



STATEMENT OF POLICE

In the matter of:	Special Commission of Inquiry into LGBTIQ Hate Crimes
Place:	San Sebastian, Spain
Date:	8 September 2023

Name:	Paul GRACE	Tel. No:	[REDACTED]
Rank:	Detective Inspector		
Station/Unit:	Eastern Beaches, Police Area Command		

STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true.
2. I am 52 years of age.
3. In this statement, where I refer to documents I also include their document ID number for identification purposes, in the form of **SCOI.XXXXX** and **NPL.XXXX.XXXX.XXXX**.
4. I make this statement in respect of a letter that I received from the Special Commission of Inquiry into LGBTIQ hate crimes (**Inquiry**) dated 21 August 2023 (**Letter**) enclosing a summons to attend the Inquiry to give evidence on 18 September 2023.
5. The Letter noted that the second public hearing of the Inquiry (**Public Hearing 2**) is examining the ways in which the New South Wales Police Force (**NSWPF**) has approached issues relating to "bias crime" and "hate crime" from 1970 to present, including the investigations conducted by Strike Forces Parrabell, Macnamir and Neiwand. The Letter further noted that sections of the submissions of Counsel Assisting the Inquiry (**CA Submissions**) concern my involvement in the matters currently being examined by the Inquiry in Public Hearing 2.

Witness:

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Statement of Paul GRACE
In the matter of *Special Commission of Inquiry into
 LGBTIQ Hate Crimes*

6. The Letter identified sections of the CA Submissions and the Commissioner of NSW Police (**CoP submissions**) that had been identified as relevant to me and invited me to provide this statement to the Inquiry.
7. Unless otherwise stated, I make this statement based on:
- (a) my review of relevant records held by the NSWPF;
 - (b) information known to me;
 - (c) information provided to me at my request by appropriate members of the NSWPF; and
 - (d) my experience as a detective.

Structure of this statement

8. The structure of my statement is as follows:
- (a) **Section A:** provides background on my role and policing experience;
 - (b) **Section B:** sets out my qualifications and training;
 - (c) **Section C:** comments on the formation of Strike Force Parrabell;
 - (d) **Section D:** comments on what has been referred to in the CA Submissions as the “constituent documents” of Strike Force Parrabell;
 - (e) **Section E:** comments on the methodology of Strike Force Parrabell;
 - (f) **Section F:** discusses the interaction between Strike Force Parrabell and the Flinders University academic review team;
 - (g) **Section G:** comments on the Strike Force Parrabell report; and
 - (h) **Section H:** comments on the relationship between Strike Force Parrabell, and Strike Forces Macnamir and Neiwand.

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SECTION A: MY ROLE AND POLICING EXPERIENCE

9. I am a Detective Inspector connected to the Eastern Beaches Police Area Command (**PAC**). I have held this rank since November 2020. Since April 2023, I have been acting as the Crime Manager for the Eastern Beaches PAC.
10. As part of my role, I am a member of the Senior Management Team of the Eastern Beaches PAC. The Eastern Beaches PAC extends from Centennial Park in the north to La Perouse in the south and Coogee in the east to Pagewood in the west.
11. I have been a sworn officer of the NSWPF since attesting from the Police Academy on 20 December 2002.
12. From that date, I performed duties as a Constable on general duty at Surry Hills Local Area Command (Local Area Commands have been renamed PACs and generally map the same geographic area. In this statement I will refer to PACs for ease and consistency even where it may have been designated a Local Area Command at the time). On 10 April 2005, I commenced duties in criminal investigation and remained attached to the Surry Hills PAC.
13. On 24 September 2006, I commenced duties as a criminal investigation officer attached to the State Crime Command (**SCC**) Asian Crime Squad. In this role I was involved in numerous criminal investigations into organised crime and gang violence.
14. On 6 February 2008, I was promoted to Detective Senior Constable, both within the SCC Asian Crime Squad.
15. From 26 April 2009, I was attached to the SCC Organised Crime Targeting Squad. In this role, I was involved in numerous criminal investigations into organised crime.
16. As a police detective at SCC, my role in investigations included locating evidence of the different elements of a relevant offence, determining suspects, and assessing the sufficiency of the available evidence by reference to principles such as relevance, admissibility, reliability, and weight. As an investigator, I would also consider an offender's motivation in terms of its

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 LGBTIQ Hate Crimes*

relevance to other principles such as mens rea, intention and culpability. Whilst at SCC, I investigated a variety of matters, including gang extortion, kidnappings, frauds, homicides, drug matters and gang violence. These complex investigations involved a range of offender motivations, and included individual offenders or groups taking advantage of a victim or system's vulnerability. Understanding and demonstrating the motivation of an offender was important in many of the investigations I was involved in, particularly in matters that were defended in Court.

17. On 4 November 2012, I was promoted to Detective Sergeant attached to the Surry Hills PAC, where my duties included being a supervisor of a team of detectives within the Surry Hills PAC, leading a series of police investigations and supervising staff. There were two team leaders at the rank of Detective Sergeant at Surry Hills PAC, and 20 detectives. Each Detective Sergeant was assigned to a team of 10, but had general responsibility for the management of the office when on shift. In this role, I was also responsible for the quality of our criminal investigative response. The Surry Hills PAC investigated a significant number of sexual offences and other crimes of violence. As outlined above, investigating and determining an offender's motive and questions of power and vulnerability in respect of the offender and victim were important in carrying out this role. I was also responsible for identifying trends and patterns in criminal offending which could be used to provide more effective policing.
18. On 27 March 2016, I was transferred to the position of Investigations Manager. However, prior to that, from around 2014, I was acting as Investigations Manager while the former Investigations Manager was acting as a duty officer. As Investigations Manager, I supervised all investigations and cases within the PAC. My duties also included processing all investigations and determining whether they should be suspended, continued or finalised, as well as managing portfolios such as case management, coronial matters, and missing persons.
19. Through these roles, particularly those at the Surry Hills PAC and at SCC, I gained knowledge and expertise in processing evidence and using evidence in the course of a criminal investigation. It was my responsibility in those roles to provide advice or an operational

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 LGBTIQ Hate Crimes*

response to a crime issue (for example, an issue such as a rise in street robberies, sexual assault reports or violence in a particular location). I would be responsible for reviewing the issue to identify solutions to prevent or limit crime, or consider an operational response to disrupt it. I gained significant experience in identifying factors that make people vulnerable to crime and offender motivations, as well as how to review and process this information.

20. On 1 November 2020, I was promoted to Detective Inspector and commenced my current role.

SECTION B: QUALIFICATIONS AND TRAINING

21. I have obtained a number of formal qualifications including:

- (a) Bachelor of Arts (University of New England) obtained in 1994;
- (b) Post Graduate Diploma, Islamic Studies (University of New England) obtained in 1995;
- (c) Post Graduate Certificate, Asian Studies (University of New England) obtained in 1998;
- (d) Diploma in Policing Practice (Charles Sturt University), obtained in 2004;
- (e) Advanced Diploma of Public Safety – Police Investigations, (Charles Sturt University) obtained in 2006; and
- (f) Post Graduate Diploma, Fraud Investigation (Charles Sturt University) obtained in 2007.

22. I have also participated in a number of internal police training programs (including those specific to investigation practices) which are included in my NSWPF Individual Profile at **NPL.9000.0024.0001**.

SECTION C: STRIKE FORCE PARRABELL: FORMATION


23. I am aware that prior to the commencement of SF Parrabell in August 2015, Assistant Commissioner Anthony Crandell (**AC Crandell**) had been involved in consultations with stakeholders (including Alex Greenwich MP and ACON) about the NSWPF's response to allegations of LGBTIQ hate crimes and concerns regarding a deterioration in the relationship

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Statement of Paul GRACE
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 LGBTIQ Hate Crimes*

between the LGBTIQ community and the NSWPF. AC Crandell was at that time the Commander of the Surry Hills PAC and the Corporate Sponsor for Sexuality, Gender Diversity and Intersex. As I explain further at paragraph 32 below, my recollection is that AC Crandell involved me in the discussions that led to the formation of SF Parrabell, which I describe in the following paragraphs, because at that time I was acting Investigations Manager of the Surry Hills PAC.

24. I understand that of particular concern in the LGBTIQ community at the time was a number of media publications concerning 88 historical deaths that were considered by some to be potentially “gay hate” motivated. In response to those community concerns, I understand that there were discussions with Mr Greenwich and ACON to explore whether it was feasible to review each of the 88 cases identified as potential LGBTIQ hate crimes in order to determine whether they had involved an element of anti-LGBTIQ bias.
25. I also recall that prior to the formation of SF Parrabell, AC Crandell and Detective Chief Inspector Middleton (**DCI Middleton**) and I discussed the existing NSWPF operation that was then being undertaken by the NSWPF bias unit called Operation Parrabell, which was being led by Sergeant Geoffrey Steer (**Sgt Steer**). I cannot now recall whether the discussion occurred at one meeting or over a course of several meetings and informal discussions. I understand that I was involved in these discussions because of my role as Investigations Manager at Surry Hills PAC.
26. Some time in the first half of 2015, AC Crandell, DCI Middleton and I met with Sgt Steer and discussed what Operation Parrabell was trying to achieve. It became apparent to me from that discussion that Operation Parrabell had only commenced reviewing one of the 88 cases (which I understand was Scott Johnson) for indications of anti-LGBTIQ bias and had yet to conclude its investigation of that case or determine whether anti-LGBTIQ bias was relevant. I recall that at this meeting, and in discussions following, each of AC Crandell, DCI Middleton and I recognised that the progress on Operation Parrabell was occurring too slowly and considered that Operation Parrabell was unlikely to achieve its goals (that is, to investigate the 88 cases

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 LGBTIQ Hate Crimes*

to determine if an anti-LGBTIQ bias was a factor in the deaths) in a reasonable amount of time to address the community concerns I refer to above. Further, as I understood it at the time, no one attached to Operation Parrabell was a trained criminal investigator within the NSWPF (that continues to be my understanding).

27. I also recall that at this time, I did not understand Sue Thompson to have compiled the list of 88 historical deaths by reference to any underlying criteria or by reference to investigative materials held by police. For example, while some of the deaths related to deaths in an area of known or suspected 'beats' others did not; some of the victims were known to be members of the LGBTIQ community and others were not. It was often unclear to me why a particular case had been identified as involving crime motivated by anti-LGBTIQ bias. This made the process of investigation and categorisation more time intensive and difficult.
28. I recall that in the early discussions that culminated in the establishment of SF Parrabell that AC Crandell was adamant that something needed to be done to determine whether the 88 cases contained an element of anti-LGBTIQ bias. I recall that AC Crandell expressed the view that the facts of each matter should be reviewed using an evidence-based approach and methodology which could arrive at a determination of whether the crime was motivated by anti-LGBTIQ bias in a meaningful and respectful way.
29. Following further discussions that I had with AC Crandell and DCI Middleton, it was determined that a reinvestigation of each of the 88 cases was not possible and a review would be conducted based on the information which the NSWPF held in respect of those 88 cases and a determination would be made as to whether each of the cases contained an element of anti-LGBTIQ bias. It is my recollection that these initial meetings lead to the formation of SF Parrabell. I cannot recall exactly when these meetings took place, save that they occurred after the meeting with Sgt Steer that I refer to in paragraph 25 above.
30. While AC Crandell, DCI Middleton and I considered that an operation led by Surry Hills PAC was the best means to ensure that the 88 cases were reviewed, we also shared the view that it would be unsustainable in light of the resources available to Surry Hills PAC to re-investigate

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each case. A reinvestigation would entail attempting to obtain additional and new information about the cases beyond what the NSWPF had already collected. We considered that Operation Parrabell was an example of a larger scope reinvestigation, which was not possible to complete with the resources available to Surry Hills PAC.

31. I cannot now recall who put the idea forward, but it was suggested that a more effective and, importantly, practical process could involve Surry Hills PAC leading resources from a wider pool of officers and reviewing existing case files and holdings in relation to those 88 cases. Given AC Crandell was the Commander of the Surry Hills PAC, it was determined that the Surry Hills PAC was the most appropriate PAC to lead the review. I recall that AC Crandell, DCI Middleton and I felt this approach would be “more effective” because it would permit a careful review of each case to determine incidents of anti-LGBTIQ violence within the bounds of the logistical and resourcing restraints addressed above. It was determined in discussions between AC Crandell, DCI Middleton and myself that the review would involve a three-stage process:

- (a) Document identification: At the outset, and given the age of many of the deaths and the fact that some of them had not initially been regarded to be homicides, it was unknown if there were document holdings for each matter. If there were holdings, it was unknown whether the records would constitute one page or thousands of pages. A system was required that would identify relevant record holdings and have the holdings brought to the Surry Hills Police Station for consideration by the SF Parrabell team. My recollection is that the process ultimately used was to review files on the NSWPF computer system e@gle-I, the Computerised Operational Policing System (**COPS**), the NSWPF records management system at the time (known as TRIM) and through targeted requests of the NSWPF records and archives teams. I further recall that these requests were undertaken on a rolling basis (i.e., on a case by case basis rather than all documents for all 88 cases being requested at one time). I understand that it was Detective Senior Constable Cameron Bignell (**DSC Bignell**) who had general oversight of this record retrieval process, but the case specific requests and searches were made by the officers

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 LGBTIQ Hate Crimes*

performing the triage process. I cannot now recall whether any requests were made of Police Stations which had carriage of the original investigation of the relevant case. The documents collated by DSC Bignell and the reviewing officers were transported to and held at the Surry Hills Police station during the course of the triage and review process.

- (b) Triage: This process involved a review of the record holdings identified for the 88 cases using the methodology described above. It was intended that the triage process would identify the relevant aspects of each case using the BCIF (discussed in more detail below) against existing case files and the reviewing officers would compile any facts which would be relevant to the indicators set out in the BCIF. This process was supervised by DSC Bignell. The officers involved in the triage process (as listed in the SF Parrabell Final Report excluding Mr Middleton and I) were not involved in the review (assessment) process described below.
- (c) Review: The review (or assessment) stage was the process of reviewing the compiled BCIF which, following the triage process, contained the facts which were determined relevant by the investigating officers, to make a determination on whether bias was relevant and, if so, what category of bias the relevant offence should be categorised to. The review team (being me, DCI Middleton and DSC Bignell) approached this task on the basis that there would be sufficient detail in the BCIFs to determine whether there were facts which would provide evidence as to whether or not a bias-crime existed.

Staffing of SF Parrabell

32. I understand from my involvement in the early planning process and associated discussions that I was chosen to be involved in SF Parrabell because I was part of AC Crandell's chain of command and because, at the time, I was the acting Investigations Manager at Surry Hills PAC.
33. As Investigations Manager at the Surry Hills PAC, I was the Detective Sergeant in charge of criminal investigations and had expertise relevant to SF Parrabell, including an understanding

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 LGBTIQ Hate Crimes*

of NSWPF record holdings and evidence processing and review processes, as well as criminal investigation procedure, including the logistics of such investigations, triaging and processing information (which I have set out about at paragraph 31). I also had experience in the Surry Hills PAC, where I commenced my criminal investigations work and where I was working as a Detective Sergeant. That PAC took in an area that had a large LGBTIQ community, so I was aware and cognisant of issues within that community from a policing perspective. During my time in the Surry Hills PAC, I also investigated and supervised investigations relating to, and subsequently developed positive relationships with people throughout the local community, including the LGBTIQ community.

34. Given my experience, I was invited to take an active role in discussions surrounding the resourcing of SF Parrabell with AC Crandell and DCI Middleton.
35. SF Parrabell included DCI Middleton who was the Crime Manager of the Surry Hills PAC and reported to AC Crandell. I reported to DCI Middleton. SF Parrabell also included DSC Bignell was an experienced investigator and a Gay and Lesbian Liaison Officer (**GLLO**), who reported to DCI Middleton, through me. At the time, DSC Bignell was attached to Strike Force Verum but was asked to join SF Parrabell.

Involvement of Sgt Steer

36. I recall from my involvement in the initial meetings that I describe above that Sgt Steer was involved at the very beginning of the process of developing SF Parrabell. I do not believe that Sgt Steer was involved in any periodic meetings following the formation of SF Parrabell.
37. I also understand that Sgt Steer had access to SF Parrabell on the NSWPF electronic database e@gle-i and he was informed of this access and would be able to review the material collated and generated throughout the course of SF Parrabell. I also recall that SF Parrabell officers discussed the cases they had reviewed with Sgt Steer during a presentation in or around June 2016. I understood that if Sgt Steer was in a position to comment on the progress of the completion of the BCIFs and SF Parrabell he would do so. I initially expected that he would be

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more active and assumed he was unable to due to workload (given the progress of Operation Parrabell was paused due to competing priorities). He was also specifically invited to provide comment on 12 cases as a sampling exercise which he did on or around 19 January 2017.

Additional resources

38. Initially, we resourced SF Parrabell with two detectives attached to Surry Hills PAC, who were classed as “investigators”, as well as DSC Bignell (as the Senior Investigator). I cannot now recall which of the investigators involved in SF Parrabell were the first to join. By 2 February 2016, 15 reviews had been completed. These reviews were conducted on cases that we considered most efficient to process because of a greater availability of files and quantity of NSWPF holdings.
39. It quickly became clear to AC Crandell, DCI Middleton, DSC Bignell and I at this point that there was too much information for the existing staff assigned to SF Parrabell to collate, triage and review in a timely way. That was especially so because there were unexpected difficulties in locating and retrieving historical case files. Those difficulties arose because it became apparent after our search had commenced that some historical filing practices were poor and inconsistent. For example, some catalogued items were not actually present in the case files, or items in the case files were not catalogued. And, depending on the case being reviewed, there was anywhere from one or two to many archive boxes of material available. Arrangements had been made for DSC Bignell to work on SF Parrabell full time from its commencement, however, DCI Middleton and I were still also engaged in other duties. The Investigation Plan (an early “constituent document” of SF Parrabell, which I discuss below at paragraph 47), therefore, had underestimated the work that would be required, and the complexity of the logistics involved.
40. I cannot recall exactly when, but some time after February 2016 we discussed these staffing issues with AC Crandell. In response, he requested a staffing order, which was placed as a “region request” with Assistant Commissioner Mick Fuller. Around that time, I had discussed

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 LGBTIQ Hate Crimes*

with AC Crandell in general terms our preferences for staff with a full-time criminal investigation experience.

41. This "region request" was sent out to all commanders in NSWPF's Central Metropolitan region for any available staff in the region to assist SF Parrabell in its review. The region request would have been received by each PAC Commander who would determine whether they had staff available to assist SF Parrabell. We began to receive correspondence from Commanders and others throughout the region providing SF Parrabell with names of officers able to assist.
42. Most officers who assisted with SF Parrabell had criminal investigation backgrounds as reflected in the SF Parrabell report. Those listed in the acknowledgements section of the SF Parrabell Report with a criminal investigations background would be listed either as "plain clothes officers" or "detectives". Therefore, all but four of the staff involved in SF Parrabell had a background in criminal investigations. The other staff, while not specialised police investigators, were confirmed Constables. As such, they would have had standard investigative experience and formal training in policing practice (including in investigations). I believe that all members of the SF Parrabell team had appropriate backgrounds and had investigated suspicious deaths and coronial matters.
43. On joining SF Parrabell, all new officers would have received the Induction Package (made available to them on e@gle-i), been provided a briefing by DSC Bignell and, more often than not, I would also provide an introduction to the goals of the Strike Force. This process would provide them with the necessary understanding to begin the triage process supervised by DSC Bignell. Staff involved in the triage process were not expected to undertake a detailed analysis of the motivations of offenders, or make a decision about the extent to which anti-LGBTIQ bias played a role in the crime. As I explain at paragraph 31(b) above, staff involved in the triage phase were only to refer to the BCIF and identify and designate any signs of potential anti-LGBTIQ bias so that it could be populated in the form by DSC Bignell, rather than to conduct any detailed analysis or make an assessment about the weight that should be given to any particular sign, nor to make a determination as to whether the crime was motivated by anti-

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 LGBTIQ Hate Crimes*

LGBTIQ bias. Criminal investigation skills were therefore more relevant to the review phase (where determinations as to motivation and bias were made), rather than the triage phase.

SECTION D: STRIKE FORCE PARRABELL: DOCUMENTS

44. The development of the SF Parrabell Terms of Reference, Investigation Plan, Induction Package and the Coordinating Instructions, was led by me. I considered that these documents would be of assistance to the SF Parrabell team and would record, consistent with NSWPF policy, the aims of the investigation. In my view, it was normal to draft these types of documents for more complex matters which required more detailed guidance for staff.

Terms of Reference

45. A Terms of Reference document is a template document and is important in criminal investigations to ensure that the investigation does not go too far outside the bounds of its intended scope.
46. I cannot now locate a copy of the SF Parrabell Terms of Reference but recall that I drafted one. The Terms of Reference for SF Parrabell did not contain any meaningfully different material from those set out in the Final Report of SF Parrabell and the Investigation Plan (discussed below at [47]).

Investigation Plan

47. I prepared the Investigation Plan in or around May 2015 with input from AC Crandell and review by DCI Middleton. An Investigation Plan is routinely created at the outset of an investigation. It is commonly understood within the NSWPF that an investigation may not proceed exactly within the terms of the Investigation Plan and that aspects of the investigation will deviate from the plan as it progresses. An Investigation Plan, therefore, is designed and understood to set out the initial reference and scope of the investigation, its aims and how it is to achieve those aims (in broad terms). With some exceptions (for example, where the scope of the investigation

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materially deviates from the stated objective), my experience has been that Investigation Plans are not normally updated throughout an investigation.

Induction Package

48. The Induction Package was designed to provide an introduction to new staff (discussed above at paragraph 43 above) and outlines the expectations of them in their roles in SF Parrabell. It was, in effect, an earlier version of the Coordinating Instructions. I recall that the Induction Package was drafted by me in or around April 2016 and was available to all SF Parrabell officers on e@gle-i.

Coordinating Instructions

49. The Coordinating Instructions were drafted in or around October 2016 to reflect the evolving thinking of the review team (DCI Middleton, me and DSC Bignell), particularly in respect of the categorisation of bias crime. We considered that a Coordinating Instructions document would be helpful in summarising the scope, form and chain of command of SF Parrabell given additional resources would be allocated. These instructions were formulated over a series of meetings, and they were ultimately drafted by me.
50. The Coordinating Instructions were not a standard template document, but rather they were created as a brief for new staff joining SF Parrabell to convey the reference and scope of SF Parrabell and to ensure all staff took a consistent approach to their work on the Strike Force. I used the information from the Investigation Plan to draft the Coordinating Instructions (with relevant updates to reflect the movement in our thinking and understanding of the issues) so as to ensure those working on SF Parrabell were aware of the updates.
51. Any minor amendments to the process not reflected in the Coordinating Instructions were communicated to the SF Parrabell investigators. For example, while the BCIF was amended between the production of the Coordinating Instructions and the Final Report of Strike Parrabell, those changes did not necessitate a redrafting of the Coordinating Instructions.

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BCIF

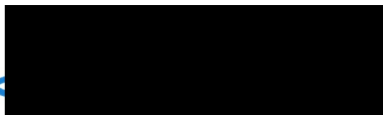
52. I drafted the BCIF using indicators which were in use by the NSWPF bias crime unit at the time. I understand that nine of those indicators had been taken from a document developed by the United States Department of Justice Office for Victims of Crime and used by United States law enforcement, and that the final indicator had been added by Sgt Steer. I drafted the initial BCIF and sent it to DCI Middleton who made numerous changes with which I agreed. The purpose of the BCIF, as I saw it, was to be a tool to assist officers to search through the files to identify information that may be relevant to determining whether there was a crime involving anti-LGBTIQ bias. I believed that some of the indicators would be very relevant and found at a higher frequency in the material reviewed (such as motive), whilst other indicators, such as involvement of Organised Hate Groups would likely not be found as frequently. The BCIF provided a list of indicators that police could use as a guide when conducting the triage and was designed to take into account a range of possible factual scenarios that the triage team might encounter that may be relevant to the question of whether anti-LGBTIQ bias had played a part in the relevant death.
53. The BCIF evolved over the course of SF Parrabell, with changes made where we saw it was necessary to update or improve the form. As we reviewed further information and became more familiar with the record holdings of the NSWPF, we considered that the BCIF could (and should) be modified to make it a more appropriate tool for identifying indicators of anti-LGBTIQ bias. The triage team were made aware of amendments to the BCIF form through updates to the constituent documents and by way of verbal discussions.
54. Once the triage stage of the review process had been completed using the BCIF, it was anticipated that there would be sufficient information for the review team to be able to review the BCIF (and any particularly relevant source material) and make a determination as to whether bias was indicated in relation to the relevant death and, if so, to what category of bias the relevant incident should be categorised.

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 LGBTIQ Hate Crimes*

55. Over time, the categories of bias crime that we took into account developed based on the information that was being presented to us. Initially, the categories of bias crime were based on the notion that a particular case either *was* a bias crime or that it *was not* a bias crime. As SF Parrabell progressed, we formed the view that in making our determination and categorising the 88 cases, we were limited by the evidence that was available to us (rather than making a determination in circumstances where other evidence may be available or could have been obtained at the time). Therefore, amending the categories to “evidence of” a bias crime appeared to us in the review team to be more appropriate.
56. As the cases were reviewed and different scenarios were considered, it became apparent to me that the notion of likelihood was extremely important. My view was that it was important to demonstrate in the assessment that some of these matters were almost certainly bias crimes. For that reason, we decided to separate cases out into those where we could be satisfied beyond reasonable doubt that bias was involved and those where there was evidence that suggested that bias may have been involved, albeit at a much lower level of certainty. Both categories were regarded as, in effect, bias crimes, but I considered it to be important to acknowledge differences in the strength of the available evidence. We also sought to ensure that we erred on the side of identifying bias as a possibility even where the evidence was not as clear cut.
57. Having a wider category of bias with a lower test (i.e. suspected bias) allowed for the possible involvement of bias in the less clear-cut cases to be appropriately acknowledged. If we were unable to determine beyond reasonable doubt that anti-LGBTIQ bias played a role in the commission of the crime, but we had identified evidence that such bias may have been present, we would categorise that case as suspected bias.
58. Our goal was to ensure that we were transparent in our definitions so it would be understood how we came to our findings and to ensure our findings were consistent with the definitions which we had arrived at.

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 LGBTIQ Hate Crimes*

59. The development of the categories was in some ways iterative, in that it would naturally evolve over time as we gained a greater understanding of the cases. It was necessary to go through the process of SF Parrabell in order to finalise the appropriate criteria for the review. SF Parrabell began with very few actual details known about most of the cases and it was necessary to be open minded about the final categorisation of cases (that is, not to make judgments as to the appropriate categorisation both of an individual case and the available categorisation options without considering the relevant material) in order to apply an appropriate categorisation to the 88 cases, which varied significantly in their alleged offending and circumstances (both in terms of location and time).
60. It is important to note that the review staff (being me, DCI Middleton and DSC Bignell) went back over earlier reviewed cases when the BCIF form changed and re-reviewed them by applying the criteria developed over the course of the review. We were satisfied at this point that we were applying the same criteria pertaining to bias to each of the cases that were reviewed.
61. I note that I have reviewed the letter from the Office of the General Counsel of the NSWPF to the Inquiry dated 19 May 2023 at **SCOI.83388** and consider that to be an accurate reflection of my understanding of the development of the BCIF.

SECTION E: STRIKE FORCE PARRABELL: METHODOLOGY

62. Cases were allocated to triage staff by DSC Bignell. I would have weekly discussions with DSC Bignell concerning the cases to be allocated, how many cases had been completed over the previous week and any general issues with the conduct of the triage process. Initially this was done in chronological order of the date of death, but inevitably it would take longer to locate the NSWPF holdings in respect of some cases, and the order in which we reviewed the cases was impacted by logistical delays. The allocation of staff to each case would be managed by DSC Bignell based on the available resources and the need in some cases for more than one investigator to be assigned to a particular case (for example, because of the volume of material to be reviewed in respect of that case).

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 LGBTIQ Hate Crimes*

63. I have discussed the process for obtaining material to review at paragraph 31(a) above.
64. During the triage review, investigators were supervised by DSC Bignell, who would work alongside them to ensure that relevant information was collated from the case files in order to be populated into the BCIF. He acted as a “link” between the triage process and review process.
65. DSC Bignell’s presence in the triage and review teams helped to ensure consistency throughout the triage and review processes. It also allowed the senior team input into the triage process to ensure the triage team were accurately and effectively populating the BCIFs with all relevant material. This was to ensure no misunderstanding occurred between the triage and review teams.
66. As an example of the review of source material I conducted, in cases where a suspect or witness had been asked a question in a record of interview that was pertinent to the bias identification exercise, particularly about their or another’s sexuality or location during a period relevant to the crime, I would discuss that with DSC Bignell and ordinarily would review that record of interview document myself to ensure there was sufficient discussion of that material in the BCIF. I did this because I considered that the record of interview was a significant document which would provide evidence into the possibility that the crime had an element of anti-LGBTIQ bias. I would also review coronial reports where they were indicated on the BCIF for the same reason. If necessary, we were able to direct that that material be re-reviewed by the triage team. I recall that it was my practice to also ask the triage team to re-review material if on my review of a completed BCIF I identified that the initial review may not have been comprehensive.
67. The review team would consider completed BCIFs at a review team meeting, which would usually occur regularly (at least monthly). Prior to the meetings of the review team, the cases to be reviewed would be notified by DSC Bignell. Each of DCI Middleton, DSC Bignell and I would read the BCIF for each case to be reviewed in the review meeting, as well as any

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particularly pertinent documents, including records of interview, and discuss whether there was enough information to make a determination concerning bias without discussion.

68. At the end of the review process, the review team would come to a consensus about whether the crime was motivated by anti-LGBTIQ bias. During the early reviews, we discussed in detail the conclusions that could be drawn from the evidence in respect of individual cases, along with issues of weight and sufficiency of evidence. Our review discussions would follow the same format as we would in discussing an incident that had been the subject of a police investigation. That is, we would discuss what the evidence was, how that evidence applied to the elements of an offence, and the application of legal principles and tests including defences or exculpatory factors. After this, we would arrive at a consensus. This process could sometimes be complicated where the evidence was closer to our thresholds (i.e. whether we would categorise the case as having insufficient evidence or involving suspected bias). In these cases we would return to the matter later (sometimes after a review of some of the holdings) if reaching a consensus was difficult.
69. The BCIF was a necessary part of this methodology because there was no common thread in these 88 crimes other than the suggestion that they had involved an element of anti-LGBTIQ bias. The cases differed significantly in terms of, for example, age, circumstance, quantity and quality of evidence. Given these significant variances, and having only the name of the victim of the crime when SF Parrabell began, it was difficult for us to develop a methodology to review each individual case. The BCIF was, in our view, the best way to do so, as it could be consistently applied to a diverse range of cases as a way of identifying features that may have been relevant to the question of bias.

SECTION F: STRIKE FORCE PARRABELL: INTERACTION WITH FLINDERS ACADEMIC REVIEW TEAM

70. I had no involvement in the selection process of the academic review team. My first interaction with the review team from Flinders University was when they travelled to Sydney to meet the senior members of the SF Parrabell team. While I cannot now recall the dates of these

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meetings, I do recall there were a series of meetings in which we discussed the thresholds used by SF Parrabell, the findings of the Strike Force, the use of the BCIF, and our methodology. We also discussed some of the cases individually. Largely, we discussed cases in respect of which the SF Parrabell team felt enough evidence existed to come to a determination of bias or suspected bias, or that there was insufficient or no evidence. We did this to give the academic team an indication of the decision-making process in SF Parrabell. After these meetings, it was my understanding that the academic team would undertake their own analysis of the 88 cases.

71. The academic team asked the staff of SF Parrabell numerous questions about our methodology, but I understood that this was mainly to understand the process we had engaged in. I do not recall the academic team raising concerns about the BCIF at the time.
72. At no time during the meetings I have described or in any other engagement with the academic review team did I seek to ensure that the academic team arrived at the same outcome for each case as SF Parrabell.
73. While I recall that findings may have been changed or evolved from time to time during the operation of SF Parrabell, my recollection is that this occurred due to identification by a member of the Strike Force of a new piece of evidence that had come to light, or a different perspective on the relevance of a fact in the case.

SECTION G: STRIKE FORCE PARRABELL: THE REPORT

74. AC Crandell prepared the draft report of SF Parrabell. I had no input into the drafting of the report but I did read it and considered that it was reflective of our reviews and findings. I do not recall suggesting any drafting changes or commenting on the draft report, other than to tell AC Crandell and DCI Middleton that I was satisfied with it.

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SECTION H: INTERACTION WITH OTHER STRIKE FORCES

75. In the course of my involvement in SF Parrabell I did not have any interaction with the officers who were involved in Strike Force Macnamir or Strike Force Neiwand. At the time, I felt that it was inappropriate for officers on SF Parrabell to liaise with officers on these other Strike Forces in relation to individual cases or to discuss the methodology involved in the review process. This is because I thought that the SF Parrabell process should be independent from officers who may have otherwise been involved in the prior investigation of these cases. This was necessary, I thought, to avoid any perception that the same result would be arrived at or that those who had previously investigated a case were doing so again. I felt that this was important to ensure that the cases were considered with 'fresh eyes' and to adequately address the community concerns about these cases.
76. I recall that I attended a meeting between Homicide Commander Michael Willing and AC Crandell. AC Crandell provided Mr Willing with a brief overview of SF Parrabell and informed Commander Willing that if SF Parrabell found anything requiring further investigation, we would send that material to the Homicide Squad.
77. I was aware at the time that the Homicide Squad was involved in investigations connected to the Scott Johnson case and that SF Parrabell was not concerned with reviewing investigations which were still active.

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