

**SPECIAL COMMISSION OF INQUIRY INTO LGBTIQ HATE
CRIMES. MURDER OF WILLIAM DUTFIELD ON 19TH
NOVEMBER 1991.**

**SUBMISSION BY RETIRED DETECTIVE CHIEF INSPECTOR
DENNIS PETER O'TOOLE.**

1. In mid-September 2023, I was contacted by Ms Alexandra Touw of the Special Commission of Inquiry seeking my home address. The reason being that she wanted to send me documents from the Special Commission of Inquiry in relation to the murder of William Dutfield at his apartment in Spit Road, Mosman on the 19th November, 1991.
2. I received these documents on the 28th September, 2023, and I thank you for them. The reply of any written submission being the 4th October 2023. I applied, and was granted an extension, to 5pm on Monday 16th October, 2023. This extension was contained in a letter dated 5th October, 2023 and signed by Mr. Enzo Camporeale, Director, Legal, Solicitor Assisting the Inquiry. His letter directed me to all the relevant documents surrounding the death of Mr. Dutfield plus various later investigations and their documents. I thank Mr. Camperoule.
3. As at the 19th November, 1991, I was a Detective Senior Sergeant attached to the Major Crime Squad North at Chatswood. At the time I was a senior supervisor in charge of the Armed Holdup Unit and various other units within the Crime Squad.

4. At the time of this murder the Homicide Unit at the Major Crime Squad North was inundated with two major crime investigations and court preparations into the North Shore Murders Task Force (The Granny Murders) and then the murder of well known heart surgeon Dr. Victor Chang. Thus there were no Homicide Unit Detectives available to investigate this murder.
5. As a result of these major crimes and the subsequent preparation of court briefs of evidence I was directed by the Commander of the Major Crime Squad North, Detective Superintendent Michael Hagan to take charge of the William Dutfield Murder. I was initially assisted in this investigation by other members of the Armed Holdup Unit, Mosman and North Sydney Detectives.
6. Bear in mind that at this point in time armed robbery was a very prevalent offence due to the heroin drug addictions whereby armed robberies were committed most regularly by addicts to feed their addictions. A number of daily robberies were being committed on armoured vans, banks, building societies, hotels, chemists and stores likely to carry large sums of money. So, we had our own work to do at the time. This meant that investigators who were assigned to the Dutfield Murder also had to have some oversights into various armed robberies in the North Region.
7. In making my written submission I ask the reader to bear in mind that this murder was committed some 32 years ago and memories are not as fresh, even with the supply of relevant documents. So, if I make some mistakes, please bear this in mind. I am now in my mid 70's.
8. When I was contacted by Ms Touw in mid September 2023 I had not heard of this Special Commission of Inquiry into gay hate crimes. I now live in the State of Queensland. She told me that public hearings had taken place back in February 2023 into the William Dutfield Murder and was desirous of sending me documents relating to that public hearing. I immediately wondered why the Special Commission of

Inquiry was sending me documents relating to the public hearing but had made no contact with me as the original Officer in Charge of the Murder Inquiry. To this date, I still wonder as to why you wanted to send me these documents, but did not bother to contact me prior to the public hearings to see if I had anything further I would like to add, or, whether I would like to attend the hearing or, in fact, come and give evidence.

9. This becomes more apparent when you read the documents sent to me where you could say that throughout the document there is comment about the initial investigation which could be construed as basically 'bagging' the initial investigation. I will have more to say about this later in my submission.

10. But firstly, I would like to give you some background. I considered myself, at the time, to be a seasoned major crime investigator, who has worked on, and solved, many homicides over a long period of time. I pride myself on the fact that, I believe, I know well how offenders operate, what signs to look for, and, above all, I believe I have a highly experienced mind-set in interrogating suspects and offenders. If you like, you get a 'feel' for a suspect or an offender as to whether they are lying, possibly lying, have a motive (which in this case is totally absent), when you form an opinion as to whether you consider this person as being a 'suspect'. At the same time, you do not immediately discard the person as being a suspect. However, you must have an 'open' mind. Through my long experiences dealing with suspects and offenders I believe I had a 'sixth sense' as to whether the person I was interviewing would become the main suspect, or even, the offender. This 'sixth sense' does not come from being a non operational Police Officer, or a civilian who has no experience whatsoever in interviewing suspects and offenders. It only comes from long experiences of dealing with suspects and offenders. I ask the reader to bear this in mind.

11. When carrying out major crime investigations there most probably is not a higher feeling of achievement than when you receive a telephone call from the Fingerprint Section advising you that they

have identified fingerprints at a crime scene and that the comparisons are good enough to be used in a court of law. It is a great feeling to have a person identified through fingerprint detection.

12. I note that in Item 63 exhibits there is a message on the 11/05/2010 from the Fingerprint Section to Det. Hungerford of the Unsolved Homicide Team informing him that Arthur Ashworth's fingerprints have been identified on the murder weapon, the heavy duty sticky tape dispenser. Further that there was a notation on the rear of the photograph that says D/Sgt D. O'Toole was informed of the identification by S/C David Lovie, on 2/12/91.

I have two things to say on this subject,

- (i) I do not recall having been informed by anyone that Arthur Ashworth's fingerprints were found on the murder weapon. If I had it would have been mentioned in my statement which was tended at the Coroner's Inquest in 1994.
- (ii) Why wouldn't Arthur Ashworth's fingerprints be found on this item? You would expect his fingerprints to be on the dispenser. He owned the sticky tape dispenser and had, no doubt, placed the item on top of the fridge. As he says that this is where he keeps it. On top of the fridge in the unit which he owns and rented out to his close friend, the deceased.

13. Arthur ASHWORTH. This man, from my memory was 76-77 years of age at the time of the Dutfield Murder. As I also remember, he had no criminal antecedents, was a person of good character, and had not come under the notice of Police in all his years. He was not adversely known in the community as being a person of any sort of violence, bad temper or one 'to watch out for'. No one, in our investigations had said a bad or suspicious thing about Arthur Ashworth. He may have been a little vague at times but he appeared, to me, to be a person of truth. No one in the team of investigators involved in the Dutfield Murder, in the time of my involvement, had expressed any suspicion that Ashworth could be the murderer.

14. It is well documented that Arthur Ashworth, William Dutfield and [REDACTED] 154 were close friends, and had been so, for many years. They went on regular holidays together, both here and overseas, and were in each other's company on a regular basis. It would appear that the three persons were 'closet homosexuals', keeping these things to themselves, and did not confide, to any extent, on their sexuality. It also appears unlikely that they were sexual partners, but merely enjoyed each other's company.

15. Although they lived separately, but close by, they were there for each other in time of need.

16. It would appear that Dutfield, the younger of the three friends, had a drinking problem and also appeared lonely. It seems fair to say, that although a closet homosexual, he would occasionally go out looking for younger, homosexual liaisons. It is well documented that some four weeks earlier than his murder, he went out to the well known homosexual pick-up place, The Bottoms Up Bar at the Kings Cross Rex Hotel. There he met a male person and later invited him back to his apartment in Spit Road, Mosman. Later that evening, he was severely assaulted and robbed by the person.

17. After the murder, the line of inquiry was that William Dutfield received a visitor, most probably immediately after Arthur Ashworth had left his apartment. That visitor, possibly an acquaintance or co-offender of the original assault and rob offender, had been given or escorted to Dutfield's address, went there for the same purpose, to assault and rob him as Dutfield was an 'easy touch', and had plenty of cash money (900.00 in previous Assault & Robbery).

18. As far as a motive for William Dutfield's murder being committed by Arthur Ashworth, I strongly believe there is not one. Ashworth was an elderly man, in fair health, a little vague, but with absolutely no evidence of prior violence. He was Dutfield's close friend. Why would he need to murder him in such a violent fashion? Between 12 and 20 vicious blows were administered to the back of his head. That, in my opinion is a frenzied attack that would have been committed by a

psychopathic, younger person who had a hatred for homosexuals. I still firmly believe that Arthur Ashworth had nothing to do with William Dutfield's murder.

19. Remember well, that in 1991 homosexual assault and robbery was very prevalent. The two biggest pick up places in Sydney at that time was the Bottom's Up Bar, Kings Cross or what was well known at the time, the Wailing Wall, public toilets in Darlinghurst Road, near the courts. This was a regular homosexual pickup place and a frequent assault and robbery scene. Many of these offenders were heroin addicts who needed money to feed their addiction. Some were also homosexual, some were prepared to be homosexual and others, the dangerous types, who were not homosexual, but upon any sexual advances would immediately assault the victim prior to then robbing them.

20. William Dutfield knew very well the reputation of the Bottoms Up Bar, as he used to work there. This is why the initial investigations were centred on the theory that his murder was a repeat of his earlier assault and robbery, only this time the offender murdered him.

21. No one including the Commander of the Major Crime Squad North, Detective Superintendent Mike Hagan, a highly experienced and decorated Homicide Investigator, disagreed with this theory.

22. I do not intend to go into chapter and verse with regard to some of the theories presented in these documents, many of which are not accurate or are pure supposition.

23. However, in 1991, I think I worked on this murder for approximately three months before I was directed back to the Armed Holdup Unit, as the amount of armed robbery investigations were out of hand. I presume that our Homicide Unit, continued to look at the Dutfield Murder.

24. In 1991, DNA sampling, as far as I can remember, had not commenced. In 1994, at the time of the Coroner's Inquest, I was not in receipt of information that there was fingerprint evidence on the sticky

tape dispenser nor on the cigarette packet at the scene of the assault and robbery on Dutfield in October 1991.

25. This brings me to a question, why weren't the original investigators told of the fingerprint identification on the cigarette packet, when this murder was first reviewed in 1995. Most of the original investigators were still in the Police Force at the time. Also of course, why wasn't a DNA sample obtained from Arthur Ashworth by these reviewing teams? There were plenty of occasions prior to his death.

26. The second question is that even though the offender, **NP63**, had been in gaol at the time of the Dutfield Murder, the initial investigators had not been told of his fingerprints being identified on the cigarette plastic. More importantly, I can't see anywhere in the documents supplied to me where this person was interviewed and subsequently charged with the assault and robbery offence? I may have missed something there but it seems very odd that the initial investigators were not informed of such a development. It could well be that NP63 had drug offender friends who he told of an easy assault and rob victim over at Mosman and passed on his address. It would have been very nice to have had the opportunity to interview him.

27. Turning to matters which have sparked the interest of reviewing investigations and the Counsel Assisting, regarding Ashworth's trousers and the times relating to the meal at the Mosquito Bar and subsequent discrepancies. As we all can appreciate, this type of thing happens very frequently and no one can put a finger on why, on most occasions. There are inaccuracies with Ashworth's trousers, some reviewers say that three witnesses say he had blue/grey trousers on. I can only see one witness. As far as times at the Mosquito Bar are concerned, yes there are differing opinions but this is often the case when trying to tie people down to times.

28. All in all, it is mentioned in some summaries that had Arthur Ashworth been alive say in 2010 or today he would be arrested and charged with the Dutfield Murder. Well from what I have read in these documents, and with a properly instructed jury, I could not see the slightest chance of a conviction taking place. It reminds me of the Brittney Higgins/Lehrmann case where investigating Police were overruled by an over-zestful DPP.

29. I would like to make some comments with regard to matters raised in Mr. William de Mars, Counsel Assisting's submission. Firstly, In paragraph 91 he mentions "*Mr. Ashworth was physically stronger than Mr. Dutfield, though he had never seen him fight with anyone.*" This is pure supposition. I have seen a number of jockeys who could fight like thrashing machines, and Dutfield was 36 years his junior.

30. In paragraph 92, "*the close and possibly intimate nature of the relationship between them, the fact they had both been drinking and Mr. Dutfield's high level of intoxication at the time suggests a context in which emotions may have run high between the two of them at the time the offending occurred.*" Again pure supposition, there is no evidence of any intimate nature between any of the three men (Dutfield, Ashworth and 154). Just because Dutfield and Ashworth may have had a verbal argument does not immediately turn a peaceful person into a raving murderer. It just does not follow.

31. I stand by my opinion in paragraph 94 and 95 based on my long experience dealing with suspects, offenders and witnesses and remind all that Dutfield was 36 years younger than the elderly Ashworth.

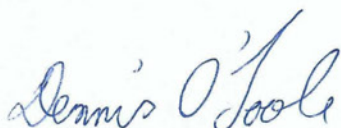
32. By reading paragraphs 98 and 99 it is painfully obvious that the author has a strong opinion that Arthur Ashworth murdered William Dutfield. 'Dead men tell no lies' theory.

33. I should remind all that back "*on the 26/06/2012 Sergeant Daniel Maddocks contacted DSC Hungerford and advised him that the Coroner and he were of the view that a further inquest would not be warranted as there must be sufficient clear and cogent evidence that Arthur ASHWORTH was the only person who could be responsible.*"

Arthur ASHWORTH cannot defend himself or answer any of the unanswered questions. Therefore the Coroner would be in the same position that he was in 1994 and would have to hand down the same finding."

34. Therefore, I adhere to my original theory in that Arthur Ashworth is not a murderer, rather William Dutfield was murdered by person or persons unknown who were attempting to rob him once again.

35. I would like to thank the Special Commission of Inquiry in allowing me the opportunity of making a written submission on this matter. Due to the passage of time, it has been quite difficult to remember intricate details of this investigation, however, I feel I have done my best.



Dennis O'Toole

16th October, 2023

Retired Detective Chief Inspector

N.S.W. Police Force