

SENSITIVE: LAW ENFORCEMENT**Strikeforce Parrabell/Bias Crimes Unit meeting****19 January 2017****8.30am-10.30am Surry Hills LAC Conference Room**

Present: A/Asst Commissioner Tony Crandell (Corporate Sponsor Sexuality, Gender Diversity & Intersex - Chair), A/Supt Craig Middleton, A/Inspector Paul Grace, Sgt Geoff Steer, Sen Cst Cameron Bignell, Juliana Nkrumah, Jackie Braw (minutes)

1. Introduction & general discussion:

- Clarification of purpose of the meeting and agenda.
- A/Asst Commissioner Crandell led a discussion on the process following making determinations in each case including any amendments to records.
- All agreed that amending Eaglei records will be sufficient.
- Other outcomes include communication to the 'community' regarding the realistic number of 'gay hate' murders during this period and despite this number being less than the '88' reported by community activists and some media, an acknowledgment that there was elevated violence directed against the 'gay' community during this period.
- An important outcome is internal guidance and training for police regarding bias crime classification.
- Discussion about dealing with the complexities around general community perceptions of paedophiles during this period eg equating them with being homosexual.
- Discussion about homosexual advance defence and the importance of tracking progress in law reform in NSW regarding the use of this as a defence in the final report.
- Discussion about how this would differ from 'self-defence' to sexual assault which would not be a criminal act.

2. Bias Crimes Unit review of 12 cases:

- Sgt Steer tabled a summary of 12 cases he reviewed and provided his rationale for determinations.
- Case #50 (Dutfield) – both Strikeforce Parrabell and Bias Crimes determined this case to be 'Insufficient Information'.
- Case #55 (Walker) – Sgt Steer had determined this case to be 'Insufficient Information' not 'Not Bias Crime' as determined by the Strikeforce. Discussion about use of a broader investigation perspective, offender motivation, some indicators of bias eg the offender saying he does not like gay people, amount of force used. The Court decided 'self-defence' and all agreed to support this position. All agreed to determine this case 'Not Bias Crime'.

SENSITIVE: LAW ENFORCEMENT

- Case #57 (Maclean) – Sgt Steer initially felt there was insufficient information, multiple possible motivations as disability also a factor, level of violence high. S Cst Bignell clarified that the words “faggot ...” were raised before and after the crime suggesting Bias Crime. Sgt Steer agreed. All agreed ‘Bias Crime’.
- Action: CS Cst Bignell to include relevant detail in the case summary.
- Case # 62 (Milicevic) - both Strikeforce Parrabell and Bias Crimes determined this case to be ‘Bias Crime’.
- Case #63 (Argeat) – both Strikeforce Parrabell and Bias Crimes determined this case to be ‘Not Bias Crime’.
- Case #64 (Webster) – Sgt Steer highlighted the unknown motivation – was it anti-gay or anti-paedophile? However it is clear from the facts that the offender did not like gay people. All agreed with Sgt Steer’s rationale (and therefore suggesting ‘Insufficient Information’) but decided to leave the determination as ‘Suspected Bias Crime’ and maintain flexibility to amend once Flinders University Team have provided their advice.
- Case #65 (Dye) – Sgt Steer suggested ‘Suspected Bias Crime’ because of level of violence suggestive of a motivation more than economic (robbery), the area as well known to be a gay location, gay men possibly targeted because they were perceived to be vulnerable, not fight back etc. Strikeforce maintained that multiple offenders in a robbery could account for the outcomes and determined ‘Insufficient Information’. Sgt Steer clarified that motivation need only be partially bias and targeting a group due to a perceived vulnerability can be bias motivation, however was happy to leave the determination as ‘Insufficient Information’. What is not known is how the victim was dressed and whether he appeared ‘gay’.
- Case #66 (Mills) – both Strikeforce Parrabell and Bias Crimes determined this case to be ‘Not Bias Crime’.
- Case #67 (Dempsey) – following lengthy discussion all agreed to amend this to be ‘Insufficient Information’. The offender killed twice and consideration of both murders might reveal more clues; there are many unanswered questions. However, indicators - such as the victim was gay, the location was a known beat, the POI appears bisexual and/or experiencing some degree of internal conflict regarding his sexuality. Clear mental health issues. Sgt Steer suggested the crime could be a defensive hate crime and the offender was protecting his territory from ‘gays’. It is unknown whether the offender fixated on men using the beat. All agreed for these reasons on ‘Insufficient Information’ and seek advice from Flinders University Team.
- For consistency, S Cst Bignell will look at Arkell and Ahearn again and review.
- Case #68 (Meek) – Sgt Steer outlined rationale for ‘Insufficient Information’ and all agreed to amend to this determination and await Flinders University advice. Court found POI not guilty. Victim had a disability (HIV) and offender is unknown so motivation is unknown. Factors such as victim HIV status,

SENSITIVE: LAW ENFORCEMENT

- active in gay community, used beats, stigma associated with HIV. All agreed to move to 'Insufficient Information' and seek Flinders University advice.
- Case #71 (Miller) – The only indicator is a visit by the victim to Mardi Gras on the night of his death. Unknown motivation as it is unknown whether the victim was chased, pushed or fell.
 - At this point a useful discussion on terminology followed. 'No evidence of bias', 'not a bias crime' and 'insufficient information'. The Strikeforce just looked at available information. Sgt Steer looked at the case reviews and asked: "If we were to investigate these cases now, how would we determine them?"
 - A/Asst Commissioner Crandell suggested a change in category from 'not bias crime' to 'no **evidence** of a bias crime'. Whilst there may be no evidence in a case, we cannot definitively say it was not a bias crime. New evidence may come to light and if we were to investigate the crime today, we would ask different questions.
 - All agreed to change:
 1. Not Bias Crime to **No evidence of a bias crime**
 2. Bias Crime to **Evidence of a bias crime**
 - A/Asst Commissioner Crandell asked Sgt Steer to write a section for the report on this issue explaining the approach of the Strikeforce and the difference between their determinations and how NSWPF might investigate such crimes today regarding evidence. With this amendment and section, it will not be necessary for Sgt Steer to review any additional cases, however he should participate in the next meeting with Flinders University.
 - All agreed to change cases eg Walker from Not Bias Crime to **No evidence of a bias crime**
 - Case #72 (Smith) – Sgt Steer suggested Bias Crime as the offender may have been gay and had internal conflict/self-hatred. There are several cases like this in the 88. However all agreed to keep this case in 'Suspected Bias Crime'.
 - In summary, the four categories will be:
 1. Evidence of Bias Crime
 2. Suspected Bias Crime
 3. Insufficient Information
 4. No evidence of Bias Crime
 - Next meeting will be with the Strikeforce, Sgt Steer and Flinders University Team to work through the cases and determinations.
 - A/Supt Middleton will contact Derek Dalton with an update on categories.
 - Jackie Braw will organise the next meeting after consulting with Derek Dalton on their progress.
 - Next meeting will be within the next few weeks.