

## NSW POLICE FORCE

# STRIKE FORCE PARRABELL

## Bias Crimes Indicators Review Form

<b>Investigation No:</b>	62
<b>Victim/Deceased:</b>	John MILICEVIC
<b>Date of death:</b>	15 August, 1993
<b>Investigation Status:</b>	Solved
<b>Offender/s:</b>	NP124, NP125, NP126
<b>Investigative Unit:</b>	Major Crime Squad South – Homicide Unit
<b>Description:</b>	<p>John MILICEVIC was a 45 year old male who was believed to be homosexual. He worked as a Banking Messenger for Westpac Banking Corporation. He was murdered in Rushcutters Bay Park which is a known beat location by NP124, NP125 and NP126. NP124 was 15 years old, NP125 and NP126 were 17 years old. All three young persons were heterosexual and not known to MILICEVIC. MILECEVIC was found in Rushcutters Bay Park with two stab wounds to the back and one to the mouth and taken to Hospital where he died after a second surgery due to a punctured lung. It is unknown which young person stabbed MILECEVIC. NP124 was charged with murder, pled guilty to manslaughter and sentenced to 7 years imprisonment with a non parole of 3 years. NP125 was charged and convicted of murder and was sentenced to 12 years in Juvenile Detention with a non parole of 8 years. NP126 was charged with murder, pled guilty to accessory after the fact of murder, and sentenced to 3 years good behaviour supervised with a \$1000.00 surety.</p>

## 1. Differences

Prompts	Comment
<ul style="list-style-type: none"> <li><i>Immutable characteristic differences between victim and POI's sexual orientation</i></li> </ul>	<p>John MILICEVIC, aged 45 years was murdered in Rushcutters Bay Park, Rushcutters Bay on the 15 August 1993. Detective Senior Constable PAYNE who investigated the murder made the following comment in a progress report addressed to the Homicide Unit at Major Crime South Sydney, "The deceased is a single man who is employed with Westpac Bank, North Sydney. He resides on his own and is believed to be homosexual" (OD-236). There are no other background statements or information available to review regarding MILICEVIC'S sexuality, so the opinion of the Detectives who investigated the matter is relied upon when making this assessment. Offenders [NP124] [NP125] and [NP126] were charged with the murder of MILICEVIC. Both [NP125] and [NP124] were homophobic and expressed a strong dislike for homosexual men in their interviews with Police and also to secondary witnesses. [NP125] was asked by Detective Constable KIRKMAN during his interview to describe what MILICEVIC said to him, prior to [NP125] stabbing him. [NP125] stated, "Oh I think it was something like you know, um cunts or something. I, I can't remember. But it isn't, wasn't pleasant. I didn't think it sounded pleasant anyway. And um he sort of had an accent and so I just called him a fag. He just, what he said to me I just didn't take it well, at all. Cause I'm a homophobic mate, I'm scared of 'em. I just started freaking out real bad. And ah he just wanted to give me a kiss mate and I just and I didn't like it. So I punched him and ah" (ER-113). A statement supplied by the offender [NP125]'S support person [I100] [I100] thoroughly sums up [NP125] attitude towards homosexual males. [I100] stated, "During one of the suspensions during the interview, Detective KIRKMAN left the interview room and I was again alone with the young person [NP125]. He said: "I hate fags, my brother, well he's not my real brother, but I consider him to be my brother was attacked by fags"" (ST-597). This attitude towards homosexual males is also represented in the comments made by co-offender [NP124] in his interview with Detective Constable KUHNKE, when [NP124] is asked to</p>

	<p>describe what happened on the night of MILICEVIC'S death. [NP124] stated, "We were looking for someone to roll for some money up at the cross. We decided to go to Rushcutters Bay because we knew it was a known homosexual gathering place. Three of us walked down there, we kept walking along water's edge along the park and uh we sat down for a while and had a few cigarettes and then we got up and we kept walking along the path, this man was walking in the opposite direction. We kept walking and when he got 5 metres in front of us I looked at him and he looked at me, and he licked his lips like a fag and when he got in front of me I king hit him in the left temple. Uh he fell down and got back up again, he started screaming like a girl and uh he ran and [NP125] stabbed him once. I only seen him do it once and that's all. [NP126] didn't have anything to do with it. She was standing to the side of us, she was a bit shocked. He kept screaming and I said to [NP125], "lets' get the fuck out of here", so we started running in the direction that we came and [NP125] threw the knife in the bay" (ER-109). [NP124] attitude towards homosexual males was outlined by his mother [199] in her statement to Police [199] stated, [NP124] has a dislike towards homosexuals. He told me this a couple of weeks ago" (ST-583).</p>
<ul style="list-style-type: none"> <li>• <i>Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred</i></li> </ul>	<p>There is no evidence to suggest that MILICEVIC was outnumbered by any other group in the area where he was murdered.</p>
<ul style="list-style-type: none"> <li>• <i>Victim was engaged in activities promoting his/her group</i></li> </ul>	<p>There is no evidence of MILCEVIC engaging in any activities promoting a particular group.</p>
<ul style="list-style-type: none"> <li>• <i>Incident coincided with a holiday or date of particular significance to the victim or POI's group</i></li> </ul>	<p>The incident is not known to coincide with any date that was relevant to either the MILICEVIC, or any of the three (3) suspects.</p>
<ul style="list-style-type: none"> <li>• <i>Victim, although not a member of the targeted group is a member a member of an advocacy group that supports the victim, or the victim was in company of a member of the targeted group</i></li> </ul>	<p>MILICEVIC was thought to identify himself as a homosexual male and therefore was a member of the targeted group. MILICEVIC was not in company of any other person or known to be a member of any advocacy groups.</p>
<ul style="list-style-type: none"> <li>• <i>Historical animosity exists between the victim's group and the POI's group</i></li> </ul>	<p>It is clear that there was a high level of animosity on behalf of [NP125] and [NP124], towards homosexual males. [NP125] made a comment to his support person during his record of interview about his brother being attacked by homosexuals and his subsequent hatred of homosexual males. [NP125] said, "I hate fags, my brother, well he's not my real brother, but I consider him to be my brother was attacked by fags" (ST-597). [NP124] mother, [199]</p>

	outlined her son's hatred of homosexual males in her statement to Police. [199] [199] said, [NP124] has a dislike towards homosexuals. He told me this a couple of weeks ago" (ST-583).
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	Yes
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
GENERAL COMMENT	
<p>John MILICEVIC, aged 46 years was murdered at Rushcutters Bay Park, Rushcutters Bay on the 15 August 1993. Detective Senior Constable PAYNE who investigated the murder made the following comment in a progress report addressed to the Homicide Unit at Major Crime South Sydney, "The deceased is a single man who is employed with Westpac Bank, North Sydney. He resides on his own and is believed to be homosexual." There are no other background statements or information available to review regarding MILICEVIC'S sexuality, so the opinion of the Detectives who investigated the matter is relied upon when making this assessment. It is clear that there is a high level of animosity on behalf of [NP125] and [NP124] towards homosexual males. A statement provided by [NP125] support person, [I100] thoroughly summed up [NP125]'S attitude towards homosexual males. [I100] stated, "During one of the suspensions during the interview, Detective KIRKMAN left the interview room and I was again alone with the young person [NP125]. He said: "I hate fags, my brother, well he's not my real brother, but I consider him to be my brother was attacked by fags." [NP124] mother, [199] outlined her son's hatred of homosexual males in her statement to Police. [199] said, [NP124] has a dislike towards homosexuals. He told me this a couple of weeks ago."</p>	

## 2. Comments, Written Statements, Gestures

Prompts	Comment
<ul style="list-style-type: none"> <li><i>Bias related comments, written statements or gestures were made by the POI</i></li> </ul>	<p>Both [NP124] and [NP125] made numerous bias related comments in regards to MILICEVIC, as well as displaying a bias or phobia towards homosexual males in general. [NP124] Interview with Detective Constable Steve KUHNKE indicated that the group had all attended Rushcutters Bay Park to commit a robbery and the likely target was a homosexual male. Detective KUHNKE said, "What is your side of the story?" [NP124] replied, "We were looking for someone to roll for some money up at the cross. We decided to go to Rushcutters Bay because we knew it was a known homosexual gathering place. Three of us walked down there, we kept walking along water's edge along the park and uh we sat down for a while and had a few cigarettes and then we got up and we kept walking along the path, this man was walking in the opposite direction. We kept walking and when he got 5 metres in front of us I looked at him and he looked at me, and he licked his lips like a fag and when he got in front of me I king hit him in the left temple. Uh he fell down and got back up again, he started screaming like a girl and uh he ran and [NP125] stabbed him once. I only seen him do it once and that's all." [NP125] provided a similar version of events and outlined comments made towards MILICEVIC during his record of interview with Police. Detective Constable KIRKMAN asked [NP125], "And when did you first see this man?" [NP125] replied, "Oh well I say I was sitting down on the seat and um he started walking and I was a bit agi that night. Cause like you know I'd been smoking pot. And um, I stress out pretty easily and he just started walking and um, and um he said something and I just, sort of retaliated and I called him a fag. And he said oh, that he wanted to kiss me and I just didn't like it mate, didn't like it at all. And I um punched him and um, he got up and um he started run for me and I stepped to the side of him and stabbed him in the shoulder. Told him to get lost and he just wouldn't listen mate. Then he just started going berserk" (ER-113).</p>
<ul style="list-style-type: none"> <li><i>Comments and gestures can occur before, during and after the incident</i></li> </ul>	<p>[NP125] continued to explain his version of events when questioned further by Detective Constable KIRKMAN, who asked, "When you first saw this man, was he walking towards you or walking away from you?" [NP125] stated,</p>

	<p>"Towards me, near the seat. Cause I was sitting on a seat and the path is about from here to that wall away. And he sort of stepped off the path walking straight towards me." Detective KIRKMAN asked, "And what did you do?" NP125 stated, "Oh I just sat there mate and he just said, said, said something to me." Detective KIRKMAN asked, "What did he say?" NP125 replied, "Oh I think it was something like you know, um cunts or something. I, I can't remember. But it isn't, wasn't pleasant. I didn't think it sounded pleasant anyway. And um he sort of had an accent and so I just called him a fag. He just, what he said to me I just didn't take it well, at all. 'Cause I'm a homophobic mate, I'm scared of 'em. I just started freaking out real bad. And ah he just wanted to give me a kiss mate and I just and I didn't like it. So I punched him and ah" (ER-113). Following the interview, Detectives obtained a statement from NP125 support person I100 who noted some strong homophobic comments made by NP125 during a timeout in the interview process. I100 stated, "During one of the suspensions during the interview Detective KIRKMAN left the interview room and I was again alone with the young person NP125. He said, "I hate fags, my brother, well he's not my real brother, but I consider him to be my brother was attacked by fags"" (ST-597). Mother of NP124 I199 also provided a witness statement to Police in regards to homophobic comments made to her by her son. I199 stated, NP124 has a dislike towards homosexuals. He told me this a couple of weeks ago" (ST-583). It is unknown if LEPO made any bias related comments or gestures as she declined to be interviewed in relation to the incident, following legal advice.</p>
<ul style="list-style-type: none"> <li>• <i>Victims may not be aware of the significance of gestures made</i></li> </ul>	<p>It appears as though MILICEVIC was unaware that he was in danger, as he most likely saw the group of offenders but chose to continue walking in their general direction and allegedly approached the offenders, although this cannot be confirmed. The toxicology report taken from samples retrieved during the autopsy by Dr. BRADHURST show that MILICEVIC was not under the influence of alcohol, drugs or any other known illicit substances that may have impaired his judgement (OD-386).</p>

Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	Yes
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

## GENERAL COMMENT

Both [NP124] and [NP125] made numerous bias related comments in regards to MILICEVIC, as well as displaying a bias or phobia towards homosexual males in general. [NP124] interview with Detective Constable Steve KUHNKE indicated that the group had all attended Rushcutters Bay Park to commit a robbery and the likely target was a homosexual male. Detective KUHNKE asked, "What is your side of the story?" [NP124] replied, "We were looking for someone to roll for some money up at the cross. We decided to go to Rushcutters Bay because we knew it was a known homosexual gathering place." [NP125] continued, "Oh well I say I was sitting down on the seat and um he [MILICEVIC] started walking and I was a bit agi that night. Cause like you know I'd been smoking pot. And um, I stress out pretty easily and he just started walking and um, and um he said something and I just, sort of retaliated and I called him a fag." Following the interview, Detectives obtained a statement from [NP125]'S support person [100] who noted some strong homophobic comments made by [NP125] during a timeout in the interview process. [100] stated, "During one of the suspensions during the interview Detective KIRKMAN left the interview room and I was again alone with the young person [NP125]. He said, "I hate fags, my brother, well he's not my real brother, but I consider him to be my brother was attacked by fags." Mother of [NP124], [199] also provided a witness statement to Police in regards to homophobic comments made to her by her son. [199] stated, [NP124] has a dislike towards homosexuals. He told me this a couple of weeks ago."

## 3. Drawings, Markings, Symbols, Tattoos, Graffiti

Prompts	Comment
<ul style="list-style-type: none"> <li><i>Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI</i></li> </ul>	No bias related drawings, markings, symbols or graffiti were identified at the crimes scene in Rushcutters Bay Park. In regards to markings or tattoos displayed by the offenders, witnesses do not comment in relation to seeing any tattoos. Due to a lack of converted data, Police are unable to confirm if any of the offenders had tattoos at the time of

	<p>MILICEVIC'S murder. A check of National Police records indicates that both [NP125] and [NP124] have a number of tattoos now, some that could be seen as being indicative of OHG affiliations. [NP125] [REDACTED] [REDACTED] [NP124] tattoos also include [REDACTED] [REDACTED] [NP124] also has [REDACTED]. It appears that [NP126] also has tattoos but they are the [REDACTED] [REDACTED]</p>
<ul style="list-style-type: none"> <li>• <i>Before discounting symbols, ensure that you understand the meaning of the symbol</i></li> </ul>	<p>As stated, it is unknown if any of the offenders had tattoos at the time they were involved in the murder of MILICEVIC. Due to their young ages at the time of the murder, it is doubtful that any of them had tattoos. The [REDACTED] tattoos which are displayed by [NP124] and [NP125] are known symbols of numerous OHG'S and white supremacist groups, who preach a hatred of homosexual males. The [REDACTED] tattoo and [REDACTED] tattoos depicted on [NP124] are believed to stand for [REDACTED] respectively. Whilst disturbing by nature, the exact meaning of the symbols is unclear and would require clarification from the offenders themselves.</p>
Indicators	(y/n)
<p>Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.</p>	<p>No</p>
<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	<p>Yes</p>
<p>Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.</p>	<p>No</p>
<p>Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.</p>	<p>No</p>



## GENERAL COMMENT

No bias related drawings, markings, symbols or graffiti were identified at the crimes scene in Rushcutters Bay Park. In regards to markings or tattoos displayed by the offenders, witnesses do not comment in relation to seeing any tattoos. Due to a lack of converted data, Police are unable to confirm if any of the offenders had tattoos at the time of MILICEVIC'S murder. Both [NP125] and [NP124] now have numerous tattoos, some which could be interpreted as bias related or being affiliated with OHG'S. Due to their young age in 1993, both being teenagers, it is doubtful that any of the offenders had tattoos at the time of MILICEVIC'S murder. [REDACTED] which are displayed by [NP124] and [NP125] are known symbols of numerous OHG'S and white supremacist groups, who preach a hatred of homosexual males. The [REDACTED] tattoo and [REDACTED] tattoos depicted on [NP124] is believed to stand for [REDACTED] respectively. Whilst disturbing by nature, the exact meaning of the symbols is unclear and their meaning is open to interpretation. The exact meaning of each tattoo would require clarification from the offenders themselves.

### 4. Organised Hate Groups (OHG)

Prompts	Comment
<ul style="list-style-type: none"> <li>• <i>Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross</i></li> </ul>	<p>No objects or items that represent the work of an OHG were left at the crime scene. [NP125] threw the knife used to stab MILICEVIC into nearby Rushcutters Bay, which was subsequently recovered by Police Divers during the course of the investigation. This is believed to be the only exhibit retrieved from the scene.</p>
<ul style="list-style-type: none"> <li>• <i>An OHG claimed responsibility</i></li> </ul>	<p>Of the three (3) offenders, only [NP125] and [NP124] claimed responsibility for their actions. [NP125] and [NP124] did not claim to be part of an OHG though. [NP126] who was the girlfriend of [NP124] declined to be interviewed by Police following legal advice.</p>
<ul style="list-style-type: none"> <li>• <i>There are indications that an OHG was involved or active in the area</i></li> </ul>	<p>There are indications that a group of homeless teenagers or 'street kids' were targeting homosexual males in the area for robbery offences. [NP125] commented about this in his interview with Detective Constable KUHNKE. Detective Constable KUHNKE asked, "You're not aware of any pe, people hanging around there in particular?" [NP125] replied, "I've heard some, I've heard of some um fag bashing that go on there. That's about it." Detective Constable KUHNKE said, "They happen at Rushcutters Bay, do they?" [NP125] replied, "Yeah, and at the wall." KUHNKE asked, "How do you know about those?" [NP125] replied, "Just from the street kids and that you know, talking, and they say you know someone got, someone got bashed or something like that." KUHNKE asked, "What do you think about that?" [NP125] replied, "I don't know. It's pretty stupid. It's, it's not my decision what they do." KUHNKE</p>

	<p>said, "So you have, have no feelings one way or the other about homosexual bashings?" [NP125] replied, "It's their business what they want to do, just as long as they don't do it to me." KUHNIKE asked, "Have you ever been approached by a homosexual?" [NP125] said, "Yeah." KUHNIKE said, "How did you feel about that?", and [NP125] replied, "I was very pissed off." It can be seen that [NP125] contradicts himself within the space of a few questions and it's clear that he is trying to mask his dislike or hatred of homosexual males during the course of the interview.</p>
<ul style="list-style-type: none"> <li>• <i>MO is similar to known MO of an OHG</i></li> </ul>	<p>The M.O. is not known to be similar to any OHG that may have been active in the area.</p>
Indicators	(y/n)
<p>Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.</p>	Yes
<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	No
<p>Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.</p>	No
<p>Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.</p>	No
GENERAL COMMENT	
<p>There are indications that a group of homeless teenagers or 'street kids' were targeting homosexual males in the area for robbery offences. [NP125] commented about this in his interview with Detective Constable KUHNIKE. Detective Constable KUHNIKE asked, "You're not aware of any pe, people hanging around there in particular?" [NP125] replied, "I've heard some, I've heard of some um fag bashings that go on there. That's about it." Detective Constable KUHNIKE said, "They happen at Rushcutters Bay, do they?" [NP125] replied, "Yeah, and at the wall." KUHNIKE asked, "How do you know about those?" [NP125] replied, "Just from the street kids and that you know, talking, and they say you know someone got, someone got bashed or something like that." No objects or items that represent the work of an OHG were left at the crime scene. Only [NP125] and [NP124] claimed responsibility for their actions. [NP125] and [NP124] did not claim to be part of an OHG however [NP126] who was the girlfriend of [NP124] declined to be interviewed by Police following legal advice. The M.O. is not known to be similar to any OHG that may have been active in the area.</p>	

<b>5. Previous existence of Bias Crime Incidents</b>	
Prompts	Comment
<ul style="list-style-type: none"> <li><i>Victim was visiting a location where previous bias crimes had been committed against members of the victim's group</i></li> </ul>	<p>The location of Rushcutters Bay Park was a known beat location. Detective Constable Steve KUHNKE interviewed [NP124] and asked him for his version of events. [NP124] stated, "We were looking for someone to roll for some money up at the Cross. We decided to go to Rushcutters Bay because we knew it was a known homosexual gathering place" (ER-109).</p>
<ul style="list-style-type: none"> <li><i>Several incidents occurred in the same area and the victims were members of the same group</i></li> </ul>	<p>There were a number of other incidents that occurred in the same area, the most notable being the murder of Cyril OLSEN on the 22 August 1992. OLSEN was assaulted and bashed by unknown persons in Rushcutters Bay Park, prior to stumbling up to Rushcutters Bay Marina, where he fell into the water and subsequently drowned. OLSEN identified himself as a homosexual male and was thought to be frequenting the known beat location, with the intention of engaging in sexual acts with other males. OLSEN may have met his murderers at a bar or nightclub prior to attending Rushcutters Bay Park to engage in sexual activity. This differs from the murder of MILICEVIC, who was approached, assaulted and robbed by his offenders who were waiting for him in the park.</p>
<ul style="list-style-type: none"> <li><i>Victim has received previous harassing mail, email, social media posts or phone calls or has been the victim of verbal abuse (anti-gay) based on his/her affiliation with a targeted group</i></li> </ul>	<p>MILICEVIC is not thought to have been receiving any harassing or threatening mail or phone calls.</p>
<ul style="list-style-type: none"> <li><i>Recent bias incidents or crimes may have sparked retaliatory bias crime</i></li> </ul>	<p>No other recent bias crimes were believed to have caused the attack upon MILICEVIC.</p>
Indicators	(y/n)
<p>Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.</p>	<p>Yes</p>
<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	<p>No</p>

Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
<b>GENERAL COMMENT</b>	
<p>The location of Rushcutters Bay Park was a known beat location. Detective Constable Steve KUHNE interviewed [NP124] and asked him for his version of events, during his formal interview. [NP124] said, "We were looking for someone to roll for some money up at the Cross. We decided to go to Rushcutters Bay because we knew it was a known homosexual gathering place." There were a number of other incidents that occurred in the same area, the most notable being the murder of Cyril OLSEN on the 22 August 1992. OLSEN was assaulted and bashed by unknown persons in Rushcutters Bay Park, prior to stumbling up to Rushcutters Bay Marina, where he fell into the water and subsequently drowned. OLSEN identified himself as a homosexual male and was thought to be frequenting the known beat location, with the intention of engaging in sexual acts with other males. OLSEN however, may have met his murderers at a bar or nightclub prior to attending Rushcutters Bay Park in the early hours of the morning to engage in sexual activities. This differs from the murder of MILICEVIC, who was approached, assaulted and robbed by his offenders who were waiting for him in the park.</p>	
<b>6. Victim/Witness Perception</b>	
<b>Prompts</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li><i>Witnesses (actual) perceive that the incident was motivated by bias</i></li> </ul>	<p>Witness [1101] of Elizabeth Bay came forward to assist with identifying the offenders in the murder of MILICEVIC. [1101] told Police, "About 9.15pm on Sunday 15<sup>th</sup> August 1993....., he heard a sound of pain coming from the centre of Rushcutters Bay Park. A short time later he saw three (3) young person's run west in the park towards Kings Cross" (OD-236). This information is contained in an investigation progress report completed by Rose Bay Detectives, as the completed witness statement of [1101] was not included in the available items that formed the brief of evidence. There are no indications that any actual witnesses perceived that this incident was motivated by bias. The Detectives that investigated the murder are clearly of the opinion that bias was a possible and strong motive. The Police opinion is based upon MILICEVIC'S suspected sexual orientation, the nature of the location as a beat and the admissions of the offenders themselves.</p>

Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	Yes
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
<b>GENERAL COMMENT</b>	
<p>There are no indications that any actual witnesses perceived that this incident was motivated by bias. The Detectives that investigated the murder are clearly of the opinion that bias was a possible and strong motive. The Police opinion is based upon MILICEVIC'S suspected sexual orientation, the nature of the location as a beat and the admissions of the offenders themselves.</p>	
<b>7. Motive of Offender/s</b>	
Prompts	Comment
<ul style="list-style-type: none"> <li><i>POI was previously involved in similar incident or is a member/associates with members of an OHG</i></li> </ul>	<p>[ NP125 ] and [ NP124 ] had not come under Police notice prior to the murder of MILICEVIC. [ NP126 ] has no other charges prior to or after the one that relates to the murder of MILICEVIC but has a lengthy history of interaction with Police in relation to mental health and self harm incidents.</p>
<ul style="list-style-type: none"> <li><i>The victim was in company of a member of the targeted group</i></li> </ul>	<p>MILICEVIC was alone at the time he was assaulted and stabbed by the three (3) offenders.</p>

<ul style="list-style-type: none"> <li><i>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</i></li> </ul>	<p>Very little background information is known in relation to MILICEVIC. It appears that MILICEVIC lived alone at [REDACTED] Elizabeth Bay Road, Kings Cross and was a long term employee of the Westpac Banking Corporation, where he was employed as a Bank Messenger. MILICEVIC was identified at Glebe Morgue by fellow Westpac employee [REDACTED] 1102, who was MILICEVIC'S direct supervisor at Westpac. MILICEVIC was not seen to breaking from traditional conventions or working in non-traditional employment.</p>
<ul style="list-style-type: none"> <li><i>The POI has a history of previous crimes with similar MO and involving other victims of the same group</i></li> </ul>	<p>The three (3) offenders had no recorded interactions with Police prior to the murder of MILICEVIC. This does not totally exclude the possibility that they had been involved in bias related incidents prior to this date, only that there are no confirmed links.</p>
Indicators	(y/n)
<p>Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.</p>	<p>No</p>
<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	<p>Yes</p>
<p>Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.</p>	<p>No</p>
<p>Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.</p>	<p>No</p>
GENERAL COMMENT	
<p>[REDACTED] NP125 and [REDACTED] NP124 had not come under Police notice prior to the murder of MILICEVIC. [REDACTED] NP126 has no other charges prior to or after the one that relates to the murder of MILICEVIC but has a lengthy history of interaction with Police in relation to mental health and self harm incidents. Very little background information is known in relation to MILICEVIC. It appears that MILICEVIC lived alone at [REDACTED] Elizabeth Bay Road, Kings Cross and was a long term employee of the Westpac Banking Corporation, where he was employed as a Bank Messenger. MILICEVIC was identified at Glebe Morgue by fellow Westpac employee [REDACTED] 1102, who was MILICEVIC'S direct supervisor at Westpac. MILICEVIC was not seen to be breaking from traditional conventions or working in non-traditional employment.</p>	

8. Location of Incident	
Prompts	Comment
<ul style="list-style-type: none"> <li><i>The victim was in or near an area or place commonly associated with or frequented by members of a particular group e.g. beat</i></li> </ul>	<p>Rushcutters Bay Park was a well known beat location. This was common knowledge and was certainly apparent to offenders NP125 and NP124 and NP124 and NP125 both participated in electronically recorded interviews following their arrests in the A.C.T. Constable KUNKE interviewed NP124 and asked him to describe what happened on the night of MILICEVIC'S death. NP124 stated, "We were looking for someone to roll for some money up at the cross. We decided to go to Rushcutters Bay because we knew it was a known homosexual gathering place." NP124 is then asked further questions by Detective Constable Steve KUNKE in regards to the location. KUNKE asked, "You're not aware of any pe, people hanging around there in particular?" NP124 replied, "I've heard some, I've heard of some um fag bashings that go on there. That's about it." KUNKE then asked, "They happen at Rushcutters Bay, do they?" And NP124 replied, "Yeah, and at the wall" (ER-109). NP125 however is asked directly by Detective Constable KIRKMAN whether he knew the location was a beat. Detective KIRKMAN asked, "Could you tell me if you knew Rushcutters Bay Park was a haunt or meeting place for homosexual males." NP125 replied, 'No' (ER-113).</p>
<ul style="list-style-type: none"> <li><i>The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc</i></li> </ul>	<p>It does not appear that the location held any specific significance to either MILICEVIC or the offenders but as indicated, it was a well known beat location.</p>
Indicators	(y/n)
<p>Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.</p>	<p>Yes</p>
<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	<p>No</p>

Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

## GENERAL COMMENT

Rushcutters Bay Park was a well known beat location. This was common knowledge and was certainly apparent to [NP125] and [NP124]. [NP124] and [NP125] both participated in electronically recorded interviews following their arrests in the A.C.T. Constable KUHNKE interviewed [NP124] and asked him to describe what happened on the night of MILICEVIC'S death. [NP124] stated, "We were looking for someone to roll for some money up at the cross. We decided to go to Rushcutters Bay because we knew it was a known homosexual gathering place. [NP124] is then asked further questions by Detective Constable Steve KUHNKE in regards to the location. KUHNKE asked, "You're not aware of any pe, people hanging around there in particular?" [NP124] replied, "I've heard some, I've heard of some um fag bashings that go on there. That's about it." KUHNKE then asked, "They happen at Rushcutters Bay, do they?" And [NP124] replied, "Yeah, and at the wall."

## 9. Lack of Motive

Prompts	Comment
<ul style="list-style-type: none"> <li><i>No clear economic or other motive for the incident exists</i></li> </ul>	<p>Detectives investigating the incident were firmly of the belief that all three (3) offenders attended the location for the purpose of robbing someone. In a progress report to the Homicide Squad, Rose Bay Detective Sergeant MILLER wrote, "It is alleged that all young persons' attended Rushcutters Bay Park, Rushcutters Bay for the purpose of robbing a victim for money or property. It is alleged that [NP125] had in his possession the knife recovered from Rushcutters Bay and that the other young persons' knew this. It is alleged that one or all three stabbed the victim with this knife" (OD-236). [NP125], [NP124] and [NP126] were arrested in the A.C.T. after fleeing NSW, following the murder of MILICEVIC. When questioned directly about why they had attended Rushcutters Bay Park on the night of the murder, [NP125] and [NP124] gave conflicting versions as to why they were there. [NP124] stated, "We were looking for someone to roll for some money up at the cross. We decided to go to Rushcutters Bay because we knew it was a known homosexual gathering place" (ER-109). The primary motive for [NP125] and [NP124] was robbery but it is also has an element of bias due to them actively targeting homosexual males as their preferred victims.</p>



Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	Yes
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

## GENERAL COMMENT

Detectives investigating the incident were firmly of the belief that all three (3) offenders attended the location for the purpose of robbing someone. In a progress report to the Homicide Squad, Rose Bay Detective Sergeant MILLER wrote, "It is alleged that all young persons' attended Rushcutters Bay Park, Rushcutters Bay for the purpose of robbing a victim for money or property. It is alleged that [NP125] had in his possession the knife recovered from Rushcutters Bay and that the other young persons' knew this. It is alleged that one or all three stabbed the victim with this knife." No weapons of opportunity were used in the murder of MILICEVIC. [NP125] armed himself with a knife prior to attending Rushcutters Bay Park, for the express purpose of committing a robbery. The three (3) offenders outnumbered MILICEVIC who was alone at the time. Evidence suggests all offenders took part in the assault in some capacity.

## 10. Level of Violence

Prompts	Comment
<ul style="list-style-type: none"> <li><i>The level of violence and injuries sustained by the victim/s is greater than would be expected for a crime of that type</i></li> </ul>	<p>Doctor Peter BRADHURST completed the post mortem of MILICEVIC, PM Number: 93/1563. In the pathology summary Dr. BRADHURST noted the following serious injuries:</p> <ol style="list-style-type: none"> <li>1) Two stab wounds to the chest with one stab wound entering the back of the left side of the chest and penetrating the lower lobe of the left lung and the other stab wound entering the back of the right side of the chest to penetrate into the hilum of the right lung as well we severely damaging the upper part of the lower lobe of the right lung.</li> <li>2) One stab wound into the mouth cutting the lower lip and the underside of the tongue and penetrating the left</li> </ol>

	tonsillar bed causing haemorrhage there. Dr. BRADHURST listed the direct cause of death as (a) STAB WOUNDS TO THE CHEST.
<ul style="list-style-type: none"> <li>• <i>Weapons of opportunity are used in the incident</i></li> </ul>	No weapons of opportunity were used in the murder of MILICEVIC. [NP125] armed himself with a knife prior to attending Rushcutters Bay Park, for the express purpose of committing a robbery.
<ul style="list-style-type: none"> <li>• <i>The number of POI's is greater than the number of victims and all POI's take an active role in the assault</i></li> </ul>	The three (3) offenders outnumbered MILICEVIC who was alone at the time and all offenders took part in the assault
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	Yes
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
GENERAL COMMENT	
No weapons of opportunity were used in the murder of MILICEVIC. [NP125] armed himself with a knife prior to attending Rushcutters Bay Park, for the express purpose of committing a robbery. All offenders took part in the assault. The level of violence is excessive under the circumstances. The offenders outnumbering MILICEVIC three (3) to one (1), indicates that the use of the knife by [NP125] even if it is to defend himself which is unlikely, is highly excessive.	

## SUMMARY OF FINDINGS

**Indicator:** Bias Crime (BC)

**Comment:** John MILICEVIC, aged 46 years, was murdered at Rushcutters Bay Park, Rushcutters Bay on the 15 August 1993. Detective Senior Constable PAYNE who investigated the murder made the following comment in a progress report addressed to the Homicide Unit at Major Crime South Sydney, "The deceased is a single man who is employed with Westpac Bank, North Sydney. He resides on his own and is believed to be homosexual." There are no other background statements or information available to review regarding MILICEVIC'S sexuality, so the opinion of the Detectives who investigated the matter is relied upon when making this assessment. It is clear that there was a high level of animosity from [NP125] and [NP124] towards homosexual males. A statement provided by [NP125]'s support person, [1100] gave an insight into [NP125]'S attitude towards homosexual males. [1100] stated, "During one of the suspensions during the interview, Detective KIRKMAN left the interview room and I was again alone with the young person Mr [NP125]. He said: "I hate fags, my brother, well he's not my real brother, but I consider him to be my brother was attacked by fags.""

Both offenders [NP124] and [NP125] made numerous bias related comments in regards to MILICEVIC, as well as displaying a bias or phobia towards homosexual males in general. This attitude towards homosexual males is also represented in the comments made by co-offender [NP124] in his interview with Detective Constable KUHNKE, when [NP124] is asked to describe what happened on the night of MILICEVIC'S death. [NP124] stated, "We were looking for someone to roll for some money up at the cross. We decided to go to Rushcutters Bay because we knew it was a known homosexual gathering place."

Rushcutters Bay Park was a well known beat location. This was common knowledge and was certainly apparent to [NP125] and [NP124].

No objects or items that represent the work of an OHG were left at the crime scene. [NP125] threw the knife used to stab MILICEVIC into nearby Rushcutters Bay, which was subsequently recovered by Police Divers during the course of the investigation. This is believed to be the only exhibit retrieved from the scene. There are indications that a group of homeless teenagers or 'street kids' were targeting homosexual males in the area for robbery offences. [NP125] commented about this in his interview with Detective Constable KUHNKE. Detective Constable KUHNKE said, "You're not aware of any pe, people hanging around there in particular?" [NP125] replied, "I've heard some, I've heard of some um fag bashing that go on there. That's about it." Detective Constable KUHNKE said, "They happen at Rushcutters Bay, do they?" [NP125] replied, "Yeah, and at the wall." KUHNKE asked, "How do you know about those?" [NP125] stated, "Just from the street kids and that you know, talking, and they say you know someone got, someone got bashed or something like that." [NP125] and [NP124] had not come under Police notice prior to the murder of MILICEVIC. [NP126] has no other charges prior to or after the one that relates to the murder of MILICEVIC but has a lengthy history of interaction with Police in relation to mental health and self harm incidents. The primary motive for [NP125] and [NP124] appeared to be robbery/ for financial gain but there is evidence of this being bias related because they were actively targeting homosexual males as their preferred victims.

[NP125], [NP124] and [NP126] outnumbered MILICEVIC who was alone at the time, three to one with evidence suggesting all offenders took part in the assault. The level of violence was excessive under the circumstances. The use of the knife by [NP125] even if it was to defend himself which is unlikely, is highly excessive. It is clear from the attitude of the offenders, the offenders' admissions in relation to the location, and their choice of robbery targets, that this incident was bias related.