

A	B	C	D	E	F	G	H	I
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 - SF PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment
1	50	William DUTFIELD	19/11/1991	Unknown	William DUTFIELD was a 41 year old bisexual male who was unemployed and on a disability pension. He lived alone at [REDACTED] Spit Road, Mosman. He was murdered within his own unit by an unknown person. He was found with severe injuries to the back of his head. No persons have been charged for this matter.	No	Not Determined	<p>The victim identified as bisexual (had previously stated to his close friend ASHWORTH that he was homosexual, but ASHWORTH stated during the Coronial investigation that he stated he was bisexual and that he used to attend dances with women). The suspect [REDACTED] in the murder was identified as bisexual. There was no evidence recorded that there was any immutable characteristic differences between the victim and the suspect. From the information supplied the victim was a very private person and did not promote or advertise his sexuality or lifestyle. The date of the death of the victim did not correspond to any known holiday or date of significance to the victim or victim group.</p> <p>Based on the information about the suspect being bisexual there is no evidence recorded to indicate that there was any conflict being based on differences due to sexual orientation. This does not mean that the victim was not targeted due to differences in another immutable characteristic such as disability. It is recorded that the victim was on a disability pension, although the type of disability pension is not disclosed. There is no evidence that the victim was targeted for being outnumbered by another group in the area (defensive hate crime), but again it appears that the investigators misunderstood the meaning of the prompt. There is no evidence to suggest that the victim was active in promoting his lifestyle and by all accounts he was a very private person. There is no evidence to suggest that the victim date of death was associated with a holiday or date of significance to any immutable characteristic group. There is no evidence to indicate that historical animosity existed between groups although this question appears to be misunderstood by the investigators.</p> <p>The following lines of enquiry have not been explored;</p> <ul style="list-style-type: none"> <li>* Disability of the victim and potential for targeting based on this</li> <li>* Whether the victim had been targeted previously for harassment by neighbours or others in his immediate neighbourhood due to his group membership</li> <li>* Any evidence of historical group tensions and whether this may have impacted on the victim targeting</li> <li>* Whether there were any other differences not related to sexual orientation that may be a factor (e.g. race, religion, etc.)</li> </ul> <p>It is acknowledged that given the time between the investigation and the review that the ability to follow these lines of enquiry may be greatly hampered.</p> <p>As the above line of enquiry remain open, no determination can be made as to whether this indicator was present and as such it has been classified as 'Not Determined'. Further enquiries may be able to supply additional information which may assist in determining if this indicator existed or not.</p>
2	55	Brian WALKER	22/07/1992	John HOKIN	<p>Brian WALKER was a 30 year old man who is believed to have been homosexual. It is not known if he was employed at the time of his murder. He was murdered in the rear yard at the home address of John HOKIN at [REDACTED] Burnett Street, Merrylands. John HOKIN was a 48 year old heterosexual male who had met WALKER on one previous occasion. WALKER was located deceased after being choked to death by HOKIN, who ran to the nearby Police station to seek aid for him. HOKIN was charged with manslaughter however this charge was withdrawn by the Director of Public Prosecutions prior to trial due to evidence of self defence.</p> <p>WALKER made unwanted sexual advances towards HOKIN which resulted in HOKIN asking him to leave his address. WALKER allegedly grabbed a shovel and swung it at HOKIN who ducked this attack, before grabbing WALKER from behind. A struggle has ensued with WALKER breaking a beer bottle and cutting HOKIN several times to his stomach area. During the struggle, HOKIN choked WALKER until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation. HOKIN immediately ran to Merrylands Police station to report the matter. As a result he was charged with Manslaughter. These it appears that even though the fight started as a result of an unwanted sexual advance from WALKER to HOKIN, the motive behind this death was self defence, and this is backed by the coroner's report and from the DPP withdrawing all charges.</p>	Yes	Yes	<p>It is believed that the victim was gay. The POI was heterosexual and stated that he was fearful of gays and that a number of gays had tried to pick him up and he was scared of them.</p> <p>It is not confirmed that the victim was gay, but based on the information supplied the victim is most likely gay. The POI was identified as heterosexual and clearly articulated that he was heterosexual and that he was fearful of gays. The Homosexual Advance Defence (HAD) was utilised by the POI.</p> <p>Additional line of enquiries include;</p> <ul style="list-style-type: none"> <li>* Whether there were any other differences not related to sexual orientation that may be a factor (e.g. race, religion, disability, etc)</li> </ul> <p>It is assessed that the indicator is present.</p>
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	J	K	L	M	N	O	P
1	Comments, etc. Indicator Present - SF PARRABELL Assessment	Comments, etc. Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - SF 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 - SF PARRABELL Assessment
	No	No	There is no evidence to indicate that any bias related comments, written statements or gestures were made in the incident.	There is no evidence that any bias motivated comments, written statements or gestures were made.  The indicator is not present.	No	No	Crime scene photos and crime scene reports were reviewed with no indication that any bias motivated drawings, markings, symbols, or graffiti were left at the crime scene. No POI has been charged and therefore it unknown if the POI had any tattoos to indicate association with a hate group or any bias motivation.
2	Yes	Yes	HOKIN attended Merrylands Police station immediately after the death of WALKER and was arrested. He participated in an electronically recorded interview where he openly gave his opinion on homosexual persons, stating, "That's what frightened me, because that frightens me. I don't - I don't - when he started touching me, that's when I started getting worried and that's when I started watching him ... they petrify me, those people frighten me" followed by, "... all I can say is that I've had those kind of people approach me many times in my life. I don't know why because I'm a ladies man. I'm an entertainer. You can't be one of those and an entertainer because the boss'll have you out." (ER-60). Whilst HOKIN referring to homosexual males as 'those kind of people' and stating 'they petrify me' may not have been intended to be bias or derogatory, these comments do reflect a certain level of bias from HOKIN towards homosexuals and in particular WALKER.	The POI clearly expressed a bias against gays. The use of the language "those people" and "you can't be one of those" indicate 'othering' another group which is an indicator of bias. The use of the language, "they petrify me, those people frighten me," indicates that the victim was anxious around gays and fear/anxiety is a motivator for bias motivated beliefs.  Additional line of enquiries include:  * Ascertain the POI's views on homosexuality and how he felt when he was approached by gay males.  This indicator is assessed as being present.	No	No	No crime scene photographs or photographs of WALKER were available to view. Statements given by Police who attended the scene describe in detail the yard and how WALKER was located within it, stating that the body of WALKER was located on his back with his legs wrapped around an awning pole, and no visible injuries (ST-371 and ST-372). There is no evidence to suggest there were bias related drawings, markings or symbols at the scene from the supplied statements.
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	Q	R	S	T	U	V	W
	Summary of Indicator - Bias Crimes Unit Assessment	Hate Group Indicator Present - SF PARRABEL Assessment	Hate Group Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - 5/7 PARRABEL Assessment	Summary of Indicator - Bias Crimes Unit Assessment	Previous Bias Crimes Indicator Present - SF PARRABEL Assessment	Previous Bias Crimes Indicator Present - Bias Crimes Unit Assessment
1	<p>There is no evidence of bias motivated drawings, markings, symbols or graffiti being left at the crime scene. No POI has been charged and therefore it is unknown if they had any tattoos that would indicate hate group affiliation or any bias motivation.</p> <p>It is unknown if any markings or symbols were left in the surrounding area which may indicate bias motivation or hate group activity. Given the information recorded it is unlikely that there would be any evidence but it is an outstanding line of enquiry.</p> <p>It has been assessed that the indicator is not present, but this may change if new information was obtained regarding symbology being located in the surrounding area.</p>	No	No	There is evidence to indicate any activity by a hate group. The MO used has not been linked to any hate group or activity.	There is no evidence to indicate any activity by a hate group. The indicator is assessed as not being present.	Not Determined	Not Determined
2	<p>There is no evidence to indicate that any drawings, markings, symbols or graffiti were present at the crime scene or surrounding area. There is no photograph of the POI so it is not known if the POI had any tattoos that would indicate a belief or membership in a hate group or other bias motivated ideology.</p> <p>The indicator is assessed as not being present.</p>	No	No	There is no evidence to indicate that the POI was associated with or a member of a hate group. The MO was not similar to any known Hate Groups.	There is no evidence to indicate that the POI was associated with or a member of a hate group or that a hate group was involved in the incident. The indicator is assessed as not being present.	No	No
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X Summary of Indicator - 5/F PARRABELL Assessment	Y Summary of Indicator - Bias Crimes Unit Assessment	Z Victim/Witness Perception Indicator Present - 5/F PARRABELL Assessment	AA Victim/Witness Perception Indicator Present - Bias Crimes Unit Assessment	AB Summary of Indicator - 5/F PARRABELL Assessment
<p>1</p> <p>The victim had been assaulted and robbed in his premises 1 month previous to his death by an unidentified male. The unidentified POI assaulted the victim by standing up and yelling, "You bastard" before punching the victim to the face and knocking him to the ground before kicking the victim to the face, head and stomach and stealing \$900 from his shirt pocket and it is suspected that the POI stole the victim's house keys. On the night of the robbery the victim met the unknown POI at the 'Bottom's Up' bar at the Rex Hotel (which could be described as a gay venue). There is no evidence to indicate that the victim had received threats, harassing mail/phone calls or verbal abuse as a result of his sexual orientation. There is no evidence to suggest that previous bias crimes may have sparked retaliatory violence.</p>	<p>The victim had been assaulted and robbed previously after meeting an unknown POI in a known gay bar and bringing him back to his residence. The level of violence used in this offence indicates either a personal or bias motivation or mixture of both. There are no other references to the victim being targeted for an immutable characteristic including his sexual orientation or disability status.</p> <p>The investigators again appeared to have misunderstood the purpose of the prompts. For the prompt, 'Victim was visiting a location where previous bias crimes had been committed against members of the victim group' there is no information to indicate whether the line of enquiry regarding individuals being of the gay community being targeted at the 'Bottom's Up' bar (a known gay venue) has been explored. Additionally for the prompt, 'Several incidents occurred in the same area and the victims were members of the same group' there is no evidence to indicate whether the line of enquiry of other hate crimes in the area of the victim's residence or the area of the Rex Hotel have been explored. The presence of hate crimes in the vicinity of these two areas may indicate targeting of the gay community and/or targeting of the victim.</p> <p>The investigators have failed to understand the purpose of the prompt, 'Recent bias incidents or crimes may have sparked a retaliatory bias crime'. This prompt is designed to generate a line of enquiry in relation to a targeted community retaliating against the offending community members. There is no information to indicate that the gay community had been targeting any other community for bias crimes and therefore the victim may have been targeted for retaliation.</p> <p>The following lines of enquiry have not been explored;</p> <ul style="list-style-type: none"> <li>* Was there any history of members of the gay community being targeted for robbery or other offences from the 'Bottom's Up' bar?</li> <li>* Was there any evidence of bias crimes or incidents occurring in the vicinity of the Rex Hotel or the victim's residence?</li> <li>* Was there any bias crimes which targeted other immutable characteristics at either location, especially around disability?</li> </ul> <p>As the above line of enquiries have not been addressed the incident indicator has been assessed as, "Not Determined".</p>	<p>No</p>	<p>Not Determined</p>	<p>None of the witnesses spoken to indicated that they believed the victim was targeted due to the victim being bisexual.</p>
<p>2</p> <p>There were no previous bias motivated incidents at the location. The victim and POI interacted only at the POI's premises and he was killed at the location. There is no evidence to suggest that the victim had or was receiving any threatening or harassing mail or phone calls.</p>	<p>The incident does not appear to be a random targeted attack. Both the victim and POI knew each other. There is no information to indicate if the POI and Victim had had any previous bias motivated incidents. It is identified that the victim and POI had only met once before the victim was killed. There is no information to indicate whether any bias related incident happened before, during or after the this first meeting.</p> <p>Although there is no information regarding random incidents that may have occurred in the area or at any other location that may be relevant to the case, previous incidents may assist in determining the POI's views on sexual orientation bias crimes. If previous incidents did exist, obtaining the POI's view on those incidents may offer an insight in how the POI viewed gay males and whether he supported the use of violence. The POI has stated that he had been hit on a number of times by gay males in the past, the victim's response to these advances may be useful in understanding the victim's normal response to unwanted approaches and whether the victim's response in this incident was the same or not.</p> <p>Additional lines of enquiries include;</p> <ul style="list-style-type: none"> <li>* Assessing previous bias crimes that may have occurred in the area</li> <li>* Ascertain the POI's opinion on any sexual orientation bias crimes that may have occurred in the surrounding area</li> <li>* Whether the POI had expressed anti-gay sentiments or actions prior to the incident</li> </ul> <p>This indicator has been assessed as not being present.</p>	<p>No</p>	<p>No</p>	<p>The only witnesses to the incident report no bias language being used and there was no mention from the witnesses that they believed the incident was bias motivated.</p>
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	AC Summary of Indicator - Bias Crimes Unit Assessment	AD Motive of Offender Indicator Present - SF PARRABELL Assessment	AE Motive of Offender Indicator Present - Bias Crimes Unit Assessment	AF Summary of Indicator - SF PARRABELL Assessment
1	<p>None of the witnesses spoken to indicated that they believed the victim was targeted due to the victim being bisexual. There is no information to indicate whether any of the victims were asked about any other immutable characteristics.</p> <p>Additional line of enquiries include;</p> <p>* The perception of the witnesses in relation to other immutable characteristics.</p> <p>Due to no information being available in relation to other immutable characteristics the indicator is assessed as 'Not Determined'.</p>	Not Determined	Not Determined	<p>The original investigation focussed on the theory that the victim was targeted by male prostitutes as an easy target following the robbery 1 month prior to his murder. The theories revolved around either the same POI returning to target the victim or information was passed to another party who targeted the victim. In addition fingerprints located at the crime scene of the first robbery identified [REDACTED] as a POI. Enquiries indicated that [REDACTED] was bail refused at the time of the murder, however follow up by the Homicide Squad in 2010 was undertaken, however the results of this follow up is unknown. [REDACTED] had a history of violent robbery offences and was charged for the murder of Gordon MILLS (Investigation No 66). Witnesses identified that [REDACTED] was bisexual in the investigation of the murder of MILLS.</p>
2	<p>The only witnesses to the incident report no bias language being used and there is no mention from the witnesses that they believe the incident was bias motivated. The witnesses are neighbours to the POI.</p> <p>Additional lines of enquiries include;</p> <p>* Clarification with the witnesses if they POI had ever expressed anti-gay sentiments in the past</p> <p>* Direct questioning of the witnesses in relation to whether they believed it was bias motivated or not (being mindful that the witnesses may hold anti-gay biases)</p> <p>Although additional lines of enquiry have been identified, based on the comments of the witnesses and the amount of time that has passed since the incident, it has been assessed that this indicator is not present.</p>	No	Not Determined	<p>HOKIN had previously been charged with negligently causing GBH injuries to another person, however there are no further details in relation to this incident. As such Police are unable to ascertain in this act had any bias related motive attached. There is no evidence to suggest that HOKIN was a member of or affiliated with members of any OMG'S. The circumstances of WALKER'S death are that during the night, WALKER and HOKIN were drinking, smoking and singing together in the backyard of HOKIN'S address. WALKER made unwanted sexual advances towards HOKIN. WALKER made further advances which resulted in HOKIN asking him to leave his address. WALKER allegedly grabbed a shovel and swung it at HOKIN who ducked this attack, before grabbing WALKER from behind. A struggle has ensued with WALKER breaking a beer bottle and cutting HOKIN several times to his stomach area. During the struggle, HOKIN choked WALKER until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation. HOKIN immediately ran to Merrylands Police station to report the matter. As a result HOKIN was charged with manslaughter. It appears that even though the fight started as a result of an unwanted sexual advance from WALKER to HOKIN, the motive behind this death was self defence, and this is backed by the coroner's report and from the DPP withdrawing all charges.</p>
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AG Summary of Indicator - Bias Crimes Unit Assessment Copy#	AH Location of Incident Indicator Present - SF PARRABELL Assessment	AI Location of Incident Indicator Present - Bias Crimes Unit Assessment	AJ Summary of Indicator - SF PARRABELL Assessment	AK Summary of Indicator - Bias Crimes Unit Assessment	AL Lack of Motive Indicator Present - SF PARRABELL Assessment
<p>1</p> <p>No POI has been identified so no assessment of motive can be made.</p> <p>The investigators have missed a key aspect of the prompt, 'The victim was perceived to be breaking from traditional conventions or working non traditional employment'. The victim by the very nature of being bisexual and undertaking homosexual acts would be considered breaking traditional conventions.</p> <p>The focus of the review has been on the victim's sexual orientation, there appears no examination of the victims from other immutable characteristics perspectives such as disability. The fact that the victim was unemployed and on a disability pension is a factor that needs to be explored as he may have been targeted due to the perception that he was breaking traditional conventions about work. If he was perceived as being fit to work but a 'dole bludger' he may have been targeted on these grounds. This motivation has not been adequately explored.</p> <p>A review of Investigation 66 (MILLS) indicates that [NP63] was a habitual violent criminal motivated by economic gain and identified as bisexual. There is no evidence to suggest that [NP63] targeted his victim's based on sexual orientation. Having said this there is no direct information from [NP63] in relation to his motivation for either the robbery of the victim or the murder of MILLS. Even though [NP63] identifies as bisexual, it does not rule out that he targeted members of the gay community. The increased chance that victims would not report crimes to police due to the stigma of being gay at the time may be a factor for targeting. There is no information recorded to indicate if there was a pattern in [NP63]'s targeting of victims. Were his victims primarily gay? Where his victims targeted at known gay friendly locations.</p> <p>Again the male prostitute theories postulated by the original investigators do not supply sufficient information to determine motivation. Again where any offenders targeting gay/bisexual males because they were unlikely to report to police. Was there any patterns identified in their targeting of victims. The lack of information prevents the indicator being properly assessed.</p> <p>Further lines of enquiry include:</p> <ul style="list-style-type: none"> <li>* Interview with [NP63] about his motivation for his crimes</li> <li>* Examination of the victim selection of [NP63]</li> </ul> <p>As no POI has been identified, and the motivations of the two theories have not been adequately addressed, the assessment of the indicator is 'Not Determined'.</p>	<p>No</p>	<p>No</p>	<p>The victim at the time of his death was not in an area or location commonly associated with members of his group. The night of his murder the victim had been out at a restaurant with a friend (ASHWORTH).</p>	<p>The victim was murdered in his residence. The location has no significance to the any group.</p> <p>The indicator has been assessed as not being present.</p>	<p>No</p>
<p>2</p> <p>Although the POI claimed HAD and the finding from the Coronial inquest was self defence the motive of the offender is not fully known. The POI openly stated that he was fearful (anxious) of gay males. The POI had previously been charged with GBH related offences, although the details are unknown and it is unknown if bias motivation was a factor. Although the information indicates that the victim attacked and injured the POI before the POI killed the victim, the lack of information around the POI's beliefs around homosexuality are not clear. Although the POI's action were ruled as self defence and the charge of manslaughter was withdrawn, it is unknown if the actions of the POI were more aggressive than he would have taken if the victim had a) not made a sexual advance towards the POI and b) if the victim was a heterosexual male.</p> <p>Additional lines of enquiry include:</p> <ul style="list-style-type: none"> <li>* Ascertain the level of anxiety (fear) of gay males the POI had</li> <li>* Determining if the previous GBH charge against the POI had any bias motivation</li> <li>* Determining if the POI's only choice was to kill the victim or if he acted more aggressively than normal because the victim was gay.</li> </ul> <p>Due to the motive of the POI not being fully explored the indicator has been assessed as 'Not Determined'.</p>	<p>No</p>	<p>No</p>	<p>The location of the incident was the private residence of the POI. The POI was openly fearful of gay males and is unlikely that the premises were frequented by gay males. The location has no significance to the gay community.</p>	<p>The location of the incident was the private residence of the POI. The POI was openly fearful of gay males and is unlikely that the premises were frequented by gay males. The location has no significance to the gay community.</p> <p>The indicator is assessed as not being present.</p>	<p>No</p>
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AM	AN	AO	AP	AQ	AR	AS	AT	
Lack of Motive Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - 5/7 PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment	Level of Violence Indicator Present - 5/7 PARRABELL Assessment	Level of Violence Indicator Present - Bias Crimes Unit Assessment	Summary of Indicator - 5/7 PARRABELL Assessment	Summary of Indicator - Bias Crimes Unit Assessment	5/7 PARRABELL Classification	
1	Not Determined	The victim is believed to have had \$150 on his person the night he was murdered. This money was not located and believed taken by his murderer. 2 month prior to his murder the victim was assaulted and robbed by an unknown POI. The suspect for this robbery ( [REDACTED] ) had a history of violence and economically motivated crimes. The theories of the original investigator revolved around an economic crime with victim being targeted by male prostitutes.	The amount of money on the victim and the whereabouts of any property is unknown. As no POI has been identified the motive of the murder is unknown and cannot be assessed, as such the indicator is assessed as 'Not Determined'.	Yes	Yes	The injuries sustained by the victim were described as severe by the pathologist that conducted the post mortem. The victim suffered multiple injuries to head, causing severe damage to his skull. The weapon used was identified as a cast iron sticky tap dispenser. The POI/S are unknown and so it cannot be determined the number of offenders involved.	If the purpose of the crime was robbery, the level of violence used clearly is excessive and indicates some level of rage/aggression. The weapon used was a weapon of opportunity with a heavy cast iron sticky tape dispenser being used. It is unknown if the POI was alone. If the POI was not alone it is unknown if the other offenders took part in the crime. Given the information available it has been assessed that the indicator is present.	Insufficient Information
2	No	During the night, WALKER and HOKIN were drinking, smoking and singing together in the backyard of HOKIN'S address. WALKER made unwanted sexual advances towards HOKIN, with HOKIN stating, "then the discussion became a little offensive as far as I was concerned. It sounded like he was talking in a manner about sexual behaviour that I didn't prefer and he touched me a few times on the leg and on the shoulder and I tried to ignore that as peace - passively as I could because he had a quite a bit to drink" (ER-60). WALKER made further advances which resulted in HOKIN asking him to leave his address. WALKER allegedly grabbed a shovel and swung it at HOKIN who ducked this attack, before grabbing WALKER from behind. A struggle ensued with WALKER breaking a beer bottle and cutting HOKIN several times to his stomach area. During the struggle, HOKIN choked WALKER until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation (EX-6). HOKIN immediately ran to Merrylands Police station to report the matter. As a result he was charged with Manslaughter. It appears that even though the fight started as a result of an unwanted sexual advance from WALKER to HOKIN, the motive behind this death was self defence, and this is backed by the coroner's report and from the DPP withdrawing all charges.	The Coronial inquest determined that the actions of the POI were self defence following an unprovoked assault by the victim, subsequently the DPP withdrew the charge of manslaughter. Based on the information supplied, the actions of the POI were in the defence of his life. There is no evidence to indicate that the POI intended to kill the victim, based on any other motive, such as economic, personal or solely bias motivations.  The question still remains as to whether the actions of the POI where more aggressive due to his anxiety (fear) of gay males. Despite this outstanding question, there is no evidence to indicate that the POI intended to kill the POI because of his sexuality (the actions of the POI - running to the local police station - support that he had no intention of killing the victim)and as such the indicator is assessed as not being present.	No	Not Determined	During the struggle which ultimately led to the death of WALKER, HOKIN choked WALKER from behind until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation (EX-6). These injuries would not be considered excessive given the circumstances. WALKER attempted to hit HOKIN over the head with a shovel and slashed him several times with a broken glass bottle. The matter was dropped under the premise of self defence. There was no weapon used and the victim and the POI were the only people present.	Based on the available information it is not able to be determined whether the POI used a higher level of violence that he would normally have applied. The issue of the victim's fear of gays is unresolved. If the POI truly had phobic scale levels of homophobia it is within the realms of possibilities that the POI may have used excessive force (without conscious thought) in subduing the victim. It is without doubt that the victim was the primary aggressor, with the victim attacking the POI after his advances were rejected and he was asked to leave the POI's premises. The actions of the POI would be self defence up to the point that the victim was no longer a threat, the issue of the level of fear the POI felt towards gay then becomes the determining factor as to whether excessive violence was used. The interchangeability rule become a crucial question, would the same outcome have occurred if the victim had been a heterosexual male. No weapons of opportunity were utilised in the incident. Only the victim and POI were present.  Further lines of enquiry identified include:  * Determining the level of anxiety (fear) the POI felt towards gay males  As the issue of anxiety (fear) towards gay males has not been fully addressed the assessment of the indicator is that it is 'Not Determined'.	Not Bias Crime
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AU S/F PARRABELL Reasoning:	AV Bias Crimes Unit Assessment - Areas for Further Investigation:	AW Bias Crimes Unit Classification:	AX Bias Crime Unit Reasoning:
<p>1</p> <p>William James DUTFIELD, aged 41 years, was a bisexual male. DUTFIELD was close friends with retired lecturer Arthur ASHWORTH, aged 76 years. ASHWORTH stated, "I found out that Billy's father had died when he was about 14 years old and I became a father figure to him. During this time Billy confided in me that he was a homosexual." Later, in his evidence at the Coronial Enquiry into DUTFIELD'S death, ASHWORTH stated that DUTFIELD was actually bisexual, rather than homosexual. "Billy did tell me at the time that he was homosexual but later on he told me he was bisexual and when he stayed with me and since my stroke at Randwick I found he went to so many dances and enjoyed women and he said he wasn't homosexual he was bisexual." On the 19 November 1991, DUTFIELD and ASHWORTH had been out to dinner at a nearby restaurant in Mosman. DUTFIELD and ASHWORTH returned to DUTFIELD'S unit about 8pm that evening. ASHWORTH left about 9pm, returning to his residence at the nearby Garrison Retirement Village. About 10pm the same evening, a neighbour of DUTFIELD'S, [REDACTED] heard a verbal argument from DUTFIELD'S unit, followed by a loud thud. [REDACTED] did not act on this noise and DUTFIELD wasn't located until the 20 November, by ASHWORTH who attended DUTFIELD'S unit to check on his welfare. ASHWORTH opened the front door and entered the unit and stated, "I saw Billy lying face down on the lounge chair with his head all bleeding. The blinds were closed and I went over and opened them up for some light. I saw the back of his head and it looked as though it had been bashed in." ASHWORTH was excluded as a suspect in relation to the murder of DUTFIELD. In 2010, a male person named [REDACTED] NP63 was identified as a suspect in relation to the murder of DUTFIELD. [REDACTED] fingerprints were identified on a cigarette packet left behind at DUTFIELD'S unit, after he was robbed on the 15 October 1991. [REDACTED] NP63 has an extensive criminal record including the murder of Gordon MILLS in 1994. [REDACTED] NP63 however appeared to have been bail refused at the time. [REDACTED] NP63 was known to frequent numerous pubs and clubs in the Sydney and Kings Cross area and was identified as a bisexual male by witnesses in the murder of MILLS. The location of [REDACTED] NP63 fingerprints, which were found inside the unit of DUTFIELD, supports to some extent the theory behind the suspect profile nominated by the initial investigations officer in charge, Detective Sergeant O'TOOLE. Detective Sergeant O'TOOLE stated in the Coronial Enquiry, "There are a number of theories which I'd like to expound to you your Worship in regard to this. We believe that it's possible that there is a person, or a number of persons, who are most probably male prostitutes, who are also most probably drug addicts from the Kings Cross area that prey upon these people." Significant investigation was conducted focussing on male prostitutes from the Kings Cross area but failed to identify any of the offenders. The level of violence and injuries sustained by DUTFIELD are far greater than would be expected for a crime of this type. In his evidence to the Coroner, Pathologist, Dr. DUFLOU described the injuries to DUTFIELD as 'severe.' Coroner ABERNATHY stated, "I think Detective Sergeant O'Toole's theory is a likely one, that he was bashed well that he invited someone home and there was effect some sort of rip-off, probably for money." It appears unlikely that sexuality or other bias was involved in the death of William DUTFIELD and it is most likely that the motive for assaulting DUTFIELD was robbery related however this cannot be confirmed.</p>	<p>Additional lines of enquiry identified are;</p> <ul style="list-style-type: none"> <li>* Disability of the victim and potential for targeting based on this</li> <li>* Whether the victim had been targeted previously for harassment by neighbours or others in his immediate neighbourhood due to his group membership</li> <li>* Any evidence of historical group tensions and whether this may have impacted on the victim targeting</li> <li>* Was there any history of members of the gay community being targeted for robbery or other offences from the 'Bottom's Up' bar?</li> <li>* Was there any evidence of bias crimes or incidents occurring in the vicinity of the Rex Hotel or the victim's residence?</li> <li>* Was there any bias crimes which targeted other immutable characteristics at either location, especially around disability?</li> <li>* The perception of the witnesses in relation to other immutable characteristics.</li> <li>* Interview with [REDACTED] NP63 about his motivation for his crimes</li> <li>* Examination of the victim selection of [REDACTED] NP63</li> </ul>	<p>Insufficient Information</p>	<p>The primary reason for assessing the murder of DUTFIELD as insufficient information is no POI has been identified. The primary identifier for bias motivated crimes revolves around offender motivation and without knowing the identity of the POI the motivation cannot be determined and is open to hypothesis.</p> <p>It is noted that the investigators (both the original and S/F PARRABELL) are focusing on economic motivation and hypothesising that as it was likely to be economically motivated it could not be bias motivated. Given the information available, it is the opinion of the Bias Crimes Unit that although it is likely that the incident is not wholly motivated by sexual orientation bias, target selection focussing on a member of the gay community may be a partial motivating factor. The likelihood that victim's of economically motivated crimes who are members of the LGBTI community were unlikely to report the crime to police for multiple reasons, include the social stigma associated with being gay at the time, may have made the victim selection based on sexual orientation. This theory can only be determined through identifying the POI and ascertaining his motivation.</p> <p>Additionally although S/F PARRABELL is reviewing suspected gay related murders, the possibility that other immutable characteristics, such as disability have not been explored. It is documented that the victim was on a disability pension. There is a possibility that the victim was either targeted primarily for his disability or as a result of both his sexual orientation and disability. There is insufficient information recorded about the victim's disability to adequately identify if his disability was a motivating factor.</p> <p>Based on the information supplied there is insufficient information to determine if the murder of DUTFIELD was bias motivated.</p>
<p>2</p> <p>Brian WALKER was likely to be a homosexual male. WALKER had been making advances towards John HOKIN on the night he died. HOKIN purported himself to be a heterosexual male, claiming to be frightened by homosexual males, stating during record of interview, "they petrify me, those people frighten me." HOKIN explained to Detectives Sergeant RUPP, "...he [WALKER] just come onto me he kept touching my leg and I'm not like that I like women." HOKIN had only met WALKER two evenings prior whilst they were drinking together. On the night of HOKIN'S death, this was only the second time they had met. No evidence suggests animosity between the pair prior to WALKER'S advances upon HOKIN. The circumstances of WALKER'S death are that during the night, WALKER and HOKIN were drinking, smoking and singing together in the backyard of HOKIN'S address. WALKER made unwanted sexual advances towards HOKIN. WALKER made further advances which resulted in HOKIN asking him to leave his address. WALKER allegedly grabbed a shovel and swung it at HOKIN who ducked this attack, before grabbing WALKER from behind. A struggle has ensued with WALKER breaking a beer bottle and cutting HOKIN several times to his stomach area. During the struggle, HOKIN choked WALKER until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation. HOKIN immediately ran to Merrylands Police station to report the matter. As a result HOKIN was charged with manslaughter. It appears that even though the fight started as a result of an unwanted sexual advance from WALKER to HOKIN, the motive behind this death was self defence, and this is backed by the coroner's report and from the DPP withdrawing all charges.</p>	<p>Additional lines of enquiry identified include;</p> <ul style="list-style-type: none"> <li>* Whether there were any other differences not related to sexual orientation that may be a factor (e.g. race, religion, disability, etc)</li> <li>* Ascertain the POI's views on homosexuality and how he felt when he was approached by gay males</li> <li>* Assessing previous bias crimes that may have occurred in the area</li> <li>* Ascertain the POI's opinion on any sexual orientation bias crimes that may have occurred in the surrounding area</li> <li>* Whether the POI had expressed anti-gay sentiments or actions prior to the incident</li> <li>* Clarification with the witnesses if they POI had ever expressed anti-gay sentiments in the past</li> <li>* Direct questioning of the witnesses in relation to whether they believed it was bias motivated or not (being mindful that the witnesses may hold anti-gay biases)</li> <li>* Ascertain the level of anxiety (fear) of gay males the POI had</li> <li>* Determining if the previous GBH charge against the POI had any bias motivation</li> <li>* Determining if the POI's only choice was to kill the victim or if he acted more aggressively than normal because the victim was gay</li> <li>* Determining the level of anxiety (fear) the POI felt towards gay males</li> </ul>	<p>Insufficient Information</p>	<p>Although the actions of the POI can be seen clearly as self defence following the unprovoked assault by the victim after his sexual advances were rejected and he was asked to leave the POI's premises, the question remains as to whether the level of force used by the victim was excessive. The basis for this concerns lies in the POI's statements around his anxiety (fear) of homosexuals. If the POI had a true phobic scale response to the victim, he may have either consciously or unconsciously applied greater force to the victim based on his anxiety (fear), which he would not have applied to individual who was not gay.</p> <p>Even if it was determined that the victim used greater force than he would normally use, it would not automatically determine that the incident was bias motivated. Bias motivation is a conscious thought, even though the basis for the bias is generally unconscious thought process, that is the POI intentionally targets an individual because of their biases. If the POI unconsciously used greater force, then the incident would be determined to be a Not Bias Crime, however as the level of anxiety (fear) of gays the POI had is unknown, the incident is unable to be classified. If the POI had subdued the victim but consciously decided to continue inflicting damage on the victim because he rationalised the victim was a lesser being because of his sexual orientation then the incident was a bias crime.</p> <p>Whilst this assessment may be controversial and may be seen by some to be splitting hairs, the question of the level of anxiety (fear) the POI had is an important question that needs to be effectively answered for the outcome to be as transparent and impartial as possible.</p>
<p>3</p>			

AV General Comments	AZ Assessed By:	BA Date Assessed:
<p>1</p> <p>There appears to be a lack of understanding of the indicators by investigators. In indicator (1) Differences twice a failure to understand the prompts has been exhibited. The first occasion is the prompt 'Victim is a member of group outnumbered by members of another group in the area where the incident occurred'. The investigators appeared to believe that this relates to the victim being a member of a group such as a social or sports group. The purpose of this prompt is to ascertain if the victim is a single or small group member of an immutable characteristic group e.g. was he the only gay/bisexual male in the area. The next prompt identified was, 'Historical animosity exists between the victim's group and the POI's group'. This prompt is designed to raise questions about hostility based on group identities not individual conflict as highlighted by the investigators and whether the incident was a result of ongoing historical disputes e.g. conflict by Serbs and Croats or Shia and Sunni or a history of hatred based on sexual orientation.</p> <p>In indicator (5) Previous Existence of Bias Incidents the investigators have misunderstood the prompts. The prompt 'Victim was visiting a location where previous bias crimes had been committed against members of the victim group' there is no information to indicate whether the line of enquiry regarding individuals being of the gay community being targeted at the 'Bottom's Up' bar (a known gay venue) has been explored. Additionally for the prompt, 'Several incidents occurred in the same area and the victims were members of the same group' there is no evidence to indicate whether the line of enquiry of other hate crimes in the area of the victim's residence or the area of the Rex Hotel have been explored. The presence of hate crimes in the vicinity of these two areas may indicate targeting of the gay community and/or targeting of the victim. In the prompt, 'Recent bias incidents or crimes may have sparked a retaliatory bias crime'. This prompt is designed to generate a line of enquiry in relation to a targeted community retaliating against the offending community members.</p> <p>The indicators appear to have been used a check list by the investigators. The indicators are designed as aide memoir to prompt further questioning and lines of enquiry not a check list. The investigators appear to have limited their line of enquiries to the prompts, which is the inherent danger of using the indicators as a checklist. The prompts listed are key prompts but are not the be all and end all of line of enquiries. Use of the indicators as a checklist is likely to limit the scope of the investigation and negatively impact on results.</p> <p>The assessment appears to have only focussed on sexual orientation and has not taken into account the possibility of another immutable characteristic being targeted or multiple immutable characteristics being targeted (intersectionality). The binary nature of the thinking that the motivation must be either sexual orientation related will limit the scope any line of enquiries. Although the review is focussed on alleged gay hate murders, to effectively prove/disapprove sexual orientation as a bias motivation all possible bias motivations need to be considered and the victim needs to be seen through the lens of being more than a gay man.</p>	<p>Sgt STEER</p>	<p>11/23/2016</p>
<p>2</p> <p>There appears to be a lack of understanding of the indicators by investigators. In indicator (1) Differences twice a failure to understand the prompts has been exhibited. The first occasion is the prompt 'Victim is a member of group outnumbered by members of another group in the area where the incident occurred'. The investigators appeared to believe that this relates to the victim being a member of a group such as a social or sports group. The purpose of this prompt is to ascertain if the victim is a single or small group member of an immutable characteristic group e.g. was he the only gay/bisexual male in the area. The next prompt identified was, 'Historical animosity exists between the victim's group and the POI's group'. This prompt is designed to raise questions about hostility based on group identities not individual conflict as highlighted by the investigators and whether the incident was a result of ongoing historical disputes e.g. conflict by Serbs and Croats or Shia and Sunni or a history of hatred based on sexual orientation.</p> <p>A misunderstanding of the prompt 'Several incidents occurred in the same area and the victims were from the same group' in the (5) Previous Existence of Bias Crime Incidents indicator. The investigators appear to believe that this prompt relates to social groups, not victim group.</p> <p>The indicators appear to have been used a check list by the investigators. The indicators are designed as aide memoir to prompt further questioning and lines of enquiry not a check list. The investigators appear to have limited their line of enquiries to the prompts, which is the inherent danger of using the indicators as a checklist. The prompts listed are key prompts but are not the be all and end all of line of enquiries. Use of the indicators as a checklist is likely to limit the scope of the investigation and negatively impact on results.</p> <p>The assessment appears to have only focussed on sexual orientation and has not taken into account the possibility of another immutable characteristic being targeted or multiple immutable characteristics being targeted (intersectionality). The binary nature of the thinking that the motivation must be either sexual orientation related will limit the scope any line of enquiries. Although the review is focussed on alleged gay hate murders, to effectively prove/disapprove sexual orientation as a bias motivation all possible bias motivations need to be considered and the victim needs to be seen through the lens of being more than a gay man.</p>	<p>Sgt STEER</p>	<p>11/23/2016</p>
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