

STATEMENT

Name: Pamela Young

Address: Known to the Special Commission of Inquiry into LGBTIQ hate crimes

Date: 17 April 2023

1. This statement made by me accurately sets out the evidence I would be prepared, if necessary, to give to the Special Commission of Inquiry into LGBTIQ hate crimes (Inquiry) 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 for 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 a retired Detective Chief Inspector of the NSWPF.
3. On 12 April 2023, I received summons **PY2** from the Inquiry. On 14 April 2023 I received summons **PY3** from the Inquiry. I produce this statement and documents in response to those summonses.


EXPERIENCE

4. I was sworn in to the NSWPF on 7 December 1984.
5. In 1986 I commenced criminal investigation duties and was designated Detective in 1990. I conducted general and specialist criminal investigations, inclusive of arson, drugs and organised crime.
6. In 1995 I was selected to the Homicide Squad. From 1995 to 2004 I worked full time as a Detective Senior Constable and then Detective Sergeant in the on-call team. From 2008 to 2012 I worked full time as a Detective Chief Inspector in the on-call team.
7. In 2005 I was selected to the position of NSWPF Director, Detective Education Program and was a member of the Commissioner's Executive Team Criminal Investigation and Detectives Advisory Panel. I held those positions until August 2008, when I was invited to return to the Homicide Squad where I remained until August 2015.
8. In my 17 years as a homicide detective, I responded to approximately 1000 suspicious deaths and was directly responsible for over 300 criminal and coronial investigations. In 1998 I was 2IC of the serial gay hate murders and mutilations of Frank Arkell and David

O'Hearn for which Mark Valera was convicted. In 1999 I was the officer in charge of the bias murder of Brendan McGovern for which a youth was convicted. In 1992 I was commended for "*devotion to duty*" for assisting the serial bias crime investigation by the North Shore Murders Task Force for which John Wayne Glover was convicted. I was selected to review the suspected bias murder of Mr Trevor Parkin in 1997 and Mr Bernd Lehmann in 2008.

9. I have authored and co-authored NSWPF manuals and course materials relative to major crime investigation, including the Homicide Course and the Detective Training Course.
10. From 1999 to 2010 I lectured and assessed on the Homicide Course, Detective Education Program, Plain Clothes Investigators Course, and Local Area Command courses, in areas of crime scene preservation, investigation techniques, information management and leadership.
11. I have made several dozen authorised media appearances relative to active investigations and was selected by NSWPF executive for several extended format media appearances and interviews across all media formats.

THE HOMICIDE SQUAD

12. On 6 November 2011 Superintendent Michael Willing became my commander at the Homicide Squad. In that position, Michael Willing was also 'Head of Profession' for all homicides and missing persons in NSW. When he came to the squad, I was a Detective Chief Inspector and held the position of Investigations Coordinator. I had worked on call teams for a total of 13 years.
 13. In January 2013 I moved from the Homicide Squad on call teams and commenced in the Homicide Squad Unsolved Homicide Team (UHT). Michael Willing put me in charge of UHT Operations which meant I was responsible for all UHT reinvestigations. In 2013, I had a metropolitan investigation staff of 22 and a regional investigations staff of 12. By 2015 the UHT had been restructured into a centralised Sydney agency with an investigation staff of 30. At any one time there were more than 30 reinvestigations underway.
- 

14. My peer, Detective Chief Inspector John Lehmann, oversaw UHT Review with approximately four staff. UHT Review was responsible for maintaining the *UHT Tracking File of Reported Homicides and Suspicious Missing Persons in NSW*.
15. In 2013 over 600 unsolved cases were being tracked by the UHT from 1970 to current day. Tracked cases were reviewed in chronological order based on the date of the offence. For each case a *Case Screening Form* was used by UHT Review to record the quantitative merits of a case for reinvestigation. A case was reviewed for currency of investigation and coronial records, exhibits, civilian witnesses, police witnesses, suspects, and next of kin. The completed *Case Screening Form* was reviewed by a UHT Inspector, who would determine a high, medium, low or negligible solvability rating. The solvability was entered into the *Tracking File* and Eaglei, the NSWPF information management system, under the code, Strike Force Palace. Cases with high and medium solvability ratings were referred to UHT Operations for reinvestigation.
16. A case that was screened and remained unsolved, or a reinvestigation that entered suspension, was screened again after a lapse of approximately five years. If in the intervening period new information became available, the screening process would be revisited by UHT Review regardless of chronology.
17. Due to resourcing, the systematic review approach was not always as regular as it was designed, and reinvestigations had a waitlist. At the request of Michael Willing, from 2013 to 2015 I revised the existing UHT Standard Operating Procedures relative to case screening and solvability assessment.

THE COMMENCEMENT OF STRIKE FORCE MACNAMIR [PY3]

18. The first time that I heard about the Scott Johnson case was on 7 February 2013.
19. On 7 February 2013 at 7.56am an email is sent by acting Homicide Squad Commander, Chris Olen, to the line manager Director, State Crime Command (SCC), Chief Superintendent Peter Cotter. The email refers, inter alia, to the recent contact by the office of the Minister for Police and Emergency Services (Ministry) with Michael Willing, the Ministry agreeing to meet the Johnson family/representative "next week", a request that Homicide Squad executive attend, and the coverage on ABC Australian Story on 11

February 2013. It concludes that Chris Olen, in consultation with Michael Willing, have decided that UHT investigators will “investigate issues raised by the (Johnson) family.”

The email is copied to Michael Willing and me. [PY3.1]


20. On 7 February 2013 at 12.24pm Chris Olen emails the Executive Assistant to the Commander, SCC and refers to direct interest in the case from the Ministry and Manager Secretariat in the Police Commissioner’s office. The email is copied to Michael Willing and the entire SCC executive. [PY3.2]


21. On 7 February 2013 at 9.49am I sent an email to Chris Olen, Michael Willing and Director, Peter Cotter, objecting to the Johnson case being given priority over other unsolved cases. I had by this time read the 16-page letter from the Johnson family that is referred to in the email of 7.56am along with Strike Force Palace records.


22. On 7 February 2013 at 2.52pm Chris Olen responds to my email telling me the reasons why a review of the latest material from the Johnson family is necessary, terms of the expectations of police minister, and the Johnson family being, inter alia, “well resourced”. He misquotes what UHT Coordinator, John Lehmann, will say in Australian Story on 11 February 2013. He copied the email to Michael Willing and Director, Peter Cotter. [PY3.3]

23. On 8 February 2013 at 9.51am Chris Olen is informed that the meeting between the Minister and the Johnson family is on 12 February 2013 at 5pm. On 12 February 2013 Chris Olen emails me the address of the meeting, being *Office of the Hon. Michael Gallacher (Minister), 1 Farrer Place, Sydney*. [PY3.4]

24. On 8 February 2013 at 11.12am, SCC Media Liaison sent an email to Chris Olen, inter alia, telling him that the Johnson family have invited the NSWPF to take part in a media event on 12 February 2013 and that the Minister will meet with them after that event. The SCC executive and the Media Unit and Public Affairs Branch executives are among those copied into the email. At 1.13pm I email my thoughts to Chris Olen, and I receive a reply. [PY3.5]



25. On 11 February 2013 at 12.26pm, the reinvestigation into the death of Scott Johnson was created in the NSWPF information management system, Eaglei, as *Strike Force Macnamir*.
26. On 12 February 2013 from 5pm to 6.30pm I am present with Chris Olen at the meeting between the Minister and Mr Stephen Johnson, his sister Ms Rebecca Johnson, and his journalist, Mr Dan Glick. When the meeting was over, I knew that the Ministry expected that the Johnson family be given a priority investigation by the UHT. A Government Reward application by the UHT dated 20 November 2012, was signed by the Minister during the meeting.
27. When Michael Willing returned to his position, he told me that the Minister, or Ministry, had contacted him on 6 April 2013 because they wanted to have "something favourable" to say to the Johnson family when the Minister met them "next week". This contact precipitated the email by Chris Olen at 7.56am on 7 April 2013.
28. In my 17 years in the NSWPF Homicide Squad, with direct responsibility to investigate over 300 suspicious deaths and murders, fatal shootings by police, and covert internal investigations, together with having a working knowledge of every case responded to by the centralised Homicide Squad between 2004 and August 2015, I have never known a next of kin to be as successful at commanding direct and ongoing support. In the Homicide Squad office, I took to referring to the Minister as "kowtowing", including in the presence of Michael Willing.
29. The net effect of everything since 7 April 2013 was to elevate to a full reinvestigation the death of Scott Johnson over other cases on the *Tracking File* and earmarked for reinvestigation, including other bias crime cases. UHT staff were reassigned as required.
- THE LATELINE INTERVIEW [PY2/PY3]**
30. In my coronial statement commenced on 20 November 2013/signed 14 July 2014, at paragraph 49 to 55 inclusive, I record the commencement of Strike Force Macnamir in abridged terms which included the Minister. I left out details not relevant to my primary responsibility in the statement which is to assist the State Coroner to determine the date, manner and cause of Scott Johnson's death.
- 

31. I was the investigation supervisor of Strike Force Macnamir from 11 February 2013 to 25 April 2015.
32. On 4 October 2013 Michael Willing wrote to the NSW Crime Commission and referred the Strike Force Macnamir investigation to that agency for review. This is the first time in the history of the NSWPF that an investigation has been referred for review to the NSW Crime Commission.
33. On 18 February 2014, the NSW Crime Commission recorded, inter alia, its findings that, *"the Commission considers that investigations have been comprehensive and thorough and has not identified any line of inquiry not already undertaken."*
34. On 18 March 2014, Michael Willing wrote to the State Coroner, Michael Barnes (State Coroner), requesting a further examination of the circumstances surrounding the death of Scott Johnson. He wrote, *"...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...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."*
35. Michael Willing met the State Coroner several times and I met with the State Coroner on one of those occasions. The State Coroner asked for my coronial statement as soon as possible and said that he would call for submissions on the matter from the Johnson family prior to deciding whether to hold a third Inquest. Michael Willing and I raised the history of media access and publishing on behalf of the Johnson family and our public interest immunity concerns relative to youths and certain victims and witnesses.
36. On 14 July 2014 I served by hand on the State Coroner the first of four coronial statements that I had prepared about the death of Scott Johnson. The statements are dated,
- (1) 20 November 2013 / signed 13 July 2014, 445 pages
- (2) 8 October 2014 / signed 10 October 2014, 11 pages
- 

(3) 9 April 2015, 5 pages

(4) 23 April 2015, 6 pages.

37. My statements are supported by approximately 10,000 pages of information and evidence which formed Strike Force Macnamir Coronial Brief of Evidence. My statements include analysis of over 100 persons of interest, over 65 victims of crime, and reported crimes of violence in Manly and surrounding areas from 1 January 1986 to 31 December 1989 inclusive. They also include police operations on persons of interest and evidence and information on the three heads of 'manner and cause of death', being homicide, suicide, misadventure.
38. Relative to the possibility that Scott died because of homicide, there are 1429 paragraphs (approximately 197 pages) of exclusive information and evidence in my statements for the State Coroner.
39. Relative to the possibility that Scott died because of suicided, there are 40 paragraphs (approximately 7 pages) of exclusive information and evidence in my statements for the State Coroner.
40. Relative to the possibility that Scott died because of misadventure, there are 5 paragraphs of exclusive information and evidence in my statements for the State Coroner.
41. I was unable to identify a person or persons responsible for the death of Scott and I ended statement (1) with, "This concludes the information and evidence that is available to date".
42. I understand that the younger brother of Scott White is NP30. NP30 appears in my statement signed 14 July 2015 at 1576-77, 1579, 1606, 2968 and was interviewed by Detective Sergeant Penny Brown. For the record, I created the pseudonyms by direction of the State Coroner following a public interest immunity application by the NSWPF.
43. Particularly since 2013, media coverage of the Scott Johnson case has been prolific and broad in seeking information from the public and criticising the police investigations. I was aware in general terms that the State Crime Command executive had growing concerns about the impact on public trust and confidence in the NSWPF, particularly by

the LGBTIQ community. More specifically I was aware that Michael Willing, as Head of Profession and spokesperson for the NSWPF on all homicides, was concerned that the proliferation of negative media was a cause of public concern and likely fear, particularly in the LGBTIQ community. We spoke on it several times over the course of 2013, 2014 and 2015, and I shared his concern for professional and personal reasons.


44. The State Coroner lists the death of Scott Johnson for hearing on 13 April 2015 for the purpose of determining if there is to be a third Inquest, public interest immunity, and non-publication order applications relative to the coronial statements.
45. In the weeks preceding 13 April 2015, Michael Willing and the NSWPF Media Unit were receiving information that the Johnson family were actively approaching numerous media outlets offering themselves for exclusive interview, *“regardless of what the (State) Coroner determined”*. Michael Willing told me verbally and expresses this in an email on 9 April 2015 at 10.03am to Deputy Commissioner Naguib Kaldas. He copies it to me, SCC Director, John Kerlatec, and others. **[PY3.6]**
46. After hearing the information about the Johnson family, I approached Michael Willing with an idea that we too should be ready to do a media release if the State Coroner does not place a non-publication order over my coronial statements. In discussions I had with Michael Willing and the SCC Media Liaison, a media strategy was developed in the weeks before 13 April 2015. At the same time, I attended legal conferences regarding public interest immunity and non-publication coronial applications.
47. On 7 April 2015 at 2.04pm, six days prior to the Coronial Hearing, the media strategy is explained in an email by the SCC Media Liaison supervisor and sent to SCC Directors. It is copied to me, Michael Willing, and the Staff Officer to the Deputy Commissioner. Frequently at this time, the substantive Deputy Commissioner was absent from his position. I am uncertain who was in the Deputy Commissioner’s chair on this occasion.
48. The email includes, inter alia, that the ABC and The Australian will be offered an exclusive interview, that the NSWPF Manager Public Affairs Branch, Strath Gordon, *“...supports and approves it...”*, and that Michael Willing intends to, *“...advise the (State) Coroner...”*

49. In the ordinary course, an absence of response for six days from Tuesday 7 April 2015 to Monday 13 April 2015 from any other of the managers to whom the media strategy had been sent, was interpreted by me as there being no objection and therefore it was authorised. Michael Willing did not tell me otherwise. [PY3.7]
50. From discussions with Michael Willing and SCC Media Liaison together with the email of 7 April 2015, I understood that the off the record backgrounding of the two journalists would be on the record at the time and if the State Coroner does not proceed with a non-publication order over my statements. Equally, I knew that backgrounding and further public comment must be limited to the information and evidence within my coronial statements. I did not receive any other advice or direction from any person in the NSWPF.
51. Even though Michael Willing had read my first coronial statement, I had the more detailed knowledge of the whole, and so when Michael Willing asked me to do the release, I agreed. Michael Willing explicitly authorised the media strategy and my role in it by repeated word and action.
52. The media outlets selected for the background interviews were The Australian and the ABC as both had provided relatively balanced reporting of the Scott Johnson case. The journalists selected were chosen by me and approved by Michael Willing and SCC Media Liaison. I had read much of Dan Box's investigative reporting in relation to the death of three Aboriginal children at Bowraville and heard of his professional independence. Detective Sergeant Penny Brown had met Emma Alberici within the prior couple of years [REDACTED] I liked the probative format of Lateline, and a professional independence impressed me when we first met over lunch. These reasons made me decide on Emma Alberici. I had not met with or had dealings with either journalist prior to this.
53. At 3.59pm 8 April 2015, SCC Media Liaison sent me an email that journalist Dan Box of The Australian had agreed to meet in the Homicide Squad conference room at 11.30am on Friday 10 April 2015. The email includes, "*He (Dan Box) has agreed...any background information (will be) used only if/when (your) statement is made public by the coroner*" [REDACTED]

and, "I think (a summary of your key points/findings) ...would be extremely helpful for dealing with other media once it is made public." The email is copied to Michael Willing, SCC Directors, and the NSWPF Media Unit. [PY3.8]

54. The backgrounding and interview with Dan Box went ahead in the Homicide Squad conference room at 12-midday on 10 April 2015. I provided redacted copies of my first three coronial statements. My fourth statement did not exist until 23 April 2015. Detective Sergeant Penny Brown was with me.
55. About 2pm on 10 April 2015 at the ABC office at Ultimo the backgrounding and verbal interview went ahead with Emma Alberici. I provided redacted copies of my first three coronial statements. My fourth statement did not exist until 23 April 2015. Detective Sergeant Penny Brown was with me.
56. On 13 April 2015 I was at court with Detective Sergeant Penny Brown when the State Coroner determined that he would conduct a third Inquest and made my, now redacted, coronial statements accessible to the public.
57. To facilitate the NSWPF media strategy and the Lateline television format, arrangements were made for the pre-recording of the interview. I drove from the Coroner's Court to the ABC studio at Ultimo with Detective Sergeant Penny Brown.
58. While driving, I returned a call from Michael Willing, and we had a three-way conversation on speaker phone. I briefed him on what had happened at the coronial hearing, including that a non-publication order was not made, and that we were on our way to the ABC for the pre-recorded interview. Inter alia, I said words to the effect of, "If I am asked, I will be tempted to use the word kowtowing when describing the police minister" Michael Willing's reaction was to laugh.
59. I took part in a pre-recorded television interview with Emma Alberici which went to air at 9.30pm that night. In the interview I spoke to the information and evidence in my, now public, coronial statements. When Emma Alberici asked me about the Minister, I used the word kowtowing. I was personally critical of how the Johnson family was being favoured over other next of kin. I expressed a personal tenet that, "*all victims are equal.*" I believed that was also the tenet of the NSWPF.



60. At home that night I watched the ABC 7pm television news which covered the decision to hold a third Inquest and showed footage of Penny Brown and I leaving the Coroner's Court. I sent a text message spontaneously and concurrently to Michael Willing and SCC Media Liaison. Michael Willing replied by text, "*Ta Pam. I will have to stay up late...on a school night too!*", Georgina Wells replied, "*Thanks Pam, look forward to seeing it.*"[PY2]
61. When I watched Lateline that night, I noted a voice over by Emma Alberici that, "*Twenty-six years after Scott Johnson's death, police remain of the view that suicide is the most likely explanation...*" This was not recorded in my presence. This view was not expressed by me during the Lateline interview, or backgrounding, or lunch, and it does not appear expressly or implied in my coronial statements.
62. About 9am the following morning, 14 April 2015, Michael Willing called me at home and told me that Police Commissioner Andrew Scipione was, "*fairly relaxed*" about the Lateline interview.
63. Later that day Michael Willing called again to say that the Commissioner was "*panicked*" as the "*worm*" indicated that the media response to my Lateline interview was not favourable. I had to ask him what a "*worm*" was. He told me that the SCC executive team were called into the Police Executive Office (PEO) and that I was not invited. After the meeting at the PEO, Michael Willing called and told me that I may be liable to contempt of court, defamation of the Police Minister, and a breach of the media policy.
64. The NSWPF Public Affairs Branch released a media statement by Michael Willing that some of my Lateline statements were, "*inopportune*".
65. The NSWPF resiled from and then completely denied that the Lateline interview was authorised. I understand they committed this position in instructions for lawyers.
66. On 14 April 2015 Michael Willing told me that the State Coroner had asked that I not receive new inquiries related to the Scott Johnson case.
67. On 23 April 2015 I completed and served my fourth and final coronial statement. That day the NSWPF released to the media that I was being replaced on Strike Force Macnamir.
- 

68. I was present in the State Coroner's Court for the duration of the third Inquest into the death of Scott Johnson and was willing, but was not called, to give evidence.
69. Any person who communicates by any means any material which tends to suggest that I determined that Scott Johnson had suicided and that I ignored, wilfully or otherwise, information or evidence that he may have died from homicide or misadventure, defames me.
70. Any person who communicates by any means any material which tends to suggest that that I attempted to influence the State Coroner, other persons in authority, or the public at large to believe that Scott Johnson had suicided, defames me.
71. Any person who communicates by any means any material that tends to suggest that I acted without NSWPF authority when I appeared on the ABC Lateline programme on 13 April 2013, defames me.
72. Any person who communicates by any means any material that tends to suggest that I am homophobic or personally or professionally bias relative to sexual preference or lifestyle, defames me.
73. On 7 December 1984 in the attestation ceremony at Goulburn Police Academy, I was asked to swear that I would, "*respect the rights of all people in the community...(by) enforcing the law justly without fear, favour, malice or ill will*", and that I would keep confidential matters that I learn in my official capacity, "*unless revelation is necessary for the administration of justice*".

SIGNED:



P.S. Young

DATE: 17.4.23