

NSW POLICE FORCE

STRIKE FORCE PARRABELL

Bias Crimes Indicators Review Form

Investigation No:	72
Victim/Deceased:	Christopher SMITH
Date of death:	8 April, 1996
Investigation Status:	Solved
Offender/s:	Darren JARRETT
Investigative Unit:	Gosford LAC
Description:	Christopher SMITH was a 23 year old male who worked as a green grocer at Coles and lived with his parents and siblings. His family believed him to be heterosexual, however in an interview with Darren JARRETT, the homosexual advance defence was raised. He was murdered on a track next to the Gosford River near the Central Coast Leagues Club. He was strangled and drowned by JARRETT, a 24 year old heterosexual male, who was known to SMITH as a friend. JARRETT was charged with murder, convicted of manslaughter and sentenced to 8 years imprisonment with a non parole period of 6 years.

1. Differences	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Immutable characteristic differences between victim and POI's sexual orientation</i> 	<p>Christopher SMITH'S mother, [1140] [1140] stated he had been in a relationship with a female in the past (ST-113). During a record of interview with JARRETT, he stated during conversations with SMITH, SMITH stated, "I've gotta go with - I've got a better chance with males, cause every time I try with a female it just – they sit there and say I'm too idiot, too childish, and stuff like that." During the same interview, JARRETT stated, "...just understand that I'm not homosexual" in response to being asked, "What did you wanna happen that night?" (TR-28).</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>SMITH did not appear to be living an 'out' as a homosexual male with his family members stating SMITH was 'straight'. It was never confirmed if SMITH was in fact a homosexual male. Family members stated he had girlfriends in the past but was not involved with any females at the time of his murder. SMITH lived with his family in Wyoming working at the local Coles supermarket. There was suggestion by JARRETT that SMITH made a homosexual advance toward him after the two left the Central Coast Leagues Club and walked to the nearby Gosford River. The Central Coast Leagues Club and surrounding area is not particularly known to be a 'beat'.</p>
<ul style="list-style-type: none"> • <i>Victim was engaged in activities promoting his/her group</i> 	<p>During interview, JARRETT claimed his actions were in response to SMITH making an unwanted homosexual advance towards him. Whilst there were no independent witnesses to this advance, the actions of SMITH would be considered leading a homosexual lifestyle. There is no evidence suggesting SMITH engaged in activities promoting any particular group or lifestyle.</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 the date of SMITH'S murder had any significance to either him or JARRETT.</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>There is no evidence to suggest SMITH was a member of, or affiliated with any specific minority advocacy groups. SMITH was not in the direct company of any other person 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>There is no known historical animosity between SMITH and JARRETT. JARRETT claimed to have only seen SMITH on one previous occasion at Coles about 6 months earlier. There is no evidence to suggest JARRETT had</p>

	any previous incidents involving homosexual men that resulted in violence.
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	
<p>During a record of interview with JARRETT, he stated that during conversation with SMITH at the Gosford River, SMITH stated, "I've gotta go with - I've got a better chance with males, cause every time I try with a female it just – they sit there and say I'm too idiot, too childish, and stuff like that." Whilst there were no independent witnesses to verify this conversation ever occurred, it is likely SMITH was a homosexual male. Family members stated he had girlfriends in the past but was not involved with any females at the time of his murder. JARRETT made a point of protesting his heterosexuality during the same record of interview stating "...just understand that I'm not homosexual" in response to being asked, "What did you wanna happen that night?" During interview, JARRETT claimed that his actions were in response to SMITH making an unwanted homosexual advance towards him. Whilst there were no independent witnesses to this advance, the activity displayed by SMITH towards JARRETT would be seen as promoting homosexual activities. There is no known historical animosity between SMITH and JARRETT. JARRETT claimed to have only seen SMITH on one previous occasion at the Coles supermarket about 6 months earlier. There is no evidence to suggest JARRETT had any previous incidents involving homosexual men that resulted in violence.</p>	

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>During record of interview JARRETT detailed the conversation he alleged occurred between him and SMITH prior to SMITH'S murder. Whilst this conversation focuses on the sexuality of JARRETT and SMITH'S desire to engage in some form of sexual act with JARRETT, the majority of comments made by JARRETT were focused on attempting to explain to SMITH that he had no desire to engage in sexual activity with him. There were no direct witnesses in close proximity during the murder of SMITH so the validity of the conversation cannot be determined. The recount given by JARRETT maybe self serving. Given the only information is the version of JARRETT; it is unclear if any bias comments were made by JARRETT. There is no evidence any written statements or gestures were made by JARRETT.</p>
<ul style="list-style-type: none"> <i>Comments and gestures can occur before, during and after the incident</i> 	<p>JARRETT claimed the majority of the conversation surrounding his sexuality and SMITH'S desire to engage in sexual activity with him occurred moments before SMITH'S death. Some conversation was had earlier in the evening at the Central Coast Leagues Club however there is no indication this was anything more than just friendly chit chat.</p>
<ul style="list-style-type: none"> <i>Victims may not be aware of the significance of gestures made</i> 	<p>It is unclear if any gestures were made by JARRETT towards SMITH, prior to, during, or after the attack on him.</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
GENERAL COMMENT	
<p>During record of interview JARRETT detailed the conversation between him and SMITH prior to SMITH'S murder. Whilst this conversation focused on the sexuality of JARRETT and SMITH'S desire to engage in some form of sexual act with SMITH, the majority of the comments made by JARRETT were focused on attempting to explain to SMITH that he had no desire to engage in sexual activity with SMITH. There were no direct witnesses in close proximity during the murder of SMITH so the validity of the conversation cannot be determined. The account given by JARRETT may be self serving. Given the only information is the version of JARRETT; it is unclear if any bias comments were made by the JARRETT. There is no evidence any written statements or gestures were made by JARRETT.</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> 	<p>Thirty one (31) photographs of SMITH and the scene were reviewed along with the statement of Crime Scene Officer DSC BOWDITCH (ST-109) (PH-25). All failed to depict or describe any bias related drawings, markings, symbols or graffiti at the scene or on the deceased body. No photos were reviewed of JARRETT.</p>
<ul style="list-style-type: none"> <i>Before discounting symbols, ensure that you understand the meaning of the symbol</i> 	<p>No drawings, markings, symbols or graffiti were present at the scene or on the deceased body.</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>	No
<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>	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	
Thirty one (31) photographs of SMITH and the scene were reviewed along with the statement of Crime Scene Officer DSC BOWDITCH. All failed to depict or describe any bias related drawings, markings, symbols or graffiti at the scene or on the deceased body. No photos were reviewed of JARRETT.	
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 is no evidence available which indicates any objects that represent an OHG were left at the scene by JARRETT following the murder. There is mention of a piece of green material being observed at the scene which was photographed and seized however it appears it was the only foreign exhibit recovered from the scene. Presumptive tests were conducted on the material for blood which was negative. No further information is available in regards to the material however it appears insignificant.
<ul style="list-style-type: none"> • <i>An OHG claimed responsibility</i> 	A short time after the assault which resulted in SMITH falling into the water, JARRETT returned to the scene, removing SMITH'S body from the water. JARRETT then commenced performing CPR on SMITH which was ultimately unsuccessful. Police arrived and questioned JARRETT however he was subsequently conveyed home without charge. After initial enquiries, JARRETT was arrested later the same day and charged with the murder of SMITH. There is no evidence to suggest JARRETT was affiliated with an OHG.
<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
<ul style="list-style-type: none"> • <i>MO is similar to known MO of an OHG</i> 	The MO used by JARRETT in committing the murder was by strangulation followed by a punch to SMITH'S chest and pushing him from an embankment into the nearby river. There is no indication that this MO is similar to any known OHG's.

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

JARRETT was the only offender identified as being responsible for the murder of SMITH. A short time after the assault which resulted in SMITH falling into the water, JARRETT returned to the scene, removing SMITH'S body from the water. JARRETT then commenced performing CPR on SMITH which was ultimately unsuccessful. Police arrived and questioned JARRETT however was subsequently conveyed home without charge. After initial enquiries, JARRETT was arrested later the same day and charged with the murder of SMITH. There is no evidence available that suggests JARRETT is linked to an Organised Hate Group.

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> 	The incident occurred on the foreshores of the Brisbane Waters, 100 metres south of the Brian McGowan Bridge in Gosford. The body of SMITH fell from a narrow dirt track down a three metre rocky embankment into the water. There are no recorded incidents of bias crime having occurred at this location.
<ul style="list-style-type: none"> <i>Several incidents occurred in the same area and the victims were members of the same group</i> 	No previous incidents of bias related crime or homicide are recorded against the location. There is no evidence to suggest SMITH was a member of any specific groups.
<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> 	There is no evidence or previous reported incidents that suggest SMITH had been receiving harassing mail, email or phone calls because of his sexuality. SMITH'S sexuality is not confirmed.

<ul style="list-style-type: none"> <i>Recent bias incidents or crimes may have sparked retaliatory bias crime</i> 	<p>JARRETT and SMITH are not known to have been victim to or engaged in any recent bias incidents or crimes that may have sparked retaliatory bias crimes. JARRETT is not known to have been involved in other bias related crimes or incidents that may have caused him to murder SMITH.</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>Yes</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>There is no evidence that suggests any previous existence or incidents of bias related crime having occurred towards SMITH. As such, it is unlikely that the murder of SMITH was a retaliatory attack.</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>A statement was obtained from a witness, [§ 87(2)(b)], in relation to his observations prior to SMITH falling into the water and subsequently drowning. The witness described hearing two men yelling at each other, saying things like, "Fuck this, fuck that" stating the two men were having trouble getting their words out believing this to be the result of having too much to drink. [§ 87(2)(b)] stated that he saw "...the big bloke suddenly throw a good punch which connected with the left side of the small blokes' chest." As [§ 87(2)(b)] didn't want to get involved, he "...took off on his bike" (ST-115).</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

GENERAL COMMENT

There were no actual witnesses of the alleged 'sexual advance' towards JARRETT by SMITH which preceded the assault, strangulation and drowning of SMITH. Witness [141] heard arguing and observed JARRETT punch SMITH to the chest however left the scene before SMITH fell into the water where he met his death. During the course of the investigation, a number of witnesses (not actual) were spoken to. There is no mention by any persons that they believed this incident to have been motivated by bias.

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> 	<p>Prior to committing the murder, JARRETT [REDACTED]. There is no evidence to suggest JARRETT was associated with or a member of an OHG.</p>
<ul style="list-style-type: none"> <i>The victim was in company of a member of the targeted group</i> 	<p>SMITH had attended the Gosford Leagues Club on his own with the intention of meeting with friends. As he did not have sufficient money to stay out, he and JARRETT left the Leagues</p>

	<p>Club to go for a walk. The sexuality of the friends SMITH was with at the Leagues Club is unknown however this does not appear to be a contributing factor in his death. SMITH and JARRETT were alone on the banks of the Gosford River at the time of the incident. There is no indication JARRETT was intentionally targeting a specific group, rather his actions - whilst excessive, were in response to an unwanted sexual advance by SMITH.</p>
<ul style="list-style-type: none"> <i>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</i> 	<p>SMITH was employed as a green grocer at the Wyoming Coles supermarket. He lived with his parents and younger brother at a Wyoming address. There is no evidence to suggest anything about SMITH'S lifestyle or employment was breaking from traditional conventions. SMITH'S alleged actions towards JARRETT in possibly suggesting some form of sexual activity from a 'heterosexual' male is not necessarily an uncommon situation however does have the potential to put SMITH at an increased risk of injury.</p>
<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> 	<p>Prior to committing the murder, [REDACTED]</p> <p>[REDACTED] Upon Police arriving at the scene of SMITH'S murder, JARRETT was found to be in possession of SMITH'S wrist watch while his wallet was observed several metres away. Nothing of value appeared to be missing from the wallet (it is believed SMITH did not have any money inside the wallet at the time) and JARRETT claims the watch fell off whilst he was trying to revive SMITH.</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
GENERAL COMMENT	
<p>Prior to committing the murder</p> <p>SMITH had attended the Gosford Leagues Club on his own with the intention of meeting with friends. As he did not have sufficient money to stay out, he and JARRETT left the Leagues Club to go for a walk. SMITH and JARRETT were alone on the banks of the Gosford River at the time of the incident. There is no indication JARRETT was intentionally targeting a specific group, rather his actions, whilst excessive, were in response to an unwanted sexual advance by SMITH. Upon Police arriving at the scene of SMITH'S murder, JARRETT was found to be in possession of SMITH'S wrist watch. SMITH'S wallet was observed several metres from his body. Nothing of value appeared to be missing from the wallet (it is believed SMITH did not have any money inside the wallet at the time) and JARRETT claimed the watch fell off whilst he was trying to revive SMITH. JARRETT maintained his actions were in response to the unwanted sexual advance however robbery cannot be ruled out as a possible motive.</p>	
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> 	It is unknown if the Brian McGowan Bridge was a known 'beat' or just a quiet location SMITH and JARRETT decided to walk to. There is no evidence to suggest the track in which SMITH and JARRETT walked along was known or commonly frequented by men looking to engage other men.
<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> 	There is no evidence to suggest the location of the incident had any specific significance to either JARRETT or SMITH. SMITH was a keen fisherman however it is not known if he had previously fished at the location where he was murdered.
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

<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

It is unknown if the Brian McGowan Bridge was a known ‘beat’ or just a quiet location SMITH and JARRETT decided to walk to. There is no evidence to suggest the track that SMITH and JARRETT walked along was known or commonly frequented by men looking to engage other men. There is nothing to suggest the location had any specific significance to SMITH or JARRETT. SMITH may have suggested the track as a quiet location where he could attempt to engage in sexual activity with JARRETT. It is also possible that JARRETT suggested the location in order to commit a robbery which would display a similar MO to a previous robbery JARRETT was responsible for.

9. Lack of Motive

<p>Prompts</p>	<p>Comment</p>
<ul style="list-style-type: none"> <i>No clear economic or other motive for the incident exists</i> 	<p>During record of interview, JARRETT provided a version indicating the assault on SMITH was in response to an unwanted sexual advance. There were no independent witnesses to the assault so it is unclear if a sexual advance occurred. The version provided by JARRETT may be self serving. JARRETT, when spoken to by Police, was in possession of SMITH’S wrist watch. SMITH’S wallet was observed several metres from his body. JARRETT provided an explanation for having SMITH’S watch, stating that “...it was hanging off...” explaining that he took it and put it in his pocket when he pulled SMITH from the water. [REDACTED]</p> <p>[REDACTED] It is unclear if JARRETT’S actions were in response to an unwanted sexual advance from SMITH or were done with the intentions of robbing SMITH.</p>

<p>Indicators</p>	<p>(y/n)</p>
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<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>
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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

The motive provided by JARRETT may be self serving and cannot be verified. Whilst SMITH'S trousers were observed to be unzipped, the fact that JARRETT was in possession of SMITH'S watch and his wallet located several metres from SMITH'S body gives reason to suspect robbery as a possible motive. There were no independent witnesses to the alleged sexual advance by SMITH so this aspect of JARRETT'S version is unable to be verified.

It is unclear if the motive related to the alleged sexual advance resulting in SMITH 'accidentally' falling down the rocky embankment, into the water and drowning, or if the assault was with the intent to rob. The taking of SMITH'S watch may have been opportunistic with the reasoning for having the watch extremely vague and improbable.

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>As a result of the Post Mortem, "...numerous injuries were found on the front and back of the [SMITH'S] body. Physical signs of asphyxia were present due to manual strangulation. In addition evidence of drowning was present. The direct cause of death was (a) drowning. The underlying cause was listed as: (b) asphyxia and (c) manual strangulation" (OD-78). It is unclear if JARRETT'S intentions were to murder SMITH when assaulting and strangling him however the level of violence displayed by JARRETT, if in response to an unwanted sexual advance, is extreme. Should motive have been robbery, the level of violence is still excessive. The consequences of strangling and assaulting SMITH on a narrow track above a river, being falling into the water is probable.</p>
<ul style="list-style-type: none"> <i>Weapons of opportunity are used in the incident</i> 	<p>No weapons were believed to be used by JARRETT in effecting the murder of SMITH. The injuries sustained by SMITH were as a result of physical force.</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> 	JARRETT acted alone in the murder of SMITH.
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	
<p>JARRETT acted alone in the murder of SMITH. There is no evidence to suggest any other persons were aware of JARRETT and SMITH going for a walk along the Gosford River. JARRETT'S motive for the assault is unclear with him stating his actions were in response to an unwanted sexual advance by SMITH. It is unclear if JARRETT'S intentions were to murder SMITH when assaulting and strangling him however the level of violence displayed by JARRETT, if as a response to an unwanted sexual advance, is extreme. Should the motive have been robbery, the level of violence is still excessive. The consequences of strangling and assaulting SMITH on a narrow track above a river, being falling into the water, is probable. No weapons were believed to be used by JARRETT in effecting the murder of SMITH. The injuries sustained by SMITH were as a result of physical force.</p>	

SUMMARY OF FINDINGS

Indicator: Suspected Bias Crime (SBC)

Comment: During interview, Darren JARRETT claimed that his actions were in response to Christopher SMITH making an unwanted homosexual advance towards him. There is no known historical animosity between SMITH and JARRETT. JARRETT detailed the conversation he alleged occurred between him and SMITH prior to the murder. This conversation focused on the sexuality of JARRETT, and SMITH'S desire to engage in some form of sexual act with him. The majority of the comments made by JARRETT focused on attempting to explain to SMITH he had no desire to engage in sexual activity with him. There were no direct witnesses in close proximity during the murder of SMITH so the validity of the conversation cannot be determined and equally, it cannot be determined whether a sexual advance was made. The account given by JARRETT maybe self serving. Given the only information is the version of JARRETT; it is unclear if any bias comments were made by the JARRETT. Prior to committing the murder, [REDACTED]

[REDACTED] SMITH had attended the Gosford Leagues Club on his own with the intention of meeting with friends. As he did not have sufficient money to stay out, he and JARRETT left the Leagues Club to go for a walk. SMITH and JARRETT were alone on the banks of the Gosford River at the time of the incident. There is no indication JARRETT was intentionally targeting a specific group, rather his actions, whilst excessive, were as a result of an unwanted sexual advance by SMITH. Upon Police arriving at the scene of SMITH'S murder, JARRETT was found to be in possession of SMITH'S wrist watch, while his wallet was observed several metres from SMITH'S body. Nothing of value appeared to be missing from the wallet (it is believed SMITH did not have any money inside the wallet at the time) and JARRETT claimed the watch fell off whilst he was trying to revive SMITH. JARRETT maintained his actions were as a result of the unwanted sexual advance however robbery cannot be ruled out as a possible motive. The motive provided by JARRETT maybe self serving and cannot be verified. JARRETT had a prior incident where he pushed a charity worker to the ground, stealing the collection money. The taking of SMITH'S watch may have been opportunistic with the reasoning for having the watch extremely vague and improbable. It is unclear if JARRETT'S intentions were to murder SMITH when assaulting and strangling him however the level of violence displayed by JARRETT, if in response to an unwanted sexual advance, is extreme. Should motive have been robbery, the level of violence is still excessive. The consequences of strangling and assaulting SMITH on a narrow track above a river, being falling into the water, is probable. No weapons were believed to be used by JARRETT in effecting the murder of SMITH. The injuries sustained by SMITH were as a result of physical force.