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| <b>ACON HEALTH<br/>BOARD MEETING: 3/2017</b> |                               |  |
| Date: 15 March 2017, 6pm for 6.15pm          |                               |   |
| Agenda Item # 8                              | Prepared By: Michael Atkinson |   |
| <b>Topic: Gay Hate Dossiers</b>              |                               |   |

## 1. Alignment with Strategic Plan

Part 3: Advocacy and Social Inclusion.

## 2. Background

From the 1970s through to the late 1990s, it has been alleged that as many as 86 gay men and 2 trans women in NSW were the targets of gay or trans hate (bias) homicides, many at coastal parks in Sydney's eastern suburbs.

Some of these deaths and disappearances were hastily classified as suicides, misadventure or accidents at the time and almost 30 remain unsolved. Whilst several of the cases have been solved resulting in members of coordinated gangs being charged, none of the cases were treated seriously as bias crimes and concern remains today about the lack of Police due diligence.

As a result of community pressure NSW Police commenced an investigation, Operation Taradale, in 2000 into a small number of the deaths and disappearances, which uncovered extensive networks of youths who were either involved or clearly knew who was. Investigators were unable to secure evidence required to solve any of the cases but the report was tabled in a coronial inquest and resulted in the establishment of several key policy and program outcomes including the establishment of the Gay and Lesbian Liaison Officer Program.

Sue Thompson, the first coordinator of the NSW Police Gay and Lesbian Liaison Program, commenced in 1992 and as part of her role monitored the ongoing incidence of suspected gay hate murders and advocated for a formal Police response by compiling a list of suspected gay hate murders which was tabled with the Police Commissioner.

As alarming rates of violence against gay men continued throughout the 1990s the list of gay hate murders continued to grow and attract the attention of a variety of stakeholders including academics and community advocates. Several books were written, community protests held demanding action to protect the community and the Anti-Violence Project was funded. Despite public outcry little action was taken by Police to protect people in high risk locations.

Community and media interest in the alleged<sup>1</sup> list of “88 gay-hate deaths”<sup>2</sup> persisted and NSW Police commenced an investigation, Operation Parrabell, in 2015 to determine the extent of bias in each of the alleged gay hate murders. The process has involved the formation of a police taskforce made up of eight detectives, several of whom are Gay and Lesbian Liaison Officers (GLLOs), who have completed an in-depth examination of each case.

It should be noted that Operation Parrabell is limited to a paper file review of existing police records and no further investigative work such as interviews is being carried out. In this sense the final police report will be limited to historical evidence and is unlikely to contain a review of police processes. It should also be noted that until this point in time Operation Parrabell has not reviewed those cases from Operation Taradale however work is about to commence on these high profile cases which hold significant interest to the community.

Operation Parrabell is headed up by Superintendent Tony Crandell who expressed a strong commitment to transparency. Briefings have been provided at the Police LGBTI Interagency Meetings and an Independent Reviewer was engaged to review findings and provide cultural and social expertise to ensure the process appropriately considered the context in which the alleged “gay hate” murders occurred.

ACON has also undertaken research into the 88 cases. This review was instigated as part of the community response to the NSW Police’s findings from an internal review that they conducted on the high profile Scott Johnsons case, and their ensuing public claim (on a Lateline interview) that there was no evidence of related homophobia and their dismissing remarks that homophobic violence was not a concern in Sydney around this time.

Following this Lateline media report, ACON met with other community organisations (GLRL, Mardi Gras, ICLC) and Garry Wotherspoon (community historian) and determined that ACON records, along with other data, should be examined and compiled into a standalone report which compiles a dossier on each of the suspected murder cases. It was felt that it was important to have a community voice on this issue, and that it was also important to have these men’s lives remembered and honored through a community based, historical document.

The idea of the Bondi Memorial project also emerged from this meeting with community partners.

To provide direction for ACON’s review, Historian Garry Wotherspoon drafted a template to ensure information relevant to each victim’s life, the incident surrounding their death and information pertaining to the bias aspect of their case was collected and recorded.

ACON staff worked on the review drafting 24 cases by July 2016 at which time ACON engaged a legal intern, Bryan Do, to complete the remaining dossiers. The dossier template was reviewed to improve legal robustness and indicate family involvement in each of the cases; as well the field of search was broadened. Quality information was sourced from the following locations:

1. Judgments for the cases – reported and unreported;
2. Coronial documents – including police statements, coroner’s report, autopsy report;

<sup>1</sup> There is confusion about the source of the final list of 88 bias murders; Sue Thompson released a statement confirming the steps that led to the final list but denies allocating 88 cases to the list.

<sup>2</sup> <http://www.smh.com.au/nsw/police-to-review-88-possible-gayhate-deaths-20160519-goz7x6.html>

3. Journal articles, notably by Stephen Tomsen and Sue Thompson;
4. Various newspaper articles and archives;
5. Library databases.

Bryan investigated a further 21 cases and finalised a dossier for each, bringing the total to 45 dossiers. Insufficient information was able to be located to form a dossier for the remaining 43 cases.

Work was commenced by Bryan to review the original 24 cases by conducting further investigation and transferring the information into the new template. Bryan was unable to finish the task before the end of his tenure and there are 7 outstanding cases which are currently being completed by Michael Atkinson, Program Manager Safety, Inclusion and Historical Justice. These incomplete cases have been compiled into an Addendum and attached for your perusal.

Further work is required to complete the final Dossiers Report including completing the aforementioned 7 outstanding cases and completing a detailed executive summary and recommendations sections. The current draft Dossiers Report is attached for your perusal.

In a meeting between ACON and NSW Police on 3 March 2017, Police indicated they are nearing the end of their process and anticipate finalising their report by early to mid-May 2017. Prior to completing their process Police expressly requested to site ACON's Dossiers to ensure the community voice is included and to ensure they have considered all relevant information. The Independent Reviewers are also keen to sight ACON's Dossiers prior to completing their report for the Police.

At the end of the discussion Police agreed to share their summary of the cases and ACON provided a hard copy of the draft Dossier Report with the intention to share electronic files and make a time to discuss the cases in more detail with a focus on cases where there is disagreement as to existence of bias.

In the recent past there have been calls for a Parliamentary Inquiry into the gay-hate deaths. ACON has remained silent on this issue and will assess the situation once more is known from the outcome of Operation Parrabell and the pursuant response from the community.

### **3. Discussion**

#### **Next Steps**

Upon completion of Operation Parrabell, NSW Police will release a report of findings which will include commentary from the Independent Reviewers. The Police have expressed a strong desire to align with ACON and design a communications strategy to complement the release of their report in an effort to minimize the potential for negative community response.

Once the report is released Police have also expressed intent to engage with the wider community and although nothing has been finalised the idea of a community forum has been mooted by Police.

#### 4. Timelines (estimations)

- **By March 31:** Police and ACON to meet and go through Dossiers – focus on cases where there is disagreement as to existence of bias.
- **Mid-April:** Police to confer with ACON about joint messaging.
- **Early May:** Operation Parrabell Report to be finalised and released.
- **Unconfirmed:** Community engagement activity.

#### 5. Budget Implication

Possible costs include:

- Legal advice
- Printing report
- Community engagement event (most likely funded by Police)

#### 6. Risk Issues and Mitigation Strategies

##### **Risk Issue #1 – potential legal issues associated with releasing the Dossiers**

While the majority of information contained within ACON's Dossiers was sourced from public listings, it is acknowledged that the Dossiers contain sensitive information and are potentially controversial particularly because they contain the names and details pertaining to the deceased, their family members and other associates, convicted perpetrators and suspects.

To ensure legal integrity, ACON provided the draft Dossier Report to Dowson-Turco Lawyers and gained pro bono legal advice which indicates some measures need to be taken to ensure confidentiality is not breached. We need to assess each dossier with particular reference to any cases that may relate to minors and sexual assault cases and remove them from our final report. Once this update is made the report will be suitable for public release.

##### **Risk Issue # 2 – Potential reputation issues associated with aligning with NSW Police**

There is strong community interest in the findings of Operation Parrabell and the Police report is likely to be controversial for the following reasons:

- The community may respond negatively if the report is perceived to underplay the extent of bias involved with the cases.
- The community may respond negatively if it is perceived the report does not adequately acknowledge the role of homophobia within the Police Force which is alleged to have hindered the original investigations and resulted in discriminatory treatment of community members.
- The community may respond negatively if it is perceived the report does not adequately acknowledge the role of homophobia within the Police Force which is alleged to have resulted in discriminatory treatment of community members in the conduct of police operations.
- Two of the completed dossiers detail the murders of trans women. There is strong community interest in the inclusion of trans people in this process and it is likely there will be negative community reactions should they be excluded.

ACON provides direct services to many LGBTI community members who survived violence during the period covered by Operation Parrabell and some people were directly impacted by the loss of loved ones to violence.

There are potential reputation risks for ACON in being perceived to align too closely with Police. To mitigate this we need to assess our findings against Police findings to understand points of difference prior to the release of both the Police's Operation Parrabell Report. A meeting is being scheduled to go over the cases with a particular focus on cases where there is disagreement as to existence of bias.

## 7. Recommendation

That the ACON board notes the work undertaken to date and approves the release of a final ACON report containing the completed dossiers, recognizing this may need to be done in a timely manner to align with the Police report being developed through Operation Parrabell.

## 8. Board Action

For noting

For discussion

For decision

## 9. Attachments: 3

**8a** Legal Advice – Dowson-Turco Lawyers

**8b** Dossiers Report

**8c** Addendum (Outstanding cases to be completed)



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