

NSW POLICE FORCE

STRIKE FORCE

PARRABELL

Bias Crimes Indicators Review Form

Investigation No:	66
Victim/Deceased:	Gordon MILLS
Date of death:	21 April, 1994
Investigation Status:	Solved
Offender/s:	John PORTER, Stephen RICHARDS, Leslie KOSAKOWSKI
Investigative Unit:	Eastwood Detectives
Description:	Gordon MILLS was a 39 year old homosexual male who lived alone at Moira Avenue, West Ryde. He was employed by the Australian Tax Office in Parramatta. He was murdered in his unit by Stephen RICHARDS, John PORTER and Leslie KOSAKOWSKI who were all known to MILLS. RICHARDS was a 23 year old bisexual male and MILLS believed they were in a relationship together. PORTER was a 51 year old homosexual male who also believed he was in a relationship with RICHARDS. There is no evidence of KOSAKOWSKI'S sexuality. MILLS was located in his unit 5 weeks after his death after being punched to death by RICHARDS, and his unit ransacked. RICHARDS was charged with murder, convicted of manslaughter and sentenced to 7 years imprisonment with a non parole of 4 years and 6 months. PORTER was charged with murder, convicted of accessory after the fact to manslaughter, and sentenced to a 2 year suspended sentence with a \$500.00 surety. KOSAKOWSKI was charged with murder, convicted of manslaughter and sentenced to 5 years imprisonment with a non parole period of 3 years.

1. Differences	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Immutable characteristic differences between victim and POI's sexual orientation</i> 	<p>Gordon MILLS was a 39 year old homosexual male, who resided alone at ■ Moira Avenue, West Ryde. Kenneth RICHARDS was a 23 year old bisexual male who claimed he only knew MILLS socially but also made claims that he was sexually assaulted by MILLS, whilst heavily intoxicated by drugs and alcohol. Co-Accused John PORTER was a 51 year old, homosexual male, who was an associate of both MILLS and RICHARDS (ST-203). PORTER stated to Police, "I am 'Gay' and for some years I have been involved in homosexual type activities with various 'gay' clubs. Over the years I have met a number of gay men. Those men include Gordon MILLS and Ken RICHARDS" (ST-207). Co-Accused Leslie KOSAKOWSKI met both RICHARDS and PORTER in early March 1994 via mutual friend [1123]. There is no evidence provided by any parties in relation to KOSAKOWSKI'S sexual orientation. KOSAKOWSKI was not a frequent associate with MILLS, RICHARDS and/or PORTER prior to the murder (ST-208).</p>
<ul style="list-style-type: none"> • <i>Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred</i> 	<p>MILLS identified himself as a homosexual male and it is clear from statements that he considered RICHARDS to be his boyfriend. MILLS stated this and discussed it with his G.P. Dr [1119], in the weeks prior to his murder (ST-217). PORTER also appeared to be involved in a casual sexual relationship with RICHARDS and also considered RICHARDS to be his boyfriend. PORTER stated, "When I first met Ken, I found out that he had no place to live...From this time onwards I developed a close friendship/relationship with Ken and this developed into a part time sexual relationship" (ST-207).</p>
<ul style="list-style-type: none"> • <i>Victim was engaged in activities promoting his/her group</i> 	<p>There is no evidence to suggest that MILLS was engaged in activities promoting his homosexuality at the time of his murder. RICHARDS and PORTER both claim that MILLS had sexually assaulted RICHARDS previously whilst he was unconscious.</p>
<ul style="list-style-type: none"> • <i>Incident coincided with a holiday or date of particular significance to the victim or POI's group</i> 	<p>There is no evidence to suggest that the date of the murder, held any significance to either MILLS or the offenders RICHARDS, PORTER or KOSAKOWSKI.</p>

<ul style="list-style-type: none"> • <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> 	<p>Numerous statements indicate MILLS led a fairly secluded and quiet lifestyle. There is no evidence to suggest he was a member of any advocacy groups or was in company with members of any advocacy groups at the time of his murder.</p>
<ul style="list-style-type: none"> • <i>Historical animosity exists between the victim's group and the POI's group</i> 	<p>MILLS identified as a homosexual male and it is clear that he considered RICHARDS to be his boyfriend. MILLS stated this and discussed it with his G.P. Dr. [REDACTED] 119 in the weeks prior to his murder (ST-217). Co-accused Lesley KOSAKOWSKI, recalled a conversation with RICHARDS, where RICHARDS alleged he was sexually assaulted by MILLS whilst he was unconscious, passed out, and heavily intoxicated by alcohol and 'Rohypnol'. RICHARDS believed that he deserved monetary compensation from MILLS. KOSAKOWSKI recalled in a statement to Police, "Ken said to me, "I'm going to get compensation from Gordon for what he did to me." I said, "Fair enough, how much are you intending to ask for?" Ken answered, "Eight hundred dollars" (ST-221). This animosity between MILLS and RICHARDS extended to PORTER, as PORTER also believed RICHARDS to be his boyfriend and was clearly jealous of MILLS. PORTER had previously contacted MILLS employer, the Australian Tax Office and complained to them, stating, "Gordon he's a bad man. He's a homosexual and a drug addict." PORTER'S motives are clearly for personal reasons and due to the timing of the calls, may have been in order to provide an alibi for RICHARDS.</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>No</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>Yes</p>
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GENERAL COMMENT

Gordon MILLS was a 39 year old homosexual male, who resided alone at ■ Moira Avenue, West Ryde. Kenneth RICHARDS was a 23 year old bisexual male who publically claimed to have a girlfriend named [120]. RICHARDS did not openly express his bi-sexuality but his sexuality is likely confirmed by PORTER in a formal statement to Police, "I am 'Gay' and for some years I have been involved in homosexual type activities with various 'gay' clubs. Over the years I have met a number of gay men. Those men include Gordon MILLS and Ken RICHARDS." PORTER further described his relationship with RICHARDS in the statement, "During the summer of 1992 I met a young bi-sexual man by the name of Ken at the York Bar in the Menzies Hotel. I later found out that his full name was Kenneth RICHARDS. Ken used to use two names, Ken and Troy." "When I first met Ken, I found out that he had no place to live...From this time onwards I developed a close friendship/relationship with Ken and this developed into a part time sexual relationship". From the Police 'Facts Sheet' it is clear that RICHARDS is the main offender and most likely the only person to use unlawful violence against MILLS. It appears from all available evidence that MILLS and RICHARDS were in a casual sexual relationship, as were RICHARDS and PORTER. MILLS and PORTER are both homosexual males, whilst RICHARDS is most likely a bi-sexual male. There is no evidence provided by any parties in relation to KOSAKOWSKI'S sexual orientation.

2. Comments, Written Statements, Gestures

Prompts	Comment
<ul style="list-style-type: none"> <i>Bias related comments, written statements or gestures were made by the POI</i> 	<p>Prior to the murder of MILLS, co-accused KOSAKOWSKI recalls a conversation with Ken RICHARDS. "Ken said to me, "I'm going to get compensation from Gordon for what he did to me." I said, "Fair enough, how much are you intending to ask for?" Ken answered, "Eight hundred dollars." I said, "That's a fair bit of money. How do you know he has that much". Ken answered, "He has that much money in his wallet every day. Whilst Ken was telling me this, John PORTER was nodding his head to me in agreement; making out that what Ken was saying was fact." KOSAKOWSKI remarked to MILLS, "I heard what you did, you're a sick man." The offenders have taken exception to the fact that MILLS had allegedly assaulted RICHARDS whilst he was unconscious, not with the particular nature of the sexual act itself. The comment made by KOSAKOWSKI when he refers to MILLS as a "sick man" could be perceived as being bias however appears to have been made in the context of MILLS having assaulted RICHARDS whilst he was unconscious. PORTER had previously contacted</p>

	<p>MILLS employer, the Australian Tax Office and complained to them stating, "Gordon he's a bad man. He's a homosexual and a drug addict." "The last time anyone saw Ken he was with Gordon at the Hotel and they were both very drunk. Gordon pushed him against a wall and tried to kiss him, touch him and sexually abuse him. He tried to rape him and I believe that Ken is probably dead". PORTER was advised to contact police. Another phone call was had with PORTER four days later on 14 March 1994. PORTER said, "Gordon has hurt my friend. He's bashed him, he's a violent drug addict, he's a homosexual. My friend has been missing for five days. He's ruining the court case. No one will help me, please help me." During the same phone call, PORTER is crying. He said, "I am sure Ken is dead. Gordon has hurt him. He tried to rape him. He's a homosexual, he takes very bad drugs. He's a very bad man." This conversation is contained in the statement of ATO worker [121] [121] (ST-215). PORTER'S motives however are not bias related when taken in the context of his jealousy of the relationship between MILLS and RICHARDS, who he considered his boyfriend. It is clear that PORTER intended to try and damage the reputation of MILLS but it is doubtful that MILLS even knew of the phone calls as he was murdered on or around the same date.</p>
<ul style="list-style-type: none"> • <i>Comments and gestures can occur before, during and after the incident</i> 	<p>Witness, [122] ran a refuge at Lindfield where the co-offender KOSAKOWSKI resided for approximately 4 months. [122] recalled a conversation with KOSAKOWSKI in early 1994, where he discussed the murder of MILLS. [122] stated, "About a month after I moved back I had a brief conversation with Leslie [KOSAKOWSKI] about the ethic of 'poofter bashing' and I made it known to him that I thought it was totally unacceptable." "Leslie said words to the effect, "There's a guy in the paper whose been killed who's a friend of John PORTER and Ken RICHARDS." I said, "My god. This is terrible. I wonder who did it." Leslie said, "I don't know, probably Ken. John PORTER wanted to kill him." I said, "This is dreadful. Why?" Leslie said, "Gordon MILLS molested Ken and John PORTER loves Ken. He thinks the world of him". "This is the only identified bias related inference and it is made by KOSAKOWSKI, in response to a question put to him after the incident. There is no evidence to suggest any bias related comments were made prior to or during the murder of MILLS.</p>

<ul style="list-style-type: none"> <i>Victims may not be aware of the significance of gestures made</i> 	<p>There is no evidence to suggest MILLS would have been aware of any bias related comments, statements or gestures made by the offenders during his murder. MILLS made no complaints to any parties in relation to RICHARDS, PORTER or KOSAKOWSKI prior to his murder. The comments made by PORTER were most likely made after MILLS murder in an attempt to try and provide some type of alibi for RICHARDS.</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>No</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>Yes</p>
GENERAL COMMENT	
<p>There is clear evidence of conflict between MILLS and RICHARDS, as well as MILLS and PORTER from numerous comments made by PORTER and RICHARDS. Neither RICHARDS, nor PORTERS comments however appear bias related. RICHARDS' comments are focused solely on seeking compensation from MILLS, as he believed MILLS sexually assaulted him whilst he was unconscious. RICHARDS motive is highly likely economic in nature. PORTER'S comments are not bias related when taken in the context of his jealousy of the relationship between MILLS and RICHARDS, who he considered his boyfriend. It is clear that PORTER intended to try and damage the reputation of MILLS but it is doubtful that MILLS even knew of the phone calls to his place of work, as he was murdered on or around the same date. The comments made by PORTER were most likely made after MILLS' murder in an attempt to try and provide some type of alibi for RICHARDS. A comment made by KOSAKOWSI when he refers to MILLS as a "sick man" could possibly be perceived as being bias but this is not elaborated on any further.</p>	

3. Drawings, Markings, Symbols, Tattoos, Graffiti

Prompts	Comment
<ul style="list-style-type: none"> <i>Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI</i> 	No evidence of any bias related drawings, markings, symbols or graffiti were detected at the crime scene. Four available crime scene photographs, along with the crime scene drawing and floor plan were reviewed. No photographs of RICHARDS, PORTER or KOSAKOWSKI were available for review.
<ul style="list-style-type: none"> <i>Before discounting symbols, ensure that you understand the meaning of the symbol</i> 	No drawings, markings, symbols or graffiti were present at the scene or on the deceased body. Crime scene reports and drawings, as well as the Coroners' Report of Dr. Liliانا SCHWARTZ were reviewed and nothing to indicate bias drawings, markings, symbols, tattoos or graffiti was detected.
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.	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.	Yes
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 evidence of any bias related drawings, markings, symbols or graffiti were detected at the crime scene or on MILLS' body. This was established by review of available crime scene documents, photographs and the Coroner's Report. No photographs of RICHARDS, PORTER or KOSAKOWSKI were available for review.	

4. Organised Hate Groups (OHG)	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross</i> 	There were no items left at the scene indicating the work of an OHG. The offenders removed numerous items of property and personal belongings from the crime scene for the purpose of their personal economic gain.
<ul style="list-style-type: none"> • <i>An OHG claimed responsibility</i> 	No OHG'S have come forward and claimed responsibility for the murder of MILLS. RICHARDS, PORTER and KOSAKOWSKI have no known associations with OHG's.
<ul style="list-style-type: none"> • <i>There are indications that an OHG was involved or active in the area</i> 	There are no indications that an OHG was involved or active in the area at the time of MILLS' murder.
<ul style="list-style-type: none"> • <i>MO is similar to known MO of an OHG</i> 	The MO used in the murder of MILLS was identified as blunt force trauma to the head. RICHARDS claimed to have assaulted MILLS by punching him to the head once only but this has been discounted due to the injuries and extent of the blunt force trauma. KOSAKOWSKI recalled RICHARDS throwing a chair at MILLS, whilst he lay prone on the ground. The chair landed on MILLS' head, striking him across the forehead. There is no evidence to suggest that the MO was similar to that of an OHG.
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.	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.	Yes
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

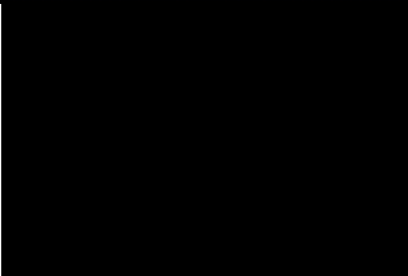
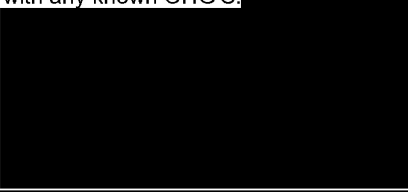

There is no evidence to suggest that the murder of MILLS was the work of an OHG. There were no items left at the scene indicating the work of an OHG. The offenders removed numerous items of property and personal belongings from the crime scene for the purpose of their personal economic gain. No OHG'S have come forward and claimed responsibility for the murder of MILLS. RICHARDS, PORTER and KOSAKOWSKI have no known associations with OHG'S.

5. Previous existence of Bias Crime Incidents

Prompts	Comment
<ul style="list-style-type: none"> <i>Victim was visiting a location where previous bias crimes had been committed against members of the victim's group</i> 	<p>MILLS was murdered at ■ Moira Avenue, West Ryde. This was the home address of MILLS. There is no evidence to suggest that this was a location where previous bias crimes had been committed. No previous bias crimes are listed against the location.</p>
<ul style="list-style-type: none"> <i>Several incidents occurred in the same area and the victims were members of the same group</i> 	<p>No previous incidents of bias related crime or homicide are recorded against the location.</p>
<ul style="list-style-type: none"> <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> 	<p>There is no evidence to suggest that MILLS had received any sort of threats, either by mail or phone, and nothing to suggest that he had been verbally abused either. MILLS and PORTER had publically been arguing at the York Bar, Sydney and this is documented by witness [1123] in a record of interview with Police (OD-137). The verbal abuse was not 'anti-gay' related. PORTER was jealous of MILLS and RICHARDS' relationship and threatened MILLS. PORTER believed MILLS was trying to steal RICHARDS away from him. PORTER had previously contacted MILLS employer, the Australian Tax Office and complained to them stating, "Gordon he's a bad man. He's a homosexual and a drug addict." "The last time anyone saw Ken he was with Gordon at the Hotel and they were both very drunk. Gordon pushed him against a wall and tried to kiss him, touch him and sexually abuse him. He tried to rape him and I believe that Ken is probably dead". PORTER said, "Gordon has hurt my friend. He's bashed him, he's a violent drug addict, he's a homosexual. My friend has been missing for five days. He's ruining the court case. No one will help me, please help me". During the same phone call, PORTER is crying. He said, "I am sure Ken is dead. Gordon has hurt him. He tried to rape him. He's a homosexual, he takes very bad drugs. He's a very bad man." This conversation is contained in the statement of ATO worker [1121] [1121] (ST-215). These comments were not received by MILLS directly and</p>

	it is not clear whether he was even informed that PORTER had been contacting his place of work.
<ul style="list-style-type: none"> <i>Recent bias incidents or crimes may have sparked retaliatory bias crime</i> 	MILLS is not known to have been victim to or engaged in any recent bias incidents or crimes that may have sparked retaliatory bias crimes. RICHARDS, PORTER and KOSAKOWSKI are not known to have been involved in other bias related crimes or incidents.
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.	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.	Yes
GENERAL COMMENT	
<p>There is no evidence that suggests any previous existence or incidents of bias related crime having occurred towards MILLS. There is no evidence to suggest that MILLS had received any sort of threats, either by mail or phone, and nothing to suggest that he had been verbally abused either. MILLS and PORTER had publically been arguing at the York Bar, Sydney in February 1994 and this is documented by witness [123] in a record of interview with Police. The verbal abuse which PORTER directed at MILLS was not bias (anti-gay) related. PORTER was jealous of MILLS and RICHARDS' relationship and threatened MILLS to stay away from RICHARDS, because PORTER believed MILLS was trying to steal RICHARDS away from him. PORTER seemed to have an obsession with RICHARDS.</p>	

6. Victim/Witness Perception	
Prompts	Comment
<ul style="list-style-type: none"> <i>Witnesses (actual) perceive that the incident was motivated by bias</i> 	<p>All the available witness statements have been reviewed and there is no information to suggest that any of the witnesses perceived the incident to be motivated by bias. Numerous witnesses clearly state that RICHARDS felt entitled to receive some sort of compensation from MILLS for allegedly performing a sexual act upon him whilst he was unconscious. KOSAKOWSKI provided Police with a statement in relation to the incident where he clearly outlined RICHARDS' intent is to attend MILLS' home address for the purpose of demanding \$800.00 compensation, for the alleged assault committed against him by MILLS (ST-222).</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.	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.	Yes
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>All the available witness statements have been reviewed and there is no information to suggest that any of the witnesses perceived the incident to be motivated by bias. Numerous witnesses clearly state that RICHARDS felt entitled to receive some sort of compensation from MILLS for allegedly performing a sexual act upon him whilst he was unconscious. KOSAKOWSKI provided Police with a statement in relation to the incident where he clearly outlined RICHARDS' intent is to attend MILLS' home address for the purpose of demanding \$800.00 compensation, for the alleged assault committed against him by MILLS.</p>	

7. Motive of Offender/s	
Prompts	Comment
<ul style="list-style-type: none"> <i>POI was previously involved in similar incident or is a member/associates with members of an OHG</i> 	 RICHARDS, PORTER or KOSAKOWSKI have any associations with any known OHG'S. 
<ul style="list-style-type: none"> <i>The victim was in company of a member of the targeted group</i> 	MILLS was alone, sleeping at his home address of ■ Moira Avenue, West Ryde, when woken by the 3 offenders knocking on his bedroom window. MILLS allowed all three offenders into his home as they were known to him. RICHARDS had resided with MILLS previously and MILLS identified RICHARDS as his boyfriend to his G.P. Dr [119] (ST-217). PORTER also knew MILLS from their previous involvement in the Communist Party of Australia. MILLS was not a member of any group targeted by the offenders.
<ul style="list-style-type: none"> <i>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</i> 	MILLS worked for the Australian Tax Office in Parramatta. Co workers [124] (ST214) and [121] [121] (ST-215) described MILLS just prior to his death as "his concentration appeared to drift" and he was "withdrawn." MILLS also took a large amount of sick days in early March 1994. MILLS informed [121] his problems were due to "problems at home".
<ul style="list-style-type: none"> <i>The POI has a history of previous crimes with similar MO and involving other victims of the same group</i> 	RICHARDS 

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.	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.	Yes
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	

8. Location of Incident	
Prompts	Comment
<ul style="list-style-type: none"> <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> 	The murder of MILLS occurred at his home address of ■ Moira Avenue, West Ryde. RICHARDS and PORTER had both attended the property previously but it was not commonly frequented by anyone other than MILLS and was not known as a 'beat'.
<ul style="list-style-type: none"> <i>The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc</i> 	The location of the incident, being MILLS' home address, is not remarkable or significant in relation to any of the parties involved. MILLS was at home asleep and the offenders attended his home address as they knew that he would be home sleeping at the time.
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.	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.	Yes
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	
The murder of MILLS occurred at his home address of ■ Moira Avenue, West Ryde. MILLS' home address is not remarkable or significant in relation to any of the parties involved as the motive for RICHARDS, PORTER and KOSAKOWSKI to attend the location was robbery.	

9. Lack of Motive	
Prompts	Comment
<ul style="list-style-type: none"> <i>No clear economic or other motive for the incident exists</i> 	<p>Prior to the murder of MILLS, co-accused KOSAKOWSKI recalled a conversation with Ken RICHARDS. "Ken said to me, "I'm going to get compensation from Gordon for what he did to me." I said, "Fair enough, how much are you intending to ask for?" Ken answered, "Eight hundred dollars". I said, "That's a fair bit of money. How do you know he has that much?" Ken answered, "He has that much money in his wallet every day. Whilst Ken was telling me this, John PORTER was nodding his head to me in agreement, making out that what Ken was saying was fact." Witness [REDACTED] 123 relayed a similar motive of RICHARDS, as relayed to him by KOSAKOWSKI in a record of interview with Police (OD-137).</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.	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.	Yes
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>The motive behind RICHARDS, PORTER and KOSAKOWSKI attending MILLS' residence was robbery. It can be seen that RICHARDS motivation was clearly economic and it is stated by RICHARDS that he intended seeking compensation from MILLS.</p>	

10. Level of Violence

Prompts	Comment
<ul style="list-style-type: none"> <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> 	<p>The level of violence and MILLS' injuries were outlined in the Coroner's report. Dr. Liliana SCHWARTZ noted nine lacerations to MILLS' head in her post mortem examination. A summary of the pathology lists 1) lacerations of the face, 2) probable fracture of the nasal septa and 3) blood loss. No other abnormalities were noted on the external examination of MILLS' body and there were no internal injuries or mutilation observed. The direct cause of death is listed as probable blood loss due to facial injuries; however the possibility of aspiration of blood and smothering could not be entirely excluded (OD-127). There is nothing to suggest that RICHARDS used an excessive level of violence during his assault of MILLS. There is evidence in the statement of KOSAKOWSKI that RICHARDS punched MILLS in the head and face at least 2 times. RICHARDS was also wearing a plaster cast on his hand at the time which would have caused greater injury than normally expected. RICHARDS also threw a chair at MILLS; the chair landing on MILLS' head could explain the nature and extent of the injuries. RICHARDS was affected by both drugs and alcohol at the time of the incident (ST-222).</p>
<ul style="list-style-type: none"> <i>Weapons of opportunity are used in the incident</i> 	<p>MILLS died of a blunt force trauma injury to his head and neck. It appears that RICHARDS used a chair from the crime scene as a weapon. Co-accused KOSAKOWSKI provided a comprehensive statement to Police where he outlines RICHARDS standing up holding a chair up in the air and then lobbing the chair at MILLS. The chair landed on the ground, with the base of the chair striking MILLS across the forehead (ST-222).</p>
<ul style="list-style-type: none"> <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> 	<p>MILLS was outnumbered 3 to 1 but not all of the offenders took an active role in the assault. RICHARDS was the only offender who physically assaulted MILLS. PORTER and KOSAKOWSKI'S main function in the assault and robbery incident is to assist in the subsequent removal of MILLS' property from the scene. In KOSAKOWSKI'S statement, which is the most likely version of events, he says that only RICHARDS assaulted MILLS and that he and PORTER took no part in the assault (ST-222).</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.	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.	Yes
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

There is nothing to suggest RICHARDS used an excessive level of violence during his assault on MILLS. There is evidence in the statement of KOSAKOWSKI that RICHARDS punched MILLS in the head and face at least 2 times. It appears RICHARDS was also wearing a plaster cast on his hand at the time which would have caused greater injury than normally expected. RICHARDS threw a chair at MILLS; the chair landing on MILLS' head could explain the nature and extent of the injuries. RICHARDS was affected by both drugs and alcohol at the time of the incident. MILLS died of a blunt force trauma injury to his head and neck. RICHARDS used a chair from the crime scene as a weapon. There is no evidence provided by the Coroner in relation to any other injuries caused by any other sort of weapon/s. KOSAKOWSKI provided a comprehensive statement to Police where he outlines RICHARDS standing up holding a chair up in the air and then lobbing the chair at MILLS. The chair landed on the ground, with the base of the chair striking MILLS across the forehead. MILLS was outnumbered 3 to 1 but not all of the offenders took an active role in the assault. RICHARDS is the only offender who physically assaulted MILLS.

SUMMARY OF FINDINGS

Indicator: Not Bias Crime (NBC)

Comment: Gordon MILLS was a 39 year old homosexual male, who resided alone at ■ Moira Avenue, West Ryde. MILLS was alone, sleeping at his home address of ■ Moira Avenue, West Ryde, when woken by the 3 offenders Stephen RICHARDS, John PORTER and Leslie KOSAKOWSKI, knocking on his bedroom window. MILLS allowed all three offenders into his home as they were known to him. Once inside, RICHARDS jumped on MILLS and pinned him to the ground and sat on top of MILLS' chest. RICHARDS then began assaulting MILLS by punching him to the head on at least two occasions, his right fist encased in a plaster cast, and then standing up and throwing a chair at MILLS whilst he lay prone and semi conscious on the ground. The chair landed squarely on MILLS' head, striking him across the forehead.

Accused, Kenneth RICHARDS was a 23 year old bisexual male who claimed he only knew MILLS socially but also made claims that he was sexually assaulted by MILLS, whilst heavily intoxicated by drugs and alcohol. RICHARDS is a habitual liar and all versions of the incident that he provided to Police have been deemed self

serving and false to some degree. Co-Accused John PORTER was a 51 year old, homosexual male, who was an associate of both MILLS and RICHARDS.

It appears that RICHARDS was involved in casual sexual relationships with both MILLS and PORTER and was using the two older men for his own personal and financial gain. PORTER provided RICHARDS with accommodation, alcohol and prescription medication as part of their relationship. At different times, MILLS provided RICHARDS with accommodation, between RICHARDS staying with PORTER and his numerous stints in gaol. PORTER and MILLS were known to each other via a previous association with the Australian Communist Party and although disliking each other, both visited RICHARDS in gaol separately and together.

PORTER however had an extreme jealousy surrounding the relationship of MILLS and RICHARDS and he threatened MILLS both publically and privately. PORTER believed MILLS was trying to steal RICHARDS away from him and was described by numerous witnesses to have an "obsession" with RICHARDS.

RICHARDS stated on numerous occasions to various parties that he believed he was sexually assaulted by MILLS and offered this as justification for seeking financial compensation from MILLS. This is verified in numerous witness accounts provided to investigators. RICHARDS had also made a similar allegation of unwanted sexual advance against PORTER, when offering an alibi for stabbing PORTER in the leg with a pair of scissors.

Co-Accused Leslie KOSAKOWSKI met both RICHARDS and PORTER in early March 1994 via mutual friend [redacted] 123 and there is no evidence provided by any parties in relation to KOSAKOWSKI's sexual orientation. KOSAKOWSKI has a lengthy criminal history but nothing that indicates any type of hate crime or gay bias related incidents.

RICHARDS was the dominant figure in all these relationships and the driving force and motivating presence, to have PORTER and KOSAKOWSKI assist him in obtaining compensation from MILLS. RICHARDS even promised PORTER and KOSAKOWSKI part of the proceeds for assisting him. RICHARDS' motive is his own financial gain, although he attempted to frame it as compensation from MILLS, for an alleged sexual assault which may or may not have occurred. Investigators believe that RICHARDS only raised this alleged sexual assault as a defence to the murder of MILLS and to motivate PORTER and KOSAKOWSKI to assist him with what is now termed a 'home invasion'. RICHARDS is a violent and career criminal and his motive appears economic and not bias related in terms of sexual orientation.