

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 MARCUS COLIN BOORMAN

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

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

Background and Professional History

1. I am a Detective Inspector of Police with the Australian Federal Police (AFP) currently attached to the Australian Capital Territory Policing (ACTP). I hold the position of Crime Manager Major Crime within Criminal Investigations.

2. The role of an Inspector of Policing is that of a leader and key influencer, who is able to demonstrate significant tactical, operational and strategic leadership skills and experience. They must have the ability to contribute to and influence the AFP's strategic direction, and the ability to initiate, drive and manage change, which is critical in this leadership role. The role is responsible for leading and managing the resources, outcomes and performance of their portfolio; building capability in line with corporate objectives and strategies, actively seeking ways to improve the work of the teams and to drive strategic priorities and organisational change. They are required to make effective

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and efficient use of all available financial and human resources to achieve outcomes. An Inspector is required to build strong and diverse internal and external relationships, create a cooperative and collaborative team environment and create a culture based on acceptance and respect to encourage diversity and inclusion. They are responsible for building and encouraging the capabilities of team members and team leaders and create clear expectations of an ethical and professional environment. They are expected to mentor and guide members within their portfolio, encouraging and supporting them to develop and grow. Inspectors are also expected to represent the AFP at a range of committees and forums, often at a National level. My inquires reveal there is no position description available. I referenced a document, 'Candidate Pack- Inspector (Band 8) Policing', to provide the above information.

3. I have an Advanced Diploma of Criminal Investigation (Detective) completed at the Victoria Police Detective Training School – obtained on 19 May 2000 and obtained an AFP Detective designation on 12 October 2015.
4. I have completed the following training courses during my service with the AFP:
 - a. Federal Police Lateral Program, completed 31 August 2009;
 - b. Incident Command and Control Systems, completed 21 January 2012;
 - c. Sexual Assault and Child Abuse course, completed March 2015;
 - d. Investigative Interviewing Program, completed 7 July 2019;
 - e. Coaching Skills for Leaders, completed 19 August 2019; and
 - f. Senior Investigating Officer Skills Enhancement course completed 6 May 2022.
5. Prior to joining the AFP, I was a member of Victoria Police. I graduated from the Victoria Police Academy August 1990 and commenced uniform policing duties in the western suburbs of Melbourne for approximately seven years. I moved to criminal investigations in 1998 after completing the required criminal investigations examinations and field investigation training. Initially I began investigating general crime for

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approximately two years before specialising in arson and homicide investigations until joining the AFP in 2006.

6. I initially commenced duties with the AFP in October 2004 on secondment from Victoria Police as a member of the International Deployment Group. I was deployed to the Solomon Islands as a member of the Regional Assistance Mission where I conducted a number of high-profile investigations including the murder of an AFP member and the death of a member of the Australian Defence Force.
7. In March 2006, I resigned from Victoria Police upon gaining full time employment with the AFP on a contract with the Timor-Leste Police Development Program as Investigations Advisor to the Timor-Leste Prosecutor General. In 2006, Timor-Leste experienced difficulties in stability during which a number of persons lost their lives resulting in further intervention by the international community. I remained in Timor-Leste for a period of time before being repatriated back to Australia in August 2006. I was then redeployed to the Solomon Islands to coordinate and manage the criminal trial of the 2004 murder of an AFP officer.
8. In July 2007 I returned to Timor-Leste Police Development Program in Timor-Leste and commenced duties as Investigations Advisor to the Timor-Leste Prosecutor General. As a result of the 11 February 2008 attempted assassination of the President and Prime Minister of Timor-Leste, I was appointed to the Officer of the Prosecutor General and commenced duties as Co-ordinator International Investigation Task Force in response to the attempted assassination.
9. I remained in Timor-Leste for approximately three years in total. During this period in July 2007, I completed the Federal Police Lateral Program, a five week transition program for sworn police officers which was conducted at the AFP College, Barton ACT. I returned to Australia in March 2010 and commenced investigational duties at the AFP Melbourne Office.

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10. Between June 2011 and August 2012, I was deployed to the Solomon Island as an Investigations Advisor to the National Criminal Investigations Department of the Royal Solomon Island Police Force and the Office of the Commissioner. I assisted in the development and training of police officers before commencing duties in ACT Policing on return to Australia as a Sergeant of Police.
11. In October 2012 I commenced duties in ACT Policing:
- a. October 2012 – August 2014: Sergeant Belconnen, general duties patrol – uniform duties
 - b. August 2014 – July 2015: Detective Sergeant Criminal Investigations Targeting Team
 - c. July 2015 – September 2015: Detective Sergeant Criminal Investigations Fraud Team
 - d. September 2015 – November 2015: Detective A/Station Sergeant Crime Manager Targeting
 - e. November 2015 – January 2016: Detective Sergeant Criminal Investigations Fraud Team
 - f. January 2016 – February 2016: Detective A/Station Sergeant Crime Manager Targeting
 - g. February 2016 – November 2016: Detective A/Superintendent Criminal Investigations
 - h. November 2016 – January 2017: Detective Sergeant Criminal Investigations Targeting Team
 - i. January 2017 – May 2020: Detective A/Station Sergeant Road Policing and Emergency Management
 - j. May 2020 – January 2021: Detective Inspector Road Policing and Emergency Management
 - k. January 2021 – current: Detective Inspector - Manager Major Crime - Criminal Investigations

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12. In January 2021 I was appointed as the Crime Manager Response - ACT Policing Criminal Investigations. As Crime Manager I was responsible for the supervision and management of a number of response teams within Criminal Investigations including Homicide, Sexual Assault and Child Abuse, Response Crime (5 teams) and the Joint Anti-child Exploitation team. In addition, my duties included mentoring and development of personnel, improving capability, provision of investigational management advice, targeting strategies and solutions to address regional and organisational priorities.
13. During my career within ACT Policing, I have been involved in multiple sexual assault investigations as a first responder and in the investigations space. As a Crime Manager my primary function is the management and oversight of investigations including sexual assault and the level of my direct involvement is based on numerous factors including complexity and sensitivity.

Training and Education

14. I have undertaken sexual assault investigation training with Victoria Police and since joining the AFP. The Victoria Police Detective Training program included a sexual assault investigation component, I completed the AFP Sexual Offences and Child Abuse workshop, a one week course, in March 2015. This was delivered by the AFP Learning and Development Command and included legislation, case law, victim management, investigations management, crime scene management and investigator wellbeing.
15. The correlation between the training and education I have undertaken in sexual assault and how the investigations are conducted in practice is similar however best practice continues to evolve and it is difficult to quantify. The variation of investigators experience varies and as such greater oversight is required by the respective Detective Sergeants and senior members. The training I undertook with the AFP was more informative rather than skill enhancing in my opinion due to my investigational experience.

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16. The sexual assault training I have undertaken has provided a level of knowledge and investigational guidance in the investigation of sexual assault, with an emphasis on victim welfare. In my opinion, victim welfare or victim centric approach can be challenging for investigators when undertaking an investigation of this nature. The expectations of victims at times are difficult to meet and manage. In my experience, at times investigators are reluctant to challenge versions of events or confront victims for fear of being negatively perceived by various support groups, or criticised and complained against by victims for not being understanding enough or just simply not caring, which is in my opinion is totally not justified.
17. In my opinion, ACT Policing Sexual Assault and Child Abuse (SACAT) teams undertake a difficult role in a forever challenging environment. The teams are led by experienced Detective Sergeants, however the teams consist of predominantly junior investigators who are continually being developed by a small number of more experienced investigators. Not all members within SACAT have undergone specialist sexual assault investigation training or obtained Detective designations. The members, in my opinion, are dedicated and continue to demonstrate commitment to sexual assault investigations despite resourcing difficulties and minimal training opportunities.
18. Prior to 1 February 2021 and currently, the requirement to undertake duties within SACAT was through a formal Registration of Interest (ROI) or Expression of Interest (EOI) process. All applications are required to have met all components of their probation and advanced to Band 3.1 (2 years policing experience).

Organisational Structure

19. The organisational structure and associated chain of command for SACAT within criminal investigations in 2021 consisted of three SACAT investigations teams. Each team was led by a Detective Sergeant. Each of the Sergeants had up to eight investigators on their respective teams. The Detective Sergeants reported to me as, Crime Manager Major Crime. I reported to Superintendent Criminal Investigations, Detective

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Superintendent Scott Moller who reported to the Deputy Chief Police Officer Response, Commander Michael Chew.

20. SACAT Team 1 consisted of the following officers:

- a. Detective Sergeant Gareth Saunders (Team Leader);
- b. First Constable Robyn [Personal information];
- c. First Constable Sam [Personal information];
- d. Constable Keira [Personal information];
- e. Senior Constable Jaya [Personal information];
- f. Senior Constable Shaun [Personal information];
- g. Senior Constable Emma Frizell;
- h. Senior Constable Joel [Personal information]; and
- i. Senior Constable Justin [Personal information].

21. SACAT Team 2 consisted of the following officers:

- a. A/Sergeant Benjamin [Personal information] (Team Leader);
- b. First Constable Eloise [Personal information];
- c. Senior Constable Leigh [Personal information];
- d. Leading Senior Constable Lucy [Personal information];
- e. Leading Senior Constable Phil [Personal information];
- f. Detective Senior Constable Sarah Harman; and
- g. Detective Leading Senior Constable Giuliana [Personal information].

22. SACAT Team 3 consisted of the following officers:

- a. Detective Sergeant Jason McDevitt (Team Leader);
- b. Senior Constable Nathan [Personal information];
- c. Senior Constable Lysa [Personal information];

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- d. Senior Constable Paul [Personal info];
- e. Senior Constable Sue [Personal info];
- f. Senior Constable Vesna [Personal info];
- g. Detective Senior Constable Nicol [Personal info]; and
- h. Detective Senior Constable Trent Madders.

23. The organisational structure and associated chain of command for Sexual Offence and Child Abuse within criminal investigations in 2023 consists of three SACAT teams led by a Detective Sergeant with nine investigators in each team, one Child Sex Offender Register Team led by a Detective Sergeant with four investigators, and the Joint Anti-Child Exploitation Team lead by a Detective Sergeant with four investigators. All the teams report to the Crime Manager Detective Inspector Sexual Offences and Child Abuse who reports to the Superintendent Criminal Investigations. Superintendent Criminal Investigations reports to Commander Investigations. The structure change occurred on 1 November 2021 as a result of a structural review focusing upon span of control, risk management and the enhancement of operational oversight.

Duties and Responsibilities

24. As a Detective, regardless of the crime type I am tasked to investigate, my primary objective is to search for truth in accordance with the specifications of the law. This includes pursuing all relevant inculpatory and exculpatory evidence. When undertaking a sexual assault investigation, the distinct difference from other investigations is that there is a 'victim centric' approach. A 'victim centric' approach means the wishes and welfare of the victim are to be paramount before other investigational objectives such as to lawfully gather evidence, identify and charge offenders and achieve a successful prosecution. In addition, it incumbent on me to ensure I keep victim's rights at the forefront of my mind with respect to their privacy, safety, access to support services and ensure they are kept informed and updated throughout the investigation subject to Part 3A of the *Victims of Crime Act 1994* (ACT).

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25. As a Crime Manager, when I am directly involved in an actual investigation of a sexual assault, my role is to lead and make decisions throughout the investigation and coordinate the overall investigation. I am also responsible for the management of the investigation, preparation or reviewing of briefing documentation and correspondence as required by senior executives. In sensitive matters I may be called upon to conduct interviews with high office holders or other significant members within the community. The Detective Sergeant leading the investigation team reports directly to me and I report directly to the Superintendent Criminal Investigations.

Triage Process for Sexual Assault Complaints

26. Sexual assault complaints to ACT Policing are received through a number of channels both internally and externally. Internally, through a uniform police officer, via the Criminal Investigation Reception officer (CIRO) or the on duty SACAT Sergeant and on some occasions directly through Police Operations or the Historical Online Reporting Portal (sexual assault more six months ago). Externally, through external stakeholders including Canberra Rape Crisis Centre (CRCC), Forensic and Medical Sexual Assault Care (FAMSAC) and Children and Youth Protection Services (CYPS).
27. The triage of both historical and recent sexual assault reports takes into account considerations including but not limited to:
- a. Welfare of the victim;
 - b. Whether the victim requires immediate medical attention;
 - c. Safety and protection of the victim;
 - d. Wishes of the victim;
 - e. Preservation of evidence / Crime Scene management;
 - f. Urgency to respond;
 - g. Whether any delay would impact on the collection of evidence;
 - h. Available resources; and
 - i. Involvement of other agencies.

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28. Whether it is a historical sexual assault or not, contact is made by the assigned investigator as soon as possible and a time is made to discuss the investigation process, court process and support services (meet and greet). Often CRCC are also engaged at this early stage of the process. Where possible, an Evidence in Chief Interview (EICI) is conducted at the early stage of the investigation whether it is historical or not.
29. The difference between how a recent or historical sexual investigation progresses is, more often than not, a direct result of further avenues of enquiry being delayed in historical sexual assaults due to resourcing priorities and immediate action not being required. In addition, these investigations can take longer due the challenges in obtaining historical evidence.
30. Upon receipt of a sexual assault complaint by Criminal Investigations, a decision is usually made by the Criminal Investigation Reception Officer (CIRO) regarding which team is the most appropriate to respond, taking into account available resources and the nature of the offending. Usually, the initial response is a meet and greet by the investigator as discussed previously. At this time support services and wraparound referral processes are discussed. Services offered include CRCC, Child Abuse Health Unit (CARHU), Victims Support ACT and ACT Policing Victim Liaison Officer.

Investigating Sexual Assault Complaints

31. As a Crime Manager I have minimal involvement in the investigation of the typical sexual assault. The investigation is managed by the Detective Sergeant in charge of the team who would provide me with a general update as the investigation is progressed and only consult me when difficulties arise that require my attention, involvement or decision.
32. With respect to consultation with the Office of the Director of Public Prosecution (ODPP) on sexual assault matters, engagement may occur prior to charges being laid when advice is required. This usually occurs after the matter has been reviewed by the Criminal

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Investigations Management Committee (CIMC) who may recommend referral to the ODPP. ODPP are provided with evidence collected to date and in some cases a draft Statement of Facts for assessment and advice. Advice sought can include sufficiency of evidence and/or appropriate charges to be laid.

33. The compilation of a brief of evidence is usually completed by the investigating officer and submitted to their team Sergeant for endorsement. The brief is then submitted to the Criminal Investigations Adjudication and Practices (AP). This process involves an independent review of the brief of evidence to establish if there is sufficient admissible evidence of the commission of the offence(s) and whether or not further investigation / action is needed.
34. Police communication with victims of crime is crucial to ensure victims' rights are protected and promoted when engaging with criminal justice agencies. In January 2021, the Charter of Victims' Rights commenced in the ACT where police have a number of obligations including providing regular updates on investigation status, relevant decisions and outcomes or at least contact every six weeks. The communication should be undertaken via the victim's preferred method of communication which can include email, telephone, text message or face to face. Communication may be less frequent only after obtaining the consent of the victim in situations involving investigations of protracted matters. Victims can also contact the investigating officer via email, telephone or text when required. This information is consistent with the ACT Policing Better Practice Guide on Victims' Rights.
35. The ACT policing approach to sexual assault investigations is undertaken by adopting trauma-informed and victim-centric principles. The desired outcome of the victim and their rights are kept at the forefront of an investigators mind. Investigators must engage in a respectful manner and the safety and welfare of the victim takes priority. All efforts are to be taken to ensure the wishes of the victim are ascertained regarding support. This

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information is consistent with ACT Policing Better Practice Guide on Sexual Offence and Child Abuse Investigations and First Response.

36. As an investigator, the threshold to charge is reliant on me forming a reasonable honest belief in the offence being committed based on all the evidence, both inculpatory and exculpatory, discovered during the investigation. In matters involving sexual assault, I apply the same threshold. If I form a reasonable honest belief, I will charge. In any criminal matter I believe corroborative evidence is beneficial, however the absence of corroborative evidence on its own is not, in my opinion, a reason to not charge. The difficulty, in my opinion, when investigating sexual assault matters is that it is one person's word against another with little or no corroboration. In the absence of any exculpatory evidence, and in a situation when I was unsure, I would seek legal advice. This may assist me reaching a threshold of a reasonable honest belief.
37. Considerations which may affect me reaching the reasonable honest belief include the following:
- a. Uncertainty in disclosure by the victim;
 - b. Discovery of untruths or acts to conceal certain facts;
 - c. Lack of physical or forensic evidence;
 - d. Evidence indicating it was not possible, for example, the offender was not at the location at the time; and
 - e. Contradictory evidence and inconsistency of evidence, for example a complainant stating they disclosed certain facts to another person and that person denies any disclosure, or phones messages between a complainant and alleged suspect which do not support the allegation.
38. In my opinion, I believe there are some underlying cultural views within ACT Policing SACAT caused by continual criticism of police investigations of sexual assault, particularly when the desired outcome of a victim is not achieved. SACAT conduct

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investigations utilising the victim centric approach where the wishes of the victim are a priority and paramount. When they cannot be achieved, for example not proceeding to prosecute, this can result in unfavourable and unjust criticism of police. With other crime types this is not as prevalent.

39. The absence of appropriate training, resource restrictions and excessive caseloads in my opinion create a negative perception amongst some members with respect to the effort and value of the work they undertake regardless of the result.
40. In the ACT, sexual assault victims are informed from the outset they may withdraw their statement at any time prior to charge and if they do so, the matter will no longer be investigated. Prior to charge, if a victim indicates they do not wish to proceed further, the investigating officer records the reason and consults their respective Sergeant to finalise the matter. In some situations, consultation with the Crime Manager will occur. If the matter is already before the court, the views of the victim are forwarded to the ODPP for consideration. In September 2022, the Criminal Investigations Management Committee (CIMC) process was implemented to provide additional oversight in the finalisation of sexual assault matters as a result of discussions held during the Sexual Assault Reform working groups.
41. In my opinion, the reactivation of sexual assault investigations on reinstatement by a complainant are progressed the same and the victim is treated no differently.

Challenges, Issues and/or Pressures

42. During my experience in ACT Policing Criminal Investigations as Crime Manager there have and continue to be a number of internal challenges and pressures that hinder the conduct of sexual assault investigations.
43. These include but are not limited to the following:

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- a. Resourcing issues;
 - b. Sufficiency and availability of training;
 - c. Volume and management of workload;
 - d. Member welfare and stress; and
 - e. Overall investigational experience within SACAT.
44. In my opinion, external pressures and challenges at times may impact the manner in which a sexual assault investigation or other investigations are conducted. In an investigation where there is continual external interest, public commentary and opinion including by high profile individuals, it generates continual pressure and impacts on the normal course of an investigation and therefore may influence decision making.

Report of the Sexual Assault Prevent and Response Steering Committee

45. I am aware of, but have not read comprehensively, the Sexual Assault Prevention and Response Steering Committee report, “Listen. Take Action to Prevent, Believe and Heal.”, published in December 2021 as the management of sexual assault investigations is my primary focus as Crime Manager - Major Crime.
46. I am aware ACT policing in response to the Steering Committee Report have implemented a number of changes with respect to the recommendations. I have not had direct involvement with this process and am unable to comment. As I am part of the ACT Policing CIMC I am aware changes are being made with respect to sexual assault and child abuse training.

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

47. Prior to the investigation of the allegation of Ms Brittney Higgins concerning Mr Bruce Lehrmann (**The Investigation**), to the best of my knowledge the relationship between ACT Policing and the ODPP was positive, although at times strained due to the

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prosecution process within the ACT. Overall, I held no prior concerns about the relationship.

48. I am aware in 2021 the ODPP and SACAT office held meetings however I am not aware of the frequency or context of these meetings, and I am unable to comment further on this.
49. Prior to the commencement of the investigation, my professional relationship with the DPP felt positive, I did not hold any concerns about the relationship. Over the years, I have had a number of meetings over a variety of matters with the DPP without any significant issues.
50. My professional relationship in general with ODPP Prosecutors involved in the investigation prior to its commencement, was without issue. I always found any engagement pleasant and professional. In my role as Crime Manager, I have had limited engagement directly with prosecutors as this is usually undertaken by the case officers responsible for particular matters.
51. I have had limited interaction over the years with Prosecutors Ms Skye Jerome and Mr Mitchell Greig. At all times, I found Ms Jerome and Mr Greig professional, pleasant and approachable.
52. I have had minimal interactions with Prosecutors Mr Andrew [Personal information] and Ms Erin Priestly and am unable to comment further.
53. In my role as Crime Manager, I have met with the DPP / ODPP in a formal manner to discuss the conduct of only a very small number of sexual assault investigations. These meetings are usually undertaken by the SACAT Detective Sergeant and/or the investigating officer.

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54. During the course of this investigation, I formally met with the DPP / ODPP on three occasions.

Victims of Crime Commissioner

55. When I commenced in the Crime Managers role in January 2021 prior to the investigation, I had a number of professional dealings with the Victims of Crime Commissioner (VCC) Ms Heidi Yates, on sexual assault matters, victims of crime issues and the Intermediaries Program. I found the VCC professional, and developed in my opinion, a sound working relationship.
56. I felt having the VCC as a ‘support person’ was not appropriate and outside the functions of the VCC statutory position. I am also aware the investigating police found this to be intimidating. I personally did not feel intimidated. I did find the personal involvement of the VVV, a government statutory appointee, to be problematic throughout the investigation.
57. Prior to the investigation I am unaware of the VCC being a ‘support person’ in any other sexual assault investigation or directly providing support to a sexual assault victim at court. I am aware of the VCC directly contacting SACAT investigators on occasions, acting as an intermediary, in an attempt to resolve issues or complaints of victims and this was deemed inappropriate and addressed by ACT Policing Executive.

The Investigation

58. I first became involved in the investigation on 5 February 2021. I received a telephone call from Superintendent Rowena [Personal Information] at about 2.00pm on this date. This was the first time I became aware of the incident.
59. I was advised in 2019 a sexual assault was reported to police by Australian Parliament House (APH) and, at the time, the victim did wish to proceed. The victim, Ms Higgins had since reached out to the police member who managed the original report via email

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advising her work situation had changed and she was looking to press forward with a formal statement. Ms Higgins also inquired if it was possible for her to review or have a copy of the original case file before making a final decision.

60. I advised Superintendent Personal Info I would assign the investigation to SACAT member Detective Sergeant (D/Sgt) Gareth Saunders, to arrange a “meet and greet” as soon as possible and the investigation would proceed from there. Refer to my AFP Diary, page 68 marked as **Exhibit 2**.
61. At about 2.10pm that same day, I verbally briefed D/Sgt Saunders who was the on duty SACAT Sergeant. I requested he arrange a meet and greet as soon as possible and update me once this had taken place. At 2.30pm, I briefed ACT Policing Criminal Investigation Superintendent Scott Moller and advised of the proposed actions. Refer to my AFP Diary, page 68 marked as **Exhibit 2**.
62. At about 9.55am on 5 February 2021 I received a verbal brief from D/Sgt Saunders. I was advised the meet and greet had occurred with Ms Higgins who was accompanied by her partner Mr David Sharaz. Ms Higgins disclosed numerous allegations of cover ups and did not wish to make a statement at this time as she wanted to see how this (her complaint) plays out in the media. Ms Higgins provided details of her participation in a recorded interview with television presenter Lisa Wilkinson being aired on the television show the Project on 15 February 2021.
63. Ms Higgins informed police she was in possession of various recordings and had alleged impropriety by senior officer holders and the AFP. Ms Higgins was advised of the SACAT process and arrangements had been made for further follow up. I directed D/Sgt Saunders to focus on the sexual assault investigation and manage it as per the normal process, to document all disclosure and draft an Executive Brief (EB) and forward it to me. Refer to my AFP Diary, page 68 marked as **Exhibit 2**.

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64. At the time Ms Higgins reinstated her allegation, the information and evidence in possession of police was minimal to the best of my knowledge.
65. For historical sexual assault matters, prior to commencing an investigation police require a formal statement from the victim in the form of an Evidence in Chief Interview (EICI).
66. On 24 February 2021, Ms Higgins participated in an EICI with SACAT investigators. Investigators discussed with Ms Higgins the value of evidence, including the need to examine her mobile phone for potential evidence as is common practice in sexual assault investigations. Ms Higgins refused to allow police to examine her phone.
67. During the investigation, I was required to take personal leave for health reasons from 3 August 2021 to 27 January 2022.

Interaction with AFP/ACT Policing Officers

68. During the course of the investigations, I had the following interactions with AFP officers relating to the investigation up until criminal charges were commenced against Mr Lehrmann on 6 August 2021 by summons.
69. On 8 February 2021 about 8.30am, I met with Deputy Chief Police Officer Response (DCPO-R) Michael Chew and handed him an EB regarding the investigation for advice. I also briefed Detective Superintendent Scott Moller (D/Supt Moller) regarding the matter and provide him with a copy of the EB. Refer to my AFP Diary, page 69 marked as **Exhibit 3**.
70. On 8 February 2012 about 3.30pm I attended a meeting with DCPO-R and D/Supt Moller regarding the investigation, the way forward, and the appointment of a Senior Investigating Officer (SOI). Discussion was had with respect to briefing the Minister and a requirement to compile a Sensitive Investigations Oversight Board brief (SIOB). The brief was required to address the sexual assault investigation and the allegation of

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interference / cover up and carriage moving forward. Further discussions were held with respect to sexual assault investigations, Human / Victims' rights, the need for privacy and the importance of the investigation being undertaken following best practice. General discussion took place in relation to what members of the AFP may have been working at APH and who may be able to assist or provide information to provide context around what occurred in 2019. Refer to my AFP Diary, page 70 marked as **Exhibit 4**.

71. On 9 February 2021 about 10.30am, I held a meeting with D/Sgt Gareth Saunders to clarify information required in the SIOB brief. I advised the report needed to contain historical information from 2019 to provide context as well as actions taken since reactivation. Additionally, the preferred option being to separate the sexual assault from the allegations of cover ups and misconduct of high officer holders and senior AFP. Also discussed was clarification of [redacted], referral to [redacted]
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[redacted] Refer to my AFP Diary, page 70 marked as **Exhibit 4**.

72. On 9 February 2021 about 11.00am, I attend a meeting with DCPO-R and D/Supt Moller. Discussions included PRS governance, the sexual assault location and potential witnesses, risk of political interference regarding the allegation of misconduct involving Commonwealth Departments and associated high office holders. I expressed my views regarding the importance and requirement to separate the investigations, SACAT to conduct sexual assault investigation, [redacted]
[redacted] and the importance of the sexual assault investigation focus being on the victim's wishes and welfare as per usual processes. Everything we discussed was agreed. Refer to my AFP Diary, page 70 marked as **Exhibit 4**.

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73. On 9 February 2021 about 1.00pm, I met with D/Sgt Sergeant Saunders and provided clarification regarding the required content of the SOIB brief, the structure and the clear need to separate issues. I informed D/Sgt Saunders I would submit relevant integrity reports and the appointment of D/Supt Moller as the SIO for the investigation. Refer to my AFP Diary, page 71 marked as **Exhibit 5**.

74. On 9 February 2021 about 1.17pm, WIT_Confidential_sensitive_AFP
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76. On 9 February 2021 about 3.00pm, D/Supt Moller, D/Sgt Saunders and myself proofread the prepared SIOB brief and discussed amendments.

77. On 9 February 2021 at 6.50pm, I received the electronic copy of the SOIB which I reviewed and forwarded to D/Supt Moller for forwarding to DCPO-R. Refer to my AFP Diary, page 71 marked as **Exhibit 5**.

78. On 17 February 2021 about 11.20am, I met with D/Sgt Saunders. I received a verbal briefing in relation to SACAT members reaching out to Ms Higgins following up on the meet and greet and to conduct a welfare check after media to ensure sufficient support was around her and to clarify arrangements for 24 February. I informed S/Sgt Saunders, if Ms Higgins questions the CCTV, at this stage we have been advised it has been secured and it will form part of the investigation. D/Sgt Saunders was also to explain to Ms Higgins any viewing of the CCTV by her would not be appropriate as it may taint her evidence. Additionally, investigators are to wait until a formal statement is made by Ms Higgins before obtaining the CCTV. The rationale for this strategy was to ensure no loss

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identified issues, investigational strategy, priorities and tasks. Refer to my AFP Diary, pages 102, 103, 104 and 105 marked as **Exhibit 11**.

84. On 31 March 2021 about 11.00am, I attended a meeting with the DPP in company with D/Sgt Saunders, D/Sgt McDevitt, Detective Leading Senior Constable Madder and Senior Constable Frizzell. The discussions were in relation to the investigation to date, facts in issue, concerns and outline steps moving forward. Refer to my AFP Diary, page 110 marked as **Exhibit 12**.
85. On 8 April 2021 about 9.10am, I spoke with D/Sgt McDevitt regarding investigational warrant application update. I requested an updated investigation plan and provided advice in relation to the compilation of an evidence matrix and associated flow charts. I requested the team prepare a file for my review including all Records of Conversations (ROC) and results of inquiries to date. Refer to my AFP Diary, page 121 marked as **Exhibit 13**.
86. On 9 April about 12.00pm, I spoke with Senior Constable Frizzell regarding Freedom of Information (FOI requests) received by media representatives in relation to the investigation. I advised Senior Constable Frizzell to have the FOI officer contact me and I will manage it. Refer to my AFP Diary, page 122 marked as **Exhibit 14**.
87. On 12 April 2021 about 10.00am, I spoke with D/Sgt McDevitt in relation to investigational activity regarding affidavit preparation status and the need to speak with the suspect Mr Lehrmann as soon as possible to obtain his version of events. We also discussed investigation progress update and staffing availability moving forward. Refer to my AFP Diary, page 123 marked as **Exhibit 15**.
88. On 12 April 2021 about 1.00pm, I met with D/Supt Moller and discussed the investigation and proposed strategies. I provide an outline of intended action and a

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possible need to consider preparation of documents for independent opinion in due course. Refer to my AFP Diary, page 123 marked as **Exhibit 15**.

89. On 13 April 2021 about 9.00am, I attended a Special Projects (SP) meeting regarding Legislative restriction. Present were DCPO-R, D/Supt Moller and SP representative Samantha Personal. The Legislative restricti was endorsed. Refer to my AFP Diary, page 124 marked as **Exhibit 16**.
90. On 13 April 2021 about 10.15am, I met with AFP FOI officer Natalee Personal informat. I provided my view with respect to the FOI requests. Refer to my AFP Diary, page 124 marked as **Exhibit 16**.
91. On 13 April 2021 about 2.24pm, I spoke with Senior Constable Frizzell regarding travel availability for investigational activity and interview of Mr Lehrmann. Refer to my AFP Diary, page 124 marked as **Exhibit 16**.
92. On 15 April 2021 about 8.00am, I met with Senior Constable Frizzell and A/Sergeant James Personal i at the AFP Brisbane office to undertake investigational activity. Refer to my AFP Diary, page 125 marked as **Exhibit 17**.
93. On 16 April 2021 about 8.00am, I met with Senior Constable Frizzell and A/Sergeant Personal info and conducted a briefing regarding investigational activity to be undertaken in Toowoomba, Queensland. Refer to my AFP Diary, page 126 marked as **Exhibit 18**.
94. On 16 April 2021 about 3.15pm, I spoke with Superintendent Rowena Personal info seeking assistance to obtain investigational information. Refer to my AFP Diary, page 127 marked as **Exhibit 19**.

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95. On 18 April 2021 about 11.00am, I spoke with Senior Constable Frizzell and A/Sergeant [Personal info] in relation to proposed travel for investigational activity. Refer to my AFP Diary, page 128 marked as **Exhibit 20**.
96. On 19 April 2021 about 8.00am, I met with Senior Constable Frizzell and A/Sergeant [Personal info] at the AFP Sydney office to undertake investigational activity including the interview of Mr Lehmann. Refer to my AFP Diary, page 129 marked as **Exhibit 21**.
97. On 20 April 2021 about 1.00pm, I spoke with D/Sgt Saunders to schedule team briefing and hand over of exhibits. Refer to my AFP Diary, page 131 marked as **Exhibit 22**.
98. On 21 April 2021 about 8.30am I held a meeting with D/Sgts Saunders and McDevitt, Detective Leading Senior Constable Madders and Senior Constable Frizzell. Present also was D/Supt Moller. An investigation update was obtained and discussion had regarding outstanding inquiries and action to be taken. I advised the team a preliminary brief of evidence was required with covering report for review. Refer to my AFP Diary, page 132 marked as **Exhibit 23**.
99. On 22 April 2021 about 10.30am, I met with Superintendent [Personal info] and D/Sgt Sonia [Personal info] regarding investigation inquiries. Refer to my AFP Diary, pages 133 and 134 marked as **Exhibit 24**.
100. On 22 April 2021 about 3.00pm, I met with D/Sgts Saunders and McDevitt regarding investigational update. Refer to my AFP Diary, page 134 marked as **Exhibit 24**.
101. On 22 April 2021 about 3.50pm, I spoke with Detective Senior Constable Madders and received an investigational update. I advised investigation priorities and action to be taken. Refer to my AFP Diary, page 134 marked as **Exhibit 24**.

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102. On 28 April 2021 about 9.05am, I conducted investigations team meeting. D/Sgt Saunders, Detective Leading Senior Constable Madder and Senior Constable Frizzell were present. Discussion occurred regarding investigational issues, priorities, strategies and tasks. Refer to my AFP Diary, pages 137 and 138 marked as **Exhibit 25**.
103. On 28 April 2021 about 3.10pm, I spoke with Senior Constable Frizzell and she advised me she has reached out to Ms Higgins however was yet to receive any response. We had a discussion about further potential avenues of inquiries at APH. Refer to my AFP Diary, page 139 marked as **Exhibit 26**.
104. On 29 April 2021 about 9.30am, I spoke with Detective Senior Constable Madders and received an investigational update. Refer to my AFP Diary, page 139 marked as **Exhibit 26**.
105. On 29 April 2021 about 3.45pm, I met with D/Sgt Saunders and D/Sgt McDevitt and received an investigational update regarding material differences in disclosures of Ms Higgins. I advised the members to continue preparation of the brief for decision and to continue to obtain all available evidence and complete outstanding inquiries. Refer to my AFP Diary, page 141 marked as **Exhibit 27**.
106. On 29 April 2021 about 4.30pm, I met with Detective Leading Senior Constable Madders and received an investigational update including an update on the status of phone data. We discussed investigational activity. Refer to my AFP Diary, page 141 marked as **Exhibit 27**.
107. On 30 April 2021 about 10.30am, I met with Senior Constable Frizzell regarding transfer of evidence. Refer to my AFP Diary, page 142 marked as **Exhibit 28**.
108. On 12 May 2021, I held a meeting with the investigation team. Present was D/Sgt Saunders, Detective Leading Senior Constable Madder and Senior Constable Frizzell. I

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received an investigational update and discussed investigation issues and further action. Refer to my AFP Diary, page 150 marked as **Exhibit 29**.

109. On 13 May 2021 about 1:00pm, I contacted Senior Constable Beth [Personal information] re service of transcript of interview of Mr Lehrmann, on his legal representative. Refer to my AFP Diary, page 152 marked as **Exhibit 30**.
110. On 25 May 2021 about 10:45am, I spoke with Detective Senior Constable Madders. I requested a detailed list of identified inconsistencies in the investigation including inconsistencies which may not be able to be overcome. Refer to my AFP Diary, page 157 marked as **Exhibit 31**.
111. On 26 May 2021 about 8.50am, I met with D/Sgt Saunders, D/Sgt McDevitt, Detective Leading Senior Constable Madders and Senior Constable Frizzell. We discussed the second EICI with Ms Higgins scheduled that day and stressed the need to be non-confrontational and transparent. Refer to my AFP Diary, page 158 marked as **Exhibit 32**.
112. On 27 May 2021 I had a meeting with Sgt Saunders in regard to the investigation. Unfortunately, that is the day I fell ill and ended up taking two days off. Upon examining my diary I did not return to make notes of this conversation. I am unable to recall the details now with the passing of time. I do believe that Sgt Saunders may have notes of this conversation.
113. On 1 June 2021 about 11.30am, I met with D/Sgt Saunders and D/Supt Moller and discussed a phone message of concern located on Ms Higgins phone. We considered investigational strategies and the way forward. Refer to my AFP Diary, page 161 marked as **Exhibit 33**.

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114. On 2 June 2021 about 9.00am, I met with D/Sgt Saunders, D/Sgt McDevitt, Detective Senior Constable Madder and Senior Constable Frizzell. We discussed the DPP meeting outcome, identified issues, disclosure management and the way forward. Refer to my AFP Diary, page 161 marked as **Exhibit 33**.
115. On 3 June 2021 about 4.59pm, I met with D/Supt Moller and discussed investigation team concerns regarding threshold to charge not being reached regarding the offence, the requirement to go to DPP for advice and the need to obtain senior executive authority for this course of action. Refer to my AFP Diary, page 162 marked as **Exhibit 34**.
116. On 4 June 2021 about 9.18am, I met with D/Supt Moller and discussed investigational issues including: the evidence and the content of my report for decision and direction about commencing proceedings, pressure on the team both internally and externally and the need to manage the issue, concerns for the investigation and the associated risks. I also raised difficulties I was having with the investigation. D/Supt Moller acknowledged the concerns and advise he would raise it with executive. Refer to my AFP Diary, page 163 marked as **Exhibit 35**.
117. On 10 June 2021 about 12.00pm, I spoke with D/Supt Scott Moller and briefed him on my recent discussion with the VCC regarding access to Ms Higgins emails, iCloud account and my concerns for the investigation and the risk. Refer to my AFP Diary, page 166 marked as **Exhibit 36**.
118. On 16 June 2021 about 10.13am, I spoke with D/Sgt Saunders regarding investigation issues and concerns. Refer to my AFP Diary, page 170 marked as **Exhibit 37**.
119. On 16 June 2021 about 4.46pm, I spoke with D/Supt Moller and he advised me of the decision from the DCP-P-R to forward the brief and reports to DPP for opinion. Refer to my AFP Diary, page 170 marked as **Exhibit 37**.

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120. On 17 June 2021 10.00am, I met with DCPO-R and D/Supt Moller. DCPO-R advised the brief of evidence and reports are to be forward to the DPP. Discussion had regarding investigational issues and outstanding tasks. Refer to my AFP Diary, page 171 marked as **Exhibit 38**.
121. On 23 June 2021 about 8.00am, I met with D/Sgt Saunders and D/Sgt McDevitt. I discussed the DPP request regarding outstanding inquiries and compilation of relevant CCTV footage. I also discussed outstanding investigational issues and strategies to complete them moving forward. Refer to my AFP Diary, pages 174 and 175 marked as **Exhibit 39**.
122. On 24 June 2021 about 11.20am, I spoke with D/Sgt Saunders and D/Sgt McDevitt regarding outstanding investigation statements and other investigational matters. Refer to my AFP Diary, pages 176 and 177 marked as **Exhibit 40**.
123. On 30 June 2021 about 9.00am, I met with D/Sgt Saunders, D/Sgt McDevitt and D/Supt Moller. Discussion was had regarding the investigation moving forward, the brief of evidence, outstanding tasks and resourcing. Refer to my AFP Diary, page 179 marked as **Exhibit 41**.
124. On 30 June 2021 about 3.00pm, I met with D/Sgt Saunders and D/Sgt McDevitt. We discussed resourcing and outstanding investigational tasks and overall management of the investigation moving forward. Refer to my AFP Diary, pages 180 and 181 marked as **Exhibit 42**.
125. On 12 July 2021 about 1.00pm, I attended AFP Offices Brisbane in company with D/Supt Moller and attended a meeting with Ms Higgins and the VCC. We discussed the DPP advice and clarification of identified issues. Refer to my AFP Diary, pages 184, 185 and 186 marked as **Exhibit 43**.

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126. On 14 July 2021 about 10.05am, I met with Senior Constable Frizzell regarding a transfer of evidence. Refer to my AFP Diary, page 186 marked as **Exhibit 43**.
127. On 14 July 2021 about 4.00pm, I met with D/Sgt Rose, Detective Leading Senior Constable Madders and Senior Constable Frizzell. We discussed the investigation status, outstanding inquires and tasks. I advised members the full prosecution brief was required by the end of the month. Refer to my AFP Diary, page 187 marked as **Exhibit 44**.
128. On 22 July 2021 about 10.20am, I met with Detective Leading Senior Constable Madders, Senior Constable Frizzell and AFP Digital Forensic member Peter [Personal]. We discussed technical examinations and associated issues regarding mobile phones and iCloud accounts. Refer to my AFP Diary, pages 188 and 189 marked as **Exhibit 45**.
129. On 30 July 2021 about 9.20am, I attended a meeting with D/Supt Moller and briefed him in relation to contact from Ms Higgins partner, Mr David Sharaz and proposed action. Refer to my AFP Diary, page 192 marked as **Exhibit 46**.
130. On 30 July 2021 about 9.50am, I was briefed by D/Supt Moller regarding DCPO-R direction and instruction to move to charge and summons Mr Lehrmann the week of 2-8 August 2021. This decision was based on DPP advice. Refer to my AFP Diary, page 192 marked as **Exhibit 46**.
131. During the investigation I prepared or forwarded upon review, a number of documents including internal briefing documents and SIOB briefs to a number of my superiors as requested or as part of the investigation process as follows:
- a. EB prepared by D/Sgt Saunders on 7 February 2021 – titled Alleged Sexual Assault – Promis 6381473. The request for this document was made by me on 6 February 2021 for briefing of ACT Policing Executive. I reviewed the document and forwarded it through my chain of command that same day.

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- b. SIOB brief prepared by D/Sgt Saunders on 9 February 2021 titled – Sensitive Investigation Brief to Sensitive Investigations Oversight Board (SIOB) Topic Promis 6381473. I reviewed the document and forwarded it D/Supt Moller as per the requirement of the AFP National Guideline on Sensitive Investigations.
- c. SIOB brief prepared by D/Sgt McDevitt on 2 March 2021 titled – Sensitive Investigation Brief to Sensitive Investigations Oversight Board (SIOB) Topic Operation COVINA / Promis 6381473. I reviewed the document and forwarded it to D/Supt Moller as per the requirement of the AFP National Guideline on Sensitive Investigations.
- d. Hot Issues Paper prepared by D/Sgt Saunders on 19 March 2021 – titled Hot Issues Brief – Operations COVINA. The request for the document was made by the Executive Officer to the Chief Police Officer for inclusion in the AFP Commissioners Hot Issues briefing. I reviewed the document and forwarded it through my chain of command.
- e. Minute prepared by me on 14 April 2021 – titled Investigation Update OP COVINA – Allegation of sexual assault Australian Parliament House. The request for the document was made by DCPO-R on behalf of the Office of the AFP Commissioner. I received positive feedback from DCPO-R regarding the content of the brief and advised it had been forwarded to the AFP Commissioner.
- f. Minute prepared by me on 4 June 2021 to DCPO-R – titled Op Covina Direction / Decision – Alleged Sexual Assault Australian Parliament House 23 March 2019. I forwarded the report to D/Supt Moller as per chain of command. Upon review D/Supt Moller advised he understood my concerns and respected my views stating he would prepare an additional covering minute in support and forward both to DCPO-R.
- 132.** I have had minimal discussions with ACT policing officers in relation to claim of legal professional privilege over documents produced by the AFP / ACT Policing in relation to the investigation, specifically, the minute prepared by me on 4 June 2021 to DCPO-R

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– titled Op Covina Direction / Decision – Alleged Sexual Assault Australian Parliament House 23 March 2019 and the briefing prepared by D/Supt Moller dated 7 June 2021. I recall receiving a telephone call from a member of AFP legal when I was off duty seeking clarification of what was in my mind at the time when a wrote the report. I informed the person it was for decision and direction. I cannot recall the name of the member and did not make a note of the call.

133. I am aware of one interaction between D/Supt Moller and AFP Commissioner Reece Kershaw during the investigation. I recall D/Supt Moller telling me he ran into the Commissioner when exercising WIT_Confidential one morning. He told me the Commissioner raised the investigation with him and asked if an arrest was far away and that it is an investigation they just have to get done.

Interactions with the DPP / ODPP prior to the Trial in the Matter of R v Lehrmann

134. As a Crime Manager I have minimal involvement with respect to consultation with the Office of the Director of Public Prosecution (ODPP) on sexual assault matters. This is usually undertaken by the SACAT Detective Sergeants and SACAT investigators. If required, I do consult with the DPP regarding complex matters or sensitive investigations.
135. On 31 March 2021 about 11.00am, I attended a meeting with the DPP held at the Belconnen Police Station. The meeting was requested by the ODPP to discuss the investigation. I thought at the time this was unusual as the investigation was in the early stages. It was not common practice to have DPP involvement at such an early time. It was and remains my opinion DPP involvement at this stage is not appropriate however, I felt pressure to have the meeting due to the operating environment at the time. The following people were present at this meeting:

- a. DPP Mr Drumgold SC;
- b. Prosecutor Ms Skye Jerome;
- c. Prosecutor Mr Andrew Chatterton;

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- d. D/Sgt Saunders;
- e. D/Sgt McDevitt;
- f. Detective Leading Senior Constable Madders; and
- g. Senior Constable Frizzell.

136. Prior to attending I had discussions with the investigation team in relation to what we know to date, identified issues, investigators concerns and the investigational priorities moving forward.

137. At the commencement of the meeting I expressed a view at that time being I was not convinced an offence had been committed and was undecided due to:

- a. concerns investigators held with respect to the discrepancies of disclosures;
- b. contradictory evidence obtained to date;
- c. motives of the complainant;
- d. reluctance of the complainant to make a formal statement until seeing how it played out in the media;
- e. Reluctance of the complainant to permit police to examine her phone;
- f. differences in disclosures;
- g. information police had obtained regarding the complainant's conduct prior to the alleged incident in APH after hours;
- h. the complainant previously being counselled for dishonesty;
- i. intoxication level discrepancies; and
- j. and contradictive witness statements.

138. The CCTV footage was viewed by ODPP members present and a comment was made by Mr Drumgold being Ms Higgins looked like she was asleep which I was surprised at as that was not our (the investigative teams) opinion. Investigators advised of the intended action to engage Personal information in relation to intoxication levels, however Mr Drumgold cautioned against this as her statement would not provide adequate detail for

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the level of intoxication.. The issue of media reporting regarding other victims was raised by ODPP members present and investigators advised this was an avenue of inquiry however no actual disclosure had been made. I recall a particular comment of Mr Drumgold when investigators advised the suspect had not been interviewed at this point and Mr Drumgold response was it doesn't matter what he says or words similar to that effect. This comment caused me serious concern as I felt a decision to prosecute this matter had already been made by Mr Drumgold due to the intense public interest in this matter, associated media attention and pressure from various movements. In addition, I recall the DPP advised he had multiple people contacting him to be involved in this case or words similar to that effect. The issue of media was also raised and discussion took place in relation to risks to the investigation. At the conclusion of the meeting, I advised Mr Drumgold we will continue the investigation and make contact in due course.

139. On 1 June 2021 about 8.30am, in company with D/Supt Moller I attended a meeting at the ODPP offices to discuss investigators views and express our concerns regarding the investigation. The meeting was requested by D/Supt Moller. Present at the meeting was the DPP Mr Drumgold and Prosecutor Skye Jerome. D/Supt Moller and I articulated our concerns regarding the evidence obtained during the investigation, the credibility of the Ms Higgins and also our concerns regarding her mental health. Discussion was had regarding the referral to the ODPP and what was required. Mr Drumgold advised the police threshold to seek advice from the DPP is a reasonable suspicion an offence has been committed. He further advised it was for the ODPP to decide if there were reasonable prospects of a conviction.

140. On 21 June 2021 about 11.15am in company with D/Supt Moller I attended the offices of the ODPP and spoke with Ms Cantwell, Executive Assistant to Mr Drumgold. I handed Ms Cantwell an external hard drive / USB stick, containing the electronic copy of the preliminary brief of evidence relating to the investigation and the following documents:

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- a. Copy of the minute prepared by me on 4 June 2021 to DCPO-R – titled Op Covina Direction / Decision – Alleged Sexual Assault Australian Parliament House 23 March 2019;
 - b. Copy of EB prepared by Detective Superintendent Scott Moller on 9 June 2021 to DCPO-R – titled Seeking direction in relation to operation COVINA – alleged sexual intercourse without consent, Australian Parliament House 23rd March 2019; and
 - c. Covering letter.
141. On 21 June 2021 about 7.00pm, I received email correspondence from Mr Drumgold titled Operation Covina, acknowledging the receipt of the partial brief of evidence and requesting additional information relating to the investigation. I met with D/Sgts Saunders and McDevitt on 23 June 2021 and tasked them to follow up and action Mr Drumgold's request. Refer to this email received by myself on 21 June 2021, marked as **Exhibit 47**.
142. On 28 June 2021 about 4.57pm, I received email correspondence from Mr Drumgold titled - Advice on Brittney Higgins complaint, with attachment titled – Advice regarding allegations made by Ms Brittney Higgins. Refer to this email received by myself on 28 June 2021, marked as **Exhibit 48**.
143. On 11 May 2022 about 1.00pm, I attended the ODPP and met with Prosecutor Ms Skye Jerome for the purposes of proofing. During the meeting we discussed a number of issues for clarification including various referenced exhibits and additional material Ms Jerome required. My interaction with Ms Jerome during the meeting was pleasant and professional.
144. After the meeting held on 31 March 2021 with the DPP and as a result of a comments made by the DPP during the meeting and my perception of Mr Drumgold's dismissive attitude to any issue raised by the investigators, I did discuss my views with the team

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after the meeting with D/Supt Moller. We continued to discuss these issues over the course of the investigation as it felt like the decision to prosecute had been predetermined. As I say, that was my perception of the situation.

145. The relationship between the investigations team and the ODPP during the investigation in my view became tense after the DCPO-R decision directing the matter be forwarded to the DPP for advice, particularly after myself and D/Supt Moller met with the DPP and articulated our concerns and views prior to forwarding the preliminary brief of evidence to him. As an investigator I felt at the conclusion of the meeting there were significant differences in opinion of the evidence obtained and how it was being interpreted to the point it did not matter what we raised by us, it was being dismissed. Of particular concern was the discussion with respect to evidence of sex occurring, and Mr Drumgold's statement of words to the effect of that, he (Drumgold) didn't have to prove sex occurred. Both D/Supt Moller and I found this concerning as it is a core element of the offence. Mr Drumgold provided his rationale for his comment, however both D/Supt and I took a different view and articulated this to Mr Drumgold. This conversation occurred at the meeting dated 1 June 2021.
146. The treatment of investigators involved in the investigation by the ODPP predominantly was no different to how it usually is in the day to day operating environment prior to the trial commencing. Prior to the trial I felt the relationship become tense and strained as a result of a number of issues after the submission of the preliminary brief to the DPP and receipt of advice. The assertion made by the DPP that police did not provide all CCTV footage caused considerable issues. Investigators advised DPP additional CCTV footage did not exist. Investigators conducted additional enquires including digital forensic analysis of the external hard drive to demonstrate this to the DPP. Investigators felt the DPP were asserting police had deleted footage which was not the case.

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Advice Provided by DPP

147. Prior the matter of *R v Lehrmann* I have had limited involvement in seeking advice from the DPP in relation to sexual assault investigations as a Crime Manager. Prior to the CIMC process, advice was usually sought by investigating officers or their D/Sgt who directly supervise the investigations. On a number of occasions upon being briefed on a matter if the Detective Sergeant, investigating officer or myself were uncomfortable to make a decision and believed legal advice may assist, I would instruct the members to seek advice from the ODPP. Since the introduction of the CIMC process, additional oversight in the finalisation of sexual assault matters has been implemented and the CIMC members play a more active role in referral for ODPP advice. ODPP are provided with the evidence collected to date and in some cases a draft Statement of Facts or covering report for assessment and advice. Advice sought can include sufficiency of evidence and/or appropriate charges to be laid.
148. My involvement in the compilation of the preliminary brief in the investigation was minimal as it is not my role. The compilation of the material in this case was commenced in the early stages of the investigation by Detective Leading Senior Constable Madders and is an ongoing process during an investigation. The preliminary brief of evidence in my understanding contained all material investigators had collected to date including all raw CCTV footage.
149. On 28 June 2021 about 4.57pm I received email correspondence from Mr Drumgold titled - Advice on Brittney Higgins complaint, with attachment titled – Advice regarding allegations made by Ms Brittney Higgins. Refer to this email received by myself on 28 June 2021, marked as **Exhibit 48**. The investigation was not complete at this time as there were outstanding enquires. In my opinion the outcome of the outstanding enquires would not have had a significant impact on a decision to commence criminal proceedings.
150. During the investigation there were a number of discussions within the team for a need to seek independent objective legal advice given the political and media interest and

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concerns investigators held surrounding the investigation. I felt the pressures being experienced by authorities involved in this matter maybe influencing decision making and this could be mitigated through obtaining independent legal advice. By this I mean by obtaining legal advice from an independent member of the private bar rather than from the ODDP. I raised this issue a number of times with D/Supt Moller and more specifically after receipt of advice from DCPR-R. I recall D/Supt Moller informing he had previously raised the issue with the executive and a decision had been made not to. This I recall being in May 2021 as there was pressure to have the brief with a covering report for review by 3 May 2021 from executive.

Interactions with the legal representatives for Mr Lehrmann

151. On 16 April about 5.55pm, I received a telephone call from Mr John Korn who advised me he was a lawyer in Sydney representing Mr Lehrmann. He was contacting me regarding the request to interview his client. I had a conversation with Mr Korn during which I explained my intentions regarding the interview and acknowledged the difficult situation which respect to media and other associated pressures. Further discussion was had in relation to my role and my desire to obtain both sides of the story and allegation. Mr Korn specifically asked if the matter was likely to play out in criminal court due to political pressure. My response was I am seeking all evidence and if there is a case to answer it will be dealt with like any other case. Refer to my AFP Diary, pages 127 and 128 marked as **Exhibit 19 and 20**.
152. On 17 April 2021 about 10.19am I received a telephone call from Mr John Korn advising Mr Lehrmann will participate in an interview with police. Arrangements were made for this to take place at 2.00pm on Monday 19 April 2021 at AFP Sydney Offices. Refer to my AFP Diary, page 128 marked as **Exhibit 20**.
153. On 19 April 2021 about 9.33am I spoke with Mr John Korn and confirmed the interview time for that day. Mr Korn advised he will attend with Mr Lehrmann and introduce himself but will not participate in the interview as Mr Lehrmann wants to tell his side to

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the story and give his version of events. Refer to my AFP Diary, page 129 marked as **Exhibit 21**.

154. On 19 April 2021 about 1.04pm I received a telephone call from Mr John Korn advising Mr Lehrmann and he will be at the AFP Sydney offices at 2.20pm. Refer to my AFP Diary, page 129 marked as **Exhibit 21**.
155. On 19 April 2021 about 2.45pm I met Mr John Korn and Mr Lehrmann in the foyer of the AFP Sydney Office with Senior Constable Frizzell and A/Sergeant [Personal inf]. A short conversation took place with respect to police requiring Mr Lehrmann's mobile phone for examination and I advised I had a Section 3E *Crimes Act 1914* search warrant for the phone. Mr Lehrmann then accompanied investigators into the AFP offices for interview. I advised Mr Korn I will contact him when we are finished. Refer to my AFP Diary, page 129 marked as **Exhibit 21**.
156. On 19 April 2021 about 7.23pm I contacted Mr Korn and advised him the interview had concluded, police had seized Mr Lehrmann's mobile phone under warrant and he was on his way to his chambers. We had a discussion regarding communications moving forward, the need for transparency and all communication will now be in writing as the investigation is ongoing. Refer to my AFP Diary, page 130 marked as **Exhibit 22**.
157. On 21 April 2021 about 10.52am I was contacted by Mr Korn who advised Mr Lehrmann had contacted him regarding questions police asked during the interview with respect to a security breach. Mr Korn informed me this was never raised before the meeting and only raised with Mr Lehrmann in the 2nd conversation with a Ms [Personal inf]. Mr Korn inquired as to the reason investigators wish to obtain statements from Mr Lehrmann's mother and family friend. We discussed obligations of witnesses, my rationale for seeking such statements following Mr Lehrmann's interview and the mobile phone status. Refer to my AFP Diary, pages 132 and 133 marked as **Exhibit 23 and 24**.

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158. On 12 May 2021 about 4.05pm I contacted Mr Korn, to discuss service of interview transcript and a number of other matters requiring investigation, message left. Refer to my AFP Diary, page 151 marked as **Exhibit 49**.
159. On 12 May 2021 about 5.02pm I was contacted by Mr Korn who was returning my call. We had discussions regarding the service of the record of interview transcript, the return of Mr Lehmann's mobile and access to Mr Lehrmann iCloud account in particular with respect to an email from Mr Lehrmann to Ms Higgins on 23 March 2019. I advised I will put my request in writing and forward it to his office. Refer to my AFP Diary, page 152 marked as **Exhibit 30**.
160. On 18 May 2021 about 9.51am I forwarded an email to Mr Korn regarding consent to access Mr Lehrmann's iCloud account. Refer to this email dated 18 May 2021 entitled, Consent Request Mr Bruce Lehrmann marked as **Exhibit 49**.
161. On 18 May 2021 about 11.35am I was contacted by Mr Korn. We had a discussion regarding an email investigator were seeking and acknowledgment of receiving correspondence. Refer to my AFP Diary, pages 153 and 154 marked as **Exhibit 50**.
162. On 20 May 2021 about 10.25am I forwarded an email to Mr Korn regarding a screenshot of a specific email investigators were seeking to obtain. Refer to this email of 20 May 2021 entitled Screenshot email Mr Lehrmann marked as **Exhibit 51**.
163. On 25 May 2021 about 5.38pm I was contacted by Mr Korn, we had discussions regarding the media announcement by AFP Commissioner surrounding the brief of evidence being provided to the DPP in two weeks and the need for Mr Lehrmann to present to be charged. I advised Mr Korn at this time the decision to charge has not been made and investigators will be submitting a brief of evidence for advice. I told him I would advise in due course if this position changed. We had further discussion regarding

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the logistics if the matter was to proceed. Refer to my AFP Diary, page 157 marked as **Exhibit 31**.

- 164.** On 2 June 2021 about 12.14pm I forwarded an email to Mr Korn following up on the consent to access iCloud. Refer to this email of 2 June 2021 entitled Fw Consent Request Mr Bruce Lehrmann marked as **Exhibit 52**.
- 165.** On 15 June 2021 about 11.28am I spoke with Mr Korn by telephone following up on requests to access Mr Lehmann's iCloud account. We also discussed the status of the matter during which I informed him a covering report and brief had been provided to ACT Police Executive for a decision moving forward and I am unable to provide further as the matter is ongoing and I am awaiting a decision / outcome. Refer to my AFP Diary, page 170 marked as **Exhibit 37**.
- 166.** On 17 June 2023 about 10.40am I contacted Mr Korn regarding investigators request for iCloud password and status of the matter. We also discussed what further police need from Mr Lehrmann and I requested his iCloud password at this point, return of mobile phone and I updated him advising a preliminary brief will be forward to DPP tomorrow for opinion. Refer to my AFP Diary, page 171 marked as **Exhibit 38**.
- 167.** On 22 June 2021 about 10.55am I contacted Mr Korn message left regarding iCloud consent. Refer to my AFP Diary, page 173 marked as **Exhibit 53**.
- 168.** On 22 June 2021 about 10.59am I was contacted by Mr Korn and we discussed follow up regarding iCloud consent from Mr Lehrmann and reasons for the delay. Refer to my AFP Diary, page 174 marked as **Exhibit 39**.
- 169.** On 22 June 2021 about 3.44pm I was contacted by Mr Korn regarding iCloud consent. Mr Korn advised he would forward the consent in writing. Refer to my AFP Diary, page 174 marked as **Exhibit 39**.

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170. On 28 June 2021 about 10.45am I forwarded an email to Mr Korn following up on consent to access iCloud. Refer to this email of 28 June 2021 entitled Following up iCloud access marked as **Exhibit 54**.
171. On 28 June 2021 about 6.14pm I was contacted by Mr Korn confirming what investigators require regarding emails and advising he will contact investigators after he has spoken to Mr Lehrmann. Refer to my AFP Diary, page 178 marked as **Exhibit 55**.
172. During my communication and engagement with Mr Korn before Mr Lehrmann was charged, I had discussed the referral to DPP but never discussed the details of the evidence. I ceased involvement in the investigation due to health reasons on 3 August 2021 prior to charges being commenced and the brief being served.
173. My involvement with the legal representatives for Mr Lehrmann was in the early stages of the investigation and in my opinion not unusual compared to other investigations I have conducted which are in a transparent manner. In my experience during my policing career, it is not unusual for an investigator to have direct contact with a suspect's legal representatives throughout an investigation. The involvement may include discussions regarding interviews, obtaining of material, update on the status and facilitation of charges and in some cases the provision of information from the legal representative in the interest of their client. It is my opinion during the trial process the police contact with defence was unusual to other cases due to media pressures and the lack of communication and breakdown in relationship between investigators and the DPP / ODPP.

Interactions with Ms Higgins and / or her legal representatives during the investigation

174. My involvement with Ms Higgins during the investigation first occurred on 26 May 2021. About 9.25am, I met Ms Higgins personally when she attended at a pre-arranged meeting to discuss the investigation at the Belconnen Police Station, in-company with the VCC. Present was D/Supt Moller and Detective Sergeant Saunders. D/Supt Moller and I

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introduced ourselves and we had a brief discussion. Detective Leading Senior Constable Madders and Senior Constable Frizzell arrived about 9.35am and conducted a 2nd EICI to clarify identified issues during the investigation with Ms Higgins. About 12.15pm D/Supt Moller and I returned and discussed the investigation status and process moving forward, Ms Higgins's welfare and support, media commentary and the need for Ms Higgins to cease speaking to the media due to potential risk to investigation and judicial process, and the difficulties and challenges moving forward for her regardless of the outcome. Refer to my AFP Diary, pages 158 and 159 marked as **Exhibit 32 and 56**.

175. My communication with Ms Higgins after the 26 May 2021 meeting was through the VCC or her legal representative, Mr Leon Zwier, as requested by Ms Higgins on 5 May 2021 through the VCC. Refer to this email of 5 May 2021 entitled Higgins, Brittany – contact via VCC marked as **Exhibit 57**.
176. On 12 July 2021 about 1.00pm in company with D/Supt Moller I met with Ms Higgins and the VCC at the AFP Brisbane offices. The purpose of this meeting was to provide an investigation update and clarify a number of issues which were of concern to investigators. Discussed during this meeting were investigational issues, the outcome of DPP advice and securing the mobile phones belonging to Ms Higgins for examination. At the conclusion of the meeting, we spoke about the process moving forward, her mental wellbeing and her wishes at the time. Refer to my AFP Diary, pages 184, 185 and 186 marked as **Exhibit 43**.
177. My interaction with Ms Higgins during the investigation was limited in my role and communication was mainly through contact with Senior Constable Frizzell up until 5 May 2021 then through the VCC as requested by Ms Higgins. I had two personal interactions with Ms Higgins and on both occasions I found her to be pleasant to speak with. Throughout the investigation Ms Higgins cooperation with investigators, I felt, was problematic and her priority appeared to be media exposure and commentary and not the investigation. An example of this being the continued problematic engagement

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between investigators and Ms Higgins and her giving priority to media engagements over meeting with investigators as well as her reluctance to permit police to examine her phone despite multiple requests. Despite police speaking with Ms Higgins regarding her media comments and how those actions could adversely affect any proceedings she continued media interaction and commentary despite being requested by police to cease.

178. On 6 February 2021 Ms Higgins was warned of the potential impact and risk to the investigation by going public in the media prior to the investigation being undertaken when she first requested police reactive the investigation by D/Sgt Saunders.
179. On 26 May 2021 during a meeting held with Ms Higgins she was advised continual media commentary by her was not helping the investigation, of the potential risk to the investigation and was requested to stop media engagement by D/Supt Moller.
180. On 17 June 2021 during a conversation with Ms Higgins legal representative, Mr Zwier, I informed Mr Zwier the continual media attention was not helpful and he informed me he had advised Ms Higgins to remain silent in the media moving forward. Refer to my AFP Diary, page 171 marked as **Exhibit 38**.
181. On 12 July 201 at a meeting held with Ms Higgins, D/Supt Moller and myself discussed media problems, the need to manage it going forward and potential risk to any prosecution.
182. On 7 August 2021 during a conversation with Ms Higgins legal representative, Mr Zwier, I expressed the concerns I had as a result of Ms Higgins partner's contact with me that day to pass on a message from Ms Higgins, threatening to go to the media complaining about the AFP dragging the matter out. Mr Zwier informed me he would speak with Ms Higgins about this. Refer to my AFP Diary, page 193 marked as **Exhibit 58**.

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186. My interaction with the VCC during the investigation commenced on 5 May 2021 and included the following:
187. On 12 May 2021 about 1.58pm we had a telephone conversation with VCC, regarding text messages received by investigators from Ms Higgin's inquiring about the Prime Ministers Office (PMO) investigation. Our discussions included the status of the criminal investigation being ongoing and my position, being the PMO investigation will not affect the criminal investigation. I also sought clarification of communication between Ms Higgins and investigators. Refer to my AFP diary, page 151 marked **Exhibit 60**.
188. On 20 May 2021 about 11.00am I left a telephone message for the VCC regarding meeting with Ms Higgins. Refer to my AFP diary, page 155 marked **Exhibit 61**.
189. On 21 May 2021 about 1.29pm I left a telephone message for the VCC regarding meeting with Ms Higgins. Refer to my AFP diary, page 155 marked **Exhibit 61**.
190. On 21 May 2021 about 2.15pm I was contacted by the VCC, discussion was had in relation to the meeting request, conducting a 2nd EICI and the need to address a number of issues that have been identified, support for Ms Higgins and the request for Ms Higgins to bring her phone for examination. Refer to my AFP diary, page 156 marked **Exhibit 62**.
191. On 21 May 2021 about 2.41pm I was contacted by the VCC confirming Ms Higgins attendance for 2nd EICI and she advised Ms Higgins will bring her phone for examination. Refer to my AFP diary, page 156 marked **Exhibit 62**.
192. On 24 May 2021 about 2.00pm I contacted the VCC requesting Ms Higgins bring along to the meeting both her new and old phones for examination. Refer to my AFP diary, page 157 marked **Exhibit 31**.

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193. On 26 May 2021 about 9.25am I was present for the meeting held with Ms Higgins prior to the conduct of the 2nd EICI and additional discussion after its conclusion. Refer to my AFP diary, pages 158 and 159 marked **Exhibit 32 and 63**.
194. On 3 June 2021 about 3.11pm I had further communications by email with the VCC title – Request Brittany Higgins. Refer to this email of 3 June 2021 entitled Request Brittany Higgins marked **Exhibit 64**.
195. On 4 June 2021 about 8.47am I left a telephone message for the VCC regarding WIT_Pe
WIT_Personal_Info. Refer to my AFP diary, page 163 marked **Exhibit 35**.
196. On 4 June 2021 about 10.24am I was contacted by the VCC and I was provided an update on WIT_Personal_Info. Refer to my AFP diary, page 163 marked **Exhibit 35**.
197. On 8 June 2021 about 12.14pm I received email communication from the VCC title Re: Request Brittany Higgins. Refer to this email of 8 June 2021 entitled Re Request Brittany Higgins marked **Exhibit 65**.
198. On 8 June 2021 about 1.02pm I sent an email to VCC title Re Request Brittany Higgins. Refer to this email of 8 June 2021 entitled Re Request Brittany Higgins marked **Exhibit 65**.
199. On 10 June 2021 about 11.34am I was contacted by the VCC and we discussed Ms Higgins supplying iCloud password and the VCC views about the request. Refer to my AFP diary, page 166 marked **Exhibit 36**.
200. On 14 June 2021 about 7.25pm I sent an email communication to VCC title – Brittany Higgins request for iCloud password.

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201. On 15 June 2021 about 11.00 I received a telephone message left by the VCC re Ms Higgins iCloud password. Refer to my AFP diary, page 169 marked **Exhibit 66**.
202. On 16 June 2021 about 9.15am I was contacted by the VCC and we discussed the request for the iCloud password from Ms Higgins and I was advised Ms Higgins legal representative will be calling me to discuss further. Refer to my AFP diary, page 170 marked **Exhibit 37**.
203. On 16 June 2021 about 9.26am I received email communication from VCC title - Brittany Higgins request for iCloud password. Refer to this email of 16 June 2021 entitled Brittany Higgins request for iCloud password marked **Exhibit 67**.
204. On 17 June 2021 about 8.10am I sent an email communication to VCC title - Brittany Higgins request for iCloud password. Refer to this email of 17 June 2021 entitled Brittany Higgins request for iCloud password marked **Exhibit 68**.
205. On 29 June 2021 about 10.23am I received email communication from the VCC title - Head up and Timeline for finalisation of Brief. Refer to this email of 29 June 2021 entitled Head up and Timeline for finalisation of Brief marked **Exhibit 69**.
206. Communicating with Ms Higgins through the VCC at times I found frustrating and difficult. It caused me concern with respect to what was being conveyed either way. The continued need to go through a third party to make any arrangement, seek information or clarification or just to speak with Ms Higgins impeded the investigation and caused undue delays in my opinion. Having the VCC act as an intermediary restricted the investigation team as they did not feel comfortable communicating directly with the VCC and as such this caused delays.
207. In relation to the VCC becoming a witness in the investigation I cannot comment as I was on personal leave when this decision was made. However, my observation is this

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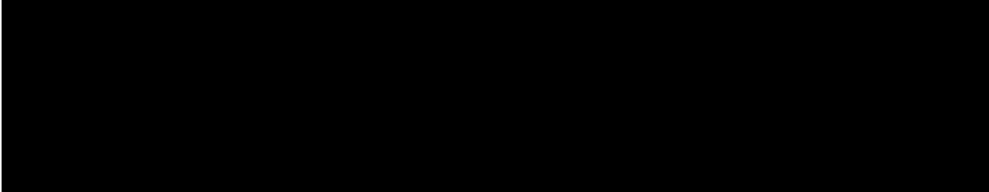
was unfortunately a decision which had to be made in the end to ensure the comprehensive investigation was conducted. The VCC’s involvement was more than an independent support person, she did place herself in the position where she was a potential witness who police needed to speak with to explore what information she may have to contribute to the investigation.

Interaction with other person in relation to the investigation

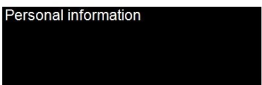
208. Through the investigation I engaged with approximately twenty-five witnesses.

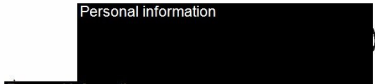
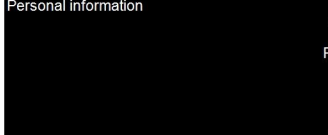
209. On commencement of the investigation in 2021 I interacted with multiple people during the investigation or as a result of the investigation including a number from the Australian Parliament House (APH) as follows:

210. WIT_Confidential_sensitive_Third_P


211. 

212. On 14 March 2021 about 5.59pm I contacted Ms Fiona Brown former Chief of Staff to Minister Reynolds and made arrangement for her to make a statement. Refer to my AFP diary, page 97 marked **Exhibit 72**.

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213.

214. On 31 March 2021 about 2.40pm I was contacted by the legal representative for Senator Linda Reynolds, Dr Ashley Tscalos, regarding a statement from Senator Reynolds. Refer to my AFP diary, pages 110 and 111 marked **Exhibit 12 and 74**.

215. On 9 April 2021 about 3.00pm I spoke to Ms Natalie [Personal information] AFP Freedom of Information (FOI) about a meeting set for 13/4/21 to discuss FOI requests from media representatives. Refer to my AFP diary, page 122 marked **Exhibit 14**.

216. On 13 April 2021 about 10.15am I met with Ms [Personal information] AFP Freedom of Information (FOI) to discussed FOI requests from media representatives and that nil disclosure was to be made because it was an ongoing criminal investigation. Refer to my AFP diary, page 124 marked **Exhibit 16**.

217. On 21 April 2021 about 4.58pm telephone contact Ms Rebecca [Personal information], legal representative for Ms Higgins. I advised her of my position and confirmed the investigation was active however I would not be providing further details. Refer to my AFP diary, page 133 marked **Exhibit 24**.

218. On 27 April 2021 about 10.20am I contacted Dr Ashley Tscalos regarding obtaining a statement from Senator Reynolds. Refer to my AFP diary, page 136 marked **Exhibit 75**.

219. On 27 April 2021 about 11.07am I contacted Mr [Personal information], Chief of Staff for former Attorney General (AG) of Australia Michaela Cash, I informed him I wanted to speak to

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[Personal information] witness



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both him and the AG in relation to the investigation. Refer to my AFP diary, page 136 marked **Exhibit 75**.

220. On 27 April 2021 about 1.25pm I contacted Mr **Personal information** Defence Liaison Officer for Senator Reynolds in March 2019, I advised him I wanted to speak with him in relation to the investigation. Refer to my AFP diary, page 136 marked **Exhibit 75**.

221. **WIT_Confidential_sensitive_AFP**

222. **WIT_Confidential_sensitive_AFP**

223. **WIT_Confidential_sensitive_AFP**

224. **WIT_Confidential_sensitive_AFP**

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226. WIT_Confidential_sensitive_AFP [Redacted]

227. WIT_Confidential_sensitive_AFP [Redacted]

228. WIT_Confidential_sensitive_AFP [Redacted]

229. WIT_Confidential_sensitive_AFP [Redacted]

230. WIT_Confidential_sensitive_AFP [Redacted]

231. WIT_Confidential_sensitive_AFP [Redacted]

232. WIT_Confidential_sensitive_AFP [Redacted]

233. On 10 May 2021 about 12.15pm I contacted Dr Ashley Tscalos regarding an update regarding the statement from Senator Reynolds. Refer to my AFP diary, page 147 marked **Exhibit 81**.

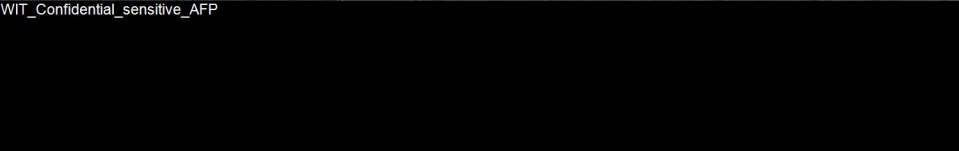
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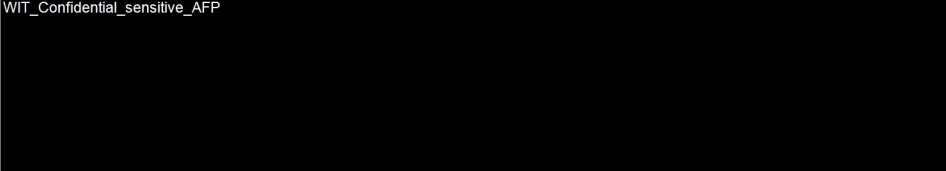
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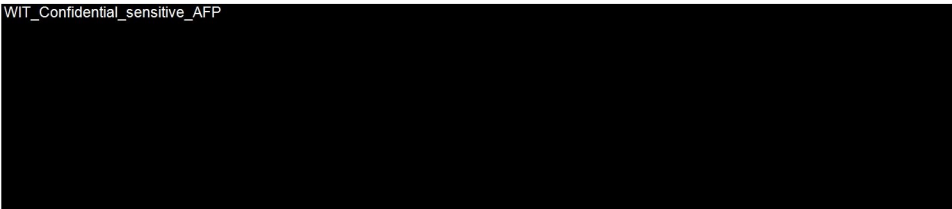
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234. WIT_Confidential_sensitive_AFP


235. WIT_Confidential_sensitive_AFP



236. WIT_Confidential_sensitive_AFP



237. WIT_Confidential_sensitive_AFP


238. On 21 May 2021 about 3.00pm I met with former Attorney General (AG) of Australia Senator Michaela Cash. Conducted record of conversation. Refer to my AFP diary, page 156 marked **Exhibit 86**.

239. On 25 May 2021 at about 8.07pm I was contacted by former Attorney General (AG) of Australia Senator Michaela Cash. We discussed if questioned during Senate Estimates what she was able to say about the investigation. Refer to my AFP diary, page 157 marked **Exhibit 31**.

240. WIT_Confidential_sensitive_AFP



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241. On 2 June 2021 I had email communication with Dr Ashley Tsacalos regarding statement from Senator Reynolds. Refer to this email of 2 June 2021 entitled Enquiry statement of Minister Reynolds marked **Exhibit 88**.
242. On 8 June 2021 email communication with Dr Ashley Tsacalos regarding statement from Senator Reynolds. Refer to this email of 2 June 2021 entitled Enquiry statement of Minister Reynolds marked **Exhibit 88**.
243. WIT_Confidential_sensitive_AFP
[REDACTED]
244. WIT_Confidential_sensitive_AFP
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245. On 10 June 2021 I had email communication with Dr Ashley Tsacalos regarding statement from Senator Reynolds. Refer to this email of 10 June 2021 entitled Signed statement of Senator Linda Reynolds and annexures marked **Exhibit 89**.
246. On 21 June 2021 about 1.30pm I met with Ms Sharaz [REDACTED] of Clayton Utz and Associates and collected statement of Senator Linda Reynolds. Refer to my AFP diary, page 173 marked **Exhibit 90**.
247. On 9 July 2021 12.50pm I spoke to Mr Sharaz and discussed meeting with Ms Higgins on 12 July 2021. Refer to my AFP diary, page 183 marked **Exhibit 91**.
248. On 17 July 2021 12.26pm I spoke to Mr Sharaz discussed PIN codes for Ms Higgins phones. Refer to my AFP diary, page 186 marked **Exhibit 43**.

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249. On 19 July 2021 I had email communication with Mr Sharaz title – Phone Consent Phone. Refer to this email of 19 July 2021 entitled Phone Consent form marked **Exhibit 92**.
250. On 19 July 2021 I had email communication with Mr Sharaz title – Phone Consent Phone. Refer to this email of 19 July 2021 entitled Phone Consent form marked **Exhibit 92**.
251. On 22 July 2021 I contacted Mr Sharaz and discussed Google Bank access required from Ms Higgins. Refer to my AFP diary, page 189 marked **Exhibit 45**.
252. On 27 July 2021 I contacted Mr Sharaz requesting consent as soon as possible. Refer to my AFP diary, page 190 marked **Exhibit 93**.
253. On 30 July 2021 about 8.58am I was contacted by Mr Sharaz. We had a discussion regarding messages from Ms Higgins. Refer to my AFP diary, page 192 marked **Exhibit 46**.

Decision to Charge

254. On 2 June 2021 about 9.00am I met with the investigation team, D/Sgts Saunders, McDevitt, Detective Leading Senior Madders and Senior Constable Frizzell to discuss the current situation and concerns with respect to the pressure being felt by the team and myself to proceed. We also discussed the identified issues within the investigation and that my intention was to seek direction and decision from ACT Policing Executive regarding the matter. I advised the team I will articulate the identified issues during the course of the investigation and concerns relating to the sufficiency of evidence. All of the persons present agreed to that course of action. As a group we did have concerns if the evidence was sufficient to pursue a charge. That was the purpose of seeking some independent advice. Refer to my AFP diary, page 161 marked **Exhibit 33**.
255. On 3 June 2021 about 4.48pm I met with D/Supt Moller and advised the investigators, and I were of the opinion independent advice was necessary because there were concerns

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the evidence was not sufficient to charge. I advised at that time I was not comfortable or prepared to sign the charge at this time, nor were the investigators. This needed to be conveyed to the decision makers. Further conversation was had in relation to how investigators and I felt with going to the DPP in the circumstances for advice. I explained that we felt independent advice needed to be obtained. D/Supt Moller advised my concerns were to be put to Senior Executive for decision. Refer to my AFP diary, page 162 marked **Exhibit 34**.

256. On 4 June 2021 about 9.18am I met with D/Supt Moller to discuss my report titled Op Covina Direction/Decision – Alleged Sexual Assault Australian Parliament House 23 March 2019. We discussed the content of my report, pressures being experienced and associated factors. Refer to my AFP diary, page 163 marked **Exhibit 35**.

257. On 17 June 2021 about 10.00am I met with D/Supt Moller and DCPO-R regarding decision of DCPO-R to forward the preliminary brief of evidence and reports to the DPP. During the meeting discussion was had regarding DCPO-R decision and I advised how I felt and expressed my opinion regarding the evidence and credibility issues. DCPO-R acknowledged the concerns. Refer to my AFP diary, pages 170 and 171 marked **Exhibit 37 and 38**.

258. At the time Mr Lehrmann was charged I was on extended personal leave.

Trial in the Matter of R v Lehrmann

259. My involvement with the DPP/ODPP leading up to and during the trial in the matter of R v Lehrmann was minimal and consisted of three interactions:

260. Interaction One – on 11 May 2022 I attended the ODPP and met with Prosecutor Ms Skye Jerome for the purposes of witness proofing. During the meeting we discussed a number of issues, Ms Jerome sought clarification of various referenced exhibits and

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requested additional material. My interaction with Ms Jerome during the meeting was pleasant and professional. Refer to my AFP diary, page 220 marked **Exhibit 94**.

261. Interaction Two – on 29 August 2022 as a result of a request from the DPP, through Senior Constable Frizzell, Senior Constable Andrew [Personal info] reviewed material from law firm Keegan Lee. This law firm is an independent law firm retained by the ODPP to perform work. Senior Constable [Personal info] advised me during the task a number of issues were identified regarding the Cellebrite report of Ms Higgins phone provided to DPP including un-redacted information. I directed Senior Constable [Personal info] to liaise with Senior Constable Frizzell who was liaising with the DPP for the trial and to bring it to their attention. I also raised this issue with Commander Crime, Joanne Cameron and was advised Detective Inspector Callum [Personal info] has awareness and engagement with DPP. I had no further involvement in this matter. Refer to my AFP diary, page 277 marked **Exhibit 95**.
262. Interaction Three – on 18 October 2022 about 9.30am I attend the ACT Supreme Court as I had been advised I would not be called as a witness by the prosecution or defence in the matter. The reason for attending was my interest in the proceeding and to support investigators Senior Constable Frizzell and Detective Leading Senior Constable Madders. When I attended the DPP or DPP staff did not engage with me or other investigators in anyway which I felt was unusual. During a break in the morning I approached Prosecutor Ms Jerome to ask how things were going and I felt she was uncomfortable speaking with me, she was very short and not engaging which I again felt was very unusual.
263. Prior to me attending the trial I had been advised by investigators the DPP and his team were not engaging with investigators which I felt was unusual. Senior Constable Frizzell and Detective Leading Senior Constable Madders had told me the DPP had not been engaging with them during the trial and they did not know what was going on. In their

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opinion the DPP and his team seemed as if they didn't want anything to do with them and they did not understand why and felt it was unprofessional.

264. I have limited knowledge of any communications in relation to enquiries regarding Ms Higgins' appointments with a medical centre as I was not directly involved.
265. I had no interaction with the DPP in relation to his duty to decide whether to continue or discontinue criminal proceedings against Mr Lehrmann as he never communicated with me at any time during the trial and I cannot comment further on this.
266. Interaction with the DPP and his team during the trial was non-existent in my opinion. I felt the DPP were deliberately avoiding any communication and engagement with police which I felt was unprofessional. This is something I have never experienced from a prosecutor throughout my policing career. As a result I reached out to defence counsel to ensure investigators were advised of any updates upon commencement of jury deliberation.

Interactions with the legal representatives for Mr Lehrmann

267. It is not uncommon in my experience for police to engage with defence legal representatives during a trial to discuss and clarify matters. I operate on the basis that the law is there is no property in witnesses and as witnesses for the crown we have a duty to cooperate with the justice system and to be fair and transparent. In that regard I have never encountered in my professional career a situation where police are given a direction by the police department not to talk to defence lawyers. If I had ever received such a direction I would be concerned that it was an unlawful direction.
268. I interacted and engaged with Mr Lehmann's legal representative during the trial at the ACT Supreme Court as I would in any other trial in a professional and cordial manner. The majority of the interaction was to ensure police were advised if the court reconvened due to the lack of engagement and communication from the DPP. Present during my

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interaction within the court precincts was either Detective Leading Senior Constable Madders or Senior Constable Frizzell.

- 269.** Additional interaction I had with Mr Steven Whybrow in relation to the matter is as follows: On 20 October 2022 about 10.09am I received a text message from Mr Whybrow requesting I call him or if possible meet up.” Refer to a screenshot of this message on my AFP mobile phone marked **Exhibit 96**.
- 270.** On 20 October 2022 about 10.15am I met with Mr Whybrow opposite City Police station. Mr Whybrow advised he had received an inquiry from a journalist regarding a report referred to as the ‘Moller Report’ and wanted to reassure police he has not and will not be releasing anything as he obtained it under subpoena. We discussed the journalist obtaining the report, how the journalist knew about it and general discussion about the journalist knowing about the report. I advised Mr Whybrow police did what was required and disclosed all relevant material and any issues are a matter for others to work through. I advised I would not be releasing anything or saying anything at this time. I also advised I will brief D/Supt Moller of the situation. This conversation was at Mr Whybrow’s request, and I believe I responded to this inquiry in a professional way. Refer to my AFP diary, page 282 marked **Exhibit 97** and a screenshot of the message on my AFP mobile phone marked **Exhibit 96**.
- 271.** On 20 October 2022 about 11.00 I had text message communication with Mr Steve Whybrow:
- a. Whybrow: “Hey mate let me know if there is a number this lady might call if there is any point.”
 - b. Myself: “Appreciate our discussion. Just spoke to Scott. The lady will need to go through the FOI processes.”
 - c. Whybrow: “Understand if we get a result I might say somethings.”

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- d. Refer to a screenshot of this text message conversation on my AFP mobile phone marked **Exhibit 98**.

272. On 20 October 2022 about 3.31pm txt message communication with Mr Whybrow:

- a. Whybrow: "Mate no news or anything so will reconvene at 4 at latest. Btw did the police sof go onto court file? Don't see why juornos can't have that but wasnt involved back then"
- b. Myself: "Thanks mate. Re SOF Police was in original mention brief however as you know DPP prepare their own version for Supreme Court. Journos should check with the court."
- c. Refer to a screenshot of this text message conversation on my AFP mobile phone marked **Exhibit 99**.

273. On 21 October 2021 about 10.32am text communication with Mr Whybrow:

- a. Whybrow: "Mate hopefully irrelevant inquiry and probably even if it does arise AFP view will count little BUT if Bruce is convicted does the AFP have any issues if he were to remain in bail while we prepare sentence?"
- b. Myself: "Steve. Bruce has cooperative throughout and have minimal concern, we would ask Bruce surrender his passport and not attend any port of international departure.
- c. Myself: "I don't believe the DPP will consult us if this situation presents."
- d. Mr Whybrow: "100%. Already raised that with him. His passport is in Toowoomba and he would arrange to have it handed in to the Qpol within 24 hours. Would want to return by boat or plane to Hobart pending sentence but would abide by any condition."
- e. Refer to a screenshot of this text message conversation on my AFP mobile phone marked **Exhibit 100**.

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274. On 21 October 2022 about 4.00pm text communication with Mr Whybrow:

- a. Myself: "Hi Steve. Appears will be back Monday or have you heard anything to the contrary Marcus."
- b. Whybrow: "No mate just got that news Jury looks angry and not looking at anyone not before 10am Monday. Time for a drink my friend. Have a good weekend."
- c. Myself: "Cheers mate thanks."
- d. Refer to a screenshot of this text message conversation on my AFP mobile phone marked **Exhibit 101**.

275. On 24 October 2022 about 9.43am text communication with Mr Whybrow

- a. Whybrow: "Jury has a note."
- b. Whybrow: "I'm trying to get back to Canberra from Melbourne."
- c. Myself: "What happens now"
- d. Whybrow: "Court reconvenes to see what they say."
- e. Myself: "Copy I'll go over."
- f. Refer to screenshots of this text message conversation on my AFP mobile phone marked **Exhibit 102**.

276. On 25 October 2022 about 11.42am text communication with Mr Whybrow:

- a. Myself: "Hi Steve do you have time for a coffee Marcus."
- b. Whybrow: "Yeah sure Not like any of us have anything else to do. Where do you want to go?"
- c. Myself: "Exactly anywhere but two before ten. How about we met where we chatted the other day. There is a coffee shop nearby."
- d. Whybrow: "Ill wander up now grab a takeaway and meet you round there about 1205."

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- e. Myself: “No worries.”
- f. Refer to a screenshot of this text message conversation on my AFP mobile phone marked **Exhibit 103**.

277. On 25 October 2022 about 12.00pm I met Mr Steve Whybrow on the corner just down from the City Police Station to discuss contempt allegation raised with investigators previously by Mr Whybrow regarding social media posts by Ms Higgins. I explained that this type of complaint is not something police are likely to act on without a formal complaint. He said he would put it in writing. Refer to my AFP diary, page 285 marked **Exhibit 104**.

278. On 25 October 2022 about 1.43pm text communication with Mr Whybrow:

- a. Whybrow: “Can I have your email address please Mr L has asked me to write to you requesting investigations of complaints he has.”
- b. Myself: “My email is Personal information”
- c. Whybrow: “Thanks sent if taken seriously then perhaps you already have ground to get a SW for her phone before the Instagram stuff gone!”
- d. Myself: “Copy that”
- e. Refer to a screenshot of this text message conversation on my AFP mobile phone marked **Exhibit 105**.

279. On 25 October 2022 about 2.50pm text communication with Mr Whybrow:

- a. Whybrow: “Jury has a note.”
- b. Whybrow: “Reconvene at 3.”
- c. Myself: “See you there.”
- d. Refer to a screenshot of this text message conversation on my AFP mobile phone marked **Exhibit 106**.

280. On 26 October 2022 about 3.47pm text communication with Mr Whybrow:

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<p>Marcus Colin Boorman</p>	<p style="text-align: right;">Witness</p>
<div style="background-color: black; color: white; font-size: small; padding: 2px;">Personal information</div>	<div style="background-color: black; color: white; font-size: small; padding: 2px;">Personal information</div>

- a. Myself: “Still waiting. Nil update but jury still out.”

281. On 26 October 2022 about 6.11pm text communication with Mr Whybrow:

- a. Whybrow: “Mate no pressure but any chance AFP can get anything re investigation into contempt ASAP
- b. Whybrow: Lets chat on WhatsApp! It a fast, simple and secure app we can use to message and call each other for free. Get it at (WhatsApp link attached)
- c. Refer to a screenshot of this text message conversation on my AFP mobile phone marked **Exhibit 107**.

282. On 27 October 2022 about 9.14am text communication with Mr Whybrow:

- a. Whybrow: “Reconvening at 945 for you know what”
- b. Myself: “Thanks”
- c. Refer to a screenshot of this text message conversation on my AFP mobile phone marked **Exhibit 107**.

283. On 27 October 2022 about 11.30am I was contacted by Mr Whybrow requesting AFP do something about Ms Higgins media stand-up alleging contempt of court and his frustration with her ‘blatant disregard for judicial system’. I advised I would brief superiors on this matter. Refer to my AFP diary, page 285 marked **Exhibit 104**.

284. On 27 October 2022 at about 11.34am I had text communication with Mr Whybrow:

- a. Whybrow: “screen shot of legislation”
- b. Whybrow: ”Let me know if we need to file anything official.”
- c. Myself: “Will do”
- d. Whybrow: “Can email a complaint imminently.”

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- e. Myself: “Copy”
- f. Refer to a screenshot of this text message conversation on my AFP mobile phone marked **Exhibit 108**.

285. On 27 October 2022 about 1.03pm I contacted Mr Whybrow and advised him to contact Commander Crime Jo Cameron. Mr Whybrow advised he would do so. Refer to my AFP diary, page 286 marked **Exhibit 109**.

Interaction with Ms Higgins, her legal representative and/or the Victims of Crime Commissioner during the trial

286. Between 20 October and 27 October 2022 during my attendance at the trial I had no interaction or communication with Ms Higgins or her legal representatives as requested by the DPP. All interaction I observed was with the DPP and the prosecution team or the media.

Interaction with any other person

287. During the trial when I attended I had normal interaction with court staff and members of the media where I exchanged pleasantries which is something I would do when I attend court for any matter. We are all known to each other given the fishbowl environment Canberra is.

288. When I entered the court room during the trial I sat in the rear row of seats next to Senior Constable Frizzell, Detective Leading Senior Constable Madders and on occasions D/Supt Moller when he attended. At times members of the public or journalists sat next to us or near us however I did not engage with them except to acknowledge their presence by saying hello or similar. With respect to sitting next to the partner of Senator Reynolds I cannot comment as I do not know this person or what they look like.

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Media

- 289.** The level of media involvement in the matter of R v Lehrmann I felt had significant impact on the investigation. From the outset the extensive coverage, continual reporting and associated political commentary from high office holders and people of influence within the community was not helpful to the investigation. Media coverage and reporting at times in my opinion discouraged witnesses from being open and frank with police for fear of being criticised publicly in the media and on a number of occasions contaminated witness recall.
- 290.** A number of witnesses when interviewed by police referenced media reports which required investigators to continually remind them to focus on what they recalled not what had heard or seen in the media.
- 291.** The extensive interest and high-profile commentary of this matter generated in the media placed significant pressure on the overall investigation and influenced internal decision making. An example of this is that there was a change of protocol in regards to the delivery of the brief of evidence to defence.
- 292.** In relation to the AFP media plan I had limited involvement internally and no engagement with the ODPP in relation to the media plan. I received a draft prepared by ACT Policing media via email on 11 June 2021. I did not comprehensively read the plan as it was not an investigational priority at the time.
- 293.** I can offer no comment in relation to the AFP Media plan distributed on 5 August 2021 as I was on personal leave at the time.
- 294.** I had the following communication and contact with media representatives in relation to the matter of R v Lehrmann:

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295. On 20 October 2021 about 12.04pm I received a message on my mobile phone from a journalist from “The Australian”, newspaper, Ms Janet Alebrechtsen requesting I contact her. Refer to my AFP diary, page 282 marked **Exhibit 97**.
296. On 20 October about 12.26pm I returned Ms Janet Alebrechtsen’s call and had a discussion with her about what she referred to as the “Moller report”. She was seeking to talk off the record. I advised I cannot talk in the circumstances and to contact ACT Policing media. Refer to my AFP diary, page 283 marked **Exhibit 110**.
297. On 12 December 2021 about 2.00pm I was contacted by journalist Ms Janet Alebrechtsen. We had a discussion in relation to general charge process for Mr Lehrmann and how it came about, to which I informed Ms Alebrechtsen I could not comment on what occurred, and to contact ACT Police Media for comment. Refer to my AFP diary, page 286 marked **Exhibit 109**.
298. On 6 December 2021 about 6.45pm I left a voice message for journalist Ms Janet Alebrechtsen returning her call with intention to again advise her to go through ACT Policing Media for comment. Refer to my AFP diary, page 287 marked **Exhibit** (AFP Diary Entry Page 287)
299. On 6 December 2021 about 7.10pm I was contacted by journalist Ms Janet Alebrechtsen inquiring about investigation pressures, interference and a number of other matters. I had a short conversation with Ms Janet Alebrechtsen and I advised I cannot comment and do not want to say anything further. Any comment from police must be obtained through ACT Policing media. Refer to my AFP diary, pages 287 and 288 marked **Exhibit 111 and 112**.
300. Any communication with journalists in relation to the R v Lehrmann matter I reported to my Superintendent soon thereafter.

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301. During the course of the trial of R v Lehrmann I did have various contacts with a number of journalists in passing in and around the ACT Supreme Court precincts. The contact was of a general nature and not specifically in relation to the investigation or court process and was in passing.

Board of Inquiry

302. I have spoken with ACT Policing Executive at a number of organisational meetings held in relation to the AFP ACT Policing response to the inquiry. The purpose of the meeting was to support members involved in the inquiry. Nothing further.

SWORN before me at Canberra in the Australian Capital Territory on 24 March 2023.

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Signature of Person Making Statement
MARCUS COLIN BOORMAN

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Signature of witness /
Personal information
[Redacted]
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NAME OF WITNESS

Personal information
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Marcus Colin Boorman

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Witness