

Case 65 - Bias Crimes Indicators Review Form

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Date of Note: 6 Mar 2017
Brief Description: Murder/death of Crispin DYE (65) on 25 December, 1993.

Crispin DYE was a 41 year old male who had just openly informed his mother he believed he was bisexual, however his friends believed him to be a homosexual male. He was a successful music publisher and musician.

He was assaulted on Campbell Street, Darlinghurst after a night of drinking.

No persons have been charged with this matter. He was found with severe head injuries and died in hospital two days later.

NSW POLICE FORCE

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Bias Crimes Indicators Review Form

Investigation No:	65
Victim/Deceased:	Crispin Wilson DYE
Date of death:	25 December, 1993
Investigation Status:	Unsolved
Offender/s:	N/A
Investigative Unit:	Surry Hills Detectives
Description:	Crispin DYE was a 41 year old male who had just openly informed his mother he believed he was bisexual, however his friends believed him to be a homosexual male. He was a successful music publisher and musician. He was assaulted on Campbell Street, Darlinghurst after a night of drinking. No persons have been charged with this matter. He was found with severe head injuries and died in hospital two days later.

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>Crispin Wilson DYE was a successful, 41 year old music publisher and musician who lived in Cairns, Queensland. DYE had recently come to Sydney and was staying with his mother in Willoughby. DYE had spoken to a friend named Colin DORRINGTON. "DYE informed DORRINGTON that he had been to his mothers place first and informed her about his being homosexual. DYE informed DORRINGTON that his mother had not taken the news well and DYE asked to stay at DORRINGTON'S home" (OD-150). On the 23 December 1993, DYE was drinking with friends at various Darlinghurst bars from about 6.00pm - 4.00am the following morning. DYE was well intoxicated and was last seen about 4.00am, walking and talking to himself out loud, in the vicinity of Gilligans Island, Oxford Street, Surry Hills. The next person to see DYE was witness Scott NEILSON, who was driving west along Campbell Street, Surry Hills when he stopped at the intersection of Little Oxford Street. NEILSON described seeing "three (3) men standing around a large object which was lying on the ground and were picking it up slightly and moving it around. As I [NEILSON] moved off from the lights and headed west in Campbell Street, these three (3) men appeared to grab something from the object" (ST-242). There were a number of people identified as suspects in the murder of DYE but no one has ever been charged in relation to the incident. Bias may have been a factor in relation to some of the suspects identified, namely [NP127] and Peter LEONARD. Both had made bias related comments following the murder of DYE and have claimed differing levels of involvement in the murder. These claims were made to criminal associates who LEONARD and [NP127] met following the death of DYE (contained in TR-46 and ST-243). During the investigation, both [NP127] and LEONARD appear to be boasting about their involvement in the crime however, investigators were unable to prove [NP127] involvement, and discounted LEONARD as a suspect altogether.</p>
<ul style="list-style-type: none"> • <i>Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred</i> 	<p>DYE most likely identified himself as bisexual, although close friends believe DYE was homosexual. DYE'S mother recalled a conversation with her son, where he said, "People say I'm gay,</p>

	Mum, but I don't know what I am." This was stated to the Sydney Morning Herald and published in a report written by Rick FENELY, in February 2016 (OD-152).
<ul style="list-style-type: none"> Victim was engaged in activities promoting his/her group 	DYE did not appear to be involved in activities promoting any group. DYE was an accomplished musician and had recently released an album.
<ul style="list-style-type: none"> Incident coincided with a holiday or date of particular significance to the victim or POI's group 	The murder of DYE occurred on the 23 December, 1993, two (2) days prior to Christmas. The date does not appear to be of any significance with the close proximity to Christmas not considered relevant.
<ul style="list-style-type: none"> 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 	DYE was not known to be a member of any advocacy group. DYE was in the company of a number of friends, however it is unknown if they were members of any advocacy group either.
<ul style="list-style-type: none"> Historical animosity exists between the victim's group and the POI's group 	No historical animosity has been discovered between DYE and any other person at all. DYE was described in a Newspaper article as being, "a gentle fellow" by associate George YOUNG (OD-151).
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	
Crispin Wilson DYE was a 41 year old music publisher and musician who lived in Cairns, Queensland. DYE most likely identified himself as bisexual, although close friends believe DYE was homosexual. DYE'S mother, recalled a conversation with her son, where he said, "People say I'm gay, Mum, but I don't know what I am." DYE did not appear to be involved in activities promoting any group. DYE was a musician and recently released an album.	

The date of DYE'S murder does not appear to be of any significance. DYE was not known to be a member of any advocacy group. DYE was in the company of a number of friends, however it is unknown if they were members of any advocacy group either. There were a number of people identified as suspects in the murder of DYE but no one has ever been charged in relation to the incident. Bias may have been a factor in relation to some of the suspects identified, namely [redacted NP127] and Richard LEONARD. Both had made bias related comments following the murder of DYE and both have separately claimed differing levels of involvement in the murder. These claims were made to criminal associates who LEONARD and [redacted NP127] met following the death of DYE. Investigations revealed that both [redacted NP127] and LEONARD appeared to be boasting about their involvement in the crime however investigators were unable to prove [redacted NP127] involvement, and have discounted LEONARD as a suspect altogether.

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> 	As no offenders have been charged with the murder of DYE, it is unknown if any bias related comments, written statements or gestures were made by any persons at the time of the incident.
<ul style="list-style-type: none"> <i>Comments and gestures can occur before, during and after the incident</i> 	No offenders have been charged in relation to the murder of DYE. As such it is unknown if any bias related comments, written statements or gestures were made by any persons before, during or after the incident.
<ul style="list-style-type: none"> <i>Victims may not be aware of the significance of gestures made</i> 	No offenders have been charged in relation to the murder of DYE. As such it is unknown if any bias related comments, written statements or gestures were made by any persons.

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	
No offenders have been charged in relation to the murder of DYE. As such it is unknown if any bias related comments, written statements or gestures were made by any persons before, during or after the incident.	
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> 	Witness statements, available crime scene photographs (PH-36) and the Coroner's report (OD-142) were reviewed with no bias related drawings, markings, symbols or graffiti mentioned as being left at the scene. The descriptions of the offenders, by the witness are limited due to it being 4.35am and dark outside. Witness NEILSON was driving his car at the time and was only able to glance at the offenders as he drove past (ST-242).
<ul style="list-style-type: none"> <i>Before discounting symbols, ensure that you understand the meaning of the symbol</i> 	No symbols were detected at the crime scene and the offenders have been unable to be identified.
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	
Witness statements, available crime scene photographs and the Coroner's report were reviewed with no bias related drawings, markings, symbols or graffiti mentioned as being left at the scene. The descriptions of the offenders, by the witness are limited due to it being 4.35am and dark outside. Witness NEILSON was driving his car at the time and was only able to glance at the offenders as he drove past. No symbols were detected at the crime scene and the offenders have been unable to be identified.	

4. Organised Hate Groups (OHG)	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross</i> 	A review of the available crime scene photos and there were no bias related objects left at the scene (PH-36).
<ul style="list-style-type: none"> • <i>An OHG claimed responsibility</i> 	No OHG came forward to claim responsibility for the murder of DYE.
<ul style="list-style-type: none"> • <i>There are indications that an OHG was involved or active in the area</i> 	There are indications that an OHG may have been active in Sydney at the time of DYE'S murder. It is clear that the assault of <u>1115</u> on the 27 December bears striking similarities to the assault of DYE. The assault of <u>1115</u> appeared to be bias related. The two (2) locations were approximately 500 metres away from one and other (OD-227).
<ul style="list-style-type: none"> • <i>MO is similar to known MO of an OHG</i> 	M.O. was established via the Coroner's Report of Dr Liliana SCHWARZ, as there were no direct witnesses to the actual assault of DYE. Dr SCHWARZ is of the opinion, "The injuries described...are those caused by a blunt instrument" (OD-142). The M.O. of physically assaulting a male is similar to the M.O. of other known OHG'S. Dr SCHWARZ was later asked to offer an opinion in relation to the type of weapon used to assault DYE and stated, "It may be possible that a baton was used to cause these injuries, however, it is not possible to be certain as other objects (eg, a cricket bat) may inflict similar injuries" (OD-149).
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	
A review of the available crime scene photos and there were no bias related objects left at the scene. No OHG came forward to claim responsibility for the murder of DYE. There are indications that an OHG may have been active in Sydney at the time of DYE'S murder. It is clear that the assault of I115 on the 27 December bears striking similarities to the assault of DYE. The assault of I115 appeared to be bias related. The two (2) locations were approximately 500 metres away from one and other.	
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 	DYE was assaulted and robbed in Little Oxford Street, Darlinghurst. Previous reports exist in relation to the bashing of a gay Scottish tourist in July, 1992 in the same street and there are similar reports of assaults in and around the same area.
<ul style="list-style-type: none"> Several incidents occurred in the same area and the victims were members of the same group 	About 3:00am on the 23 December 1993, I116 was attacked and robbed in Brougham Street, Woolloomooloo by a group of Islander males however this does not appear to be bias related. The robbery of I116 bears a number of striking similarities to the assault and robbery of DYE, notably the description of the offenders, the M.O. used and proximity of locations, there was suggestion that they may have been the same offenders. These are noted in a submission by Detective Senior Constable WATERMAN, who re-opened the investigation into DYE'S murder in 1998 (OD-227). About 2:00am on the 27 December 1993, I115 left the Oxford Hotel with friends and went to the Flinders Hotel in Flinders Street, Darlinghurst. I115 stayed for one drink and then started walking back to his home address in William Street. I115 was walking down Bourke Street, when he was struck on the back of the head from behind. The blow caused him to fall to his hands and knees. As he turned his head he was again struck, this time to the upper side of his head. It is clear that the assault of I115 was bias related with the location of the assault of I115 and DYE being approximately 500 metres apart.
<ul style="list-style-type: none"> Victim has received previous harassing mail, email, social media posts or phone calls or has 	There is no record of DYE receiving any harassing mail or phone calls prior to the

<p><i>been the victim of verbal abuse (anti-gay) based on his/her affiliation with a targeted group</i></p>	<p>incident. No witnesses close to the victim indicate that this was happening.</p>
<ul style="list-style-type: none"> Recent bias incidents or crimes may have sparked retaliatory bias crime 	<p>There are a number of incidents in the same area that appear bias related. The murders of OLSEN and MILOSEVIC were reported at Rushcutters Bay in August and October 1992, respectively. The murder of Robert McLEAN occurred in George Street, Sydney in September 1992. The assault of I115 in December 1993 is clearly bias related and this is verified by transcripts and statements of the suspects involved. The main offender in the assault of I115 is a male named Richard LEONARD, who is recorded as saying, "Now I fuckin' walk, walk down the drag and there's this cunt here see...I walk up to him and I say, "Hey hey you. You know what? I don't like faggots, I'm gunna kill ya"... "I'll fuckin' show you, you fuckin' poofter"...Ah so I get the baton and just fuckin' I, I hit him as hard as I fuckin' could on the back of the head" (TR-46). LEONARD believed he was discussing the murder of DYE when describing the assault of I115. The location is relevant to this particular assault, but I115 actual sexual preference is unknown. The assault of I116 on the same night as the attack on DYE does not appear to be bias related however, and the robbery of both have a number of striking similarities. Notably, the description of the offenders, the M.O. used and proximity of locations suggest they may involve the same offenders. These are noted in a submission by Detective Senior Constable WATERMAN, who reopened the investigation into DYES murder in 1998 (OD-227).</p>
<p style="text-align: center;">Indicators</p>	<p style="text-align: center;">(y/n)</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;">Yes</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>No</p>
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GENERAL COMMENT

There are a number of incidents in the same area that appear bias related. The murders of OLSEN and MILOSEVIC were reported at Rushcutters Bay in August and October 1992, respectively. The murder of Robert McLEAN occurred in George Street, Sydney, in September 1992. The assault of [1115] in December 1993 is clearly bias related and this is verified by transcripts and statements of the suspects involved. The main offender in the assault of [1115] is a male named Richard LEONARD, who is recorded as saying, “Now I fuckin’ walk, walk down the drag and there’s this cunt here see...I walk up to him and I say, “Hey hey you. You know what? I don’t like faggots, I’m gunna kill ya”.... “I’ll fuckin’ show you, you fuckin’ pooffer”...Ah so I get the baton and just fuckin’ I, I hit him as hard as I fuckin’ could on the back of the head.” LEONARD believed he was describing the murder of DYE when he was discussing the assault of [1115]. LEONARD has also been charged and convicted in relation to the bias related murder of DEMPSEY. The assault of [1116] one hour prior to the attack on DYE does not appear to be bias related. The robbery of both [1116] and DYE, have a number of striking similarities. Notably, the description of the offenders, the M.O. used and proximity of locations suggest they most likely involve the same offenders. There is clearly evidence of bias related crime both at the location and within the general area.

6. Victim/Witness Perception

Prompts	Comment
<ul style="list-style-type: none"> <i>Witnesses (actual) perceive that the incident was motivated by bias</i> 	<p>There were no actual direct witnesses that saw the initial assault of DYE, which ultimately led to his death. No members of the group that DYE was associating with on the night of the incident expressed concern that the incident was bias related. A number of parties have since attempted to draw the inference that it may be bias related and this cannot be ruled out. Due to the lack of offenders identified, there is no explanation of their motives available for review. All Police witnesses are clear in their opinion that the murder of DYE was not bias related. Sergeant MULHERIN was adamant that “this was not a gay murder as such” and that anyone could have been targeted. He said “the group seemed to pick out DYE because of his insobriety at that time” (OD-151). Although bias cannot be completely ruled out in the murder of DYE, it would appear that robbery was the offender’s motive and DYE was an easy target due to his intoxication.</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.	Yes
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.	No
GENERAL COMMENT	
<p>There were no actual direct witnesses that saw the initial assault of DYE. No members of the group that DYE was associating with on the night of the incident expressed concern that it was bias related. A number of parties since have expressed their opinion that it may be bias related, due to the sexuality of DYE and the location in question. Bias is not thought to be the motive in relation to the assault of DYE but bias can't be totally disproved either as there appears to be clear incidents of both types, in the same area at the same time. Due to the lack of offenders ever being identified, there is no explanation of their motives available for investigation and review. Although bias cannot be completely ruled out in the murder of DYE, it would appear that robbery was the offender's motive and DYE was an easy target due to his intoxication.</p>	
7. Motive of Offender/s	
Prompts	Comment
<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>Numerous suspects were identified in relation to the murder of DYE. Extensive investigation either excluded them as suspects, or failed to gather enough evidence to lay charges. One of the initial suspects that the investigation focussed on was NP128, who later appeared at the Coronial Inquest into the death of DYE. NP128 provided numerous alibis in relation to his whereabouts at the time of DYE'S death with Coroner HAND stating, in relation to NP128 "I just can't believe anything that you say." The Coroner found in relation to NP128 involvement in the assault of</p>

	<p>DYE, "...irrespective of all the discrepancies in your alibi the fact is that there isn't sufficient evidence to say you were at the scene" (OD-146). It is unclear if he was involved in other similar incidents or is a member of an OHG. Of the possible suspects remaining, there is some evidence to suggest that one of the possible offenders [NP127] may have been involved in the murder of DYE. [NP127] made bias related comments to associates following the murder of DYE. [NP127] moved to Perth hurriedly after being spoken to by NSW Police. Detective Sergeant KNIGHT flew to Perth and spoke to a witness by the name of [1117]. [1117] said [NP127] told her "he had been doing armed robberies in Sydney and bashing homosexuals whilst stealing their property." [1117] declined to provide a statement in relation to the same as she feared reprisals from [NP127] and the above assertion appears in the statement of Detective Sergeant KNIGHT (ST-243). It is a strong possibility that [NP127] had previously involved in similar incidents and may have been a member of an OHG. Witnesses interviewed by Detective Sergeant KNIGHT said [NP127] claimed to be in gangs named "L.B.I." (Lebanese Beef Injection) and 'United Tongan Brothers.' Detective Sergeant KNIGHT concluded in relation to [NP127] "Whilst [NP127] has some similarities to the offenders described in relation to the death of Crispin DYE, and appears to have a propensity to violence, there is insufficient evidence to substantiate any criminal charges in relation to him" (ST-243). Following extensive investigations, the other main suspect, Richard LEONARD was excluded from the investigation. Although admitting to have killed Crispin DYE, LEONARD was excluded from having committed the murder following extensive re-investigation by Detective Senior Constable WATERMAN of the Homicide Squad (OD-227). LEONARD had numerous incidents relating to bias related assaults and bashings and would later be convicted of the 'likely' bias related murder of Stephen DEMPSEY, which occurred a year after the murder of DYE.</p>
<ul style="list-style-type: none"> • <i>The victim was in company of a member of the targeted group</i> 	<p>DYE had been on a night out with friends and had been socialising with a number of other unknown males, most likely thought to be homosexual. At the time of the incident however, DYE was alone, separated from friends and was heavily intoxicated.</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>DYE was a successful music publisher, musician and band manager, having managed notable Australian bands such as AC/DC to significant international success. DYE was a noted pianist and guitar player and had just released his own 'solo' album, which he was celebrating the release of, on the night of his murder.</p>
<ul style="list-style-type: none"> <i>The POI has a history of previous crimes with similar MO and involving other victims of the same group</i> 	<p>Of the suspects not totally excluded in the murder of DYE, NP128 and NP127 criminal records indicate that both males have a propensity for violent crime. Both appeared to have been users of illegal drugs at the time of DYE'S murder. NP127 had boasted to numerous associates that he had been 'doing assault and robs around Kings Cross and the City' prior to moving to Perth in early 1994. NP127 moved to Perth hurriedly after being spoken to by Police. Detective Sergeant KNIGHT flew to Perth and spoke to a witness by the name of Kelly MORIN. MORIN said NP127 told her "he had been doing armed robberies in Sydney and bashing homosexuals whilst stealing their property." MORIN declined to provide a statement in relation to the same as she feared reprisals from NP127 and the above assertion appears in the statement of Detective Sergeant KNIGHT (ST-243).</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>Yes</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>No</p>

GENERAL COMMENT

Numerous suspects were identified in relation to the murder of DYE. Extensive investigation either excluded them as suspects, or failed to gather enough evidence to substantiate their involvement. One of the initial suspects that the investigation focused on was NP128, who later appeared at the Coronial Inquest into the death of DYE. NP128 provided numerous alibis in relation to his whereabouts at the time of DYE'S death and Coroner HAND said in relation to NP128 "I just can't believe anything that you say..." The Coroner found in relation to NP128 involvement in the assault of DYE, "... irrespective of all the discrepancies in your alibi the fact is that there isn't sufficient evidence to say you were at the scene." Of the possible suspects remaining, there is some evidence to suggest that one of the possible offenders NP127 may have been involved in the murder of DYE. NP127 discussed being involved in bias related crimes with criminal associates, following the murder of DYE. NP127 moved to Perth hurriedly after being spoken to by NSW Police in mid 1994. Detective Sergeant KNIGHT flew to Perth and spoke to a witness by the name of Kelly MORIN. MORIN said: NP127 told her "he had been doing armed robberies in Sydney and bashing homosexuals whilst stealing their property." Witnesses interviewed by Detective Sergeant KNIGHT said: NP127 claimed to be in gangs named "L.B.I. (Lebanese Beef Injection) and 'United Tongan Brothers'". Detective Sergeant KNIGHT concluded in relation to NP127 "Whilst NP127 has some similarities to the offenders described in relation to the death of Crispin DYE, and appears to have a propensity to violence; there is insufficient evidence to substantiate any criminal charges in relation to him." Although admitting to have killed Crispin DYE, Richard LEONARD was excluded from having committed the murder following extensive re-investigation by Detective Senior Constable WATERMAN of the Homicide Squad.

8. Location of Incident

Prompts	Comment
<ul style="list-style-type: none"> The victim was in or near an area or place commonly associated with or frequented by members of a particular group e.g. beat 	<p>DYE had been drinking at various pubs and bars in and around Oxford Street, Surry Hills area on the night he was assaulted. This area is commonly and historically known as a 'beat' and the location has an abundance of gay pubs and clubs. However, at the time of DYE'S murder it was also a hotspot for street robberies and assaults being committed by gangs of youths, thought to be from out of the area. About 3:00am on the same night, the 23 December 1993, I116 was walking to 'Harrys Cafe de Wheels', along Brougham Street, Woolloomooloo when he was assaulted, being struck to the head with a blunt object and losing consciousness. I116 was robbed of his wallet by a group of Islander males (ST-249). The assault and robbery of I116 and the assault and robbery of DYE when reviewed side by side, including the descriptions of offenders, M.O., and the nearby locations, it is most likely the same offenders robbed DYE and I116. Adding weight to this argument is that I116's version is supported by independent witnesses COOPER and GRACE, who gave descriptions of five (5) male Islander offenders seen following I116 closely just prior to the robbery (ST-250). The assault of</p>

	<p>I115 which occurred only two (2) nights later is clearly bias related and this is substantiated by transcripts and statements of the suspects LEONARD and NP129 who were involved in the assault of I115. The main offender in the assault of I115 is a male named Richard LEONARD, who is recorded as saying, "Now I fuckin' walk, walk down the drag and there's this cunt here see...I walk up to him and I say, "Hey hey you. You know what? I don't like faggots, I'm gunna kill ya"... "I'll fuckin' show you, you fuckin' poofter"...Ah so I get the baton and just fuckin' I, I hit him as hard as I fuckin' could on the back of the head" (ER-30, TR-46). The location is relevant to this particular assault due to its proximity to the other locations, although I115 sexual preference is unknown, it is clear that LEONARD made the assumption that he was a homosexual male. While there is evidence relating to both bias and non-bias related incidents in the area, the most likely motive appears to be robbery in the case of DYE, when compared with the similarities to the robbery of I116. It is also most likely that it was the same offenders that assaulted and robbed both DYE and I116.</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>The location is not mentioned by any of DYE'S associates as having any specific significance to DYE. DYE did frequent the area often, whilst he was in Sydney and was described by witness SNELLING "... as being pretty street wise about the area we were in" (ST-248). This area is commonly known and historically known as a beat. This area is in the vicinity of numerous gay pubs and clubs.</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>	Yes
<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>	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>No</p>
<p>GENERAL COMMENT</p>	
<p>DYE had been drinking at various pubs and bars in and around the Oxford Street, Surry Hills area on the night he was assaulted. This area is commonly and historically known as a ‘beat’ and the location is in the vicinity of numerous gay pubs and clubs. However, at the time of DYES murder it was also a hotspot for street robberies and assaults being committed by gangs of youths, thought to be from out of the area. While there is evidence relating to both bias and non-bias related incidents in the area, the most likely motive in the assault of DYE, appears to be robbery.</p>	
<p>9. Lack of Motive</p>	
<p>Prompts</p>	<p>Comment</p>
<ul style="list-style-type: none"> <i>No clear economic or other motive for the incident exists</i> 	<p>The initial witness to this incident, Scott NEILSON was driving along Campbell Street, Darlinghurst on the 23 December, 1993 about 4.35am. He was on his way to work. He observed three men on the Northern side of Campbell Street near the intersection of Little Oxford Street. They were standing around a large object which was lying on the ground and were picking it up slightly and moving it around. "...these three men appeared to grab something from the object. After this, they started to run west in Campbell Street along the Northern footpath. I slowly drove towards the object and when I got near, I saw that it was a man laying face down on the street. This man was not moving" (ST-242). During the investigation, it was established that prior to the incident, DYE had been in possession of a leather wallet, an unknown sum of money and some identification. When DYE was located, this property was not on his person. Another witness David WALKER, a Security Guard at the Court house hotel recalls a group of Islander males in the vicinity of the hotel, about 2.30am that morning. WALKER believes they were acting suspiciously and they attempted to avoid him by ducking into an alcove at nearby Kinsela’s nightclub (ST-247). Coupled with the similarity to the robbery of [REDACTED] on the same evening, it would appear that a group of Islander males were in the area and actively pursuing robbery targets (ST-243).</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	
Although bias cannot be totally ruled out as a motive in the assault of DYE, the motive appears to be more likely robbery. Coupled with the similarity to the robbery of [REDACTED] on the same evening, it would appear that a group of Islander males were in the area and actively pursuing robbery targets. The statement of Security Guard WALKER placing three (3) possible suspects in the area immediately prior to the assault and robbery of DYE, along with the witness account of NEILSON, make robbery the most probable motive.	
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>The Coroners' Report completed by Dr. SCHWARTZ on the 12 April 1994 lists the following injuries/conditions in the pathology summary: 1) Head injury a) Fractures of both orbital plates and part of left frontal bone b) Diffuse brain damage c) Fracture of left mandibular condyle d) Fracture of left Zygoma. 2) Bruising of the soft tissues of the neck with associated fracture of the right greater horn of the thyroid cartilage. 3) Oedema, congestion of the lungs. 4) Acute Bronchopneumonia. 5) Acute Pancreatitis. 6) Septic features in liver, spleen and heart. Dr. SCHWARTZ believes that these injuries were caused by a blunt instrument and that the fracture of the mandible and the zygoma are most likely due to a direct impact. Upon examining DYE'S brain, Dr. SCHWARTZ noted 1. Subarachnoid haemorrhage (Parieto-occipital lobes)</p>

	and 2) Brain swelling – a) mild bilateral uncal herniation with haemorrhage on the right side and b) flattening of the gyri (OD-142).
<ul style="list-style-type: none"> <i>Weapons of opportunity are used in the incident</i> 	Due to the lack of direct witnesses to the assault of DYE, investigators are unable to comment if a weapon of opportunity was used. Dr. SCHWARZ is of the opinion, "The injuries described above are those caused by a blunt instrument." The M.O. of physically assaulting a male is similar to the M.O. of other known OHG'S (OD-142). Dr. SCHWARZ was later asked to offer an opinion in relation to the type of weapon used to assault DYE and stated, "It may be possible that a baton was used to cause these injuries, however, it is not possible to be certain as other objects (eg, a cricket bat) may inflict similar injuries" (OD-149).
<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> 	DYE was outnumbered three (3) to one (1) by offenders which was established by the witness account of Scott NEILSON. NEILSON describes seeing three (3) Islander males standing over the top of DYE, as he lay prone on the roadway. Investigators are unable to clarify if all of the offenders took part in the assault of DYE. It appears likely that the three (3) offenders did all take part in the robbery of DYE, following the initial assault, as NEILSON states all three (3) offenders were going through DYE'S pockets (ST-242).
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

The level of violence used in the assault of DYE, coupled with the injuries sustained outline a violent attack by three (3) males. The injuries sustained are greater than normally expected in this type of incident. It is unknown if all three (3) offenders took part in the initial assault of DYE and due to the lack of direct witnesses to the assault of DYE, investigators are unable to comment if a weapon of opportunity was used. Dr. SCHWARZ was later asked to offer an opinion in relation to the type of weapon used to assault DYE and stated, "It may be possible that a baton was used to cause these injuries, however, it is not possible to be certain as other objects (eg, a cricket bat) may inflict similar injuries."

SUMMARY OF FINDINGS

Indicator: Insufficient Information (II)

Comment: Crispin Wilson DYE was a successful, 41 year old music publisher and musician who lived in Cairns, Queensland. DYE most likely identified himself as bisexual, although close friends believe DYE was homosexual. DYE'S mother, recalled a conversation with her son, where he said, "People say I'm gay, Mum, but I don't know what I am." DYE had been drinking at various pubs and bars in and around the Oxford Street, Surry Hills area on the night he was assaulted. This area is commonly and historically known as a 'beat' and the location is in the vicinity of numerous gay pubs and clubs. At the time of DYE'S murder it was also a hotspot for street robberies and assaults, being committed by gangs of youths thought to be from outside the area. Coupled with the similarity to the robbery of [redacted] I116 which occurred one (1) hour prior to the assault and robbery of DYE in nearby Woolloomooloo, it would appear that a group of Islander males were in the area and actively pursuing robbery targets. The statement of Security Guard WALKER placing three (3) possible suspects in the area immediately prior to the assault and robbery of DYE, along with the witness account of NEILSON, make robbery the most probable motive. Numerous suspects were identified in relation to the murder of DYE, prior to extensive investigation and the review process either excluding them as suspects, or failing to gather enough evidence to lay charges. In relation to the possible suspect, [redacted] NP128 and [redacted] NP127 there is currently insufficient evidence to charge either persons of interest. Suspect Richard LEONARD made numerous admissions in relation to assaulting and killing DYE but following extensive re-investigation of LEONARD'S activities, he was excluded from being involved in the murder of DYE. Based on the reviewed evidence, [redacted] NP127 has not provided investigators with an alibi in relation to the murder of DYE. There may be an opportunity for further investigative enquiries, which could be made to exhaust [redacted] NP127 level of involvement, if any, in DYE'S murder. Detectives cannot totally rule out bias as a motive in the assault and subsequent death of DYE but Investigators are of the opinion that there is strong evidence to suggest that the motive in relation to this particular incident is robbery.