	A	B	C	D	E	F	G	H	I	J	K
1	Investigation No:	Victim/Deceased:	Date of Death:	Offender/POI:	Summary of Case:	Differences Indicator Present - SF PARRABELL Assessment	Differences Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - S/F PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment	Comments, etc. Indicator Present - SF PARRABELL Assessment	Comments, etc. Indicator Present - Bias Crimes Unit Assessment
2	57	Robert John MACLEAN	11/09/1992	Paul GELLATLY	Robert MACLEAN was a 48 year old heterosexual male who was unemployed and on a disability pension. He was murdered on the street after leaving Jackson's on George nightclub, George Street, Sydney by Paul GELLATLY. This area is not known to be frequented by any particular groups. GELLATLY was a 27 year old heterosexual male who did not know MACLEAN prior to the night of his murder where several altercations took place between the pair. GELLATLY believed MACLEAN to be homosexual. MACLEAN was found with extensive injuries to his head and body caused by GELLATLY punching and kicking him. GELLATLY was charged and convicted of manslaughter (alt) assault occasioning actual bodily harm, and was sentenced to a total of 400 hours community service.	Yes	Yes	At the time of his death, Robert MACLEAN was 49 years old. He had a de-facto wife, I93 . Robert and I93 had been together for the past 16 years however did not have any children together. There is no evidence that indicated MACLEAN identified as anything other than a heterosexual male. No information was reviewed that indicated the sexuality of Paul GELLATLY. Whilst there is no information pertaining to GELLATLY'S sexuality, numerous remarks were made by GELLATLY about homosexuals, referring to MACLEAN as a "faggot" on a number of occasions in the time leading up to the murder. At the time of assaulting MACLEAN, GELLATLY believed him to be a homosexual male.	Although there is no direct evidence that the victim was gay, comments by the POI indicated that he believed that the victim was homosexual. The sexuality of the POI is unknown, but based on comments made by the POI it can be believed that the POI was most probably heterosexual. The POI's perception that the victim gay indicates the mindset of the POI and supports that there were differences between the POI and the victim, whether real or perceived. The victim was also on a disability pension although no information is recorded as to what the disability was. There is no information that the POI suffered and disability, supporting the presence of the differences between the POI and the victim. There appears to a misunderstanding of prompts within the indicator by the investigators. The prompt relating to the victim being a member of an outnumbered groups relates to the victim's immutable characteristics not his social activity. Additional the prompt around historical animosity relates to the animosity between groups not individuals. Additional lines of enquiry identified; * The type and level of disability of the victim * The appearance of the victim (did his clothing distinguish him as a member of particular group, e.g. gay, unemployed, etc) This indicator is assessed as being present.	Yes	Yes
3	62	John MILICEVIC	15/08/1993	NP124 NP125, NP126	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 APPO 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.	Yes	Yes	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'S 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, I99 outlined her son's hatred of homosexual males in her statement to Police. I99 said, "NP124 has a dislike towards homosexuals. He told me this a couple of weeks ago."	Although no evidence exists to confirm that the victim was homosexual, the statements of the original investigating police strongly suggest that the victim was homosexual. The POI's identified as heterosexual and as outlined in the evidence the POI's perceived the victim to be homosexual. There is no other information supplied that indicate that any other differences existed between the victim and POI. A comment was made by one of the POI's in regards not understanding the victim when he spoke, but there is nothing to indicate that racial or ethnic/national origin was a factor in the incident. Issues around the understanding of the prompts by the investigators is evident with the prompt, "Victim is a member of group that is outnumbered by members of another group in the area where the incident occurred", this indicator relates to group dynamics and not the individual number of people involved. This prompt is aimed at identifying if a defensive bias crime typology may have been present. For the prompt "Incident coincided with a holiday or date of particular significance to the victim or POI group" the prompt relates to group and not individuals. It has been assessed that this indicator was present.	Yes	Yes

	L	M	N	O	P	Q
1	Summary of Indicator - S/F PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment	Drawings, Markings, etc. Indicator Present - SF PARRABELL Assessment	Drawings, Markings, etc. Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - S/F PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment
2	Whilst GELLATLY was assaulting MACLEAN in front of witnesses I96 and I95, he was heard to be shouting something to the point of, "Faggot", and "You fucking faggot." It is unknown if MACLEAN was aware of these comments as it is undetermined when he lost consciousness during this assault. Independent witness I151 recalled in her statement GELLATLY pointing towards her friends, MACLEAN and her and yelling, "That guy is a fag." MACLEAN replied, "Who cares if I am?"	The information clearly identifies that bias motivated language was used by the POI towards the victim and in relation to the victim. Witnesses and accessories to the assault report the following language aimed directly at either the victim or in relation to the victim. * "That guy is a fag." * "Don't you ever think about touching me, you fag." * "Mate, you know, and there's this, ah, faggot, down at that, ah, club just down the road there. Do you reckon you can get him for me?"; "there's a fucking faggot down that way"; "can you get him for me, I want to belt him"; and "Nope, I want to kill him, I want to kill him" * how he likes to, "hit faggots or something" * "Faggot", and "You fucking faggot" From the information available the bias language occurred both before and during the assault on the victim. Verbal-Textual Hostility assessment of the language indicates the following themes; * Interpellation (naming the other) - calling the victim a "fag' * Profanity (cursing/swearing) - using the word "fucking" to describe the victim * Terrorisation (threats of violence/death) - stating that the POI wanted to "belt" and "kill" victim VTH indicates that the risk to the victim for violence was high. It should be noted that language alone does not provide sufficient proof that an incident was bias motivated. Language is an important indicator but language can also be a result of trying to inflict psychological harm on a victim as a result of a personal motivation, or during a high stress incident, unconscious biases are expressed which does not always indicate a conscious bias motivation. This indicator is assessed as being present.	No	No	No drawings, markings, symbols or graffiti were present at the crime scene, on the body of MACLEAN or on GELLATLY.	There is no information to indicate that any bias motivated drawings, markings, symbols or graffiti was left at the scene or in the surrounding area. There is no information to indicate that the POI had any tattoos that would indicate membership in a hate group or that he held any extremist ideologies. This indicator is assessed as not being present.
3	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 I100 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."" Mother of NP124, I99 I99 also provided a witness statement to Police in regards to homophobic comments made to her by her son. I99 stated, "NP124 has a dislike towards homosexuals. He told me this a couple of weeks ago."	It is clear from the evidence that the POI's expressed anti-gay bias prior to and during the incident. Statements from witnesses also indicate that the POI's held strong views regarding homosexuals. The statements include; * "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 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"" * "NP125 stated, "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"" * "I99 stated, "NP124 has a dislike towards homosexuals. He told me this a couple of weeks ago" " It is assessed that this indicator is present.	No	Not Determined	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 there meaning is open to interpretation. The exact meaning of each tattoo would require clarification from the offenders themselves.	Based on the information supplied there is no information to indicate any bias motivated drawings, markings, symbols or graffiti were at the crime scene. Information indicates that both the POI's (NP125 and NP124) have tattoos know that may indicate membership or belief in the ideology of hate groups. These tattoos include, [redacted] These symbols have significance to hate groups but without seeing the tattoos it is not possible to try and determine a group or an ideology. It is unknown when these tattoos were obtained and whether they indicate a membership in a hate group at the time of the murder. As the time the tattoos were obtained is unknown, the indicator cannot be assessed and is "Not Determined".

	R	S	T	U	V	W	X	Y	Z
1	Hate Group Indicator Present - SF PARRABELL Assessment	Hate Group Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - S/F PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment	Previous Bias Crimes Indicator Present - SF PARRABELL Assessment	Previous Bias Crimes Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - S/F PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment	Victim/Witness Perception Indicator Present - SF PARRABELL Assessment
2	No	No	GELLATLY was charged with the murder of MACLEAN. There is no evidence to suggest GELLATLY was affiliated with an OHG. There is no evidence available which indicates any objects that represent an OHG were left at this location by GELLATLY or others prior to or following the assault which resulted in MACLEAN'S death. MACLEAN'S death was a result of head injury. Evidence supports that these injuries were caused by GELLATLY repeatedly punching and kicking MCLEAN. This is a common MO for many assaults however not necessarily specific to OHG'S.	There is no information to indicate that the POI was a member of a hate group and no information to indicate that a hate group was involved in the assault. All information indicates that the POI assaulted the victim alone, generally with hate group involvement the assault would be a group assault. Issue is taken with the information supplied by the investigators in relation to the prompt , "There are indications that a hate group was involved or active in the area." The investigators have supplied the following information; "There are no indications that an OHG was involved or active in the area around the Sydney CBD at the time of MACLEAN'S death." This indicator is deemed as not being present. Further lines of enquiry; * Determination of hate group activity in the CBD and surrounding areas, including preferred victim group * Determination of MO of any known hate group and victim selection and recruitment processes (e.g. did recruitment require the assault of minority group member) It is the opinion of the Bias Crimes Unit that this statement is very broad and generalised. The likelihood of hate group being active in the CBD during that period is assessed as likely. It is unknown how the investigators determined that no hate group activity was present. It is acknowledged that it is unlikely that a hate group was involved in the attack on the victim, but it cannot be ruled out that hate groups were active in the CBD during that period targeting the LGBTI community. Circumstantial information known indicates that hate group (skinhead crews) were active during that period and would target members of the LGBTI community.	No	Not Determined	MACLEAN was assaulted and died outside Jackson's on George, George Street, Sydney. There are no recorded incidents of bias crime having occurred at this location. There is no evidence or previous reported incidents that suggest MACLEAN had been receiving harassing mail, email or phone calls for any reason.	There is no information to indicate a previous bias motivated incidents at the location where the victim interacted with the POI or where he was killed. There is no information recorded in relation to bias motivated offences targeting both the disability community and the LGBTI community in the surrounding area. Further lines of enquiry; * Identification of bias motivated incidents in the surrounding area (targeting both the LGBTI and disability communities) As there is no information supplied as to the prevalence of bias motivated crimes and/or incidents targeting the LGBTI or disability community in the surrounding area it is not possible to assess this indicator and as such this indicator is assessed as being "Not Determined".	Yes
3	Yes	Not Determined	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 bashings 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." 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.	There is no information to indicate that a hate group was active in the area. Although homeless/street kids were identified as targeting homosexuals at the location, there is no information to indicate that these kids had formed a hate group (as defined by the NSWPF). Hate group activity targeting gays was known to occur and known members of hate groups were believed to be operating in the CBD targeting gays. There is no evidence at this stage to indicate any of these groups targeted the location. There is no information to indicate that the POI's were members of a hate group. Further lines of enquiry identified; * Identify hate groups that were active * Identify the range of these hate groups and whether they targeted the location * Identify any affiliation between the POI's and active hate groups that targeted the area Given that the association between the POI's and hate groups is unknown and further enquiries are required, this indicator is assessed at "Not Determined".	Yes	Yes	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, 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.	The location of the murder was a known beat. Information from the POI's indicated that the location was known as a location that gay males attended and was targeted by street kids for robbery offences. The POI's made admissions to targeting the location for a robbery offence on the night of the murder. Another murder occurred at the location (OLSEN) where the victim was assaulted and subsequently drowned. The victim in this case was known to be homosexual. The extent of the anti-gay bias crimes at the location is unknown. Further lines of enquiry include; * Review of reported crimes at the location over a identified time frame to identify the extent of anti-gay bias crimes * Reach out to the community for individuals who were victims of bias crimes at the location to come forward with information This indicator is assessed as being present.	No

	AA	AB	AC	AD	AE	AF	AG	AH	AI
1	Victim/Witness Perception Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - S/F PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment	Motive of Offender Indicator Present - SF PARRABELL Assessment	Motive of Offender Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - S/F PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment Copy6	Location of Incident Indicator Present - SF PARRABELL Assessment	Location of Incident Indicator Present - Bias Crimes Unit Assessment
2	Yes	Evidence was collected from three independent witnesses providing information in respect to derogatory terms being made by GELLATLY towards MACLEAN prior to the assault that killed him. It is evident from the versions given by all independent witnesses that they would likely have perceived the actions of GELLATLY to have been motivated by bias.	Evidence clearly indicates that the POI used biased language towards the victim and assaulted the victim in the presence of witnesses after using biased language. Evidence from accessories indicated that the the POI again utilised bias language towards the victim and expressed a desire to assault and kill the victim. This indicator is assessed as being present.	Not Determined	Not Determined	Prior to assaulting MACLEAN, GELLATLY is not known to have been involved in any instances involving such a high level of violence. There is no evidence available to suggest GELLATLY was associated with or a member of an OHG. Evidence suggests MACLEAN had been involved in several incidents of violence towards GELLATLY and his associates in the time leading up to his murder. Witness I151 described standing with MACLEAN chatting to him outside the Jackson's on George nightclub when GELLATLY pointed towards the witness, her friends and MACLEAN and yelled, "That guy is a fag." MACLEAN replied, "Who cares if I am?" This was followed by GELLATLY approaching MACLEAN and shaping up prior to stating, "Don't you ever think about touching me, you fag." After these comments, GELLATLY assaulted MACLEAN by punching him in the mouth and walking off. Witnesses I96 and I95 described GELLATLY as shouting something to the point of, "Faggot", and "You fucking faggot" during the assault. Whilst evidence suggests MACLEAN was in fact heterosexual, GELLATLY'S perception of his sexuality is likely to have come from MACLEAN'S comment, "Who cares if I am?" The retaliatory assault is likely to have been as a result of MACLEAN assaulting GELLATLY and his associates prior.	There is no information to indicate that the POI was associated or a member of a hate group. The POI had no history of violent crime and there is no information to indicate the POI's opinion of the LGBTI or disability community. There is no information to indicate that the POI had previously targeted members of the LGBTI or disability community for bias crimes or bias incidents. The victim was perceived by the POI to be gay based on the POI's language and as such the victim was breaking traditional conventions in relation to sexuality in the eyes of the POI. There is no information recorded as to whether the motive of the POI was canvassed during any interview or during any conversation with the POI by investigating police. It is therefore unknown the motive of the victim. Additional lines of enquiry; * Ascertain if any admissions regarding the motive of the attack were obtained * Ascertain if conversations regarding the POI's views of the LGBTI * Speak to the POI to determine his motivations for the incident. There appears to be confusion by the investigators in relation to the prompt, "The victim was perceived to be breaking from traditional conventions or working non traditional employment". This prompt relates to societal conventions not in relation to the victim deceiving his wife. Although the sexuality of the victim is not known, the fact that the POI believed him to be gay would indicate a breaking of a traditional convention. Based on the available information it cannot be determined if the indicator was present and as such the indicator is assessed as 'Not Determined".	No	No
3	No	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.	There were no witnesses who indicated that they believed the incident was bias motivated. This indicator is assessed as not being present.	No	Yes	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 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 I102 who was MILICEVIC'S direct supervisor at Westpac. MILICEVIC was not seen to be breaking from traditional conventions or working in non-traditional employment.	The motive of the offenders in relation to the incident were clearly articulated by the POI's in interviews and witness statements corroborate the POI's motive. The POI's admitted to going to the location to commit a robbery offence against a member of the LGBTI community. The POI's clearly indicate that they have animus towards the gay community. The POI's admit that the actions of the victim drove the level of violence towards the victim; "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'" It is clear from the comments of the POI's and statements from the witnesses that the incident was partially if not wholly motivated by bias towards the victim who was perceived to be homosexual. There appears to be a lack of understanding by the investigators in relation to this indicator. The investigators have failed to understand the meaning of the indicator and appear to have focused on the prompts and not the indicator. The prompts are designed to prompt lines of enquiries not be a checklist. The admissions of the POI's appear to have been overlooked by the investigators in determining of the indicator was present. In addition there appears a lack of understanding around the prompt, "The victim was breaking from traditional conventions or working non traditional employment. The Investigators have stated that the victim was not breaking traditional conventions, when the victim was perceived to be gay which is deemed to be breaking a traditional convention in a heterosexual society. This indicator is assessed as being present.	Yes	Yes

	AJ	AK	AL	AM	AN	AO	AP	AQ	AR
1	Summary of Indicator - S/F PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment	Lack of Motive Indicator Present - SF PARRABELL Assessment	Lack of Motive Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - S/F PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment	Level of Violence Indicator Present - SF PARRABELL Assessment	Level of Violence Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - S/F PARRABELL Assessment
2	MACLEAN was assaulted and subsequently died outside the nightclub Jackson's on George, George Street, Sydney. At the time of MACLEAN'S death, it was not known to have been a location associated with or frequented by persons from any particular group. There is no evidence to suggest the location of the incident had any specific significance to MACLEAN or GELLATLY.	The location of the incident has no known significance to either the LGBTI community or the disability community. There is no information supplied to indicate the location had a history of previous bias motivated incidents. There appears to be a misunderstanding by the investigators in relation to the prompt, "The location of an incident has specific significance to the victim or POI group". This indicates relates to the significance of a location to a group not the individual. The indicator is assessed as not being present.	No	No	A general motive is established from the statements of GELLATLY'S associates which stems from MACLEAN'S actions throughout the night. Evidence suggests MACLEAN assaulted GELLATLY and his associates which most likely resulted in GELLATLY retaliating. A defence of provocation is raised that GELLATLY assaulted MACLEAN due to MACLEAN'S aggressive and harassing behaviour during the night. In regards to GELLATLY'S comments regarding MACLEAN'S alleged sexuality, there is evidence to suggest that this was a misconception on GELLATLY'S behalf.	Information supplied by associates of the POI indicate that the victim had assaulted (head butting) his associates and the POI throughout the night prior to the victim's death. In light of this information the comment by the POI, ""Don't you ever think about touching me, you fag", may not indicate the POI having anxiety around the victim' sexuality. Based on the information supplied there is no information to suggest that the victim made sexual advances towards the POI, again highlighting the possibility that the assault was motivated by something other than wholly sexual orientation bias. This does not however preclude that the incident was motivated by partial bias motivation against the victim. Additional lines of enquiry include; * Determining the POI's motive * Determining the level of animosity the victim had towards the LGBTI and/or disability community Given that information suggests that a potential motive existed (retaliation) and the possibility of a bias motivation it is assessed that this indicator is not present.	Yes	Yes	GELLATLY acted alone during the assault of MACLEAN. GELLATLY assaulted MACLEAN an initial time causing him a split lip from a single punch. After this initial assault, GELLATLY walked a short distance away and waited until he could recruit two young person's to lure MACLEAN over to him away from the general public where he started a much greater assault against MACLEAN. Witnesses suggest that this assault was excessive, stating, "He belted the shit out of his, all his face, and all his eye up there was cut, you know, around on his bottom lip there, you know, then he ended up falling to the ground like a bag of shit." There is also evidence that GELLATLY kicked MACLEAN to the face whilst he was on the ground unconscious which is very excessive for a retaliatory assault. It is unknown if the excess levels of violence were as a result of GELLATLY'S perception of MACLEAN'S sexuality.
3	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."	The location is a well known beat and from the information available it was well known to other people as being a beat. Admissions by the POI's indicate they targeted the location because it was known as a beat as evidenced by; 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." Again it appears that the investigators have misunderstood the prompts. The prompt, "The location of incident has specific significance to the victim or POI group." The investigators have stated that there was no significance for either the POI or victim. It is the opinion of the Bias Crimes Unit that the location has a significance to the LGBTI community as it was a known beat and a location for men to meet other men and have sexual intercourse with them. This in the opinion of the bias crimes unit makes the location of significance to the LGBTI community. This indicator is assessed as being present.	No	No	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 DOYLE 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.	It is clear from the available information that the incident was primarily motivated for economic reasons. Admissions from the POI's indicate the purpose of the attending the location was to rob an individual for money to spend up at the Cross (Kings Cross). The POI's also admitted the reason for targeting the location was to target a member of the LGBTI community. A clear motive has been established and as such it has been assessed that this indicator is not present.	Yes	Yes	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.

	AS	AT	AU	AV	AW
1	**Summary of Indicator - Bias Crimes Unit Assessment**	**S/F PARRABELL Classification**	**S/F PARRABELL Reasoning:**	**Bias Crimes Unit Assessment - Areas for Further Investigation:**	**Bias Crimes Unit Classification:**
2	Information indicates that the level of violence inflicted upon the victim was likely excessive when compared to a crime of that type. The level of violence inflicted is indicative of a rage assault which may be motivated by bias motivation or personal motivation. The level of violence alone does not prove that the incident was a bias motivated crime. Given the information in regards to the victim assaulting the POI and his associates earlier in the night it likely that part of the motivation of the POI was personal which would provide a possible explanation for the level of violence used on the victim. This does not rule out that the level of violence was partially due to the perception of the POI that the victim was gay. Additional lines of enquiry include; * Determining the level of animus the POI had for the LGBTI or disability community It is assessed that this indicator is present.	Bias Crime	There is no evidence that indicated Robert MACLEAN identified as anything other than a heterosexual male. No information was reviewed that indicated the sexuality of GELLATLY. Whilst there is no information pertaining to GELLATLY'S sexuality, numerous remarks were made by GELLATLY about homosexuals, referring to MACLEAN as a "faggot" on a number of occasions in the time leading up to the murder. At the time of assaulting MACLEAN, GELLATLY likely believed him to be a homosexual male. Independent witness I151 recalled in her statement GELLATLY pointing towards her friends, MACLEAN and her and yelling, "That guy is a fag." MACLEAN replied, "Who cares if I am?" This was followed by GELLATLY approaching MACLEAN and shaping up prior to stating, "Don't you ever think about touching me, you fag." After these comments, GELLATLY assaulted MACLEAN by punching him in the mouth and walking off. Whilst GELLATLY was assaulting MACLEAN the second time, in front of witnesses I96 and I95 he was heard to be shouting something to the point of, "Faggot", and "You fucking faggot." It is unknown if MACLEAN was aware of these comments as it is undetermined when he lost consciousness during this assault. It is evident from the versions given by all independent witnesses that they would likely have perceived the actions of GELLATLY to have been motivated by bias. Evidence suggests MACLEAN had been involved in several incidents of violence towards GELLATLY and his associates in the time leading up to his murder. GELLATLY'S perception of his sexuality is likely to have come from MACLEAN'S comment, "Who cares if I am?" and his appearance. During a conversation with associate I150 she recalled GELLATLY saying, "I think the guy [MACLEAN] looks as camp as hell." The retaliatory assault is likely to have been as a result of MACLEAN assaulting GELLATLY and his associates prior. Witnesses suggest that this assault was excessive, stating, "He belted the shit out of him, all his face, and all his eye up there was cut, you know, around on his bottom lip there, you know, then he ended up falling to the ground like a bag of shit." There is also evidence that GELLATLY kicked MACLEAN to the face whilst he was on the ground unconscious which is very excessive for a retaliatory assault. It is unknown if the excess levels of violence were as a result of GELLATLY'S perception of MACLEAN'S sexuality.	Additional lines of enquiry identified include; * The type and level of disability of the victim * The appearance of the victim (did his clothing distinguish him as a member of particular group, e.g. gay, unemployed, etc) * Determination of hate group activity in the CBD and surrounding areas, including preferred victim group * Determination of MO of any known hate group and victim selection and recruitment processes (e.g. did recruitment require the assault of minority group member) * Identification of bias motivated incidents in the surrounding area (targeting both the LGBTI and disability communities) * Ascertain if any admissions regarding the motive of the attack were obtained * Ascertain if conversations regarding the POI's views of the LGBTI * Speak to the POI to determine his motivations for the incident * Determining the POI's motive * Determining the level of animosity the victim had towards the LGBTI and/or disability community * Determining the level of animus the POI had for the LGBTI or disability community (consideration given to speaking to friends, family, work colleagues, etc. in relation to the POI's views of the LGBTI community)	Insufficient Information
3	Given that the POI's stated their primary motivation was robbery, the incident does exhibit excessive violence. Admissions by the POI's indicate that the victim was punched to the face, the victim reacted by falling to grounding a screaming "like a girl". The use of a knife to stab the victim to the chest twice and the mouth once exhibits a level of violence that would likely not be seen in a non bias motivated robbery offence. Of interest is the stab to the mouth. The pathologist report indicates that the stab to the mouth cut the lower lip and the underside of the tongue and penetrated the left tonsillar bed causing haemorrhaging there. It is only a hypotheses but given the POI NP124 stated that the victim wanted to kiss him and the POI lost it, it is likely that the stab to mouth was intended to either disfigure the mouth or to punish the victim for wanting to kiss him. The attack on the victim showed that all three POI's were present and likely to involved, with speculation that all three may have been involved in the stabbing of the victim. This is consistent with the parameters of this indicator and specifically with regards to the prompt, "The number of POI's is greater than the number of victims and that all POI's take an active role in the assault." It is assessed that this indicator is present.	Bias Crime	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, I100 gave an insight into 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."" 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 bashings 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 APO 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.	The following additional lines of enquiry were identified; * Identify hate groups that were active * Identify the range of these hate groups and whether they targeted the location * Identify any affiliation between the POI's and active hate groups that targeted the area * Review of reported crimes at the location over a identified time frame to identify the extent of anti-gay bias crimes * Reach out to the community for individuals who were victims of bias crimes at the location to come forward with information	Bias Crime

	AX	AY	AZ	BA
1	**Bias Crime Unit Reasoning:**	**General Comments**	**Assessed By:**	**Date Assessed:**
2	The incident has been assessed as insufficient information for a determination to be made. The basis of this determination revolves around a number of questions that remain unanswered. The first is the possibility of multiple motivations. The victim was on a disability pension but there is no information supplied to indicate the type and level of disability that the victim had. The question of vulnerability is unanswered. Was the victim selected because he was perceived to be more vulnerable due to his disability. The victim's disability cannot be discounted as a motive and needs to be explored fully. The possibility of the incident involving multiple motivations also needs to be considered. The victim may have been targeted due to both his perceived sexual orientation and his disability. The chronology of the initial assault by the victim on the POI and his associates is not outlined. The chronology of the events leading to the final assault on the victim is important. The question to be answered is was the language used by the POI towards the victim as a result of the assault of the victim upon the POI and his associates or did it precede the assault. If the language preceded the assault, it gives weight to the argument that the incident was bias motivated, however if the language followed the assault by the victim then the language used may be related more towards a personal motivation (trying to inflict psychological harm on the victim by calling him gay, attempting to indicate that he was not a real man and feminising the male as an attempt by the POI to retaliate psychologically for the assault). Attacking ones identity by using epithets is a common practice and is designed to psychologically unnerve an opponent especially when an individual feels his identity has been attacked an damaged. For example in this case, the assault by the victim may have attacked the core belief system of the POI, psychologically destabilising his identity. The POI's first option to regain his identity may be to belittle his opponent (calling him gay) to build the POI's self esteem and self worth back up. The level of animus towards the LGBTI community held by the POI needs to be determined. If the POI had animus towards the LGBTI community, his perception that the victim was gay plays an important role in assisting in identifying the POI's motive for the assault. There is limited criminal history for the POI with only records for possession of a prohibited drug and making an IED when he was juvenile (no information to indicate links to extremist ideology). It would greatly assist in identifying a potential motive if the views of the LGBTI and/or disability community were known. It is acknowledged that based on the available information the incident may be bias motivated. The assault carried out by the victim on the POI and his associates cloud the issue. The use of bias related language if taken in isolation indicate a suspected bias motivation in the least, however language alone is not sufficient to determine motivation. The key question that needs to be answered was whether the assault on the victim was a retaliatory attack following the assault on the POI and his associates by the victim, whether the victim was targeted for being perceived as gay by the POI or a combination of both. Until this question is answered it is not possible to classify this incident.	A review of the document by the investigators shows a lack of understanding of the indicators, what the prompts mean and how to use the indicators. The process that was used by the investigators to determine their classification is not known or understood, their recorded responses do not correlate to their final assessment. As highlighted in the previous cases there appears to be a fundamental lack of understanding on how to use the indicators. The indicators are just that indicators that are used to identify possible lines of enquiry. The indicators are not designed to be used as a checklist and that by ticking a number of indicators it identifies that an incident is or is not bias motivated. The use of the indicators as a check list greatly reduces the effectiveness of the process and greatly limits the possible lines of enquiries. The apparent failure to understand what the prompts are seeking to identify again, highlights an apparent lack of understanding of the indicators and how to use them. The prompts are just that they are to prompt questions to answer the indicator and the do not limit the line of questioning for an indicator. It appears that the indicators themselves were the primary focus of the investigators rather than asking and answering the question "Why did the POI target the victim?" Additionally it is the opinion that because the focus of the review by the investigators was to determine if the crimes were sexual orientation bias crimes, other protected categories were either overlooked or ignored. It should be noted that the process undertaken by the investigators (a desk top exercise) with no field work or analysis being undertaken is likely to have hampered the answer to the question 'Were these crimes bias motivated". Without the ability to interview the POI it is not possible to determine the POI's motivation which is key to determining if an incident was bias motivated. In addition without analysis of the environment it is difficult to build a circumstantial case for a bias motivation finding.	Sgt STEER	11/29/2016
3	Based on the available information this incident has been classified as a Bias Crime for the following reasons. The POI's have made admissions in relation to their targeting of the location and have clearly expressed a bias against members of the LGBTI community. The POI's stated that their primary purpose was to commit a robbery offence to obtain money to spend at the Cross (Kings Cross). This indicates a primary economic motive, however the POI's further state that they targeted the location because it was a known beat and their intention to was to rob a homosexual male. The POI's stated their animus towards gays with one POI stating, "I'm a homophobic mate, I'm scared of 'em. I just started freaking out real bad." It is clear from the available information that the murder of the victim was at least partially motivated by bias towards the LGBTI community.	As with the previous cases it is clear that there is an inherent lack of understanding on how to use the indicators and the purpose of the indicator approach. It is apparent from reviewing the case that the investigators have used the indicators as checklist and it is clear that the strict adherence to the indicators as a checklist has limited the investigative exploration to the indicators and associated prompts. Again it is apparent that the rigid adherence to the indicators as a checklist has limited the approach to answering the question, "Why was this victim targeted."	Sgt STEER	11/30/2016