

Strike Force Macnamir – Death of Scott Johnson – Briefing Note – April 2015

Background

At 10.55am on Saturday December 10, 1988 Scott Russell Johnson, 27 old, was found deceased by fishermen at the base of North Head in the vicinity of Blue Fish Point, Manly. The deceased was an American citizen who had been residing in Australia on a student visa. He was **completing** a PhD in Mathematics at **the Australian National University and Macquarie University** and was known as a **gifted student**. The deceased was a homosexual man who lived with his partner, Michael Noone in Canberra. When in Sydney Scott would stay at the home of Michael Noone's parents in Lane Cove. It was at this address Scott was last seen alive on 8 December 1988.

Previous Coronial Proceedings

By way of brief background, on 16 March 1989, following an investigation conducted by Manly Police, an inquest into the death of Scott Johnson was held before Deputy State Coroner Derrick Hand. It is recorded that Coroner Hand was of the view that the matter had been fully and properly investigated and found that, *“The deceased, between the 8th and 10th day of December 1988, at North Head, Manly, north of Blue Fish Point in the State of New South Wales died of the effects of multiple injuries sustained then and there when he jumped from the top to the rocks below with the intention of taking his own life”*.

The primary Johnson family members and associates (the Johnson family) include Steve Johnson (Scott's brother), Rebecca Johnson (Scott's half-sister) and their employee Dan Glick (an author and journalist), who have over a number of years since the 1989 inquest espoused a belief that Scott Johnson was the victim of a 'gay-hate' related homicide. As a result, the Johnson family commenced private inquiries and a strong and very high profile campaign highlighting their views on the matter.

On 27 June 2012, and following representations made by the Johnson family a second inquest was held before her honour Deputy State Coroner Carmel Forbes. Coroner Forbes concluded that, *“I find that Scott Russell Johnson died between the 8th and 10th of December 1988 at North Head Manly, north of Blue Fish Point, from the effects of multiple injuries he sustained as a result of falling from a cliff. The evidence does not allow me to make a finding as to how he fell”*. **Coroner Forbes made an open finding.**

Deputy State Coroner Forbes also recommended the following to the Commissioner for Police, *“the death of Scott Russell Johnson be referred to 'Cold Cases' for further investigation in accordance with police procedures and protocols.”*

Strike Force Macnamir

In February 2013, the ABC television program 'Australian Story' aired a story concerning the death of Scott Johnson which directly pushed the Johnson family theory that he had been the victim of a 'gay-hate' related homicide. The following morning the former Minister for Police and Emergency Services contacted Steve Johnson and offered support to the Johnson family.

As a result a meeting was held on 12 February 2013 between the Minister for Police and Emergency Services, members of the Johnson family, and members of the Homicide Squad. As a consequence of that meeting the Homicide Squad Unsolved Homicide Team (UHT) established Strike Force *Macnamir* with the stated terms of reference being;

“To reinvestigate the circumstances of the death of Scott Johnson (27 years old) whose body was found at North Head, Manly, on 10 December 1988, with particular reference to information provided by the family of Scott Johnson on 9 January 2013.”

It should be noted that the investigation caused the UHT to re-prioritise investigations into a number of unsolved homicide matters to accommodate this investigation considerably impacting on the effectiveness of the UHT for over 18 months.

Investigations

The Strike Force *Macnamir* investigation was conducted between February 2013 and mid 2014 under the leadership of Detective Chief Inspector Young.

Strike Force *Macnamir* investigators conducted comprehensive investigations into the death of Scott Johnson under considerable pressure, ongoing criticism by the Johnson family including an orchestrated media campaign.

Investigations included extensive inquiries into information provided by the Johnson family to support their theory that he was the victim of a 'gay-hate' related homicide including investigations conducted in the context of alleged 'gay-related' assaults on Sydney's northern beaches and other areas of Sydney including Bondi. In total investigators compiled in excess of 30,000 pages of material and electronic recordings.

The Johnson family acknowledge their strategic use of the media to achieve their aims and it is very clear to investigators that regardless of the outcome of Strike Force *Macnamir* investigations they **will** not accept any outcome other than **a public finding** that Scott Johnson was the **victim** of a homicide offence.

From the outset they made every effort to direct the investigation into the death of Scott Johnson towards their desired outcome rather than allow the investigating team to conduct a thorough objective investigation without outside pressure or influence. Those efforts were strenuously resisted.

Sydney Morning Herald articles

On 26 and 27 July 2013 a series of articles written by journalist Rick Feneley appeared in the Sydney Morning Herald/Sunday Herald concerning alleged 'gay-hate' homicides that were allegedly committed in Sydney in the 1980's and 1990's some of which were investigated under Strike Force *Taradale* and the subject of a coronial inquest before former Deputy State Coroner Jacqueline Milledge in 2005. The articles quoted a number of persons including former NSW Police Force Gay and Lesbian liaison officer Sue Thompson.

On 26 July 2013, Detective Chief Inspector Lehmann of the UHT contacted Sue Thompson directly **and** requested that she provide the UHT with any information she had relating to the alleged 'gay-hate' homicides mentioned in the articles. As a result, Ms Thompson forwarded to him a list of cases that she believed may be 'gay-hate' related homicides. *(Those cases were subsequently reviewed and 8 matters were identified as probably 'gay-hate' homicides. No definitive determination could be reached with the majority of the other cases, however 2 of the matters listed had in fact been solved).*

On 5 August 2013, the Commander of the Homicide Squad participated in an interview with journalist Rick Feneley concerning alleged 'gay-hate' homicide offences and appealed for anyone with evidence relating to particular alleged homicides to come forward to police.

On 8 August 2013, following a further article on the matters by Rick Feneley, the Commander of the Homicide Squad was contacted directly by Sue Thompson. Ms Thompson forwarded a spreadsheet outlining further details and notes about the cases that she believed may be 'gay-hate' related homicides.

On Friday 23 August 2013, the Commander of the Homicide Squad and Detective Chief Inspector Young engaged in a teleconference with Steve and Rebecca Johnson at the request of Steve Johnson. The call

lasted approximately 1 hour. **During that call Steve Johnson referred to** a very direct reply by Detective Chief Inspector Young to an email from Rebecca Johnson. **Rebecca's** email implied that the view of the Johnson family had shifted from believing that Scott Johnson had been the victim of a gang committing assaults on homosexual men to police officers not only being complicit in those activities by actively involved in his death (*the original position of the family was that Scott Johnsons then partner Michael Noone was complicit and moved to believing that gangs committing assaults on homosexual men were responsible before this further position*).

During the call Steve Johnson was at irrational and at times crying (Rebecca Johnson was quite calm and did not speak much). At various points Steve Johnson resorted to alleging that the original officer in charge of the investigation into the death of Scott Johnson in 1988 was actively involved in "stopping" an investigation into his brother's death for the past 25 years. He further inferred that a senior member of the Unsolved Homicide Team was involved in a conspiracy with the original officer in charge to thwart any investigation and inferred that police in 1988 may have been involved in the death of his brother.

Conclusion of major investigations

On 4 October 2013, following a number of discussions, the Commander of the Homicide Squad formally wrote to the New South Wales Crime Commission seeking an independent review of the Strike Force *Macnamir* investigation to determine whether;

1. *"In the opinion of the NSW Crime Commission, Strike Force Macnamir investigators could reasonably pursue any line of inquiry or information not already identified or undertaken.*
2. *Whether, given its legislative powers and functions, the NSW Crime Commission could assist the investigation in any way."*

On 18 February 2014, correspondence was received from the Commissioner of the NSW Crime Commission which stated that *"the Commission considers that investigations have been comprehensive and thorough and has not identified any line of inquiry not already undertaken. The Commission considers that specifically the issues raised by Steve Johnson have been fully explored and resolved to the extent now possible. Similarly, it is considered that there is no scope for the Commission to exercise its statutory powers in a way which would assist the investigation any further."*

Major lines of inquiries conducted included the interview of witnesses, offenders and sources, covert operations, analysis of over 10,000 crime reports from the 1980's, and a proactive media campaign. No evidence was identified that directly relates to how Scott Johnson died, although there is now corroboration of earlier suicide ideation by Scott Johnson. Strike Force *Macnamir* investigators are unable to determine the circumstances that led to the death of Scott Johnson **and are of the belief that the coronial open finding remains consistent with their investigations.** No person **has** come forward with **new** actionable evidence concerning any 'gay-related' homicide **having occurred anywhere in NSW** despite the significant publicity surrounding the Scott Johnson case.

Contact with the State Coroner

On 18 March 2014, after considering the ongoing (and unwarranted) criticisms of Strike Force *Macnamir* investigators and the investigations they have conducted, the Commander of the Homicide Squad formally wrote to the NSW State Coroner Michael Barnes concerning the death of Scott Johnson requesting that his office conduct a further examination (**inquest??**) of the circumstances surrounding the death of Scott Johnson in light of the investigations conducted by Strike Force *Macnamir* stating in part;

"I am of the view that given the particular circumstances surrounding this case, coupled with the interests and beliefs of the Johnson family, a further examination of the circumstances surrounding the death of Scott Johnson in light of the comprehensive investigations conducted by the Homicide Squad

Unsolved Homicide Team via Strike Force Macnamir would be in the public interest and indeed in the interests of justice.

In forming that view I am mindful of Section 25 (3) of the Coroners Act 2009 and notes contained in Waller's Coronial Law and Practice in New South Wales 4th ed. (Abernethy et al, 2010, p 113) which in part suggests that the Coroner's discretion to hold an inquest ought to be exercised with reference to the role of the Coroner and the various purposes which may be achieved through an inquest including (but not limited to), "the wishes of the family or community members and whether an inquest might allay suspicions, rumour, or doubts or concerns held about the circumstances of the death."

Accordingly, and as per our recent discussions about the matter, I write to formally request that your office conduct a further examination of the circumstances surrounding the death of Scott Johnson following the finalisation of current investigations."

Following further discussions with the State Coroner he agreed to consider the matter further and requested that a Coronial statement from the officer in charge (Detective Chief Inspector Pamela Young) be provided to him at our earliest convenience. The State Coroner stated that he would more than likely "call for submissions" on the matter from the Johnson family prior to deciding whether to conduct a further (third) inquest into the death of Scott Johnson.

On 28 March 2014, the Commander of the Homicide Squad emailed Steve Johnson and Rebecca Johnson and advised them that Strike Force *Macnamir* had "completed all significant lines of inquiry." They were also advised them that the NSW Crime Commission had advised that they were of the view that investigations have been thorough and that they could not assist any further and that the Commander of the Homicide Squad, having given the case a lot of thought, was of the belief that it is in the interests of everyone that the case be re-examined by the NSW State Coroner and had written to him formally to request that take place.

Following that date, further lengthy emails were received from Steve Johnson (4 April, 2014 and 8 April 2014) expressing dissatisfaction and demanding a copy of any "report" prepared for the State Coroner. Those emails were forwarded to the State Coroner for his consideration and to ensure that he was aware of the issues raised by the Johnson family. The State Coroner advised that that Steve Johnson had forwarded a lengthy email to the State Coroner himself about the matter.

On 20 May 2014, a further lengthy email was received from Steve Johnson demanding a copy of any "report" prepared by Strike Force *Macnamir* investigators and asking to be advised of the "nature and extent of the investigation your office conducted and its conclusions as we had previously told been told we would be."

Despite having been previously advised of the outcome of Strike Force *Macnamir* investigations on 20 May 2014 the Commander of the Homicide Squad **again** advised Steve Johnson that;

"Strike Force Macnamir has been unable to determine the circumstances that led to Scott's death as has been expressed and implied by us in the various meetings, calls and correspondence to you, Rebecca and Daniel Glick over the course of the investigation. This is our opinion based on the information and evidence that we have gathered. The State Coroner will make up his own mind of course and the process was explained to you in email correspondence 28 March 2014."

On 21 May, 2014, the Commander of the Homicide Squad met with the State Coroner and discussed a range of matters including the ongoing correspondence received from Steve Johnson.

As a result, on 23 May, 2014, the State Coroner emailed both the Commander of the Homicide Squad and Steve Johnson and instructed that all correspondence should be directed to his Case Co-ordinator rather than from the Johnson family to police. The State Coroner also advised that once he had reviewed the Coronial statement from Detective Chief Inspector Young that he may provide it to the Johnson family in order for them to make submissions if he deemed it appropriate.

In June 2014, Detective Chief Inspector Young finalised a 445 page statement into the death of Scott Johnson and it was provided to the State Coroner for his consideration in light of my letter of 18 March 2014. **A supplementary statement has also been provided.** As a result, the State Coroner engaged the NSW Crown Solicitors Office seeking advice as to whether he could and should conduct a third inquest into the death of Scott Johnson.

In the interim the Johnson family engaged well-known barrister John Agius QC to represent their interests during any potential Coronial process.

Release of statement by Coroners' office

In September 2014 Detective Chief Inspector Young was notified by the Coroner's Court Registry that a complete, un-redacted, copy of her 445 page statement had been released **by them due to an administrative error** to litigation lawyers in the United States acting for the Johnson family without the knowledge of police. Inquiries revealed that whilst the State Coroner was absent on leave a request was received by the Coroner's Court Registry for a copy of the statement by the United States litigation lawyers and the Acting State Coroner approved its release without any consultation with police. This was despite the fact that the Commander of the Homicide Squad had previously raised with the State Coroner the sensitive nature of the information contained in the statement and the need to keep it protected.

As a result, the NSW Police Force engaged Senior Counsel – Sarah Pritchard SC – to represent the interests of Strike Force *Macnamir* investigators (and by extension the NSW Police Force) in seeking a non-publication order over the contents of Detective Chief Inspector Young's statement.

Following this, and a number of attempts to find a suitable date for all parties, the State Coroner listed the matter (the death of Scott Johnson) for a 'directions hearing' on 13 April, 2015 where he will hear submissions concerning a possible third inquest into the death of Scott Johnson and on the matter of a non-publication order over Detective Chief Inspector Young's statement (of which a redacted copy has been supplied to the Johnson family's barrister John Agius QC by the Coroner).

Senior Counsel for the NSW Police Force and Strike Force *Macnamir* investigators have been advised that the NSW Crown Solicitors advice to the State Coroner on the matter is that he can, and should, conduct a third inquest into the death of Scott Johnson, **although they do not specify the fresh evidence on which they rely in providing this advice.**

Further comment

As outlined the Johnson family acknowledge their strategic use of the media to achieve their aims...

Michael Willing
Detective Superintendent
Commander
Homicide Squad
9 April, 2014.