

Case 5 - Bias Crimes Indicators Review Form

File Number: 336
Product Type: TEXT DOCUMENTS:Investigators Note
Date of Note: 28 Feb 2017
Brief Description: Murder of Richard SLATER (5) on 19 December, 1980.

Richard SLATER, 69 years old, was savagely assaulted and left laying in a semi conscious condition on the floor of the Birdwood Park toilet block suffering severe head injuries.

The Birdwood Park Toilet Block was a known beat location.

It was confirmed that SLATER suffered a long term prostate condition that caused him to urinate frequently and that he had a legitimate reason to attend the toilet block. The officer in charge of the investigation stated, "Inquiries reveal that the deceased person enjoyed a very good reputation among those that he had been associated with. He was not an associate of the criminal element although this incident took place in a public toilet frequented by homosexuals, for reasons previously set out, there is no suggestion that the deceased was in any way associated with this class of individual or that way inclined."

Jeffrey MILLER was charged with the murder of SLATER. MILLER identified as a homosexual male and may have attended the toilet block previously to engage in sexual acts with other males. Witnesses indicated MILLER was previously actively targeting homosexual males as robbery victims and was known to attend public toilets to commit these crimes. The charges proceeded through committal but following the committal proceedings, an application for a 'No Bill' was lodged by defence Counsel. This was considered by the Attorney General and the charges against MILLER were 'no billed' and the criminal trial did not proceed.

NSW POLICE FORCE

STRIKE FORCE PARRABELL

Bias Crimes Indicators Review Form

Investigation No:	5
Victim/Deceased:	Richard SLATER
Date of death:	19 December, 1980
Investigation Status:	Unsolved
Offender/s:	Jeffrey MILLER (Charged – Not convicted)
Investigative Unit:	Homicide Squad
Description:	Richard SLATER, 69 years old, was savagely assaulted and left laying in a semi conscious condition on the floor of the Birdwood Park toilet block suffering severe head injuries. The Birdwood Park Toilet Block was a known beat location. It was confirmed that SLATER suffered a long term prostate condition that caused him to urinate frequently and that he had a legitimate reason to attend the toilet block. The officer in charge of the investigation stated, "Inquiries reveal that the deceased person enjoyed a very good reputation among those that he had been associated with. He was not an associate of the criminal element although this incident took place in a public toilet frequented by homosexuals, for reasons previously set out, there is no suggestion that the deceased was in any way associated with this class of individual or that way inclined." Jeffrey MILLER was charged with the murder of SLATER. MILLER identified as a homosexual male and may have attended the toilet block previously to engage in sexual acts with other males. Witnesses indicated MILLER was previously actively targeting homosexual males as robbery victims and was known to attend public toilets to commit these crimes. The charges proceeded through committal but following the committal proceedings, an application for a 'No Bill' was lodged by defence Counsel. This was considered by the Attorney General and the charges against MILLER were 'no billed' and the criminal trial did not proceed.

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.

1. Differences	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Immutable characteristic differences between victim and POI's sexual orientation</i> 	<p>Richard SLATER, aged 69 years of [REDACTED] Cooks Hill, was an age pensioner. About 1:00pm on Friday the 19 December 1980, SLATER was found in the men's portion of the public toilet, Birdwood Park, King Street, Newcastle. At the time SLATER was suffering from head and other injuries, and was in a semi conscious condition. Initial enquiries by Detective Sergeant SQUIRES described SLATER in the following terms: "The deceased person as 6'1" tall (185cms), approximately 14 stone. He was a family man, a non drinker, non smoker and was not a member of any club, lodges or other organisations. He has no close known associates apart from his immediate family and neighbours" (IN-187). This case was reviewed by Detective Inspector LEHMANN of the Unsolved Homicide Squad in 2013, who reported the following, "The deceased was not known to be involved in homosexual activities however a number of factors tend to contradict this: The location was a known 'gay beat'; when questioned by Police prior to his death, the deceased claimed he was not bashed; later scientific examinations located semen on the clothing the deceased wore" (IN-66). Further investigation revealed that SLATER suffered a long term prostate condition that caused him to urinate frequently and that he had a legitimate reason to attend the toilet block. The officer in charge of the investigation, Detective Senior Constable INKSTER stated, "Inquiries reveal that the deceased person enjoyed a very good reputation among those that he had been associated with. He was not an associate of the criminal element although this incident took place in a public toilet frequented by homosexuals, for reasons previously set out, there is no suggestion that the deceased was in any way associated with this class of individual or that way inclined" (IN-187). Detective INKSTER also commented on the accused Jeffrey MILLER writing, "The accused person is known to me to be an associate of the Criminal and homosexual element both in the Newcastle and the Sydney areas, and since the time he left school he has continually been under notice of the police because of his criminal activities. The accused has for several years been</p>

	<p>residing in temporary accommodation with other persons of his own character and all of whom are well known to police for their criminal, homosexual, and drug activities, these persons include, I217 I218 He has informed that because of his association with the homosexual types in this area he became involved in drugs regularly administering various types of drugs which include Ritalin, heroin, and other less addictive drugs including serapax and other nerve stimulant tablets" (OD-267). An associate of MILLER'S named I216 who provided evidence as a witness stated, "I didn't know he (MILLER) was going in there for sexual reasons. It was only what he said that gave me the impression that he was going to the toilets for sex reasons because I am aware of his homosexual behaviour" (TR-119).</p>
<ul style="list-style-type: none"> Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred 	<p>SLATER had resided in the Newcastle area for his entire life and attended the CBD on a regular basis to complete his shopping and errands.</p>
<ul style="list-style-type: none"> Victim was engaged in activities promoting his/her group 	<p>SLATER was not believed to have been engaged in any activities promoting any particular group. As stated by DSC INKSTER, "He was a family man, a non drinker, non smoker and was not a member of any club, lodges or other organisations. He has no close known associates apart from his immediate family and neighbours" (IN-187).</p>
<ul style="list-style-type: none"> Incident coincided with a holiday or date of particular significance to the victim or POI's group 	<p>The incident occurred only 3 days before Christmas but this is not thought to be of any relevance to either SLATER or MILLER.</p>
<ul style="list-style-type: none"> Victim, although not a member of the targeted group is a member of an advocacy group that supports the victim, or the victim was in company of a member of the targeted group 	<p>SLATER was not a member of any advocacy group or support groups.</p>
<ul style="list-style-type: none"> Historical animosity exists between the victim's group and the POI's group 	<p>SLATER and MILLER had never met prior to the incident that led to SLATER'S death. As such there is no known historical animosity between the two.</p>
Indicators	(y/n)
<p>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.</p>	<p>No</p>

<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>
<p>GENERAL COMMENT</p>	
<p>This case was reviewed by Detective Inspector LEHMANN of the Unsolved Homicide Squad in 2013, who reported the following, "The deceased was not known to be involved in homosexual activities however a number of factors tend to contradict this: The location was a known 'gay beat'; when questioned by Police prior to his death, the deceased claimed he was not bashed; later scientific examinations located semen on the clothing the deceased wore." Further investigation revealed that SLATER suffered a long term prostate condition that caused him to urinate frequently and that he had a legitimate reason to attend the toilet block. The officer in charge of the investigation, Detective Senior Constable INKSTER stated, "Inquiries reveal that the deceased person enjoyed a very good reputation among those that he had been associated with. He was not an associate of the criminal element although this incident took place in a public toilet frequented by homosexuals, for reasons previously set out, there is no suggestion that the deceased was in any way associated with this class of individual or that way inclined." Detective INKSTER also commented on the accused Jeffrey MILLER writing, "The accused person is known to me to be an associate of the Criminal and homosexual element both in the Newcastle and the Sydney areas, and since the time he left school he has continually been under notice of the police because of his criminal activities. The accused has for several years been residing in temporary accommodation with other persons of his own character and all of whom are well known to police for their criminal, homosexual, and drug activities, these persons include, I217, I218. He has informed that because of his association with the homosexual types in this area he became involved in drugs regularly administering various types of drugs which include Ritalin, heroin, and other less addictive drugs including serapax and other nerve stimulant tablets." An associate of MILLER'S named, I216, who provided evidence as a witness stated, "I didn't know he (MILLER) was going in there for sexual reasons. It was only what he said that gave me the impression that he was going to the toilets for sex reasons because I am aware of his homosexual behaviour." SLATER was not believed to have been engaged in any activities promoting any particular group. As stated by DSC INKSTER, "He was a family man, a non drinker, non smoker and was not a member of any club, lodges or other organisations. He has no close known associates apart from his immediate family and neighbours." The incident occurred only 3 days before Christmas but this is not thought to be of any relevance to either SLATER or MILLER. SLATER and MILLER had never met prior to the incident that led to SLATER'S death. As such there is no known historical animosity between the two.</p>	

2. Comments, Written Statements, Gestures	
Prompts	Comment
<ul style="list-style-type: none"> <i>Bias related comments, written statements or gestures were made by the POI</i> 	<p>Witness and associate of MILLER, [1217] provided alibi evidence stating, "When [1216] went to the toilet we all sung out, get out of the toilet, cat and I think we all said there's a poofter in there" (ST-541). [1217] later supplied a version indicating that he told lies in his first statement (SD-541) and wanted to set the record straight implicating MILLER in the crime.</p>
<ul style="list-style-type: none"> <i>Comments and gestures can occur before, during and after the incident</i> 	<p>During a record of interview between Detective Senior Constable INKSTER and witness [1217] who was an associate of MILLER and provided previous alibi evidence for MILLER, DSC INKSTER asked, "Do you wish to say anything regarding the contents of the statement I read aloud to you?" [1217] stated, "At the time I made a statement I suspected that Jeff MILLER was involved in that assault and because he had threatened me not to say anything to the Police." DSC INKSTER said, "Do you wish to add anything or detract anything from the statement that you made to the police on the 23rd of December 1980?" [1217] said, "I wish to make another statement to include the complete truth of my knowledge of this statement." DSC INKSTER asked, "What happened then?" [1217] stated, "We all went across to the Burwood Park Toilets and [1216] went into the Men's toilet by himself and the three of us waited outside for [1216] who came back out after a few seconds. Then [1216] who came back out after a few seconds. Then [1216] and Jeff were talking to each other outside the toilet and [1216] said to Jeff, "There is a bloke in the toilets. The Jeff said I am going to crack it with the bloke in the toilet." DSC INKSTER said, "Can you tell me what the term "crack" means?" [1217] states, "It is a term used by the homosexuals that means to have sex with another bloke." DSC INKSTER said, "What did you do when you heard Jeff MILLER say this?" [1217] stated, "I knew that Jeff was going to crack it with the bloke or roll him and take his wallet and I said I don't want any part of it, I am going to go down to the pink elephant markets and I will meet you later on." DSC INKSTER said, "Can you tell me what you mean when you said Jeff was going to roll him or take his wallet?" [1217] stated, "I meant that Jeff would have assaulted him and pushed him over and taken his</p>

	<p>wallet and money. Jeff is always doing that when he goes around to the toilets" (IN-186). DSC INKSTER interviewed another witness, [I219] in regards to the evidence offered by [I217]. DSC INKSTER asked, "Would you care to tell me what Geoff MILLER told you about this incident?" [I219] stated, "At that time I was living at [redacted] Wallsend with my grandmother and I was standing out the front waiting for the postman. He pulled up out the front and he had [I217] [I217] with him in his 1968 Blue Holden Panel Van. My Auntie [redacted] came out of the house with her kids to where I was. Geoffrey grabbed me and pushed me up the side of my aunties car and said "You don't want to open your mouth or you will end up like the guy in the toilet." DSC INKSTER asked, "Can you tell me what he meant when he said to you that you would end up like the guy in the toilet?" [I219] stated, "I suppose because I knew a lot about him, that he was rolling and bashing people in the Toilets around Hamilton, Burwood and Centennial Parks" (TR-117).</p>
<ul style="list-style-type: none"> • <i>Victims may not be aware of the significance of gestures made</i> 	<p>There is no evidence of any gestures being made by MILLER towards SLATER prior to him being attacked. From the evidence available, it would appear that MILLER attacked SLATER while he was standing at the urinal, attempting to urinate.</p>
Indicators	(y/n)
<p>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.</p>	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>	No
<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>	Yes
<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>	No

GENERAL COMMENT

During a record of interview between Detective Senior Constable INKSTER and witness [I217] who was an associate of MILLER and provided previous alibi evidence for MILLER. DSC INKSTER asked, "Do you wish to say anything regarding the contents of the statement I read aloud to you?" [I217] stated, "At the time I made a statement I suspected that Jeff MILLER was involved in that assault and because he had threatened me not to say anything to the Police." DSC INKSTER said, "Do you wish to add anything or detract anything from the statement that you made to the police on the 23rd of December 1980?" [I217] said, "I wish to make another statement to include the complete truth of my knowledge of this statement." DSC INKSTER asked, "What happened then?" [I217] stated, "We all went across to the Burwood Park Toilets and [I216] went into the Men's toilet by himself and the three of us waited outside for [I216] who came back out after a few seconds. Then [I216] who came back out after a few seconds. Then [I216] and Jeff were talking to each other outside the toilet and [I216] said to Jeff, "There is a bloke in the toilets. The Jeff said I am going to crack it with the bloke in the toilet." DSC INKSTER said, "Can you tell me what the term 'crack' means?" [I217] states, "It is a term used by the homosexuals that means to have sex with another bloke." DSC INKSTER said, "What did you do when you heard Jeff MILLER say this?" [I217] stated, "I knew that Jeff was going to 'crack' it with the bloke or roll him and take his wallet and I said I don't want any part of it, I am going to go down to the pink elephant markets and I will meet you later on." DSC INKSTER said, "Can you tell me what you mean when you said Jeff was going to roll him or take his wallet?" [I217] stated, "I meant that Jeff would have assaulted him and pushed him over and taken his wallet and money, Jeff is always doing that when he goes around to the toilets." DSC INKSTER interviewed another witness [I219] in regards to the evidence offered by [I217]. DSC INKSTER asked, "Would you care to tell me what Geoff MILLER told you about this incident?" [I219] stated, "At that time I was living at [redacted] Wallsend with my grandmother and I was standing out the front waiting for the postman. He pulled up out the front and he had [I217] with him in his 1968 Blue Holden Panel Van. My Aunt [redacted] came out of the house with her kids to where I was. Geoffrey grabbed me and pushed me up the side of my aunties car and said "You don't want to open your mouth or you will end up like the guy in the toilet." DSC INKSTER asked, "Can you tell me what he meant when he said to you that you would end up like the guy in the toilet?" [I219] stated, "I suppose because I knew a lot about him, that he was rolling and bashing people in the Toilets around Hamilton, Burwood and Centennial Parks." There is no evidence of any gestures being made by MILLER towards SLATER prior to him being attacked. From the evidence available, it would appear that MILLER attacked SLATER while he was standing at the urinal, attempting to urinate.

3. Drawings, Markings, Symbols, Tattoos, Graffiti

Prompts	Comment
<ul style="list-style-type: none"> <i>Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI</i> 	No bias related markings, drawings, graffiti or symbols were left at the crime scene.
<ul style="list-style-type: none"> <i>Before discounting symbols, ensure that you understand the meaning of the symbol</i> 	There is no symbology that is relevant to this investigation.
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 bias related markings, drawings, graffiti or symbols were left at the crime scene. There is no symbology that is relevant to this investigation.	
4. Organised Hate Groups (OHG)	
Prompts	Comment
<ul style="list-style-type: none"> Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross 	No objects or items that represent the work of an OHG were located at the crime scene.
<ul style="list-style-type: none"> An OHG claimed responsibility 	No OHG claimed responsibility for the murder of SLATER.
<ul style="list-style-type: none"> There are indications that an OHG was involved or active in the area 	It is unknown if a group was involved but there is evidence presented in regards to MILLER being involved in assaulting and robbing homosexual males. Crown witness 1219 stated, "I suppose because I knew a lot about him, that he was rolling and bashing people in the Toilets around Hamilton, Burwood and Centennial Parks" (TR-117).
<ul style="list-style-type: none"> MO is similar to known MO of an OHG 	Physically assaulting homosexual males in public toilet blocks, at known beat locations was an M.O. of OHG'S but it is also the most common means of robbing any person in a similar situation.
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 objects or items that represent the work of an OHG were located at the crime scene. No OHG claimed responsibility for the murder of SLATER. It is unknown if a group was involved but there is evidence presented in regards to the suspect MILLER being involved in assaulting and robbing homosexual males. Crown witness [1219] stated, "I suppose because I knew a lot about him, that he was rolling and bashing people in the Toilets around Hamilton, Burwood and Centennial Parks." Physically assaulting homosexual males in public toilet blocks, at known beat locations was an M.O. of OHG'S but it is also the most common means of robbing any person in a similar situation.

5. Previous existence of Bias Crime Incidents

Prompts	Comment
<ul style="list-style-type: none"> Victim was visiting a location where previous bias crimes had been committed against members of the victim's group 	DSC INKSTER made the following comments regarding the location of the incident in his investigation notes; "Birdwood Park Toilet Block is situated in parkland area off King Street, Newcastle, midst a city business area and is a renowned meeting place for the homosexual element of this area at all hours during the day and night" "The location was known as a gay beat" (IN-186).
<ul style="list-style-type: none"> Several incidents occurred in the same area and the victims were members of the same group 	It is unknown if a group was involved but there is evidence presented in regards to MILLER being involved in assaulting and robbing homosexual males. Crown witness [1219] stated, "I suppose because I knew a lot about him, that he was rolling and bashing people in the Toilets around Hamilton, Burwood and Centennial Parks" (TR-117).
<ul style="list-style-type: none"> 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 	There is no evidence to suggest that SLATER had received any harassing mail or phone calls prior to his murder.
<ul style="list-style-type: none"> Recent bias incidents or crimes may have sparked retaliatory bias crime 	No other recent bias incidents are noted as having caused any retaliatory bias crimes.

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	
DSC INKSTER made the following comments regarding the location of the incident in his investigation notes; "Birdwood Park Toilet Block is situated in parkland area off King Street, Newcastle, midst a city business area and is a renowned meeting place for the homosexual element of this area at all hours during the day and night" "The location was known as a gay beat." It is unknown if a group was involved but there is evidence presented in regards to MILLER being involved in assaulting and robbing homosexual males. Crown witness 1219 stated, "I suppose because I knew a lot about him, that he was rolling and bashing people in the Toilets around Hamilton, Burwood and Centennial Parks." There is no evidence to suggest that the victim SLATER had received any harassing mail or phone calls prior to his murder. No other recent bias incidents are noted as having caused any retaliatory bias crimes.	
6. Victim/Witness Perception	
Prompts	Comment
<ul style="list-style-type: none"> <i>Witnesses (actual) perceive that the incident was motivated by bias</i> 	The actual witnesses don't express a direct opinion that this particular incident was motivated by bias but they indicate that MILLER was previously actively targeting homosexual males as robbery victims and was known to attend public toilets to commit these crimes.
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

<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>
<p>GENERAL COMMENT</p>	
<p>The actual witnesses don't express a direct opinion that this particular incident was motivated by bias but they indicate that MILLER was previously actively targeting homosexual males as robbery victims and was known to attend public toilets to commit these crimes.</p>	
<p>7. Motive of Offender/s</p>	
<p>Prompts</p>	<p>Comment</p>
<ul style="list-style-type: none"> • <i>POI was previously involved in similar incident or is a member/associates with members of an OHG</i> 	<p>From the evidence offered by witnesses, it would appear that MILLER was involved in previous robbery and assaults targeting homosexual males. [I217] stated to police, "I meant that Jeff would have assaulted him and pushed him over and taken his wallet and money. Jeff is always doing that when he goes around to the toilets" (IN-186). Crown witness [I219] confirmed this and stated, "I suppose because I knew a lot about him (MILLER), that he (MILLER) was rolling and bashing people in the Toilets around Hamilton, Burwood and Centennial Parks" (TR-117).</p>
<ul style="list-style-type: none"> • <i>The victim was in company of a member of the targeted group</i> 	<p>SLATER was alone at the time of his murder and was not in company with any other persons.</p>
<ul style="list-style-type: none"> • <i>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</i> 	<p>SLATER was not perceived to be breaking from traditional conventions or working any kind of non-traditional employment. SLATER was a retired Crane Driver who prior to retirement worked at the Ten Inch Mill, BHP Steel works, Newcastle.</p>

<ul style="list-style-type: none"> The POI has a history of previous crimes with similar MO and involving other victims of the same group 	<p>Witness: 1219 participated in a record of interview with Police and provided the following information regarding MILLER. 1219 stated, "I have him brag about it and I have also seen him bash other people, once in the toilets in Hamilton where this old drunk guy, about 60 was in the toilet and Geoff walked I and knocked him to the ground, kicked him into the trough and then took his wallet. I saw this myself but I took no part in it. He took about \$16.00 or \$17.00 from his wallet. Then there was another time at Pipers Night club he saw a person that had dobbed him in to the Police about something. He told him to go down the stairs and when he was about half way down he kicked him then kicked him all the way down the stairs and then layed into him when he got to the bottom. This guy was covered in blood and had serious injuries. I can't remember the name of the guy that he bashed but they took him to Hospital half dead and It was reported to the Newcastle Police Station. I know MILLER to be very violent and that on a number of times he has threatened to do away with me if I open my mount and tell anybody what he has done" (TR-122).</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
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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

From the evidence offered by witnesses, it would appear that MILLER was involved in previous robbery and assaults targeting homosexual males. [I217] stated to police, "I meant that Jeff would have assaulted him and pushed him over and taken his wallet and money. Jeff is always doing that when he goes around to the toilets." Crown witness [I219] confirmed this and stated, "I suppose because I knew a lot about him (MILLER), that he (MILLER) was rolling and bashing people in the Toilets around Hamilton, Burwood and Centennial Parks." SLATER was alone at the time of his murder and was not in company with any other persons. The victim was not perceived to be breaking from traditional conventions or working any kind of non-traditional employment. SLATER was a retired Crane Driver who prior to retirement worked at the Ten Inch Mill, BHP Steel works, Newcastle. Witness [I219] participated in a record of interview with Police and provided the following information regarding MILLER. [I219] stated, "I have him brag about it and I have also seen him bash other people, once in the toilets in Hamilton where this old drunk guy, about 60 was in the toilet and Geoff walked in and knocked him to the ground, kicked him into the trough and then took his wallet. I saw this myself but I took no part in it. He took about \$16.00 or \$17.00 from his wallet. Then there was another time at pipers Night club he saw a person that had dobbed him in to the Police about something. He told him to go down the stairs and when he was about half way down he kicked him then kicked him all the way down the stairs and then layed into him when he got to the bottom. This guy was covered in blood and had serious injuries. I can't remember the name of the guy that he bashed but they took him to Hospital half dead and It was reported to the Newcastle Police Station. I know MILLER to be very violent and that on a number of times he has threatened to do away with me if I open my mouth and tell anybody what he has done."

8. Location of Incident

Prompts	Comment
<ul style="list-style-type: none"> <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> 	<p>DSC INKSTER made the following comments regarding the location of the incident in his investigation notes. "Birdwood Park Toilet Block is situated in parkland area off King Street, Newcastle, midst a city business area and is a renowned meeting place for the homosexual element of this area at all hours during the day and night" "The location was known as a gay beat" (IN-186). The investigation note is clear in regards to the nature of the location but it does not appear that SLATER was attending the toilet block for any other reason but to urinate.</p>
<ul style="list-style-type: none"> <i>The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc</i> 	<p>There is no evidence offered in relation to the significance of the location, to either SLATER or MILLER. It appears as though SLATER was using the toilet to urinate. MILLER identified himself as a homosexual male and may have attended the toilet block previously to engage in sexual acts with other males. There is evidence to support the fact that MILLER attended public toilets for the purpose of committing robbery offences. Crown witness [I217] stated, "I meant that Jeff would have assaulted him and pushed him over and taken his wallet and money. Jeff is always doing that when he goes around to the toilets" (IN-186).</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>DSC INKSTER made the following comments regarding the location of the incident in his investigation notes. "Birdwood Park Toilet Block is situated in parkland area off King Street, Newcastle, midst a city business area and is a renowned meeting place for the homosexual element of this area at all hours during the day and night." "The location was known as a gay beat." The investigation note is clear in regards to the nature of the location but it does not appear that SLATER was attending the toilet block for any other reason but to urinate. The location does not appear to be of any significance to either SLATER or MILLER. It appears as though SLATER was using the toilet to urinate. MILLER identified himself as a homosexual male and may have attended the toilet block previously to engage in sexual acts with other males. There is evidence to support the fact that MILLER attended public toilets for the purpose of committing robbery offences. Crown witness 1217 stated, "I meant that Jeff would have assaulted him and pushed him over and taken his wallet and money. Jeff is always doing that when he goes around to the toilets."</p>	

9. Lack of Motive	
Prompts	Comment
<ul style="list-style-type: none"> <i>No clear economic or other motive for the incident exists</i> 	Crown witness: [§ 87(2)(b)] offered the following evidence in relation to MILLER: [§ 87(2)(b)] stated, "I knew that Jeff was going to 'crack' it with the bloke or roll him and take his wallet and I said I don't want any part of it, I am going to go down to the pink elephant markets and I will meet you later on." DSC INSKTER asked, "Can you tell me what you mean when you said Jeff was going to roll him or take his wallet?" [§ 87(2)(b)] stated, "I meant that Jeff would have assaulted him and pushed him over and taken his wallet and money. Jeff is always doing that when he goes around to the toilets" (IN-186).
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	
Crown witness: [§ 87(2)(b)] offered the following evidence in relation to MILLER: [§ 87(2)(b)] stated, "I knew that Jeff was going to 'crack' it with the bloke or roll him and take his wallet and I said I don't want any part of it, I am going to go down to the pink elephant markets and I will meet you later on." DSC INSKTER asked, "Can you tell me what you mean when you said Jeff was going to roll him or take his wallet?" [§ 87(2)(b)] stated, "I meant that Jeff would have assaulted him and pushed him over and taken his wallet and money. Jeff is always doing that when he goes around to the toilets."	

10. Level of Violence	
Prompts	Comment
<ul style="list-style-type: none"> <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> 	<p>SLATER was presented to Laszlo BANATHY (Medical practitioner) at 10am 22 December 1980. BANATHY reported the following: "Bilateral periorbital haemorrhage with conjunctival haemorrhages and haemorrhages in the eyelids. Subcutaneous haemorrhages-contusions along the line of the lower jaw. These were nearly confluent but showed definite separations as follows in front of right ear, angle of right jaw, below chin and angle of left jaw. Separate bruising-contusion left side of neck and over the left cheek bone. Contusion of left ear soaring rim of lobe. Shallow laceration (split) approximately 3cm long next to the rim. Laceration with 5 sutures back of left ear lobe. Some contusion left lower temporal region. Scattered contusions, which were practically confluent of the upper anterior chest wall in a shape of a "V" from the 3rd rib upwards." "Traumatic brain damage was the main cause of death; however the deceased had pre-existing myocardial infarctive changes. It is assumed that the shock caused by the trauma, precipitated another infarctive change which contributed to the death" (IN-186).</p>
<ul style="list-style-type: none"> <i>Weapons of opportunity are used in the incident</i> 	<p>There is no evidence offered in relation to any weapons of opportunity being used in the murder of SLATER. SLATER had extensive head injuries following a clearly vicious assault and it is likely that he was struck from behind with a blunt object whilst urinating.</p>
<ul style="list-style-type: none"> <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> 	<p>From the evidence of witnesses and associates of MILLER, it would appear that MILLER acted alone in the murder of SLATER.</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>SLATER was presented to Laszlo BANATHY (Medical practitioner) at 10am 22 December 1980. BANATHY reports the following: "Bilateral periorbital haemorrhage with conjunctival haemorrhages and haemorrhages in the eyelids. Subcutaneous haemorrhages-contusions along the line of the lower jaw. These were nearly confluent but showed definite separations as follows in front of right ear, angle of right jaw, below chin and angle of left draw. Separate bruising-contusion left side of neck and over the left cheek bone. Contusion of left ear soaring rim of lobe. Shallow laceration (split) approximately 3cm long next to the rim. Laceration with 5 sutures back of left ear lobe. Some contusion left lower temporal region. Scattered contusions, which were practically confluent of the upper anterior chest wall in a shape of a "V" from the 3rd rib upwards." "Traumatic brain damage was the main cause of death; however the deceased had pre-existing myocardial infarctive changes. It is assumed that the shock caused by the trauma, precipitated another infarctive change which contributed to the death." There is no evidence offered in relation to any weapons of opportunity being used in the murder of SLATER. SLATER had extensive head injuries following a vicious assault and it is likely that he was struck from behind with a blunt object whilst urinating but it is unlikely that it was a weapon of opportunity. These injuries are severe and greater than would be expected should the motive have stemmed from the willingness to rob SLATER or even sexually assault him. From the evidence of witnesses and associates of MILLER, it would appear that MILLER acted alone in the murder of SLATER.</p>	
SUMMARY OF FINDINGS	
<p>Indicator: No Evidence of a Bias Crime (NEBC)</p> <p>Comment: Richard SLATER, aged 69 years of [REDACTED] Cooks Hill, was an aged pensioner. About 1:00pm on Friday 19 December, 1980, SLATER was found in the men's portion of the public toilet, Birdwood Park, King Street, Newcastle. At the time SLATER was suffering from head and other injuries, and was in a semi conscious condition. Initial enquiries by Detective Sergeant SQUIRES described SLATER in the following terms; "The deceased person as 6'1" tall (185cms), approximately 14 stone. He was a family man, a non drinker, non smoker and was not a member of any club, lodges or other organisations. He has no close known associates apart from his immediate family and neighbours." An extremely thorough investigation conducted by Detective Senior Constable INKSTER of the NSW Police Force Homicide Squad identified that SLATER was not homosexual. No objects or items that represent the work of an OHG were located at the crime scene. No OHG claimed responsibility for the murder of SLATER. It is unknown if a group was involved but there is evidence presented in regards to the suspect MILLER being involved in assaulting and robbing homosexual males. Crown witness [1219] stated, "I suppose because I knew a lot about him, that he was rolling and bashing people in the Toilets around Hamilton, Burwood and Centennial Parks." Physically assaulting homosexual males in public toilet blocks, at known beat locations was an M.O. of OHG'S but it is also the most common means of robbing any person in a similar situation.</p> <p>SLATER was alone at the time of his murder and was not in company with any other persons. He was not perceived to be breaking from traditional conventions or working any kind of non-traditional employment. SLATER was a retired Crane Driver who prior to retirement worked at the Ten Inch Mill, BHP Steel works, Newcastle. Witness [1219] participated in a record of interview with Police and provided the following information regarding MILLER. [1219] stated, "I have him brag about it and I have also seen him bash other people, once in the toilets in Hamilton where this old drunk guy, about 60 was in the toilet and Geoff walked I and knocked him to the ground, kicked him into the trough and then took his wallet. I saw this myself but I took no part</p>	

in it. He took about \$16.00 or \$17.00 from his wallet. Then there was another time at Pipers Night club he saw a person that had dobbed him in to the Police about something. He told him to go down the stairs and when he was about half way down he kicked him then kicked him all the way down the stairs and then layed into him when he got to the bottom. This guy was covered in blood and had serious injuries. I can't remember the name of the guy that he bashed but they took him to Hospital half dead and It was reported to the Newcastle Police Station. I know MILLER to be very violent and that on a number of times he has threatened to do away with me if I open my mount and tell anybody what he has done."

DSC INKSTER made the following comments regarding the location of the incident in his investigation notes. "Birdwood Park Toilet Block is situated in parkland area off King Street, Newcastle, midst a city business area and is a renowned meeting place for the homosexual element of this area at all hours during the day and night." "The location was known as a gay beat." The above investigation is clear in regards to the nature of the location but it does not appear that the victim SLATER was attending the toilet block for any other reason but to urinate. The location does not appear to be of any significance to either SLATER or MILLER.

MILLER identified himself as a homosexual male and may have attended the toilet block previously to engage in sexual acts with other males. Witnesses did indicate that MILLER was previously actively targeting homosexual males as robbery victims and was known to attend public toilets to commit these crimes. From the evidence offered by witnesses, it would appear that MILLER was involved in previous robbery and assaults targeting homosexual males. Crown witness: 1217 offered the following evidence in relation to MILLER.

1217 stated, "I knew that Jeff was going to 'crack' it with the bloke or roll him and take his wallet and I said I don't want any part of it, I am going to go down to the pink elephant markets and I will meet you later on." DSC INKSTER asked, "Can you tell me what you mean when you said Jeff was going to roll him or take his wallet?"

1217 stated, "I meant that Jeff would have assaulted him and pushed him over and taken his wallet and money. Jeff is always doing that when he goes around to the toilets." Crown witness: 1219 confirmed this and stated, "I suppose because I knew a lot about him (MILLER), that he (MILLER) was rolling and bashing people in the toilets around Hamilton, Burwood and Centennial Parks." There is no evidence to suggest that SLATER had received any harassing mail or phone calls prior to his murder with no actual witnesses expressing a direct opinion that this particular incident was motivated by bias.

"Traumatic brain damage was the main cause of death, however the deceased had pre-existing myocardial infarctive changes. It is assumed that the shock caused by the trauma, precipitated another infarctive change which contributed to the death." There is no evidence offered in relation to any weapons of opportunity being used in the murder of SLATER. SLATER had extensive head injuries following a vicious assault and it is likely that he was struck from behind with a blunt object whilst urinating but it is unlikely that it was a weapon of opportunity. From the evidence of witnesses and associates of MILLER, it would appear that MILLER acted alone in the murder of SLATER. Numerous witnesses were interviewed and re-interviewed with subsequent charges being laid against the main suspect Jeffrey MILLER. The charges proceeded through committal but following the committal proceedings, an application for a 'No Bill' was lodged by defence Counsel. This was considered by the Attorney General and the charges against MILLER were 'no billed' and the criminal trial did not proceed. There is no documentation available in regards to the reasons why the matter was 'No Billed' by the Attorney General but a lack of direct evidence, coupled with the reliability of the witness evidence appears to be the reason that the matter did not proceed. There is prima facie evidence to suggest that MILLER killed SLATER in the manner described but this matter did not proceed to trial for determination by a jury.