

SURRY HILLS LOCAL AREA COMMAND



STRIKE FORCE PARRABELL

Coordinating Instructions

STRIKE FORCE PARRABELL

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.

In 2002, the then NSW Police Gay & Lesbian Consultant, Ms. Sue THOMPSON, identified a potential 88 cases between 1976 and 1999 that potentially involved anti gay bias (see attached list). The death of Scott JOHNSON and deaths subject to the Operation Taradale investigation are included in this list of 88 cases.

In recent years there has been significant media coverage on the 'gay hate crime wave' of the 1980s and 1990s in Sydney. Such articles have referred to cases identified by Ms. Sue THOMPSON and others, suggesting that an anti gay bias played a significant role in these deaths.

Allegations have been made that the NSWPF, at the time of these crimes, did not properly consider motives of bias in their investigations and therefore did not investigate these deaths adequately.

The NSWPF has recognised that the community's concerns may be addressed through a comprehensive review of the relevant cases from a bias crime perspective. Strike Force Parrabell has been established to review these previously reported deaths of persons between 1976 and 2000 to determine if a sexuality or gender bias was a contributing factor. In this way at least some degree of comfort might be provided by searching existing holdings for evidence of sexuality or gender bias.

MISSION

To conduct a review of NSWPF holdings in relation to potential gay hate crimes resulting in death. This review will relate to police investigations conducted between 1970's to 2000. The purpose of the review is to determine if an anti-gay bias was involved in any of the deaths.

EXECUTION

Investigators will commence a systematic review of the NSWPF case file holdings to identify if there is evidence indicative of bias crime.

Definition of a Bias Crime Indicators – *“Objective facts, circumstances, or patterns attending a criminal act or acts, which, standing alone or in conjunction with other facts or circumstances, suggest that the offender’s actions were motivated, in whole, or in part, by any form of bias.”* (Massachusetts Model – Protocol for Bias Crime Investigation)

The Strike Force is designed to review matters that have *already been investigated* by the NSWPF. The review will systematically assess each individual case holding entirely on its own merit. Holdings consist of the standard brief items that are collected in a criminal investigation, such as witness statements, crime scene evidence, records of interview, contemporaneous police notes etc.

It is not the intention of the Strike Force to re-investigate matters. 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 an anti-gay 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 Unsolved Homicide Team, Homicide Squad, for further investigation.

The review will use a list of Bias Crime Indicators which consists of indicators published by the US Department of Justice Office for Victims of Crime¹. These indicators assist investigators in systematically determining if a bias was a motivating factor in the incident leading to the death. These indicators are used by the NSWPF Bias Crime Unit.

Investigators have created a ‘Bias Crimes Indicators Review Form’ which will be used to systematically review each relevant case file item. As this approach is evidence based, the Bias Crimes Identification Form is completed with reference to existing case file items. For example, if the offender is recorded in police files as associating with persons known to have assaulted young gay men, then the investigator may mark Bias Crimes Indicator 4 (Organised Hate Group) as being 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

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.

the evidence relates to the indicator. For each indicator, the following 4 findings are available²:

- Bias Crime - Sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.
- Suspected Bias Crime – Evidence/information exists that the incident may have been motivated by bias but the incident cannot be proved beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.
- Not a Bias Crime - The incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.
- Insufficient Information – Insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim’s and/or witnesses.

At the conclusion of each case review, an overall conclusion will be made referring to each relevant indicator and the relevant evidence. Comments will be recorded in order to clarify each finding. It should be noted that a bias indication does not have to establish that the bias was the only or main motivating factor behind an action contributing to the death. All conclusions in relation to the role of bias are made on the balance of probabilities.

All completed Bias Crime Indicator Form will be subjected to further reviews as they are submitted on e@gle.i and reassessed by a designated Review Team during monthly meetings. At the conclusion of the review, all Bias Crime Indicator Forms will be assessed in their entirety to ensure consistency in methodology and conclusions prior to publication.

Bias Crime Indicator Form

1. Differences	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Immutable characteristic differences between victim and POI's sexual orientation</i> 	
<ul style="list-style-type: none"> • <i>Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred</i> 	

² The 'Findings' are sourced from the NSWPF Bias Crime Unit.

<ul style="list-style-type: none"> • <i>Victim was engaged in activities promoting his/her group</i> 	
<ul style="list-style-type: none"> • <i>Incident coincided with a holiday or date of particular significance to the victim or POI's group</i> 	
<ul style="list-style-type: none"> • <i>Victim, although not a member of the targeted group is a member of an advocacy group that supports the victim, or the victim was in company of a member of the targeted group</i> 	
<ul style="list-style-type: none"> • <i>Historical animosity exists between the victim's group and the POI's group</i> 	
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	
GENERAL COMMENT	
2. Comments, Written Statements, Gestures	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Bias related comments, written statements or</i> 	

<i>gestures were made by the POI</i>	
<ul style="list-style-type: none"> • <i>Comments and gestures can occur before, during and after the incident</i> 	
<ul style="list-style-type: none"> • <i>Victims may not be aware of the significance of gestures made</i> 	
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim’s and/or witnesses.	
GENERAL COMMENT	
3. Drawings, Markings, Symbols, Tattoos, Graffiti	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI</i> 	
<ul style="list-style-type: none"> • <i>Before discounting symbols, ensure that you understand the meaning of the symbol</i> 	
Indicators	(y/n)

Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	
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Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim’s and/or witnesses.	
GENERAL COMMENT	
4. Organised Hate Groups (OHG)	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross</i> 	
<ul style="list-style-type: none"> • <i>An OHG claimed responsibility</i> 	
<ul style="list-style-type: none"> • <i>There are indications that an OHG was involved or active in the area</i> 	
<ul style="list-style-type: none"> • <i>MO is similar to known MO of an OHG</i> 	
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	

Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	
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GENERAL COMMENT	
5. Previous existence of Bias Crime Incidents	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Victim was visiting a location where previous bias crimes had been committed against members of the victim’s group</i> 	
<ul style="list-style-type: none"> • <i>Several incidents occurred in the same area and the victims were members of the same group</i> 	
<ul style="list-style-type: none"> • <i>Victim has received previous harassing mail, email, social media posts or phone calls or has been the victim of verbal abuse (anti-gay) based on his/her affiliation with a targeted group</i> 	
<ul style="list-style-type: none"> • <i>Recent bias incidents or crimes may have sparked retaliatory bias crime</i> 	
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	
Suspected Bias Crime – evidence/information exists that	

the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	
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GENERAL COMMENT	
6. Victim/Witness Perception	
Prompts	Comment
<ul style="list-style-type: none"> <i>Witnesses (actual) perceive that the incident was motivated by bias</i> 	
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	
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and/or witnesses.	
GENERAL COMMENT	
7. Motive of Offender/s	
Prompts	Comment
<ul style="list-style-type: none"> • <i>POI was previously involved in similar incident or is a member/associates with members of an OHG</i> 	
<ul style="list-style-type: none"> • <i>The victim was in company of a member of the targeted group</i> 	
<ul style="list-style-type: none"> • <i>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</i> 	
<ul style="list-style-type: none"> • <i>The POI has a history of previous crimes with similar MO and involving other victims of the same group</i> 	
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	
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GENERAL COMMENT	
8. Location of Incident	
Prompts	Comment
<ul style="list-style-type: none"> <i>The victim was in or near an area or place commonly associated with or frequented by members of a particular group e.g. beat</i> 	
<ul style="list-style-type: none"> <i>The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc</i> 	
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	
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GENERAL COMMENT	

9. Lack of Motive	
Prompts	Comment
<ul style="list-style-type: none"> <i>No clear economic or other motive for the incident exists</i> 	
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	
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GENERAL COMMENT	
10. Level of Violence	
Prompts	Comment
<ul style="list-style-type: none"> <i>The level of violence and injuries sustained by the victim/s is greater than would be expected for a crime of that type</i> 	
<ul style="list-style-type: none"> <i>Weapons of opportunity are used in the incident</i> 	
<ul style="list-style-type: none"> <i>The number of POI’s is greater than the number of victims and all POI’s take an active role in the assault</i> 	

Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	
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GENERAL COMMENT	

Group Details and Taskings:

- Detective Superintendent Tony CRANDELL (Surry Hills Commander)
 - Detective Superintendent Tony CRANDELL *is the overall Commander of the Strike Force. All results and conclusions will be the explicit authorisation of the Commander.*
- The Crime Manager will account for the investigative process and is part of the final review team.
- The Investigations Manager will review all e@gle.i products and is part of the final review team.
- The Case Officer is responsible for completing the final Bias Crime Indicator Forms on the basis of evidence collated by investigators.

- Investigators will review case files with a view to identifying evidence that is relevant to bias crime.
- Product Creators will review evidence collated by Investigators and create e@gle.i products outlining relevant holdings.
- Appropriate officers will assist with editing the completed Bias Crime Indicator Forms and will facilitate ordering and collecting relevant case file items.
- The Final Review Team will consist of the Crime Manager, Investigations Manager, and the Case Officer –*All final reports are to be reviewed in fortnightly meetings.*
- The Bias Crime Unit will have access to e@gle.i and will provide appropriate advice based on their specialised knowledge of the Bias Crime Categories.

Further Coordinating Instructions:

- Relevant case file items are to be maintained on e@gle.i
- The strike force does not have the resources required to archive all case files on e@gle.i. Investigators will review the case files and extract material that is relevant to the mission.
- The Case Officer will complete the Bias Crime Indicator Forms prior to the documents being reviewed by the Final Review Team.
- e@gle.i products will be reviewed and accepted on an ongoing basis.
- The Bias Crime Indicator Forms will be reviewed by an appropriate person in relation to issues of language.
- The Review Team will meet on a regular basis to discuss the running of the Strike Force, and to review all completed Bias Crime Indicator Forms including the evidence relied upon and conclusions drawn.
- The Review Team will be responsible for maintaining uniform standards in methodology and consistency in conclusions after considering all circumstances.
- Advice may be sought from other units/agencies (i.e. NSWPF Bias Crime Unit, Homicide Squad etc) in regards to issues raised by The Review Team.
- Strike Force Parrabell is a review of current holdings rather than a re-investigation. It is not the intention of the Strike Force to contact witnesses, suspects, family members of the deceased etc. Enquiries outside of existing holdings may be required but will only be considered in exceptional circumstances. Authorisation to do so must be given by the Crime Manager.
- All recommendations for further investigation will be forwarded to the appropriate agency (Unsolved Homicide Team, Homicide Squad, Coroner etc).