



SURRY HILLS LAC

INVESTIGATION PLAN

BACKGROUND

In 1988 Scott Johnson was located deceased at the base of a cliff in the Eastern Suburbs. In 1989, a Coroner ruled his death was suicide. A second inquest into his death was undertaken in order to review new information gathered by the JOHNSON family.

As a result of this second inquest, the Deputy State Coroner overturned the suicide finding from 1989 and recorded an open finding stating that there was a possibility that Mr. JOHNSON was either the victim of a gay hate crime similar to those that were occurring in Bondi at the time, or alternatively that he fell to his death.

Previous police investigations into gay hate crimes include Operation Taradale (2005), which re-investigated a number of deaths in the Bondi area during the 1980s and 1990s where gay men were specifically targeted, assaulted and forced off the cliffs by 'gangs' of youths. Some of these cases investigated were solved; however several remain unsolved due to lack of evidence.

In recent years there has been significant media coverage regarding the Scott JOHNSON case as well as several articles on the 'gay hate crime wave' of the 1980s and 1990s in Sydney. Allegations have been made that the NSWPF, at the time of these bias crimes, did not properly consider motives of bias in their investigations and therefore did not investigate these deaths adequately.

Arising from reputational risks is an opportunity for the NSWPF to conduct a comprehensive review of relevant cases from a bias crime perspective. In this way at least some degree of comfort might be provided by searching for evidence of sexuality or gender bias by applying a lower threshold.

Recommendations flowing from the Scott JOHNSON inquest included that the NSWPF Unsolved Homicide Team conduct a review of the case. Subsequently, Strike Force MacNamir was commenced. Since June 2013, Operational Programs Bias Crime and GLBTI Project officers have been assisting SF MacNamir, processing information through the ten bias crimes indicators. A similar strategy is proposed to initiate the review of similar past investigations.

SITUATION

In 2002, the then NSW Police Gay & Lesbian Consultant, Ms Sue Thompson identified a potential 87 cases (solved and unsolved homicides) stemming between 1976 and 1999 that potentially involved an anti gay bias and which required a review from a bias crime perspective (see attached list).

MISSION

To conduct a review of current NSWPF holdings of the cases, previously identified by the Ms Sue Thompson and Bias Crime Unit, to determine if there is any evidence of sexuality or gender bias involvement which may have contributed to the death. This review will relate to police investigations conducted between 1976 and 2000. The purpose of the review is to determine if any sexuality or gender bias was involved in any of the deaths.

EXECUTION

Strategy:

Establish Strike Force Parrabell to review previously reported deaths of persons between 1976 and 2000 to determine if a sexuality or gender bias was a contributing factor. This review will provide relevant information to the NSWPF Executive, and Corporate Sponsor for Sexuality and Gender Diversity and Bias Crimes. It will inform the general and GLBTI community via both the Sexuality and Gender Diversity and Bias Crime portfolios.

Tactical:

Investigators will systematically review the NSWPF individual case file holdings to identify existing evidence indicative of any bias crime.

The review will systematically assess each individual case, commencing from the year 2000 progressively back to 1976, according to the list attached. The following activities will be necessary in order to complete each review:

- Enquires to be made with Records Services, e@gle.i searches, and COPS enquires in order to identify the availability of relevant case files. Such case files will consist of (although not limited to) factsheets, witness statements, police statements, record of interviews, occurrence pad entries, criminal history records, intelligence holdings, and any other source of existing information that may assist in determining relevant motivating factors.
- Once relevant files have been identified they are to be transported to the Strike Force room for review.

- Investigators will commence a physical review of these files to determine if any bias crime indicators¹ exist. In conducting this review, the incident and associated factors, as outlined in the case files, will be filtered through the attached [*Bias Crimes Identification Form*](#) to determine if any bias was involved in any of the deaths.
- Investigators will use an evidence based approach to complete the Bias Crimes Identification Form. This form will assist investigators in determining, based on the available evidence, whether bias crime indicators exist. The Bias Crimes Identification Form will be completed with reference to available case file items only. *(For example, if the offender is recorded in police files as associating with persons known to have assaulted young gay men, then the investigator would note that Bias Crimes Indicator 4 (Organised Hate Group) is relevant)*. In such instance, this fact would be recorded on the Bias Crimes Identification Form, along with the source of the evidence and a description of how the evidence relates to the indicator. These actions will be conducted for each relevant case file item against each individual Bias Crimes Indicator.
- Investigators will complete Bias Crime Identification Forms when reviewing each available case item.
- Case file items will be limited to items that exist in current police holdings as per standard practice in a review of this nature. During the course of the review, should investigators find new lines of enquiry relating to the initial criminal investigation, this information will be forwarded to the appropriate unit/agency.
- At the end of each review, conclusions will be recorded on e@gle.i along with any material to support the view that bias was involved or likely to have been involved in the death.

Investigative Outcomes:

At the end of the review, the completed Bias Crime Identification Forms will be attached to an overall standard report summarising the entire review and making the following findings:

- There is evidence that sexuality or other bias was involved in the death.
- It appears likely that sexuality or other bias was involved in the death.
- It appears unlikely that sexuality or other bias was involved in the death.
- There is no evidence that sexuality or other bias was involved in the death.

At the conclusion of each review the completed Bias Crime Identification Forms and attached report will be submitted onto e@gle.i (along with supporting documentation). Each report will be disseminated to the Commander, Corporate Sponsor, Sexuality & Gender Diversity.

¹ Indicator 1 through to 9 have been taken from 'Responding to hate Crime – A multidisciplinary Curriculum of Law Enforcement & Victim Assistance Professions', National Centre for Hate Crime Prevention, United States Department of Justice – Office for Victims of Crime, 2000. Indicator 10 has been developed by NSWFP Bias Crimes based on research and cases.

Progress meetings:

- Weekly Meetings: This meeting will include the Investigations Manager and Investigators. The purpose of this meeting is to discuss the current investigations, raise any investigative, logistical or resource issues impeding progress.
- Monthly progress meeting: These meetings will include the Crime Manager, Investigations Manager, and Investigators. The Commander, Bias Crime Coordinator, and GLBTI Project Officer will also be invited to participate. The purpose of this meeting is to review the progress of the investigative review and to provide an update in relation to all completed Bias Crime Identification Forms and outcome reports.

Resources:

- Senior Investigator x 1 (*preferably GLLO experience, or keen understanding of bias crime indicators*). The Senior Investigator's role is to review each investigation from a bias crime perspective, to draw conclusions based upon the review, and to report outcomes.
- Investigator x 2 (*preferably GLLO experience, or keen understanding of bias crime indicators*) The Investigator's role is to assist the Senior Investigator, particularly in providing logistical support.
- Investigations Manager: To provide advice, quality control and guidance to the investigation. To review of all e@gle.i submissions, Bias Crime Indicator forms and reports.
- Strike Force to be conducted from the Surry Hills Detective's office utilising available resources including computers, workspace, vehicles.

Time Frames:

- 6 months
- This time frame is based on investigators being able to review between one and 2 investigations each week. It is anticipated that there will be investigations with both substantial and insubstantial current holdings.

Investigation Management:

- The investigation is to be managed over e@gle.i
- All completed Bias Crime Identification Forms and outcome reports are to be managed on e@gle.i. (These items are to be attached to the 'Status Reports' section on e@gle.i).

- Original investigation material uploaded to e@gle.i is to be limited to items relevant to the Bias Crime Identification Forms and outcome reports. (These items are to be created as 'products' on e@gle.i).
-
- E@gle.i is to be used to manage investigation taskings.
- The Senior Investigator is to use the e@gle.i 'Investigation log' facility to manage the investigation.

Follow up Enquiries:

The proposed bias crime review is different from a Homicide investigation as its primary focus will be in determining whether any of the identified deaths were in fact motivated by a sexuality or gender bias, rather than identifying and prosecuting offenders.

If during the course of the review, viable suspects or lines of enquiry are identified, that information will be passed on to the appropriate agency for further investigation (for example, the Unsolved Homicide Team).

Paul Grace
Detective Sergeant
Surry Hills LAC
25 May 2015

Craig Middleton
Detective Inspector
Crime Manager
Surry Hills LAC
03 August 2015

1) Commander, Surry Hills LAC –Supt Crandell

2) Central Metropolitan Region Operations Manager – Det.Supt Doherty

