

From: [Derek Dalton](#)
To: [Rebecca Scott Bray](#)
Subject: FW: Parrabell - 3 outstanding cases
Date: Monday, 20 February 2017 2:35:00 PM
Importance: High

Hi gorgeous,

This is the fabric of my life. Trying to “communicate” with W. Back engineering at every turn.

I tell you R. I could cry I am so stressed trying to get him to work as a team member.

F*rk knows what will occur in Sydney.

Derek

From: Derek Dalton
Sent: Monday, 20 February 2017 2:32 PM
To: Willem de Lint [REDACTED]; Danielle Tyson
[REDACTED]
Subject: RE: Parrabell - 3 outstanding cases
Importance: High

Dear Willem and Danielle,

I have amended the EXCEL sheet in light of the feedback and will send it to the police soon. I will stress this is our preliminary coding that might get revised in light of the meeting on Friday.

Allow me to chime in on some of the issues raised below:

Danielle, please see below what I pulled together to try to streamline bias crime detection. Derek, as we discussed I think we need an agreed upon tool before we make a guess at what to say. If we merely reproduce the checklist we are given by the police, we really do not have much of a function, as we are adding no new criteria on which to base our decision. If we do not add any evaluative criteria, then there is really is no value added.

Willem. I find some of this cut n pasted material fairly unhelpful just supplied as is (Brax is particularly problematic – we have no way of answering or applying some of these concepts). I too have a list of definitional ideas gleaned from reading [not yet properly synthesised] that might go to help shape such a tool. However, we have DONE the codings already. Our rushed attempts to *back-engineer* a tool feel very fraught to me. However, a **short definition** might be achievable in the short term

The literature tells us that many BIAS crimes are “message crimes” (send a message that gays are less deserving of respect and tolerance than non-gays) – but trying to determine which of our cases might be message crimes is not very helpful. I would shudder to think we dare devise a column that says “message crime”. Sure, we could identify a few, but for most we would be guessing.

And the spatial dimension stuff is not very helpful (all of these crimes have a spatial dimension)

PS: in terms of the first definition you supplied, the use of the word “predatory” is problematic. Some of the violence might be somewhat opportunistic {Perpetrator encounters a guy he perceives to be gay and decides to attack him}

I should also stress – we aren’t just reproducing the checklist – but *critiquing* it.

that *distinguishes* the offender from *cultural identification* with another (ie. the victim’s presumptive socio-cultural associations) What does this mean? Very confusing.

I certainly think we can try to devise a **simple language description** of **what we think a BIAS crime is** that we might take to Sydney. We can shore it up with the dozens of academic references later. Of course – as the literature suggests – such a definition is profoundly elusive. Three books make this point.

It should be clarified if the bias crime is stipulated as anti-gay bias as opposed to anti-paedophile bias. If the offender is identifying a person as a paedophile and has an animus towards him on the basis of that discrimination (which may be generated out of historical trauma), yes, it is likely a bias crime, but it will also distort the count (since it is assumed that we are concerned with anti-gay bias). So on this dimension, following my definition below, yes, there is an identification with the victim with a “vulnerable position”, but, no, that identification is not necessarily with the intended category of vulnerability (homosexual). There is also a *distinguishing act of violence*, but it doesn’t matter, because the identification is out of category.

How paedo and homo play out in terms of accounting for BIAS

This is still a mess. I actually DISAGREE with Mason. Because so many perpetrators seem to equate paedophile with homosexuality however flawed that conflation is), I think that anti-paedophile BIAS must initially be counted as BIAS (we can write a section that teases out this tension).

You are right Willem – we are concerned with Anti-gay bias – but the way that paedophilia plays into this assessment is still unclear. I am not sure what the solution is now some 2/3 days before we leave for Sydney.

Willem are you free Tues or Wed for a 2 hour block to try and “sort” some of these issues out and come up with a simple language BIAS crime definition [perhaps with some applicable categories]. Backwards forwards emails won’t work. Danielle, we could try to include you depending on your availability etc.

We are (for better or worse) locked in to our FRIDAY meeting and I agree clarity re: what we think and what our **definitional boundaries/criteria** are would be helpful.

Thanks

DD

From: Willem de Lint

Sent: Monday, 20 February 2017 1:00 PM

To: Derek Dalton [REDACTED]; Danielle Tyson

Subject: Re: Parrabell - 3 outstanding cases

Hi Derek and Danielle

Danielle, please see below what I pulled together to try to streamline bias crime detection. Derek, as we discussed I think we need an agreed upon tool before we make a guess at what to say. If we merely reproduce the checklist we are given by the police, we really do not have much of a function, as we are adding no new criteria on which to base our decision. If we do not add any evaluative criteria, then there is really is no value added.

Also, since we do not know how the police are using their checklist (what happens when there is no excessive violence, the offender is not known to be be gay, etc., how does that impact the evaluation?), following their method produces unreliable results.

It should be clarified if the bias crime is stipulated as anti-gay bias as opposed to anti-paedophile bias. If the offender is identifying a person as a paedophile and has an animus towards him on the basis of that discrimination (which may be generated out of historical trauma), yes, it is likely a bias crime, but it will also distort the count (since it is assumed

that we are concerned with anti-gay bias). So on this dimension, following my definition below, yes, there is an identification with the victim with a "vulnerable position", but, no, that identification is not necessarily with the intended category of vulnerability (homosexual). There is also a *distinguishing act of violence*, but it doesn't matter, because the identification is out of category.

So on this I would classify all the suspected anti-paedophile cases out, consistent with Mason's suggestion, if that is how I read it. I don't know if Tonks or Gillies are in this category. Don't have enough information, that's why I think II. As for Dempsey, he may fit the restricted definition. Could live with SBC.

Willem

Definition

Bias Crime

1. the *identification* of a victim with affiliation(s) with *vulnerable positions* in the socio-cultural hierarchy
2. an act informed by a motive involving an *animus or hostility* against a person or group (often by means of a predatory violence that harms a victim)
3. that *distinguishes* the offender from *cultural identification* with another (ie. the victim's presumptive socio-cultural associations)

Dimensions/factors

Using Brax (2017)

Motive: bias, prejudice, racial/etc animus

Intention: what was the offender attempting to do? (eg. strike fear in others in that group) (Perry 2003:9): hate crime is a message crime)

Discrimination: is a vulnerable person included for this animus

Expression: how is the act carried out to demonstrate the animus (for instance, it might have spatial dimensions ('racism is spacism' Hesse 1993).

Effect: was the effect consistent with a bias motive and intention and expression?

Willem de Lint
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From: Derek Dalton
Sent: Friday, 17 February 2017 1:57:44 PM
To: Danielle Tyson; Willem de Lint
Subject: RE: Parrabell - 3 outstanding cases

Hi All,

Thanks Danielle. No need to chat I. I am sure I can just tally up where we stand and – if still disagree- report that.

I might have mis-categorised Dempsey on the EXCEL. Not sure how that happened. Sorry.

Have a great week end.

DD

From: Danielle Tyson [REDACTED]
Sent: Friday, 17 February 2017 1:52 PM
To: Derek Dalton <[REDACTED]>; Willem de Lint
<[REDACTED]>
Subject: RE: Parrabell - 3 outstanding cases

Dear both,

I am happy to revisit these but have the following comments to make.

Re Tonks (41) – Police say SBC, we said II. My question is, on the basis of which bias crime indicator is SBC determined? Only one. Bias Crime indicator No. 1. Which actually was BC. All the others have been determined as II (indicator 2, 7, 8, 9, 10) or NBC (indicator 3, 4, 5, 6). So what is the rationale? Surely this has to stay at II.

Re Gillies (59) – I can live with SBC or II depending on what Willem says.

Re Dempsey (67) – we already agreed it was SBC, so I still say it should be SBC.

[REDACTED]

Best wishes,

Danielle

From: Derek Dalton [REDACTED]
Sent: Thursday, 16 February 2017 5:35 PM
To: Danielle Tyson [REDACTED]; Willem de Lint
[REDACTED]
Subject: Parrabell - 3 outstanding cases

Hi Danielle and Willem,

I hope you are both well.

It occurred to me (with the week almost having flown by) that we need to try (if possible) to reach a consensus about the following 3 disagreement cases:

Gillies (59) – Police say SBC
Tonks (41) - Police say SBC
Dempsey (67) - Police say NBC

I know that Willem and I are still finessing a more robust instrument (and definition of BIAS) to stand by (in terms of defending our classifications) but that will take time and is perhaps not that pressing (even though we meet police next Friday)

I promised the police our INITIAL findings by 5pm Friday so that they can have a look at them ahead of the meeting. If necessary we can send them mid-morning MONDAY

I think that for me Gillies should be SBC. (With the emphasis on SUSPECTED) I know there is all that stuff about remembering assault of sisters but to me the comment about “tried to root me” is telling. I can live with I/I

For Tonks (such a violent death) I agree with the police that it is SBC (although I think the revenge idea at play makes me also lean towards I/I – which I can live with if that’s what you two favour

For Dempsey (see attached PDF) **I am of the mind it really should be SBC** [This is the only one I am really adamant about] – but I guess I could live with I/I [although that really flies in the face of the two ideas at play in the EXTRACT above from Tomsen.).

As a general comment, If we DIVEST cases of their SBC category and go for I/I– that’s fine – just keep in mind that some of these cases are notorious and we could attract some heat. That’s fine, we just need to be able to rationalise our determination.

I know this continues to be a very challenging process, but I would like to reach a consensus so that I can amend the EXCEL sheet.

I we decide to still disagree – so be it – no drama - we can do that – I am merely seeking to ask

if, at this stage we might be able to reach some sort of consensus.☺

I spoke to the ACON fellow Michael Atkinson for 2 hours today to win his trust. Lawyers are processing request to share dossier documents. He think they will say yes. I am meeting him next Thursday in Sydney. Willem, you are most welcome to come with me if that suits your schedule (I think I said we would meet at 1pm. If your plane gets in later than mine you can always join us later. No doubt we can sort it.)

And I found some interesting ideas from Gail Mason – she seems to argue one (as a general principal) should NOT include paedophile in any accounting process for BIAS [Perhaps I can soon scan that page for you both]

I have lots of other definitional stuff (from readings) to process.

Thanks

DD

Dr Derek Dalton

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