

Statement by Sgt INGLEBY

Product Type: TEXT DOCUMENTS:Statement

Completed Date: 26 Feb 1990

Brief Description: Statement made by Sgt INGLEBY in relation to Alan RUSSELLS death. First officer at scene.

Summary:

- Para 3:** 10.10am 23/11/89 arrived at scene. Spoke to SMITH and SAXBY (persons who found body and contacted police).
- Para 4:** States 10.15am Cst BARRETT and SCANLAN arrive along with ambulance officers. Describes location of deceased.
- Para 7:** Describes deceased's position and surround area. mentions coins.
- Para 8:** Notes hair adhering to the left hand of body behind left index finger. Sights cigarettes containing 14 cigarettes, blue lighter, empty Coke bottle on rock nearby.
- Para 9:** 10.29am PC DUNBAR and Det Cst OWENS arrive at scene.
- Para 10:** 9.40pm 24/12 describes telephone call received at station from Rodney Vincent STINSON regarding information about RUSSELL. On 26/12 INGLEBY took statement from STINSON.
- Para 11:** INGLEBY and STINSON went to marks park on a couple of occasions to try and find possible witness 'Red'..
- Para 12:** On 3/1/90 INGLEBY interviewed [DM] regarding Robbery where he was victim on 21/12/89. Obtained statement from [DM]
- Para 13:** States [DM] viewed local photographs but was unable to identify offenders.
- Para 17:** Unable to say what caused RUSSELL to fall from the cliff top.

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New South Wales Police

STATEMENT in matter of: Place: Bondi Police Station.
 Inquest touching the death of :
John Alan RUSSELL - d.o.b. 28.11.57. Date: 26th February, 1990.

Name: INGLEBY, Adrian Macdonald.
(Surname in capitals)
 Address: Bondi Police Station. Tel. No. [REDACTED]
 Occupation: Sergeant of Police. STATES:-

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

2. My date of birth is the [REDACTED]

3. About 10.10am on Thursday the 23rd November, 1989, I went to Fletcher Street, Bondi at the intersection of Marks Lane and Marks Park. I there saw a person now known to me as Neville Francis SMITH d.o.b. [REDACTED] and Rick Joseph SAXBY. Mr Smith told me that about 10.00am he was walking down on the rock area near the water and found a body, that he checked for a pulse and could not find any and the body was fairly stiff. Mr Saxby told me that about 10.05am he was working on a block of units in Fletcher street, that Mr Smith had approached him and said, "Quick I found a dead body, can we get the Police or ambulance." Mr Saxby used his car phone to ring 000. Mr Saxby accompanied Mr Smith to the area and saw the body which he said was stiff and didn't have a pulse.

4. About 10.15am Constables Michael Barrett and Brad Scanlan arrived as did Ambulance Officers Dennis Keegan and Lyn Richards from Randwick Ambulance Station. I accompanied those persons and Mr Saxby down a set of steps which lead from Fletcher street, to a walkway. The walkway runs on the southern side of a Bay, this bay being the first Bay south of Notts avenue. To describe the area the Bay commences at the north end at a cul de sac at the end of Notts Avenue. From this point moving south there are 6 steps, then a distance of about 10 metres to a second set of 13 steps, going downwards, to sea level. The path from this point curves around the Bay. There is a set of steps

Witness: P. McCarthy. Signature: A.M. Ingleby.
 Constable. Sergeant.

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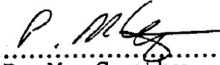
(Surname in capitals)

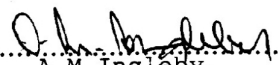
20 to 25 metres on the right which lead up to a footpath which runs through Hunter Park and the Campbell Parade, area. The footpath curves around the bay at sea level then at ^{the} south end there are about 26 steps which lead up to a landing, then 3 steps which lead to a very long footpath which runs out to the point, known as Mackenzies point. From the position of the 26 steps, then 3 steps, about 40 metres on the right are the 'Fletcher street' steps. The position above where the deceased body was found, is about 5 metres north of the Fletcher Street, steps. From Mackenzies Point there is a set of steps leading up, and the footpath continues to Mackenzies Bay, then to Tamarama Beach and then to Bronte Beach.

5. To get to the area where the body was located, at sea level, we walked from where the Fletcher street steps meet the footpath at the south end of the bay, left or north to the set of 3 then 26 steps, down those, to sea level footpath which curves around the Bay, then down rocks to water level and around to where the body was located. Mr Saxby pointed to the body which was lying next to a large rock and said, 'Over there.' As stated before the body was at a position about 5 metres north of the Fletcher street steps. The body was not visible from above when looking out.

6. The body was that of a person I now know to be John Alan RUSSELL dob 28.11.57. Ambulance Officers Keegan and Richards examined the body and confirmed it was deceased. The body was lying in a rock pool with some water in it, it was lying with the front of the body towards the rock floor, with the head slightly to the right. The head and upper body towards the cliff face. The left arm was under the chest with the arm stretched to the right. There was blood in the water to the right of the body. A total of \$4-60 was found near the body. The break up being 1 x \$2 coin, 1 x \$1 coin, 2 x 50cent coins, 3 x 20 cents coins.

7. (Photograph j) There was a 50 cents coin in the pool next to the body, /and a one dollar coin further across at the pools edge. A 50 cent coin was on the rock further across from the top of the body (Photograph I). A 20 cent coin was found near the left shoulder under the rock pool ledge.

Witness: 
 P. Mc Carthy.
 Constable.

Signature: 
 A.M. Ingleby.
 Sergeant

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8. I noted that there was some hair adhering to the left hand of the body behind the left index finger. (Photograph M). I saw a packet of Peter Stuyvesant Filter 20 cigarettes, which was later found to contain 14 cigarettes under the cliff face overhang (Photograph S) in a pool of water and a blue disposable cigarette lighter was further under the same over hang (Photograph s) There was an empty Coca Cola bottle with screw cap on the top of the large Rock just south of the body. (photograph I). About 10.35am at the scene the tide was lapping onto the rock edge of the bay and splashing onto the rock area.

9. About 10.29am Plain Clothes Constable Dunbar, arrived at the scene with Detective Constable l/c D.Owens.

10. About 9.40pm on Sunday 24th December 1989, Rodney Vincent STINSON telephoned Bondi Police Station, to advise that he may have information that may assist regarding a person who had told him he heard a 'comotion' in the area. I interviewed Mr Stinson on Tuesday 26th December,1989. A two page statement was obtained from Mr Stinson regarding what he had been told. Mr Stinson stated that he was gay and frequented the area around Notts avenue and south to Mackenzies Bay. He stated that about ^{that time} he had known a person who frequented the area for 4 or 5 months. He did not know this persons name but referred to him as 'red'. He stated that about 3 weeksearlier, about the 5.12.89, he saw "Red' just north of the Fletcher street steps and "Red' said to him, "There was a lot of shouting going on a few days ago, probably a bashing but I don't know." About 8pm on Sunday 24th December 1989 he saw 'Red' again and asked him to contact Police but 'Red' declined. Mr Stinson also told me that about 2 months previous; (approximately late October 1989) "Red' had told him that a middle aged man, crazy or lunny, had tried to push him off the path, and over the cliff near the Fletcher street, steps after the guy apparently wouldn't take 'no' for an answer and got violent.

11. Mr Stinson attended the area on a number of occasions and invited or offered to drive "red" to the Police Station but he declined. I attended the area with Mr Stinson

Witness:

P. McCarthy
 P. McCarthy
 Constable.

Signature:

A.M. Ingleby
 A.M. Ingleby
 Sergeant

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on a number of occasions at night but we were unable to locate the person 'Red' who frequented the area. During my patrols of the area I noted that even at night the area of the footpath above where the deceased was found that is near the Fletcher street steps has good light. Even though there are no lights fitted. I found the area to have reasonable light even on cloudy nights. Light in the area seems to reflect off the water and the beach front. I already knew from previous local knowledge that the area was frequented by the ^{homosexual} / 'element' and on the patrols I could see many men in the area, sitting and walking, or 'cruising' as it is known. On one occasion I saw a male person, sitting alone on a rock ledge at the edge of the cliff. I asked Mr Stinson if this was unusual and he said it wasn't, as the person was probably indicating that he wanted to be alone for the moment, and would probably move onto the footpath when he wanted to make contact with another person. He stated that contact between the ^{homosexuals} / was not verbal, but was by 'body language', and eye contact. I had received information from a Constable at Bondi that one method used for contact between the 'gays' was by rattling coins in the hand or rattling keys. When this was done interested persons ^{would} come out of hiding from the bushes. I put this to Mr Stinson however he stated he was not aware of it. He stated that persons who had made contact may go into the bushes.

12. On Wednesday the 3rd January, 1990, I interview DM dob [REDACTED], regarding an Assault and Rob committed upon him by 2 persons with a group of 10 to 12 persons about 11pm on Thursday 21st December 1989. I obtained a six (6) page statement from DM about the incident. (PRODUCED).

13. DM who is ^{homosexual} / and who frequents the area in question, stated that he ran from the Notts Avenue cul de sac, down the steps and around the bay area at sea level to the set of 26 steps which lead up to a landing then a further 3 steps. This area is about 40 metres north of the Fletcher street steps the area above where the deceased body of John Alan RUSSELL was located. DM ^{stated} / he was confronted by 10 to 12 young persons aged between 14 to 18 years. One male said, "What are you doing here." DM replied, "I'm going for a run."

Witness: P. Mc Carthy Signature: A.M. Ingleby
 Constable. Sergeant.

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(Surname in capitals)

the main group was sitting on the wall to the left of the path and a Maori said, "You got a cigarette or two dollars." DM ignored this and kept joggong along the path. He ran around to Tamarama Beach then back along the same footpath to Mackenzies Point where there is a circular lookout, from there across Marks Park to Fletcher street, up Fletcher street, to Sandridge street. By doing this he had avoided the area where he had been confronted by the persons described. Photograph A, shows the area just south of where he was first confronted on the landing at the top of the stairs.

14. From Sandridge street, he went along Campbell Parade, to Hunter Park, down the footpath of Hunter Park to a set of steps next to units, leading to the sea level footpath of the First Bay, then he travelled north, up the path towards Notts avenue. This area is shown on the top right side of photograph B. When approaching Notts avenue, still on the path he was thrown forcibly onto a grassed verge by the two persons who had originally confronted him at the high landing. He was aware there were at least 6 persons with them. They were saying, "Poofta" and "You're gay, you're gay, you're gay." He was viciously assaulted and kicked they demanded money. One of the offenders dragged him down the footpath and kept saying, "I'm gonna throw you over the side." He was dragged to a cliff edge with a 5 metre drop, in all he was dragged 13 metres. He managed to pull away and one offender chased him for 20 metres to the steps which lead up to Hunter Park. He kept yelling for help, a light came on in the units next to the park and a person yelled out, " I'm not going to help you, you poofta." DM made good his escape but had a diamond stud ear ring, a signet ring, his running shoes and a disposable lighter stolen.

15. DM viewed local photographs but was unable to identify any offender. Enquiries are continuing as DM feels he can identify the two main assailants.

16. From information received from DM and from my knowledge as a Police Officer I am aware that assaults and assault and robberies on homosexuals is a popular passtime with the juvenile and hoodlum element, unfortunately most of the victims, who are homosexual do not report the incidents to Police when they

Witness: *P. McCarthy* Signature: *A.M. Ingleby*
 P. McCarthy. A.M. Ingleby.
 Constable Sergeant.



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(Surname in capitals)

occur as they may not want publicity, or have a perception that Police are not interested, or if they are interested, that Police will not be able to detect and arrest offenders. I believe that the level of 'unreported' assaults and associated offences on the homosexual element in this area, (and other areas) would be extremely high.

17. From enquiries so far I am unable to say what caused Mr Russell to fall from the cliff top. It is known that he had consumed alcohol on the night before the body was located. Some of the homosexuals who frequent the area sit near the edge of the cliff top; but it is not known if Mr Russell did so. It appears Mr Russell was in a normal state of mind which would rule out suicide. Crimes of violence on the homosexual element in the area is prevalent, as it is in many other areas of Sydney frequented by the homosexual community. I believe there would be a great number of 'unreported' crimes of violence in this area. There is no direct evidence available at this stage proving foul play. The possibility of a dispute between Mr Russell and another homosexual person is another potential hypothesis.

WITNESS *P. McCarthy*
P. McCarthy
Constable
Police Station, Bondi. 2026.
26th February, 1990.

..... *A.M. Ingleby*
A.M. Ingleby.
Sergeant

Witness: Signature:

L.O. 1213