

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 JASON McDEVITT

I, Jason McDevitt, of Australian Federal Police, state 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.

Background and Professional History

1. My current rank is Detective Sergeant.
2. My current position within the Australian Federal Police (“AFP”) is Team Leader of the Operations Coordination Unit, Australian Centre to Counter Child Exploitation.
3. I am responsible for the coordination of national child exploitation investigations.

Tertiary Qualifications

4. I hold no tertiary qualifications.

Courses and/or Diplomas

5. I have obtained an Advanced Diploma in Investigations (Policing).

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6. I obtained this diploma after I completed the Detective Training Program. I completed stage one and two of this program in 2014. I completed stage three of this program in 2015.
7. Once I completed the Detective Training Program, I was promoted to Detective.

Employment Chronology

8. I did not have previous policing experience before joining the AFP in 2008.
9. On 14th April 2008, I joined the AFP as I was always interested in policing.
10. Regarding the recruitment process, in 2007 I submitted a written application to join the AFP through an online portal. After submitting my application, I attended an interview with the AFP in Brisbane.
11. Following the successful interview, I commenced the Federal Police Development Program 4/2008 (“**the program**”) at the AFP College in Barton, ACT. The duration of the course was five months.
12. The program covered a wide range of topics. I cannot recall each topic individually, however I do recall the program covered topics such as evidence, police powers, interviewing, statements and traffic matters. The training was conducted by sworn police officers or visitors depending on the subject. For instance, I recall a mental health nurse providing information on a topic.
13. Below is a summary of my history at the AFP:
 - a. From April 2008 to September 2008 I completed the AFP Recruit Training Program.

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- b. From September 2008 to 2012 I was Constable of General Duties at Woden Response Team One. My duties included responding to incidents as dictated by ACT Police Operations.
- c. From 2012 to 2015 I was promoted to Senior Constable within the Criminal Investigations Crime Targeting Team. My duties included investigating priority offenders.
- d. In 2014 I was seconded as Senior Constable to the AFP National Counter Terrorism Portfolio. My duties included investigating Counter Terrorism.
- e. In 2015 I was seconded as a Senior Constable to Australian Capital Territory Policing (“ACTP”) Homicide. My duties included investigating a homicide of a male in Phillip, ACT.
- f. From 2015 to 2018 I acted as Senior Constable, Detective Senior Constable and Detective Acting Sergeant in the Criminal Investigations Response Team Four. My duties included investigating matters allocated by the Criminal Investigations Reception Officer.
- g. In 2017 I was promoted to Detective Acting Sergeant and seconded to the ACT Watch House. I was the Watch House Sergeant responsible for custodial matters.
- h. In 2018 I was Detective Acting Sergeant and seconded to General Duties Tuggeranong Team One.
- i. From 2018 to 2020 I was promoted to Detective Sergeant of ACT Police Operations. My duties included allocating matters for investigation to police patrols. In 2020 for three months, I was Detective Sergeant of Team One.

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- j. From July 2020 to July 2021 I was Detective Sergeant of the Criminal Investigations Sexual Assault and Child Abuse Team (“SACAT”).
- k. From July 2021 to current I am Detective Sergeant Team Leader of Operations Coordination Unit, Australian Centre to Counter Child Exploitation.
14. Regarding my appointment to Detective Sergeant within SACAT, I was contacted by the Officer in Charge of Tuggeranong Station and informed I had been transferred to SACAT after a workplace management committee meeting. I agreed to the transfer. I had only been at general duties at Tuggeranong for three months when I was informed of the transfer.
15. I have only conducted sexual assault investigations in the ACT. As an investigating officer, I have investigated three sexual assault matters involving four offenders. Two of the matters were family violence matters which resulted in a conviction of the offenders. The third matter was a historical sex matter which also resulted in a conviction.

Training and Education

16. In relation to training I have received regarding sexual assault investigations, I have completed the Interviewing Vulnerable Witnesses Course which was held over five days. I completed this training in 2017.
17. I do not recall the exact nature of the training, however I recall it was aimed at improving interviewing techniques. I believe there was a practical exercise at the end regarding interviewing children. The course was provided by the AFP College, and I believe we had visiting lecturers attend.
18. I am not currently completing any training.

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19. The Interviewing Vulnerable Witnesses Course allows a member to conduct evidence in chief interviews with victim-survivors. The course does not cover investigative practices.
20. I would describe the experience and training levels of SACAT, for the period I was there, as limited. A minority of members had completed the sexual assault program course, however the majority had not. There was no opportunity to run the course during this period due to COVID. There were only two Detectives in the area.
21. Majority of the members within SACAT had come from general duties and had no previous experience investigating sexual assault matters. During my time at SACAT, at least four members completed their Detective Designation.
22. There was no specific requirement for members to have prior relevant experience to join SACAT, however, typically entry into the Criminal Investigations portfolio would require a member to have completed a probation period. The only training that is required is successful completion of the Interviewing Vulnerable Witnesses Course. I understand the Interviewing Vulnerable Witnesses Course is now taught to AFP Recruits at the college. I am not aware of any changes.
23. There is a requirement for SACAT members to attend psychological assessments. These assessments are conducted by the AFP psychologists bi-annually. These assessments are undertaken due to member exposure to explicit content and to ensure member welfare.
24. I cannot recall the date that I undertook my bi-annual assessment, however I recall undertaking such assessment when I was at SACAT. There is a 'handbook' titled '*Managing the psychological health impact on staff from explicit material*'. I believe this handbook details the bi-annual psychological assessments. Attached and marked as '**Exhibit 2**' a copy of the relevant handbook.

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Organisational Structure

25. In February 2021, SACAT consisted of three teams. Each team had a team leader, seven investigators and a Child and Youth Protection Liaison Officer.
26. The three teams were supervised by the Crime Manager Response Inspector Marcus Boorman and Superintendent Scott Moller. The Deputy Chief Police Officer of Crime was Commander Michael Chew and the Chief Police Officer (“CPO”) was Neil Gaughan.
27. As I have not been within the SACAT unit since July 2021, I am unaware of the current structure of Criminal Investigations.

Duties and Responsibilities

28. The role of an investigator of a sexual assault incident is to objectively collect inculpatory and exculpatory evidence in a respectful manner which supports the prosecution of an offender.
29. The investigator should ensure the victim-survivor is assisted by support services. The welfare of the victim-survivor is to be placed above the needs of the investigation. The victim-survivor should feel empowered and consulted throughout the investigation.
30. The governance defining the role of the investigator in a sexual assault investigation includes:
- a. AFP Investigations Doctrine;
 - b. Better Practical Guide (“BPG”) Sexual Offence;
 - c. Child Abuse Investigations and First Response;
 - d. Standard of Practice (“SOP”) Crime Scene Management;
 - e. SOP Victims of Crime; and
 - f. SOP Interviewing Vulnerable Witnesses.

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31. Attached and marked 'Exhibit 3' is a copy of the AFP Investigations Doctrine, BPG Sexual Offence, Child Abuse Investigations and First Response, SOP Crime Scene Management, SOP Victims of Crime and SOP Interviewing Vulnerable Witnesses.
32. As a Detective Sergeant in SACAT, my role was to supervise seven investigators and their workload. This supervision included personal, professional, and investigative matters. My role included quality control of documentation and to provide advice supporting operational direction and investigation management. My direct supervisor was the Crime Manager Response. During my tenure, this position was predominately held by Matthew **WIT_Perj** and Marcus Boorman.
33. The governance outlining my duties and responsibilities are detailed in the documents attached and marked as Exhibit 3, along with the BPG Criminal Investigations Response and Notification. Attached and marked as 'Exhibit 4' a copy of the BPG Criminal Investigations Response and Notification Policy.

Triage Process for Sexual Assault Complaints

34. Sexual assault matters are reported to ACTP usually through Police Operations or general duties police.
35. In both cases, a summary of the incident is obtained. Based on the summary of the incident, the matter may remain with patrol or be escalated through their team leader and the Criminal Investigations Reception Officer to be allocated to SACAT for investigation.
36. The threshold for investigation by SACAT can be found in the BPG Sexual offence and Child Abuse Investigations and First response and the Criminal Investigations ("CI") response and notification BPG.

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37. Once a matter is allocated to SACAT, the team leader will allocate the matter to member for investigation. The allocation will be based on the current workload within the team, complexity of the matter and needs of the victim-survivor.
38. All complaints, both ‘new’ and ‘historical’, are allocated through this manner. The different manner in which a victim-survivor may be treated is based on an assessment of the need for an immediate police response to preserve evidence or to ensure the safety of the victim-survivor.
39. The responding officer to a sexual assault complaint is the person which the investigation has been allocated to. The initial steps involve making contact with the victim-survivor and arranging a suitable time to speak with them. During this first conversation, information should be obtained as to the welfare of the victim-survivor and to determine what support services the victim-survivor has in place. Following this contact, if not already completed, a compulsory ‘wraparound’ referral for support services must be completed. Attached and marked as ‘**Exhibit 5**’ is a copy of a wraparound referral.
40. Investigators meet with sexual assault victim-survivors as soon as possible and provide information about the process. This is called a ‘meet and greet’. During the meet and greet, support is typically offered by a member of the Canberra Rape Crisis Centre (“CRCC”).

Investigating Sexual Assault Complaints

41. The initial meet and greet is done by the investigating officer and a support person from CRCC. There may be occasions where, due to resourcing constraints, the meet and greet is conducted by another member of SACAT.
42. The victim-survivor is provided with an introduction to the investigating officers who explain the role of persons in the room, the available support services, the stages of the

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investigation and information regarding the judicial process. The investigating officers ensure the victim-survivor understands their welfare is paramount.

43. During this initial contact, the victim-survivor may provide a brief summary of what occurred. This summary may allow the investigator to collect evidence which could otherwise degrade. Whether or not a victim-survivor wishes to participate in a Evidence in Chief Interview (“**EICI**”) is their decision. If the victim-survivor wishes to provide a EICI at that time, it should be obtained immediately. The EICI often provides avenues of enquiry including crime scene, potential witnesses, disclosure witnesses, potential digital evidence, medical records, and identity of offender.
44. CRCC is engaged prior to the meet and greet and offered as a support service to victim-survivors, both for the initial conversation and the subsequent EICI.
45. There is no set stage at which investigators would initiate contact with Office of the Director of Public Prosecutions (“**ODPP**”). Such contact would depend on the complexity of the matter being investigated.
46. I have never consulted with Director of Public Prosecutions (“**DPP**”) prior to this investigation.
47. Guidance regarding the conduct of a sexual assault investigation is detailed in the following policies and procedures:
 - a. AFP Investigations Doctrine;
 - b. BPG Sexual Offence and Child Abuse Investigations and First Response;
 - c. BPG Victim’s Rights ACT;
 - d. SOP Crime Scene Management;
 - e. SOP Victims of Crime; and
 - f. SOP Interviewing Vulnerable Witnesses.

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48. These documents have already been attached and marked as Exhibit 3.
49. I do not believe the process to investigate a sexual assault complaint has changed since 2019.
50. I have not previously been involved in a SACAT matter in which the Superintendent was actively involved.
51. A brief of evidence is peer reviewed. Following that peer review, the brief of evidence is provided to the team leader. The team leader goes through an adjudication process of the brief. The adjudication checklist is to be completed and signed. The brief and the adjudication checklist are provided to the Operational Support Sergeant. The brief is adjudicated a second time by the Operational Support Sergeant. The Operational Support Sergeant has their own checklist to complete and sign.
52. If there are any changes to be made, the brief is sent back to the member with a list of tasks. Once the tasks are completed, the brief is rechecked by the Operational Support Sergeant who forwards the brief to the Brief Management Team at Judicial Operations. Once this process is complete, the brief is sent to ODPP.
53. The adjudication process is a quality control to ensure there is significant evidence within the brief to support the charge, the charge is correct and appropriate redactions have been made.
54. During the period of Operation COVINA, adjudicating members were to consider *'reasonable prospects of a successful conviction'*.
55. I understand that this has now changed to *'Prosecution is recommended to continue on the basis that there is sufficient admissible evidence of the commission of offence/s'*.

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56. This previous consideration was not in effect only in relation to sexual assault investigations, but all offences investigated by ACT Policing.
57. On 8 March 2021, I received an email from Detective Acting Sergeant ('D/ASGT') Stewart [REDACTED]. This email is titled 'FW: Ongoing brief/court/DPP issues' sent at 9:22 am. D/ASGT [REDACTED] is the Criminal Investigations Operational Support Sergeant. The email on-forwarded a request from the ODPP liaison officer. The ODPP liaison officer stated briefs will not be forwarded to the ODPP without all adjudicating members, being members, team leaders and OSS, signing and completing the adjudication sheets. Attached and marked as 'Exhibit 6' is a copy of the relevant email.
58. Guidance surrounding the adjudication process is detailed in the following documents:
- a. Hearing brief adjudication sheet;
 - b. Adjudication and Practices hearing brief adjudication feedback sheet; and
 - c. ACTP Brief Marking Guide.
59. Attached and marked as 'Exhibit 7' is a copy of the Hearing brief adjudication sheet, Adjudication and Practices hearing brief adjudication feedback sheet and ACTP Brief Marking Guide.
60. The investigating officer redacts a document using a program called 'Adobe Pro'. Personal information, protected information, material that is not relevant to the investigation or material that may be subject to a legal claim must be redacted. During the adjudication process, redactions are reviewed to ensure they are appropriate.
61. The process relating to the redaction of documents and adjudication process can be found within the following guidelines:

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- a. Hearing brief adjudication sheet;
 - b. Adjudication and Practices hearing brief adjudication feedback sheet;
 - c. ACTP Brief Marking Guide; and
 - d. BPG Disclosure.
62. Attached and marked as ‘**Exhibit 8**’ is a copy of the BPG Disclosure.
63. The methods of communication between the victim-survivor and investigating officer are discussed during the initial meet and greet. The victim-survivor is provided a business card detailing the name of the officer and their contact details. The victim-survivor is advised police officers are shift workers and will do their best to make contact when they become aware of an attempt by the victim-survivor to contact the investigator.
64. For this reason, emails are often the preferred method to establish contact before arranging suitable time to call. Contact with the victim-survivor is required at least every six weeks or as soon as practical after a change in the status of the investigation.
65. The governance surrounding contact with victim-survivors can be found within the BPG on Victim’s rights, the Victims of Crime Act 1994 and within the BPG Sexual offence and Child Abuse Investigations and First response and SOP Victims of Crime.
66. A ‘Victim Centric’ approach means the needs and welfare of a victim-survivor are paramount to the investigation, and the investigator should respect and support the victim-survivor’s desired outcome. The victim-survivor should be informed about the progress of the investigation and feel empowered to make decisions about the investigation. The victim-survivor should feel supported through the legal process. The goal of a victim centric approach is to limit trauma to the victim-survivor caused by the legal process.

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67. In regard to an investigation, firstly, I would need to reasonably suspect an offence had been committed. Then I would conduct a thorough and objective investigation gathering evidence to prove both the common and specific proofs for that offence. Upon the conclusion of the investigation, I would need to determine if there were sufficient grounds to commence a criminal charge. I would conduct an independent assessment of the evidence and only charge a person if I reasonably believed I had obtained sufficient admissible evidence which was capable of achieving a successful prosecution. In some cases, in determining if I have sufficient evidence to charge or not, I may consider seeking legal advice through the chain of command and/or ODPP.
68. Corroborative evidence is objective evidence that supports the allegation made. Corroborative evidence should be obtained to assist a successful prosecution; however corroborative evidence may not exist for all matters. The absence of corroborative evidence does not mean a matter cannot proceed to charge.
69. My understanding has not changed in relation to the threshold to charge. However, I am aware that a team leader or adjudicating member no longer has to consider '*reasonable prospects of a successful prosecution*' on the brief adjudication sheet.
70. Additional information from a complainant or witness can be provided in the form of a supplementary statement. Depending on what is to be provided by the complainant, a statement may not always be required. I do not believe there is any guideline or governance in relation to obtaining further statements from complainants.
71. If an investigation has led to a decision that a person is to be charged or not charged, the victim-survivor is notified. This notification is preferably done in person with appropriate support systems in place for the victim-survivor. However, if the circumstances do not allow for face-to-face contact, it may be conducted via phone call.

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72. I am aware that since I left ACT Policing, there has been the establishment of a case note entry detailing requirements for the finalisation of sexual assault matters. I have not seen this case note entry.
73. The governance surrounding contact is detailed in the BPG on Victim's Rights and the *Victims of Crime Act 1994*. It details contact must be respectful and inform victim-survivors about the justice processes.
74. I am not aware of any underlying cultural views in the AFP with regard to sexual assault victim-survivors. Every member of SACAT, in my opinion, did their best with the experience, resourcing and skills that they possessed.
75. Victim-survivors are treated differently to complainants of other types of crimes as they are offered more support services due to the victim-centric approach.
76. If a victim-survivor declines to proceed with their investigation, the investigating officer will attempt to determine why and resolve the issue.
77. The victim-survivor should be provided time to ensure their decision is right for them. Victim-survivors are notified that they are able to re-invigorate the investigation at any time. If the victim-survivor continues to decline to proceed, the investigation is finalised.
78. In my opinion, there are no underlying cultural views in the AFP over the past four years relating to victim-survivors re-invigorating investigations.

Challenges, Issues and/or Pressures

79. I consider the most significant challenges within ACT Policing in conducting sexual assault investigations is lack of resourcing and training.

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80. The SACAT portfolio lacked senior and experienced investigators. In 2021, I cannot recall the SACAT portfolio being at capacity. The high workload placed significant pressure on the investigators, which led to a desire to leave the area.
81. In 2021, the impact of COVID-19 had not allowed for any training or development opportunities, which was a source of frustration for SACAT members.
82. The increased media, public and political commentary surrounding sexual assault has resulted in pressure on investigators to provide outcomes in challenging timeframes with limited resourcing. This pressure has led to investigators feeling overwhelmed and burnt out.
83. During 2021, the most significant external pressure placed upon the investigations of sexual assault was COVID-19. COVID-19 changed travel abilities to obtain EICI or witness statements. It affected speaking with people in a face-to-face setting. It also had a significant impact upon resourcing as people were either sick with COVID, or a close contact of someone who was infected resulting in them not attending the workplace.

Report of the Sexual Assault Prevention and Response Steering Committee

84. I have not 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 report”).
85. This report was published after I had left the area.
86. I cannot comment on steps taken by ACT policing in response to the report, as I am no longer a part of ACT Policing.

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87. I cannot comment on whether there has been a cultural shift within the ODPP in the prosecution of sexual assault offences since the release of the report as I am no longer a part of ACT Policing.
88. I cannot comment on whether there has been a cultural shift within the AFP/ACT Policing in the investigation and charging of sexual assault offences since the release of the report as I am no longer a part of ACT Policing.

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

89. My experience with the ODPP has always been positive. In my previous engagements with ODPP, I have found the staff to be helpful and professional.
90. During 2021 there were meetings between SACAT team leaders, members of the ODPP and predominately ODPP prosecutors, Ms Skye Jerome and Mr Andrew Chatterton.
91. These meetings were conducted approximately every two months, depending on the workload of both parties and COVID-19 restrictions. Generally, these meetings were to provide feedback or informal guidance on matters. These meetings were professional, engaging and allowed officer's input.
92. In 2021, I attended three meetings with the ODPP on the following dates:
- a. 17 February 2021;
 - b. 17 March 2021; and
 - c. 20 May 2021.
93. I made notes in my official AFP notebook after each meeting.

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94. Attached and marked as ‘**Exhibit 9**’ is a copy of my notes from my official AFP notebook regarding the meeting on the 17 February 2021, page 152.
95. Attached and marked as ‘**Exhibit 10**’ is a copy of my notes from my official AFP notebook regarding the meeting on the 17 March 2021, page 174.
96. Attached and marked as ‘**Exhibit 11**’ is a copy of my notes from my official AFP notebook regarding the meeting on the 20 May 2021, page 196.
97. Following our meeting with ODPP on 17 February 2021, the SACAT team leaders received an email from Ms Jerome. The email had no title and was sent at 10:21 am. The email stated Ms Jerome was moving positions within the ODPP, however Ms Jerome hoped this will make her ‘available for more consultation with the team leaders’. I believe this email is demonstrative of the positive professional engagements the ODPP and SACAT had at the time. Attached and marked as ‘**Exhibit 12**’ is a copy of the relevant email.
98. As an investigator, the level of engagement with ODPP depends on the complexity of the brief and the stage of the matter. In the weeks leading up to, and during trials, the investigator and ODPP engaged regularly.
99. I had no relationship with the DPP prior to this matter and held no concerns about the DPP.
100. I had a relationship with Ms Skye Jerome. I knew Ms Jerome in a professional capacity only. I found Ms Jerome to be professional and I enjoyed working with her.
101. I had limited involvement with Mr Andrew Chatterton. I believe I was present in two meetings with Mr Chatterton before he moved areas within the ODPP. I held no concerns in relation to his conduct.

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102. I had contact with Mr Mitchell Grieg regarding witness proofing prior to the *R v Lehrmann* trial. This was my only interaction with Mr Grieg. I held no concerns in relation to his conduct.
103. I do not believe I have had contact with Ms Sarah Pitney or Ms Erin Priestly.
104. I have not formally met with the DPP and ODPP to discuss a sexual assault matter. However, I have had some minor and informal discussion about matters.
105. I have never formally met with DPP prior to this matter.

Victims of Crime Commissioner

106. I had no professional dealings with the Victims of Crime Commissioner.
107. The role of the Victims of Crime office is to support victims through engagement with the judicial process, whatever stage it may be at. I understand that members of the office could be employed as support persons through the judicial process.
108. Prior to *R v Lehrmann*, I cannot recall conducting a sexual offence investigation where the Victims of Crime Commissioner (or her staff) supported a complainant to court or acted as an intermediary between police and the complainant or between the ODPP and the complainant.

The Investigation

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

109. On Friday 19 February 2021, I received a briefing from Detective Sergeant ('D/SGT') Gareth Saunders in relation to Operation COVINA. At this time, I was aware there was a sensitive matter being investigated but had no knowledge of what it was. I was informed

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Ms Brittany Higgins was reporting a sexual assault in Australian Parliament House in 2019. I was provided permission to access the case log and review some of the recordings and documents that Ms Higgins had provided to police. I had no prior awareness of this matter or Ms Higgins. I made notes of this interaction in my diary at the time or shortly after on pages 154-155. Attached and marked 'Exhibit 13' is a copy of the relevant diary entry.

110. On Friday 19 February 2021, at about 3.30pm, I removed the USB Ms Higgins had provided to police from a secure safe. I unsealed the packaging and reviewed its contents. At the conclusion of the review, I resealed the package and placed the USB back into the secure safe.
111. On Sunday 21 February 2021, I received an email forwarded from D/SGT Saunders titled 'FWD: AFP Status – Fwd: Statement'. The email was sent at 12.36 pm. The content of the email was a conversation between Ms Higgins, D/SGT Saunders and SC Frizzell in relation to requesting clarification surrounding support available to Ms Higgins with the EICI. Attached and marked 'Exhibit 14' is a copy of the relevant email.
112. The same date, I received an email from D/SGT Saunders titled 'RE: Important information'. The email was sent at 14.07 pm. The contents of the email related to attending Woden Police station to pick up an item left by a member of the public in relation to Ms Higgins' allegation. The item was a front office report detailing the contact details of a witness who wished to provide a statement in relation to this matter. Attached and marked 'Exhibit 15' is a copy of the relevant email.
113. The same date, I had an informal conversation with ODPP member, Anthony Williamson, relating to EICI procedures and whether a witness could be a support person for a victim in an EICI.
114. During this conversation I took notes in my AFP official diary at the time or shortly after on page 159. Attached and marked 'Exhibit 16' is a copy of the relevant diary entry.

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115. On 22 February 2021, Mr Williamson provided a written response to my question in an email titled 'EICI question'. The email was sent at 11.01 am. Ms Skye Jerome from ODPP and D/SGT Gareth Saunders were cc'd into the email. Attached and marked 'Exhibit 17' is a copy of the relevant email.
116. On 23 February 2021 at 14:03 pm, I received an email from SC Corey **WIT_Pers** the then DPP Liaison officer. The email was titled 'Brittany Higgins'. The contents of the email indicated the Commonwealth DPP ('CDPP') expected the matter would be referred to the CDPP should charges be laid. They also sent a reminder they are always available to offer advice on investigations before charge. Attached and marked 'Exhibit 18' is a copy of the relevant email.
117. On 24 February 2021 at 7:53 am, I sent an email to Mr Williamson. The email was titled 'RE: Brittany Higgins'. In the email I sought clarification as to which office the matter be referred to should sufficient evidence be obtained. Attached and marked 'Exhibit 19' is a copy of the relevant email.
118. On 24 February 2021, I had a phone call with a witness during which we arranged for a statement to be taken from her on 25 February 2021. I made notes in my official AFP diary at this time or shortly after on page 160. Attached and marked 'Exhibit 20' is a copy of the relevant diary entry.
119. On 25 February 2021 at 07:50 am, I received an email from Senior Constable ('SC') **WIT_Pers**. The email was titled 'FW: Brittany Higgins'. The email had an attachment titled 'joint trial agreement'. The email advised SC **WIT_Per** the previous advice was incorrect and the matter would be handled by the ACT ODPP. Attached and marked 'Exhibit 21' is a copy of the relevant email.

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120. The same date, I obtained a statement from a witness in relation to this investigation. I made notes in my diary at the time or shortly after this conversation on page 161 of my diary. Attached and marked 'Exhibit 22' is a copy of the relevant diary entry.
121. On Thursday 25 February 2021, a decision was made by Detective Superintendent (**D/Superintendent**) Moller to request the Closed-Circuit Television ('CCTV') in possession of Australian Parliament House ('APH'). As a result of this decision, I contacted Leading Senior Constable ('LSC') Sonia **WIT_Pe** and requested the footage via email. I was directed by LSC Sonia **WIT_Pe** to fill out a form titled 'Request to view or release CCTV footage APH'. I filled this form out and sent it back to LSC **WIT_Pers**.
122. The request for this footage is detailed in an email train titled 'RE: CCTV Footage' sent by **WIT_Person** on 25 February 2021 at 13.54. Attached and marked 'Exhibit 23' is a copy of the email train.
123. I made notes in my Official AFP diary at the time or shortly after this conversation on page 161 of my diary.
124. The same date, I had a conversation with Acting Crime Manager response, Mark **WIT_** Detective Acting ('D/A') Inspector Steel requested I place a PACE alert on Mr Lehrmann so we would be notified of any travel by Mr Lehrmann. I completed this task. I made notes of this conversation in my diary at this time or shortly after on page 161.
125. The same date, I was present for a phone call between D/SGT Gareth Saunders, SC Emma Frizzell and D/LSC Trent Madders. I cannot recall the exact nature of the phone call other than Ms Higgins declined to provide her phone to police at that time citing privacy concerns. I recall being concerned about this as the phone was suspected to contain evidence in relation to the matter, including text messages relating to disclosure of the alleged assault and digital images. An immediate decision was made to continue to negotiate with Ms Higgins regarding the phone. D/SGT Saunders and I briefed

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D/Superintendent Moller and D/A/Inspector Steel regarding the phone. In the days subsequent to these briefings, a decision was made the Sensitive Investigations Oversight Board ('SIOB') would be provided a decision paper regarding the phone and the options around it. Throughout this interaction I observed D/SGT Saunders making notes in his diary.

126. On Monday 1 March 2021, I conducted a review of the CCTV footage provided by APH. I was tasked to write a summary of this footage. I completed this task and sent it to D/SGT Saunders, D/Inspector Boorman and D/Superintendent Moller for review prior to uploading to case log. I made notes of this interaction in my diary at the time or shortly after on page 162-163. Attached and marked 'Exhibit 24' is a copy of the relevant diary entry.
127. The same date, I had a conversation with Dr Vanita WIT_P, the Forensic Medical Officer. Ms WIT_P stated she was able to provide expert evidence in relation to intoxication following the viewing of CCTV footage. Dr WIT_P stated she had provided this evidence in previous legal proceedings. I informed Dr WIT_P I would seek approval for her to see the footage. I made notes of this conversation in my official AFP diary at the time or shortly after on page 162.
128. Following this conversation, Dr WIT_P sent me an email titled 'Alcohol report' sent on 1 March 2021 at 08.47. The email had an attachment titled '2019 CFACT Personal Personal Alcohol and memory report'. Attached and marked 'Exhibit 25' is a copy of the relevant diary entry.
129. On Tuesday 2 March 2021, I was requested to make some changes to a SIOB briefing paper. I believe this request surrounded options pertaining to obtaining Ms Higgins' phone. I cannot recall the details that I had to change. I made the requested changes and sent to D/Inspector Boorman. I made notes of this conversation in my official AFP diary on page 163.

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130. The same date, I received a phone call from **WIT_Person** a legal representative for a witness in this matter **WIT_Confide**. I made notes in relation to this conversation in my AFP official diary at the time or shortly after on page 164. Attached and marked 'Exhibit 26' is a copy of the relevant diary entry.
131. On Wednesday 3 March 2021, I had a conversation with D/SGT Gareth Saunders who informed me he had a conversation with D/Inspector Boorman. D/SGT Saunders was informed by D/Inspector Boorman the SIOB had not made a decision other than decisions are to be made by the investigative team. I believe this conversation was a reference to the SIOB decision paper surrounding Ms Higgins' phone.
132. D/SGT Saunders further stated a decision had been made that D/SGT Saunders and I would be joint team leaders of the two investigating members on separate teams, overseen by D/Inspector Boorman as Investigations Manager.
133. Both D/SGT Saunders and I were concerned about the team structure as it was unusual and would make communication between members challenging. I made notes of this conversation in my AFP official diary at the time or shortly after on page 165. Attached and marked 'Exhibit 27' is a copy of the relevant diary entry.
134. Prior to this conversation, a decision had been made in relation to Detective Leading Senior Constable ('D/LSC') Madders becoming the case officer for this investigation. I understand this decision was made due to D/LSC Madders being designated as Detective and being the most experienced member of SACAT.
135. On Thursday 4 March 2021, I was present for a meeting with members of Operation COVINA. During that meeting D/Inspector Boorman provided avenues of enquiry that he wished to have completed. I made notes of this conversation in my official AFP diary

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at the time or shortly after on page 166. Attached and marked 'Exhibit 28' is a copy of the relevant diary entry.

136. On Friday 5 March 2021, I had a conversation with D/Inspector Boorman. D/Inspector Boorman informed me CPO Neil Gaughan had supported the decision not to execute a warrant in respect of Ms Higgins' phone and investigators were to continue to negotiate for access to it. As a result of this conversation, and as I had not received a written decision back from SIOB, I generated a critical decision case note entry ('CNE') 152917427, where I added the content from the SIOB briefing and indicated that the CPO had supported the decision to go with Option 1 – continue to negotiate with Ms Higgins. Attached and marked 'Exhibit 29' is a copy of the relevant CNE.
137. I made notes of this conversation in my official diary at the time or shortly after on page 167. Attached and marked 'Exhibit 30' is a copy of the relevant diary entry.
138. The same date at 10:27 am, I sent an email to D/SGT Saunders, D/LSC Madders, SC Frizzell titled 'Op COVINA'. The email contained a list of tasks to be completed as per the meeting with investigators the previous day. Attached and marked 'Exhibit 31' is a copy of the relevant email.
139. The same date, I had a conversation with D/Superintendent Hall O'Meagher regarding location-based service ('LBS') data for Mr Lehrmann. The request was approved. I made notes of this conversation in my official AFP diary at the time or shortly after on page 167.
140. On 5 March 2021, I sent an email titled 'Op Covina – Request for assistance SIDL' at 10.27 am to LSC Sonia [REDACTED]. The email requested that SIDL assist me in arranging statements from a number of staff members that work at Australian Parliament House. Attached and marked 'Exhibit 32' is a copy of the relevant email.

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141. On Wednesday 10 March 2021, I was present for a meeting at APH with DPS staff. During this meeting avenues of enquiry were discussed with DPS staff. At the conclusion of this meeting, I generated a CNE 152920020 pertaining to this meeting. The contents of the CNE were viewed and agreed with by D/SGT Saunders and D/Inspector Boorman prior to upload to case log. Attached and marked 'Exhibit 33' is a copy of the relevant CNE. I made notes of this interaction in my official AFP diary at this time or shortly after on pages 169-170. Attached and marked 'Exhibit 34' is a copy of the relevant diary entry.
142. On Thursday 11 March 2021, I had a conversation with D/Inspector Boorman. During this conversation D/Inspector Boorman and I discussed a request from APH staff wishing to have consultation with SACAT in regard to a sexual assault 'cheat sheet'.
143. I responded to D/Inspector Boorman that I do not think SACAT should provide comment as there is no black and white response to an allegation of sexual assault. I further stated the response should be to ensure appropriate support is provided to the victim-survivor and encourage the victim-survivor to report to police.
144. I further stated I did not think it appropriate to comment due to the potential conflict of interest due to the ongoing investigation into Ms Higgins' allegations. I made notes of this conversation in my official AFP diary at the time or shortly after on page 171. Attached and marked 'Exhibit 35' is a copy of the relevant diary entry.
145. The same date, in the company of D/SGT Saunders, I attended APH. During this period, I took a number of digital images. I made notes of this interaction in my official AFP diary at the time or shortly after on page 171.
146. On Friday 12 March 2021, I was informed Ms Higgins did not attend a scheduled meeting at Woden Police Station. I made notes of this interaction in my official AFP diary at this

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time or shortly after on page 172. Attached and marked 'Exhibit 36' is a copy of the relevant diary entry.

147. On Wednesday 17 March 2021, D/SGT Saunders and I had a meeting with ODPP members Ms Skye Jerome and Mr Andrew Chatterton. I believe this meeting was one of a regular series of meetings. I do recall Ms Jerome asking if the ODPP were going to be seeing a brief in relation to Ms Higgins' allegation.
148. I recall a conversation surrounding the investigation being ongoing and that the ODPP would be briefed at some point. I made notes of this interaction in my AFP official diary at this time or shortly after on page 174. Attached and marked 'Exhibit 37' is a copy of the relevant diary entry.
149. This is the extent of my involvement for period 5 February to 30 March 2021.
150. Prior to 19 February 2021, I had no awareness or information regarding this matter. I am aware that a summary of Ms Higgins' allegation had been recorded on the Police Realtime Online Management System ('PROMIS'). I was aware some [WIT_Confiden] [WIT_Confidential_sensitive] though remained onsite at APH. CCTV footage from the Dock had been seized and exhibited. I do not believe any witness statements had been obtained.
151. To progress the investigation, the initial EICI would be needed, though some crime scene enquiries could be completed to evidence collection.
152. As per their current ranks and designations, the members of SACAT Team 3 were D/SC Vesna [WIT_Per] SC Paul [WIT_P] D/SC Sue [WIT_P] D/SC Nicci [WIT_P] D/SGT Lysa [WIT_Per] D/LSC Trent Madders and D/SGT Nathan [WIT_Pe]. All members remained a part of SACAT team 3 for the duration of my tenure. Supervision involved investigative and operational guidance, administration and vetting of documents, professional and

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personal advice, general team management surrounding mandatory training, leave hours and business rules compliance.

153. On 3 March 2021, I received a phone call from D/SGT Saunders informing me of the team structure. D/SGT Saunders said D/Inspector Boorman had informed him the decision had been made to resource the team as himself as Investigations Manager, two D/SGTs and two investigators.
154. I do not know the formal reasoning behind this investigative structure though believe it related to resources. This was not a usual team structure. The structure made communication more difficult which lead to confusion around the completion of tasks and understanding of what had been obtained. The team worked hard at trying to ensure positive communication between all entities. It would have been a better outcome to have a team offline working on this matter.
155. During my conversation with D/SGT Saunders, I made notes in my AFP official diary at the time or shortly after on page 165.
156. I was absent from duty from 5 to 8 February 2021 due to recreational leave. I was on rostered days off ('RDO') from 13 to 16 February 2021. I was also on RDOs from 22 to 23 February 2021, 26 to 28 February 2021, 6 to 9 March 2021 and 15 to 16 March 2021. I was on recreational leave from 19 to 30 March 2021. During this period, I worked from home on Wednesday and Thursday afternoons from 2:30pm for personal reasons.

Involvement in the investigation on or around 31 March 2021

157. At about 11.00 am on 31 March 2021, I was present for a meeting at Winchester Police Station with ODPP members Skye Jerome, Andrew Chatterton and Shane Drumgold.

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Police members present were D/Inspector Boorman, D/SGT Saunders, D/LSC Trent Madders, SC Emma Frizzell and I.

158. The meeting was initiated following D/SGT Saunders and I engaging with ODPP on 17 March 2021. After this meeting, D/SGT Saunders and I approached D/Inspector Boorman and informed him the ODPP would like a briefing in relation to this matter. As a result, D/Inspector Boorman asked for D/SGT Saunders to arrange a briefing.
159. The purpose of the briefing was to provide the ODPP/DPP an overview of the investigation to date and to disclose certain material that had been identified.
160. During the briefing a number of topics surrounding the incident were discussed including the initial complaint provided by Ms Higgins, the subsequent withdrawal of that complaint and the re-activation of the same complaint in 2021.
161. Ms Higgins' EICI and her reluctance to provide her phone to police due to privacy concerns were also discussed, and the potential impact, if any, this would have should the matter proceed to prosecution.
162. It was also discussed that Mr Lehrmann had not been spoken to by investigators yet, and we had not obtained his phone. That investigators intended on interviewing him when he was available.
163. Dr. **WIT_Pe** offer regarding the provision of expert evidence of intoxication following viewing CCTV footage was discussed and whether that would be helpful.
164. CCTV footage of APH was shown to the ODPP staff present.
165. I do not recall credibility issues related to either Ms Higgins or Mr Lehrmann being discussed specifically. I do recall discussing some objective, independent evidence and

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information/intelligence obtained during the course of the investigation. These items were revealed as per disclosure requirements outlined in the BPG Disclosure and the CDPP disclosure guidelines for investigators.

166. I do not recall specifically speaking about Ms Higgins' engagement with the media, though certainly the challenges arising from the pressure of the media and public figure commentary were discussed.
167. At the conclusion of the meeting, I left believing it was a professional, privileged conversation between two criminal justice agencies. I was surprised that there was a concern raised a year and a half later in relation to its conduct.
168. In my opinion, Mr Drumgold was abrupt and somewhat dismissive in his responses, and he did not provide much clarity around his legal views. However, having not met Mr Drumgold before, I did not know if this was uncommon.
169. I believe at the conclusion of the meeting, conversations between the investigations team were had in relation to the interaction with the ODPP.
170. During this interaction with the ODPP I made notes in my official AFP diary at the time or shortly after on page 175. Attached and marked 'Exhibit 38' is a copy of the relevant diary entry.
171. On 1 April 2021, I returned to work and observed there was no record of the discussion with the ODPP.
172. To accurately capture the privileged information disclosed to the ODPP, I created CNE 15233891 and transcribed the investigations team's recollection of the meeting. In the creation of this CNE I drew upon my memory, the memories of D/LSC Madders, SC Frizzell and D/SGT Saunders and notes which were taken at the time. This CNE was also

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reviewed by D/Inspector Boorman as an accurate representation of what was discussed during the meeting. This case note was generated in line with the BPG Disclosure. Attached and marked 'Exhibit 39' is a copy of the relevant CNE.

Involvement in the matter from 1 April 2021 to 26 May 2021

173. On Thursday 1 April 2021, I had a conversation with a witness in relation to this matter. I made notes of that conversation in my official AFP diary at the time or shortly after on page 176. Attached and marked 'Exhibit 40' is a copy of the relevant diary entry.
174. On Saturday 3 April 2021, I was tasked to obtain information from APH in relation to this matter. I made notes of this conversation in my AFP official diary at the time or shortly after on page 177. Attached and marked 'Exhibit 41' is a copy of the relevant diary entry.
175. On Sunday 4 April 2021, I sent an email titled 'APH Assistance' to Superintendent Rowena [REDACTED] at 10.14 am. The content of the email was a request for contact details of current APH employees, HR records, swipe access records and APH sign in book. Attached and marked 'Exhibit 42' is a copy of the relevant email.
176. On Wednesday 7 April 2021, I received a phone call from Ms Skye Jerome in relation to wanting to have a discussion regarding the matter of *Police v Tiffen*. Ms Jerome asked if I was available shortly and that she would call back in company of Mr Drumgold.
177. A short time later, I received another phone call which was on speaker with both Ms Jerome and Mr Drumgold. Mr Drumgold explained that a judgement in relation to the matter of *Tiffen* had been handed down and that there had been an adverse finding regarding D/LSC Madders.

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178. The Magistrate in this matter made a finding that D/LSC Madders had deliberately covered up the timings relating to the examination of a digital device. Mr Drumgold stated he would send through the judgement for review.
179. Mr Drumgold stated that any decision regarding D/LSC Madders to remain case officer of Ms Higgins' investigation was a matter for the AFP, however the quality of the investigation will be on trial, and these adverse comments of D/LSC Madders will come under scrutiny.
180. I informed Mr Drumgold that I would read the decision and pass onto D/Inspector Boorman for a decision. Following this conversation, I spoke with D/LSC Madders who informed me he had made a mistake during redactions, and he had not done so deliberately. D/LSC Madders was aware of the interest surrounding *Police v Tiffen* due to the fact Mr Tiffen was a serving member of the AFP at the time of the charge. D/LSC Madders stated he wouldn't have done anything deliberately to taint the investigation.
181. I made notes of these conversations in my official AFP diary at the time or shortly after on page 181. Attached and marked 'Exhibit 43' is a copy of the relevant diary entry.
182. Shortly after this conversation, I received an email from Ms Jerome. The email was titled 'Madders v TIFFEN & TIFFEN' sent on 7 April 2021 at 10.35 am. The email contained a hyperlink to the judgment handed down in the ACT Magistrates Court. Attached and marked 'Exhibit 44' is a copy of the relevant email.
183. On 8 April 2021, I handed the judgement to D/Inspector Boorman. D/Inspector Boorman said he would review the judgement and consider his decision.
184. I remain unaware if there is or was a professional standards investigation in relation to D/LSC Madders' conduct throughout the investigation of *Tiffen*.

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185. D/LSC Madders' conduct in the investigation of *Tiffen* had previously been brought to my attention by Ms Jerome during a meeting on 17 February 2021. In that meeting, I was informed that search warrant procedures, notes and redactions were identified issues and the matter was next in court on 29 March 2021. I took the context of this disclosure by Ms Jerome to be an educational one for SACAT members to improve on. During this meeting I took notes in my AFP official diary at the time or shortly after on page 152. Attached and marked '**Exhibit 45**' is a copy of the relevant diary entry.
186. On Monday 12 April 2021, I had conversations with AFP members in relation to surveillance activity conducted on Mr Lehrmann. I took notes in my AFP official diary of these interactions at the time or shortly after on page 182. Attached and marked '**Exhibit 46**' is a copy of the relevant diary entry.
187. On Tuesday 13 April 2021, I had a conversation with D/Inspector Boorman. During this conversation D/Inspector Boorman stated a decision had been made to speak with Mr Lehrmann that week. I informed D/Inspector Boorman that majority of the investigations team were unable to travel in that week due to personal commitments.
188. D/Inspector Boorman asked me to contact SC Frizzell to see if she was able to travel with him to execute search warrants and interview Mr Lehrmann. A short time later, I contacted SC Frizzell and enquired as to her availability to travel. SC Frizzell indicated she was able to travel.
189. During this interaction, I made notes in my AFP official diary at the time or shortly after on page 184. Attached and marked '**Exhibit 47**' is a copy of the relevant diary entry.
190. On Wednesday 14 April 2021, I tasked SC Frizzell to prepare operational documentation in relation to the execution of search warrants. I also requested D/SC James **WIT** to travel for this matter due to his extensive experience in 3LA orders, movement of devices under 3K Crimes Act 1900 and execution of 3E commonwealth warrants.

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191. During these interactions I made notes in my AFP official diary at the time or shortly after on page 184.
192. At some point during this day, I was in D/Inspector Boorman's office when he asked me to read documentation he was preparing for the AFP Commissioner. I am unsure what this documentation was but suspect it related to the travel to interview Mr Lehrmann.
193. During this interaction I made notes in my diary at the time or shortly after on page 185. Attached and marked 'Exhibit 48' is a copy of the relevant diary entry.
194. On Thursday 15 April 2021, I had a conversation with D/SGT Saunders. The conversation related to an email sent by SC Rebecca [REDACTED] WIT_Personal regarding the legal representatives of Ms Higgins contacting AFP. This email was to be responded to by D/Inspector Boorman.
195. During this interaction I made notes in my AFP official diary at the time or shortly after on page 185.
196. On Wednesday 21 April 2021, I was present for a meeting with the investigating team. During this meeting I was informed the Commander of Offshore and Sensitive Investigations ('OSI') Andrew Smith would be conducting a formal internal review of the investigation prior to its submission to the ODPP. Further, in that meeting a number of avenues of enquiry were discussed.
197. During this interaction I made notes in my AFP official diary at the time or shortly after on page 186. Attached and marked 'Exhibit 49' is a copy of the relevant diary entry.
198. On Wednesday 28 April 2021, I was present for a meeting with the investigations team. This meeting was called by D/Inspector Boorman via email titled 'Op Covina catch up

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0900 28/4' sent at 07.33 am. The contents of the email related to having a meeting at 9am that day to discuss progress and priorities. Attached and marked '**Exhibit 50**' is a copy of the relevant email.

199. During the meeting, a number of decisions were made as to the progress of the investigation. Also during this meeting, questions were raised surrounding obtaining Ms Higgins' phone. D/Inspector Boorman made the decision he was not going to ask for the phone, however if Ms Higgins provided the phone, it would be accepted.
200. During this meeting I took notes in my AFP official diary at the time or shortly after on page 190. Attached and marked '**Exhibit 51**' is a copy of the relevant diary entry.
201. On 6 May 2021, I had a conversation with D/Inspector Boorman. During this conversation he informed me he had a conversation with Victims of Crime Commissioner, Ms Heidi Yates. Ms Yates informed him Ms Higgins was struggling mentally. D/Inspector Boorman informed Ms Yates he would need to speak with Ms Higgins again regarding some clarification. I discussed with D/Inspector Boorman the victim centric approach to sexual assault investigations and the welfare of Ms Higgins, which continued to be the highest priority in this investigation.
202. During this conversation I took notes in my AFP official diary on page 194. Attached and marked '**Exhibit 52**' is a copy of the relevant diary entry.
203. The same date, I had a conversation with Forensic Medical Officer, Ms **WIT_P**. During this conversation I took notes in my AFP official diary on page 194.
204. On 18 May 2021, I received an email from D/SGT Saunders. The email was titled 'Fwd: Op COVINA' sent at 16.29 pm. The email contained a list of priorities for the week for the investigating team to complete. Attached and marked '**Exhibit 53**' is a copy of the relevant email.

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205. On Thursday 20 May 2021, D/SC Ben **WIT_P** and I attended a meeting with the ODPP. The ODPP member present was Ms Skye Jerome. Another member of the ODPP was present, but I do not recall who. This meeting was a regular meeting with the SACAT team leaders to discuss SACAT issues. During this meeting I took notes in my AFP official diary at the time or shortly after on page 196. Attached and marked 'Exhibit 54' is a copy of the relevant diary entry.
206. On Tuesday 25 May 2021, I had a conversation with D/Inspector Boorman regarding the upcoming second EICI with Ms Higgins. D/Inspector Boorman informed me he had made the decision that Ms Higgins was not to be shown the CCTV footage as it could contaminate her evidence. He acknowledged that interviewing Ms Higgins may be confrontational, and he gave his approval for D/LSC Madders and SC Frizzell to conduct the interview. He noted the sensitivities around the matter and the manner in which questions were to be asked, and to ensure it was done so respectfully. D/Inspector Boorman informed me that Ms Higgins would have support services available to her in the form of the Victims of Crime Commissioner.
207. I made notes of this conversation in my AFP official diary at the time or shortly after on page 197. Attached and marked 'Exhibit 55' is a copy of the relevant diary entry.
208. On 26 May 2021, I had a conversation with D/Inspector Boorman. I believe other members of the investigating team were also present. During this conversation, D/Inspector Boorman stated he had made the decision to show Ms Higgins the CCTV obtained from APH. D/Inspector Boorman acknowledged this was a change in the decision from the day before.
209. I made notes of this conversation in my AFP official diary at the time or shortly after on page 198. Attached and marked 'Exhibit 56' is a copy of the relevant diary entry.

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210. I was absent from duty for the following periods:
- a. 5 to 6 April 2021 – RDO
 - b. 9 to 11 April 2021 – RDO
 - c. 17 to 20 April 2021 – RDO
 - d. 25 to 27 April 2021 – recreational leave and RDO
 - e. 30 April to 2 May 2021 – RDO
 - f. 7 to 18 May – leave
 - g. 21 to 23 May - RDO
211. The primary police objective of conducting an EICI is to obtain relevant, admissible evidence supporting the allegation, without subjecting the victim-survivor to any secondary trauma through police involvement.
212. Conducting a second EICI is not something that is reflected in the SOP Interviewing vulnerable witnesses guideline, neither does the *Evidence (Miscellaneous Provisions) Act 1991* provide any rules around conducting multiple EICIs that I am aware of.
213. If there was a need to seek clarification around certain points of evidence and the victim-survivor is willing to participate in a second EICI, I believe it would be the most transparent and objective way to seek that clarification.
214. On 18 May 2021, I was forwarded an email by D/SGT Gareth Saunders. The title of the email was 'Fwd: Op COVINA' received at 16:29 pm. This email was a forwarded email from D/Inspector Boorman detailing a list of priorities for Operation COVINA for the week. In this email D/Inspector Boorman revealed he wanted a list of issues/questions for a further EICI with Ms Higgins in the coming week. I believe this was the first I was aware that a second EICI was going to take place as I was on leave from 7 May to 17 May 2021.

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215. On 21 May 2021, I was sent an email by D/Inspector Boorman. The title of this email was 'FW: HIGGINS: Confirmation of date/time for further EICI' received at 18:49. The contents of this email were a conversation between Ms Heidi Yates and D/Inspector Boorman relating to scheduling a further EICI on 26 May 2021. Ms Yates identified that she will be attending this EICI as Ms Higgins' support person. Attached and marked 'Exhibit 57' is a copy of the relevant email.
216. On 25 May 2021, I had a conversation with D/Inspector Boorman. I believe other members of the investigating team were present. I believe this conversation was about the list of issues/questions he wished to have asked during the EICI.
217. Shortly after this conversation I departed the station to attend Court for an unrelated matter. I had no involvement in the EICI or subsequent discussion.
218. Upon my return following my Court appearance, I was aware that Ms Higgins had completed an EICI and provided her mobile phone for forensic examination.
219. On 27 May 2021, I was present for a meeting where it was discussed that the phone obtained from Ms Higgins was to be reviewed. I am unsure whether this relates to the phone physically, or the contents of the forensic examination.
220. During this conversation I made notes in my AFP official diary at the time or shortly after on page 199. Attached and marked 'Exhibit 58' is a copy of the relevant diary entry.
221. I had no involvement with the ODPP/DPP on 1 June 2021.

Involvement in the investigation for 1 June 2021 to 5 July 2021

222. On 2 June 2021, I was present for a meeting with D/Inspector Boorman, D/SGT Saunders, D/LSC Trent Madders and SC Frizzell. During the meeting I was informed

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that D/Inspector Boorman and D/Superintendent Moller had a conversation with the DPP on 1 June 2021. The DPP stated that the issues raised by police were not of concern and he will await a full brief of evidence.

223. During this meeting administrative tasks relating to the briefing of the SIOB, uploading of decisions to the case log and how to manage disclosure obligations were discussed.
224. During this interaction I made notes in my AFP official diary at the time or shortly after on page 200. Attached and marked 'Exhibit 59' is a copy of the relevant diary entry.
225. On 19 June 2021, I had a conversation with D/Inspector Boorman. D/Inspector Boorman informed me that the Deputy Chief Police Officer ('DCPO'), Commander Michael Chew, had requested Operation Covina be referred for formal internal review to Offshore and Sensitive Investigations Commander Andrew Smith and then to the DPP for decision. It was also discussed that the CPO had said that this matter was going to the SIOB, and that clarification will be sought about that.
226. During this interaction I made notes in my AFP official diary at the time or shortly after on page 204. Attached and marked 'Exhibit 60' is a copy of the relevant diary entry.
227. A short time after this conversation, DCPO Commander Michael Chew attended the SACAT office. Whilst at the office he had a conversation with a number of members of SACAT. At some point he approached D/SGT Saunders, D/SC Ben WIT_P and myself and told us that Operation Covina was going to the DPP and that he had a conversation with him the day prior.
228. During this interaction I made notes in my diary at the time or shortly after on page 205. Attached and marked 'Exhibit 61' is a copy of the relevant diary entry.

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229. On 23 June 2021, I had a meeting with D/Inspector Boorman. During this meeting a number of administrative tasks in relation to travel for contacting witnesses were discussed.
230. During this interaction I made notes in my AFP official diary at the time or shortly after on page 206. Attached and marked ‘**Exhibit 62**’ is a copy of the relevant diary entry.
231. On Thursday 24 June 2021, I had a meeting with D/Inspector Boorman. During this meeting contact with witnesses was discussed due to the then current COVID-19 climate. A decision was made that statements could be taken over the phone.
232. During this interaction I made notes in my AFP official diary at the time or shortly after on page 207. Attached and marked ‘**Exhibit 63**’ is a copy of the relevant diary entry.
233. On 30 June 2021, I was present for a meeting with D/Inspector Boorman and the investigations team. During this meeting I was informed the brief had been reviewed by the DPP and he was supportive of a charge being laid. The DPP had outlined a number of investigative avenues of enquiry he wished to have completed.
234. The rest of the meeting was spent discussing administrative matters, ways to obtain statements and prepare a full brief of evidence.
235. During this interaction I made notes in my AFP official diary at the time or shortly after on page 209. Attached and marked ‘**Exhibit 64**’ is a copy of the relevant diary entry.
236. On 1 June 2021 I was on a RDO. From 4 to 8 June 2021, I was on recreational leave/RDO. From 11 to 13 June 2021, I was on RDO. From 19 to 22 June 2021, I was on RDO. From 30 June to 16 October 2021, I was on recreational leave.

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237. My last day as an active member of ACTP was on 30 of June 2021. There was no handover in relation to my duties for Operation Covina given that the leadership of D/Inspector Boorman and D/Superintendent Moller would remain in place.
238. My role was taken over by acting team leader of SACAT Team D/SGT Lysa [REDACTED] This was supported by CI Management. D/SGT [REDACTED] had been doing significant periods of acting during my tenure and was aware of the personnel, ongoing investigations and needs of the team.

Advice provided by the DPP

239. I have not sought advice from the DPP in relation to a sexual assault investigation prior to *R v Lehrmann*. I am aware of members seeking informal advice from their allocated prosecutor within the ODPP.
240. The preliminary brief of evidence provided to the DPP was largely compiled by D/LSC Madders and SC Emma Frizzell. The enquiries that were being completed were uploaded in a format similar to a live electronic brief of evidence that would allow for a quick production of the brief for submission. I believe that all information/evidence held by SACAT at the time would have been provided in the preliminary brief.
241. I read the advice provided by the DPP on 30 June 2021, my last day within ACT Police. I cannot recall the particulars as I only had a brief read but I believe the contents were to the effect the DPP supported a charge pending the completion of a number of enquiries.
242. Although the preliminary brief was not completed, nor all investigative enquiries finalised, I believe there was sufficient information contained within the brief for the DPP to make a decision whether to support a charge or not. In his decision to support the charge, the DPP identified the outstanding enquiries that may have swayed his decision. Failing anything significant arising from those enquiries, I believe his decision would have remained the same.

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243. Through my one interaction with the DPP, I would describe him as dismissive and short towards the challenges within the investigation. I recall this causing confusion within the team. The lack of explanation surrounding his legal views caused friction between himself and D/Inspector Boorman and D/Superintendent Moller.
244. The need for review of any investigation is highlighted within the AFP Investigations Doctrine and National Guideline on Sensitive Investigations as integral to ensure effectiveness and the investigation is conducted lawfully, efficiently and objectively. D/Superintendent Moller and D/Inspector Boorman had expressed they felt they were not being heard by the DPP in relation to their concerns.
245. There was also social media criticism of the investigations team and the objectivity of the AFP. D/SGT Saunders and I actively encouraged and supported seeking approval to obtain a formal external review in the form of independent legal advice demonstrating transparency to the conduct of the investigation. I also supported the independent internal review conducted by the Commander of the Offshore and Sensitive Investigations to ensure the investigation was thorough, objective and professional.
246. On 27 May 2021, I was advised that independent legal advice would not be sought and a brief would be forwarded to the DPP for advice.
247. I made notes regarding this interaction in my AFP official diary at the time or shortly after on page 199. Attached and marked 'Exhibit 65' is a copy of the relevant diary entry.
248. I only had the one interaction with the DPP, which occurred on 31 March 2021. During this interaction I would describe his manner as abrupt and dismissive when engaging with D/Inspector Boorman about challenges raised and his legal viewpoint around them. However, I had never met the DPP before and was unsure whether this was his normal

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nature. Following this meeting, discussion was had within the investigative team regarding his responses.

249. I was aware that D/Inspector Boorman and D/Superintendent Moller were having meetings with the DPP/ODPP and that the relationship between them had become strained as they had differing opinions on the weight of evidence collected. Following my departure from the team, I have become aware of the significance of the breakdown of the relationship through media reporting.
250. In relation to the ODPP members, I had no concerns. I continued to have standard interactions, noting that workplace meetings relating to SACAT matters continued on at least one occasion throughout this investigation.
251. I was aware that D/Inspector Boorman and D/Superintendent Moller were frustrated with the DPP due to feeling like they were not being heard by him and the dismissive answers to any questions they had.

Decision to Charge

252. Following the formal internal review by Commander Offshore and Sensitive Investigations, being informed of the preliminary advice of the DPP on 30 June 2021 and the subsequent completion of those further investigations required by the DPP, I believe there was sufficient evidence to charge.
253. I had not formed that view as I departed the team on 30 June 2021. However, that view would have been formed at the completion of the outstanding avenues of enquiry should nothing significant arise.
254. I cannot recall when I was informed that Mr Lehrmann was to be charged. The advice from the DPP came to the team on 30 June 2021, my last day in ACT Policing. At this

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stage the outstanding enquiries were yet to be completed. I believe Mr Lehrmann was not charged until approximately six weeks later. I was no longer a part of ACT Policing.

255. The media and public commentary at the time was certainly placing pressure on the investigative team to resolve the matter. Due to this pressure the importance of remaining objective and thorough was always at the front of mind. However, I am not aware of any specific pressure to charge Mr Lehrmann.
256. I had no involvement with the consultation of Ms Higgins or Ms Yates regarding the decision to charge as I was not in ACT Policing at the relevant time.
257. At the time of charging Mr Lehrmann, I was no longer in ACT Policing. I therefore did not have any view or attitudes towards prosecution at this time and cannot comment on the views or attitudes of ACT policing officers.

Other involvement in the Investigation and/or Trial in the Matter of R v Lehrmann

258. On Friday 20 May 2022, I attended a meeting with ODPP members Ms Skye Jerome and Mr Mitchell Grieg. The purpose of the meeting was for a proofing prior to the trial of *R v Lehrmann*. As the meeting commenced, Ms Jerome and I exchanged pleasantries. Ms Jerome asked about my new job and how things were going in Queensland. I asked about how things were going for her. Ms Jerome gave me no indication that there were any issues between her and I.
259. I was informed that I was unlikely to be called as a witness in the trial, however would be notified next week. We spoke about the possibility of appearing via AVL due to my current location if required. I reaffirmed with Ms Jerome that I was willing to be contacted at any time to assist or clarify anything. Ms Jerome informed me there was nothing she needed from me at the time.

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260. During the conversation I asked Ms Jerome ‘*Is there an expected attack on Police?*’ to which she replied, ‘*Not on you*’. What I meant by this question was did she believe it to be a defence strategy to attack the brief of evidence.
261. I made notes of this conversation in my AFP official diary at the time or shortly after on page 224. Attached and marked ‘**Exhibit 66**’ is a copy of the relevant diary entry.
262. This was my last involvement in *R v Lehrmann*.
263. On 20 May 2022, D/SC Ben **WIT_P** and I attended a meeting with the ODPP. The ODPP member present was Ms Skye Jerome. There was another ODPP member present, but I do not recall who. This meeting was a regular meeting with SACAT team leaders to discuss SACAT issues.
264. During the meeting we spoke about general topics relating to ongoing SACAT matters. At some point I was requested to provide a short update in relation to Operation Covina. I informed Ms Jerome that there were still some avenues of enquiry ongoing, that D/Inspector Boorman was case officer, that there may be a need to conduct a second record of interview with the offender and that emails were still being examined.
265. On the way back to Winchester Police Station, I received a phone call from Ms Jerome. During the call she stated that the DPP wished to speak with D/Inspector Boorman prior to re-engagement with Mr Lehrmann. I advised that I would pass this message onto D/Inspector Boorman.
266. As the call was concluding, I recalled that we had not covered a topic in the meeting relating to a separate investigation whereby a victim-survivor did not wish to provide police with her phone due to the amount of time it took to download. The victim-survivor was willing to provide screenshots and potentially a recording of her phone. I asked Ms

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Jerome about this. Ms Jerome stated that ODPP prefer the full download of the phone for full disclosure.

267. This advice was in line with what I believed to be best practice within an investigation and the subsequent prosecution. A forensic download of the device provides the objective evidence available from the device and is the most suitable for production.
268. I made notes of this conversation in my AFP official diary at the time or shortly after on page 196. Attached and marked 'Exhibit 67' is a copy of the relevant diary entry.
269. I had no involvement or awareness of the service of the summons on the legal representatives of Mr Lehrmann. I was no longer a member of ACT Policing at this time..
270. I did not attend the trial of *R v Lehrmann*.

Bail

271. I had no involvement with ODPP or defence in relation to bail for Mr Lehrmann. It is not unusual for legal representatives to speak with members of the ACT Police in relation to bail. In my experience, this engagement would typically occur when bail conditions are sought for the first time and are generally for the purpose of seeking clarification on the conditions sought by police.
272. The media involvement in this matter was immense and unlike anything I have been a part of prior to this matter. The media involvement resulted in this matter being spoken about by high office holders, legal minds and academia.
273. I believe the media involvement did affect the conduct of the investigation into Ms Higgins' complaint. I believe the knowledge that the brief of evidence was going to be subjected to significant scrutiny meant that the investigations team actively encouraged

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multiple levels of review and oversight, exploring every investigative avenue ensuring the completion of a thorough and objective brief able to withstand that scrutiny.

274. I had no involvement in the implementation of a media plan.

275. I have had no communications with any media in relation to *R v Lehrmann*.

Board of Inquiry

276. I have not spoken with anyone in relation to the provision of my evidence.

277. There are no further matters I wish to raise.

AFFIRMED before me at Brisbane, Queensland on 24 April 2023.

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Signature of Person Making Statement
JASON McDEVITT

Signature of witness

Personal information

NAME OF WITNESS

Personal information

Personal information



Jason McDevitt

Witness