

126. In my 6 years in SACAT there were many periods of time that there were no substantive Sergeants in the area and all three teams were being run by Acting Sergeants. This pressure to the Acting Sergeant is enormous as not only are you required to ensure your team is operating effectively, but you have your own Investigations to continue to progress and you have to effectively manage the entire area of SACAT. This includes meetings with external stakeholders, answering any questions from AFP Executive, allocating Investigations to members, ensuring you have enough team strength to continue operating and managing member welfare.
127. Due to the nature of the Investigations, SACAT is anecdotally seen as an undesirable area to work. It is well known that SACAT deal with some of the most abhorrent crimes and that the workload is enormous. This makes it difficult to attract new members to SACAT and again reiterates that members who work in SACAT are dedicated to the crime type.
128. An overlooked part of SACAT is the child abuse Investigations. Those Investigations are demanding in their own right at they can be mentally and emotionally draining to investigate. With the inception of the ACT-JACET the need for SACAT members to view Child Abuse Material (“CAM”) has been greatly reduced but SACAT members still investigate contact offending against children.

Explain any issues, challenges and/or pressures you perceive to exist external to the AFP/ACT Policing that hinder the conduct of sexual assault investigations.

129. An external pressure that exists towards sexual assault Investigations is the Court process itself. As Police Officers, we are involved with the complainant from the time they make their allegation through to the matter being resolved in Court.
130. During this time, we see how the entire process affects the complainant and if there is a not guilty verdict then we also see the damage that does to a complainant. Whilst we ensure that the complainant has support in place throughout, it is still upsetting to see the impact this causes.

Personal information

Trent Robert M

Personal information

ness

- 131. With one of my Investigations, I had a not guilty verdict and when I contacted the complainant, she was so devastated that she could not talk to me and did not want me to contact her again. While during my career, I have had not guilty verdicts with other non-sexual assault Investigations, it is rare to have a similar negative effect on the complainant.
- 132. One of my colleagues had a matter where the accused was found guilty and when she contacted the complainant, she was met with a barrage of abuse for putting the complainant through the Court process. This erodes the confidence of any person.
- 133. Another external pressure relating to sexual assault Investigations is the perception that Police Officers are at the disposal of support services. There have been many instances when a matter has been finalised and the officer involved in the Investigation is contacted with a demand that the matter be re-investigated or allocated to another member.

Report of the Sexual Assault Prevention and Response Steering Committee

State whether you have read the Sexual Assault Prevention and Response Steering Committee's report titled "Listen. Take Action to Prevent, Believe and Heal" published in December 2021 (the Steering Committee's Report).

- 134. I have not fully read the Sexual Assault Prevention and Response Steering Committee's report titled "Listen. Take Action to Prevent, Believe and Heal" published in December 2021 as I was moving into the ACT-JACET after its release and it did not become relevant for the new crime type I would be investigating.
- 135. I do not have any specific information relating to steps taken by the AFP/ACT Policing in response to the Steering Committee's Report. However I am aware that Detective Acting Sergeant Lauren Gilliland is conducting and developing training packages for SACAT. I am also aware there has been a review of previous SACAT Investigations, but I have not been contacted about any of my Investigations.
- 136. I again do not have any information relating to any observations of a cultural shift within the ODPP in the prosecution of sexual assault offences since the release of the Steering Committee's Report. This is because I had transitioned to a new area with a different crime type after the

.....
 Trent Robert M 
 Witness

release of the report. My interactions with the DPP after the release of the report were in relation to Operation Covina.

137. Regarding any observations of a cultural shift within the AFP/ACT policing in its Investigation and charging of sexual assault offences since the release of the Steering Committee’s Report, I have seen the implementation of the CIMC referrals, which appears to provide some level of comfort to members regarding decisions made around the progression of an Investigation. I did observe that initially it did appear to cause members to doubt their own Investigation skills but over time members have become more comfortable with the process.

138. I believe it was implemented to provide SACAT members a level of protection and support from the management of Criminal Investigations.

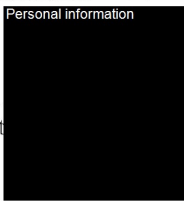
Director of Public Prosecutions (DPP)/Office of the Director of Public Prosecutions (ODPP)

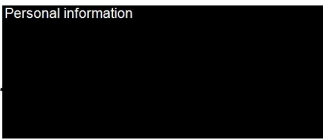
Describe, the professional relationship between the ODPP and AFP/ACT Policing prior to the investigation of the allegations of Ms Brittany Higgins concerning Mr Bruce Lehrmann (the Investigation).

139. Prior to Operation Covina, I believe there was a good working relationship between ACTP and DPP. All my interactions were generally positive and whilst we did disagree from time to time there was always mutual respect.

During 2021, did the ODPP and AFP/ACT Policing hold regular meetings in relation to sexual offence matters?

140. During 2021 I believe there would be monthly meeting with the SACAT Team Leaders and the DPP. I believe this was instigated by D/Sgt Gareth Saunders (Saunders) and D/Sgt McDevitt. I was not present at those meetings but the purpose of the meetings was to discuss any identified issues that had been seen by either agency or to raise any new information/trends that had been encountered.

..... Trent Robert 

 Witness

Outline the typical level of involvement you have, as an investigator, with the DPP directly or with the ODPP in an investigation/matter concerning sexual assault.

141. As an investigator, my contact with the DPP is limited until the matter is leading up to a trial or Court date. When a trial date has been set the contact becomes more regular with the DPP requesting further tasks completed or asking questions about aspects of the evidence. Generally the busiest time and the most contact I have with the DPP is about a week or two prior to a trial.

142. When the matter is at trial I generally have daily contact with the DPP for updates or requests.

Detail your professional relationship with the DPP prior to the commencement of the Investigation.

143. Prior to the commencement of the Investigation the professional relationship between the ACTP and DPP was a good working relationship. All my interactions with the DPP were generally positive and whilst we did disagree from time to time there was always mutual respect.

144. The only prosecutor I had any real interactions with prior to Operation Covina was Ms Skye Jerome (Jerome). I believe I have a good working relationship with Ms Jerome and I have found her to be professional in her dealings. I have found that I can have robust conversations with Ms Jerome and at time we have had differences of opinions but it did not affect our working relationship.

145. In my dealings, I have found at times, near trial, Ms Jerome to become quite abrupt and demanding but I attribute this to the stress/pressure of an upcoming trial. This does not affect my professional relationship with her.

146. In regards to the other prosecutors I have had very limited dealings but have always found them to be very cordial.

Outline how often you have formally met with the DPP/ODPP to discuss the conduct of an investigation concerning sexual assault

..... Trent Robert
Personal information
Personal information

147. The only time I have had dealings with the DPP regarding a sexual assault is after a charge has been laid and the matter is before the Court.

Victims of Crime Commissioner

Outline your professional dealings (if any) with the Victims of Crime Commissioner prior to the matter of R v Lehrmann.

148. I had limited dealings with the Victims of Crime Commissioner, Ms Yates, prior to Operation Covina. My limited interactions with Ms Yates were in relation to the implementation of the Intermediary Scheme and to a lesser degree the renovations of the SACAT interview rooms, which was conducted in consultation with the Intermediary Scheme.

149. On 21 June 2021, I also briefly had an interaction with Ms Yates when I presented on a training program for the Intermediary Scheme. The training was in regards to new professional members wishing to become an Intermediary. I was at the training for a few hours and spoke to Ms Yates in our normal friendly manner. We did not discuss the investigation or Ms Higgins.

150. My understanding of the role performed by the Victims of Crime Commissioner (or her staff) is that they are to assist complainants of sexual assault with general support. My understanding is that Canberra Rape Crisis Service provide counselling support and VOC assist with arranging financial assistance, guidance on the Court process and support in arranging other welfare support.

151. My main dealings with VOC is in relation to a complainant's submission of a Financial Assistance Request relating to an Investigation.

Prior to R v Lehrmann had you conducted any sexual offence investigations where the Victims of Crime Commissioner (or her staff) had supported a complainant at court or acted as an intermediary between the police and the complainant or between the ODPP and the complainant?

152. Prior to R v Lehrmann I have never had any other Investigation where the member of VOC has acted as an intermediary between ACTP and a complainant. I cannot recall during any of my Investigations a VOC member attending Court with a complainant.

Personal information

Personal information

Trent Ro

The Investigation

Involvement in the Investigation from 5 February 2021 to 30 March 2021


When did you first become involved in the Investigation?

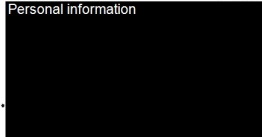
- 153. On 19 February 2021, I was assigned the role of corroborator for a historical sexual assault being investigated by Senior Constable (“SC”) Emma Frizzell (Frizzell). I recorded this in my Police statement dated 19 February 2021. Attached and marked 'Exhibit 11' is a copy of the relevant statement.
- 154. I was verbally assigned to the Investigation by D/Sgt McDevitt. The communication between D/Sgt McDevitt and myself was to the effect of that SC Frizzell had been assigned an investigation that was sensitive in nature and would require some assistance.
- 155. Prior to being assigned to the Investigation, I was vaguely aware of the allegation due to media reports.
- 156. I was verbally briefed that SC Frizzell and I would be flying to Queensland to conduct an EICI with the complainant. I then began arranging to travel to Queensland and started familiarising myself with the Investigation by reviewing the Police Real-Time Online Management System (“PROMIS”) Investigation number 6381473.

In chronological order, outline your interactions with Ms Higgins and other AFP/ACT Policing officers in relation to the Investigation up until 30 March 2021.

- 157. On 19 February 2021, I was assigned to assist on the Investigation as a corroborator for SC Frizzell. I was assigned to the Investigation by Detective Sergeant McDevitt and began to review the Investigation to date as well as prepare administrative actions for interstate travel.
- 158. On 22 February 2021, I was on a rostered day off when I was called by D/Sgt McDevitt and informed that I had been recalled to duty to complete an Investigation Plan relating to the Investigation.

.....

Trent Rob 

 Witness

159. I was also informed by D/Sgt McDevitt that I was now the informant for the Investigation as the Chief Police Officer (“CPO”) wanted to have the most senior Detective in SACAT as the informant. At that time, I was the most senior Detective in SACAT. I did not wish to be made informant over SC Frizzell as I believe she is a very capable and experienced Police Officer.
160. I then attended the Winchester Police Centre and with D/Sgt Saunders we compiled an Investigations Plan relating to Operation Covina. Attached and marked 'Exhibit 12' is a copy of the relevant Investigation Plan.
161. On 24 February 2021, SC Frizzell and I travelled to Queensland to conduct an interview with Ms Brittany Higgins (Higgins). SC Frizzell had arranged with Ms Higgins to attend for the EICI at the AFP building, Gold Coast Airport.
162. About 11.47am, we met Superintendent Shane WIT_Personal_Info, the commander of Gold Coast airport and confirmed the arrangements we had for using his facilities for the EICI. Attached and marked 'Exhibit 13' is a copy of the diary notes.
163. At about 1.11pm Ms Higgins attended our location for the EICI. She was in the company of her partner Mr David Sharaz (Sharaz), a support person Mr David WIT_Personal_Info and her Aunt, Ms Chris WIT_Personal_Info. When I met Ms Higgins I introduced myself but did not go through a meet/greet as this had previously been done by SC Frizzell.
164. This was the first time I had met Ms Higgins. During this interaction, we also made arrangements with Mr Sharaz to obtain his evidence by conducting a Record of Conversation (“ROC”) the following day and to conduct a Cellebrite data extraction on Ms Higgins phone at the same time. SC Frizzell is trained and qualified to perform a Cellebrite data extraction.
165. From about 1.31pm to 3.55pm we conducted the EICI with Ms Higgins, who had Mr WIT_Personal as her support person in the interview. I observed during breaks that Mr Sharaz appeared highly focused on media reporting about the allegation and he would show Ms Higgins media stories on his mobile phone. Ms Higgins was emotional during our interactions but appeared fairly composed. Attached and marked 'Exhibit 14' is a copy of the relevant diary notes. Attached and marked 'Exhibit 15' is a copy of the EICI with Ms Higgins.

.....
Trent Robert

Personal information

Personal information

- 166. Once we had completed the EICI with Ms Higgins we briefed D/Sgt Saunders and D/Sgt McDevitt, via telephone, on the information obtained from the EICI. We also briefed them on the witnesses that had been disclosed during the EICI and which witnesses we were going to interview whilst at the Gold Coast. We also briefed them that a Cellebrite data extraction on Ms Higgin’s phone would be completed the following day.
- 167. About 9.00am on 25 February 2021, SC Frizzell called Ms Higgins but she did not answer the calls. SC Frizzell called Mr Sharaz, to check on the welfare of Ms Higgins and he questioned why Police needed her phone. It was explained that we would speak to Ms Higgins about her phone and he raised issues with comments made by Minister Peter Dutton (Dutton) on a morning news show. SC Frizzell again told Mr Sharaz that we would discuss these issues with Ms Higgins.
- 168. A short time later Ms Higgins called SC Frizzell stating she did not wish to provide her phone. SC Frizzell convinced Ms Higgins to still attend with Mr Sharaz so we could talk in person about her concerns. About 9.55am we briefed D/Sgt Saunders and D/Sgt McDevitt, via telephone, about Ms Higgins not wishing to provide her phone.
- 169. About 11.05am Ms Higgins and Mr Sharaz attended the Gold Coast airport and she again declined to provide her phone to us. I then conducted the ROC with Mr Sharaz while SC Frizzell spoke to Ms Higgins, to obtain further witness contact details from the EICI. After the ROC with Mr Sharaz I again spoke to Ms Higgins with SC Frizzell. Ms Higgins relayed to us that she did not wish to provide her phone due to privacy issues and internal reviews conducted by Government.
- 170. We then conducted two more ROCs that day with witnesses and then briefed D/Sgt Saunders and D/Sgt McDevitt, via telephone, on what had occurred and what our intended actions were for the following day. Attached and marked 'Exhibit 14' is a copy of the relevant diary notes.
- 171. On 26 February 2021, SC Frizzell and I met Ms Higgins and Mr Sharaz at a location in the Gold Coast and obtained her consent for us to obtain her medical records, including counselling notes, relating to the alleged sexual assault. Attached and marked 'Exhibit 16' is a copy of the relevant diary notes.

.....
 Trent R Personal information Personal information

 witness

172. I also had a conversation with Ms Higgins regarding her mobile phone. I provided her with an example of a Court matter in which I had been a witness where the defence counsel had raised issues with the complainant supplying Police with certain messages from her phone as opposed to a Cellebrite report. As a result of that conversation Ms Higgins stated that she would be in Canberra on 12/13 March and we could ask again for her mobile phone during that visit. We left the location and returned to the ACT. Upon return to the ACT we briefed D/Sgt Saunders.

173. On 2 March 2021, I retrieved the CCTV footage from The Dock from secure storage and opened the exhibit to create a working copy, so it could be reviewed. Once the footage had been copied I returned it to the secure storage and commenced reviewing the footage.

174. On 3 March 2021, I continued to review the CCTV footage from The Dock. When the review was completed, I created a document titled CCTV Precis – The Dock. Attached and marked 'Exhibit 17' is a copy of the relevant document.

175. On 12 March 2021, SC Frizzell and I had arranged to meet Ms Higgins at Woden Police Station so a Cellebrite data extraction could be conducted on her phone and for Ms Higgins to meet a [WIT_Confidential_sensitive_Third_P] in person.

176. At about 10.00am, SC Frizzell sent Ms Higgins a number of text messages about the appointment and Ms Higgins replied that she would not attend due to a civil legal proceeding that was being finalised and would be in the media. Attached and marked 'Exhibit 18' is a copy of the relevant diary notes.

177. SC Frizzell attempted to make arrangements with Ms Higgins for her to attend later in the day, but Ms Higgins again declined and requested an appointment for Monday 15 March 2021. We agreed to the new appointment time and arrangements were made to have a Digital Forensic Team ("DFT") member present to conduct the examination of the phone. A member from [WIT_Confidential_sensitive_Third_P] was also going to be present.

178. On 15 March 2021, SC Frizzell and I attended Belconnen Police Station to meet Ms Higgins. At the location we were met by a member of [WIT_Confidential_sensitive_Third_P] and Mr Peter [WIT_Confidential_sensitive_Third_P]

.....
Tren
[Redacted]
Personal information

.....
[Redacted]
Personal information

.....
fitness

a DFT member. At about 9.20am SC Frizzell called Ms Higgins to ascertain if she was attending, as she was twenty minutes late, but no person answered.

179. About 9.58am, SC Frizzell again called Ms Higgins and she answered this time before the call was cut off a few seconds later. SC Frizzell attempted to call her back but there was no answer. [WIT_Confidential_sensitive_Third_P] member attempted to contact Ms Higgins but again she did not answer or reply. Attached and marked 'Exhibit 20' is a copy of the relevant diary notes.
180. About 10.34am, we briefed D/Inspector Boorman that Ms Higgins had missed the appointment but there were not enough concerns for her welfare for a welfare check to be conducted. Later the same date I saw Ms Higgins at the March4justice rally at Parliament House and saw her making a speech. At this time I felt that the Investigation into her allegation was secondary to engagements with the media.
181. On 17 March 2021, I conducted a ROC with Mr [WIT_Confidential_sensitive_Third_P] who was a team leader for the Parliamentary Security Services (“PSS”). The interaction was initiated by myself as part of the investigation.
182. On the same day I also spoke to Ms [WIT_Confidential_sensitive_Third_P] who had been a former flatmate of the accused. Ms [WIT_Confidential_sensitive_Third_P] had appeared in a newspaper article in which she alleged the accused had made unwanted sexual advances towards her. Ms [WIT_Confidential_sensitive_Third_P] had contacted ACTP Communications requesting to speak to a member involved in the investigation and I contacted her back.
183. Ms [WIT_Confidential_sensitive_Third_P] told me that she had reported the incidents to the New South Wales Police (NSWP) who had informed her the accused had not committed any offence. She also told me what she had told NSW.
184. I contacted the NSW Police Officer and spoke to him about the information she had supplied to them. Ms [WIT_Confidential_sensitive_Third_P] was contacting ACTP in case the information assisted with the investigation. The information did not constitute a criminal offence and the incidents did not occur in the ACT jurisdiction. Attached and marked 'Exhibit 21' is a copy of the relevant diary notes.

Personal information

Personal information

Trent Ro

- 185. On the same date, I received an email from SC Frizzell in regards to Ms Higgins stating that the investigation was now her priority. D/Sgt Saunders and D/Sgt McDevitt were included in the email chain. SC Frizzell was asking whether she should reply to Ms Higgins before she was on rostered days off for the remainder of the week.
- 186. I replied that it was fine for her to not to reply and if needed I would reach out to Ms Higgins while she was away. I was not required to contact Ms Higgins while SC Frizzell was away from the office. Attached and marked 'Exhibit 22' is a copy of the relevant case note entry.
- 187. On 22 March 2021, I conducted a ROC with Ms Fiona Brown (Brown), who was the former Chief of Staff for Senator Linda Reynolds. D/Inspector Boorman met Ms Brown, and her lawyer, when they arrived at the Winchester Police Centre but I conducted the ROC by myself. Attached and marked 'Exhibit 23' is a copy of the relevant diary notes.
- 188. On 25 March 2021, I attended a briefing with D/Inspector Boorman. I cannot recall what was discussed in the meeting, but those meetings were in relation to taskings for the coming days/week. According to PROMIS 6381473, we sent a media request to the ACT Media Team in an attempt to identify an unknown witness. Attached and marked 'Exhibit 24' is a copy of the relevant diary notes. Attached and marked 'Exhibit 25' is a copy of the PROMIS entry.

As the Informant/Case Officer and Corroborator, outline the steps you took in initiating the Investigation.

- 189. I did not take any steps in initiating the Investigation, as it had already commenced when I became involved.

Outline the information/evidence the AFP/ACT Policing had at the time Ms Higgins re-instated her allegations concerning Mr Lehrmann of which you were aware.

- 190. At the time Ms Higgins re-instated her allegations concerning Mr Lehrmann, I was aware of the following information/evidence held by the AFP/ACT Policing:

.....

Trent Robe Personal information Personal information Witness

- a. That Ms Higgins had spoken to Detective Senior Constable (“DSC”) Sarah Harman (Harman) in 2019;
- b. That Ms Higgins had participated in a meet/greet at that time;
- c. That Ms Higgins had decided to not progress the Investigation;
- d. That CCTV footage from Australian Parliament House had been quarantined; and
- e. That CCTV footage had been obtained from The Dock. Attached and marked ‘Exhibit 25’ is a copy of the relevant PROMIS entry.

Outline the information/evidence that would need to be obtained to progress the Investigation.

191. The Investigation was continually progressing as there were numerous witnesses that had been disclosed to or who had information relevant to the Investigation, that were required to be interviewed. We were also actively making plans for the overt engagement of the accused person (eg surveillance to establish pattern of life for search warrant execution).

Outline the AFP/ACT Policing officers you worked with during this period of time of the Investigation.

192. During the Investigation, I worked primarily with SC Frizzell. We reported to D/Sgt Saunders and D/Sgt McDevitt who reported to D/Inspector Boorman.
193. The only position that had occurred during this time was I replaced SC Frizzell as the informant or case officer for the investigation.
194. The only time I was not at work was my rostered days off which were 23 February, 27 February to 1 March, 6 March to 9 March, 16 March, 19 March to 21 March, 26 March to 27 March and 29 March to 30 March.

Involvement in the Investigation on or around 31 March 2021

In chronological order, outline your interactions with the DPP/ODPP in relation to the Investigation on or around 31 March 2021.

195. On 31 March 2021, I attended a meeting with the DPP at Belconnen Police Station. The persons present at the meeting were D/Inspector Boorman, D/Sgt Saunders, D/Sgt McDevitt, SC Frizzell,

Personal information

Personal information

.....
Trent R

.....
Witness

myself, Director of the DPP Mr Shane Drumgold (Drumgold), Ms Skye Jerome (Jerome) and Mr Andrew WIT_Confidential_sensitive_Third_P

196. The meeting was in relation to a briefing on Operation Covina and the evidence we had collected to date.
197. During the meeting, we did review any evidence or material.
198. During the meeting did not discuss decision-making in relation to charging Mr Lehrmann,
199. During the meeting, did not discuss our views in relation to the prospects of the matter and the reasons for our views. We did/did not discuss the threshold to charge.
200. During the meeting, did not discuss our views in relation to the conduct of the Investigation to date and the reasons for our views.
201. During the meeting we discussed the following:
- a. Difficulty in obtaining Ms Higgins' mobile phone to conduct a Cellebrite download – The DPP were informed of Ms Higgins reluctance to provide her mobile phone for Cellebrite examination. I do not recall talking about Mr Lehrmann's phone as we were not in a position to approach him or to conduct a search warrant;
 - b. Conducting an interview with Mr Lehrmann – See the below comments regarding the Director;
 - c. CCTV footage of Ms Higgins and Mr Lehrmann entering the Australian Parliament House - See the below comments regarding the Director;
 - d. Obtaining an expert evaluation of intoxication - See the below comments regarding the Director;

.....
Trent Robert M

Personal information

Personal information

.....
Witness

e. The credibility of Ms Higgins and/or Mr Lehrmann – I cannot recall the conversation about the credibility of Ms Higgins but do recall that possible motives for reporting the allegation (Financial, Professional and Celebrity status). I do not remember whether we spoke about Mr Lehrmann at this stage as we had not offered him an interview or spoken to him;

f. Concerns in relation to Ms Higgins and/or Mr Lehrmann’s mental health – I cannot recall any discussion about Ms Higgins mental health but I believe we may have discussed

Personal information [Redacted]

g. Encouraging Ms Higgins not to engage with media during the Investigation – I cannot recall if this was discussed.

202. During the meeting I remember three points that caused me some concerns:

a. Mr Drumgold’s comment about the CCTV footage from Australian Parliament House. Mr Drumgold stated that Ms Higgins looked like a young lady who needed a sleep. I did not believe the CCTV showed that and you cannot infer from the CCTV what she was thinking at the time. Attached and marked 'Exhibit 27' is a copy of the relevant CCTV footage.;

b. Mr Drumgold’s comment that we should seek an expert opinion from [Redacted] is an expert in intoxication and has provided expert witness evidence in other Investigations; and

c. When someone commented that the accused had not been offered an interview Mr Drumgold stated “It doesn’t matter what he says”. I took this to mean that he had already formed an opinion on the Investigation and that he was not interested in what the accused had to say. I found this unsettling, as it is everyone’s right in Australia to be offered the opportunity to answer allegations against them especially when it involves a serious allegation. The Digital Record of Interview (“DROI”) is also an investigative technique that may lead to further enquiries, false denials, potential defences or admissions by the accused.

Personal information [Redacted] Personal information [Redacted]
Trent Robe Witness

210. On 14 May 2021, Ms [WIT_Perso] replied with the dates the images had been taken and the events they were taken at. Attached and marked 'Exhibit 11' is a copy of the relevant Statement.

211. During this period I had rostered days off on 5 April to 6 April, 26 April to 27 April, 30 April to 2 May and 8 May to 11 May. I was on sick leave on 17 May to 24 May. I was on recreation leave from 9 April to 20 April.

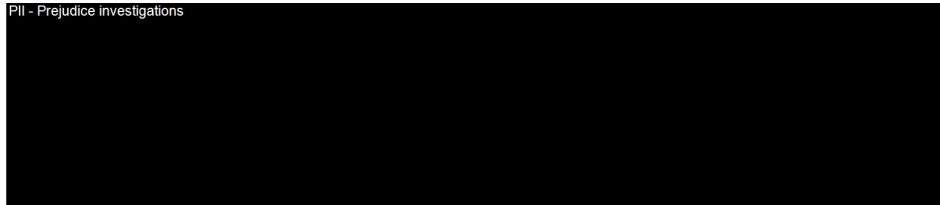
To the extent not addressed above, state whether the DPP/ODPP raised concerns in relation to your involvement in the Investigation as a result of the decision in Madders v Tiffen and Tiffen (No 1) [2021] ACTMC 4.

212. The decision of *Madders v Tiffen and Tiffen (No 1) [2021] ACTMC 4* related to a voir dire surrounding evidence obtained during the Investigation. His Honour ruled that while mistakes were made, the evidence relating to a number of items was admissible.

213. In the decision His Honour did make an adverse comment about me regarding the non-disclosure and what he believed to be an attempt to cover up a breach of section 3k *Crimes Act 1914*, but ultimately ruled the evidence to be admissible.

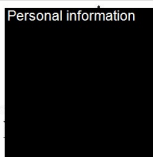
214. While I respect His Honour's ruling, I do not agree with the comments made towards me. I believe that I did not fully articulate my reasoning around a redaction, and I did not answer questions well under cross-examination. I maintain that I did not attempt to cover up a breach of the legislation.

215. PII - Prejudice investigations



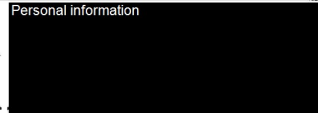
216. Concerns the DPP may have in regards to me being involved in the Investigation were never raised with me at any stage during Operation Covina.

Personal information



Trent Robert

Personal information



Witness

Involvement in the Investigation surrounding the second evidence in chief interview on 26 May 2021

217. In sexual assault Investigations, if information is required from the complainant to clarify evidence that appears to be inconsistent with what the complainant has provided via EICI then a second EICI will be the most appropriate method to obtain that information. A second EICI is most appropriate for the following reasons:
- a. To ensure the evidence can be obtained whilst keeping the EICI protections in place; and
 - b. To ensure that Police cannot be accused of seeking to have the complainant to change their version or lead the evidence to the complainant.
218. A second EICI will allow Police to potentially establish why there are inconsistencies with the complainant's evidence and identify further avenues of enquiry that may assist the Investigation. While a second EICI is not desirable, they are sometimes necessary as the complainant is generally providing large amounts of evidence of a traumatic event and there may be information that was not fully explored in the first EICI.
219. I believe the second EICI was arranged by D/Inspector Boorman through Ms Yates. At that stage Ms Yates was acting as the intermediary for Ms Higgins to the Investigations team.
220. The second EICI was conducted on 26 May 2021 at Belconnen Police Station. At the same time Ms Higgins supplied her mobile phone for Cellebrite data extraction and passwords to her online accounts. Ms Yates was in the EICI as a support person for Ms Higgins. I found this increased the pressure for the EICI as I had never had the Victims of Crime Commissioner sit in on an EICI.
221. The purpose of the second EICI was to clarify certain inconsistencies that had been established during the Investigation. Those inconsistencies related to;
- a. Medical appointments;
 - b. Actions at 88mph (second venue);
 - c. Drinks being purchased;

.....
Trent Robe

Personal information

Personal information

.....
Witness

- d. Level of intoxication;
 - e. sign sheet to Australian Parliament House; and
 - f. Messages to witnesses.
222. Ms Higgins was also shown the CCTV footage from Australian Parliament House. The purpose of showing her the footage was to allow her to view the footage and comment on the footage. Attached and marked '**Exhibit 30**' is a copy of the relevant EICI. Attached and marked '**Exhibit 31**' is a copy of the relevant diary notes.
223. After the EICI, D/Superintendent Moller attended and spoke to Ms Higgins and Ms Yates. D/Superintendent Moller stressed with Ms Higgins the importance of not engaging with the media as it could impact any future Court proceedings. Ms Yates mentioned that he should not discount the good she had done by speaking to the media. D/Superintendent Moller responded by stating he did not disagree but he wanted to try and protect the integrity of the Investigation and/or any Court proceedings. He also informed Ms Higgins that the Investigation was continuing.
224. I was not involved in any discussions with other AFP/ACT policing officers, the DPP/ODPP, legal representatives for Mr Lehrmann, legal representatives for Ms Higgins and/or the Victims of Crime Commissioner following the interaction.
225. My views at this stage in relation to the prospects of the matter, in particular in relation to threshold to charge were I did not believe that we had enough evidence to charge the accused but further investigation was required to make a determination on that threshold.
226. My views held in relation to the conduct of the Investigation to date were the investigation was being conducted in a through and planned manner. SC Frizzell and I were still continuing to investigate other SACAT matters, which added to the pressure and stress of investigating this high profile investigation.

Trent Robert

Personal information

Personal information

Witness

Involvement in the Investigation on or around 1 June 2021 and interaction with the DPP/ODPP

227. On 1 June 2021 I was on a rostered day off. As such I do not have any information regarding what took place on that day.

Involvement in the Investigation from 1 June 2021 to 6 August 2021

228. On 5 June 2021, I watched the second EICI with Ms Higgins and compared it to the transcript. I do not recall any interactions with any ACTP members on that day that were relevant to the Investigation. Attached and marked 'Exhibit 11' is a copy of the relevant Statement.

229. On 9 June 2021, I sent an email to [WIT_Personal_Info] producer for The Project, requesting the un-edited audio-visual recording of the interview with Ms Higgins. Prior to sending this email, I had consulted with the ACT Media Team on who to approach for the request. Attached and marked 'Exhibit 11' is a copy of the relevant Statement. Attached and marked 'Exhibit 32' is a copy of the relevant case note entry. Attached and marked 'Exhibit 33' is a copy of the relevant television interview.

230. On 16 June 2021, I received an email from [WIT_Personal_Info] senior legal counsel Channel 10, with the requested footage and paperwork.

231. On 17 June 2021, I was requested by D/Sgt Saunders to upload two documents to the PROMIS Investigation. The documents were titled 'Higgins brief response by DCPO' and 'Seeking direction re: Operation Covina'. Attached and marked 'Exhibit 34' is a copy of the relevant case note entries.

232. On 18 June 2021, I was requested by D/Inspector Boorman to upload the same two documents mentioned above along with an additional email to the PROMIS Investigation. The email was sent by D/Superintendent Moller to Commander Andrew Smith (Smith) and requested that they make an assessment on Investigation. Attached and marked 'Exhibit 35' is a copy of the relevant case note entries.

.....
Trent Robert Ma

Personal informati

Personal information

.....
Witness

233. On 23 June 2021, I contacted [WIT_Personal_Info] mother of Ms Brittany Higgins, and made arrangements to obtain a statement from her. I also contacted [WIT_Personal_Info] former partner as well as a friend of the accused. The purpose was to obtain statements from the witnesses. Attached and marked 'Exhibit 36' is a copy of the relevant diary notes.
234. On 26 June 2021, I contacted [WIT_Personal_Info] a friend of the accused and left a message so arrangements could be made to obtain a statement from him. Attached and marked 'Exhibit 37' is a copy of the relevant diary notes.
235. On 12 July 2021, I was recreation leave.
236. On 14 July 2021, I attended a meeting in regards to the investigation. I cannot recall the meeting but I have written in my diary that it was in regards to taskings for the investigation, which included obtaining the floor plans for Australian Parliament House. Attached and marked 'Exhibit 37' is a copy of the relevant diary notes.
237. On 23 July 2023, I was notified by the Digital Audio and Video Operations team that the continuous video of the CCTV from The Dock and Australian Parliament House was now completed. This footage had been requested by the DPP as part of the advice to ACTP. Attached and marked 'Exhibit 11' is a copy of the relevant Statement.
238. At this stage of the Investigation, my overall impression of the progress of the Investigation was in accordance with the Investigations Plan we had prepared and due to extensive enquiries we had conducted, the investigation was being conducted in a timely manner. The intense media interest in the investigation created additional pressure on the entire investigations team throughout the investigation.
239. At this stage of the Investigation my overall impression of the prospects of the matter were there was not enough evidence to charge Mr Lehrmann in regards to an allegation of sexual intercourse with consent. I formed this opinion on all of the available evidence and did not believe that the evidence supported a charge.

Trent Robert

Personal information

Personal information

Witness

240. At this stage of the Investigation my overall impression of the conduct of the Investigation to date were that we had conducted the investigation in a thorough, professional and objective manner, whilst navigating significant media/political and AFP Executive pressure/scrutiny.

To the extent not addressed above, state whether you were made aware of the internal investigation review conducted by Commander Andrew Smith in July/August 2021 in relation to the Investigation.

241. I was made aware that a 'red team' review of the Investigation was to be conducted. The review was to be conducted by members not associated with the Investigation and independent to Criminal Investigations. I cannot recall who informed me of the review, but I did note reference to it in one of the email chains I uploaded onto the PROMIS Investigation. Attached and marked 'Exhibit 35' is a copy of the relevant case note entries.

242. The following recommendations were listed in the review:

- a. Inquiries relating to Uber records;
- b. Inquiries relating to any CCTV from Australian Parliament House directly outside the Ministerial suite;
- c. Consultation with DPP regarding further EICI;
- d. Continue consultation with DPP regarding the decision to prosecute; and
- e. Adequate resources allocated to the Investigation.

243. I am aware that the recommendations actioned were a search warrant being executed for Uber records and inquiries made regarding CCTV footage, however no further CCTV footage was located. I do not believe the adequate resources recommendation was actioned as the Investigations team did not receive any extra assistance. I am unsure whether the recommendations relating to the DPP were actioned.

244. I have read the report, dated 3 August 2021, and my impression is that Operation Covina was assessed as being a thorough Investigation with no significant avenues of enquiry left to pursue. Attached and marked 'Exhibit 38' is a copy of the relevant review.

Trent Robert

Personal information

Personal information

Witness

245. During this period, I was on rostered days off on 7 June to 8 June, 11 June to 13 June, 19 June to 22 June, 17 July to 18 July and 31 July to 1 August. I had personal leave on 22 July and 29 July to 30 July. I was on recreational leave on 28 June to 13 July.

Advice provided by the DPP

246. I cannot recall another Investigation where I had sought advice from the DPP relating to sexual assault Investigations prior to Operation Covina.

247. I was responsible for compiling the preliminary brief of evidence or ‘advice brief’ to the DPP. The brief contained all of the evidence we had collected to that point in the Investigation.

248. The preliminary brief of evidence included all of the raw CCTV footage, Cellebrite reports, Counselling notes, draft Statement of Facts and any ROC’s with a transcript if available. Attached and marked ‘Exhibit 10’ is a copy of the relevant DPP advice.

249. SC Frizzell was not directly involved in the creation of the ‘advice brief’ as due to its size it had to be uploaded onto a lockable external drive. She did however upload collected evidence onto the AFP local server in folders only accessible to current Criminal Investigations members. We also operate on a need-to-know and need-to-share basis.

State whether you have read the advice provided by the DPP to Detective Superintendent Moller on 28 June 2021 (the DPP Advice).

250. I have read the DPP advice, but I cannot recall the date I read the advice. My impression of the advice is that Mr Drumgold appeared to be dismissive of exculpatory evidence. An example of this is the contradiction between Ms Higgins evidence that when she entered Australian Parliament House she was stumbling and falling over but the CCTV only showing her slightly stumbling on one occasion. Attached and marked ‘Exhibit 10’ is a copy of the relevant DPP advice.

251. This is further exemplified by the footage of her trotting, smiling and waving while moving to the elevator. The security guard on duty, Mr ^{WIT_Personal_Info} [redacted] also provided

Personal information [redacted] Personal information [redacted]

.....

Trent Robert [redacted] Witness

evidence that he believed Ms Higgins was only slightly intoxicated as she was not slurring her words, he could not smell intoxicating liquor and he would not have allowed them entry if they had been heavily intoxicated. Attached and marked 'Exhibit 39' is a copy of the relevant Statement of ^{WIT_Personal_Info} [REDACTED]

252. Mr Drumgold also stated that he had not read the Cellebrite reports, but then questioned the evidence relating to Ms Higgins deleting items from her mobile phone. Attached and marked 'Exhibit 40' is a copy of the relevant advice brief supplied to the DPP.

At the time the DPP provided his advice, state whether you believed the Investigation was completed/sufficient to warrant a decision to commence criminal proceedings against Mr Lehrmann.

253. At the time the DPP provided his advice, I believe there was sufficient evidence in the brief for a decision to be made whether a matter should be progressed to Court or not.

254. The brief at that stage was comprehensive and provided a full disclosure of all of the available evidence at that stage. While there were some enquiries outstanding, I do not believe that those enquiries would provide any evidence that would drastically alter the decision to prosecute or not.

State whether you believe the DPP maintained objectivity in relation to providing advice to the AFP/ACT Policing.

255. As I have stated previously, my opinion is that Mr Drumgold was dismissive of exculpatory evidence or enquiries that may lead to exculpatory evidence. This has been highlighted to me through comments in the meeting on 31 March 2021 and the DPP Advice brief.

256. I cannot recall if I expressed my views as I have no documentation to support that opinion.

State whether there was a suggestion by you or any other AFP/ACT Policing officer to obtain independent legal advice in relation to the Investigation.

..... Personal information [REDACTED] Personal information [REDACTED]

Trent Rob [REDACTED]

ess

257. I do recall discussions regarding utilising outside counsel for legal advice, but I cannot recall who raised the issue. I am aware that outside counsel was not sought regarding this Investigation.

Outline any issues and concerns you had regarding the DPP's conduct during the Investigation.

258. At the end of the trial/Investigation, I wrote an email to D/Superintendent Hall O'Meagher (O'Meagher), Criminal Investigations Superintendent, in which I raised my concerns about the actions of the DPP towards the Investigations team.

259. The email was dated, 2 December 2022 and was in relation to Mr Drumgold deciding to not pursue a re-trial. The content of the email was relating to Mr Drumgold appearing at a press conference (Stand up) and declaring the decision.

260. As part of the Investigations team, we had not been notified of this decision, which I believe was a breach of the AFP/DPP Collaborative Agreement (26/09/2019). This was an example of the DPP not communicating with the Investigations team. Attached and marked 'Exhibit 41' is a copy of the relevant email to AFP Executive.

State whether you observed a breakdown of the relationship with the DPP/ODPP and the AFP/ACT Policing during the Investigation.

261. I believe there was breakdown in the relationship between ACTP and DPP which became evident for me during the trial. I felt that any concerns that were raised with the DPP regarding any exculpatory evidence were being dismissed.

262. It is hard to quantify, but there was a feeling of continual tension between the ACTP members and the DPP. While I did not have many dealings with the DPP during the Investigation it became evident when I attended Court. I attended Court after the Crown had closed its case and was present for the closing submissions, jury deliberations and declaration of a mis-trial.

263. During breaks in proceedings, the Investigations team would stand outside the Courtroom, away from media, and the DPP would never attempt to approach or engage with us. I would deliberately say a greeting to the DPP as they walked past to force an engagement, but it would be no more

.....
Trent Robert

Personal inform

Personal information

.....
Witness

than a quick reply. It was a highly uncomfortable feeling, as my normal interactions with the DPP are very cordial and professional.

Outline your impression of the treatment by the DPP/ODPP in relation to the Investigation towards you and other AFP/ACT Policing officers involved in the Investigation.

264. As explained in the email dated 2 December 2021 I felt the DPP were treating us with disdain and were dismissive towards the Investigations team.

Decision to Charge

Upon obtaining advice from the DPP dated 28 June 2021 and undertaking the additional investigations requested in this correspondence, state whether you believed there was sufficient evidence to proceed to charging Mr Lehrmann.

265. Upon obtaining advice from the DPP dated 28 June 2021 and undertaking additional Investigations requested, I do not believe there was enough evidence to charge the accused with this alleged offence. I formed the opinion after the second EICI with Ms Higgins and the collection of the evidence on her mobile phone. I formed this opinion due to, but not limited to, the following reasons:

- a. I believed there were too many inconsistencies with her version of events;
- b. The corroborative evidence did not support the allegations;
- c. Witness statements contradicted her version of events;
- d. There were concerns around the motives for reporting the allegation (media and financial gain);
- e. There were messages relating to her deleting items off her mobile phone; and
- f. Ms Higgins advised she had never sought medical advice even though she had previously stated that she had.

266. This opinion was further re-enforced when we obtained, under search warrant, the recordings and transcripts of the first meeting between Ms Higgins and Ms Lisa Wilkinson (Wilkinson), a journalist. The recordings are in relation to Ms Higgins participating in a television interview. (The Project) and Ms Higgins provides a version of events during those recordings.

Personal information

Personal information

.....
Trent Robert I

.....
Witness

267. The version of events has significant differences to the information supplied in the first EICI. These recordings are about one month before the first EICI. One of the discrepancies was raised by the defence counsel during the trial.

When were you advised that Mr Lehrmann would be charged?

268. On 3 August 2021, I was advised by D/Superintendent Moller that the accused was to be charged. I then asked D/Superintendent Moller who would be the informant for the matter and sign the summons paperwork, as I would not do it. He stated to make him the informant and I began to prepare the paperwork. Attached and marked 'Exhibit 42' is a copy of the relevant diary notes.

269. When I was informed I felt physically ill about the decision. This decision has been part of the cause of on-going psychological trauma I have suffered due to this Investigation.

270. I spoke to SC Frizzell and D/Sgt Robert Rose (Rose) about my feelings on the decision to charge and also in regards to the decision to not have the Mention Brief adjudicated.

State whether you perceived that there was any pressure to charge Mr Lehrmann.

271. I believe that D/Superintendent Moller was being pressured to charge the accused due to the intense media and political pressure associated with this Investigation. I believe that D/Superintendent Moller took on this responsibility to ensure that the rest of the Investigations team were not put in the position of being the summoning officer.

State what steps were taken to consult with Ms Higgins and/or the Victims of Crime Commissions following the decision to charge.

272. I am unsure what steps were taken regarding consulting with Ms Higgins and/or the Victims of Crime Commission following the decision to charge. I had not had any contact with Ms Higgins since I conducted the EICI on 26 May 2021 and I was not included in any contact with Ms Yates.

Personal information

Personal information

Trent Robert Madders

Witness

Upon the charging of Mr Lehrmann, outline your views and the attitude of the AFP/ACT Policing officers involved in the Investigation towards the prosecution.

273. I do not believe that the Investigations team changed their attitudes towards a prosecution after Mr Lehrmann was charged. Whilst I did not believe that the accused should have been charged, I was not making that decision and I was not the informant for the matter. I believe that we had to continue to support the prosecution as if in any other Investigation, but if my opinions were questioned in Court, I would tell the truth.

274. We continued to collect any outstanding evidence and we continued to remain active in the Investigation.

Summons, Brief of Evidence and Disclosure

Outline your involvement (if any) in preparing the Summons and/or brief of evidence for the DPP/ODPP and/or the legal representatives for Mr Lehrmann.

275. I was responsible for the preparation of the summons and the Mention Brief of Evidence. I was told by D/Superintendent Moller that the summons had to be in Sydney (to the Accused's legal representative) by 6 August 2021.

276. I made enquiries with the Team Leader of the Brief Management Team, D/Sgt Mark [WIT_Persc] about the practicalities of the summons. Attached and marked 'Exhibit 43' is a copy of the relevant diary notes.

277. I was included in an email chain relating to interstate service of the summons during COVID-19 lockdown protocols. Attached and marked 'Exhibit 44' is a copy of the relevant email chain.

Involvement in preparing the Summons and brief of evidence in the Investigation/for the matter of R v Lehrmann.

278. I prepared the Mention Brief of Evidence. I was instructed that the brief was to be served directly on the defence counsel of the accused in Sydney and that it must be served on 6 August 2021. I was not given a reason for the urgency to serve the brief directly on the defence counsel.

Personal information

Personal information

Trent Robert Magders

Witness

279. I believe D/Superintendent Moller gave to the direction to D/Sgt Rose and he directed me. I cannot recall who told me, but I do know I raised my concerns with D/Sgt Rose and I made a note in my diary. Attached and marked 'Exhibit 42' is a copy of the relevant diary notes.

280. This was not in accordance with the usual method of summons, which I have explained previously.

281. I provided the Mention Brief and Summons paperwork to D/Sgt [redacted] and I had a conversation with him. I expressed my displeasure and concerns about not having the brief adjudicated or vetted, as per the normal procedures. I believe that he also had concerns that there had been no adjudication on the brief.

282. Ms Higgins counselling notes were in the brief because as I was obtaining evidence, I was placing it into a Mention Brief folder, in case the matter progressed to Court. I adopt this normal procedure as it ensures I do not miss any evidence as I collect it. When following the normal process I will have time to go back through the brief to review each document or item.

283. If a document or item is not meant to be in the brief then it should be picked up by the adjudication, BMT or the DPP. In the case of Operation Covina, I did not check the documents in the brief (28 Gigabytes with 691 files) due to the time pressure to serve the summons out of normal procedures.

284. I did not check the Mention Brief and I uploaded the brief to three different Universal-Serial-Bus ("USB") for Court/DPP/Defence copies.

Outline the usual adjudication process for preparing a brief of evidence.

285. Once a Mention Brief of evidence is completed it is vetted by an adjudicating member. An adjudicating member is either an Adjudication & Practices member or Regional Watch House Sergeant (in the event of an arrest).

286. The vetting process occurs to ensure that:

<p>Personal information</p> <p>[redacted]</p>	<p>Personal information</p> <p>[redacted]</p>	<p>Witness</p>
---	---	----------------

Tre

- a. The proofs of the offence are met;
 - b. The relevant documents are included in the brief;
 - c. Any further avenues of enquiry are identified;
 - d. Ensure documents are redacted; and
 - e. Ensure disclosure requirements have been satisfied.
287. Once the Mention Brief has been adjudicated, the brief is sent to the Brief Management Team (“BMT”) who again undertake quality assurance on the brief. Once they are satisfied with the brief of evidence, it is delivered to the DPP.
288. This process was not followed in this Investigation as I was instructed by either D/Sgt Rose that the brief was to be served directly on the defence counsel of the accused in Sydney and that it must be served on 6 August 2021. D/Superintendent Moller had directed him and I was not provided a reason for the urgency to serve the brief directly on the defence counsel.
289. In the lead up to the service of the summons and up until the date the brief of evidence was rectified, I had no dealings with the DPP, Victims of Crime Commissioner or the legal representative for the accused. The only involvement I had was with SC Cilla [REDACTED] WIT_Personal_Info, AFP member in Sydney. SC [REDACTED] WIT_Person assisted during this Investigation and was an ex-SACAT member. My communications with her were in relation to the service of the summons. Attached and marked 'Exhibit 45' is a copy of the relevant email to SC [REDACTED] WIT_Person.
290. I am aware of the disclosure of the counselling notes onto the defence counsel due to media reporting and email chains, which have been uploaded to the PROMIS Investigation. The rectification of the situation was conducted by D/Superintendent Moller and his actions were captured in the emails. Attached and marked 'Exhibit 46' is a copy of the relevant PROMIS case note entry.
291. I did not have any days off during this period.

State whether you were instructed to prepare the Disclosure Certificates in the matter of R v Lehrmann and, if so, by whom.

.....
Trent Robert Madders

.....
Witness

292. I was not instructed to prepare the Disclosure Certificates in the matter of *R v Lehrmann*, but I did assist SC Frizzell with the document as required. It is normal for the investigator to prepare the disclosure certificate and I have had an information session with AFP Legal relating to disclosure certificates. I cannot remember the date of the information session. The disclosure certificate for Operation Covina was completed with consultation to AF Legal.

In chronological order, outline your involvement in the preparation of the Disclosure Certificates in the matter of R v Lehrmann and any communications had with AFP/ACT policing officers, AFP Legal and/or the DPP/ODPP.

293. I was assisting SC Frizzell with the preparation of the disclosure certificate. I was included in the email chains with AFP Legal. The purpose of the communications was to determine what documents or items may be covered by PII or LPP and the correct categories to reference those documents/items. Attached and marked '**Exhibit 47**' is a copy of the email chain with AFP Legal.

294. On 28 September 2021, I sent an email to Mr Grieg and Ms Pitney, DPP, with documents supplied to us by AFP Legal. The email was asking the DPP whether they should be part of the disclosure certificate. Attached and marked '**Exhibit 48**' is a copy of the relevant email to DPP regarding documents for potential disclosure.

Other Involvement in the Investigation

Interactions with AFP/ACT Policing officers in relation to the Investigation

295. My interactions with other AFP members have been described in my statements for Court being:

- a. Police Statement – Dated 19 February 2021. Attached and marked '**Exhibit 11**' is a copy of the relevant Statement;
- b. Police Statement – Dated 4 August 2021. Attached and marked '**Exhibit 49**' is a copy of the relevant statement; and
- c. Police Statement – Dated 26 May 2021. Attached and marked '**Exhibit 50**' is a copy of the relevant Police Statement.

296. My interactions were normal, friendly and professional interactions.

Personal information

Personal information

Trent Robert Madders

Witness

301. The only concern that I'm aware the DPP/ODPP held was about myself, regarding the decision in the matter *Madders v Tiffen v Tiffen*. As I have stated previously, I was not aware of any concern of me being involved in the Investigation, just a general concern arising from the adverse comment in the other Court matter.

Are you aware of any interaction between Detective Superintendent Moller and AFP Commissioner Reece Kershaw in relation to the Investigation?

302. I am not aware of the interactions between D/Superintendent Moller and the Commissioner in relation to the Investigation.

Interactions with the legal representatives for Mr Lehrmann

303. I was involved with the legal representatives of the accused up to the time he was summonsed on 6 August 2021.

304. My level of involvement with the legal representatives for Mr Lehrmann was normal for being an investigator during an Investigation. The informant generally has more involvement than the other members of the Investigation do.

Interactions with the Victims of Crime Commissioner during the Investigation

305. On 12 May 2021, I uploaded an email chain between D/Inspector Boorman and Ms Yates, dated 5 May 2021, which states that Ms Yates was now the primary point of contact with Ms Higgins. Attached and marked 'Exhibit 54' is a copy of the relevant POMIS case note entry.

306. My only involvement with Ms Yates up to the summons of the accused was during the second EICI with Ms Higgins. This was arranged by D/Inspector Boorman.

307. After the EICI, D/Superintendent Moller was speaking to Ms Higgins and Ms Yates. He was explaining the need for Ms Higgins to cease engaging the media and Ms Yates did mention something similar to 'Ms Higgins is the face of the movement'. I do recall the words 'Scott, you can't discount all the good she has done.'

Personal information

Personal information

Trent Robert Madders

Witness

308. I cannot recall what conversations I may have had afterwards as I had to continue processing the information from the EICI.

State whether there were any practicality issues with communicating with Ms Higgins through the Victims of Crime Commissioner during the Investigation.

309. It was difficult for the Investigations team to communicate with Ms Higgins. This was not just due to her wishing for Ms Yates to be an intermediary, but due to her wishing to not to speak to Police and that we had to communicate through lawyers or Ms Yates. The person we had to communicate through would also change until Ms Yates became the point of contact.

310. Having to go through an intermediary did slow down communication and also diminished the rapport SC Frizzell and I had established with Ms Higgins. I was understanding of the fact that due to all of the intense media scrutiny with this Investigation Ms Higgins may have felt more comfortable having an intermediary, so the Investigations team complied with her wishes.

Outline how the Victims of Crime Commissioner became a witness in the Investigation.

311. Ms Yates was identified as a witness in the Investigation as she had been present at a meeting between Ms Higgins, D/Superintendent Moller and D/Inspector Boorman. During that meeting an image was discussed, but upon viewing Ms Higgins online data we could not locate this image. Ms Yates also took notes of the meetings and may have had further disclosures made by Ms Higgins.

312. On 8 September 2021, SC Frizzell emailed D/Superintendent Moller requesting that we contact Ms Yates with the view of obtaining a witness statement from her. Attached and marked 'Exhibit 55' is a copy of the relevant email from SC to D/Superintendent Moller.

313. On 29 September 2021, SC Frizzell and I conducted a ROC with Ms Yates in relation to her role, her involvement with Ms Higgins, how she became involved with Ms Higgins, any disclosures Ms Higgins had made to her and her recollections of the meeting with D/Superintendent Moller,

Personal information

Personal information

Trent Robert Madders

Witness

D/Inspector Boorman and Ms Higgins. This included her notes from that meeting. Attached and marked '**Exhibit 56**' is a copy of the relevant transcript of ROC with Ms Yates.

Interactions with other persons in relation to the Investigation

314. We engaged with approximately 60 witnesses in relation to this Investigation.
315. At the start of the Investigation, we created an Excel spreadsheet that listed the witness, their contact details, information supplied and when we obtained that evidence. This was created to assist with Investigation management. Attached and marked '**Exhibit 57**' is a copy of the relevant excel spreadsheet.

Preparation and Trial in the Matter of R v Lehrmann following service of Summons on 6 August 2021

Interactions with AFP/ACT Policing officers in the preparation for and during the trial in the matter of R v Lehrmann.

316. Regarding arrangements for the AFP/ACT Policing officers involved in the trial in the matter of R v Lehrmann, as an investigator on the Investigations team, I assisted SC Frizzell with maintaining communication with our DPP contacts, conducting any enquiries required for the Court proceedings and obtaining witness availability. This is the normal role of the informant and corroborator.
317. My interactions with AFP/ACTP members leading into and during the trial was in regards to the administration of the trial for witness availability. This is normal process during a trial.
318. I did provide an email that included the ACTP/AFP Executive up to Commissioner level, with updates on the Court proceedings.
319. The substance of the emails did not cover witness testimony but was in relation to who had provided evidence, who was expected, any issues raised in Court and updates regarding security of the Court.

Personal Information

Personal Information

Trent Robert Madders

Witness

320. The information that I relayed on to the Executive was sent directly from the DPP and from the member who was attending Court. Any interactions with the defence counsel were also recorded in these updates. Attached and marked 'Exhibit 58' is a copy of the relevant PROMIS case note entries.

Interactions with DPP/ODPP in the preparation for and during the trial in the matter of R v Lehrmann

321. On 1 March 2022, I conducted a ROC with [WIT_Confidential_sensitive_Third_P] [WIT_Confidential_sensitive_Third_P]. Attached and marked 'Exhibit 59' is a copy of the relevant diary notes.

322. On 13 May 2022, I attended the DPP office and was proofed regarding the Investigation by Ms Jerome. During the proofing Ms Jerome requested I make enquiries to ascertain whether CCTV footage had been deleted from the brief of evidence.

323. Ms Jerome stated that she remembered footage of Ms Higgins and the accused walking through the pedestrian gate at Australian Parliament House. I stated I did not recall this CCTV footage, but I would make enquiries.

324. My enquiries are detailed in my Police statement – Dated 26 May 2022. This statement outlines the enquiries I took and the conclusion that the footage referred to by Ms Jerome does not exist. Attached and marked 'Exhibit 50' is a copy of the relevant Police Statement.

325. When DPP task Police Officers involved in Court proceedings it is generally conducted via email.

326. I can locate the following tasking's sent by the DPP:

- a. 6 October 2022 – Request of [Legislative restriction]. Attached and marked 'Exhibit 60' is a copy of the relevant email from DPP dated 6 October 2022.; and
- b. 10 October 2022 – Request for [Legislative restriction]. Attached and marked 'Exhibit 61' is a copy of the relevant email from DPP dated 10 October 2022.

.....
Trent Robert [Signature]

.....
[Signature] Witness

327. On 14 October 2022, I sent an email to Mr Grieg and Ms Pitney, DPP, requesting the normal daily update so we could brief AFP Executive.
328. Prior to me sending the email SC Frizzell requested that I enquire whether they had received an email from SC Frizzell that was sent on 13 October 2022. I also requested whether the information from the enquiry had been provided to the defence counsel, as per disclosure requirements.
329. I stated that the 'bosses' (Meaning AFP Executive) wished to know. The reason I stated 'the bosses' in the email was for the daily update that went to the AFP Executive, which was a normal email chain we had established for these Court proceedings. Attached and marked '**Exhibit 62**' is a copy of the relevant email to DPP dated 14 October 2022.
330. A short time later SC Frizzell told me she had only asked about the request for ourselves and not for the AFP Executive. I then recalled the message and re-sent it with the word 'bosses' changed to 'I'm just checking'. I never received a reply regarding this email from the DPP. Attached and marked '**Exhibit 63**' is a copy of the relevant email to DPP dated 14 October 2022.
331. I had no dealings with Mr Drumgold relating to his decision to discontinue the matter.
332. I view the dealings with the DPP during the trial as unusual due to the level of what I perceived to be disdain towards the Investigations team. As I have stated they would not engage with any of us when we were in the Court precinct and towards the end of the trial, they would not even notify us if there was something occurring in Court that we should be aware of (such as the announcement of the mistrial).

Interactions with the legal representatives for Mr Lehrmann in the preparation for and during the trial

333. My understanding is that Police Officers may speak to legal representatives the same as they are able to speak to members of the DPP. I would notify the DPP if I had conversations with legal representatives for a defendant regarding a prosecution case and the content of the conversation.

Personal information

Personal information

Trent Robert Madders

Witness

334. I would either seek advice from the DPP or direct the legal representative to speak to the DPP if there was a question from legal representatives for a defendant relating to my perception of a weakness in a prosecution case.

Interactions with the legal representatives for Mr Lehrmann during the trial of the matter of R v Lehrmann.

335. On 29 September 2021, the defence counsel for the accused, Mr Steven Whybrow (Whybrow) and Ms Rachel Fisher (Fisher) attended the Winchester Police Centre to view the EICI's conducted with Ms Higgins.

336. I showed them to the viewing room and ensured that they had all the amenities they needed. We chatted briefly but it was polite and not really regarding anything in particular. I remember Mr Whybrow apologising for the short notice regarding the viewing of the EICI's. I did not interact again with them as SC Frizzell escorted them out of the building once they were finished.

337. On 18 October 2022, I attended the Supreme Court and sat in on the proceedings relating to Operation Covina. The Crown had closed their case and were now going through closing submissions.

338. About 11.25am, during a break, Mr Whybrow approached SC Frizzell and I with an allegation of contempt of Court against Ms Higgins. I made notes of the conversation in my diary. Attached and marked '**Exhibit 64**' is a copy of the relevant diary notes.

339. After Mr Whybrow had spoken to us, we notified D/Inspector Boorman and D/Superintendent Moller, who was present at Court but not for the conversation, of the allegation. He stated when we returned to the Winchester Police Centre to create a PROMIS Investigation for future allocation.

340. On 19 October 2022, I was at the Supreme Court again. Before Court Mr Whybrow approached SC Frizzell and I to provide us with documentation relating to the allegation he had made the day before. Attached and marked '**Exhibit 64**' is a copy of the relevant diary notes.

Personal information

Personal information

Trent Robert Madders

Witness

341. PII - Prejudice investigations

342. I was at Court on each of the days for the closing arguments and only attended at the start and end of each day once the jury had retired to deliberate. When I was at Court during the breaks in proceedings, I would speak to the defence counsel if they approached us to talk. We would not discuss anything related to the trial, except for the allegations raised by Mr Whybrow, and the conversations were cordial and professional.

343. I did speak briefly to Mr Whybrow once the matter had been declared a mistrial as he introduced me to the accused so he could obtain my contact details to comply with his bail conditions. This conversation was again not about anything in particular except Mr Whybrow asked if we, D/Inspector Boorman and I, knew about any other ways out of the Court building so his client would not have walk through the media pack.

Interactions with Ms Higgins, her legal representatives and/or the Victims of Crime Commissioner in preparation of and during the trial

344. I had no dealings with Ms Higgins, her legal representative or Ms Yates leading into or during the trial. My only interaction was the ROC conducted by SC Frizzell and I on 22 September 2021. My interactions regarding this have been detailed previously.

345. Following this interaction, I had no further dealings except to obtain her unavailable dates for Court. I obtained these details from via email dated 8 October 2021. Attached and marked 'Exhibit 65' is a copy of the relevant email from Ms Yates dated 8 October 2022.

Interactions with any other persons during the trial

346. The only persons I sat next to in Court were SC Frizzell, D/Superintendent Moller and D/Inspector Boorman. We sat at the rear left hand side of the Court and whilst COVID-19 protocols were not in place, people tended to leave spaces between each other. I did not engage

Personal information

Personal information

Trent Robert Mauders

Witness

with any member of the public and I do not even know what Senator Reynolds' partner looks like. I was also not in Court when Senator Reynolds gave evidence.

347. I did not interact with any person other than the Investigations team or the defence counsel during the trial. The only other interaction I had was when D/Inspector Boorman and I were going for a coffee and we spoke to a media photographer who was taking our pictures. He apologised for taking our pictures but said his paper, NewsCorp, wanted images. We told him it was not a problem and continued on our way.

Bail

Interactions (if any) with the DPP/ODPP and/or the legal representatives for Mr Lehrmann in relation to the considerations for bail for Mr Lehrmann.

348. About 9.33am on 27 October 2022, D/Inspector Boorman and I attended the Supreme Court precinct. We attended at that time as D/Inspector Boorman had been made aware that the Court were sitting earlier than the normal 10.00am start time. I observed when we arrived that the journalists appeared more energetic and I heard one mention a possible decision was pending.
349. We were unsure about what was occurring when we were approached by Ms Katrina Musgrove (Musgrove), defence counsel for the accused. She asked us our views on bail conditions, if they were needed, and we stated that we had no concerns with the following conditions:
- a. The accused notify the AFP of any overseas travel; and
 - b. The accused notify the AFP of his residential address.
350. I had no concerns regarding these bail conditions for the accused as he had not been on bail for over a year and had shown no indication that he would flee the jurisdiction. I made notes in my diary about the interaction. Attached and marked 'Exhibit 66' is a copy of the diary notes.
351. When we went into Court the Justice ruled a mistrial due to juror misconduct. The DPP and defence counsel then argued about bail conditions and Mr Whybrow mentioned that they had spoken to the Police Officers, who had no issue with the agreed bail conditions.

Personal information

Personal information

Trent Robert Madders

Witness

352. The DPP never attempted to contact us prior to Ms Musgrove to seek our views on any bail conditions. They also never notified us that the matter was back in Court and that bail conditions may be needed.
353. It is not unusual to talk to defence counsel about proposed bail conditions and I have done so outside the Courtroom in other matters. We would normally be notified by the DPP about any proposed bail conditions and our views.

Media

Whether you believe the level of media involvement in the matter of R v Lehrmann affected the conduct of the Investigation of Ms Higgins' complaint.

354. The media had an incredibly significant impact on the Investigation. The media continually portrayed one version of events, in what I believe was biased reporting, which in turn drove a narrative that created pressure on the Investigations team.
355. The media reporting was so unrelenting that it was regular for me to be contacted on days off regarding the investigation. The enquiries were for information to be supplied to the AFP Executive regarding media releases, non-AFP, and what had been reported in the media and it was generally incorrect.
356. An example of this was when it was reported on social media that the accused had fled the country and I had to attend work to ascertain through CAD warrant that he had not left Queensland.
357. The media reporting prior to Ms Higgins participating in an EICI hindered our ability to use traditional Police methodology to investigate the allegation. I am referring to the possibility of using Telephone Intercepts or Listening Devices, if applicable, as the accused was very aware of Police involvement.
358. The involvement of the media in this Investigation became an issue during the Court proceedings with a temporary stay of proceedings being granted due to media comments.

Personal information

Personal information

Trent Robert Madders

359. In the audio recording between Ms Higgins and Ms Wilkinson (**Exhibit number 67**), at their first meeting there are numerous conversations regarding using politicians to drive the story in the media. Attached and marked '**Exhibit 67**' is a copy of the relevant audio between Ms Higgins and Ms Wilkinson. I created a document with some of the conversations from that meeting titled 'Operation Covina Synopsis'. Attached and marked '**Exhibit 68**' is a copy of the relevant Operation Covina Synopsis document.

Involvement (if any) in communication between the ODPP and the AFP/ACT Policing in relation to the preparation of implementation of the AFP media plan in relation to the Investigation, including but not limited to the AFP media plan distributed on 5 August 2021.

360. I was not involved in implementation of any AFP media plan in relation to the Investigation.

Communications (if any) you have received and/or had with the media in relation to the matter of R v Lehrmann.

361. I was never contacted by any member of the media except for my interactions regarding obtaining the unedited footage of The Project interview.

Board of Inquiry

362. I have spoken to other members of the AFP/ACTP about my involvement in the Board of Inquiry but not about the specific evidence I would be providing.

Other matters you wish to raise with respect to the Terms of Reference of the Board of Inquiry.

Mr Drumgold

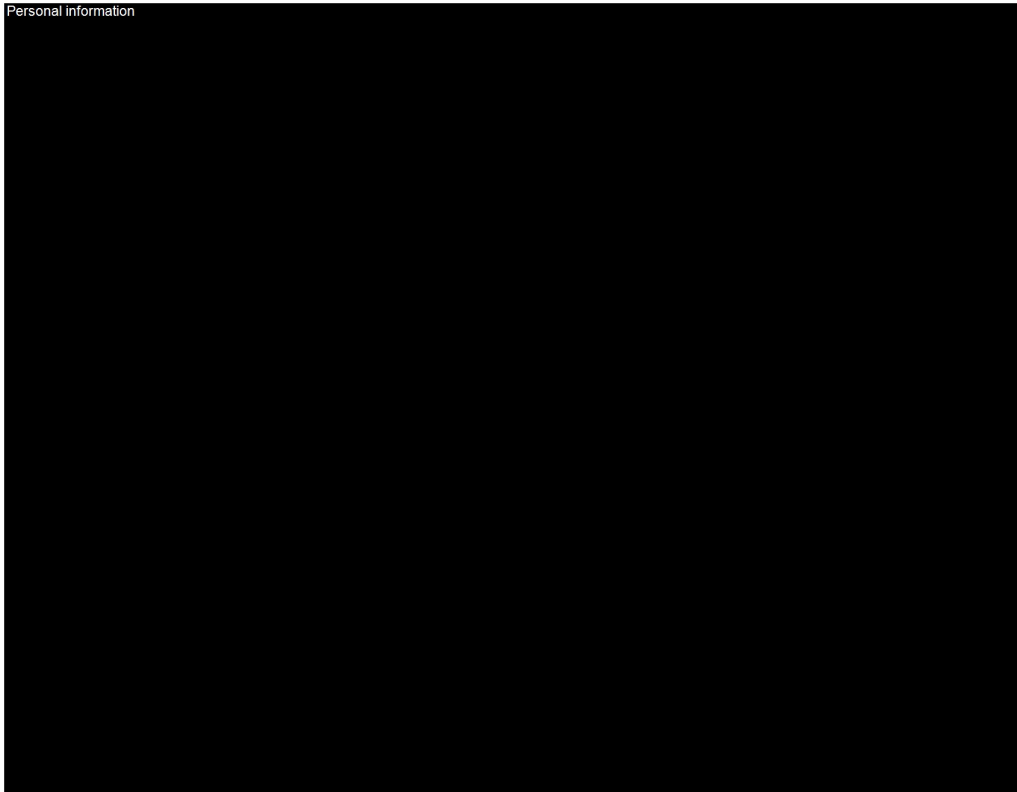
363. In regard to Mr Drumgold, I have listened to an audio recording between Ms Higgins and Ms Samantha [WIT_Personal_Info] dated 2 July 2021. Attached and marked '**Exhibit 69**' is a copy of the relevant audio between Ms Higgins and [WIT_Personal_Info]. The audio recording was provided to the Investigations team after [WIT_Personal_Info] had been subpoenaed for the Court proceedings.

364. The pertinent section of the conversation is:

Personal information		Personal information
Trent Robert Madders		Witness

Dated 02/07/2021

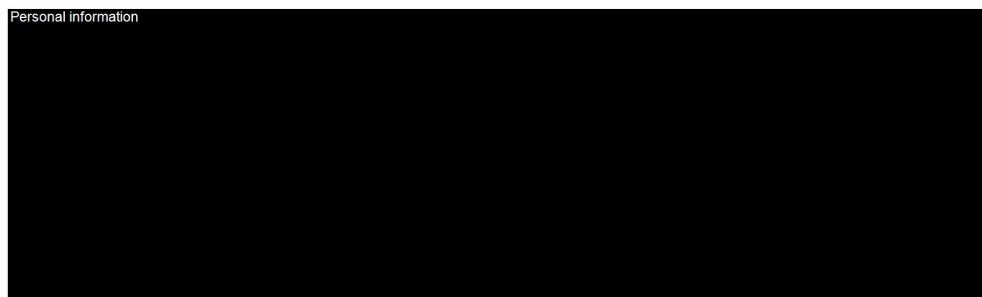
Personal information



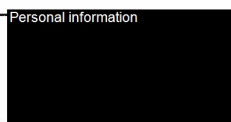
365. The conversation suggests that Mr Drumgold is in contact with Ms Higgins or her representative before a charge has been laid against the accused.

366. There is also a conversation in the subpoena package that was supplied to the Investigations team in which WIT_Personal_Inf references an ABC news article:

Personal information



Personal information



Trent Robert Madders

Personal information



Witness

367. This appears to be in reference to the issue raised by Mr Drumgold about the counselling notes in the Mention Brief sent to legal counsel in Sydney.

Ms Yates

368. In regards to Ms Yates, I viewed a message thread between her and Ms Higgins. The message thread was part of the Cellebrite report obtained for Court. Attached and marked 'Exhibit 70' is a copy of the relevant Cellebrite report. The message is summarised as:

Personal information
[Redacted]

369. In the same Cellebrite report there is a message between Mr Sharaz and Ms Higgins, relating to Ms Yates:

Personal information
[Redacted]

Sworn before me at Canberra in the Australian Capital Territory on 19 April 2023.

Personal information
[Redacted]

TRENT ROBERT MADDERS

[Handwritten signature]

Personal information
[Redacted]

Personal information
[Redacted]

Trent Robert Madders

[Handwritten signature]

Personal information
[Redacted]

Witness