

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 ROBERT HEATH LANGLANDS

I, Robert Heath Langlands, 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.

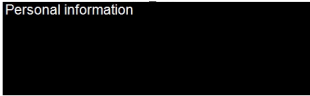
Background and Professional History

Current Position

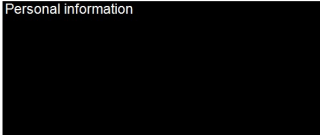
1. I hold the rank of Detective Sergeant in the Australian Federal Police ('AFP'), attached to ACT Policing, and stationed at the Belconnen Police Station, Belconnen ACT.
2. My current position is a Patrol Sergeant in uniformed, General Duties.

Tertiary Qualifications/Courses and/or Diplomas

3. I hold an Advanced Diploma of Police Investigations which I attained on 14 June 2017, and a Diploma of Public Safety, attained on 13 March 2012. Both qualifications were attained through the AFP College in Barton, ACT.
4. I attained my Detective designation on 26 July 2017. I have undertaken the following courses during my employment in the ACT Policing:

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- a) Detectives Training Program Stage 3 – 9 June 2017;
- b) Counter Terrorism Investigator's Program – 9 August 2016;
- c) Incident Command and Control System Plus Workshop – 21 March 2016;
- d) Family Violence Evidence in Chief – 28 February 2016;
- e) Detectives Training Program Stage 1 – 20 November 2015;
- f) Immediate Action Rapid Deployment – 24 June 2015;
- g) Investigative Interviewing Program – 29 May 2015;
- h) Sexual Offences and Child Abuse Workshop – 2 March 2015;
- i) Interviewing Vulnerable Witness Program – 19 March 2014;
- j) Public Order Management – 18 November 2013;
- k) Radar Speed Detection Course – 14 February 2013;
- l) Mental Health Community Policing Initiative – 24 August 2012; and
- m) ACESO technical investigator competency – 19 October 2010.

Employment Chronology

5. I commenced my employment with the AFP on 16 February 2004 as an unsworn staff member and I worked in a variety of roles in Human Resources, the Air Security Officer Program and Workplace Health and Safety.

6. On 29 June 2005, I undertook a nine-week training course to become a Protective Service Officer at the National Training Centre in Barton. Upon graduation, I commenced at the Diplomatic Protection Unit in Canberra, providing security to Embassies and Diplomatic Officials.

7. On 14 April 2009, I commenced a twenty-week Federal Police Development Program at the AFP College in Barton to become a sworn Police Officer. The training included legislation, evidence collection, investigations and Operational Safety Training and Police Powers.

8. On 14 September 2009, I commenced at City Police Station on a City Patrol in General Duties as a Constable of Police. This role involved responding to incidents and investigation of a range of offences.

9. On 8 September 2013, I transferred to the Regional Targeting Team, stationed at City Police Station. This team was responsible for patrolling the city entertainment precinct and licenced

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venues across the ACT, targeting alcohol and drug related crime, and ensuring compliance with the ACT liquor laws. During this period, I attained the rank of First Constable.

10. On 5 May 2014, I transferred to Criminal Investigations Response Team 1 ('City Crime') based at City Police Station for a three-month rotation. This was to establish my suitability to transfer permanently to ACT Policing Criminal Investigations. During this time, I undertook investigations into serious matters such as serious assault, aggravated burglary, robbery, suicides, and suspicious deaths.
11. On 9 October 2014, I was found suitable to work in ACT Policing's Criminal Investigations and commenced in the Child Abuse Team ('team'). This team was predominately responsible for investigating child abuse matters, child sexual assaults, and infant deaths. Sometimes the team also undertook investigations into adult sexual assault matters.
12. At that time, there was a Child Abuse Team and an Adult Sexual Assault Team, each lead by a Detective Sergeant. The teams were supported by a third Detective Sergeant who managed the relationship with external services such as Canberra Rape Crisis Centre and Child and Youth Protection Services. The third Detective Sergeant also delivered training, gave advice on investigations and vetted briefs of evidence.
13. Around October 2015, the Child Abuse Team merged with the Adult Sexual Assault Team to become the Sexual Assault and Child Abuse Team ('SACAT'). The members were split into three teams and the supporting Detective Sergeant became the third team leader. The duties of that Support Sergeant were distributed between the three Detective Sergeants and the Operations Support Sergeant in Criminal Investigations.
14. My role in SACAT (Team 3) at that time continued to investigate both adult and child sexual assaults and child abuse matters.
15. In September 2015, I attained the rank of Senior Constable.
16. In January 2017, I transferred to Team 2 in SACAT and was given acting duties sporadically when the Detective Sergeant went on leave. The substantive Detective Sergeant was deployed

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overseas in late February 2017. I was given this role on higher duties initially for three months. That acting role was extended every three months as there was no replacement the Sergeant's position.

17. My duties as the acting Sergeant were to oversee and manage Team 2 which included the following duties:
- a. allocating and overseeing investigations;
 - b. reviewing investigations and briefs of evidence;
 - c. managing relationships with external stakeholders; and
 - d. reporting to Criminal Investigations management.
18. On 26 July 2017, I attained my Detective Designation and my acting position as Detective Acting Sergeant of Team 2 continued until August 2019.
19. I am unsure of how many investigations I undertook whilst at SACAT. However, during my time in SACAT I took carriage of over a hundred sexual assault and child abuse matters and corroborated and/or assisted with numerous other matters. The majority of the investigations I took carriage of were in the first three years of my time in SACAT, prior to commencing higher duties.
20. On 1 August 2019, I transferred to the role of Executive Officer to the Deputy Chief Police Officers at the rank of Detective Acting Sergeant. In this role, I provided support to both Deputy Chief Police Officers and was the conduit between their office and ACT Policing members. My duties also included:
- a. drafting and responding to internal and external correspondence;
 - b. taking minutes of official meetings;
 - c. providing advice and briefings on ACT Policing matters; and
 - d. liaising with other ACT and Commonwealth Government agencies on ADP'S behalf.

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21. On 22 June 2020, I became the Executive Officer to the Chief Police Officer, Deputy Commissioner, Mr Neil Gaughan. My rank continued as Detective Acting Sergeant and my duties in this role were similar to those of my previous position.
22. On 19 July 2022, I was promoted substantively to Detective Sergeant and transferred to my current role at Belconnen Station on 1 August 2022.

Training and Education

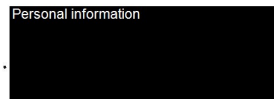
23. Prior to commencing my role in SACAT, I completed the Interviewing Vulnerable Witness Program, delivered by the AFP College on 17 March. This training was required in order to conduct Evidence in Chief interviews with vulnerable witnesses and victims.
24. Following my transfer to SACAT, on 2 March 2015, completed the Sexual Offences and Child Abuse Workshop which was facilitated by the AFP College. The workshop involved guest presenters from New South Wales and Victoria Police, the Forensic Medical Officer, AFP Forensics, Victim Liaison Officers, Canberra Rape Crisis Centre, and members of SACAT. This workshop provided relevant information to sexual assault investigations, including forensic capabilities, victim management and support, and included case studies of sexual assault investigations.
25. On 29 May 2015, I completed the Investigative Interviewing Training delivered by the AFP College. This training related to interviewing victims, witnesses and offenders.
26. On 2 November 2015, I completed the Detective's Training Program Stage 1. Further, on 9 June 2017, I completed the Detectives Training Program to attain my Detective Designation. Stage 1 and 3 provided contemporaneous investigation techniques, the core skills and knowledge required to conduct criminal investigations and included assessment of those skills and knowledge.
27. Aside from the courses listed above, I had obtained over five years of general investigation experience prior to commencing in SACAT. During this time, I was well supported by experienced and dedicated Detective Sergeants who had all worked in SACAT. Additionally,

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the members of my team were also experienced and dedicated officers.

28. Whilst there is always room for improvement, I felt I was sufficiently trained and experienced as a police officer to undertake the investigations I was allocated. Likewise, I believe other members of SACAT were also competent, capable and had the relevant training and experience to undertake investigations in SACAT.
29. As at April 2019, there was no requisite training required to work in SACAT, nor was there a minimum level of experience, other than being found suitable for Criminal Investigations through a process. The process has changed over the years from a being an application process to being assessed as suitable during a rotation through a Criminal Investigations Team and back to an application process.
30. The Sexual Offences and Child Abuse Workshop was definitely beneficial but not essential to undertaking investigations. To my knowledge that has not changed.

Psychological Testing

31. During my time in SACAT, I underwent an initial baseline psychological assessment a short time after I commenced in the area and then further assessments every six months or thereabouts. I don't know the exact dates of those assessments.
32. As far as I am aware the assessments were mandatory and were to ensure the wellbeing of members due to the nature of the investigations and subject matter we are exposed to during those investigations, including child abuse material.
33. I do not remember there being any governance, policy or procedures regarding these assessments.

Organisational Structure

34. In April 2019, there were three SACAT teams. I was responsible for Team 2 which consisted of myself and six full time members and one part-time member. Those member's experience varied from First Constable to Senior Constable with varying policing experience.

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35. Team 1 was led by Sergeant Dave [WIT_Personal_Info] who had six members on his team. Team 3 was led by Detective Sergeant Tony [WIT_Personal_Info] who had six members on his team.
36. At that time, I directly reported to the Crime Manager – Investigations, Detective Inspector Matthew [WIT_Personal_Info] who reported to the Superintendent of Criminal Investigations, Detective Superintendent Scott MOLLER. Detective Superintendent Scott MOLLER reported to the Deputy Chief Police Officer - Crime.
37. In April 2019, I believe that role was filled by Commander Mark [WIT_Personal_Info]. He reported to the Chief Police Officer for the ACT, Assistant Commissioner Ray [WIT_Personal_Info].

Duties and Responsibilities

38. My understanding of my duties and responsibilities in conducting sexual assault investigations is best described in the AFP Investigators Doctrine on page 9 as follows:

‘Investigations are an objective search for the truth by discovery and presentation of evidence in an exhaustive, comprehensive, and organised manner’.

39. Attached and marked 'Exhibit 2' is a copy of the AFP Investigators Doctrine.
40. In conducting investigations, I always ensured, to the best of my ability, that I collected all the available evidence and was satisfied that a prima facie case was established before arresting an alleged offender or putting them before Court.
41. I took my role very seriously, given the nature of the offending and the impact that the offending had had on the victims. I balanced these considerations with the potential impact on an alleged offender, as occasionally there were some vexatious reports made for ulterior motives or, particularly in complaints made involving child victims, complaints made due to someone misinterpreting an incident described to them by the child.
42. Along with the AFP Investigations Doctrine, there are several Better Practice Guides and Standard Operating Procedures relating to SACAT investigations. These policies outline who

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responds to an incident/report and what type of response is made to a particular incident type as opposed to a step-by-step guide on how to investigate an offence.

43. Whilst many sexual assault investigations are similar, no two are the same and the lines of enquiry required to collect evidence are always different. This knowledge has come from training and my experience as opposed to a particular guideline. However, the “Standard Operating Procedure for Child abuse and sexual offence first response” does provide assistance.
44. Attached and marked '**Exhibit 3**' is a copy of the Standard Operating Procedure for Child abuse and Sexual Offence first response Policy.
45. In addition to investigating complaints made by victims, it was also my responsibility to ensure victims were updated and consulted on the progress of the investigation. Further, that victims are provided the appropriate support, either through Canberra Rape Crisis Centre, ACT Policing Victim Liaison Officers, or another supporting agency.
46. As a Detective Acting Sergeant in SACAT, my main responsibilities were managing the welfare and case load of my team as best I could. I would receive, review, and allocate complaints to members of my team for investigation. I was responsible for overseeing those investigations, providing guidance, direction, and advice to investigators in relation to the investigation and collection of evidence. I was also responsible for reviewing decisions made by investigators to either finalise a matter or proceed to Court and reported to Criminal Investigations management.

Triage Process for Sexual Assault Complaints

47. In April 2019, the process for triaging sexual assault complaints was guided by the “Better Practice Guide on Child abuse and sexual offence investigations” and the “Better Practice Guide on Criminal Investigations response and notification”.
48. Attached and marked '**Exhibit 4**' is a copy of the “Better Practice Guide on Child abuse and sexual offence investigations’ and “Better Practice Guide on Criminal Investigations response and notification”.

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49. There were several methods of receiving sexual assault complaints, including via telephone through ACT Police Operations (13144/000); in person at a Police station; or directly to SACAT via a partner agency such as Canberra Rape Crisis Centre or Child and Youth Protection Services.
50. If a report was obtained through ACT Police Operations or in person at a police station, the initial complaint was generally taken by uniformed General Duties members from the nearest police station. This officer would obtain a brief version of events and establish the type of offence before referring the matter to SACAT via the Criminal Investigations Reception Officer ('CIRO').
51. If a complaint was made directly to SACAT, the on duty Sergeant would effectively follow the same process as the CIRO in deciding whether to allocate the investigation to a SACAT member or refer the complaint to General Duties.
52. In the context of the triage and referral process for sexual investigations, the CIRO was generally a Detective Sergeant (substantive or acting) who would be on call for a week and was responsible for deciding who would take carriage of a sexual assault investigation. The CIRO would either accept, reject or provide assistance based on the incident type and complexity of the investigation, in line with the "Better Practice Guide on Criminal Investigations response and notification' (exhibit 4).
53. For example, in relation to sexual assault, a referral made to the CIRO which constituted an act of indecency would, in most cases, be rejected and remain with General Duties to investigate. A referral of a sexual assault involving a child or a sexual assault involving any kind of penetration (sexual intercourse without consent), would be accepted and referred to SACAT for investigation.
54. Once a matter was accepted by the CIRO, depending on the time and circumstances of the report, the CIRO would contact the SACAT Sergeant on duty who would allocate the investigation to a member within the team. That member would then attend and speak with the complainant.
55. SACAT was normally staffed between 8:00am and 9:00pm and had two members on call for afterhours matters. If a report was received after hours, the CIRO would decide if the SACAT on-call members would be called out to attend. This was based on a variety of considerations

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however, the CIRO would primarily consider the wishes, safety and needs of the victim and the potential for loss or destruction of evidence.

56. For example, a historical sexual assault made at 2:00am in the morning, would not normally warrant an afterhours call out and would be referred to SACAT the following day as there would be unlikely a potential loss or destruction of evidence.
57. Conversely, on-call SACAT members would be called out at 2:00am for a sexual assault that occurred at 1:00am due to the potential loss of evidence caused by delay.
58. It is difficult to outline a typical sexual assault response as every incident and report is different, and there are many considerations to be made depending on the varying circumstances. In general, however, after an investigation has been allocated to a SACAT member, that member would normally attend the complainant's location with a second member as a corroborator to speak with the complainant.
59. Further, Canberra Rape Crisis Centre is advised and requested to attend in most instances as per the "Memorandum of Understanding between the Australian Federal Police (ACT Policing) and the Canberra Rape Crisis Centre incorporating the Service Assisting Male Survivors of Sexual Assault".
60. Attached and marked 'Exhibit 5' is a copy of the Memorandum of Understanding between the Australian Federal Police (ACT Policing) and the Canberra Rape Crisis Centre incorporating the Service Assisting Male Survivors of Sexual Assault.
61. The circumstances of the offending and when the offence occurred will then dictate what happens next in the investigation, as the physical and mental wellbeing of the complainant must take priority over the investigation.
62. In my experience, dealing with reports of recent sexual assault, I prioritised medical and forensic examinations, followed by the meet and greet process/Canberra Rape Crisis Centre support, obtaining an Evidence in Chief Interview and obtaining further evidence collection based on the version of events provided.

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63. I would recommend to the victim that the medical examination and Evidence in Chief interview occur without delay to ensure no physical evidence is lost.
64. In response to a report of a historic sexual assault, I would first offer support for the victim and conduct the meet and greet. After this, I would allow the complainant time to consider their participation in an Evidence in Chief Interview. I believe this approach allows time for complainants to gather their thoughts and ensure nothing is missed when they provide their version of events. Often this approach produces a better version of Evidence in Chief Interview. There is a much greater need to focus on the quality of information provided in historical sexual assault matters as due to the lapse in time, physical corroborating evidence is lost.
65. For both recent and historical sexual assault investigations, we were required to complete a Wraparound referral for every sexual offence complaint. We must obtain the complainant's consent to refer them to the best suited support agency (generally Canberra Rape Crisis Centre) and complete the Wraparound referral document in the Police Realtime Online Management Information System ('PROMIS').
66. Attached and marked 'Exhibit 6' is a copy of the Wraparound referral document.
67. The complainant is then referred to the ACT Policing Victim Liaison Officers.
68. In 2019, I left SACAT and am not aware if any of the processes have changed since 2019. The Wraparound referral is still mandatory for sexual assault complaints.

Investigating Sexual Assault Complaints

69. In my experience, there is no typical process in conducting a sexual assault investigation and the priorities between recent sexual assault and historical sexual assault investigations are different as outlined above.
70. When I received a referral or was allocated a recent sexual assault investigation the first things I would usually consider were:

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- a. Requirement for medical treatment and/or forensic examination of the victim by the Forensic Medical Officer ('FMO') or Forensic and Medical Sexual Assault Care ('FAMSAC') clinic;
- b. Attendance of a support worker from the Canberra Rape Crisis Centre;
- c. Crime scene locations and the potential need for those locations to be secured;
- d. Determine the location of the alleged offender and assess the evidence they may possess or have on their person;
- e. Conduct the Meet and Greet process;
- f. Conduct the Evidence in Chief Interview; and
- g. Analysis of the evidence and determine what further evidence can be obtained based on the version of events provided by the complainant.

71. My considerations for a historical sexual assault investigation would usually be the following:

- a. Conduct the Meet and Greet process;
- b. Attendance of a support worker from the Canberra Rape Crisis Centre;
- c. Conduct the Evidence in Chief Interview;
- d. Analysis of the evidence and determine what further evidence can be obtained based on the version of events provided by the complainant; and
- e. Determine the location of the alleged offender.

72. The initial Meet and Greet process, in my opinion, is extremely important. I used this process as a way to build rapport with the complainant and provide information they need to make an informed decision on what they chose to do next.

73. Sometimes I would conduct the Meet and Greet whilst waiting for the FMO, prior to a medical examination. Other times I would conduct the Meet and Greet with the complainant at their home or the police station. It was best practice to have the Canberra Rape Crisis Centre present during the Meet and Greet. However, sometimes the Meet and Greet happened before they were able to attend. It all was dependant on the circumstances of each individual matter.

74. As part of the Meet and Greet process, I would advise the complainant I would only explain the investigation and court process for now. Further, that it was not my role to influence the

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complainant to proceed with a criminal complaint. Each complainants' expectations varied. Some complainants wanted their complaint heard in a court, some just wanted to make an initial report only and for details to be recorded and others wanted general information on the overall process.

75. After I had established the complainant's expectations, I would discuss the need to obtain evidence by conducting an Evidence in Chief Interview, what it was and the protections it afforded the complainant in court. I would then explain the court process and roughly outline the usual timeframes of court.
76. I would generally discuss their support options, how I would progress the investigation and that updates would be provided. I would advise the complainant they would be consulted before any contact with a potential witness was made, including the alleged offender and before the matter was put before the courts if there was sufficient evidence to do so.
77. The nature of evidence that is ordinarily obtained in sexual assault matters is an audio and video recorded Evidence in Chief Interview as per the *Evidence (Miscellaneous Provisions) Act 1991*. For a historical sexual assault, sometimes I would take a written statement particularly if there were multiple occasions of offending over a lengthy period of time.
78. Next the evidence is collected. Evidence can include statements of first disclosure, witness statements, phone records, documents, forensic evidence, closed circuit television footage and social media data. Evidence can come in various forms depending on the complainant's version of events. Each matter is unique.
79. In most sexual assault investigations, I engaged the Canberra Rape Crisis Centre who were fantastic in their support of victims. The only time I did not engage the Canberra Rape Crisis Centre is when the victim declined their service or was supported by another service such as the Domestic Violence Counselling Service. The Intermediary Program was implemented after I left SACAT in 2019.

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80. During my time in SACAT, I experienced a professional and supportive relationship with prosecutors of the Office of the Director of Public Prosecutions ('ODPP'). In particular, the sexual offences unit as we had constant contact.
81. I would normally only consult with the ODPP once a matter was before court, though occasionally I would consult with the sexual offences unit regarding historical sexual offences and the most appropriate criminal offence to charge or provide notice if an offender was arrested and bail was to be opposed.
82. I consulted once with the Director of Public Prosecutions ('DPP'), Jon White SC regarding an appealed sentence as I was the Case Officer. However, this communication was not routine, and it was very uncommon for an investigator to engage with the DPP directly.
83. As I left SACAT in 2019, I am unaware of whether the current process to investigate sexual assault matters has changed.
84. I have not been involved in any sexual assault investigations where the Detective Superintendent was actively involved in an investigation.
85. I do not believe there are any policies or procedures that govern our interaction with ODDP.

The Adjudication Process

86. Police compile three different briefs of evidence which are an arrest brief, a summons brief, and a hearing brief.
87. The arrest brief is compiled and adjudicated on by the Watch House Sergeant following the arrest of an offender.
88. The summons brief and hearing brief is compiled and adjudicated on by the Informant's Sergeant and the Adjudication and Practices Sergeant of their relevant area.

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89. The summons brief is to summons an alleged offender to court. The hearing brief is provided when an alleged offender enters a plea of not guilty before a court.
90. My understanding of the adjudication process is to ensure arrest and summons briefs are completed to an acceptable and professional standard, the Statement of Facts outlines the allegations accurately, the evidence supports the charges laid and that no personal witness details are disclosed to third parties.
91. For hearing briefs, in addition to the above, the adjudication process also ensure that all the avenues of enquiry have been explored, all evidence has been collected and disclosed and there is sufficient evidence to support the charges.
92. I cannot advise if the adjudication process has changed in the last four years.
93. I have only submitted briefs of evidence to Judicial Operations and have not served briefs on legal representatives for the defendant.
94. Redactions of personal or irrelevant information when compiling briefs of evidence are usually done by the person providing the statement. This would include all relevant notes or documents attached to their police statement.
95. Commonly, redactions of all other documents contained in a brief of evidence are done by the case officer when compiling the brief and may include redaction of private details such as dates of birth, addresses and contact details. In adjudicating the brief, the case officer's Sergeant and Adjudication and Practices Sergeant ensure personal information has been redacted before the brief is provided to Judicial Operations.

Communication with Victims

96. Whilst I was in SACAT, I used to discuss with complainants when and how they wanted to be communicated with. Some complainants were happy to receive updates only when their matter progressed however in most cases I would contact a complainant at least every four weeks by phone or by email.

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97. Most contact with the complainant occurs during the investigation phase.
98. Whilst I was in SACAT, there was no formal policy regarding communication between our unit and the complainant. However, now pursuant to the Victims Charter of Rights, police must contact the complainant every six weeks, regardless of whether their matter has progressed.

“Victim-Centric” approach

99. I would describe the “victim-centric” approach as dealing with the victim in a respectful manner, providing them with regular updates and information to allow them to make informed decisions and providing them with choices as to the progress of the investigation.
100. It was explained to me when I joined SACAT, and later on the Sexual Offences and Child Abuse Workshop, that during a sexual assault, the power and sense of control is taken away from the victim. A small thing we can do as Police to restore that sense of control and power is by informing the victim at various stages of the investigation and giving them choices as to its progress.
101. As an example, we explain during the Meet and Greet process that the victim may choose not to proceed with the complaint at any time, up until the matter goes to court. Additionally, it is explained their well-being and recovery is more important than charging an alleged offender.
102. Further, if a victim provides a statement or Evidence in Chief interview and advises they no longer support the investigation to progress, we do not re-traumatise the victim by forcing them through the process. Instead, we will explain that the investigation will be closed but can be re-opened at any time when the victim is ready. However, we are also careful to explain that if the investigation is not progressed, evidence will likely be lost.
103. On 3 May 2019, I had a conversation with Brittany HIGGINS. Ms HIGGINS informed me she no longer wanted to pursue her complaint and I informed her that her report could be ‘re-activated’ at any time, however evidence may be lost if the complaint was not investigated at this point in time. My involvement in the Brittany HIGGINS matter will be discussed in detail below.

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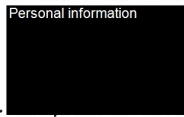
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Threshold to lay charges

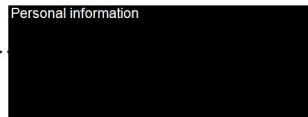
104. In order to charge a person with a sexual offence, there needs to be sufficient evidence to corroborate the charge or sufficient evidence to support a prima facie case. This often means a complainant's version of events should be supported by corroborating evidence.
105. I also believe it is my responsibility not to progress a complaint if there are no prospects of proving the charge before a court. This may be due to a lack of evidence to support the allegation or if, in searching for corroborating evidence, sufficient evidence comes to light that contradicts the complainant's allegation.
106. Evidence that contradicts the complainant's version does not necessarily mean the complainant is untruthful, however I believe it is important not to put the complainant through more unnecessary trauma at court if there are no prospects of a conviction.
107. I also believe that charges should not be laid if there is little to no evidence to support a conviction against an alleged offender, particularly in the case of a sexual assault complaint which has the potential to cause serious damage to a person's reputation, regardless of whether it is unfounded or not. This is why before you charge you must have a reasonable belief the prosecution will be successful.
108. Since I left SACAT in 2019, there have been reviews conducted regarding the threshold to charge, however I believe this threshold has remained unchanged.

Obtaining further statements

109. I cannot recall if there are guidelines in relation to taking further statements from witnesses or complainants.
110. It is preference to obtain one statement or Evidence in Chief interview that is comprehensive and complete.
111. In the past, I have obtained further statements to clarify or explain additional evidence that has been located or at the request of ODPP.

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112. If a further statement is required, I would interview the witness and obtain their version in the same format as their original statement. I would ensure the second statement is clearly marked as the addendum version.

Process undertaken when decision is made to charge or not charge

113. If a decision is made to not charge a person, the following process is generally followed:

- a. Consult the Sergeant outlining the issues of the investigation;
- b. After consultation, involve the Canberra Rape Crisis Centre for assistance; and
- c. Inform the complainant of the decision and outline the reasons why we have decided not to proceed, ensuring they are adequately supported afterwards.

114. If a decision is made to charge a person, the following process is generally followed:

- a. Depending on the circumstances, advise the complainant of our intention to charge the offender; and
- b. Charge the offender.

115. There are occasions where this is not possible to inform the complainant of an arrest, however I would inform the complainant as soon as possible afterwards.

Cultural views of Sexual Assault Complainants

116. I do not believe there are any negative underlying cultural views in ACT Policing with respect to conducting sexual assault investigations.

117. Since I left the SACAT in 2019, I do not believe there has been any significant changes, apart from the introduction of the Intermediary program as to how complainants are treated.

118. In my opinion, sexual assault complainants are treated differently to other victims of crime as they provided additional support services, purely due to the nature of the offence and the significant impact it has on victims.

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119. Police deal with sexual assault complainants with the same level of respect and professionalism as victims of other crime offences.

Discontinuing and reinstating investigations at the request of the victim

120. Complainants can request that an investigation into their complaint be put on hold or discontinued. Complainants are advised that the investigation can be re-instated at any time, but they are warned that the investigation may be impacted as any evidence that has not been captured, may be lost due to the passing of time.

121. I am not aware of any underlying cultural views that have existed within the past four years, or ever, in ACT Policing in respect to conducting a sexual assault investigation after a complaint has been reinstated.

Challenges. Issues and/or Pressures

122. As I left SACAT in 2019, I am not aware of the current challenges and/or pressures that SACAT are currently experiencing.

123. During my time in SACAT however, resourcing and time pressures were always a challenge.

124. For the majority of my time within SACAT, the unit was understaffed and had a significant workload. Our team strength was meant to be one Sergeant and eight Constable positions, but we were carrying a number of vacancies across all three SACAT teams for a significant period of time.

125. Day to day, our team strength fluctuated due to recreation leave, sick leave, courses, court commitments and temporary reassignments at the direction of Criminal Investigations Management to support other crime areas, such as Homicide. This put a significant strain on team members within SACAT who were managing multiple and significant investigations.

126. Additionally, we were responsible for the investigation of Child Exploitation Material (CEM) related offences, with poor facilities and infrastructure. The CEM evaluation and categorisation was undertaken in a small room with no windows. We also had inadequate IT equipment and software, adding to the time it took to undertake those tasks and were

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reviewing thousands of explicit images and videos.

127. These strains were also compounded by external pressures such as court deadlines with sometimes unrealistic expectations on provision of hearing briefs.
128. Our relationship with the ODPP was very good at that time, however ODPP added to these pressures with requests for further enquiries at short notice leading up to trials.
129. There were also pressures from external agencies when complaints were made by unsatisfied victims, particularly from the Ombudsman's office or Victims of Crime Commission. Some of these complaints were often unfounded or vexatious and added to the pressure experienced by SACAT members who were only acting in the best interest of victims.
130. My understanding is those complaints increased after I left SACAT, particularly after the Victim's Charter of Rights was introduced.

Report of the Sexual Assault Prevention and Response Steering Committee

131. I have read the report on the Sexual Assault Prevention and Response Steering Committee but had no direct involvement in ACT Policing's response to the report.
132. Attached and marked '**Exhibit 7**' is a copy of the Sexual Assault Prevention and Response Steering Committee Report.
133. As I no longer work within the unit, I have not observed the impact the report has had on cross-agency cooperation and communication, police training or dealing with sexual assault complaints generally.
134. I have not been in a position to observe any cultural shift within the ODPP or ACT Policing's investigation and charging of sexual offences since the report.

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

135. I can only comment on the professional relationship between the ODPP and ACT Policing prior to August 2019 as I have had very little involvement with ODPP I left the SACAT.
136. My personal experience with the ODPP has always been positive since I began my career in policing. I had significantly more involvement with ODPP during my time in SACAT and always found prosecutors to be helpful and professional.
137. As an investigator in SACAT, I would regularly discuss matters with the allocated prosecutor before a significant court event. As stated on occasion, I have sought advice on the appropriate criminal charges prior to putting an offender before court from prosecutors I knew in the Sexual Offences portfolio. This communication was informal.
138. As I left SACAT in 2019, I am unaware if meetings with the ODPP and officers have continued.
139. As a Detective Acting Sergeant in SACAT, I had no involvement directly with the DPP. Our contact was limited to the ODPP staff.
140. I have never had a professional relationship with the current DPP.
141. I met ODPP prosecutors, Skye JEROME, and Mitchell GREIG on one occasion on 9 May 2022 when they requested I attend Ms JEROME's office for "proofing" ahead of the LEHRMAN trial.
142. Whilst they were friendly, Ms JEROME asked if I had previously given evidence, if I had read my statement and notes, and if I had any questions. That was the extent of the meeting, and I had no further interactions with them.
143. I have never met, to my knowledge, Sarah PINEY, Erin PRIESTLY, or Andrew CHATTERTON.

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144. I have never met with the DPP or the ODPP to discuss the conduct of an investigation concerning a sexual assault.

Victims of Crime Commissioner

145. I have met and spoken to the Victims of Crime Commissioner, Heidi YATES, on a number of occasions due to my roles as the Executive Officer to the Chief Police Officer and Deputy Chief Police Officers.
146. I may have spoken to Ms Yates on one or two occasions when I was in SACAT in the early stages of the Intermediary program prior to its implementation.
147. I have also spoken with Ms YATES and the Discrimination Commissioner, Karen WIT_Personal_In in relation to ACT Policing's online Historic Sexual Assault portal which was a project I implemented.
148. In 2019, I was aware Ms YATES was the Victims of Crime Commissioner within the ACT Human Rights Commission. I knew her role was to oversee Victim Support ACT which provides financial assistance to victims of crime.
149. Other than that, I do not recall having any other interaction with Ms Yates or hearing of any other interaction with Ms Yates in relation to any sexual assault victim during my time in SACAT.
150. I don't recall having any interactions with staff from Ms Yates's office during my time at SACAT as ACT Policing's Victims Liaison Officers oversaw issues related to the ACT Victims of Crime Financial Assistance Scheme.
151. During my time in SACAT, the Victims of Crime Commissioner, or her staff had not previously supported a victim at court, or acted as an intermediary between the victim and myself or the ODPP.

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The Investigation

152. I first became aware of the matter on 3 April 2019, when I received an email from Superintendent Ken [WIT_Personal_Info] National Coordinator – Protection Assessment and Liaison. The email was titled “FW: CNE – Alleged Sexual Assault” and was sent at 11:46am to the SACAT team leader email and Detective Inspector Matthew [WIT_Personal_Info].
153. Attached and marked 'Exhibit 8' is a copy of the email dated 3 April 2019 from Superintendent [WIT_Personal_Info].
154. The email contained a precis of a sexual assault allegation from 22 March 2019, which had been reported to Protection Liaison at Parliament House on 1 April 2019. There were no complainant or alleged offender details provided at this time and Superintendent [WIT_Personal_Info] was requesting someone from SACAT make contact regarding the matter.
155. I remember responding to the email with a phone call to discuss as requested, but I did not make notes of the conversation.
156. I briefed Superintendent Scott MOLLER following the conversation. I did not make notes of that conversation but forwarded the email received from Superintendent [WIT_Personal_Info] to Superintendent MOLLER at 1.47pm that day.
157. Attached and marked 'Exhibit 9' is a copy of the email dated 3 April 2019 from Superintendent [WIT_Personal_Info] and forwarded to Superintendent MOLLER.
158. About 11:00am on Thursday 4 April 2019, I received a phone call from Sergeant Paul [WIT_Personal_Info] Protection Liaison at Parliament House.
159. Sergeant [WIT_Personal_Info] advised me that Deputy Commissioner Leanne [WIT_Personal_Info] had briefed the Minister and Chief of Staff that morning. I assumed he was referring to the Police Minister, however, as it was not relevant to our investigation, I did not confirm.

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160. Sergeant [WIT_Personal_Info] advised me that Protection Liaison would contact the victim to arrange a meeting with members from SACAT at Winchester Police Centre. It was agreed I would be contacted on my mobile phone once those arrangements had been made.
161. Sergeant [WIT_Personal_Info] and I discussed that his team would obtain the closed-circuit television footage ('CCTV') from Parliament House and the security incident report written by Parliamentary Security. However, ACT Policing would obtain the Uber Driver's details and footage from the Dock in Kingston, ACT.
162. I made notes of this conversation in my AFP Official Diary, number 13147, on page 179.
163. Attached and marked 'Exhibit 10' is a copy of my AFP Official Diary, number 13147, on page 179.
164. At 1.21pm, I received an email from Federal Agent Rebecca [WIT_Personal_Info] AFP Protection Liaison. Federal Agent [WIT_Personal_Info] advised that the complainant was available to speak with SACAT members from 4:00pm that day at Winchester Police Centre. Further, Protection Liaison would arrange transport for the complainant. I was out of the office at the time and replied to that email at 2:15pm.
165. Attached and marked 'Exhibit 11' is a copy the email dated 4 April 2019 from Federal Agent Rebecca [WIT_Personal_Info].
166. At some stage after that email, I spoke with Federal Agent [WIT_Personal_Info] by phone. As a result of that phone call, Federal Agent [WIT_Personal_Info] sent a further email at 4:37pm with the details of the Complainant, Brittany HIGGINS and the alleged offender, Bruce LEHRMANN.
167. Attached and marked 'Exhibit 12' is a copy the email from Federal Agent Rebecca [WIT_Personal_Info] from 4.37pm.
168. About 7.53pm, I forwarded that email to Detective Senior Constable Sarah HARMAN, who I had previously assigned the investigation as the case officer.

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169. I believe I created a PROMIS case in relation to the allegation which I assigned to Detective Senior Constable HARMAN. I do not have access to that PROMIS case to confirm as my access has been removed.
170. About 8.20pm, I received an email with an updated case note entry from Federal Agent [WIT_Personal_Info] which I forwarded to Detective Senior Constable HARMAN the following day.
171. Attached and marked 'Exhibit 13' is a copy the email with that case note entry from Federal Agent [WIT_Personal_Info]
172. At 2.59pm on Friday 5 April 2019, I received an email from Federal Agent [WIT_Personal_Info] advising that she was waiting to hear back from Ms HIGGINS on the arrange time to meet with SACAT. Federal Agent CLEAVES had emailed, phoned, and texted Ms HIGGINS and Federal Agent [WIT_Personal_Info] would keep me updated.
173. Attached and marked 'Exhibit 14' is a copy the email from Federal Agent [WIT_Personal_Info] from 2.59pm on Friday 5 April 2019.
174. I have no further notes or emails in relation to the investigation until Friday 3 May 2019.
175. About 11.25am on Friday 3 May 2019, I had a conversation with Detective Inspector Matthew [WIT_Personal_Info]
176. Detective Inspector [WIT_Personal_Info] told me the Chief Police Officer and Deputy Chief Police Officer had given a direction to contact Ms HIGGINS and confirm she was not under duress to not make a complaint. I made a note of this conversation in my AFP Official Diary, number 13147, on page number 187.
177. Attached and marked 'Exhibit 15' is a copy my AFP Official Diary, number 13147, on page number 187 outlining the conversation with Detective Inspector [WIT_Personal_Info]

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178. About 11.57am, I contacted Ms HIGGINS on her mobile phone and had a conversation with her. I explained that, given the circumstances, I wanted to ensure that she had made the decision not to proceed herself and she had not received any pressure in making that decision.
179. Ms HIGGINS told me that she had made the choice of her own free will. She said she would consider her options after the election when things had slowed down.
180. I told Ms HIGGINS that she could contact police at any time if she chose to resume the investigation and she said that she understood. Ms Higgins further told me she understood why I had called and told me she was definitely not under any duress.
181. Immediately after the phone call with Ms HIGGINS, I made notes of the conversation in my AFP Official Diary, number 13147, on page 187. I also made a case note entry in PROMIS, number 152464779, titled "Contact with Complainant".
182. Attached and marked '**Exhibit 16**' is a copy my AFP Official Diary, number 13147, on page 187 outlining the conversation with Ms HIGGINS.
183. Attached and marked '**Exhibit 17**' is a copy case note entry, number 152464779, titled "Contact with Complainant" report.
184. I had no further engagement with DPP or ODPP staff, Mr LEHRMAN or his legal representatives, Ms HIGGINS or her legal representatives or the Victims of Crime Commissioner regarding Ms HIGGINS' complaint.
185. I had no further involvement in this matter until I was asked to provide a statement in 2021 which I provided on 22 July 2021.
186. Attached and marked '**Exhibit 18**' is a copy my police statement dated 22 July 2021.
187. Between 4 April 2019 and 3 May 2019, I was aware Detective Senior Constable HARMAN had been seeking the CCTV footage from Parliament House, as per my discussion with Sergeant WIT_Personal_Info

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188. I recall having conversations with Federal Agent [WIT_Personal_Info] and Sergeant [WIT_Personal_Info] about the CCTV footage [WIT_Confidential_sensitive_Third_P]

[WIT_Confidential_sensitive_Third_P]

189. At some stage, I was advised by Detective Senior Constable HARMAN that AFP members in Parliamentary Liaison [WIT_Confidential_sensitive_Third_P]

[WIT_Confidential_sensitive_Third_P]

190. I recall a precis had been obtained but I no longer have access to the PROMIS case record to provide further detail.

191. On 1 August 2019, I transferred from SACAT to the office of the Deputy Chief Police Officers. I handed over my duties to the incoming Detective Sergeant, Todd [WIT_Personal_Info]. The handover did not include details of closed investigations or any discussion about Ms HIGGINS or Mr LEHRMANN.

192. In my role as Executive Officer to the Chief Police Officer and the Deputy Chief Police Officers, I had no further involvement in the investigation of R v LEHRMANN.

193. Leading up to the trial of R v LEHRMANN in 2022, I requested updates from Criminal Investigations which were cleared by the Chief Police Officer, Deputy Commissioner Neil GAUGHAN, or Deputy Chief Police Officer, Assistant Commissioner Peter CROZIER. These updates were then sent to the Commissioner's Office to form part of the Commissioner's fortnightly hot issues brief.

194. The updates were typically provided by either Detective Superintendent Scott MOLLER, Detective Inspector Marcus BOORMAN or Detective Inspector Callum HUGHES. At the time I provided those updates, the investigation was complete, and the matter was before the court. The purpose of the briefing was to inform the Commissioner of key dates or any key issues that arose for his awareness only. The briefings did not allow for the Commissioner to make decisions or influence the investigation or court proceedings.

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The Trial

195. My only contact with ODPP in relation to R v LEHRMANN before the trial was with Mitchell GRIEG and Skye JEROME. I was requested by Mr GRIEG to attend a proofing at the ODPP office at 2:00pm on Monday 9 May 2022.
196. At the scheduled time I attended the ODPP on London Circuit, City, ACT, and spoke with Ms JEROME and Mr GRIEG in Ms JEROME's office. I wasn't provided any material. I had brought my own copy of my statement and notes which I had prepared on 22 July 2021 (exhibit 18).
197. I was asked by Ms JEROME if I had given evidence before, if I had read my statement and notes, and if I had any questions. I had no questions, my involvement in this investigation was minor.
198. Ms JEROME was aware I was busy, and stated she would attempt to reduce the time I was required to attend court. Ms JEROME explained she did not know exactly what day I was required to give evidence until the trial had commenced.
199. About 1:30pm on Wednesday 12 October 2022, I attended the ACT Supreme Court to give evidence that afternoon. Federal Agent Rebecca [WIT_Personal_Info] Federal Agent Katie [WIT_Personal_Info] and AFP member Jennifer [WIT_Personal_Info] were present at Court and were scheduled to provide evidence before me.
200. Also outside the Court room were numerous other people who I believed were members of the media. I spoke mainly with my colleagues from the AFP. We did not discuss the trial in any detail as we were witnesses in the matter.
201. At 4:00pm in the afternoon, I was informed by Mr GRIEG as he exited court that I was no longer required to give evidence. During my attendance at court, I did not speak to Mr LEHRMANN's defence, DPP or ODPP.

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202. I recall receiving a number of emails from Mr GRIEG advising that I was required the following day and that my statement would be tendered. I do not have these emails anymore as they were deleted.

203. I had no further involvement in the trial.

204. I do not have a particular impression of the ODPP due to my involvement and attendance at court. During the trial, I was not provided with an opportunity to engage with the ODPP which I found unusual at the time.

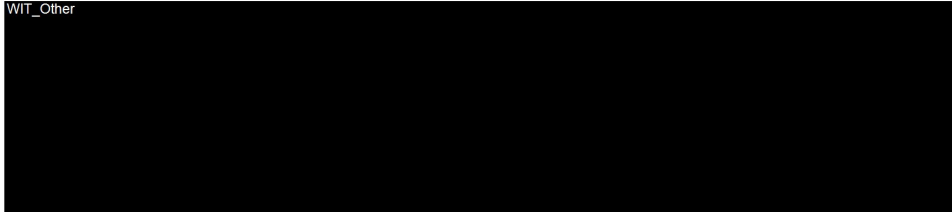
Impressions of the DPP/ODPP during the Investigation

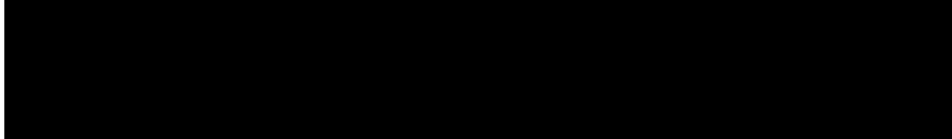
205. I was not involved in the investigation, nor did I have any involvement with the DPP or the ODPP during that period of time.

206. I had no observation of any breakdown in relationships between ACT Policing, DPP or ODPP.

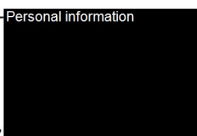
207. I have no impression of my treatment by the DPP or ODPP.

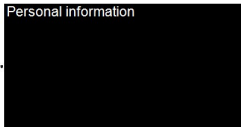
Impressions of the Victims of Crime Commissioner during the Investigation

208.  WIT_Other

209. 

210. I have not experienced first-hand any breakdown in the relationship between ACT Policing and the Victims of Crime Commissioner during the investigation or due to Ms YATES'S treatment of investigators during the investigation.

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211. I am not aware of ACT Policing members being intimidated in any way by the Victims of Crime Commissioner during the investigation or the trial.

212. ^{WIT_Other} [Redacted]

Bail

213. I had no involvement in the considerations for Mr LEHRMANN's bail or interaction with the DPP or ODPP in this matter.

214. In my experience, it is not unusual for the legal representatives to speak with ACT Policing members about matters before Court, however this would be through the ODPP or at Court during proceedings.

Media

215. I had no involvement in the investigation, thus I cannot comment on whether the media attention influenced the investigation.

216. I had no involvement in communication between the ODPP and ACT Policing in relation to the preparation or implementation of the AFP's media plan regarding the investigation.

217. I have had no communications with media outlets in relation to R v LEHRMANN.

Board of Inquiry

218. I have not spoken to any ACT Policing staff or any other persons in relation to the evidence I have provided to the Board of Inquiry.

219. I have nothing I wish to raise in respect to the Terms of Reference of the Board of Inquiry.

Personal information [Redacted]

Rob [Redacted] [Redacted] Witness

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

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Robert Heath LANGLANDS

Personal information
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Signature of witness

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NAME OF WITNESS

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