
From: Anthony Crandell [REDACTED]
Sent: 6/03/2018 7:59:40 AM
To: Nicolas Parkhill [/O=EXCHANGEORGANIZATION/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=Nicolas Parkhill4d0]
CC: 'Jacqueline Braw' [REDACTED]
Subject: RE: Report [DLM=Sensitive:Law Enforcement (SLE)]

Hi Nic,

Please see the below concerns regarding information contained in the Truth and Justice Report. Please believe me when I say that I sincerely do not want this review of case material to damage our partnership, trust or shared goal of bringing the community closer together. I am of course happy to discuss any concerns you may have regarding any of the comments indicated below.

The NSW Police Force review of the draft ACON Report entitled Truth and Justice has brought a number of concerns, especially regarding commentary surrounding the NSW Police Force; references to context, and 88 deaths, which are not all classifiable as gay-bias related.

The ACON Report contains some speculative statements that lead to inaccuracies, including determinations of cases, without expertise, assessed as investigated and prosecuted to an appropriate standard.

Strike Force Parrabell found that 70% of the 88 cases were classified as solved; 28% classified as unsolved; and 2% not reviewed. The word 'many' relating to cases unsolved in the context indicated is misleading and not based upon the available evidence.

The ACON Report reflects speculative comments without supporting evidence including:

1. Use of the word 'often' to describe poor police investigations is contrary to the available evidence. ACON alleges that Police, like the average bloke of the time, did have homophobic attitudes, however it is not accurate to state broadly that police allowed these views to affect their professional behaviour as investigators. These references are not based upon facts drawn from a broad view of the 88 deaths reviewed. The source of this statement seems to be centred upon findings by Coroner Milledge in the context of Task Force Taradale, which examined three investigations, at least one of which was accepted by a previous Coroner, and were all obviously re-investigated by another NSW Police Officer. Lack of bias indicators does not equate to poor Police investigations.
2. The Homosexual Advance Defence was used successfully by some accused in some cases resulting in reduced sentences however in many cases Police charged perpetrators with murder and sought evidence to counter the statutory defence of homosexual advance. These facts should be indicated to balance the report.
3. In some sections of the report, ACON conflates past experience with the present environment. In today's context, the use of violence upon the gay community is well below levels within the period 1970-2000. Bringing past experience into future context does not promote feelings of community confidence or safety when evidence suggests otherwise.

4. Police do not 'attribute' deaths to accidents, misadventure or suicide. That classification rests with the State Coroner, not Police. Clarification of this point is necessary. It is unfair to state that Coronial inquests have ruled homicides and made pointed criticism of police responses to these murders as a general statement. Once again this sentiment seems to originate within the context of three matters re-investigated by Strike Force Taradale and is not a fair representation of all cases reviewed. Qualification of this statement is appropriate because an examination of matters on a macro level reveal cases where Police have re-opened investigations previously before the Coroner, that have identified perpetrators years later with fresh information. Generalised commentary does not take into account the entire context and is both unfair and misleading.

5. If there is evidence of deaths dispensed with because of cursory police work, they should be stated and confined to the cases in question. Such statements should not be applied generally.

6. The ACON Report speaks of cursory police work because families failed to champion a cause, which seems to place an unnecessary onus upon families that we believe should be protected.

7. The '90 second inquest' comment cannot be accurate because a Coronial finding must follow, which clearly would not be at the scene of death. Police do not make Coronial findings. Suggesting, even by inference, that Police have powers to make Coronial findings at the scene of a death is untrue. If the statement of another is to be maintained, clarification should be made indicating the factual inaccuracy of the claim.

7. The claim that homophobia was 'often rife' throughout the Police and other institutions is not restricted to any particular timeframe and is not supported by evidence of police solving many homicide cases with thorough, far reaching and long-term investigations. There were many cases identified throughout Strike Force Parrabell that show exactly the opposite position. If the claim is to be maintained then evidence beyond speculation should be indicated.

8. It is not helpful to make a statement about supporting each other to the exclusion of Police, an organisation that now provides significant community support with involvement in many community programs. It is important to note that healing is occurring and that we have moved positively from the past. ACON is aware that the NSW Police Force has acknowledged difficulties in the past however we do not wish to dwell upon or remain shackled by history. We want to move forward and look forward to 'further', rather than 'future' unity.

9. Wotherspoon quotes are often general statements that require qualification. As a historian, Wotherspoon should reference his data source, because without qualification his assertions and allegations are against the available evidence uncovered by Strike Force Parrabell.

10. Commentary around the prevalence of transgender women is broad, inaccurate, and not reflected in the cases reviewed.

11. The statement that Police were influenced by the Homosexual Advance Defence leaves an incorrect inference. Evidence reveals that in many cases Police acted to positively counter this position by gathering sufficient evidence to charge suspects with murder, rather than manslaughter.

12. The statements including context around 'not the rule' are inaccurate. We found limited evidence of sloppy police work in the extreme majority of cases. Bias motivation was not well understood by Police (or anyone else) during this period of history. Nevertheless, there is evidence that Police uncovered bias, especially when seeking to counter the Homosexual Advance Defence.

13. Within the ACON Report:

* Point 7 is incorrect. The statement of attacks 'most commonly by gangs' is not reflected in the evidence and is again likely to relate to Strike Force Taradale matters in isolation.

* Point 8 is incorrect, speculative and not supported by the evidence

* Point 9 is refuted by findings, statistically the number is much smaller than 88

* Point 10 is incorrect. The 30 remaining cases do not sit with the Unsolved Homicide Team, given that a significant number of cases are not suspected homicides

Please note:

1. A minority of cases remain unsolved. Some cases will remain unsolved notwithstanding police identifying offenders due to insufficient evidence

2. Police do not classify deaths. This is a function of the Coroner, who takes on an inquisitorial role to determine statutory details in addition to determining sufficiency of the police investigation. Briefs of evidence within the Coronial jurisdiction consist of inquiries undertaken by police on behalf of the Coroner, whose finding follows only upon satisfaction that the police investigation is thorough and complete.

It seems the ACON Report has been heavily influenced by the cases of Johnson and those within Strike Force Taradale, which of course are a small sample of the 88 deaths reviewed. To colour the entire or general performance of Police in such a fashion is inaccurate and likely to adversely affect our relationship with the LGBTIQ community.

Please keep this feedback confidential. Obviously I stand by all comments however I feel it would be extremely unhelpful to cast Police against ACON. It is not my wish or intention, regardless of the position taken in light of this feedback, to engage in criticism of ACON.

Regards



Assistant Commissioner Anthony Crandell APM | Commander

Education & Training Command
Level 5, 20 Charles Street, Parramatta NSW 2150



From: Nicolas Parkhill <NParkhill@acon.org.au>
To: 'Anthony Crandell' <[REDACTED]>
Cc: 'Jacqueline Braw' <[REDACTED]>
Date: 06/03/2018 14:32
Subject: RE: Report [DLM=Sensitive:Law Enforcement (SLE)]

Hi Tony

Thanks so much for incredible support of the NSW Police Force over the last few weeks for Mardi Gras. It has been wonderful.

It was so nice to meet some of the local police from the region when I was in Hay on the weekend. What a great group of people!

Sorry to harp on this, particularly when it has been so busy, but I was wondering if you have had a chance to review the draft report? Any feedback would be greatly appreciated.

Thanks again and see you soon.

Nic

Nicolas Parkhill, Chief Executive Officer

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From: Anthony Crandell [REDACTED]
Sent: Friday, 23 February 2018 11:07 AM
To: Nicolas Parkhill <NParkhill@acon.org.au>
Cc: 'Jacqueline Braw' <[REDACTED]>
Subject: Re: Report [DLM=Sensitive:Law Enforcement (SLE)]

Thanks Nick,

The delay is my fault, I will look over the report and Jackie suggestions this weekend - I will be busy next weekend as you can imagine.

We are still a way off publicising our findings including those of the academic review, so please do not be concerned about our timing etc because I will make sure you have plenty of time for amendments before we look at circulating or engaging a media strategy.

Regards



Assistant Commissioner Anthony Crandell APM | Commander
 Education & Training Command
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From: Nicolas Parkhill <NParkhill@acon.org.au>

To: Anthony Crandell <[REDACTED]>, 'Jacqueline Braw' <[REDACTED]>

Date: 23/02/2018 10:56

Subject: Report

Dear Tony and Jackie

I hope this finds you both well.

I was just wondering how you were going in terms of providing feedback on our draft report? It would be great to get your comments as soon as possible please so we can then look at making amendments.

Thanks so much – looking forward to seeing you tonight for RIOT.

Cheers

Nic

Nicolas Parkhill, Chief Executive Officer

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