

Police gay bashing erased from the records

Exclusive
Rick Feneley

It is 25 years since senior police officers called in Paul Simes to discuss a terrifying assault he witnessed, and to reveal that the gang of stick-wielding thugs were in fact policemen.

So it astounds Simes to discover – after Surry Hills police took a fresh look at the case last year, and following his two freedom-of-information requests – that any record of his meeting in 1989 has been expunged. Or perhaps it was never committed to paper in the first place.

Equally appalled is Alan Rosendale, who came forward in August 2013 to identify himself as the likely victim of the assault. He contacted Fairfax Media when he read a story

in the *Herald* in which Simes recalled the bashing.

Chillingly, the details were identical to his assault, so Rosendale was horrified to discover that police may have been the culprits. A one-page police report in 1989



On web, tablet and mobile
Video: Witnesses tell their story

had suggested four skinheads beat him unconscious, although Rosendale had never been informed of that theory, either.

Simes had approached the *Herald* after it ran a series of stories about unsolved gay-hate bashings and killings, many in the late 1980s. Simes had always wondered

what became of the victim and these reports suddenly made him worry that he may have witnessed not only an assault but a murder.

Before Rosendale came forward, Simes had taken Fairfax Media to the scene of the crime he witnessed in South Dowling Street, Surry Hills. Simes had been driving home to Bondi after work early one morning in 1989. A southbound car screeched to a halt on the other side of the street and four or more men leapt from the vehicle.

Simes, sensing trouble, pulled over about 30 metres before the Langton drug and alcohol rehabilitation centre. He watched as the men went to the boot, pulled out what appeared to be planks of wood and ran into Moore Park.

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Simes is gay and knew that this part of the park was a gay beat, a place where men met for sex.

Back outside the Langton centre, this time alongside Rosendale, Simes describes what happened next: "In a few minutes I saw someone running out of the park, over there, and across the median strip - chased by these guys. And he stumbled and fell in the gutter, here, and the four guys or more . . . started beating him up."

Simes has no record of the exact date in 1989. There are records for Rosendale's assault: his own diary entry and the one-page Surry Hills "police information report". A milkman on his rounds reported the crime to police at 3.26am on Saturday, May 6, 1989.

Standing over the gutter where he was bashed at precisely the point

Simes had identified last year, Rosendale recalls his ordeal. On his way home from the Taxi Club, he went in to bushes to "check out the action" at the beat.

"I heard someone say, 'There's one there!' or 'Get him!' or something to that effect, and I realised I was in danger. So I ran as fast as I could out from behind the trees, and I jumped down onto South Dowling Street because I thought once I was [there] I'd be safe - because there'd be other people around.

"But . . . they chased me all the way across the street. I ended up falling in the gutter, here, just on the corner, and that's when they really started to hit me hard. I passed out, but before I did pass out I remember a car coming along South Dowling really slowly with its lights on and I thought, 'Good, someone has come to save me. And

that's the last thing I basically remember before I woke up in [St Vincent's Hospital]" where he spent a week recovering.

Last year, Simes had described turning on his headlights and driving slowly past the assailants, hoping this would make them stop. "They didn't stop."

So Simes pulled up behind the assailants' car and wrote down the number plate. He drove to nearby Cleveland Street and took some time to find a working public phone. He called 000. By the time he returned to the scene the assailants and their victim were gone.

The next week Simes contacted the Gay Anti-Violence Project (later ACON). It might have been several weeks later, he says, when he received a call from Fred Miller, a former Labor MP who had recently been appointed as the police

force's first gay liaison officer. "He told me that the registration number of the car I had reported was an unmarked police vehicle," Simes says. Miller asked him to attend a meeting at the police headquarters in College Street.

Miller accompanied Simes with three police officers, including two senior officers. Simes says it was a "very plush" office and the officers had epauléttes so he believed they were "top brass".

During their discussion, the third officer was sent out of the room to bring back a police baton. "And they said, 'Can you just visualise exactly what you saw again.'"

With this prompting, Simes agreed that at least one of the "planks" he saw was a police baton "because I remembered the metal shining in my car headlights". He left this meeting impressed that senior police apparently wanted to catch the thugs in their ranks.

Some time later, Miller called Simes, who recalls him saying that no further action could be taken against the suspected policemen because no victim of the assault

was found. However, police had interviewed the officers linked to the car that Simes reported. They had denied his claims but they had filed a report on a stabbing in the same area - and said they chased the suspect but he escaped.

Miller had added that the officers were in trouble for other matters and had been disciplined. Their unit had been disbanded.

Miller died in 1992. The officer who reported on Rosendale's assault recorded that the victim had been unconscious and could provide no descriptions. However, he wrote that the culprits were "four young persons, possibly skin-heads". He also noted the area was known for assaults on homosexuals.

Police never returned to the hospital to take a statement from Rosendale, he now complains. "Is that because they knew very well what happened to me?"

When the *Herald* reported last August on Rosendale's reaction to the Simes story, police decided to re-investigate. They interviewed both men, separately. But they soon concluded there was no evi-



Witness and victim: Paul Simes and Alan Rosendale at the scene of the assault.

Photo:
Daniel Munoz

ence that Simes and Rosendale were describing the same crime.

They did not take the men to the scene of the assault - or assaults. Had they done so, Simes and Rosendale believe, they could not have so readily dismissed them.

Both men lodged freedom-of-information requests. That yielded two documents: the police report on Rosendale's assault and a brief statement from the milkman, who now had no memory of the event.

Rosendale says: "All they have

on the police report is my name spelt incorrectly, my date of birth incorrect and my age incorrect. They did get a few things right but most of what they took down in the hospital [that morning] I can't remember because I was pretty much unconscious the whole time."

The reply to Simes' freedom-of-information request said that the 000 records from 1989 no longer existed, so there was no record of his call. It made no mention of his request for information about his

meeting with Miller and senior officers. Simes lodged an appeal to press for any record of that meeting. The answer soon after: no such record had been found.

"It's inconceivable," Simes says. Police had suspected rogue officers of bashing a man senseless and they interrogated the witness, but kept no record of the episode?

"One does wonder what kind of investigation has actually taken place all these years later," Simes says. Rosendale agrees: "They

haven't done a thing." Police deny this. A statement to Fairfax Media says: "Over the course of the last 13 months, detectives from Surry Hills have invested significant time and effort into this investigation."

Thirteen months? Rosendale says police interviewed him on August 13, 2013, and an officer called him three months later, in mid-November, to say the investigation had been concluded.

"She called me Paul and said they couldn't find any evidence that connected the two cases. I said I'm not Paul, I'm Alan."

The only "investigation" since then appears to involve police answering the freedom-of-information requests, Simes says.

The police statement says the investigation sought to determine "whether the assaults are one and the same" and to "track down and arrest the men responsible for Mr Rosendale's assault".

It says police did track down the milkman, who couldn't remember the event; they went to ACON, which found nothing in its records; on ACON's recommendation, they

spoke to "a man who was an active member of the gay community in the late 1980s" and who had "a vague recollection" of Rosendale's assault, but he admitted there were several similar attacks around the same time and his connections could track down no further information; detectives also spoke to the investigating officer, now retired, but he was unable to recall the matter in detail.

The statement did not respond to this question: even if Simes witnessed a different assault, who was that victim - and which police did the bashing? The police statement concluded: "The investigation into Mr Rosendale's assault remains open and detectives encourage anyone who believes they have evidence relating to the matter to contact Crime Stoppers."

To which Rosendale says, laughing: "I won't hold my breath. I wasn't aware there ever was an 'investigation'."

Do you know more?

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