

EXHIBIT C



Special Commission of Inquiry into LGBTIQ hate crimes

16 November 2022

Ms Martha Coakley
Foley Hoag LLP
Boston, MA, USA

By email [REDACTED]

Dear Ms Coakley,

Special Commission of Inquiry into LGBTIQ hate crimes

I refer to the above Inquiry, and to your recent telephone discussions with the Commissioner, the Honourable Justice John Sackar, and Senior Counsel Assisting, Peter Gray SC.

In those discussions, you kindly indicated that you would be willing to assist the Inquiry by providing a statement. Thank you very much for that indication.

As foreshadowed, in this letter I will outline the matters which the Inquiry would like you to address in that statement.

This Inquiry concerns gay hate-related deaths in New South Wales in the 40-year period from 1970 to 2010. The Inquiry is bound by specific Terms of Reference (which are among the documents I have previously provided to you).

One matter which the Terms of Reference require the Commissioner to consider is the **Parrabell report** of June 2018, being the Final Report of Strike Force Parrabell (a NSW Police Strike Force). The Parrabell report has also been provided to you.

Strike Force Parrabell was a review by police officers, in 2016-2018, of historical documentary material available to police in relation to some 88 deaths which had occurred in the period 1970-2010. The Parrabell report was in two parts:

- (1) a section compiled by the police officers;
- (2) a section compiled by a team of academics from Flinders University in Adelaide (South Australia).

For the first section, the Parrabell police officers utilised a 10-point form called the Bias Crime Indicators Form ("BCIF"). That Form is to be found at pages 4 – 13 of the "Co-ordinating Instructions" for Strike Force Parrabell (also provided).

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The BCIF form had been adapted, by NSW Police, from a similar (9-point) list of “Bias Crime Indicators” set out in a “curriculum”, published in 2000 by the US National Centre for Hate Crime Prevention, Education Development Centre, based in Massachusetts. That lengthy document, authored by McLaughlin *et al*, has also been provided. The relevant 9-point list is to be found at pages 15 – 17.

The Inquiry would be glad to have your views on the appropriateness of the 10-point BCIF form, as used by Strike Force Parrabell, as the tool by which to carry out the exercise which it embarked upon.

With the above arrangements in mind, please see below:

1. the documents to which the Inquiry asks you to have regard;
2. the assumptions which you are asked to make; and
3. the questions which you are asked to consider.

(1) Documents

The documents to which you are asked to have regard, and which have been provided to you, are:

1. The Inquiry’s Terms of Reference;
2. The Final Report of the Strike Force Parrabell (**Parrabell Report**);
3. The Coordinating Instructions for Strike Force Parrabell (**Coordinating Instructions**); and
4. The document authored by McLaughlin *et al* entitled “*Responding to Hate Crime: A Multidisciplinary Curriculum for Law Enforcement and Victim Assistance Professionals*”, published by the US National Centre for Hate Crime Prevention, Education Development Centre, Massachusetts (2000).

If you refer, or have regard, to other documents, would you please make that clear in your statement, and either attach such documents or sufficiently identify them. Thank you.

(2) Assumptions

The assumptions which you are asked to make, in arriving at your views, are the following:

1. In or about 2015, the NSW Police Force (**NSWPF**) established Strike Force Parrabell.
2. Strike Force Parrabell was a successor to “Operation Parrabell”, which had commenced in about 2013.
3. Strike Force Parrabell was established to review a list of 88 previously investigated deaths of persons, between 1976 and 2000, to determine if a “sexuality or gender bias” was a contributing factor”: Coordinating Instructions, p 2.
4. Elsewhere in the Coordinating Instructions (at pp 2 and 3) and in the Parrabell Report itself (e.g. at pp 17-20), other terms were used besides “sexuality or gender bias”, including “gay hate crimes”, “bias crime” and “anti-gay bias”, as also indicating the objective or purpose of the Strike Force.
5. Strike Force Parrabell was to review matters that had *already been investigated* by the NSWPF. It was not to, and did not, reinvestigate any matters. It did not contact any witnesses, suspects or family

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- members. Rather, it reviewed written “holdings” from NSWPF files. Its aim was to arrive at a determination as to whether any of the 88 deaths were in fact motivated by an “anti-gay bias” (or the like), rather than identifying and prosecuting offenders: Coordinating Instructions pp 3, 14; Parrabell Report pp 19-22.
6. Various officers from the NSWPF were seconded to Strike Force Parrabell over an 18-month period: Parrabell Report, p 20. The names and ranks of those officers are at p 6 of the Parrabell Report.
 7. NSWPF engaged academics from Flinders University (**the academic team**) to conduct a review of the work of the Strike Force: see Parrabell Report at p 21.
 8. Pages 1 – 46 of the Parrabell Report comprise the report of the Strike Force officers, while the longer part of the Parrabell Report, at pages 47 – 133, consists of the academic review by the Flinders University academic team.
 9. In conducting their review of the cases, Strike Force Parrabell officers used a “Bias Crime Indicators Form” (**BCIF**), said to be used by the NSWPF Bias Crime Unit: Coordinating instructions pp 3-4; Parrabell report pp 20-21.
 10. That BCIF Form is set out in full at pp 4-13 of the Coordinating Instructions.
 11. According to the Coordinating instructions (pp 3-4 and footnote 1), and the Parrabell Report itself (see pp 67-70 within the academic review section of the Report, and footnote 20 thereto):
 - (a) Indicators 1-9 in the BCIF had been derived from the US document authored in 2000 by McLaughlin et al (document 4 above), while
 - (b) Indicator 10 (as to “Level of Violence”) had been developed by the NSWPF Bias Crime Unit.
 12. The methodology employed by the Strike Force officers, including their use of the BCIF, was set out at pp 3-4 of the Coordinating Instructions and at pp 19-22 of the Parrabell Report. It was the subject of comment by the academic team at pp 65-70 of the Parrabell Report.
 13. In respect of each of the cases considered by Strike Force Parrabell:
 - (a) the BCIF form was completed by one or more of the police officers who comprised the Strike Force, in the sense that the 10 sets of “prompts” and “indicators” in the left hand column of the form were answered in writing in the right hand column;
 - (b) such police officers were of varying ranks and experience;
 - (c) such answers, and thus such completed BCIF forms, were of varying lengths and composition;
 - (d) the answers to such “prompts” and “indicators”, in each particular case, were composed by whichever Parrabell officer or officers was or were assigned to that case, derived from the views formed by such officer/s in the light of their reading of whatever historical files were available in that case; and
 - (e) in all or most completed forms, there was a final box headed “Summary of Findings”, in which the assigned Parrabell officer/s ascribed one of four possible descriptors to the case, namely

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either "Evidence of bias crime", or "Suspected bias crime", or "No evidence of bias crime", or "Insufficient information".

14. In Recommendation 3, the Strike Force officers expressed the view that *"the current system with 10 bias crime indicators" was "not user friendly for operational police"*: Parrabell Report, p 39.
15. The academic team expressed reservations about the BCIF tool used by the NSWPF: Parrabell report pp 68-71 and footnote 20.
16. The academic team used a different methodology, as outlined by them at pp 56-58, 70-71 and 79-91 of the Parrabell Report.
17. The academic team created and applied their own definition of "bias": Parrabell Report, pp 82-83.
18. The academic team then categorised bias crimes based on whether they were
 - (a) "proactive" or "reactive", and
 - (b) "associative" or "non-associative": Parrabell Report, pp 88-90.

(3) Questions to be addressed

Making such assumptions, the matters you are asked to address are the following:

1. The origins and use of the "Bias Crime Indicators" contained in the 2000 "curriculum" document (McLaughlin et al, Massachusetts), as reflected in the BCIF.
2. Your view as to the appropriateness of the methodology used by the Strike Force Parrabell officers, including the use of the BCIF, having regard to the objectives of the Strike Force (as to which see assumptions 3, 4 and 5 above).
3. Your view as to the appropriateness of the different methodology used by the academic team, having regard to those objectives.
4. Other ways and/or models of which you are aware, in which bias crime has been, or may be, identified and/or documented and/or characterised and/or analysed, whether in the USA or elsewhere.

Thank you very much for your assistance.

Please do not hesitate to contact Enzo Camporeale on (02) 9372 8627 if you have any queries in relation to this matter.

Yours faithfully



Enzo Camporeale
 Director, Legal
 Solicitor Assisting the Inquiry