

## Case 2 - Bias Crimes Indicators Review Form

**File Number:** 338  
**Product Type:** TEXT DOCUMENTS:Investigators Note  
**Date of Note:** 28 Feb 2017  
**Brief Description:** Death of Paul RATH (2) on 15 June, 1977.

Paul RATH, 27 years old, was located at the bottom of Fairy Bower cliffs, Manly about 7:20am on 16 June 1977. RATH was wedged between rocks in a sitting position with his head between his legs and his pants around his knees at the base of a 150 foot ledge.

RATH had long been treated for a schizophrenic disorder under Dr. REICHARD and was taking medication for this. He was known by his family to go for walks to calm his nervous condition. He walked frequently to the cliffs at Fairy Bower as he remarked on previous occasions how beautiful it was. RATH'S father stated his son was a clumsy person and recently leading up to his death had complained of aching legs. Also, the tablets RATH was taking made him slow down and affected his reactions.

Investigation into the death was conducted by Constable Ross PARRY who came to the following conclusion: "As a result of my inquiries into the death of the deceased I could find no evidence that the deceased had taken his life. In view of all the circumstances, in my opinion the deceased went to Fairy Bower area at the time when it was almost dark and whilst on the ledge apparently lost his footing and fell to his death."

At Inquest, Coroner Ray William HENRY stated RATH "died of the effects of multiple injuries sustained then and there when he fell accidentally onto rocks at the foot of a cliff." "On the evidence, there are no suspicious circumstances, and I formally find there is no Prima Facie case, against any person for an indictable offence."

The information on hand does not allow a determination to be made in regards to RATH'S sexuality.

NSW POLICE FORCE

# STRIKE FORCE PARRABELL

## Bias Crimes Indicators Review Form

<b>Investigation No:</b>	2
<b>Victim/Deceased:</b>	Paul RATH
<b>Date of death:</b>	15 June, 1977
<b>Investigation Status:</b>	Solved
<b>Offender/s:</b>	N/A
<b>Investigative Unit:</b>	Manly Police
<b>Description:</b>	<p>Paul RATH, 27 years old, was located at the bottom of Fairy Bower cliffs, Manly about 7:20am on 16 June 1977. RATH was wedged between rocks in a sitting position with his head between his legs and his pants around his knees at the base of a 150 foot ledge. RATH had long been treated for a schizophrenic disorder under Dr. REICHARD and was taking medication for this. He was known by his family to go for walks to calm his nervous condition. He walked frequently to the cliffs at Fairy Bower as he remarked on previous occasions how beautiful it was. RATH'S father stated his son was a clumsy person and recently leading up to his death had complained of aching legs. Also, the tablets RATH was taking made him slow down and affected his reactions. Investigation into the death was conducted by Constable Ross PARRY who came to the following conclusion: "As a result of my inquiries into the death of the deceased I could find no evidence that the deceased had taken his life. In view of all the circumstances, in my opinion the deceased went to Fairy Bower area at the time when it was almost dark and whilst on the ledge apparently lost his footing and fell to his death." At Inquest, Coroner Ray William HENRY stated RATH "died of the effects of multiple injuries sustained then and there when he fell accidentally onto rocks at the foot of a cliff." "On the evidence, there are no suspicious circumstances, and I formally find there is no Prima Facie case, against any person for an indictable offence." The information on hand does not allow a determination to be made in regards to RATH'S sexuality.</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.

1. Differences	
Prompts	Comment
<ul style="list-style-type: none"> <li>• <i>Immutable characteristic differences between victim and POI's sexual orientation</i></li> </ul>	<p>Paul Edward RATH was a 27 year old male who resided in the family home with his mother, father and seven other children at [REDACTED] Pittwater Road, Manly. RATH suffered from Schizophrenia. He had worked for 3 years with the "House with no steps" however found the depressing conditions were affecting him, therefore he left and had been on a pension ever since (ST-616). RATH'S father stated that his son "since about 15 years old has suffered from a nervous condition. He suffered a nervous breakdown whilst in fourth form at school and since then was under regular treatment from Dr Reichard" (ST-616). "His condition was very well controlled with the assistance of tablets." RATH was a "deeply religious person and devoted much of his time to the Catholic Church and worked as a catechist at the local Public schools where he would write small pieces of prose for the children" "He often went for walks to help calm his nervous condition. He walked frequently in the Fairy Bower area where he would sit on the cliff tops and had remarked on previous occasions how beautiful it was, he would sit on the cliff top and just relax." "He was also a very clumsy person and recently complained that his legs were aching. My wife and I put it down to the tablets he was taking which would make him slow down and also affected his reactions." RATH spent the 14 June with his father where he appeared to be "perfectly normal and happy" (ST-616). The last person to see RATH was his brother Gregory, 14 years old, about 4:30pm on the 15 June 1977. Gregory spoke with his brother after he returned home from surfing. RATH helped his brother take his wetsuit off before Gregory RATH had a shower. "At the time I spoke to him he was wearing trousers and jumper and appeared to be in a happy mood and did not say anything about going out. He never said or did anything to indicate to me that he would take his life" (ST-615). "On the evening he left home he was due to attend a Church meeting at 7:30pm. It was not uncommon for him to sit on the cliff top at either day or night and say the Rosary with his beads, prior to going to Church, or just to relax" ( ST-</p>

	<p>616). At the time of his death a handwritten note was located in RATH'S pocket: "God loves little children Children love god with your whole heart and whole soul Let god's light shine upon you from day to day Let your little hearts become a replica of his Place your faith and love in his sacred heart And he will find a special place in heaven where you will be with him for eternity." The note was signed Paul RATH (OD-373). RATH's father believed that his son would not have taken his own life due to his religious beliefs. "Both my wife and I are certain beyond doubt that our son would not take his life as he never said or did anything to indicate this. While he did suffer from nerves he was never really depressed and being a very devoted catholic person, to take his life, would be contrary to his religious beliefs" (ST-616). There is no evidence to suggest what RATH'S sexual orientation was. There is also no person of interest for this matter. There were no witnesses who saw RATH or anyone else on the Fairy Bower Cliff prior to his death.</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>There is no information to suggest that RATH was a member of any particular group that was outnumbered by members of another group in the area where the incident occurred. "RATH was a single man who resided with his parents at [REDACTED] Pittwater Road Manly" (IN-217). He was also a deeply religious man, devoting most of his time to the Catholic Church (ST-616). Investigation into the death of RATH was conducted by Constable Ross PARRY of Manly Police. PARRY was directed to the cliff by BARRETT where he noticed RATH wedged between rocks in a sitting position with his head between his legs and his pants around his knees at the base of a 150 foot ledge. RATH was dressed in a brown suit with the trousers down to almost knee level. A prose was located in the deceased jacket pocket (ST-612). A search of the near vicinity also found a set of rosary beads and a right shoe both belonging to RATH. A further search was made by the Police and no other notes or a sign of a struggle could be seen. RATH'S religious beliefs and affiliation with the Catholic Church are not believed to have had any implication in his death.</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 information to suggest that RATH was engaged in activities that were promoting anything to do with religion or sexuality. It is not known what particular people RATH spent time with however it is known that he was a religious man who devoted most of his time to the Catholic Church (ST-616). It</p>

	is not known which church RATH spent most of his time at.
<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>	There is no information to suggest that RATH was a member of a particular group or that his death coincided with a holiday or date of particular significance.
<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>	There is no information to suggest that RATH was a member of an advocacy group. There were no witnesses at the time of his death; it is believed that RATH was alone at the time of his death.
<ul style="list-style-type: none"> <li>• <i>Historical animosity exists between the victim's group and the POI's group</i></li> </ul>	There were no witnesses at the time of RATH'S death and it is believed that RATH was alone at the time. No persons have been identified in relation to being responsible for RATH'S death.
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>Paul Edward RATH was a 27 year old male who resided in the family home with his mother, father and seven other children at [REDACTED] Pittwater Road, Manly. RATH suffered from Schizophrenia. He was being treated by Dr O. Reichard, a consultant psychiatrist, who had been seeing RATH since January 1971. Before this RATH was seeing Dr Nuffield for the same condition Dr Reichard reported that RATH had experienced ups and downs in his mood and condition, but over the last several months RATH was fairly well. RATH'S last appointment with his psychiatrist was 1 June 1977. Dr Reichard stated that leading up to his death RATH appeared in good spirits and gave no indication of any suicidal tendencies. RATH was being treated with moderate tranquilisers Haloperidol (1.5mg/3 times per day) and Melleril (25mg/3 times per day). There is a limited amount of information in relation to this matter. The information on hand does not allow a determination to be made in regards to RATH'S sexuality. RATH was known by his family to go for walks to calm his nervous condition. He walked frequently to the cliffs at Fairy Bower as he remarked on previous occasions how beautiful it was. There is no person of interest for this matter. No witnesses were identified as having seen RATH or anyone else on the Fairy Bower Cliff prior to his death. Investigation into the death was conducted by Constable Ross PARRY who came to the following conclusion: "As a result of my inquiries into the death of the deceased I could find no evidence that the deceased</p>	

had taken his life. In view of all the circumstances, in my opinion the deceased went to Fairy Bower area at the time when it was almost dark and whilst on the ledge apparently lost his footing and fell to his death." At Inquest, Coroner Ray William HENRY stated RATH "died of the effects of multiple injuries sustained then and there when he fell accidentally onto rocks at the foot of a cliff." "On the evidence, there are no suspicious circumstances, and I formally find there is no Prima Facie case, against any person for an indictable offence."

## 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>No persons have ever been identified in relation to this matter and there is no evidence to suggest that anyone was in fact responsible for the death of RATH. There were no witnesses to RATH'S death therefore there is no information to suggest that any persons made bias related comments, written statements or gestures towards RATH at the time of his death. Investigation into the location of RATH was conducted by Constable Ross PARRY of Manly Police. Constable PARRY was directed to RATH'S body by Alfred BARRETT who located RATH at the bottom of the cliff at Fairy Bower. PARRY stated "There I saw the body of a male person, wedged between rocks, in a sitting position with his head between his legs, at the foot of a 150 foot ledge. I observed the body, which was apparently dead, was dressed in a brown suit, with the trousers down to almost knee level. I found a piece of prose written on paper in the pocket of the coat" (ST-612). This prose was a religious piece signed by Paul RATH, it was determined by Police that the note was not left by any other persons.</p>
<ul style="list-style-type: none"> <li><i>Comments and gestures can occur before, during and after the incident</i></li> </ul>	<p>There is no evidence to suggest that any comments or gestures occurred before, during or after the incident by another person. There were no witnesses to RATH'S death and no persons have been identified as being responsible for his death.</p>
<ul style="list-style-type: none"> <li><i>Victims may not be aware of the significance of gestures made</i></li> </ul>	<p>There is no evidence to suggest that any comments or gestures occurred before, during or after the incident by any person. There were no witnesses to RATH'S death and no persons have been identified as being responsible for RATH'S 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.	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>No persons have been identified as being responsible for the death of RATH and there is no evidence to suggest that there was in fact anyone else involved in the death. Overall there were no witnesses to RATH'S death therefore there is no information to suggest that any person's made any bias related comments, written statements or gestures towards RATH around the time of his death. When RATH was located on the rocks at the bottom of the cliff Police described the scene as; "I saw the body of a male person, wedged between rocks, in a sitting position with his head between his legs, at the foot of a 150 foot ledge. I observed the body, which was apparently dead, was dressed in a brown suit, with the trousers down to almost knee level. I found a piece of prose written on paper in the pocket of the coat." This prose was a religious piece signed by Paul RATH. Police searched the vicinity where RATH was located and found a set of rosary beads and a right shoe both belonging to RATH. A further search was made by the Police and no other notes or a sign of a struggle could be seen.</p>	
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>	<p>There is no evidence to suggest that any bias related drawings, markings, symbols or graffiti were left at the scene. No persons have been identified as being involved in the death of RATH. When RATH was located on the rocks at the bottom of the cliff Police described the scene stating, "I saw the body of a male person, wedged between rocks, in a sitting position with his head between his legs, at the foot of a 150 foot ledge. I observed the body, which was apparently dead, was dressed in a brown suit, which the trousers down to almost knee level. I found a piece of</p>

	<p>prose written on paper in the pocket of the coat" (ST-612). RATH was a religious man, devoting most of his time to the Catholic Church. At the time of his death a handwritten note was located in his pocket: "God loves little children Children love god with your whole heart and whole soul Let god's light shine upon you from day to day Let your little hearts become a replica of his Place your faith and love in his sacred heart And he will find a special place in heaven where you will be with him for eternity." The note was signed Paul RATH (OD-373). It is not believed that this is bias related in any way. Police searched the vicinity of where RATH was located and found a set of rosary beads and a right shoe both belonging to RATH (ST-612).</p>
<ul style="list-style-type: none"> <li>• <i>Before discounting symbols, ensure that you understand the meaning of the symbol</i></li> </ul>	<p>There is no evidence suggesting that any bias related drawings, markings, symbols or graffiti were left at the crime scene. Photographs of the cliff face, the deceased and area surrounding RATH were viewed to determine this. There were no post mortem photographs of RATH available to view.</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>There is no evidence suggesting that any bias related drawings, markings, symbols or graffiti were left at the crime scene. Photographs of the cliff face, the deceased and area surrounding RATH were viewed to determine this. There were no post mortem photographs of RATH available to view.</p>	

<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>	There is no evidence to suggest that objects or items that represent the work of an OHG were left at the scene.
<ul style="list-style-type: none"> <li>• <i>An OHG claimed responsibility</i></li> </ul>	There is no evidence to suggest that an OHG claimed responsibility for the death of RATH.
<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 is no evidence to suggest that an OHG was involved or active in the area at the time of RATH'S death. There are no records on Police holdings that show that suspicious deaths were occurring at the time of RATH'S death in the same area, however due to the death occurring in 1977 these incidents may not be in current Police records. The coroner determined that this death was an accidental fall.
<ul style="list-style-type: none"> <li>• <i>MO is similar to known MO of an OHG</i></li> </ul>	RATH fell from the top of the Fairy Bower Cliff. Evidence suggests the fall was accidental with an Inquest at the Coroners Court Glebe on 16 September 1977 findings that RATH "died of the effects of multiple injuries sustained then and there when he fell accidentally onto rocks at the foot of a cliff" (OD-367). Ray HENRY also stated "on the evidence, there are no suspicious circumstances, and I formally find there is no Prima Facie case, against any person for an indictable offence" (OD-368).
<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.	No

<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>Yes</p>
<p><b>GENERAL COMMENT</b></p>	
<p>There is no evidence to suggest that objects or items that represent the work of an OHG were left at the scene. There is also no evidence to suggest that an OHG was involved or active in the area at the time of RATH's death. RATH fell from the top of the Fairy Bower Cliff. Evidence suggests the fall was accidental with an Inquest at the Coroners Court Glebe on 16 September 1977 findings that RATH "died of the effects of multiple injuries sustained then and there when he fell accidentally onto rocks at the foot of a cliff." Ray HENRY also stated "on the evidence, there are no suspicious circumstances, and I formally find there is no Prima Facie case, against any person for an indictable offence."</p>	
<p><b>5. Previous existence of Evidence of Bias Crime Incidents</b></p>	
<p><b>Prompts</b></p>	<p><b>Comment</b></p>
<ul style="list-style-type: none"> <li>• <i>Victim was visiting a location where previous bias crimes had been committed against members of the victim’s group</i></li> </ul>	<p>RATH was located on the rocks below Fairy Bower Cliff at Manly’s North Head. At the time of RATH’S death there was no evidence to suggest that the location was one where bias crimes had previously been committed and there is no evidence to suggest that RATH was a member of a group that bias crimes were committed against. However, there is current information today that suggests that the area near where RATH was located is a known beat location. It highly likely that at the time of RATH’S death it was also a known beat location. The location was also a well known suicide spot where people would attend to take their own life. Throughout the 1970s-2000s other deceased persons have been located on the rocks at the bottom of the cliff around the same location in North Head, Manly. The majority of these deaths have been ruled as suicide; however there are some deaths where the cause of death has been unable to be determined.</p>
<ul style="list-style-type: none"> <li>• <i>Several incidents occurred in the same area and the victims were members of the same group</i></li> </ul>	<p>Research of Police and media holdings has shown that from about the 1990s to present day, there have been a number of reports of deceased persons being located at the bottom of the cliffs at North Head and the surrounding area. However there is no evidence to suggest that these deceased persons were all members of the same group. The majority of these deaths have been confirmed as suicide.</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>	There is no evidence to suggest that RATH was receiving harassing mail or phone calls prior to his death. There is no evidence to suggest that RATH had an affiliation with a targeted group.
<ul style="list-style-type: none"> <li>Recent bias incidents or crimes may have sparked retaliatory bias crime</li> </ul>	There were no reports of bias incidents or crimes that may have sparked a retaliatory bias crime.
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>RATH was located on the rocks below Fairy Bower Cliff at Manly's North Head. At the time of RATH'S death there was no evidence to suggest that the location was one where bias crimes had previously been committed and there is no evidence to suggest that RATH was a member of a group that bias crimes were committed against. However, there is current information today that suggests that the area near where RATH was located is a known beat location. It highly likely that at the time of RATH'S death it was also a known beat location. The location was also a well known suicide spot where people would attend to take their own life. Throughout the 1970s-2000s other deceased persons have been located on the rocks at the bottom of the cliff around the same location in North Head, Manly. The majority of these deaths have been ruled as suicide; however there are some deaths where the cause of death has been unable to be determined.</p>	

<b>6. Victim/Witness Perception</b>	
Prompts	Comment
<ul style="list-style-type: none"> <li><i>Witnesses (actual) perceive that the incident was motivated by bias</i></li> </ul>	<p>There were no witnesses to the death of RATH. About 7:20am on 16 June 1977, Alfred BARRETT was walking south along the base of the Fairy Bower cliffs to go fishing. RATH was located on the rocks at the bottom of the cliffs about 300 metres south of the parking area (ST-614). RATH was wedged between rocks in a sitting position with his head between his legs and his pants around his knees at the base of a 150 foot ledge (ST-612). RATH was known by his family to go for walks to calm his nervous condition. He walked frequently to the cliffs at Fairy Bower as he remarked on previous occasions how beautiful it was (ST-616). RATH had long been treated for a schizophrenic disorder under Dr Reichard and was taking medication for this (OD-372).</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
<b>GENERAL COMMENT</b>	
<p>There were no witnesses identified during the investigation into RATH'S death. Alfred BARRETT located RATH about 7:20am on 16 June 1977 on the rocks at the bottom of the Fairy Bower cliffs about 300 metres south of the parking area. RATH was wedged between rocks in a sitting position with his head between his legs and his pants around his knees at the base of a 150 foot ledge. BARRETT did not witness the incident and he does not provide any evidence in relation to the incident being motivated by bias.</p>	

<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>	As a result of the investigation no persons have been identified as having involvement in the death of RATH.
<ul style="list-style-type: none"> <li><i>The victim was in company of a member of the targeted group</i></li> </ul>	There were no witnesses identified during the investigation into RATH'S death, therefore it is unknown if RATH was in the company of any other person.
<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>	There is no evidence to suggest that RATH was perceived to be breaking from the traditional conventions or working non-traditional employment.
<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>	As a result of the investigation no persons have been identified as having any involvement in the death of RATH.
<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.	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
<b>GENERAL COMMENT</b>	
As a result of the investigation there has been no persons identified as having involvement in the death of RATH. There is also no reason to believe that someone wanted to either hurt or murder RATH. There were no witnesses to the incident therefore it is unknown if RATH was in the company of any other person. There is no evidence to suggest that RATH was perceived to be breaking from the traditional conventions or working non-traditional employment.	

<b>8. Location of Incident</b>	
<b>Prompts</b>	<b>Comment</b>
<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>RATH was located about 7:20am on 16 June 1977 on the rocks at the bottom of the Fairy Bower cliffs about 300 metres south of the parking area (ST-614). RATH was wedged between rocks in a sitting position with his head between his legs and his pants around his knees at the base of a 150 foot ledge (ST-612). At the time of RATH'S death there was no evidence to support that the location was one where bias crimes had previously been committed and there is no evidence to suggest that RATH was a member of a group that bias crimes were committed against. However, there is current information today that suggests that the area near where RATH was located is a known beat location, and that there is a possibility that at the time of RATH'S death it was also a known beat location. There are other reported deaths throughout the 1970s-2000s where deceased persons have been located on the rocks at the bottom of the cliff around the same location in North Head, Manly. The majority of these deaths have been ruled as suicide; however there are some deaths where the cause of death has been unable to be determined.</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>RATH was known by his family to go for walks to calm his nervous condition. He walked frequently to the cliffs at Fairy Bower as he remarked on previous occasions how beautiful it was (ST-616).</p>
<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.	No

<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>Yes</p>
<p><b>GENERAL COMMENT</b></p>	
<p>RATH was located about 7:20am on 16 June 1977 on the rocks at the bottom of the Fairy Bower cliffs about 300 metres south of the parking area. RATH was wedged between rocks in a sitting position with his head between his legs and his pants around his knees at the base of a 150 foot ledge. At the time of RATH’S death there was no evidence to support that the location was one where bias crimes had previously been committed and there is no evidence to suggest that RATH was a member of a group that bias crimes were committed against. However, there is current information today that suggests that the area near where RATH was located is a known beat location, and that there is a possibility that at the time of RATH’S death it was also a known beat location. There are other reported deaths throughout the 1970s-2000s where deceased persons have been located on the rocks at the bottom of the cliff around the same location in North Head, Manly. The majority of these deaths have been ruled as suicide; however there are some deaths where the cause of death has been unable to be determined. RATH was known by his family to go for walks to calm his nervous condition. He walked frequently to the cliffs at Fairy Bower as he remarked on previous occasions how beautiful it was. The location that RATH was located appears to have had specific significance for him.</p>	
<p><b>9. Lack of Motive</b></p>	
<p><b>Prompts</b></p>	<p><b>Comment</b></p>
<ul style="list-style-type: none"> <li><i>No clear economic or other motive for the incident exists</i></li> </ul>	<p>There is no evidence to suggest any persons were responsible for the death of RATH or had any involvement in RATH’S death. No clear economic or other motive has been identified. An Inquest was held into the death of RATH at the Coroners Court Glebe on 16 September 1977. The Coroner Ray William HENRY, made the findings that RATH “died of the effects of multiple injuries sustained then and there when he fell accidentally onto rocks at the foot of a cliff” (OD-367). The Coroner also stated “on the evidence, there are no suspicious circumstances, and I formally find there is no Prima Facie case, against any person for an indictable offence” (OD-368).</p>
<p><b>Indicators</b></p>	<p><b>(y/n)</b></p>
<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>No</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>Yes</p>

**GENERAL COMMENT**

There is no evidence to suggest any persons were responsible for the death of RATH or had any involvement in RATH'S death. No clear economic or other motive has been identified. An Inquest was held into the death of RATH at the Coroners Court Glebe on 16 September 1977. The Coroner Ray William HENRY, made the findings that RATH "died of the effects of multiple injuries sustained then and there when he fell accidentally onto rocks at the foot of a cliff." The Coroner also stated "on the evidence, there are no suspicious circumstances, and I formally find there is no Prima Facie case, against any person for an indictable offence."

**10. Level of Violence**

<p>Prompts</p>	<p>Comment</p>
<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>	<p>From the evidence it appears that the injuries sustained by RATH were caused as a result of him falling from the top of the cliff. On 18 June 1977 Forensic Pathologist Peter Russell conducted a post mortem on RATH. RATH had suffered a fractured sternum, fractured 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> ribs. Fracturing of the spine at C7 and L1 with considerable dislocation. Bilateral compound fractures of the lower end of the tibia and fibula. Also present was a large contusion with superficial oedema overlying the right eye and cheek. The direct cause of death was listed as "multiple injuries" (OD-369). "RATH was a single man who resided with his parents at [redacted] Pittwater Road Manly" (IN-217). "From the composition of the body it appears that he met his death a short time after 5pm on 15.6.77" (IN-217). There is no evidence indicating these injuries were inflicted by another persons or that another person had any involvement in his death.</p>

<ul style="list-style-type: none"> <li><i>Weapons of opportunity are used in the incident</i></li> </ul>	<p>There is no evidence to suggest that a weapon was used during the death of RATH. There were no items located at the crime scene suggestive of a weapon of opportunity being used during the incident. The injuries sustained by RATH are consistent with falling from the top of a cliff.</p>
<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>	<p>As a result of the investigation no persons have been identified as having any involvement in RATH'S death.</p>
<p style="text-align: center;"><b>Indicators</b></p>	<p style="text-align: center;"><b>(y/n)</b></p>
<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 style="text-align: center;">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 style="text-align: center;">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 style="text-align: center;">No</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 style="text-align: center;">Yes</p>
<p style="text-align: center;"><b>GENERAL COMMENT</b></p>	
<p>From the evidence it appears that the injuries sustained by RATH were caused as a result of him falling from the top of the cliff. On 18 June 1977 Forensic Pathologist Peter Russell conducted a post mortem on RATH. RATH had suffered a fractured sternum, fractured 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> ribs. Fracturing of the spine at C7 and L1 with considerable dislocation. Bilateral compound fractures of the lower end of the tibia and fibula. Also present was a large contusion with superficial oedema overlying the right eye and cheek. The direct cause of death was listed as "multiple injuries." There is no evidence to suggest that a weapon was used during the death of RATH. There were no items located at the crime scene suggestive of a weapon of opportunity being used during the incident. The injuries sustained by RATH are consistent with falling from the top of a cliff.</p>	

## SUMMARY OF FINDINGS

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

**Comment:** Paul Edward RATH was a 27 years old male who was located at the bottom of Fairy Bower cliffs, Manly about 7:20am on 16 June 1977 by Alfred BARRETT, who was walking along the base of the Fairy Bower cliffs to go fishing. RATH was located on the rocks at the bottom of the cliffs about 300 metres south of the parking area wedged between rocks in a sitting position with his head between his legs and his pants around his knees at the base of a 150 foot ledge.

RATH was last seen at his home by his brother Gregory RATH at 4.30pm on 15 June 1977. Gregory spoke with his brother after he returned home from surfing. "At the time I spoke to him he was wearing trousers and jumper and appeared to be in a happy mood and did not say anything about going out. He never said or did anything to indicate to me that he would take his life."

RATH resided in the family home with his mother, father and seven other children at [REDACTED] Pittwater Road, Manly. RATH suffered from Schizophrenia with RATH'S father Elwyn RATH stating "since about 15 years old (RATH) has suffered from a nervous condition. He suffered a nervous breakdown whilst in fourth form at school and since then was under regular treatment from Dr Reichard."

RATH was a "deeply religious person and devoted much of his time to the Catholic Church and worked as a catechist at the local Public schools where he would write small pieces of prose for the children." He had worked for 3 years with the "House with no steps" however found the depressing conditions were affecting him, therefore he left and has been on a pension ever since.

RATH often went for walks to help calm his nervous condition. "He walked frequently in the Fairy Bower area where he would sit on the cliff tops and had remarked on previous occasions how beautiful it was he would sit on the cliff top and just relax." "He was also a very clumsy person and recently complained that his legs were aching. My wife and I put it down to the tablets he was taking which would make him slow down and also affected his reactions."

RATH spent the 14 June with his father where he appeared to be "perfectly normal and happy." "On the evening he left home he was due to attend a Church meeting at 7:30pm. It was not uncommon for him to sit on the cliff top at either day or night and say the Rosary with his beads, prior to going to Church, or just to relax." At the time of his death a handwritten note was located in RATH'S pocket: "God loves little children Children love god with your whole heart and whole soul. Let god's light shine upon you from day to day. Let your little hearts become a replica of his. Place your faith and love in his sacred heart. And he will find a special place in heaven where you will be with him for eternity." The note was signed Paul RATH.

RATH'S father believed that his son would not have taken his own life due to his religious beliefs. "Both my wife and I are certain beyond doubt that our son would not take his life as he never said or did anything to indicate this. While he did suffer from nerves he was never really depressed and being a very devoted catholic person, to take his life, would be contrary to his religious beliefs."

There is no evidence to suggest what RATH'S sexual orientation was. No persons have been identified as being responsible or present at the time of RATH'S death.

Investigation into the location of the deceased was conducted by Constable Ross PARRY of Manly Police. Constable Ross PARRY who came to the following conclusion: "As a result of my inquiries into the death of the deceased I could find no evidence that the deceased had taken his life. In view of all the circumstances, in my opinion the deceased went to Fairy Bower area at the time when it was almost dark and whilst on the ledge apparently lost his footing and fell to his death." At Inquest, Coroner Ray William HENRY stated RATH "died of the effects of multiple injuries sustained then and there when he fell accidentally onto rocks at the foot of a cliff." "On the evidence, there are no suspicious circumstances, and I formally find there is no Prima Facie case, against any person for an indictable offence."

From the evidence it appears that the injuries sustained by RATH were caused as a result of him falling from the top of the cliff and that no other persons had any involvement in his death. As a result of the investigation no persons were identified as having involvement in the death of RATH and there is no reason to believe that someone wanted to either hurt or murder RATH.

There is no information available as to the sexuality of RATH, however based on the information available it is believed that this is not a bias motivated crime. RATH suffered from schizophrenia and appeared to keep to himself, devoting his time to the Catholic Church. RATH would regularly visit the location of his death to relax and it appears that RATH accidentally fell from the cliff as per the coroner's findings.