

A third inquest ordered into cliff fall death of young man

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American PhD student Scott Johnson had been in Australia less than three years before he plunged to his death from the cliff tops at Sydney's North Head. A first inquest concluded that he'd suicided. In 2012, Deputy State Coroner Carmel Forbes overturned that finding. For the past eight years, Scott's brother Steve Johnson has employed a team of investigators in an effort to prove that Scott met with foul play.

Transcript

EMMA ALBERICI, PRESENTER ("EA")

STEVE JOHNSON, BROTHER ("SJ")

PAMELA YOUNG, HOMICIDE SQUAD, UNSOLVED HOMICIDE TEAM, NSW POLICE ("PY")

EA American PhD student Scott Johnson had been in Australia less than three years before he plunged to his death from the cliff tops at Sydney's North Head.

The 27-year-old was described by those who knew him as a kind, gentle introvert and a maths genius.

He'd moved from his hometown of Los Angeles to start a new life with his partner, Michael Noone.

A first inquest concluded that he'd suicided. In 2012, deputy state coroner Carmel Forbes overturned that finding. She said it was impossible to know whether Scott's death had been the result of a suicide, an accident or a homicide.

For the past eight years, his brother Steve Johnson has employed a team of investigators in an effort to prove that Scott met with foul play.

SJ Yeah, it's straight ahead and there's a wall coming up and there's a hole in the wall.

EA Steve Johnson is on a mission to find out what happened to his brother up here at North Head in Manly in December, 1988.

SJ So this wall really provided sort of a privacy barrier to the beat, which was over on the right.

EA An inquest in 2012 couldn't determine whether keen bushwalker Scott Johnson fell, if he was pushed or, as the initial investigation found, he jumped and took his own life.

A fisherman found his body on the rocks below.

SJ The breeze always makes me remember how peaceful and serene a young man he was. Then I think about what his last moments might've been like, the last moments, possibly of terror, looking into the eyes of his attackers, if that's what happened, and, you know, it's horrible to think about.

EA Steve Johnson won't entertain the idea that his brother killed himself.

Today in the New South Wales Coroners Court, counsel assisting the Johnson family revealed that 50 persons of interest had been identified. Investigators, most of whom were working

for Steve Johnson, found that five gangs were operating in the same general area where Scott Johnson's body was found. They robbed and bashed gay men.

- SJ** We think that the police spend a lot more time looking for evidence of suicide than for evidence of violence. We have submitted more than 50 names of persons of interest. The police talked to all of those people and we think single-mindedly ruled them out. We see great hope in a new inquest because the coroner will have the ability to call some witnesses.
- EA** The coroner ordered that an unprecedented third inquest into Scott Johnson's death should be held. He also agreed to make public a two-year investigation by the unsolved crimes unit of the homicide squad.

Scott Johnson died at North Head in Manly. It was a place which was known to have been a gay beat, a place where gay men met to have casual sex.

The police investigation found only one other case of violence in the vicinity of where his body was found. A mentally ill man was charged and convicted of stabbing another man. No unexplained deaths were recorded in and around these cliff tops.

Detective Chief Inspector Pamela Young's team did find crimes against gay men in the '80s and '90s in many other parts of Sydney. In Narrabeen, in Balgowlah and in Marks Park, Bondi.

This latest investigation by Pamela Young was supposed to be the most thorough and comprehensive look at every piece of evidence that had been brought to bear so far. Why do you believe that investigation has been incompetent?

- SJ** So when Minister Gallacher ordered Strike Force Macnamir and asked Pam Young to meet with us in his office, that was Day 1, and she - she acted towards us with open hostility and that hasn't changed since the beginning to today. And we don't know why. We've always imagined she felt it was important to reaffirm the police's original suicide verdict. Somehow, back in 1988, the police missed the fact this was a gay beat. Suicide never would've been the leading possibility if that had been acknowledged. There were gangs in court the day before Scott died in Manly.
- EA** 26 years after Scott Johnson's death, police remain of the view that suicide is the most likely explanation. Four years before his death, Scott had moved from his hometown of Los Angeles to live in Canberra with his Australian boyfriend, fellow academic Michael Noone. In his evidence, Michael Noone mentioned to police that Scott had previously talked about throwing himself off the Golden Gate Bridge. He'd been unfaithful in the relationship at the time and was feeling guilty.

In his statement, Michael says - in regards to his ultimate death, he says, "You can go to a gay beat seeking sex with somebody and be so full of remorse afterwards or disgust that you can then suicide." That might be a possible explanation for what happened to Scott in terms of what happened to him eventually.

SJ It's a possible explanation. It's very doubtful. Scott had received great news from his professor that day about his PhD and no doubt in my mind he put his pencil down after his conversation with his professor and went to go celebrate and find companionship.

EA The police report also includes the transcript of an interview with Steve Johnson about his relationship with his brother. Both were brilliant mathematicians, both loved the outdoors. They grew closer during a dysfunctional childhood during which their alcoholic stepfather attempted to "correct" Scott's sissiness.

Michael Noone told police that Scott was desperate for his brother's approval and was hurt by what he saw as the rejection of his homosexuality.

SJ I helped him get his visa here, I encouraged him. He came - Scott came to visit me twice a year while I was here in Australia. I was very supportive of his relationship with Michael.

EA Michael says in his statement that when they visited you together, that your wife wasn't comfortable having a gay partnership stay in your home.

SJ It was a little more like there wasn't room. So I was a graduate student and both Scott and I were pretty poor and penniless at the time.

EA Far from the struggling student he was when his brother was still alive, Steve Johnson is now known as one of the world's leading internet pioneers. He developed the algorithm that first made it possible to send photos online. He sold his company to AOL for many millions of dollars.

In the weeks before his death, Scott Johnson became fascinated by the life and work of celebrated mathematician Alan Turing. He read a biography that revealed a brilliant gay man who took his own life at the age of 41.

EA Detective Chief Inspector Pamela Young led Task Force Macnamir, a two-year investigation into Scott Johnson's death. She rejects any suggestion that police did anything but a thorough review of the case. In this exclusive interview with Lateline, DCI Young accuses Steve Johnson of using his status as a powerful and connected businessman to influence the investigation into his brother's death. I spoke to Pamela Young just a short time ago.

Pamela Young, welcome to Lateline.

PY Thank you.

EA Do you accept now that the initial investigation into the death of Scott Johnson back in 1988 was flawed?

PY Not at all. It was to the standard of the day. It was accepted by the coroner then. And there's still evidence and information that Scott may have suicided. I haven't found anything that completely eliminates that as a possibility. In fact we've been included some extra information

and evidence about a possible suicide by Scott at North Head in the current brief of evidence before the coroner.

- EA** An initial finding of suicide was made without questioning the family about Scott's state of mind.
- PY** Yes, well, the family hadn't seen Scott for - I think it was about three months, and that was his big brother, Steve Johnson, was last person he saw in the family. They may have had some phone contact or letter contact was more frequent in that time. But it wasn't absolutely necessary in the timeframe, being three months. There were people who saw Scott, socialised with Scott, studied with Scott, travelled with Scott. Much more closer to the time of his death. But of course, now, with our use of victimology, looking much more closely what people's backgrounds are like, what might operate on their minds, we certainly have included extensive information from the family, particularly Steven Johnson, about Scott and how Scott interacted with the family.
- EA** There is of course evidence in your own report that some police at Manly in the late '80s, early '90s were indeed homophobic and expressed that view quite openly, for instance, to members of Michael Noone's family, who - Michael Noone being Scott Johnson's partner at the time.
- PY** Mmm. There was one reference, very inappropriate and wrong, from an officer to Mr Noone's sister, who lived in the same household with Michael and Scott, about whether she still loved her brother, being Mr Noone, knowing what she did about him. That was an extraordinary - and questions should never have been put, but that's one officer. I'm not aware of any other homophobic evidence or information that we have.
- EA** Today we hear senior counsel John Aegis, representing the Johnson family, drop quite a bombshell when he said there were 50 persons of interest in this case - presumably he means people who might be connected, involved in some way with Scott Johnson's death. And he says on top of that, they've identified five gangs who preyed on gay men in the same general geographical area to that where Scott Johnson's body was found.
- PY** Well I was surprised by those comments. I think he might be plagiarising things from my own statements to the coroner because unless they're talking about separate persons of interest in separate gangs, I do believe they could only refer to the ones that appear in my reports to the coroner. I haven't added them up particularly, but they might total that number. That, though, was part of our extensive look at all gay hate crimes or potential gay hate crimes and who had committed them, who was suspected to have committed them and who was charged with committing offences. So unless they're separate numbers altogether, separate people and they've not brought that information to us, the bombshell really wasn't a bombshell because it is something that's been before the coroner since the brief was served to the coroner last year. So, not a bombshell as far as I'm concerned.
- EA** Well if there are 50 persons of interest and there were five gangs operating targeting gay men in the same general area, then how can you be so sure that it wasn't a homicide?

- PY** Well, let's be clear about general area. It's not North Head. There are no reports of violence on North Head with the exception of a stabbing in 1986 which was not gay hate-related and resulted in the conviction of the man who stabbed another man up there. If his - if those figures come from my reports, they include a lot of crimes in the eastern suburbs, Randwick, and as far north as Newcastle and as south as Wollongong. So, they're certainly not in the general area of North Head or Manly. There certainly were gay hate crimes reported in Manly at the public toilets, at both ends of The Corso and what was called then the Totem Shopping Centre up at Balgowlah. So, there were those reports that were responded to by police and some people were charged. Not all crimes were reported in a way that police could charge people.
- EA** What of the claim by the Johnson family that there are at least 30 people whose deaths are unsolved and could fit the profile of Scott Johnson's death and therefore be linked in some fashion, the presumption being that there was some gay hate crime involved?
- PY** Mmm. Yes. Well again, they perhaps are using definitions of gay hate crimes that suits their purpose. I'm aware of those crimes that they've suggested. They've all been looked into independently by us, whether or not the Johnson family mentioned them. We have eight from that list that are counted as unsolved homicides, which are probable or possible gay hate crimes - that's eight over a number of years.
- EA** So what links them?
- PY** The fact that they were gay or may have been suspected to be gay. So a crime might be committed - there might be a gay beat, for instance, say, Randwick Park or Marks Park at Bondi is a good example, where a man could be assaulted there by someone with a gay hate motive, not because they know that that person is gay, but they think they might be 'cause they happen to be in that area. So a very horrible targeting of people there, whether they're gay or not. But - so some of those - of those eight, they might not even be homosexual males, but they can be regarded as a possible gay hate crime because of the area that they were targeted.
- EA** How credible did you find Michael Noone, again, Scott Johnson's former partner? How credible was his evidence that Scott Johnson had spoken of a previous suicide attempt?
- PY** He's been consistent and he's been hurt by different interpretations that maybe he made it up and I think that's definitely the position that Scott's family have taken against him. So, I have found it credible. It's consistent with what he said right from the start and continued to be consistent when we spoke with him again. He has been very cooperative and always made himself available. And we have tackled him, looked at all the possibilities with him. He loved Scott and he has done the right thing with the investigation. And also he has provided the names of two mutual friends of his and Scott's who he told about Scott's very sorry attempt at suicide at the Golden Gate Bridge or at least thinking of attempting to jump from the Golden Gate Bridge to mutual friends. I think it's very important to mention the Golden Gate Bridge and compare it to North Head in that people can choose many varied ways of suicide. Scott has, some years before 1988, chose to at least speak about him thinking of suiciding

from a height over water; it happened to be the Golden Gate Bridge. Lo and behold, in 1988, his body is found at a height of 60 metres from a cliff over water.

EA Steve Johnson has told us that you personally have displayed open hostility toward him and toward any efforts to move beyond a suicide finding.

PY Mmm. Mmm. The fact that our relationship has broken down is a point of sorrow for me. It has never happened with any other next of kin, as we call them, never, ever. In fact many next of kin and I, we catch up regularly and we speak to each other. So I was disappointed that our relationship broke down. But I wonder if it might be that Mr Johnson always struck me as someone who was quite determined to have one outcome, that he used influence, including I consider influence on the Government, to make the death of Scott a priority in my office over other jobs that we had. And I think someone who resisted that influence that he felt quite confident about, and that person was me, I think he did have that - I felt he had that thought: if I wasn't with him, then I was against him and that was never the case.

EA Steve Johnson has told us he sees you personally, Detective Chief Inspector Pamela Young, as being biased against any other finding but suicide.

PY No, not at all. My reports include comments on misadventure, my reports include homicide. It's all-inclusive. And anyone who reads it will know that. This grab, this speculation about what's in my report, or more specifically what's not there, that I've purposely left out parts, it is offensive and not true. And I really hope that this is a time now where the full facts can be scrutinised, and by all means, if the coroner wants to criticise me, I will accept that.

EA I must note that in your report, which is now not under any suppression or gag order so we can discuss it, and I've looked at it, I note that the New South Wales Crime Commission had a look at your investigation. Why was the NSW Crime Commission asked to look at the investigation of Scott Johnson's death?

PY Well it threw me a bit that that's what my commander wanted to do, but his thought was, "Let us, with this scrutiny, this influence that the Johnson family have to put out simple statements that don't reflect all the facts, let's get another government agency charged with an investigative role to review Strike Force Macnamir - that was my investigation - and to see if they could contribute anything." They have different laws and authorities on which they can work. And they reviewed it and they've decided - they decided that it was very good or adequate - I can't think of their words, but nonetheless ...

EA I think they said thorough and comprehensive.

PY There you go. It certainly wasn't deficient, nor could they add anything to what we were doing anyway.

EA If, as you say, there are no new leads that have been established as a result of your two-year investigation, then how do you explain the coroner's decision today to hold a third inquest, something that is by all accounts unprecedented in NSW?

- PY** Mmm. Um, I don't think I've said that there were no new leads. I certainly have been reluctant to talk in terms of new evidence. When I - dealing as I have in the area I have, evidence means a certain thing, reaches a certain criteria. There's certainly new information. We have had a man now who said he was a teenager who did purposely attack gay men in the North Head area, but that has some lack of credibility in my view. Of course it can be assessed by the coroner, so I want - and I want it to be and it's all disclosed in my statement. I'm not personally convinced of its credibility. I will be very interested to see if something develops from that, and I would welcome - if he manages to confess or gets one of his mates to confess, I would welcome it. It would be a sweet relief. But I just don't feel that there's the credibility in what he has told us so far.
- EA** And before I let you go, I must pick up on what you said just a moment ago when you talked about the influence Steve Johnson has had over the Government and others. Where do you think that comes from?
- PY** Well I first saw it in the office of the Police Minister at the time, Mr Gallacher. He called me in for a meeting after he'd arranged it with the Johnson family and I - my input wasn't invited or welcome, but I saw a lot of what I would describe as kowtowing by the minister and his staffers to Steve Johnson in particular. I was amazed and incredulous. I didn't understand. I was quite confused. I wasn't understanding what was happening. I did think the process and how we helped families to understand what's possible is to manage their expectations. Steve Johnson arrived with very high expectations about finding that Scott had been murdered. And my role is to help them see that that might not always be possible if there's not the evidence there. But I did see the former Police Minister encourage and invite him to do more media and to go along the lines of the - what I would call not representing all the facts of matter in the media. So I - and sorry, the minister expected that the resources of the unsolved homicide team would be made available to Steve Johnson. Now, the minister didn't ask, but I have the responsibility of hundreds of families who expect thorough reviews and expect successful reinvestigations. They have lost loved ones too. And they come from all walks of life. Some are not as well off as others. And my role and the role of the commander of the homicide squad is to treat them equally. It is about their loss of a family member. It's not about who they are, who they influence, their status or a network that they have. And I found it very unsettling and I haven't seen that before. And when our deputy commissioner became aware of that meeting, he was shocked that it had happened. It was something that's not protocol and not - not routine.
- EA** How did Steve Johnson manage a meeting of that sort with the Police Minister?
- PY** Yes. Well, to be frank, there was some panic over the Australian Story that came out the night before. We had word that the Johnson family were being profiled by Australian Story - which is fine. I'm actually - I very much like that show. I like the format. It's a nice profile piece. But unlike myself, others were very concerned that that would be overly critical of the police. So - one of those people apparently was the minister, who rang my commander of the homicide squad and also rang the Johnson family and arranged the meeting and gave them their strike force, their priority over everyone else's death.

EA And you think that was improper?

PY Absolutely improper. Absolutely improper. Wrong on every level in relation to homicide investigations. Victims are equal. It was very wrong.

EA Pamela Young, thank you very much for coming in.

PY Thank you, Emma.

Author

Emma Alberici