

## Case 55 - Bias Crimes Indicators Review Form

**File Number:** 296  
**Product Type:** TEXT DOCUMENTS:Investigators Note  
**Date of Note:** 3 Mar 2017  
**Brief Description:** Murder of Brian WALKER (55) on 22 July, 1992.

Brian WALKER was a 30 year old man who is believed to have been homosexual. It is not known if he was employed at the time of his murder.

He was murdered in the rear yard at the home address of John HOKIN at [REDACTED] Burnett Street, Merrylands.

John HOKIN was a 48 year old heterosexual male who had met WALKER on one previous occasion. WALKER was located deceased after being choked to death by HOKIN, who ran to the nearby Police station to seek aid for him.

HOKIN was charged with manslaughter however this charge was withdrawn by the Director of Public Prosecutions prior to trial due to evidence of self defence.

NSW POLICE FORCE

# STRIKE FORCE PARRABELL

## Bias Crimes Indicators Review Form

<b>Investigation No:</b>	<b>55</b>
<b>Victim/Deceased:</b>	<b>Brian WALKER</b>
<b>Date of death:</b>	<b>22 July, 1992</b>
<b>Investigation Status:</b>	<b>Solved (Charges withdrawn)</b>
<b>Offender/s:</b>	<b>John HOKIN</b>
<b>Investigative Unit:</b>	<b>Homicide Squad, North West</b>
<b>Description:</b>	<p>Brian WALKER was a 30 year old man who is believed to have been homosexual. It is not known if he was employed at the time of his murder. He was murdered in the rear yard at the home address of John HOKIN at ■■■ Burnett Street, Merrylands. John HOKIN was a 48 year old heterosexual male who had met WALKER on one previous occasion. WALKER was located deceased after being choked to death by HOKIN, who ran to the nearby Police station to seek aid for him. HOKIN was charged with manslaughter however this charge was withdrawn by the Director of Public Prosecutions prior to trial due to evidence of self defence.</p>

Indicator 1 – 9 taken from the 'Responding to hate Crime – A multidisciplinary Curriculum for Law Enforcement & Victim Assistance Professionals. National Centre for Hate Crime Prevention, United States Department of Justice Office for Victims of Crime, 2000. Indicator 10 developed by NSWPF Bias Crimes based on research and cases.

<b>1. Differences</b>	
<b>Prompts</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>• <i>Immutable characteristic differences between victim and POI's sexual orientation</i></li> </ul>	<p>Brian WALKER was likely to be a homosexual male. He had a very close friend Kevin LEATHAM, however it was unknown if they were in a relationship (ST-374). WALKER had been making advances towards John HOKIN on the night he died. HOKIN is a heterosexual male, who was frightened by the advances from WALKER, stating, "That's what frightened me, because that frightens me. I don't - I don't - when he started touching me, that's when I started getting worried and that's when I started watching him ... they petrify me, those people frighten me" followed by, "... all I can say is that I've had those kind of people approach me many times in my life. I don't know why because I'm a ladies man. I'm an entertainer. You can't be one of those and an entertainer because the boss'll have you out." (ER-60) HOKIN explained to Detectives Sergeant RUPP, "...he [WALKER] just come onto me he kept touching my leg and I'm not like that I like women" (ST-367).</p>
<ul style="list-style-type: none"> <li>• <i>Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred</i></li> </ul>	<p>WALKER approached HOKIN at his home address of [REDACTED] Burnett Street, Merrylands. They had only met on one previous occasion. It was only WALKER and HOKIN at HOKIN'S address at the time of WALKER'S murder.</p>
<ul style="list-style-type: none"> <li>• <i>Victim was engaged in activities promoting his/her group</i></li> </ul>	<p>There is no evidence indicating WALKER was engaged in activities promoting a particular group.</p>
<ul style="list-style-type: none"> <li>• <i>Incident coincided with a holiday or date of particular significance to the victim or POI's group</i></li> </ul>	<p>There is no evidence to suggest that the date of WALKER'S death held any significance to him or HOKIN.</p>
<ul style="list-style-type: none"> <li>• <i>Victim, although not a member of the targeted group is a member a member of an advocacy group that supports the victim, or the victim was in company of a member of the targeted group</i></li> </ul>	<p>There is no evidence to suggest WALKER was a member of, or affiliated with any specific minority advocacy groups. WALKER was not in the direct company of any other person at the time of his murder.</p>
<ul style="list-style-type: none"> <li>• <i>Historical animosity exists between the victim's group and the POI's group</i></li> </ul>	<p>HOKIN had only met WALKER two evenings prior whilst they were drinking together. On the night of HOKIN'S death, this was only the second time they had met. No evidence suggests animosity between the pair prior to WALKER'S advances upon HOKIN (ER-60).</p>

Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes
GENERAL COMMENT	
<p>Brian WALKER was likely to be a homosexual male. WALKER had been making advances towards John HOKIN on the night he died. HOKIN is a heterosexual male, who was frightened of advances from WALKER, stating, "That's what frightened me, because that frightens me. I don't - I don't - when he started touching me, that's when I started getting worried and that's when I started watching him ... they petrify me, those people frighten me" HOKIN explained to Detectives Sergeant RUPP, "...he [WALKER] just come onto me he kept touching my leg and I'm not like that I like women." HOKIN had only met WALKER two evenings prior whilst they were drinking together. On the night of HOKIN'S death, this was only the second time they had met. No evidence suggests animosity between the pair prior to WALKER'S advances upon HOKIN.</p>	
2. Comments, Written Statements, Gestures	
Prompts	Comment
<ul style="list-style-type: none"> <li><i>Bias related comments, written statements or gestures were made by the POI</i></li> </ul>	<p>HOKIN attended Merrylands Police station immediately after the death of WALKER and was arrested. He participated in an electronically recorded interview where he openly gave his opinion on homosexual persons, stating, "That's what frightened me, because that frightens me. I don't - I don't - when he started touching me, that's when I started getting worried and that's when I started watching him ... they petrify me, those people frighten me" followed by, "... all I can say is that I've had those kind of people approach me many times in my life. I don't know why because I'm</p>

	a ladies man. I'm an entertainer. You can't be one of those and an entertainer because the boss'll have you out." (ER-60). Whilst HOKIN referring to homosexual males as 'those kind of people' and stating 'they petrify me' may not have been intended to be bias or derogatory, these comments do reflect a certain level of bias from HOKIN towards homosexuals and in particular WALKER.
<ul style="list-style-type: none"> <li>• <i>Comments and gestures can occur before, during and after the incident</i></li> </ul>	The above comment is the only statement made by HOKIN as recorded after WALKER'S death. Two independent witnesses next door supplied statements; however no evidence was adduced from them in relation to bias related comments. (ST-377 and ST-384)
<ul style="list-style-type: none"> <li>• <i>Victims may not be aware of the significance of gestures made</i></li> </ul>	It is unknown if HOKIN made any gestures towards WALKER prior to or during the fight between them.
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes
GENERAL COMMENT	
HOKIN during record of interview made certain comments in relation to homosexual persons, stating: "That's what frightened me, because that frightens me. I don't - I don't - when he started touching me, that's when I started getting worried and that's when I started watching him ... they petrify me, those people frighten me" followed by, "... all I can say is that I've had those kind of people approach me many times in my life. I don't know why because I'm a ladies man. I'm an entertainer. You can't be one of those and an entertainer because the boss'll have you out." Whilst HOKIN referring to homosexual males as 'those kind of people' and stating 'they petrify me' may not have been intended to be bias or derogatory, these comments do reflect a certain level of bias from HOKIN towards homosexuals and in particular WALKER. It is unknown if HOKIN made any bias related comments or gestures towards WALKER prior to or during the fight between them.	

3. Drawings, Markings, Symbols, Tattoos, Graffiti	
Prompts	Comment
<ul style="list-style-type: none"> <li><i>Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI</i></li> </ul>	No crime scene photographs or photographs of WALKER were available to view. Statements given by Police who attended the scene describe in detail the yard and how WALKER was located within it, stating that the body of WALKER was located on his back with his legs wrapped around an awning pole, and no visible injuries (ST-371 and ST-372). There is no evidence to suggest there were bias related drawings, markings or symbols at the scene from the supplied statements.
<ul style="list-style-type: none"> <li><i>Before discounting symbols, ensure that you understand the meaning of the symbol</i></li> </ul>	There is no evidence of any bias related drawings, markings, symbols or graffiti described at the scene in statements provided.
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
GENERAL COMMENT	
No crime scene photographs or photographs of WALKER were available to view. There is no evidence of any bias related drawings, markings, symbols or graffiti described at the scene in statements provided.	

<b>4. Organised Hate Groups (OHG)</b>	
<b>Prompts</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li><i>Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross</i></li> </ul>	WALKER died in the rear yard of HOKIN'S home address. There is no evidence available which indicates any objects that represent an OHG were left at this address by HOKIN or others prior to or following the assault which resulted in WALKER'S death.
<ul style="list-style-type: none"> <li><i>An OHG claimed responsibility</i></li> </ul>	There is no evidence of any OHG claiming responsibility for this matter. HOKIN presented himself to Merrylands Police Station immediately after the death during which he provided a full recount of what had occurred resulting in WALKER'S death. There is no evidence to suggest HOKIN was a member of or affiliated with an OHG.
<ul style="list-style-type: none"> <li><i>There are indications that an OHG was involved or active in the area</i></li> </ul>	There are no indications that an OHG was involved or active in the area around Merrylands or the home address of HOKIN.
<ul style="list-style-type: none"> <li><i>MO is similar to known MO of an OHG</i></li> </ul>	WALKER died from a torn spinal ligament along with crush asphyxiation following a fight with HOKIN. This is not an M.O. specific to OHG'S.
<b>Indicators</b>	<b>(y/n)</b>
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

<b>GENERAL COMMENT</b>	
<p>There is no evidence of an OHG claiming responsibility for this matter. HOKIN presented himself to Merrylands Police Station immediately after the death during which he provided a full recount of what had occurred resulting in WALKER'S death. There is no evidence to suggest HOKIN was a member of or affiliated with an OHG. There are no indications that an OHG was involved or active in the area around Merrylands or the home address of HOKIN.</p>	
<b>5. Previous existence of Bias Crime Incidents</b>	
Prompts	Comment
<ul style="list-style-type: none"> <li>Victim was visiting a location where previous bias crimes had been committed against members of the victim's group</li> </ul>	<p>The incident occurred at HOKIN'S home address at [REDACTED] Burnett Street, Merrylands. There are no recorded incidents of bias crime having occurred at this location.</p>
<ul style="list-style-type: none"> <li>Several incidents occurred in the same area and the victims were members of the same group</li> </ul>	<p>No previous incidents of bias related crime or homicide are recorded against the location. There is no evidence to suggest HOKIN was a member of any specific groups. It appears whilst HOKIN was a heterosexual male; WALKER was likely a homosexual male.</p>
<ul style="list-style-type: none"> <li>Victim has received previous harassing mail, email, social media posts or phone calls or has been the victim of verbal abuse (anti-gay) based on his/her affiliation with a targeted group</li> </ul>	<p>There is no evidence or previous reported incidents suggesting WALKER had been receiving harassing mail, email or phone calls because of his sexuality.</p>
<ul style="list-style-type: none"> <li>Recent bias incidents or crimes may have sparked retaliatory bias crime</li> </ul>	<p>HOKIN was not known to have been victim to or engaged in any recent bias incidents or crimes that may have sparked retaliatory bias crimes. He is not known to have been involved in other bias related crimes or incidents that may have caused him to assault WALKER causing his death.</p>
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes



Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim’s and/or witnesses.	No
<b>GENERAL COMMENT</b>	
The incident occurred at HOKIN’S home address at ■ Burnett Street, Merrylands. There are no recorded incidents of bias crime having occurred at this location. There is no evidence or previous reported incidents suggesting WALKER had been receiving harassing mail, email or phone calls because of his sexuality. HOKIN was not known to have been victim to or engaged in any recent bias incidents or crimes that may have sparked retaliatory bias crimes.	
<b>6. Victim/Witness Perception</b>	
<b>Prompts</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li><i>Witnesses (actual) perceive that the incident was motivated by bias</i></li> </ul>	Craig and Julianne DONNELLY were neighbours of HOKIN and the only witnesses. Both Craig and Julianne described hearing a male believed to be WALKER yelling out, "Get off me you fucking cunt. Clear off. Get out of here." With HOKIN replying, "Didn't I give you wine and cigars and you cut me to pieces" (ST-377 and ST-384). Craig and Julianne did not report in their statements any statement or gesture they observed or perceived to be bias. They did not express that they believed the murder of WALKER to be motivated by any bias.
<b>Indicators</b>	<b>(y/n)</b>
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes

Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim’s and/or witnesses.	No
<b>GENERAL COMMENT</b>	
Craig and Julianne DONNELLY were neighbours of HOKIN and the only witnesses. Both Craig and Julianne described hearing a male believed to be WALKER yelling out, “Get off me you fucking cunt. Clear off. Get out of here.” With HOKIN replying, “Didn’t I give you wine and cigars and you cut me to pieces.” Craig and Julianne did not report in their statements any statement or gesture they observed or perceived to be bias. They did not express that they believed the murder of WALKER to be motivated by any bias.	
<b>7. Motive of Offender/s</b>	
<b>Prompts</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>• <i>POI was previously involved in similar incident or is a member/associates with members of an OHG</i></li> </ul>	HOKIN had previously been charged with negligently causing GBH injuries to another person, however there are no further details in relation to this incident. As such Police are unable to ascertain in this act had any bias related motive attached. There is no evidence to suggest that HOKIN was a member of or affiliated with members of any OHG’S.
<ul style="list-style-type: none"> <li>• <i>The victim was in company of a member of the targeted group</i></li> </ul>	WALKER attended HOKIN’S address alone and died whilst in a fight with HOKIN. There is no evidence to suggest that WALKER was with any person other than HOKIN that night.
<ul style="list-style-type: none"> <li>• <i>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</i></li> </ul>	WALKER was kicked out of home when he was approximately 13 years old and moved to Mount Druitt to live with friends. When he turned 18, he moved out and continually moved from home to home ‘couch surfing’. It was not unknown for him to up and leave for a few nights before returning (ST-374). WALKER is not believed to have been employed at the time of his death.
<ul style="list-style-type: none"> <li>• <i>The POI has a history of previous crimes with similar MO and involving other victims of the same group</i></li> </ul>	HOKIN was charged with negligently causing GBH injuries to another person, however there are no further details in relation to this incident and Police are unable to ascertain in this act had any bias related motive attached.
<b>Indicators</b>	<b>(y/n)</b>
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No

<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	<p>No</p>
<p>No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.</p>	<p>Yes</p>
<p>Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim’s and/or witnesses.</p>	<p>No</p>

**GENERAL COMMENT**

HOKIN had previously been charged with negligently causing GBH injuries to another person, however there are no further details in relation to this incident. As such Police are unable to ascertain in this act had any bias related motive attached. There is no evidence to suggest that HOKIN was a member of or affiliated with members of any OHG'S. The circumstances of WALKER'S death are that during the night, WALKER and HOKIN were drinking, smoking and singing together in the backyard of HOKIN'S address. WALKER made unwanted sexual advances towards HOKIN. WALKER made further advances which resulted in HOKIN asking him to leave his address. WALKER allegedly grabbed a shovel and swung it at HOKIN who ducked this attack, before grabbing WALKER from behind. A struggle has ensued with WALKER breaking a beer bottle and cutting HOKIN several times to his stomach area. During the struggle, HOKIN choked WALKER until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation. HOKIN immediately ran to Merrylands Police station to report the matter. As a result HOKIN was charged with manslaughter. It appears that even though the fight started as a result of an unwanted sexual advance from WALKER to HOKIN, the motive behind this death was self defence, and this is backed by the coroner's report and from the DPP withdrawing all charges.

**8. Location of Incident**

Prompts	Comment
<ul style="list-style-type: none"> <li><i>The victim was in or near an area or place commonly associated with or frequented by members of a particular group e.g. beat</i></li> </ul>	<p>The incident occurred at WALKER'S address in Merrylands. It is unlikely that this address itself was frequented by homosexual males due to HOKIN'S personal opinion of gay people and how he was scared of them (ER-60). There is no suggestion that this type of incident had occurred at this address before.</p>
<ul style="list-style-type: none"> <li><i>The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc</i></li> </ul>	<p>The location of the incident is the home address of HOKIN. It holds no significance to WALKER.</p>

Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
<b>GENERAL COMMENT</b>	
<p>The incident occurred at WALKER'S home address in Merrylands. There is no suggestion that this type of incident had occurred at this address before. The location is no believed to have held any significance to WALKER. WALKER made unwanted sexual advances towards HOKIN which resulted in HOKIN asking him to leave his address. WALKER allegedly grabbed a shovel and swung it at HOKIN who ducked this attack, before grabbing WALKER from behind. A struggle has ensued with WALKER breaking a beer bottle and cutting HOKIN several times to his stomach area. During the struggle, HOKIN choked WALKER until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation. HOKIN immediately ran to Merrylands Police station to report the matter. As a result he was charged with Manslaughter. These It appears that even though the fight started as a result of an unwanted sexual advance from WALKER to HOKIN, the motive behind this death was self defence, and this is backed by the coroner's report and from the DPP withdrawing all charges.</p>	
<b>9. Lack of Motive</b>	
Prompts	Comment
<ul style="list-style-type: none"> <li><i>No clear economic or other motive for the incident exists</i></li> </ul>	<p>During the night, WALKER and HOKIN were drinking, smoking and singing together in the backyard of HOKIN'S address. WALKER made unwanted sexual advances towards HOKIN, with HOKIN stating, "then the discussion became a little offensive as far as I was concerned. It sounded like he was talking in a manner about sexual behaviour that I didn't prefer and he touched me a few times on the leg and on the shoulder and I tried to ignore that as peace - passively as I could because he had a quite a bit to drink" (ER-60). WALKER made further advances which</p>

	<p>resulted in HOKIN asking him to leave his address. WALKER allegedly grabbed a shovel and swung it at HOKIN who ducked this attack, before grabbing WALKER from behind. A struggle has ensued with WALKER breaking a beer bottle and cutting HOKIN several times to his stomach area. During the struggle, HOKIN choked WALKER until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation (EX-6). HOKIN immediately ran to Merrylands Police station to report the matter. As a result he was charged with Manslaughter. It appears that even though the fight started as a result of an unwanted sexual advance from WALKER to HOKIN, the motive behind this death was self defence, and this is backed by the coroner's report and from the DPP withdrawing all charges.</p>
Indicators	(y/n)
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
GENERAL COMMENT	
<p>During the night, WALKER and HOKIN were drinking, smoking and singing together in the backyard of HOKIN'S address. WALKER made unwanted sexual advances towards HOKIN. WALKER made further advances which resulted in HOKIN asking him to leave his address. WALKER allegedly grabbed a shovel and swung it at HOKIN who ducked this attack, before grabbing WALKER from behind. A struggle has ensued with WALKER breaking a beer bottle and cutting HOKIN several times to his stomach area. During the struggle, HOKIN choked WALKER until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation. HOKIN immediately ran to Merrylands Police station to report the matter. As a result he was charged with Manslaughter. It appears that even though the fight started as a result of an unwanted sexual advance from WALKER to HOKIN, the motive behind this death was self defence, and this is backed by the coroner's report and from the DPP withdrawing all charges.</p>	

<b>10. Level of Violence</b>	
<b>Prompts</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li><i>The level of violence and injuries sustained by the victim/s is greater than would be expected for a crime of that type</i></li> </ul>	During the struggle which ultimately led to the death of WALKER, HOKIN choked WALKER from behind until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation (EX-6). These injuries would not be considered excessive given the circumstances. WALKER attempted to hit HOKIN over the head with a shovel and slashed him several times with a broken glass bottle. The matter was dropped under the premise of self defence.
<ul style="list-style-type: none"> <li><i>Weapons of opportunity are used in the incident</i></li> </ul>	There is no evidence to suggest weapons were used against WALKER from HOKIN in this incident. The Coroner's report suggested WALKER died from being choked from behind.
<ul style="list-style-type: none"> <li><i>The number of POI's is greater than the number of victims and all POI's take an active role in the assault</i></li> </ul>	WALKER and HOKIN were the only two present at HOKIN'S address at the time of WALKER'S death. The struggle was 'one on one' with the number of POI'S equal to the number of victim's.
<b>Indicators</b>	<b>(y/n)</b>
Evidence of Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
No Evidence of Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
<b>GENERAL COMMENT</b>	

During the struggle which ultimately led to the death of WALKER, HOKIN choked WALKER from behind until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation. These injuries would not be considered excessive given the circumstances. WALKER attempted to hit HOKIN over the head with a shovel and slashed him several times with a broken glass bottle. The matter was dropped under the premise of self defence.

## SUMMARY OF FINDINGS

**Indicator:** No Evidence of Bias Crime (NEBC)

**Comment:** Brian WALKER was likely to be a homosexual male. WALKER had been making advances towards John HOKIN on the night he died. HOKIN purported himself to be a heterosexual male, claiming to be frightened by homosexual males, stating during record of interview, "they petrify me, those people frighten me." HOKIN explained to Detectives Sergeant RUPP, "...he [WALKER] just come onto me he kept touching my leg and I'm not like that I like women." HOKIN had only met WALKER two evenings prior whilst they were drinking together. On the night of HOKIN'S death, this was only the second time they had met. No evidence suggests animosity between the pair prior to WALKER'S advances upon HOKIN. The circumstances of WALKER'S death are that during the night, WALKER and HOKIN were drinking, smoking and singing together in the backyard of HOKIN'S address. WALKER made unwanted sexual advances towards HOKIN. WALKER made further advances which resulted in HOKIN asking him to leave his address. WALKER allegedly grabbed a shovel and swung it at HOKIN who ducked this attack, before grabbing WALKER from behind. A struggle has ensued with WALKER breaking a beer bottle and cutting HOKIN several times to his stomach area. During the struggle, HOKIN choked WALKER until he died of upper cervical injury (torn/crush spinal ligament) and asphyxiation. HOKIN immediately ran to Merrylands Police station to report the matter. As a result HOKIN was charged with manslaughter. It appears that even though the fight started as a result of an unwanted sexual advance from WALKER to HOKIN, the motive behind this death was self defence, and this is backed by the coroner's report and from the DPP withdrawing all charges.