

13 December 2016

Naomi Malhotra
A/Special Counsel
Crown Solicitor's Office
60-70 Elizabeth Street
SYDNEY 2000

Dear Ms Malhotra

Third inquest into the death of Scott Johnson

Set out below is a summary of Strike Force Parrabell for the assistance of State Coroner Barnes.

Background

In 2002, the then NSW Police Gay & Lesbian Consultant, Ms Sue Thompson, compiled a list of 88 cases (solved and unsolved homicides) between 1976 and 1999 that she felt potentially involved an anti-gay bias. Sue Thompson partnered with Steven Thomsen, an academic at Sydney University, to produce a research article published at the time by the Australian Institute of Criminology. These claims were subsequently publicised widely by Fairfax Media.

In recent years there has been significant media coverage regarding the death of Scott Johnson as well as gay hate motivated crimes in Sydney in the 1980s and 1990s, leading to the formation of a NSW Police taskforce entitled Operation Parrabell.

Strike Force Parrabell was originally formed during 2013 comprising two police officers from the Bias Crimes Unit. Unfortunately, at that time there was little senior oversight or attention to governance arrangements resulting in minimal review activity. In August 2015, however, command and control over Strike Force Parrabell was strengthened with my appointment and that of Detective Chief Inspector Craig Middleton to lead a team of eight to ten investigators from the Central Metropolitan Region with specific investigative goals of review and reporting criteria.

Activities I perform in my role as the NSW Police Force Corporate Spokesperson for Sexuality and Gender Diversity address increasing questions from the LGBTI community, as well as concerns raised in the media, NSW Parliament, from families of victims and by the family of Scott Johnson, surrounding unsolved gay hate crimes.

Prior to 2015 there had been other NSW Police Force investigations into gay hate crimes. One of these was Operation Taradale (2005), which re-investigated a number of deaths in the Bondi area, during the 1980s and 1990s, in some instances gay men were specifically targeted, assaulted and forced off cliffs by 'gangs' of youths. Some of the cases investigated were solved. However, several remain unsolved even after reinvestigation due to lack of evidence.

Terms of Reference

Strike Force Parrabell was referenced to review any and all NSW Police documentary holdings pertaining to the 88 names originally submitted by Sue Thompson and Steven Thomsen as being gay hate crimes.

Methodology

The methodology was as follows:

1. The NSW Police Bias Crimes Policy document was adopted and utilised. It stipulates the current NSW Police Force definition of 'bias crime' and the 10 indicators which can be used to assist the determination or exclusion of a bias crime. The indicators include location, words used, level of violence, symbols and motivation of the offender.
2. The NSW Police Force has adopted the system of bias crime identification used in the United States of America. Under that system the determination of a bias crime may be made or discounted notwithstanding the presence or absence of any single or multiple factors associated with bias crime indicators. Importantly, the United States based system of bias motivation identification is the perpetrator's intention at the time, which, if not stated, may be established or discounted using the weight of other factors for guidance. This is contrary to the United Kingdom system of bias crime identification which places less emphasis upon the perpetrator's intention and has not been adopted for use within the NSW Police Force.
3. The list of 88 alleged gay-hate bias motivated homicides was sourced by Strike Force Parrabell. The list is a mixture of both solved (55) and unsolved (33) matters.
4. Five matters which were deemed to be active by the State Crime Command Unsolved Homicide Team, including the Scott Johnson investigation, were not the subject of review by Strike Force Parrabell at this time.
5. Enquiries were made to initially establish that the individual was recorded as deceased in NSW. Once date and location of death was established, officers then made extensive enquiries through NSW Police Force Holdings, State Archives, State Crime Command, the Coroner's Office and other external agencies to establish the whereabouts of any files or documentation. Once files and documents were located they were retrieved by the reviewer and brought to Surry Hills Police Station for examination. Every document was reviewed by members of the Strike Force Parrabell team who looked for any evidence applicable to the 10 bias crime indicators specifically associated with crimes motivated by gay hatred. A Bias Crime Indicator form was completed by the reviewer for each case.
6. The reviewer then gave each matter preliminary findings according to the Bias Crime Policy documents as either:
 - (i) Bias crime
 - (ii) Suspected bias crime
 - (iii) Insufficient evidence
 - (iv) Not a bias crime
7. Each review was submitted to the OIC, Detective Senior Constable Bignell, for review and verification.
8. Final reviews were and are being undertaken by the Strike Force Parrabell Review Team comprising DSC Bignell, Detective Sergeant Grace, and Detective Inspector Middleton.
9. Any matter which the reviewer considered might require reinvestigation would be referred to the Unsolved Homicide Team for determination.

Outcome

As I have stated previously in the media, Parrabell has been conducted as a genuinely open, honest and transparent investigation, and aims to report the truth, whether the outcomes are good or bad for the police.

All but two of the final reviews of the 88 cases have been completed. Results of the completed reviews have been sent to Associate Professor Derek Dalton of Flinders University, South Australia for independent academic review.

Results of the academic reviews and thus the outcomes of the reviews cannot be released until Professor Dalton has completed his work.

I anticipate that Professor Dalton and his team will complete their review by April 2017.

Yours sincerely

A black rectangular redaction box covering the signature of Supt Tony Crandell.

Supt Tony Crandell
LGBTI Corporate Spokesperson