

Subpoena to Produce Documents 2023/05 to ACT Policing Headquarters – 6 February 2023

Documents required to be produced in accordance with subpoena - 13 February 2023

SUBPOENA PARAGRAPH	PARAGRAPH TEXT	STATUS	NOTES
1	1. The full brief of evidence relating to the complaint by Ms Brittney Higgins concerning Mr Bruce Lehrmann / the matter of <i>R v Lehrmann</i> , including but not limited to all: (a) exhibits; (b) statements; (c) recordings; (d) diary notes; (e) police logs; (f) extracts from the electronic case management system (such as PROMIS or any successor); (g) CCTV footage; and (h) police summaries.	Partial production <u>Produced.</u> Produced but for CCTV footage—see notes.	BOI awaiting index of CCTV footage AFP proposing not to produce per 6 March email from AGS and 8 March email from BOI AFP to provide index of CCTV footage it proposes not to produce by <u>INSERT</u>
2	2. An exact copy of the brief of evidence provided by the Australian Federal Police (AFP) to the Australian Capital Territory Office of the Director of Public Prosecutions (ODPP) on 21 June 2021, including any accompanying correspondence and file notes.	Not produced	35 documents that may be subject to a claim of Legal Professional Privilege Date documents to be produced and/or any claims for LPP made <u>and Index of full brief Tuesday 4 April COB INSERT</u> AFP to provide index of CCTV footage it proposes not to produce by <u>Friday INSERT</u>
3	3. To the extent not covered by [1] and [2], any documents relating to the investigation of the allegations of Ms Brittany Higgins concerning Mr Bruce Lehrmann, including but not limited to: a) statements; b) recordings; c) diary notes; d) police logs;	Partial production. (ACT Policing advised 5000 emails outstanding)	5000 documents still to be produced, including 2000 – 3000 emails 2000-3000 emails to be produced by Friday 31 March 2023 COB <u>(this will be Tranche 5, which may be finished by COB Thursday 30 March)</u> Remaining 2000-3000 emails to be produced by <u>Thursday 6 April 2023 INSERT</u>

Commented [TA1]: Note to BOI – the CCTV issue arises in Cat 2

Formatted: Font color: Auto

SUBPOENA PARAGRAPH	PARAGRAPH TEXT	STATUS	NOTES
	e) extracts from the electronic case management system (such as PROMIS or any successor); f) CCTV footage; g) police summaries; h) statement of facts; i) any documents and / or diary notes recording communications with: <ul style="list-style-type: none"> i. the ODPP; ii. Mr Bruce Lehrmann and / or his legal representatives; and iii. Ms Brittany Higgins and / or her legal representatives; j) CCTV footage; and k) police summaries.		
4	4. Any documents relating to a request by Ms Brittany Higgins for an internal investigation into the decision of the AFP to share evidence with the legal representatives for Bruce Lehrmann including, but not limited to documents: <ul style="list-style-type: none"> a) relating to the conduct of the internal investigation; and b) recording the outcome of the internal investigation. 	Not produced	AFP proposes to provide, on the basis discussed by Solicitors Assisting and AGS, a small volume of material which would generally be subject to a PII claim. This material to be produced on a limited basis, subject to agreement on terms, by Thursday 6 April 2023 Will advise date for production by Thursday 30 March 2023 COB Date documents to be produced INSERT
5	5. The letter from the Australian Capital Territory Director of Public Prosecutions (DPP), Mr Shane Drumgold SC to the Australian Capital Territory Police Chief Police Officer, Mr Neil Gaughan dated 1 November 2022.	Produced	
6	6. Any documents relating to the investigation by the Australian Commission for Law Enforcement Integrity into the conduct of the investigation by the AFP of the allegations of Ms Brittany Higgins concerning Mr Bruce Lehrmann.	Not produced	Will advise date for production by Thursday 30 March 2023 COB Date documents to be produced INSERT. To the extent AFP holds material, AFP will make a public interest immunity claim

Formatted: Tab stops: 2.17 cm, Left

SUBPOENA PARAGRAPH	PARAGRAPH TEXT	STATUS	NOTES
7	7. To the extent not covered by [6] above, any documents relating to a professional standards investigation arising out of the investigation by the AFP of the allegations of Ms Brittany Higgins concerning Mr Bruce Lehrmann.	Not produced	<p>To the extent AFP holds material, AFP will make a public interest immunity claim. AFP is considering a Public Interest Immunity Claim.</p> <p>Will advise date for production by Thursday 30 March 2023 COB</p> <p>Date documents to be produced INSERT</p>
8	8. Any documents relating to the complaint by the AFP to, and the investigation by, the Australian Capital Territory Ombudsman relating to the possibility of freedom of information breaches by the ODPP / DPP in relation to the matter of <i>R v Lehrmann</i> .	Produced	
9	9. Any operational procedures, manuals, policies, toolkits and / or procedures (AFP procedure documents) relating to the investigation of sexual offences.	Produced	
10	10. The index of the AFP procedure documents.	Produced (no relevant documents)	

Subpoena to Produce Documents 2023/24 to Australian Federal Police – 20 March 2023

Documents required to be produced in accordance with Subpoena - 27 March 2023

SUBPOENA PARAGRAPH	PARAGRAPH TEXT	STATUS	NOTES
1	1. Any audio recordings and/or transcript of audio recordings and/or records of a telephone call made by Mr Steven Whybrow to Detective Superintendent Scott Moller via the Australian Federal Police or Australian Capital Territory Police non-emergency police telephone number on or around 11:50am on 13 September 2022.	Not produced	<p>Non-emergency police lines are not generally recorded, AGS is unsure whether the recordings exist.</p> <p>Will advise date for production by Thursday 30 March 2023 COB</p> <p>These will be produced in Tranche 6 on Tuesday 7 April. Date documents to be produced INSERT</p>
2	<p>2. A copy of any Australian Federal Police (AFP) / ACT Policing documents, doctrines, guidelines, policies, procedures and/or governance material relating to:</p> <ul style="list-style-type: none"> a) the duties and responsibilities of the officers in SACAT; b) the duties and responsibilities of the officers in Criminal Investigations; c) the duties and responsibilities of the Criminal Investigations Reception Officer with respect to sexual assault complaints; d) communication and / or dealing with sexual assault complaints; and e) obtaining independent legal advice for the AFP/ACT Policing in relation to laying charges 	Partial production	<p>BOI wants websites as at March 2019, Feb 2021 and present.</p> <p>2(a). Almost complete: SACAT governance documents have already been provided to the BOI in Production 2 dated 20 February 2023.</p> <p>Further documents will be produced in Tranche 5 on Thursday 30 March.</p> <p>2(b) In progress: No documents responsive have been located so far but searches are ongoing. AFP to update BOI by Friday COB</p> <p>2(c): Complete: The Better Practice Guide (BPG) – Criminal investigations response and notification [doc ID AFP.0002.0001.0017] and the BPG Child Abuse and sexual offence investigations (AFP.0002.0001.0001) were provided to the BOI in Production 2 dated 20 February 2023.</p> <p>2.(d). Complete -Sexual assault specific governance was provided to the BOI in Production 2 dated 20 February 2023.</p>

SUBPOENA PARAGRAPH	PARAGRAPH TEXT	STATUS	NOTES
			<p><u>2(e): Almost complete: Documents will be produced in Tranche 5 on Thursday 30 March 2a) — some documents have already been provided in Tranche 2 of Subpoena 2023/05 AGS is confirming whether any further documents exist.</u></p> <p><u>Date documents any further documents identified to be produced Friday 31 March 2023 COB</u></p> <p><u>2b), 2c), 2d), 2e) — Will advise date for production by Friday 31 March 2023 COB</u></p> <p><u>Date documents to be produced INSERT</u></p>
3	<p>3. To the extent not covered by [2], a copy of any AFP/ACT Policing documents, doctrines, guidelines, policies, procedures and/or governance material relating to sexual assault investigations, including but not limited to the:</p> <ul style="list-style-type: none"> a) AFP Investigations Doctrine; b) AFP Investigations Standards and Practices Group Background; c) AFP National Guide on Property and Exhibits; d) Investigation Standards and Practices; e) Standard Operating Procedures, including but not limited to for: <ul style="list-style-type: none"> i. interviewing vulnerable witnesses; ii. victims of crime; iii. referrals to the family violent orders liaison officer; iv. crime scene management; v. drink spiking response and investigation; and vi. crime scene management f) Better Practice Guides, including but not limited to on: <ul style="list-style-type: none"> i. evidence in chief interviewing; and 	Not produced	<p><u>3(a): Almost complete: This will be produced in Tranche 5 on Thursday 30 March</u></p> <p><u>3(b): In progress</u></p> <p><u>3(c): Almost complete: This will be produced in Tranche 5 on Thursday 30 March.</u></p> <p><u>3(d): Nil response. No documents have been identified as responsive to this request</u></p> <p><u>3(e): Almost complete: This will be produced in Tranche 5 on Thursday 30 March.</u></p> <p><u>3(f): Almost complete: This will be produced in Tranche 5 on Thursday 30 March.</u></p> <p><u>3(g) and (h): In progress: No documents responsive have been located so far but searches are ongoing. AFP to update BOI by Friday COB</u></p> <p><u>3(i): Almost complete: This will be produced in Tranche 5 on Thursday 30 March. Date documents to be produced Friday 31 March 2023 COB</u></p>

SUBPOENA PARAGRAPH	PARAGRAPH TEXT	STATUS	NOTES
	<ul style="list-style-type: none"> ii. victims rights. g) Handbooks/Plans relevant to Sexual Assault and Child Abuse Team (SACAT); h) Handbooks/Plans relevant to the Criminal Investigations division; and i) Operational forms, including but not limited to the: <ul style="list-style-type: none"> i. ACT intermediary program – police referral form; ii. ACT intermediary program – consent form (self-consent); and iii. Wraparound referral. 		
4	4. A copy of any AFP/ACT Policing documents, including doctrines, guidelines, policies, procedures, handbooks/plans and/or governance material, relating to the threshold to charge.	Not produced	Date documents to be produce Friday 31 March 2023 COB
5	5. A complete copy of the Investigators toolkits 1 – 4, including a screenshot of the topics covered and accompanying videos/transcripts of videos.	Not produced	<p>AGS to provide accompanying videos/transcripts of videos.</p> <p>5. Almost complete: these videos were produced in Tranche 4 on 27 March 2023.</p> <p>AFP will update the BOI as to whether any transcripts exist by Friday COB. Will advise date for production by Friday 31 March 2023 COB</p> <p>Any transcripts located willDate documents to be produced by Thursday 6 AprilINSERT</p>
6	<p>6. A copy of any documents and/or manuals from the Australian Federal Police College relating to training, courses, programs and/or education material in relation to investigations generally and sexual assault investigations, including but not limited to:</p> <ul style="list-style-type: none"> a) the Detective training program; b) the SACAT training program as at February 2021; 	Not produced	<p>BOI wants documents and/or manuals as at March 2019, February 2021 and now.</p> <p>In progress. Will advise date for production by Friday 31 March 2023 COB</p> <p>Date documents to be produced INSERT Thursday 6 April</p>

SUBPOENA PARAGRAPH	PARAGRAPH TEXT	STATUS	NOTES
	c) the SACAT training program as at the date of this subpoena; d) the Interviewing Vulnerable Witnesses training program; and e) the SIO training program.		
7	7. To the extent not covered by [6] above, any documents relating to the planning and/or decision to introduce, amend or discontinue any training, courses, programs and/or education material listed at [6](a) – (e) above.	Not produced	BOI wants documents and/or manuals as at March 2019, February 2021 and now. In progress . Will advise date for production by Friday 31 March 2023 COB Date documents to be produced by Thursday 6 April INSERT
8	8. A copy of any training, courses, programs and/or education material provided by services external to the AFP/ACT Policing related to conducting sexual assault investigations and/or dealing with sexual assault complainants, including but not limited to from the: a) Office of the Director of Public Prosecutions; b) Victims of Crime Commissioner/Victim Support ACT; and c) Canberra Rape Crisis Centre.	Not produced	AGS is unsure whether they will have a copy of this, but will be able to say what training has been provided. In progress Will advise date for production by Friday 31 March 2023 COB Date documents to be produced Thursday 6 April INSERT
9	9. A complete copy of the AFP/ACT Policing training records (including workbooks) for the following officers as at the date of this subpoena: a) Mr Scott Moller; b) Mr Marcus Boorman; c) Mr Gareth Saunders; d) Mr Jason McDevitt; e) Mr David Fleming; f) Mr Trent Madders; g) Ms Emma Frizzell; h) Mr Robert Rose; i) Mr Callum Hughes;	Not produced	In progress: spreadsheets of training records for each officer will be produced in Tranche 5 on Thursday 30 March. Date documents to be produced Friday 31 March 2023 COB Solicitors to engage on which more granular training records the BOI requires after production of the spreadsheets.

SUBPOENA PARAGRAPH	PARAGRAPH TEXT	STATUS	NOTES
	j) Mr James Brown; k) Ms Kirsten Zeller; l) Mr David Fleming; m) Mr Hall O’Meagher; n) Ms Sarah Harman; o) Ms Kristy Anderson; p) Mr Health Langlands; and q) Ms Lauren Gillilands.		
10	10. A copy of the AFP/ACT Policing organisational chart, including a breakdown of the organisational structure of the SACAT and Criminal Investigations divisions as at: a) February 2021; and b) the date of the subpoena.	Not produced	<u>10. Almost complete: the organisational charts will be produced in Tranche 6 on Monday 3 April and the SACAT and CI structure will be produced in Tranche 5 on Thursday 30 March</u> Date documents to be produced Friday 31 March 2023 COB
11	11. A copy of any material received or provided by the Sensitive Investigation Oversight Board (SIOB) relating to the allegations of Ms Brittany Higgins concerning Mr Bruce Lehrmann and/or the matter of <i>R v Lehrmann</i> , including but not limited to: a) any documents/briefing material, including a copy of the: <ol style="list-style-type: none"> i. full report prepared by Mr Scott Moller on 7 June 2021 with the subject ‘Seeking direction re Operation COVINA’ with the DCPO-R’s ‘Final Approval’ comments; ii. Executive Briefing by Mr Gareth Saunders on 8 February 2021 with the subject ‘Alleged Sexual Assault PROMIS 6381473’; and iii. Sensitive Investigation Brief to the SIOB by Mr Gareth Saunders dated 9 	Not produced	<u>11. In progress: Some documents responding to this category will be produced in Tranche 5 on Thursday 30 March. AFP to provide further update to BOI by Friday COB</u> <u>11(a)(i). Almost complete: This will be produced in Tranche 5 on Thursday 30 March.</u> <u>11(a)(ii): Almost complete: This will be produced in Tranche 5 on Thursday 30 March.</u> <u>11(a)(iii): Almost complete: this will be produced in Tranche 6 on Monday 3 April date.</u> <u>11(b) and (c): In progress - date documents to be produced provided to BOI on Friday 31 March COB</u> 11a) – Date documents to be produced Friday 31 March 2023 COB 11b) and c) – Date documents to be produced INSERT

SUBPOENA PARAGRAPH	PARAGRAPH TEXT	STATUS	NOTES
	<p>February 2021 titled 'Topic: PROMIS 6381473';</p> <p>b) any communications within the SIOB, including but not limited to correspondence, emails, text messages, file notes and diary notes; and</p> <p>c) any communications to and from the SIOB, including but not limited to correspondence, emails, text messages, file notes and diary notes.</p>		
12	<p>12. A copy of any documents relating to any investigative reviews conducted by the AFP/ACT Policing arising from the investigation of Ms Higgins' complaint concerning Mr Lehrmann from 2019 to the date of this subpoena, including but not limited to a full final report of each investigative review.</p>	Not produced	<p>12. In progress: some documents responsive to this category will be produced in Tranche 5 on Thursday 30 March.</p> <p>The remaining documents will be produced in Tranche 6 on Tuesday 4 April. Documents relating to Timeline Review and Red Team Review — Date documents to be produced Friday 31 March 2023 COB</p> <p>Date all other documents to be produced Friday 31 March 2023 COB</p>
13	<p>13. A copy of any documents relating to the review conducted by Mr David Fleming in 2021 and any accompanying documents produced pertaining to the workload and staffing of SACAT.</p>	Not produced	<p>Will advise date for production by Friday 31 March 2023 COB</p> <p>Date documents to be produced Thursday 6 April 2023 COB+INSERT</p>
14	<p>14. A copy of any Executive Briefings and/or material completed from 2021 to the date of this subpoena by the Project Officer for Sexual Offences and Child Abuse relating to sexual assault investigations, including but not limited to the:</p> <p>a) full final reports of each briefing/review; and</p> <p>b) the data relating to the tranches currently being considered for reinvestigation arising from recommendation 15 of the 'Listen. Take action to prevent, believe and heal' report by</p>	Not produced	<p>BOI advised that it is seeking documents about the way in which investigations are conducted from a systemic viewpoint, rather than documents in relation to reviews about specific investigations, however, must include any documents relating to the Higgins investigation.</p> <p>Will advise date for production by Friday 31 March 2023 COB</p> <p>Date documents to be produced Thursday 6 April 2023 COB+INSERT</p>

SUBPOENA PARAGRAPH	PARAGRAPH TEXT	STATUS	NOTES
	the Steering Committee in December 2021 and any accompanying material.		
15	<p>15. A copy of the following correspondence:</p> <p>a) email dated 4 November 2021 at 11:09am from Detective Sergeant Michael Woodburn inviting all SACAT officers to a full day meeting with Ms Skye Jerome and Mr Andrew Chatterton to be held on 24 November 2021;</p> <p>b) email dated 23 February 2022 from Inspector Callum Hughes advising of a retraction to the views of the DPP in relation to the full day meeting held on or about 24 November 2021; and</p> <p>c) email/letter dated 31 August 2021 from Senior Constable Paul Calatzis to Commander Joanne Cameron titled 'Resource Issues Criminal Investigations from the SOCA team'</p>	Not produced	<p>No results when searches run for these documents initially. AGS to re-run searches. Likely nil response</p> <p>Date documents to be produced Friday 31 March 2023 COB</p>
16	16. A copy of any Executive Briefings and/or material prepared for AFP Commissioner Reece Kershaw in relation to his attendance at Senate Estimates in 2021 regarding the investigation of Ms Higgins' complaint concerning Mr Lehrmann.	Not produced	<p>AGS has identified a parliamentary privilege issue related to preparatory material.</p> <p>AGS to write to BOI in relation any claims for privilege by Tuesday 6 AprilFriday 31 March 2023 COB</p> <p>Date documents to be produced INSERT</p>
17	17. A copy of the 'Fuller review' signed by AFP Commissioner Reece Kershaw on 17 March 2023	Not produced	<p>The review is currently with the Attorney-General and his office. AGS may need the consent of the Attorney-General.</p> <p>Will advise date for production by Friday 31 March 2023 COB</p> <p>Date documents to be produced Tuesday 4 April 2023INSERT</p>

