

January 9, 2013

To: Detective Senior Inspector John Lehmann, NSW Police

From: Scott Johnson's surviving family: Steve, Rebecca, Terry and Sloan Johnson (siblings of the deceased), Grant Johnson (father of the deceased), Rosemarie Johnson (sister-in-law of the deceased), and Emma, Ruben and Tessa Johnson (adult nieces and nephew of the deceased)

Re: New information pertaining to the death of Scott Russell Johnson

As you requested during your meeting with Rebecca Johnson and Daniel Glick on December 6, 2012 at NSW Police Headquarters in Parramatta, we would like to formally present new investigative material the Scott Johnson family has developed since the NSW Coroner's office June 2012 ruling of an "open finding" that remanded Scott's case to your office. We believe this report details tangible, credible and important leads regarding several unsolved homicides of gay men in the Sydney area in the late 1980's and early 1990's, including that of our brother, Scott Johnson.

In preparing this report, the family has consulted with national experts in Australian gay hate crimes, NSW District Court documents, current and former NSW policemen, members of the gay community, Scott's friends who had heretofore not been interviewed, and lifelong Northern Beaches residents. We have followed these multiple streams of independent evidence to construct this report.

Frankly, Rebecca and Daniel formed the impression that you thought their verbal presentation summarizing the highlights of our new findings was not as compelling as we believe they are. Perhaps we did not present the new material as well as we might have, and we hope this detailed report will be more convincing.

We know your office is aware that during the era surrounding Scott's death, as Operation Taradale painstakingly exposed, loosely-linked groups of young, violent men routinely prowled gay "beats" in the eastern suburbs in order to assault, rob, and sometimes murder gay men. In 1992 the NSW Police Commissioner himself was so concerned about the level of unreported targeted violence at beats *across NSW* that he established a senior level working party to work with the AIDS Council beats experts and report to the Deputy Commissioner (from "Report of Sue Thompson re: Death of Scott Johnson," 1/6/2011 presented to Police and to Coroner at para 1.14. Ms. Thompson was the coordinator and police expert on gay/lesbian issues from 1990 to 2002). The Commissioner's intervention was in response to a long-term, widespread problem, which had been well documented by Thompson and presented to the Commissioner.

Stephen Page, former NSW Detective Sergeant and the lead investigator for Operation Taradale, filed a report to the Coroner in which he stated, "I believe the culture of violence unearthed in the Taradale investigation would have been typical of many beats in this era. I do not believe the Manly area was immune to the violence being experienced against gay men elsewhere in Sydney." (from

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“Consultant Report -- Death of Scott Johnson,” 12/5/2011 presented to Police and to Coroner at para 4.3.)

Our new investigation further details that a virtually identical pattern of targeted, anti-gay violence was unfolding in the Northern Beaches communities around the time of Scott’s death, with serial gay bashers who routinely operated from Narrabeen to Manly to Reef Beach to North Sydney’s St. Leonard’s Park.

The fact of this widespread nature of gay hate violence has apparently been difficult for some NSW police to accept, despite a wide range of available evidence and expertise available to them. In an unsigned NSW police report in 2007 responding to the Johnson family’s report alleging that similar gangs operated along the Northern Beaches at the same time as the now-notorious Bondi murders, the official wrote that the area on the northern side of the Harbour Bridge was “geographically distant” from the eastern suburbs, and as such would not have been subject to the same kinds of anti-gay violence.

That analysis was flawed beyond comprehension, which the reports of ex-Police Detective Stephen Page (Officer in Charge of Operation Taradale) and ex-civilian Sue Thompson (NSW Police Gay/Lesbian Coordinator) make evident. These reports were apparently quite influential in the Coroner’s June 2012 decision to overturn the original suicide finding, and their opinion and expertise remains germane as you consider Scott’s case today.

The attached new report makes their testimony even more abundantly clear, and provides compelling new evidence to further substantiate this fact.

On behalf of the entire Scott Johnson family, we thank you for taking the time to review our findings in more detail now.

We classify this report into the following categories, and will expand on these main points below:

- 1. New, detailed information from District Court records about two specific Persons of Interest we identified in the June 2012 Coroner’s brief; both had been arrested and convicted of multiple assaults and robberies of gay men in multiple Northern Beaches communities around the time of Scott’s death.**
- 2. Names of two additional Persons of Interest not included in our original report, who were also identified in District Court records as convicted gay bashers in Northern Beaches communities.**
- 3. Notably, the name of a key potential witness and source, who was apparently a reluctant participant in several assaults against gay men in the company of the aforementioned Persons of Interest. This man was a material witness to several gay bashings and could provide testimony regarding other acts of violence – and possibly murder.**
- 4. Names of other witnesses who would likely be able to identify other men who participated in similar assaults as occasional members of the aforementioned group but were not named in the court documents.**
- 5. Names of witnesses who may have overheard these and other perpetrators bragging about other bashings and murders.**

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6. **Names of witnesses who may help identify women who were associates of these men and who may have witnessed and/or participated in some of these assaults.**
7. **Allegations of other possible gay-hate murders committed by these and other men, both in the Northern Beaches and in The City.**
8. **Information about other suspicious deaths in the Manly area around the time of Scott's death.**
9. **Interviews with additional witnesses who identified the area around and above the Shelley Beach parking lot as an active gay beat at the time of Scott's death.**
10. **Additional interviews with friends and acquaintances of Scott Johnson who further attest to the unlikelihood of his committing suicide. Police have not interviewed any of these people, either at the time of Scott's death, at the time of the 1989 Inquest, during the 2012 review by Manly LAC at the request of the Coroner's office, or during the 2012 Inquest.**

1. **New information about [NP1] and [NP5]** In our previous brief, we detailed newspaper reports of an arrest for dozens of counts of assault and robbery on homosexual men that occurred in 1986. [NP1] (DOB [REDACTED]) and [NP5] (DOB [REDACTED]) were both named, as was an unidentified juvenile, in both a *Manly Daily* and a *Sydney Morning Herald* account of an arrest at Reef Beach, a few kilometers from where Scott died. We recently obtained records through the District Court Registrar that detail these assaults and robberies committed by [NP1] and [NP5] and show that both men were convicted for multiple counts of assaults on homosexuals in multiple locations. In police interviews and court testimony, [NP1] and [NP5] admitted to roving the Northern Beaches communities from Narrabeen to North Sydney, committing assaults and robberies against gay men during the same time period as Scott's death. These recently obtained court records contain testimony from the assailants, eyewitness testimony, the names of arresting officers, and the names of at least ten victims of these brutal assaults and robberies in at least three Northern Beaches locations.

Herewith a few annotated excerpts from the [NP1] court files:

[NP1]'s barrister suggested that [NP1] may very well know several other perpetrators of similar crimes. Note especially the last sentence below, which indicates that [NP1] could still be a primary source of important additional information.

"At the time of his arrest the prisoner freely admitted his and his co-offenders involvement in these matters. He assisted Police to investigate and apprehend other persons who were subsequently charged with similar matters. He has made contact with arresting Police since these matters and has assisted with information that has led to the successful arrest and prosecution of persons for serious criminal offences. I have spoken personally to members of his family

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*who have supported him through this matter and they are of the opinion that he has rehabilitated himself. **He would be in grave danger if sentenced to a term of imprisonment because of information he has supplied.***

In one interview, [NP1] said, "We heard on the TV and radio about them [gay men] assaulting children. We wanted to do something about it."

Police question: Why did you go to the park (St. Leonards) at night?

[NP1]: "To bash the men who have sex with other men. We take their money and whatever they have on them."

[NP1] and [NP5] and I went down to get a drink. [NP5] said lets go poofter bashing." They went on to assault a man with some drill bits hidden in a bag, which by their description would have to be considered a lethal weapon.

Police question: "Can you tell me why you committed this offence?"

[NP1] "Just the way he looked at us, he raised his eyebrows."

[NP1], [NP5] and [NP3] (see #2 below) were arrested at Reef Beach for more than 40 counts involving assaults on homosexual men. In the original report the Johnson family filed with the Magistrate's office in 2007, we provided testimony from Bob Reed, the volunteer Reef Beach Inspector at the time, who recounted hearing about these bashings and the arrest, although he was not a direct witness. We detailed his recollections in the 2007 report, and the court documents we recently obtained completely corroborate Mr. Reed's testimony.

Our information is that [NP1] currently resides in or near Narrabeen, and frequents bars in Manly Beach. He is divorced, and his ex-wife might also prove to be an excellent source of information about [NP1]'s past actions. We also note that [NP1] [REDACTED] [NP260] [NP260], has been implicated in organized crime and drug running.

Our information is that [NP5] died at home in Warriewood, sometime between 22-23/11/98. The coroner dispensed with the need for a full inquest because the death was clearly self-inflicted.

IMPORTANT NOTE: WE BELIEVE [NP5] FAMILY AND FRIENDS SHOULD BE INTERVIEWED TO LEARN WHETHER [NP5] MENTIONED ANY DETAILS OF HIS MOST VIOLENT ACTS, INCLUDING THE POSSIBILITY THAT HE MURDERED SCOTT JOHNSON.

- Names of two additional assailants** not included in our original report. Court records we recently obtained through the District Court Registrar identified two other assailants not known to us at the time of the June 2012 Inquest: [NP3] and [NP4]. These men lived in the

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Narrabeen area, and were arrested for committing multiple assaults against homosexual men in the late 1980s and early 1990s in several Northern Beaches communities. Through additional interviews we have conducted with men who associated with these convicted gay bashers, we have additional testimony about these individuals' activities and associates.

IMPORTANT NOTE: at least 20 NSW police officers, including Constables, Senior Constables, Detectives, Detective Sergeants, and Inspectors from at least three LAC's were named in the arrest, interrogation and/or court records regarding these arrests, which occurred in 1986 and whose court cases lasted through 1990. To suggest, as has been relayed to us, that Manly Police were not well aware of this rash of gay bashings at the time of Scott's death in 1988 is simply not plausible.

3. One of the above, [NP4] was arrested for assault and robberies with the aforementioned assailants but was convicted of lesser charges. We have reason to believe [NP4] was a reluctant participant who acted as a "driver" but who was nonetheless a material witness to multiple acts of violence against gay men. We are certain that [NP4] has detailed, first-person knowledge of the assailants' activities. Our unconfirmed understanding from sources who know [NP4] is that he himself is now divorced and may be openly gay. He is or was Funeral Director for Charles Kinsela at Narrabeen, 1485 Pittwater Road.

IMPORTANT NOTE: WE BELIEVE IT IS INCUMBANT UPON POLICE TO INTERVIEW [NP4] AS SOON AS POSSIBLE, AND WE RESPECTFULLY ASK POLICE TO CONSIDER PLACING [REDACTED]

[REDACTED] SCHEDULED TO AIR IN EARLY FEBRUARY 2013. TELEPHONE SURVEILLANCE SHOULD BE CONSIDERED FOR [NP1] AS WELL. WE HAVE NOT CONTACTED HIM.

4. **Names of other potential witnesses** that may help identify other men who participated in similar assaults as occasional members of the aforementioned group. We have begun to generate a list of people who were associates of [NP1], [NP5], [NP3] and others from the Narrabeen High School classes of the early 1990s., which multiple sources have confirmed was a core location for "skinhead" activity and anti-gay violence. We have been told that some of these young men may have participated in occasional acts of "poofter bashing" along with [NP5], [NP1] and [NP3]

We have not asked all our witnesses if they are willing to speak directly with police, but we believe that they may cooperate. Herewith a synopsis of one man's detailed recollections: Source "A" is an approximately 36-year-old male, a self-described "former skinhead" from Narrabeen.

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“A” was approximately 13-years old when Scott died, but had an older brother who dealt drugs and hung out with some of the aforementioned Persons of Interest, and whose father owned a restaurant in Narrabeen where many of them congregated. “A” is a self-described former juvenile delinquent who says he never participated in any gay-bashings but did participate in criminal activity as a teenager. We spent time over several days with him, and found his descriptions credible and detailed. “A” said that these men (NP5, NP3 and NP1) bragged about driving all over the Northern Beaches to search for gay men at beats. A self-described [REDACTED] because he is of [REDACTED] “A” said it was not unusual for this group to begin a night in Narrabeen (often at the bus terminus, a well-known beat), and work their way up the coast towards Manly, looking for gay men to bash and rob. [REDACTED] could travel. They had cars,” “A” said.

“A” offered recollections of other members of the “crew,” some of whom he identified as “random lunatics” who would commit mayhem, including gay bashings. Some of the names he offered as potential or occasional gay bashers, all uncorroborated and with uncertain spellings, include NP261, NP261, brothers NP262 and NP263, NP264, NP265, NP266) and NP267. “A” recalled NP267 in particular as bragging about going to “the wall” near Oxford Street in the city (a known place where male prostitutes would work) and lure young men over before bashing them with a baseball bat. “A” also recalled hearing stories about these men going to gay beats where there were “glory holes” – holes cut in between toilet stalls where men would insert their penises for random, anonymous sexual acts – and bash these men’s penises with bricks. “A” also said he had heard that two men, NP268 (SP?) and his friend NP269 (surname unknown), both associates of the other Narrabeen “crews,” would routinely “go to gay night clubs, pretend they were gay lure them and bash and rob them.”

“A” introduced us to Adam “B” (#6, below), who independently (without “A” present during the conversation) corroborated many of “A’s” recollections -- and added additional information.

- 5. Names of potential witnesses who may have overheard known perpetrators bragging about other bashings and murders.** From recent interviews with people familiar with the assailants and their associates, we have compiled a list of additional men who likely possess first-hand knowledge of the assailants’ confessions and/or discussions of additional gay bashings. We would be happy to share these names with police investigators with the understanding that we cannot yet independently corroborate their possible involvement.

Herewith a synopsis of one man’s detailed recollections: “B” is an approximately 46-year-old male from Narrabeen who associated with

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[NP1], [NP5], [NP3] and others from that era. “B” is by no means an unimpeachable source – he is what could be charitably called a “shady character” with self-avowed interests in brothels and pornography, among other illegal activities. We have not been able to independently corroborate his allegations, and but have asked if he would be willing to share this information with police and are awaiting his response. He did indicate that he has been a police informant in the past on other matters.

“B” said that he regularly socialized with [NP1], [NP5], [NP3], and a group of young Narrabeen troublemakers, playing cards, drinking, and doing drugs. “B” said he never participated in any assaults on gay men, but regularly heard the others brag about “poofter bashing.” “B” said that the three in particular would show up with watches and jewelry they had obtained from gay bashings, and said that for them, “it was an absolute sport.” Names he offered as potential occasional participants included [NP270], [NP271] (deceased), and [NP272] [NP272] (also deceased).

“B” recounted that [NP3] had reportedly been “raped” by three men in the Narrabeen bus station, which “B” says “was the start of everything” when it came to [NP3]’s gay bashing spree. “B” said that [NP3] and his mates would start at Narrabeen, then go to Freshwater, Mossman, Taronga Zoo, and eventually to Manly, because “Manly was the place to find the gays – especially Shelley Beach.” He said that [NP3] acted as the “lure” because he was the youngest of the four (including [NP5], [NP1] and [NP4]). [NP3] would pretend to be gay and interested, then bring a willing partner into the bush, where [NP1] and [NP5] were waiting. [NP4] “was the driver.” **Note: This M.O. is identified repeatedly in Operation Taradale and in court documents regarding the Reef Beach arrests of [NP5], [NP1] and [NP3] in 1986.**

6. **Names of potential witnesses who may help identify women** who were associates of these men and who may have witnessed or participated in some of these assaults.

Simon Donohoe of the Australian Federation of AIDS Organizations, in a December 2012 in-person interview with Daniel Glick, recounted being assaulted in Collaroy Beach in the early 1980s by at least four or five men in a toilet block. He was bashed by a baseball bat, which broke his nose, and kicked viciously in the ribs and about his body. The men left, and Donohoe crawled out of the toilet block, only to be set upon again by the men. Donohoe recounts that it was only the protestations of a group of women who accompanied these men that persuaded them to leave Donohoe alone. Donohoe never reported the attack to police, for two stated reasons: he was living at home and was not openly gay; and he believed that police would not have taken his claims seriously.

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As Operation Taradale revealed, many women were active associates of the known gay bashers, sometimes participating and sometimes merely witnessing these assaults. Through “A” and Adam “B” we have names of several women known to associate with NP5, NP1 and NP3 including NP273, NP274, NP275 and NP276. We cannot independently confirm if the spelling of these names is accurate, or if these women were direct or indirect witnesses to any gay bashings. According to both “A” and “B”, it is likely that some of these women are former or current prostitutes and/or drug addicts. We would be happy to provide possible current phone numbers for several of these women.

Note: As with all potential witnesses besides the aforementioned “A” and “B”, we have not contacted any of these people.

7. **Allegations of other possible gay-hate murders** committed by these and other men in Shelley Beach and in the City. In this specific allegation, “B” sent “A” the following text message, which “A” shared with Daniel.

U c NP3 n 4 of his cousins use to go into the cross n bondi to bash gays I no of a few incidents that happened one the steps that go from the cross to woolamaloo they thro a bloke from the top step n he hit the bottom he died

We wonder if this may be a reference to one of the murders referenced in Prof. Stephen Tomsen’s report, “Gay Killings in New South Wales: Victimisation and the Police Response,” which catalogued ten *identified* unsolved gay hate crimes between 1987-1995, including Wayne Tonks, Cyril Olsen, Bill Allen, Raymond Phillip Keam, Crispin Dye and William Dutfield. <http://www.criminologyresearchcouncil.gov.au/reports/19-94-5.pdf>. The report states that:

“A general pattern of official disinterest has also meant that these killings have only been of minor interest to homicide researchers in Australia. In part this seems to be due to the difficulties experienced with official records. Although violent crime has become topical and politicised in the last decade, many aspects of recording and analysis are still very antiquated or in a situation of flux. Among incidents that are officially recorded by police agencies, there is mostly no indication that these are hate crimes. This may sometimes be apparent from the laborious study of records, but these cases are only found by chance and many records describe ambiguous crime scenarios. Much of the historical underreporting and under-recording and the unknown level of violence against gays and lesbians is a combined consequence of a lack of social power, and substantial levels of complacent or hostile police attitudes.”

It is also noteworthy that Philip Keen from ACON and his colleague Ralph Moore, another AIDS outreach worker, added information (included in our

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previous brief) about how the Manly beats operated in a particularly underground manner in order to avoid confrontations with the police. In 1990 and 1991, when Keen worked with the Manly police doing outreach, he recalled, many gay men reported that the police would drag men out of the toilet blocks that served as beats and then publicly berate the men.

Sue Thompson, who was then the NSW Police Gay/Lesbian Client Consultant, has recently confirmed that this was definitely a common police practice at Manly at that time and was one of the long-term police practices documented to the Police Commissioner that led to him establishing the 1992 Working Party into Violence at Beats and the new Police Instruction about Police operations at beats (see Report of Sue Thompson re Death of Scott Johnson para 1.14 “because one of the major obstacles to getting beat users to report violence to police was gaining trust, which meant police attitudes to and operations at beats needed to become professional and appropriate so that they were no longer part of the problem but of the solution.”)

Keen said the atmosphere of distrust and fear of the police had reached a point of great conflict at the time surrounding Scott’s death. Because of this, he theorizes, men might have met up in the known beats in town but have gone to a more secluded spot around the cliffs above the Shelley Beach parking lot to have sex.

Sue Thompson also confirms this was a strategy known to her at the time and confirmed in her report at Para 3.4 that “beat locations were not confined to the toilet area at Manly as police thought.”

NOTE: In this context, we observe that Scott Johnson’s death was not listed among these unsolved murders because his death was originally ruled a suicide with “no suspicious circumstances,” according to the only press report on his death at the time. This strongly suggests there were other potential homicides that could yet be investigated (see #8).

Sue Thompson further in her Report states at Para 1.4 “If Scott’s death had come to our attention in 1990, given its particular circumstances, and what these told us given the expertise we had gained into the pattern of these murders, we would definitely have added his death to our list of solved and unsolved gay hate murders. It is my opinion that Scott’s death is another death in the epidemic of gay hate cliff-top murders but that it took place before the pattern was recognized.”

In an in-person meeting Daniel had with “B”, he also recounted an incident where NP3 and some accomplices bragged about having bashed and drowned a man near the beach area in Shelley Beach and left his body on the rocks on the far side of the cove. “B” did not recall details of the exact year, but thought it was in 1989, and recounted that some of the participants in

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this murder bragged about it at a poker game. “B” guessed that this crew may have bragged about “90 – 100” bashings” and an undetermined number of murders. Again, we acknowledge that we have no way of independently verifying these claims, ascertaining “B”’s credibility, or linking his recollections specifically to Scott’s death.

- 8. Information about other suspicious deaths or unsolved murders** around the time of Scott’s death. One in particular is of keen interest to our investigation. [NP10] was notorious as “A” put it, as “the hardest guy in Narrabeen” -- a violent skinhead who defined himself as a disciple of Hitler and who decorated his room with Nazi flags. [NP10] was apparently implicated in a number of gay bashings, including an incident that involved multiple stabbings of a gay man near Kings Cross.

[NP10] operated independently from the aforementioned crew of [NP1] and [NP3] who were of Eastern European (Yugoslav) descent, and “A,” who was [REDACTED]. [NP10] and his skinhead crew also allegedly targeted gay men and Asian men for violence. In 1992, [NP10] was found murdered in his home, and his brother, [NP277] (born August 1963), was tried and acquitted of his brother’s murder after [NP10]’s body was exhumed from a shallow grave in front of their house. [NP277] was found not guilty in the Supreme Court on 12/8/93. The investigating officer was Det Sgt Ellicot, from Mosman police. The court file number is 92/91/0042, but we have not yet been unable to obtain the record – but are told it contains details of [NP10]’s gay bashing incidents.

Both “A” and “B” believe that [NP10] was murdered by three men, possibly because of a drug deal gone bad. Two of the three men are deceased, but a third is still alive. These sources allege that [NP278] [NP278] [NP271] (both deceased) and [NP63] murdered [NP10]. We cannot independently verify these allegations.

Additionally, a newspaper report from the *Manly Daily* from Dec 15, 1988 said that Andrew Ronald CURRIE, age 29, was found dead in a toilet block in Nolan Reserve in North Manly – within a week of Scott’s death. Our information is that this was a gay beat. We have no information about Currie.

We have also been unable to obtain any information about the whereabouts of [NP2] at the time of Scott’s death. [NP2] was convicted for stabbing [I447] on the cliffs above Shelley Beach in 1986 at or very near the exact spot where Scott’s clothes were found. We do not know if it is possible that he was a repeat offender, or if he was incarcerated at the time of Scott’s death.

In 2007, the Johnson family’s submitted a report to the NSW Coroner’s office that was co-authored by Daniel Glick and former NSW Detective Sergeant

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John MacNamara (acting as a private investigator for the Scott Johnson family). In compiling the report, MacNamara interviewed Brian Butson, a spearfisherman who found Scott Johnson's body on the rocks near Blue Fish Point. Butson was a former military man with precise recollections of how Scott's body and clothes were found. In his testimony to MacNamara, Butson recalled that another body had been found nearby in the weeks prior to or after Scott's death. We have not been able to access the P-79A reports from that era that may shed more light on this recollection, nor have we been able to access the police "occurrence pads" that would certainly contain more information relevant to Scott's and other possible investigations.

As for #9 and #10, below, Rebecca and Daniel discussed these points with you at your December 6 meeting: the possibility that Scott may have taken his own life, and whether the area where Scott died was a gay "beat." Rebecca and Daniel understood from their conversation with you that you still appear to give considerable credence to the possibility that Scott committed suicide, and that you remain unconvinced that the place where Scott died was a gay "beat." It is with great regret and sadness that we feel compelled to continue to speak to these two issues, which we thought had been definitively addressed in the June 2012 Coroner's Inquest and ruling by Deputy State Coroner Carmel Forbes.

9. The area where Scott died was a known and "notorious" gay beat

Deputy Coroner Carmel Forbes' ruling in June stated unequivocally that "it is now known that the North Head of Manly near Blue Fish Point where Scott Johnson's body was found was a known gay beat." Yet during Rebecca and Daniel's discussion with you on December 6, 2012, you stated that you had consulted with former Manly LAC Det. Sgt. and now Superintendent Doreen Cruickshank, and our understanding was that she informed you that the area was not known to police at the time as a beat. She testified at the time of the 1989 Inquest that although police were aware of other beats in Manly, the area in, around and above the Shelley Beach parking lot was not one of them. With respect to what you consider to be her considered opinion, it runs counter to a wealth of information that was available to her at the time, as well as additional information that has emerged since 1988. That opinion also runs directly contrary to first-person testimony from multiple users of that beat that we already supplied to police – and we add to with this report.

The area where Scott died was unequivocally a "beat" – one of hundreds of places in the greater Sydney area where gay men met during this period. (See our previous brief that includes testimony from Ulo Klemmer, a former ACON outreach worker, as well as 1448 1449 and Professor Steven Tomsen, among others.)

We have already presented testimony from men who said they personally used that beat, in a manner similar to what Scott may have done: by taking off one's clothes, sunbaking, and awaiting an advance from a willing partner.

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The place where Scott died was absolutely known to police prior to his death. It is of indisputable public record that the aforementioned [REDACTED] 1447 was stabbed at or around the exact spot where Scott died, after disrobing and having sex with [REDACTED] NP2, who was ultimately arrested.

In addition to the testimony of four gay men we provided to police, who all said they personally visited this beat, either as participants and/or as professional outreach workers, we now add the testimony of another man who contacted us recently. If you are interested in speaking with him, we can ask if he would be willing to share his story with police. This man, who was living at Manly at the time of Scott's death, met with Rebecca in person and says he remembers the day they found Scott's body. He said he remembered reading right after that there were "no suspicious circumstances" and that he and everyone he knew thought that was "absolute b.s." He later wrote:

*"Everyone knew it was a beat - it was really big. They called it the church because the hole in the wall was kind of cross shaped and the story was that there used to be a monastery up there. The roof of the old surf club used to be a big hook up spot, there were even pornos filmed up there. When that shut down, he thinks guys went up the hill. There was a famous (publicly straight) Aussie actor *** phelps who was up there all the time."*

This man says he only went up there once, with his friend, who was a flight attendant for Qantas. He said there were naked men everywhere on their towels and wandering thru the bush playing with themselves.

This man told Rebecca, "The police definitely knew it was a beat." They stopped this man's friend in the parking lot around 1987 and told him if they caught him going up there again, they'd arrest him. This man went there every time he had a day off - he lived about 30 min drive away (Mona vale, I think). He died of aids about 3 years ago. Sometimes this man and his partner would go to "the church" together, but mostly they'd go alone.

The fact that [REDACTED] 1447 was stabbed after disrobing voluntarily, having sex with a stranger, and then being knifed, just two years before Scott's death, should be pretty definitive evidence that this was a beat that had historically attracted violence. Testimony we have presented from several other gay men who have called this particular beat "notorious" should, we think, further confirm this fact.

The fact that Superintendent Doreen Cruickshank apparently continues to maintain that this beat was not known to the police at the time -- and therefore could not have been a beat -- defies credulity. From what you told us, we can only come to the conclusion that her evidence for this assertion is the fact that she and her officers did not know about it at the time. **If police**

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did not know about the incident involving the stabbing of [1447] [1447], they should have. If they knew about that incident and did not make the possible connection to Scott's death, we suggest that would qualify as a substantial oversight.

Our question for you is this: How many more individuals' testimony would you need to hear to be convinced that Deputy State Coroner Carmel Forbes' ruling holds more weight than Superintendent Cruickshank's ongoing assertion that she and her officers had no knowledge of the beat at the time of Scott's death – and therefore it was not a beat? **We would like to formally express our dismay at your office's defiance of the Coroner's explicit finding, corroborated by the review conducted by Manly LAC Detective Senior Constable Tim Wilson, that this was indeed a beat.**

10. The overwhelming preponderance of the evidence suggests that suicide is highly unlikely. Your assertion to Rebecca and Daniel that suicide remained a reasonable if not likely explanation for Scott's death defies the breadth of available evidence suggesting otherwise. While we agree that suicide cannot be ruled out 100%, in her June 2012 ruling, Deputy State Coroner Carmel Forbes stated that "suicide cannot be presumed and there must 'clear, cogent and exact' evidence to support such a finding."

There was never and remains none of the above in Scott's case. In making the original suicide verdict in 1989, the Coroner relied heavily on one single piece of "evidence" in making the verdict: the testimony of Scott's partner Michael Noone, who recalled that Scott mentioned *thinking about* jumping off the Golden Gate Bridge several years previously. **In no testimony that Mr. Noone presented did he ever assert that Scott Johnson ever attempted suicide.** It is widely accepted by the psychiatric community that many people may at some point in their lives give a thought to suicide or make some comment to that effect but that is very far from an actual suicide attempt or indeed actual suicide.

With regard to suicide, we would like to re-emphasize four points:

- **Scott died at a place in North Head where there had previously never been a known suicide**, although several other places in North Head were indeed well known suicide spots. (See testimony from former Manly Constable Troy Hardie and former Air Rescue Squad member Wayne Plant.)
- **Scott died after taking off his clothing and neatly folding them. There is no other record in the suicide literature that we have been able to find of a similar case.** It would be an "unprecedented precedent," in the words of one expert.
- **Gay men do not go to gay beats to commit suicide.** Scott died at a place where gay men met, sunbaked, and sometimes had sex. We are aware of

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no other documented case where a gay man committed suicide at a gay beat. In Stephen Page's report to the Coroner (see above reference, Page 3, para 4), he stated unequivocally, "I know of no cases of gay men going to beats to commit suicide."

- **In the past few months, have conducted additional interviews with many of Scott's closest friends and acquaintances, all of whom spent time with Scott during the final weeks and months of his life. *Not a single person expressed any reason whatsoever to think that Scott would have taken his own life.*** Police never interviewed any of these friends, either at the time of Scott's death, at the time of the 1989 Inquest, during the review by Manly LAC at the request of the Coroner's office, or during the 2012 Inquest.

. The current presumption of NSW courts is that suicide must be proven, not assumed. In this case, the original police investigation and corresponding 1989 Inquest contains one vague and uncorroborated piece of evidence suggesting suicide: a recollection of a telephone conversation three years prior to Scott's death he may have mentioned that he had *thought* about jumping off a bridge. Even if this story (which has multiple inconsistencies in the original testimony) were taken at face value, it is the *only* piece of evidence suggesting suicide.

On the other hand, a review of the original court documents, including testimony from a psychiatric nurse who was the last person we are aware of who saw Scott alive, Scott's PhD thesis advisor Ross Street, who testified to Scott's academic success, and Scott's partner, all confirm the deceased's stable and happy state of mind. We have submitted letters that Scott wrote, attesting to his state of mind, his good relationship with his family (who all knew he was openly gay), and his loving relationship with Michael Noone. If you would like the names of an additional six or more people who knew and socialized with Scott during the final month of his life, and who all were unaware of any reason why he would have taken his life, we would be happy to supply their contact information.

In any modern Inquest into suicide, it must be proven with evidence that suicide was the cause of death. There is no such evidence here. It is true that the Coroner did not rule out the possibility of suicide, but since there is a substantial and growing body of evidence to suggest homicide, it was our understanding that the suicide scenario would be the *least* likely of three possibilities for your consideration among homicide, misadventure, or suicide.

Scott's sister Rebecca and Johnson family representative Daniel Glick left their meeting with you concerned that no amount of evidence we present to the NSW Unsolved Homicide unit will convince you to follow the substantial and credible leads we provide here. These leads may yet help solve the mystery of Scott's death, but also to any number of other unsolved homicides.

We understand that you have limited resources and must make choices regarding the "solvability" of crimes. We also understand that this case does not involve forensic evidence or witnesses who have come forward with direct knowledge of the crime. Nonetheless, our understanding of the Coroner's "open

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finding” was that Scott’s case would be remanded to your office “for further investigation.”

After our meeting of 12/6, all evidence available to the Johnson family suggests that you have again “reviewed” the case without any further investigation, which unsurprisingly means you appear to have reached the same conclusions that the police had originally made: that Scott most likely committed suicide at a place where gay men were not known to meet – a combination that would not warrant any further investigation from your team.

We respectfully disagree on all fronts, and hope this letter and new report will hold some sway. I would appreciate your timely response to this report and your advice if necessary as to a more appropriate unit in the Police where this new information might be further investigated in accordance with police procedures and protocols, as the Coroner presumably intended.

We conclude with an email message we recently received from Ulo Klemmer, who had provided confirmation of the existence of the beat where Scott died in our 2007 report, but who was never contacted by police during any subsequent “review.” We asked Mr. Klemmer to provide written testimony for the purposes of this report, which we include here. It is quite compelling, in our opinion.

Klemmer can be reached at [REDACTED]

To Whom it May Concern!

Since the mid 1970's I had heard about the cliff area above Shelly Beach, Manly being an active beat for Homosexual men. A Beat being a meeting place and sometimes actual locale for having Sex between consenting males. And have known many men of many sexualities who attended this Beat some on a regular basis. I have worked as an HIV/AIDS educator in what was called The Beats Project for ACON (The AIDS Council of N.S.W.), so my observations and conversations with others is that during the time that Scott died this was very much still a beat and it operated as described here.

There was a Sandstone Wall in the bushy area, all the way to the cliff, some stones had in the passing of time been removed allowing access to what seemed like a very private area of bushland. Homosexual men would enter through these spaces and generally would find a nice area where they would disrobe, sometimes totally nude, place their garments next to them and towel if they had one. They would then either sunbathe and other men clothed or nude would approach them and form a bond, and perhaps have sex there, or they would be the ones to leave their belongings and cruise the area for other men. This was a well-known area and had well worn paths and even coveted private Spots to be in.

In the 1990's the local Manly paper ran a story about a Beat @ the end of the Corso, which council, police and others were concerned about. I personally met with a high Ranking Police Officer @ Manly Police station to discuss this beat, as it was in our opinion a great place for AIDS education to be done in a time when information was scarce and often wrong and frightening. So it was then and to some extent now vital that men who have sex with men, but do not necessarily identify as Gay or Homosexual could be approached to have a conversation about safe sex, Beats are often the only

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place many of these men go to for sex, or even meet others that do also, and therefore they are/were unaware of the GAY communities excellent life saving work done in N.S.W. sorry i digress a little, but that was the thrust of the meeting with the Manly Police Officer, and i note that during this discussion he also mentioned the beat on the Cliff area acknowledging it's existence, but noted that he and the Police force had no real concerns with it, and only went there if there was a complaint from the public or not so nearby residents. Violence has been sadly a part of this beat and I have heard also stories of youths from the Catholic School, which is in the general area, also harassing men there. It beggars belief that the Police now are claiming that they had no knowledge of this beat.

As in the Bondi Murders I hope that the police, courts and all interested parties are able to work hand in hand and draw to a conclusion exactly what happened to Scott at this Beat, it to my mind is NOT a case of suicide so misadventure of some kind must be thoroughly and truthfully investigated, to end the agony for Scott's Family.

Thank You.

Ulo Klemmer.

Note: Klemmer included the following photograph of the area near where Scott died in his January 3, 2013 email to Daniel Glick:



Sincerely,

Steve Johnson
Rebecca Johnson
January 9, 2013