

**From:** Craig\_N\_Middleton [REDACTED]/Staff/NSWPolice  
**To:** [Anthony Crandell \[REDACTED\]/Staff/NSWPolice%NSWPolice](#); [Anthony Crandell \[REDACTED\]/Staff/NSWPolice%NSWPolice](#)  
**Cc:** [Jacqueline Braw](#)  
**Subject:** Re: Delivery of Draft report of Academic Review of Strike Force Parrabell [DLM=Sensitive:Law Enforcement (SLE)]  
**Date:** Friday, 14 July 2017 14:34:52

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Hi Jacki

I dont have much more to add to Mr Crandell's feedback. As discussed I have already supplied some feedback to Derek directly. However I do have a couple of points that support Mr Crandells feedback (I have put them in blue under Mr Crandells dot points



**Craig Middleton | Detective Chief Inspector**  
**Crime Manager | Surry Hills Local Area Command**



▼ Anthony Crandell---04/07/2017 13:51:56---Hi Jackie, I have read the Parrabell draft from Derek and found it a good and well researched paper.

From: Anthony Crandell [REDACTED]/Staff/NSWPolice  
 To: "Jacqueline Braw [REDACTED]"  
 Cc: Craig N Middleton [REDACTED]/Staff/NSWPolice@NSWPolice  
 Date: 04/07/2017 13:51  
 Subject: Re: Delivery of Draft report of Academic Review of Strike Force Parrabell [DLM=Sensitive:Law Enforcement (SLE)]

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Hi Jackie,

I have read the Parrabell draft from Derek and found it a good and well researched paper.

My comments for the research team follow:

1. Whilst not wanting to push the research team, because I think they have gone above and beyond, I wondered whether they actually prepared a bias crime indicator as an alternative to the model used by Parrabell, which is consistent with our corporate model. Does the concept of animus play a part in the identification of a bias crime that might be fashioned into a rule or guideline for operational police? If this was to be achieved I think it may have international application - clearly almost anything would be better than the UK model - Perhaps this is something we could discuss with the team in person to be a basis for a new model? I though from earlier discussions that the research team was seeking to cut the bias crime indicators down to about 3 rather than 10, which would be positive if we were to identify crimes of bias at the first available opportunity, and to create a more consistent and easier process for front line police.
2. On Page 13 under C: THE CONCEPT OF BIAS - first paragraph you say 'based on sexual preference' a more correct statement is 'sexual orientation' because a person who is same sex attracted is not exercising their preference, it is simply their sexual orientation.
3. Page 17 deals with the Bias Crimes Unit and leads into violent extremism. Our new Commissioner

has now developed the Fixated Persons Investigation Unit which is combined with the Bias Crimes Unit to address social drivers of crime including mental illness and draws upon other Government agencies including Mental Health to address people who may be engaged in fixated or serious bias crimes at a much earlier stage. The strategy is one of prevention rather than reaction and signifies a more progressive way of thinking.

4. Page 18 speaks of police in the 80's and 90's not always asking the type of questions that might have better discovered the presence of gay bias, however I think there is a balance you might wish to consider - there were equally a number of cases where detectives in the 80' and 90's addressed that very issue because of the 'gay panic' defence. In a number of cases (Craig Middleton can tell you which ones) the aspect of gay hate was well covered to anticipate and counter any later suggestion that the victim was murdered after a sexual advance. SFP investigators found this aspect comforting because it really dispelled, at least in certain cases, the notion of gay bias on the part of investigators, at least in those specific cases. Additionally, classifying the victim as gay was no easy task because many families, given the nature of social factors afoot at the time, were unwilling or simply did not know the sexual orientation of the victim, leaving either an assumption or further investigative tasks to be undertaken in order to establish a victim's sexuality if that was to be an important factor.

*In many of the matters we reviewed from the early years (70's, 80's and even the 90's) the sexual orientation of the victim was not necessarily easily identifiable from the records we examined. In many of these matters, it was clear that in the absence of 'direct' evidence of the victim's sexual orientation, it was 'assumed' that the victim was heterosexual. Despite this fact, in many of the matters the investigators, still explored the homosexual advance defence anyway, This may have been due to a number of factors such as the location of the incident being in a well known 'beat location' or indeed the offender raising it at interview. It shows to me that even in the era where homosexuality was essentially 'not accepted' by main stream society and in fact 'illegal', Investigators still explored these issues in an attempt to mitigate and secure a conviction of the accused.*

*What is clearer to me is that the homosexual advance defence was, in my opinion, heavily exploited more by criminals and defence lawyers as a form of 'legalised loophole' to mitigate the seriousness and or justify of their actions.*

5. I note the content on Page 20 which indicates, I think rightly, that acts are meant to communicate an expressive message of non-identification or negation. The Thompson/Mouzos paper published by the AIC excludes same sex attracted offenders, because - 'A gay-hate related homicide differs from a gay person being killed by another gay person- such an incident is not motivated by a hatred for the individual because they are part of a particular group, such as gays or lesbians.' As I understand this research and certainly from an analysis of SFP files, with that statement we disagree based upon your definition, because animus against gays can exist when the perpetrator of harm is himself gay, albeit you may already cover this adequately on Page 22.

6. Page 25 - 'The detectives noted that Intelligence Officers may use a different threshold', I am not sure about this statement which seems perhaps a touch general in nature, even if relayed by the detectives. I think the point being made is that the criteria required an examination of available evidence rather than an approach of speculation, which by its very nature creates actual or potentially inconsistent measurement criteria. Additionally, intelligence is a form of information lower in credibility if it does not reach the threshold of classification as evidence. Within the NSWPF use of language that distinguishes detectives from other roles performed can create unintended divisions that I would like to avoid if possible. It would be just as accurate, albeit still in my opinion too subjective, to substitute Intelligence Officers with Social Scientists, if that group was to engage in a process of speculation.

*The line about detectives noting that Intelligence officers may use a different threshold is inaccurate and as Mr Crandell points out creates unnecessary division. In my opinion, Intelligence officers and detectives do not have thresholds. If my memory serves me correctly I think that discussion was had in the context that there is a difference between information and what constitutes 'evidence'. Detectives will always consider all information available, (which can include 'evidence') as this will help guide their investigation and assist in directing their enquiries. However at some point detectives must ALSO consider the available 'evidence' if they are considering formally charging a suspect. That is the point of difference that we were making. Intelligence officers do not normally have to consider the 'admissible evidence' however there is fundamentally no difference in the threshold between the information that either Intelligence officers or detectives would consider.*

7. Page 30 above the graph - 'However there is a very low clearance or percentage of solved (20%) in the first 5 cases (1976-1980).' I think with no further detail that statement is potentially misleading - not



regarding the fact of accuracy but upon the nature of the dataset - eg: if the timeframe is increased to 10 years then the percentage of solved cases dramatically rises and continues to rise with time. Also, there are a number of reasons for that statistic including improvements to investigative procedures, technology and science based forensics, although I cannot tell you what investigative improvements came along during those periods of time.

*In my opinion the statement highlighted by Mr Crandell as to the clearance of the first 5 matters as being low, is too simplistic and somewhat misleading. The matter of No 3 Williams, no records were ever located to verify that this death even occurred. To date Parrabell has been unable to find any information that confirms the death of Williams in 1979. If we are unable even to verify that the death occurred then how can it be classed as 'cleared' The matter of No 5 SLATER. We have it as unsolved, but I can tell you even we as the police argued about whether the matter should be classed as Solved/Unsolved. In this matter an offender was identified and charged. At some point in the judicial process the matter was 'no billed' and the offender released. This may technically be classed as 'unsolved' however it would be more my opinion that the matter has been 'cleared'. It would be my argument that the investigators charged the correct offender but did not proceed to a conviction. (Parrabell was unable to determine the reasoning behind the No bill). I suppose the definition of 'clearance rates' hinges on whether you determine something has been 'cleared' based solely on obtaining a successful conviction at Court. In my opinion, this could be a point of conjecture as there is a difference between 'solved/unsolved', 'cleared/uncleared and they shouldn't be interlocked with each other. My point is that Crimes could be 'cleared' but still remain 'unsolved.'*

8. I know you have been kind to Sue Thompson, however some of the findings are completely contrary to her authored publication eg: a significantly lower number of cases involving more than one perpetrator (Page 31). I wonder whether Payne (31) was included in Sue's list or the matter from Tasmania. If so perhaps the nature of those inclusions should more directly reference the inappropriateness of the original 88 - I understand the message is there implicitly, I am suggesting that perhaps an explicit statement should be considered.

9. Page 33/34 - Tuckey (61) is an example of violence directed not necessarily because of anti-gay but anti-LGBTIQ (Q being queer), which is of course still a bias crime of violence but based potentially upon an expression of the victim's sexual orientation. I think it likely that this victim was perceived to be a paedophile, however the fact that he was openly expressing himself in a cross-dressing sense will be an important feature for the LGBTIQ community - especially when there is conflation of queer with perceived paedophilia.

10. Page 34 - the last sentence is a touch confusing for less than academic readers - are you saying that the existence of the list is not of itself, or upon closer case examinations, evidence of police malfeasance?

Regards

TC

▼ Derek Dalton ---29/06/2017 17:41:16---Dear Superintendent Tony Crandell, Shobha Sharma, Inspector Craig Middleton, Detective Sergeant Paul

From: Derek Dalton <derek.dalton@flinders.edu.au>  
 To: Anthony Crandell <[REDACTED]>, Craig N Middleton <[REDACTED]>  
 "Jacqueline Braw" <[REDACTED]>  
 Cc: Willem de Lint <willem.delint@flinders.edu.au>, "Danielle Tyson (danielle.tyson@deakin.edu.au)" <danielle.tyson@deakin.edu.au>  
 Date: 29/06/2017 17:41  
 Subject: Delivery of Draft report of Academic Review of Strike Force Parrabell

Dear Superintendent Tony Crandell, Shobha Sharma, Inspector Craig Middleton, Detective

Sergeant Paul Grace, Senior Constable Cameron Bignell, Jackie Braw, Sergeant Geoff Steer and all other people subject to the NSW Strike Force Parrabell review

[We only had three email addresses, we trust that you will further distribute draft report as you see fit/deem appropriate]

Firstly, sorry for such a lengthy email. The detail, alas (as the team leader who had to type it), is necessary and will aid in ensuring we are all ‘*on the same page*’ as it were.

Well it’s been a long time coming (in terms of the timeline we originally envisaged) but it gives Professor de Lint, Dr Tyson and I great pleasure to present our Draft Parrabell Review Report to you for your perusal.

As promised in a (revised) time-line we provided earlier this year, we have worked hard to meet the **June 30<sup>th</sup> first draft deadline**.

Let’s not dance around the obvious, the report is much longer than we envisioned (at 20,600 words) and yet it doesn’t seem ‘padded’ to our eye. There are only 23 footnotes. We have tried to keep those to an absolute minimum.

The complexity of the review ended up dictating that a much longer report be fashioned. I tend to think now that we were all mistaken to envisage that the report would be ‘tight and short’ (Derek’s words in an initial meeting). The sheer complexity and volume of this material is best served by a more considered, nuanced and lengthy report. We think this will also demonstrate that material has been given the attention it deserves. The public – and those interested parties – are likely to be appeased by a suitably long report that gives the impression of a detailed and exhaustive review. It was a tricky report to write. A big part of what we had to do was take the reader on a journey so they could fully appreciate the magnitude of the work the Task Force had to perform. This, at times, necessitated quite a bit of description.

We have not inserted that awful sideways slanted *watermark* “DRAFT” across this draft as it tends to be very distracting to the reader. I am sure you will thank us for that!

The report is, indeed, still a *draft* and so a few quality issues remain that cluster around these points below:

- It has not been proof read (always best to do that at the very end)
- It may well have inconsistent spelling (ise/ize) and flawed grammar
- TENSE is really tricky when writing a report such as this. Some shifts in tense are necessary, but if you spot any tense that looks odd please flag it.
- Many references (perhaps 20 odd % ) are missing and those provided are not properly formatted
- Inelegant (awkward) sentences still need our attention
- Some footnote numbers are way too large in main body text (e.g. # 11, bloody difficult to fix – but we will -eventually!)

IMPORTANT NOTE: A few **printed [inserted] tables** and textual references are inconsistent {some mention **83** cases, others **84**}. 83 is the correct number so Willem and I will correct and reformulate these tables (or textual references) soon as part of our quality control process. Indeed, when we add Mattaini and Warren the numbers and % details will slightly change.



No doubt the hard statistics and tables will interest you a great deal. They have changed a little since we met (as some cases were revisited by us subsequent to our last Sydney meeting).

**There will be mistakes (there always are at this stage) so we don't mind you sharpening your red pencils (as it were).** Both parties [Academics and Police] are invested in producing a quality report, so scrutiny is encouraged.

**Please read the draft with all these caveats (above) in mind.**

**Some other issues to keep in mind”**

- 1) Willem and Derek will (perhaps for the 20<sup>th</sup> time!) check our codings. We made changes so often (and EXCEL had some gremlins) that we want to ensure we check them. We are still not 100% happy with them as of June 30. The checking process will take more time.
  
- 2) We tried to create a visual diagram to illustrate our academic model of bias but the drawing just further obfuscated the model. It would appear different coloured ink works best plus the staggering of the text. Maybe you have ideas to fix this and make it more understandable to the reader. Sometimes these sorts of things defy neat visual representation.
  
- 3) We have yet to compose an EXECUTIVE SUMMARY. This is a much harder section to write than one would presume. It's challenging to summarise this particular report [and will be important to “get right” as no doubt the media will [perhaps lazily] extract their sound bites from this section. Willem and I will have a go at writing it very soon. We can forward it later.

Feel free to make any suggestions for improvement you feel are warranted. You can insert notes in a PDF reader or perhaps type out comments and use a biro to number sections that you are referring to. Happy for you to use whatever method works best for you.

We would – as mooted in an earlier email – *prefer* a **whole of police response**. That is, by all means share the draft report with the Detectives, Bias police, ‘Equity and Diversity’ police and any NSWPF parties you see fit, but please **organise your collective responses into a single document/one response email**. It's just easier to deal with the issues that will arise that way.

Indeed, you may (these are only suggestions) wish to use headings like:

- **ASPECTS we [the police] wish to query or question** (e.g. Craig may correct the number of detectives we said worked on the review and the precise duration of the review or indeed any other potential factual errors)
  
- **ASPECTS we [the police] don't like or agree with** [Please state reason for

objection]

- **Sections we [the police] don't comprehend** [So we can enhance clarity]
- **Bits we [the police] really like and agree with** (e.g. hopefully you will like the section on victims as the start as it sets a nice *tone of respect* for the dead. Very important to do. We are sure ACON and the wider GLBTIQ community will like this.)

We have diligently tried to strike a fair balance in composing this report. Sometimes (well, very rarely actually) we have had to criticise NSWPF but, more often than not, our sense is that we have taken pains to defend aspects of the review (e.g. we think we have explained how painstaking and thorough your review process was). However, it bears emphasizing that some inherent criticism (all of it levelled at police from a past era) will ensure our report is taken seriously by the public of NSW. We all appreciate that **this report is going to be subject to rigorous scrutiny**. The worst outcome for NSWPF would be for the report to be labelled/decreed a "*papering over the cracks*" treatment. That would be disastrous for NSWPF and compromise the hard work that underpins the review that you conducted.

We hope that you don't ask for any content to be excised that we (the academic team) feel is a necessary inclusion in the final version. It may well be that we end up having to insist that some content remains. That said, let us cross this bridge *if and when* we come to it. In any event, we are keen to hear your thoughts.

One final issue plagues us a little. We fully concede that some of the language used in this report will challenge some lay readers of this report. We have tried to write in a manner that is as "easy to follow" (as is *feasible* given the sophisticated nature of the ideas at play). And yet some sections are, we admit, dense and difficult for the reader. I think the idea that every man/woman in the street might be able to comprehend a report of this nature is something of a fantasy. Still, any suggestions to improve clarity will be appreciated.

Having said that – the lengthy nature of the report is partially due to us taking the time to carefully explain some key ideas at play (e.g. the section where we explain HAD in lay terms. We think that works well and really helps the reader grasp our concept of "incipient identity").

We purged Mattaini and Warren at the 11<sup>th</sup> hour (even though we could predict your classifications after chatting to Craig). They can get added (and the data amended) after we receive the reports.

We did not mention any police involved by name or rank (Craig, Cameron, Paul etc.) as a courtesy and to respect their anonymity. The convention with these reports seems to vary. Sometimes officers are named, other times not. If you **want to include names of the detectives who worked on Parrabell** in report, we can do so. If so provide current ranks and correct spelling to ensure accuracy.

In a previous timeline that I distributed, we allowed **two weeks for you to respond**. That is, we stipulated that a MID JULY response was required if we were to have the 2 or 3 weeks required to **deliver the final report by August 7** [the revised contract stipulated this as the delivery date and the final payment date].



We cannot anticipate just how many changes you might request. And dealing with the reference list will be very time consuming.

If this time period blows out – so be it – but the University are going to request a final payment (but we appreciate some work will still continue).

We acknowledge we also have an academic article to prepare in the future.

Once we send you the FINAL report we can fine tune any niggling issues before you ‘publish’ the report.

**We are still happy to liaise with you when you formally print/produce the report.** Not sure when you will do that? Perhaps you just wish to publish it as a PDF on your NSWPF official website? Or maybe you intend to publish hard (printed) copies with a glossy cover etc.

**Willem and I have one more trip to Sydney scheduled** [Willem is not in the original travel budget but because we travelled cheaply and stayed in basic hotels the funds you provided will certainly extend to covering him as well for this last trip]. We may well have to chat about the logic of when to do this with Jackie.

Respectfully (and in anticipation of an enthusiastic response from NSWPF)

Derek [in my capacity of author of this email] but on behalf of the *entire team* of Derek, Willem and Danielle.

**Some housekeeping notes:**

Tomorrow afternoon Willem and I will be at a function to celebrate/commiserate the disestablishment of the Law School (It will be part of a new College structure come July 1). That will take up 5 hours of our time, so we will be hard to catch.

Derek will be on leave from 5<sup>th</sup> to 12<sup>th</sup> July in Geelong but can be reached on [REDACTED] if you feel the necessity to speak to me.

Willem can be contacted on [REDACTED] if you have any statistics/EXCEL questions (our teams best ‘go to’ person for this aspect of the project)

Dr Derek Dalton

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Consultation hours **Thurs 12-1** and **Friday 11-12**

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[attachment "Draft Parrabell Review Report 1.1 for NSWPF.pdf" deleted by Craig N Middleton/24962/Staff/NSWPolice]