

**2022 Special Commission of Inquiry  
into LGBTIQ hate crimes**

**Before: The Commissioner,  
The Honourable Justice John Sackar**

**At Level 2, 121 Macquarie Street,  
Sydney, New South Wales**

**On Monday, 12 December 2022 at 10.00am**

**(Day 15)**

**Mr Peter Gray SC (Senior Counsel Assisting)  
Ms Meg O'Brien (Counsel Assisting)  
Ms Claire Palmer (Counsel Assisting)  
Mr Enzo Camporeale (Director Legal)  
Ms Caitlin Healey-Nash (Senior Solicitor)**

**Also Present:**

**Mr Mark Tedeschi KC (for NSW Police)  
Mr Anders Mykkeltvedt (for NSW Police)  
Ms Amber Richards (for NSW Police)  
Mr Ken Madden (for Sergeant Steer)**

1 THE COMMISSIONER: Yes, thank you. Mr Crandell, would you  
2 come back into the witness box.

3  
4 <ANTHONY CRANDELL, on former affirmation: [10.02am]

5  
6 <EXAMINATION BY MR TEDESCHI:

7  
8 MR TEDESCHI: Q. Assistant Commissioner, you were asked  
9 questions by Counsel Assisting the Commissioner about your  
10 appointment as the Corporate Sponsor of Sexuality and  
11 Gender Diversity. How did you come to be appointed to that  
12 position?

13 A. I was the Commander of Surry Hills Local Area Command  
14 at the time. Surry Hills Local Area Command has a large  
15 population of LGBTIQ people and historically, the commander  
16 of Surry Hills LAC would perform that function as Corporate  
17 Sponsor for Sexuality, and ultimately we changed that to  
18 Sexuality, Gender Diversity and Intersex.

19  
20 My predecessor was Chief Superintendent Donna Adney.  
21 She had been transferred from command at Surry Hills and  
22 I replaced her and she moved into Communications Command,  
23 a decision was made to bring the sponsorship back to field  
24 operations and Surry Hills Local Area Command, and  
25 in August of 2013 I was appointed as the corporate sponsor.

26  
27 Q. And how long did you hold that position for?

28 A. Six years.

29  
30 Q. Now, during those six years, were you - that included  
31 the time that you were involved in Strike Force Parrabell?

32 A. Yes, it did.

33  
34 Q. During the time that you were involved in Strike Force  
35 Parrabell, were you also the commander of the Surry Hills  
36 Local Area Command?

37 A. Yes, I was.

38  
39 Q. How many police were you in charge of as the commander  
40 of that district?

41 A. 260 including Highway Patrol.

42  
43 Q. And during the time that you were involved in Strike  
44 Force Parrabell, did you have any other duties apart from  
45 being commander of that district?

46 A. Yes, I did.

47

1 Q. Tell us about those.  
2 A. I was - I had a corporate project for strategic drug  
3 exhibits, because Surry Hills is the largest  
4 exhibit storage facility in NSW Police. That project ran  
5 for around about three years, involved in some legislation  
6 change. I was also project lead for search warrant reforms  
7 in the Police Force, and that was a project that spanned  
8 about six to eight years and continues today. And I also  
9 was appointed the Corporate Sponsor for Body Worn Video in  
10 2016 - '16/'17, and I currently hold that portfolio today.

11  
12 Q. During the time that you were involved in Strike Force  
13 Parrabell and the commander of the Surry Hills Local Area  
14 Command, can you give us an idea of, for example, how many  
15 emails a day you would receive?

16 A. The email load would be significant. I would say 50  
17 to 100 emails a day.

18  
19 Q. You were asked a number of questions by Counsel  
20 Assisting about the setting up of Strike Force Parrabell.  
21 Whose idea was it to set up that strike force?

22 A. That was my idea to start the strike force, obviously  
23 building on Operation Parrabell.

24  
25 MR TEDESCHI: I perceive I don't have the Commissioner's  
26 attention.

27  
28 THE COMMISSIONER: I beg your pardon?

29  
30 MR TEDESCHI: I perceive that I don't have your attention,  
31 Commissioner.

32  
33 THE COMMISSIONER: I'm making some notes, Mr Tedeschi, and  
34 if you --

35  
36 MR TEDESCHI: My apologies, Commissioner.

37  
38 THE COMMISSIONER: Well, I regard that as gratuitous and  
39 unnecessary. I am taking particular notice of what you are  
40 asking this gentleman.

41  
42 MR TEDESCHI: Thank you, Commissioner.

43  
44 THE COMMISSIONER: So would you be kind enough to proceed.

45 MR TEDESCHI: Yes, Commissioner.

46  
47 THE COMMISSIONER: Thank you. And I'm not interested in

1 any further gratuitous comment from you, thank you.

2  
3 MR TEDESCHI: Q. Why did you make the decision that you  
4 wanted to have a strike force like that?

5 A. I - I had reviewed Operation Parrabell's parameters  
6 and there had also been some media reporting around hate  
7 crimes, particularly related to the 88 deaths. I was  
8 actually most interested in the families of the deceased  
9 people, particularly those families that I believed had  
10 been let down by the police in the past, and I also had  
11 regard to the community. I genuinely wanted to bring the  
12 community closer to the police.

13  
14 There's always been a difficult relationship when  
15 people in the community want to report crime, particularly  
16 violent crime. From the research that I'd undertaken,  
17 I was satisfied that there was significant - significantly  
18 high reported violent crime throughout that entire  
19 marginalised community particularly towards gay men.

20  
21 Q. That was unreported?

22 A. That was unreported, absolutely, and I drew - I drew  
23 finding - an understanding from the fact that ACON had  
24 given me information that 20 reports of violence against  
25 gay men per day were being reported to them and not the  
26 police, and when I asked for that explanation, it was  
27 because of fear of the police. So with all of that  
28 context, I wanted to do something from this point in time  
29 to be able to review those cases.

30  
31 Q. Who did you think might benefit from the exercise of  
32 Strike Force Parrabell?

33 A. I thought that I could give peace of mind to family  
34 members, surviving family members. That wasn't always the  
35 case, but that was the intention. I thought that it would  
36 be good for the Police Force to be seen to have changed, in  
37 terms of a different era and a different period of time,  
38 and I thought that by making acknowledgments of truth, that  
39 that would bring both the police and the community, LGBTIQ  
40 community, closer together, and also increase that  
41 reporting standard.

42  
43 Q. What do you say to the suggestion that the setting up  
44 of Strike Force Parrabell was a result of media attention  
45 to the issue of unreported violent crime against members of  
46 the LGBTI community?

47 A. Yes, so I was aware of those media reports,

1 absolutely, and I think those media reports created greater  
2 awareness in me and in our team at Surry Hills, to work out  
3 how I could use my standing as the Corporate Sponsor for  
4 Sexuality, Gender Diversity and Intersex to somehow bring  
5 closure to some families but in a broader sense to bring  
6 some trust in the community, with what the police were  
7 trying to achieve, and I knew that I couldn't achieve  
8 reinvestigation, but when I sat down and spoke to some  
9 senior detectives, I thought that I could achieve something  
10 with a review.

11  
12 Q. Why do you say that you didn't feel that you could  
13 achieve something by reinvestigation?

14 A. I just knew that the amount of resources and the time  
15 that would take to conduct reinvestigations - I also  
16 thought that it would be difficult to work out exactly  
17 which cases should be reinvestigated, based on the fact  
18 that many of the cases needed fresh information. So  
19 really, in conducting the reinvestigation, a media strategy  
20 was always part of it, simply to bring attention to the  
21 fact that the police were undertaking these reviews and  
22 trying to get some sort of transparency into the process of  
23 that.

24  
25 Q. At the time that you set up Strike Force Parrabell,  
26 were you aware of any other similar exercise that had  
27 already been conducted of that nature, either in Australia  
28 or overseas?

29 A. No.

30  
31 Q. Since then, have you become aware of any similar  
32 exercise that has been conducted to the one that Strike  
33 Force Parrabell conducted, either in Australia or overseas?

34 A. No.

35  
36 Q. Have you done any sort of search to see if there have  
37 been any similar exercises?

38 A. Yes, I've conducted a search over the internet, just  
39 a basic, a general search, but I haven't been able to find  
40 anything where there's been a process of review to see if  
41 bias, gay-hate bias could be identified in crimes that have  
42 been committed.

43  
44 Q. Have you also conducted a search as to any forms that  
45 have been used to categorise gay-hate crimes?

46 A. Yes.

47

1 Q. What did you find?

2 A. No, I couldn't find any of those, either.

3

4 Q. When you took initial steps for setting up Strike  
5 Force Parrabell, what sort of reaction did you get from  
6 your colleagues in the Police Force?

7 A. My colleagues were supportive, particularly those  
8 colleagues that provided staff. Commanders are never  
9 comfortable providing staff to other priorities, but from  
10 the - my colleagues that supplied staff, they were  
11 supportive because they could see the larger picture of  
12 what we were trying to achieve.

13

14 My Deputy Commissioner at the time was Nick Kaldas and  
15 Nick Kaldas had a strong affiliation with marginalised  
16 communities and he was really driving the case for bias  
17 crimes, I thought, forward. And so he had a deep  
18 understanding of that. My Commissioner was Scipione -  
19 Mr Scipione. I didn't really have a sense of what his  
20 thoughts were when Strike Force Parrabell was commenced,  
21 but he did authorise and draft an apology to the - to the  
22 78ers, which is part of the Sydney Gay and Lesbian  
23 Mardi Gras, and the way the police conducted themselves in  
24 1978, and he actually crafted that apology, so I would say  
25 that he was also in support.

26

27 Q. When was that apology issued?

28 A. I delivered that apology in March, early March of  
29 2016.

30

31 Q. So that was during the course of Strike Force  
32 Parrabell?

33 A. Yes, it was.

34

35 Q. Prior to setting up Strike Force Parrabell, had you  
36 received some information from a woman by the name of Sue  
37 Thompson?

38 A. Yes.

39

40 Q. Can you tell us who she was, what role she had and  
41 what information you got from her about suspected gay-hate  
42 deaths?

43 A. So Sue Thompson was one of the very first Gay and  
44 Lesbian Liaison Officers for the NSW Police Force.

45

46 Q. Was she an officer, a police officer?

47 A. Not a police officer, no, an unsworn person, and it

1 was at a time where NSW Police really wanted to start  
2 making inroads into the relationship with the LGBTIQ  
3 communities. So she played, to my mind, a really important  
4 role at that time. She is also a researcher and she  
5 developed the list from a number of sources, but I believe  
6 also internal police sources as well. I'm not sure of the  
7 extent of her research but she provided, at the very  
8 beginning, at least, the basis of the 88 list, and then, as  
9 I understand, it she confirmed that list to the Unsolved  
10 Homicide Squad some time later.

11

12 Q. And to your knowledge, did she have any input from the  
13 LGBTIQ communities about the scope of those 88 deaths?

14 A. Yes. Yes.

15

16 Q. So from your point of view, Operation Parrabell, the  
17 scope of it, had been influenced by the LGBTI communities  
18 through her?

19 A. Yes, absolutely.

20

21 Q. Was it your intention from the beginning to produce  
22 a report that was going to be made public?

23 A. Yes, it was.

24

25 Q. And why was that important to you?

26 A. Because I wanted to show the LGBTI communities what we  
27 were doing and that we were - and that the whole purpose of  
28 Parrabell was to bring us closer together, to encourage  
29 trust and to build stronger relationships.

30

31 Q. At the time that you set it up, did you have in mind  
32 the possibility of, if you found an appropriate matter that  
33 warranted reinvestigation, that something might be done in  
34 that regard?

35 A. Yes, absolutely.

36

37 Q. So what did you have in mind in relation to the  
38 possibility of reinvestigation of matters when you set it  
39 up?

40 A. Yes, so if there was any evidence that had been  
41 overlooked, or as part of the review had come to light, or  
42 fresh evidence had been brought about from members of the  
43 public, then that would require a referral to the Unsolved  
44 Homicide Team for reinvestigation, or for a consideration  
45 of reinvestigation.

46

47 Q. And in fact, was there one of the 88 matters that

1 eventually did get reinvestigated as a result of the  
2 activities of Strike Force Parrabell?  
3 A. I think the activities of Strike Force Parrabell would  
4 have contributed to that, but whether it was the sole  
5 reason or not I'm uncertain, but definitely one  
6 reinvestigation - sorry, there's more than one  
7 reinvestigation, but definitely one charge arising from  
8 that reinvestigation.  
9  
10 Q. Partially as a result of the actions of Strike Force  
11 Parrabell?  
12 A. I believe so, and the publicity that that was  
13 generating.  
14  
15 Q. And if the Commissioner wished to know which matter  
16 you're talking about, you could write that down on a piece  
17 of paper?  
18 A. Yes, I can.  
19  
20 Q. Is it a matter that is currently before the courts?  
21 A. Yes, it is.  
22  
23 THE COMMISSIONER: If it's currently before the courts  
24 then, isn't it a matter of public knowledge? Anyway,  
25 I won't detain you on it, but if a person has been charged,  
26 you have the opinion of Mr Crandell that it's partially as  
27 a result of his and his team's - Parrabell. Perhaps all  
28 that needs to be said.  
29  
30 MR TEDESCHI: I'm content to ask that, Commissioner.  
31  
32 THE COMMISSIONER: Over to you. I thought you had, but if  
33 you want to ask it again, by all means, do.  
34  
35 MR TEDESCHI: Q. What's the name of the matter?  
36 A. Raymond Keam.  
37  
38 THE COMMISSIONER: Q. It is currently before the courts,  
39 isn't it?  
40 A. It is, Commissioner.  
41  
42 Q. There was some publicity about somebody being  
43 extradited from Victoria?  
44 A. Yes.  
45  
46 Q. And do you know what the current status of the matter  
47 is? Did it go to committal or did it go straight to trial



1 or is it going straight to trial?

2 A. I'm uncertain whether it's at committal or trial,  
3 Commissioner.

4

5 THE COMMISSIONER: Thank you.

6

7 MR TEDESCHI: Q. Prior to Strike Force Parrabell, had  
8 you had any previous experience in writing reports for  
9 public dissemination?

10 A. No.

11

12 Q. To your knowledge, did any other members of Strike  
13 Force Parrabell have such experience?

14 A. No.

15

16 Q. Is the writing of reports for public consumption  
17 a common exercise within the police?

18 A. No.

19

20 Q. You've told the court that you had three senior  
21 officers who had a supervisory role in Strike Force  
22 Parrabell?

23 A. Yes.

24

25 Q. That was Middleton, Grace and Bignell?

26 A. Yes.

27

28 Q. What was their attitude towards the tasks of Strike  
29 Force Parrabell?

30 A. They were enthusiastic. Craig Middleton was a direct  
31 report to me as the Commander of Surry Hills LAC, and Paul  
32 Grace was a direct report to him; Cameron Bignell a direct  
33 report to Paul. But Cameron Bignell had had a deep passion  
34 for LGBTI community issues, as did both Craig Middleton and  
35 Paul Grace, even if only by their appointments to their  
36 positions at Surry Hills.

37

38 Q. What was Bignell's background that made him  
39 a particularly suitable candidate to be involved in Strike  
40 Force Parrabell?

41 A. So Cameron is a detective senior constable. He was  
42 also a Gay and Lesbian Liaison Officer so he'd undertaken  
43 training in GLL0 duties.

44

45 Q. How many years has he been a liaison officer?

46 A. I'm not sure, but it wasn't a recent thing that he  
47 became a Gay and Lesbian Liaison Officer, he'd been one for

1 some time, and obviously was interested in bias and in that  
2 particular community.

3  
4 Q. And did he have any other attribute that you're free  
5 to disclose to the hearing?

6 A. I can disclose, simply because I've asked him, but he  
7 is a member also of the LGBTIQ community.

8  
9 Q. And why did you think that it was important to have  
10 three officers who were designated detectives in those  
11 senior positions?

12 A. Because I know what training the detectives undertake.  
13 I know they have training in motive. I know they have  
14 specific expertise in investigations and I know that with  
15 the structures in place, they had a good deal of comfort in  
16 the way that they were going about their business. So  
17 I was comfortable with their training, I was comfortable  
18 with their capabilities, and their attitude was certainly  
19 most appropriate.

20  
21 Q. Now, you were asked many questions by Counsel  
22 Assisting about the categorisation of crimes as part of  
23 this exercise, and you gave evidence that if you don't know  
24 who the perpetrator of a crime is, in many cases it might  
25 be difficult to know whether or not it is a bias crime?

26 A. Yes.

27  
28 Q. How did you make the determination in relation to the  
29 cases that you looked at where there was no known  
30 perpetrator?

31 A. So it was an even more difficult task. I actually  
32 reviewed the unsolved cases and 17 of them were found to be  
33 insufficient information.

34  
35 Q. 17 insufficient evidence?

36 A. Yes, to make a determination. Three others were as  
37 a result of coronial findings, so a determination was made  
38 substantially in accordance with those coronial findings.  
39 There was - based on the circumstances of two matters, one  
40 was found to be not a bias crime and one was found to be  
41 a bias crime, and another - and there was one other that  
42 was classified as a suspected - no, it was classified as  
43 a bias crime because of a dying declaration.

44  
45 Q. And were there two cases where there was no evidence  
46 of being a bias crime?

47 A. Yes.

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Q. At that time?

A. Yes.

Q. You have described the process whereby there was discussion within Strike Force Parrabell in order to come to a conclusion initially whether or not each of these 88 matters were gay-hate crimes, and you were asked a lot of questions by Counsel Assisting about your use of the 10 bias crime indicators?

A. Yes.

Q. And it was suggested to you, or you were asked questions as to whether the 10 bias crime indicators had been used as a checklist?

A. Yes.

Q. You stated on a number of occasions that they were not used as a checklist, and I'd like to take you to the part of the report where the Flinders team review is contained, which is part of exhibit 1, tab 2, page 11, [SC0I.02632]?

A. Sorry, what was that page, counsel, please?

Q. I've just got to find the right page. It's not page 11 of the report, pardon me. I'll find that section for you and I'll come back to it. Can you explain to the Commissioner how the bias crime indicators were used and why they were not used as a checklist?

A. Well, they were used as a guide to basically - so that I could understand whether or not different factors were - or different material would show that those factors existed or otherwise. And it would allow me to see that investigators were taking into account what was corporately endorsed in policy as indicators of bias crime. Then there had to be discussions, in my opinion, to be able to determine whether or not that amounted to motivation for gay-hate crime.

Q. And you said on a number of occasions in evidence that there was no particular number of criteria that had to be met --

A. No.

Q. -- for a crime to be categorised as a bias hate or hate crime?

A. Yes, there was no - no science in that regard.

1 Q. And vice versa?  
2 A. That's right.  
3  
4 Q. So ultimately, do you accept that there were  
5 differences of opinion amongst the police during the course  
6 of that process?  
7 A. Yes, I do.  
8  
9 Q. Do you accept that the allocation of cases into the  
10 four categories was ultimately a matter of opinion in which  
11 different people might have different views?  
12 A. Yes.  
13  
14 Q. When the academics came back with their views, you've  
15 told the hearing that there was a discussion between them  
16 and the police about differences of opinion?  
17 A. Yes.  
18  
19 Q. And I think you said that Sergeant Steer was involved  
20 at some stage in that process?  
21 A. Yes.  
22  
23 Q. Could you describe the process that was engaged in and  
24 whether it ended up in a resolution of agreement?  
25 A. Yes, so there was a process of discussion amongst the  
26 police. Some of those discussions involved Sergeant Steer,  
27 others didn't. So that at least there could be some  
28 consensus of opinion as to whether or not a matter fell  
29 into a category or potentially - a potential number of  
30 other categories. There was also, as I understand it,  
31 reading from the academic report - there was also  
32 discussion on the academic side to determine exactly the  
33 same matter.  
34  
35 Q. So they also had differences of opinion between the  
36 three of them?  
37 A. Yes, absolutely. And then there was other meetings  
38 between police officers and academics to determine the  
39 thinking around why they had come to the different  
40 categorisations.  
41  
42 Q. During that process, did either team attempt to  
43 convince the other of their viewpoint?  
44 A. Not - not in my opinion, because it was really about  
45 discussing the methodology as to how we came to a position  
46 and the academics did the same.  
47

1 Q. And over what period of time did this consultation  
2 take place?

3 A. It was over several months - not continuously, but  
4 through meetings and other discussions with them.

5

6 Q. Were you content with that process?

7 A. Yes, I was.

8

9 Q. How do you feel about it now, looking back at it?

10 A. I'm still content with that process because I didn't  
11 see it as a scientific process; I saw it as a process of  
12 trying to work out opinions and trying to get the best  
13 outcome.

14

15 Q. Do you tell the Commissioner that in fact, it is still  
16 the case where, in relation to some of those cases,  
17 opinions may differ?

18 A. Absolutely.

19

20 Q. And is that especially the case where there's no known  
21 perpetrator?

22 A. Yes, certainly.

23

24 Q. And an absence of solid evidence about motivation?

25 A. Yes, absolutely.

26

27 Q. Can you give us some examples of cases in which there  
28 was no perpetrator determined, where it was particularly  
29 difficult to make a determination one way or the other?

30 A. Yes. Should I say the name of the case, Mr Tedeschi,  
31 or just describe the circumstances?

32

33 MR TEDESCHI: I'm in the Commissioner's hands on that.

34

35 THE COMMISSIONER: If it's going to be a meaningful  
36 analysis, I have to know what he's talking about, I don't  
37 know how I'd otherwise - I don't propose to have secret  
38 notes written and passed around the room. I mean, the  
39 names are all disclosed in the Parrabell report itself.  
40 Most of them - many of them are the subject of, I put it as  
41 high as common knowledge, but many of the cases have been  
42 discussed publicly over the years.

43

44 If Mr Crandell, however, feels that by reason of any  
45 current investigative process that's being undertaken,  
46 I would accord him the respect of indicating that, but  
47 otherwise, if he can choose examples where that isn't the

1 case, then I think it would be more helpful to me to  
2 understand what he's going to say.

3

4 THE WITNESS: So, sir, the case of Mr Slater, the death of  
5 Mr Slater, who was an older man, and he had urinary tract  
6 issues and needed to urinate frequently. He went to  
7 a public toilet which happened to be a beat.

8

9 THE COMMISSIONER: Q. This is the man in Newcastle, is  
10 it?

11 A. Yes, I believe so, sir.

12

13 Q. Thank you.

14 A. And he was viciously attacked, and he's - he was  
15 robbed of \$30 by a perpetrator unknown. So the location is  
16 one aspect of it but to ascribe an intention or  
17 a motivation, I found that impossible, particularly on the  
18 basis that there was no perpetrator.

19

20 MR TEDESCHI: Q. Can you give us another example?

21 A. Yes, there was a case of Mr Dempsey. I - Mr Dempsey  
22 was a difficult case because Mr Dempsey was murdered in  
23 cold blood. He was shot with an arrow in the chest at  
24 a beat by a perpetrator who had attempted to shoot arrows  
25 at other people at that same beat and he'd also been  
26 responsible for the murder of a taxi driver, I believe  
27 after the murder of Mr Dempsey.

28

29 That attracted a great deal of debate amongst the  
30 Parrabell team because there was a significant amount of  
31 interest placed upon the fact that it was a murder at  
32 a beat, at a known beat, and there was differences of  
33 opinion as to what the motivation - whether that crime was  
34 motivated by gay hate or whether that was simply murder for  
35 other reasons. Even though there was a perpetrator  
36 identified, there was some significant mental health issues  
37 involved and that person is still in prison.

38

39 But it was very, very difficult, and I have a few  
40 regrets about that case, simply because his - Peter Rolfe  
41 is his partner, his surviving partner, and I had a -  
42 I spoke to Peter about our classification of it not being  
43 a bias crime. Academics classified it as a bias crime, and  
44 he was deeply hurt by that.

45

46 Q. He was deeply hurt by the academics' approach or by  
47 the police approach?

- 1 A. No, by our approach of not classifying it as a bias  
2 crime, because he's firmly of the view that it is a bias  
3 crime and it was clear to be.  
4
- 5 Q. Is that one of the cases where there was a difference  
6 of opinion between the police and the academics?  
7 A. Yes. And I just use that case to show you the  
8 difficulty in having that classification; even when you  
9 have a perpetrator and it seems clear from one perspective;  
10 it's still very difficult to classify.  
11
- 12 Q. And is there a third case you can tell us about as an  
13 example?  
14 A. Yes, there was a case of - I think it was a case of  
15 Chudleigh, where Mr Chudleigh was killed by a person who he  
16 had molested for several years. Although the person was  
17 not convicted at court, he was charged but not convicted,  
18 trying to ascribe a bias to that person - was that gay  
19 hate? Was that anti-paedophile? Or was that simply  
20 interpersonal animosity?  
21
- 22 Q. So you were seeking to distinguish between hatred of  
23 the man for what he had done to the man who did the  
24 killing --  
25 A. Yes.  
26
- 27 Q. -- as opposed to gay hate because of the fact that the  
28 person was gay?  
29 A. Yes. And did he simply hate gay people, or was it  
30 more of a paedophile animus, or was it just that he did not  
31 want this person to continue living given what had  
32 happened?  
33
- 34 Q. And was that, again, one where there was a difference  
35 of opinion between the police and the academics?  
36 A. The difference - well, the difference of opinion with  
37 the academics was that they had a separate category,  
38 a separate animus category of paedophile hate, so I believe  
39 that they classified that as paedophile hate. I just can't  
40 remember what our classification was, but there was  
41 significant debate over what that category entailed.  
42
- 43 Q. And you have explained to the Commissioner in your  
44 evidence in answer to questions from Mr Gray why you did  
45 not want to have a category relating to paedophilia?  
46 A. Yes. I didn't want a paedophilia category simply  
47 because I felt that if a person misconceived that gay men

1 were paedophiles, then that would still result in gay hate.  
2 I could understand their distinction --  
3  
4 Q. So you didn't want to perpetrate or encourage any such  
5 further hatred?  
6 A. No, and I didn't want to perpetuate the falsity of gay  
7 men being paedophiles, because it's completely wrong.  
8  
9 Q. During the course of your evidence you described how  
10 there were 12 matters that were the subject of a dip sample  
11 by Sergeant Steer?  
12 A. Yes.  
13  
14 Q. And I think that you gave evidence in answer to  
15 questions from Mr Gray that you thought that those 12  
16 matters were matters where there was a difference of  
17 opinion between the police and the academics. Have you  
18 since had an opportunity to check on that?  
19 A. Yes, I have.  
20  
21 Q. And what have you found?  
22 A. So after reviewing the cases, it is - it was actually  
23 a dip sample. So it was - some of the cases are  
24 consecutive in number, around about the 60s and 70s, but it  
25 seems to me that it was more of a random sample exercise.  
26 How they were selected I can't assist with, but --  
27  
28 Q. No, but do you know who selected them?  
29 A. I don't. But I do know which ones were reviewed.  
30  
31 ]Q. And do you know what instructions were given to  
32 Sergeant Steer about those 12?  
33 A. No, only that he would conduct a review.  
34  
35 Q. What material was made available to him to conduct  
36 that dip sample?  
37 A. I believe it was the Bias Crime Indicator Forms. And  
38 the reason I say that is because although Sergeant Steer  
39 had access to the e@gle.i material, it would be unrealistic  
40 for anybody to expect him to have gone through that amount  
41 of material, and so I believe he would have restricted his  
42 inquiries to the Bias Crime Indicator Forms, at least in  
43 the first instance.  
44  
45 Q. As a result of Sergeant Steer's review, did the police  
46 change any of their conclusions?  
47 A. Yes, they did.



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Q. Was that in support of conclusions that Sergeant Steer had come to or contrary to Sergeant Steer or both?

A. There was both. So there were some that were changed in support of Sergeant Steer's view and others that Sergeant Steer - I don't want to say he acquiesced but he changed - he didn't necessarily change his view, but he could understand where the categorisation was most appropriate.

Q. During the course of questioning by Mr Gray, the Commissioner asked you a question about whether this process was opaque or transparent. What do you say about that?

A. No, I understand the process to be transparent.

Q. Why is that?

A. Well, I say that for a number of reasons. One is because there was - it wasn't a scientific method that we were following. There wasn't - it was discussion, and that was with not only the investigative team but also the academic review team.

And I also say that because that's indicated in the final report, particularly from the academic team who actually outline exactly the process that was undertaken. And my view of that is that that process was accurate. So when I say it was transparent, that's what I was seeking. I was seeking transparency and I think we described that in a transparent fashion.

Q. So the fact that many of these matters were the subject of discussion and contrary views was disclosed in the report?

A. Yes, absolutely.

Q. The fact that there were differences between the police and the academics in some cases was disclosed in the report?

A. Yes.

Q. The fact that people had changed their minds from time to time as a result of the input of others - that was disclosed in the report?

A. Yes.

Q. Can you now think of any other way in which the

1 exercise could have been made more scientific?

2 A. I think it would be dangerous to move into - to try to  
3 make it a scientific process.

4  
5 Q. Why is that?

6 A. Because I don't think - because then you get back to  
7 the tick-box exercise, I fear, and I think you would then  
8 be looking at some sort of a calculation to determine  
9 whether or not somebody had bias in their mind. I don't  
10 think that we could ever get to that position, simply  
11 because we're dealing with human motivation and human  
12 behaviour.

13  
14 THE COMMISSIONER: Mr Tedeschi, I wonder if I could  
15 interrupt and ask a question.

16  
17 Q. At page 992 of the transcript, Mr Crandell, I asked  
18 you about the process and at page 992, lines 16 and  
19 following, I think I put to you there - if I didn't put it  
20 to you there, I did put it to you otherwise - that the  
21 police officer or officers concerned, when they read the  
22 files, prepared a narrative and often the forms are filled  
23 out - even as to the first question of immutable  
24 characteristic differences, forms are often filled out as  
25 a narrative, starting from the disclosure of the deceased  
26 and then, in many, many cases, a narrative, as it were, of  
27 what occurred in any investigative process that had taken  
28 place.

29 A. Yes.

30  
31 Q. Okay. Now, the discussions you're talking about, do  
32 I take it almost without exception, they were based on the  
33 narrative or narratives as had been originally distilled by  
34 the person or persons who were looking at the source  
35 documents?

36 A. I would say so, Commissioner.

37  
38 Q. So that the discussion between the police officers was  
39 not about the narrative originally prepared but the  
40 significance of one or more factors disclosed by the  
41 narrative?

42 A. Yes, I would say that's so.

43  
44 THE COMMISSIONER: Thank you.

45  
46 MR TEDESCHI: Q. Further to the Commissioner's question,  
47 what process was there to ensure that the narrative was

1 accurate?

2 A. That's where that - the governance system came in  
3 play. So Detective Senior Constable Bignell would have  
4 input into that discussion, as would Detective Sergeant  
5 Grace, and then there would be weekly meetings to make sure  
6 that there was consistency across the different views and  
7 that there was open discussion about those points.

8

9 THE COMMISSIONER: Q. But the preparation of the  
10 narrative, although it was the subject of discussion by  
11 Detective Bignell and others, wasn't second-guessed, was  
12 it? In other words, he didn't go back and go over all of  
13 the files to determine whether he agreed or disagreed with  
14 the narrative originally prepared?

15 A. I don't believe he would have went over the files  
16 again, Commissioner.

17

18 THE COMMISSIONER: All right, thank you. Yes,  
19 Mr Tedeschi.

20

21 MR TEDESCHI: Q. Did they all have access to those files  
22 if they wished to --

23 A. Yes.

24

25 Q. -- query the narrative?

26 A. Yes, every - every investigator had access to the  
27 e@gle.i file.

28

29 Q. Do you know whether, in fact, they did have access to  
30 those files in relation to the preparation of the  
31 narrative?

32 A. Yes.

33

34 Q. Can I ask you - I asked you about some examples of  
35 cases where it might have been difficult to determine  
36 motivation of a perpetrator. Can I suggest to you that  
37 there are two other cases that demonstrate those  
38 difficulties. I don't know if there is any difficulty  
39 about mentioning their names. The first one is a 1985 case  
40 of a female who was murdered in her home?

41 A. Oh - yes, that was Wendy Wayne, who was an openly  
42 transgender female woman. Wayne Brennan, I'm pretty sure,  
43 was the real name, birth name, I should say. So that was  
44 a case where - had an openly transgender female who was  
45 a drag queen, was very prominent in Kings Cross and  
46 surrounding areas, had been - her home had been broken into  
47 and she had been murdered by being shot in the head, back

1 of the head, twice. The crime scene was cleaned by the  
2 perpetrators and - and there was no forensic evidence to  
3 identify any perpetrator. So that's --  
4

5 Q. And that remains unsolved to this day?

6 A. Remains unsolved. To ascribe a motivation to those  
7 sets of circumstances is impossible.  
8

9 Q. And another case of a man in an antique store at  
10 Parramatta?

11 A. Yes. Mr Bedser, that was. Mr Bedser was a store  
12 owner in Parramatta. He was described by his friends as  
13 openly gay or bisexual. Two people entered his store and  
14 stabbed him.  
15

16 THE COMMISSIONER: Q. I'm sorry, would you just mind  
17 repeating what you just said?

18 A. Two people entered his store.  
19

20 Q. Two people?

21 A. Yes.  
22

23 Q. And where did you get that piece of information from,  
24 that there were two people?

25 A. From the case file. He was stabbed and died of his  
26 injuries. There was no known motivation for that, and I -  
27 I would stand to be corrected but I don't even know that  
28 there was a robbery that had taken place.  
29

30 MR TEDESCHI: Q. And again, it remains unresolved until  
31 today?

32 A. Yes, it does.  
33

34 THE COMMISSIONER: Q. Can I just ask you this about that  
35 case? The Commission staff has reviewed that file and  
36 I'd be grateful, very grateful, if you could point to any  
37 information that you're aware of to suggest there were two  
38 people possibly entering the store and involved in his  
39 murder, and, secondly, that is a case, is it not, where the  
40 murder weapon has been lost? Are you aware of that?

41 A. I wasn't aware of that, no.  
42

43 Q. Okay. Well, then, the Commission staff has been  
44 informed that the murder weapon, thought to be a knife, has  
45 been lost either by - in relation - the police can't locate  
46 it.  
47

A. Right.

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Q. You're unaware of that?

A. I wasn't aware of that.

THE COMMISSIONER: All right. Yes, Mr Tedeschi.

MR TEDESCHI: Q. Is location as a single indicator enough in your opinion to determine that a murder is a gay-hate crime?

A. No.

Q. Can you explain why?

A. Because I think that's one of many factors that would have to be taken into consideration, and that's why I thought the bias crime indicators were valuable as a tool.

Q. I'd like to read to you from page 69 of the Parrabell report [SCOI.02632]. That's a section that was written by the academics, about the middle of the page, there is a paragraph that begins "Although".

A. Yes.

Q.

*Although each indicator was scored, the summary conclusion or finding was not determined by counting the number of "yes" or "no" indicators of bias and referencing that number to some sort of table that accorded a finding of bias to a particular threshold number (eg seven out of ten indicators). Rather, the process was described as intuitive and relied on qualitative data in the form of contextual information derived from analysing each case. That is, having taken notice of the requisite indicators of bias, the detectives would also take into account the "Summary of Findings" section - an amalgam of the "general comments" section that corresponded to all ten indicators. The summary was often rich in detail and - when viewed in concert with the relative indicators - allowed a view of whether bias was involved to emerge.*

Does that paragraph accurately summarise the process, so

1 far as the police were concerned?

2 A. Yes.

3

4 Q. Yes, thank you. Could I take you now, please, to  
5 volume 4, tab 112, [SCOI.74554]. This is an email referred  
6 to by Counsel Assisting. Can I take you to tab 112, page  
7 1. It's an email from Craig Middleton to Derek Dalton. In  
8 the second paragraph, about the fifth line, Detective  
9 Middleton says this:

10

11 *Additionally, as you are well aware, there*  
12 *is no definitive line between the*  
13 *categories, hence some of these matters can*  
14 *slip between categories quite easily*  
15 *(insufficient information/suspect bias*  
16 *etc). Even within the review team itself*  
17 *we had differences of opinion on cases and*  
18 *which category it was placed. In some*  
19 *respects, some of these matters could*  
20 *almost sit in 2 categories. But ultimately*  
21 *we had to make a choice, of which opinion*  
22 *played a part. If the truth be known*  
23 *[a lot] of these matters were placed in*  
24 *their category based on our "collective*  
25 *opinion". You already know this, hence why*  
26 *your results differ from ours. Essentially*  
27 *those differences are based on your opinion*  
28 *as opposed to our opinion. Whose opinion*  
29 *is right? I would suggest both are. So*  
30 *yes you are correct, publishing individual*  
31 *results runs the risk of people being able*  
32 *to scrutinise individual matters and*  
33 *challenge those individual matters based on*  
34 *their opinion of the information.*

35

36 A. Yes.

37

38 Q. Assistant Commissioner, in your view, does that part  
39 of that paragraph describe accurately the way in which  
40 different people might have different opinions about which  
41 category any individual case might fit into?

42 A. Yes, it does.

43

44 Q. Is there anything more you would like to say about  
45 that?

46 A. No. I agree with the paragraph and I agree with  
47 Mr Middleton's comments.

1  
2 Q. You were asked a number of questions by Counsel  
3 Assisting about the different descriptions that were given  
4 to the four categories at different times in different  
5 documents?  
6 A. Yes.  
7  
8 Q. The coordinating instructions was one of those  
9 documents?  
10 A. Yes.  
11  
12 Q. The BCI form that was eventually used - I think it was  
13 established that it had the four categories in the - using  
14 the same wording that was contained in the coordinating  
15 instructions?  
16 A. Yes.  
17  
18 Q. Did all of the police officers who were conducting the  
19 review use the same BCI form?  
20 A. Yes.  
21  
22 Q. You were asked a number of questions by Counsel  
23 Assisting as to why ultimately the first category, the  
24 category of positive finding of "Bias Crime", contained  
25 within it the criminal standard of proof, and you gave  
26 evidence about the fact that that was a term that was  
27 readily understood by police officers because of their  
28 experience in charging people and perhaps being involved in  
29 trials as witnesses?  
30 A. Yes, that's true.  
31  
32 Q. Did the category of "Suspected bias crime" require any  
33 particular standard of proof?  
34 A. No. It required the suspicion that there was bias  
35 crime. To my mind, that indicated more likely - certainly  
36 more likely than not - that it would be a bias crime.  
37  
38 Q. From your point of view, if you were asked which  
39 categories are categories in which bias crimes have been  
40 committed, what would be your answer?  
41 A. Sorry, could you repeat that question?  
42  
43 Q. If you were asked which of the categories are bias  
44 crimes, what would your answer be?  
45 A. The number of crimes in the "Suspected Bias Crime" and  
46 the "Bias Crime" category.  
47

1 Q. So the first two categories?

2 A. Yes.

3

4 Q. You were asked some questions by Counsel Assisting  
5 about the use of the word "findings" in the Parrabell  
6 report, and it was suggested to you that that could be  
7 misleading because it might create the impression of it  
8 being in the nature of a finding, a definitive finding,  
9 say, by a judicial officer?

10 A. Yes.

11

12 Q. What do you say of your use of the word "finding" or  
13 "findings".

14 A. It was never in my mind to push a finding to  
15 a judicial standard, and my limited understanding of public  
16 research, I believe that they used those terms and so  
17 I used a similar term in the publicly released report.

18

19 Q. By "findings", did you mean conclusions?

20 A. Yes, the outcomes of the reviews and the conclusions  
21 reached.

22

23 Q. You were also asked questions about the entry on  
24 page 21 of the Parrabell report, [SC0I.02632], where you  
25 referred to the single question, namely, "Is there evidence  
26 of a bias crime", and it was suggested to you that that was  
27 somehow misleading because it didn't refer to the four  
28 categories. Of course, elsewhere in the report, in a  
29 number of places, there are references to the four  
30 categories?

31 A. That's true.

32

33 Q. And the Bias Crime Indicator Form was an attachment --

34 A. Yes.

35

36 Q. -- to the report?

37 A. Yes.

38

39 Q. So anybody who wanted to find out about the  
40 categorisation could easily do so?

41 A. Yes, and they would understand that that's not the  
42 only question that was asked.

43

44 Q. Why did you condense the nature of the review into  
45 that one question at page 21 of the report?

46 A. Because I felt that that was a crucial question to ask  
47 and that's what we were seeking, that's what we were



1 looking for. It wasn't meant to be a definitive account of  
2 all the questions that the investigators asked; it was  
3 simply something that was very central to the way that  
4 I thought about what each investigator should be asking  
5 themselves.  
6

7 Q. Was that your view of what was of interest to the  
8 LGBTIQ community?

9 A. Yes. I - yes, I think that the community wanted some  
10 validation of the true status of the 88 crimes, because  
11 there was no validation at all before that, because there  
12 was no reviews undertaken before that.  
13

14 Q. It was suggested to you that the methodology of Strike  
15 Force Parrabell was deficient because there was no academic  
16 support in the literature for the use of the bias crime  
17 indicators that were used in the BCI form. You have told  
18 us that, to your knowledge, you don't know of another  
19 similar exercise that has been conducted either before or  
20 after Parrabell. Do you know if the academic review team  
21 were able to find other instances where such an exercise  
22 had been done?

23 A. My understanding is that they could not.  
24

25 Q. Did you know that the American FBI criteria had been  
26 discredited?

27 A. No.  
28

29 Q. What was your view during the work that was done on  
30 Strike Force Parrabell about the value or lack of value of  
31 those 10 criteria?

32 A. Well, I believe that the criteria were valuable on the  
33 basis that they were indicators of bias crimes, and I felt  
34 that it was appropriate to use that document and those  
35 indicators to be able to look into past investigations to  
36 find out what ultimately was the motivating factor for  
37 those crimes.  
38

39 Q. You were also asked questions by Counsel Assisting  
40 about your use of the term "evidence/information", and in  
41 fact the Commissioner asked you some questions about that.  
42 If I remember your evidence correctly, you said that you  
43 used the two terms interchangeably. Did some of the  
44 background information in the police files - was that  
45 information that had been obtained anonymously from Crime  
46 Stoppers or by Crime Stoppers?

47 A. Yes.

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Q. Would you categorise that as evidence or as information?

A. I would say that's information.

Q. What about police intelligence that has been recorded by the police intelligence unit? Would you categorise that as information or as evidence?

A. Well, that's information that has had some analysis added to it which then turns it into intelligence.

Q. What about a witness statement? Would you categorise that as information or evidence?

A. That would be evidence.

Q. And would you explain why you used both terms?

A. Because I wanted the investigators to start from a position, an open position, in relation to bias as a motivating factor. So I didn't want them to exclude anything early and I wanted them to start with ruling bias in before they ruled bias out. So I really wanted them to look at whatever material they had to come to that view.

Q. And that could include evidence that would be admissible in the event of a trial in a court?

A. Yes, certainly.

Q. Evidence that would be inadmissible on anybody's assessment?

A. Yes.

Q. You were asked questions by Counsel Assisting about the fact that, on page 21 of the report, it said that a detailed report will be prepared and presented to prominent representatives of the LGBTIQ community and that that didn't happen for all 88 cases; it happened only for some cases. You gave evidence about a consultation with the community --

A. Yes.

Q. -- about some of the cases. Now, in your evidence, you said that you didn't pursue that because you were concerned about the confidentiality issue?

A. Yes.

Q. Were you concerned in particular about confidentiality in terms of producing a single document with case summaries

1 of all 88 cases?

2 A. Yes, I was.

3

4 Q. What was your concern about that?

5 A. I felt that the summary document really indicated all  
6 the circumstances that the police were aware of for each  
7 case. Some of that - some of the reading was very  
8 difficult and I felt that if I take it from the perspective  
9 of the families of the victims, and I think that in some  
10 cases they may well have been shocked with what had  
11 actually happened, and whether or not they knew all the  
12 circumstances as to what had actually happened and what  
13 holdings the police had in relation to that, I thought that  
14 the benefit of sending out that document was not outweighed  
15 by the hurt that it may well cause, and so the  
16 determination of mine was not to publish the case summaries  
17 document.

18

19 Q. Was your concern that if it had been issued even on  
20 a confidential basis to leaders of the community that it  
21 might have found its way into the public arena?

22 A. Yes, because I didn't have really any control over its  
23 distribution or further distribution and that was my  
24 general concern.

25

26 Q. Do you know of some cases where families would be  
27 deeply shocked by some of the information about their  
28 deceased relative?

29 A. Yes, I do.

30

31 Q. Can you give us an example?

32 A. I think --

33

34 Q. Without mentioning names?

35 A. I just think the ferocity of some of the attacks, the  
36 sheer level of violence that the victims were subjected to,  
37 the significance of the violence was my most - the thing  
38 that was most in my mind, and the instances of violence  
39 that I've read and I've researched and I've written about  
40 in those case summaries was significant and extreme.

41

42 Q. Were there some families that refused to accept the  
43 sexual orientation of their deceased relative?

44 A. Absolutely.

45

46 Q. And would be shocked at some of the information in the  
47 case summaries about that?

1 A. Yes. Some feedback from family members was that the  
2 cases should not be on the 88 list, on the basis that their  
3 family member was not gay.

4  
5 THE COMMISSIONER: Q. Does that mean, Mr Crandell, that  
6 in some cases information was withheld from family?

7 A. I don't know that the information was held [sic],  
8 Commissioner, but --

9  
10 Q. Well, does that mean, though, that it was your belief  
11 that in some cases - you're being asked questions about the  
12 sensitivity of them and I accept that, but does that mean  
13 that in some cases you believe the police have withheld  
14 information from family members?

15 A. In those days I would say yes.

16  
17 Q. All right. While I'm interrupting Mr Tedeschi, can  
18 I just ask you this: in the form or in the questions that  
19 were posed to detect bias crime or suspected bias crime, it  
20 seems that that was formulated to take into account both  
21 evidence and information - in other words, the dual  
22 combination is used in both of those questions?

23 A. Yes, sir.

24  
25 THE COMMISSIONER: All right. Thank you. Yes?

26  
27 MR TEDESCHI: Q. Did you have any concern about the  
28 possibility of future police investigations if those  
29 summaries were released in their entirety?

30 A. Yes.

31  
32 Q. Could you explain that?

33 A. Well, there has been other information that has come  
34 to light as a result of Parrabell. Whether the information  
35 is significant or not is not necessarily going to rest with  
36 me, and so I'm always concerned about unsolved - and I mean  
37 I can get advice from Unsolved Homicide Team in relation to  
38 that, but once again, you don't know the significance of  
39 information that you put out publicly.

40  
41 Q. Now, you were asked questions about the fact that you  
42 did not make use of the services of the Unsolved Homicide  
43 Team as a resource for Strike Force Parrabell. Could  
44 I take you, please, to volume 3, tab 60, [SCOI.74209],  
45 page 1?

46 A. Yes.

47

1 Q. I'm sorry, page 2.

2 A. Yes.

3

4 Q. On page 2, a person by the name of Georgie Wells of  
5 the Police Media Unit sent this email to Ainslie  
6 Blackstone, a police officer, cc-ed to you. This is in May  
7 of 2016, and said this:

8

9 *This is an independent review of the 88*  
10 *cases which have been identified by the*  
11 *community, and we are reviewing them on*  
12 *a bias-crime basis (to determine if any*  
13 *could have been motivated by bias crime).*  
14 *Community members have indicated their*  
15 *concerns and we are responding to that.*  
16 *It's about confirming the facts once and*  
17 *for all (putting an end to speculation).*

18

19 *If we identify any deficiencies in any of*  
20 *the investigations, then we will liaise*  
21 *with homicide to determine if*  
22 *reinvestigation is required.*

23

24 *The review is being conducted from the*  
25 *Central Metropolitan Region under the*  
26 *command of Superintendent Tony Crandell in*  
27 *his role as the corporate sponsor for GLBTI*  
28 *(but the cases are not limited to the*  
29 *Central Metro Region. Included on the*  
30 *review team is a GLO --*

31

32 that's a gay liaison officer?

33 A. Gay lesbian liaison - should be another L in there,  
34 that's okay.

35

36 Q.

37 *The review is independent of Homicide but*  
38 *is being conducted with Homicide's full*  
39 *support.*

40

41 Does that accurately set out the situation so far as the  
42 independence of Strike Force Parrabell from Homicide?

43 A. Yes.

44

45 Q. And why was it important to have that independence  
46 from Homicide?

47 A. Well, I think if it got to a point of referral,

1 whether that be to Homicide itself or the Unsolved Homicide  
2 Team, I felt that there should be a separation between what  
3 we put to them as to a review, given they may well have  
4 been involved in the original investigation.

5  
6 Q. So in a sense, the cases that you were reviewing were  
7 cases most of which had been conducted by Homicide?

8 A. Yes.

9  
10 Q. Did you feel that it was important that your review  
11 was independent of those who either may have been involved  
12 or may have known those who were involved?

13 A. Yes.

14  
15 Q. It was suggested to you that instead of conducting  
16 this exercise over many months, a review of these 88 cases,  
17 that you could have, instead, chosen some of them and  
18 reinvestigated them. Why did you choose to go down the  
19 review path rather than the reinvestigation path?

20 A. I did not believe that I would get support, senior  
21 level support, for resources to conduct a reinvestigation.  
22 Certainly not of 88 cases. I felt that with a review of  
23 the 88 cases, restricted to looking for motivation of bias  
24 crime, that we could then cover all of the 88 cases and  
25 give comfort to many, many more people, many, many more  
26 victims, to at least understand that the police were having  
27 another look at those cases, and it was more achievable  
28 when I'm asking for resources, if I can say that we were  
29 reviewing those 88.

30  
31 And as we know, I seriously underestimated the time  
32 frames that were involved; it went from three months to six  
33 months to 18 months. And just to put that into  
34 perspective, if that was a reinvestigation, that would have  
35 been one case, with the resources that I had.

36  
37 Q. Just one?

38 A. Yes.

39  
40 Q. By way of comparison, was there a reinvestigated  
41 matter conducted by a strike force by the name of Welsford?

42 A. Yes, there was.

43  
44 Q. Can you just tell us a very basic outline of what that  
45 was about?

46 A. Strike Force Welsford was put under my command by  
47 Commissioner Fuller as a reinvestigation into the Scott

- 1 Johnson matter. That reinvestigation comprised of a very  
2 senior detective chief inspector from the Child Abuse and  
3 Sex Crimes Squad; a detective sergeant and four to five  
4 detective senior constables.  
5
- 6 Q. Who was the overall commander of that?  
7 A. Myself.  
8
- 9 Q. So you were in charge of the reinvestigation of the  
10 Scott Johnson murder?  
11 A. Yes.  
12
- 13 Q. Over what period of time?  
14 A. From 2018 until present day.  
15
- 16 Q. And at what period of time did - and how many  
17 detectives were there and how long did they work on the  
18 case before charges were laid?  
19 A. So Detective Chief Inspector Peter Yeomans is the lead  
20 investigator, then you had a detective sergeant in support  
21 of him. And then over the period of time, four to six  
22 detectives, full time.  
23
- 24 Q. For how long?  
25 A. Since 2018 to - and, sorry, since 2018 for two years,  
26 with that strength, and then it reduced - it reduced some  
27 time after the latest charges were preferred.  
28
- 29 Q. Now, we've heard that the three Taradale cases were  
30 reinvestigated?  
31 A. Yes.  
32
- 33 Q. What resources did that require?  
34 A. So that was through the - that was through Homicide,  
35 as I understand it, reinvestigating the Taradale matters,  
36 but Taradale originally started with Steve Page, which was  
37 a reinvestigation - I'm not sure what resources he had and  
38 I'm not certain of the number of resources that were  
39 applied through Unsolved Homicide.  
40
- 41 Q. You've mentioned the matter of Ray Keam?  
42 A. Yes.  
43
- 44 Q. Was that also reinvestigated?  
45 A. Yes, it is.  
46
- 47 Q. What sort of resources did that require?

1 A. Once again, that was through - I believe through  
2 Unsolved Homicide Squad, and that would be their internal  
3 resourcing probably with support from local detectives, but  
4 the actual numbers I'm uncertain.

5  
6 Q. Now, you gave evidence that the primary approach by  
7 officers in Strike Force Parrabell was that where there had  
8 been a decision made by a coroner as to (a) whether it was  
9 a homicide and (b) whether it was a gay-hate murder or not,  
10 that ordinarily you would feel bound by that decision of  
11 the coroner, because the coroner had various resources that  
12 were not available to your strike force?

13 A. Yes.

14  
15 Q. You have told us, though, that in relation to the  
16 three Taradale matters, that you adopted a different  
17 approach. Can you tell us why you adopted a different  
18 approach?

19 A. Well, it wasn't necessarily a different approach; it  
20 was an approach that I did not want the strike force  
21 officers, in terms of Parrabell, to simply follow what  
22 a coroner had said.

23  
24 Q. Why?

25 A. Because I wanted them to - because I don't know  
26 whether the coroner was focused in on bias motivation or  
27 not, and it was their function to find what was motivating  
28 that crime and whether or not there was a bias crime  
29 component. So to me, it was a little bit - not lazy, but  
30 simple to just say, "Well, that's what the coroner said".  
31 And often, some of the coroner's findings wouldn't  
32 necessarily address whether or not there was a motivation  
33 of gay-hate bias.

34  
35 Q. So what conclusions did you come to in relation to  
36 Russell and Warren?

37 A. The conclusion for Russell and Warren was suspected  
38 bias - suspected gay-hate bias, which I'm - I'm comfortable  
39 with that, with that assessment.

40  
41 Q. Yes. And Mattaini?

42 A. Gilles Mattaini was a more difficult case and whilst  
43 the coroner indicated there was a strong possibility that  
44 he met the same fate as the earlier two, there was other  
45 evidence that indicated potential for Mattaini's case to be  
46 misclassified, and I say that because Mattaini wasn't  
47 reported as missing for many years. It could be up to



1 eight years, but it was a significant period of time, and  
2 I believe there was some suggestion of suicidal thoughts of  
3 him. But in any event, the classification for that was  
4 insufficient information.

5  
6 Q. And do you tell the Commissioner that although none of  
7 your team found enough material to warrant a recommendation  
8 for a reinvestigation, that the increased awareness that  
9 arose from Task Force Parrabell brought along new lines of  
10 inquiry in three cases?

11 A. Yes.

12  
13 Q. And you'd prefer not to mention what those three cases  
14 are?

15 A. No, I can mention a case, but --

16  
17 Q. That's the Keam case?

18 A. Yes, I can mention another.

19  
20 Q. All right. And you can mention another one?

21 A. Yes, there was also a case of Crispen Dye, who was  
22 a talented musician who was murdered at Campbell Street in  
23 Surry Hills and there was some information that came  
24 forward - I know of that personally because the information  
25 was disseminated to me - and I had a group of detectives go  
26 and re - interview the source of that information.

27  
28 Q. Was that reinvestigated by Unsolved Homicide Team?

29 A. No, that did not reach of level of reinvestigation.

30  
31 Q. Sorry?

32 A. That did not reach of level of reinvestigation.

33  
34 MR TEDESCHI: I'm moving to a different topic,  
35 Commissioner. Do you want me to continue?

36  
37 THE COMMISSIONER: Yes, Mr Tedeschi, please do. Only if  
38 it is convenient for you. Did you want to have a break?

39  
40 MR TEDESCHI: I'm entirely in your hands.

41  
42 THE COMMISSIONER: No, no, keep going, then, thank you.

43  
44 MR TEDESCHI: Q. Moving now to the involvement of  
45 Sergeant Steer, you were asked a number of questions about  
46 Sergeant Steer and you gave evidence about his involvement  
47 at different stages of the review. In your evidence you

1 said at page 683 that you thought Geoff Steer - you said  
2 this, that you thought:

3  
4 *... Geoff Steer was on the right track. He*  
5 *wasn't essentially terribly wrong. It was*  
6 *just that he didn't have the resources or*  
7 *the standing or anything to really push*  
8 *that forward.*

9  
10 Do you recall giving that evidence?

11 A. Yes, I do.

12  
13 Q. What did you mean by that "Geoff Steer was on the  
14 right track"?

15 A. I looked at the Terms of Reference for Operation  
16 Parrabell and really, what he was proposing to do, to my  
17 mind, was valid, with the exception of reinvestigation,  
18 because that was just a huge task for anybody - for any  
19 single person or even two people to undertake. But besides  
20 that, when you have a look at the - what he was trying to  
21 achieve in terms of looking at the 88 deaths, the list of  
22 people that had died, I think that was valid, and I - do  
23 you want me to go into the other part?

24  
25 Q. Yes, please.

26 A. And what I meant was, standing - I mean, he was - he  
27 was and is a sergeant of police. To expect him to be able  
28 to draw resources from significantly more senior people  
29 sufficient to be able to make inroads into that 88 list  
30 I think was very unreasonable, and I mean even I found that  
31 challenging as a superintendent and a corporate sponsor.  
32 So for him to be attempting to do that as a sergeant I just  
33 thought was ambitious, but definitely beyond his level of  
34 influence. I think it needed a much higher level of  
35 influence in order to push the strike force forward.  
36 That's not his fault, by the way. That was the  
37 circumstances.

38  
39 Q. It would be unrealistic to suspect at that level he  
40 could marshal the resources --

41 A. Yes.

42  
43 Q. -- to do what he wanted to do?

44 A. Yes.

45  
46 Q. We know from the long email that he sent you that he  
47 was very disgruntled --

1 A. Yes.  
2  
3 Q. -- that he was taken away from the Bias Crime Unit and  
4 not included in Strike Force Parrabell?  
5 A. Yes.  
6  
7 Q. You've described the different ways in which you used  
8 him as a resource for Strike Force Parrabell?  
9 A. Yes.  
10  
11 Q. You used his criteria, predominantly?  
12 A. Yes.  
13  
14 Q. Nine out of the 10 were his criteria?  
15 A. Sorry, what - were - the criteria that he brought into  
16 the organisation, so nine of 10 out of those he brought  
17 in --  
18  
19 Q. Yes, he brought --  
20 A. -- and then the tenth was his own criteria?  
21  
22 Q. And you described how you used him as an advisory  
23 resource --  
24 A. Yes.  
25  
26 Q. -- at various stages? You have described how, after  
27 the academics and the police had reviewed the cases, you  
28 brought him in to do the dip sample?  
29 A. Yes.  
30  
31 Q. And I think you've described other ways in which he  
32 was involved as well?  
33 A. Yes.  
34  
35 Q. But why was he not included as a member of Strike  
36 Force Parrabell?  
37 A. I think that including him as a member would have been  
38 extremely unfair, and the reason I say that is because,  
39 whilst he had access to the material, because he actually  
40 gave access to the investigators because he had commenced  
41 the Operation Parrabell on e@gle.i, which is our central  
42 electronic repository for investigations, to make him  
43 a member of that strike force, to my mind, would be to  
44 overload him. He was a single person making applications  
45 for more resources, successfully but predominantly  
46 unsuccessfully, and his remit was far broader than just  
47 Parrabell or just gay-hate crime, motivated crime.

1  
2 Q. When you were setting up Parrabell was he still the  
3 Bias Crime Coordinator?  
4 A. Yes.  
5  
6 Q. So what kind of bias crimes was he responsible for  
7 looking after at that time?  
8 A. Well, he was looking at bias crimes in all of the  
9 protected categories. So he's looking at race, he's  
10 looking at homelessness, he's looking at - LGBTI is only  
11 one component of many others.  
12  
13 Q. Bias against indigenous people?  
14 A. Indigenous, yes.  
15  
16 Q. Bias against people with disability?  
17 A. Yes.  
18  
19 Q. Bias against people based on their religion or their  
20 ethnic origin?  
21 A. Yes.  
22  
23 Q. All of those categories and more, he was responsible  
24 for, and it was either him or him and one other person?  
25 A. Yes.  
26  
27 THE COMMISSIONER: Q. And that was the entire department  
28 within the Police Force looking at bias over all those  
29 different issues, was it?  
30 A. Yes.  
31  
32 THE COMMISSIONER: Thank you.  
33  
34 MR TEDESCHI: Q. So are you saying that one of the  
35 reasons why you didn't include him as a member but only  
36 used him as a resource is because you didn't want to take  
37 him away from those onerous tasks?  
38 A. Yes, I don't think he could possibly have managed it,  
39 to be honest.  
40  
41 Q. Was there another factor that he was not trained as  
42 a detective?  
43 A. He wasn't trained as a detective, but he had obvious  
44 training in bias crime identification, so - but he's not  
45 designated, as far as I'm aware.  
46  
47 Q. Was that of any significance?

1 A. Not to me. I think it added to his weight as an  
2 adviser in a strike force that was predominantly populated  
3 by detectives.  
4

5 Q. Could I take you, please, to tab 12, which is in  
6 volume 1, [SC0I.75056]. Could you just tell us again what  
7 this document is?

8 A. So - I think this is a document indicating what  
9 Operation Parrabell conducted, some assessments for the -  
10 I believe for the Johnson case.  
11

12 Q. So this is a document that related to Operation  
13 Parrabell, conducted by Sergeant Steer?

14 A. Yes.  
15

16 Q. As pointed out by Counsel Assisting, there's  
17 a position for his signature on this as well as yours. At  
18 the top of page 2, under "Bias Crime Indicators", does it  
19 say:  
20

21 *Each incident will be filtered through the*  
22 *current ten bias crimes indicators.*  
23

24 A. Yes.  
25

26 Q. Does that suggest that whatever it was that Sergeant  
27 Steer had in mind for Operation Parrabell, he was going to  
28 filter suspected hate crimes through the same 10 bias crime  
29 indicators that were used by Strike Force Parrabell?

30 A. I believe so.  
31

32 Q. So in that sentence, was Sergeant Steer effectively  
33 proposing that the bias crimes indicators be used in a  
34 similar way to the way that you used them?

35 A. Yes.  
36

37 Q. Could I take you now, please, to volume 3, tab 83,  
38 [SC0I.74429]. Now, this document you have identified as  
39 the minutes of a meeting on 19 January 2017 which involved  
40 the people whose names are at the top of the first page?

41 A. Yes.  
42

43 Q. And it included yourself and your three senior  
44 officers that were part of Strike Force Parrabell, and  
45 Sergeant Steer?

46 A. Yes.  
47

1 Q. And one or two other people?

2 A. Yes.

3

4 Q. On page 2 - sorry, page 3, the second dot point note,  
5 does it say:

6

7 . *At this point a useful discussion on*  
8 *terminology followed. "No evidence of*  
9 *bias", "not a bias crime", and*  
10 *"insufficient information". The*  
11 *Strikeforce just looked at available*  
12 *information. [Sergeant] Steer looked at*  
13 *the case reviews and asked: "If we were to*  
14 *investigate these cases now, how would we*  
15 *determine them?"*

16 . *[Acting Assistant] Commissioner Crandell*  
17 *suggested a change in category from "not*  
18 *bias crime", to "no evidence of a bias*  
19 *crime". Whilst there may be no evidence in*  
20 *a case, we cannot definitively say it was*  
21 *not a bias crime. New evidence may come to*  
22 *light and if we were to investigate the*  
23 *crime today, we would ask different*  
24 *questions.*

25 . *All agreed to change:*

26

27 1. *No Bias Crime to No evidence of a bias*  
28 *crime.*

29 2. *Bias Crime to Evidence of a bias crime.*

30

31 A. Yes.

32

33 Q.

34 . *[Acting Assistant] Commissioner Crandell*  
35 *asked [Sergeant] Steer to write a section*  
36 *for the report on this issue explaining the*  
37 *approach of the Strikeforce and the*  
38 *difference between their determinations and*  
39 *how [NSW Police Force] might investigate*  
40 *such crimes today regarding evidence.*

41

42 So does that - is that the point at which you made the  
43 decision to change the categorisation from "Not a Bias  
44 Crime" to "No evidence of bias crime", and "Bias Crime" to  
45 "Evidence of a bias crime"?

46 A. Yes, that's correct.

47

1 Q. And you've explained to this Inquiry why that change  
2 was made. Were you of the view that that changed any of  
3 the categorisations in the 88 cases?  
4 A. I'm not sure if it changed any of the categorisations,  
5 but I think it gave a little bit more guidance as to what  
6 we were actually trying to achieve.  
7  
8 Q. Did it result in any sort of review of the 88 cases,  
9 that change in terminology?  
10 A. Oh, yes, I would say so.  
11  
12 Q. Now, can I take you, please, to volume 4, tab 126,  
13 [SCOI.74679]. This is a lengthy email from Sergeant Steer  
14 to yourself.  
15 A. Sorry, did you say 126, Mr Tedeschi?  
16  
17 Q. Sorry, 126.  
18 A. Thank you. Yes.  
19  
20 Q. This is the lengthy email from Sergeant Steer to  
21 yourself of 9 June 2018, which you were asked questions  
22 about, and you said that it caused you to have concern for  
23 Sergeant Steer's welfare?  
24 A. Yes.  
25  
26 Q. And you actually contacted his supervisor about his  
27 welfare?  
28 A. Yes, I spoke to his commander.  
29  
30 Q. Now, in that email, about maybe 10 lines from the top,  
31 on the first page, it says this:  
32  
33 *The concerns that I have relate to the*  
34 *statements attributed to you where you are*  
35 *quoted as stating, "Our current bias*  
36 *assessment tools are not practical for*  
37 *everyday police officers on the frontline."*  
38  
39 A. Yes.  
40  
41 Q.  
42 *I believe this statement is ill informed.*  
43  
44 Now, was that a reference by Sergeant Steer to a newspaper  
45 article in which you had been quoted?  
46 A. Yes, that's correct.  
47

1 Q. And were you quoted as stating that view, that the  
2 current assessment tools were not practical for everyday  
3 police officers on the frontline?

4 A. Yes.

5  
6 Q. You've been asked some questions about that view by  
7 Counsel Assisting. What do you mean by "everyday police  
8 officers on the frontline"? What kind of situations did  
9 you have in mind and why would such officers have  
10 difficulty with the 10-point criteria?

11 A. I was thinking of situations that officers may be  
12 called to respond to, and that that might be any number of  
13 situations, and asking myself whether or not it was  
14 appropriate for us to say, "Go through those 10 bias crime  
15 indicators" at that time, or even thereafter.

16  
17 Unless they had particular training in bias crimes and  
18 identifying bias crime motivation, I just think that the  
19 information that was put into the system would be ill  
20 informed. And so I thought that - to be frank, I thought  
21 that I was looking for a way to more quickly identify the  
22 possibility of bias motivation, that could then be recorded  
23 and reviewed at a later stage by people who were well  
24 versed in identifying bias crime motivation.

25  
26 THE COMMISSIONER: Q. Wouldn't there be an advantage of  
27 the responding police officers on the spot making  
28 contemporaneous observations there and then?

29 A. Yes, they would.

30  
31 Q. And why wouldn't that - doesn't it work on the basis  
32 that any relevant information is obviously helpful?

33 A. Yes.

34  
35 Q. Were you concerned that these people in the frontline  
36 might be confused? What was your real concern?

37 A. No. I was concerned, Commissioner, that they would be  
38 required to go through 10 bias crime indicators to work out  
39 whether a matter could or could not be bias crime?

40  
41 Q. But that wouldn't determine the issue; it would only  
42 be their --

43 A. No.

44  
45 Q. It would only be their perspective?

46 A. Yes.

47



1 Q. And in many cases - not all perhaps but in many  
2 cases - the person responding, or very soon thereafter  
3 would be an experienced detective, wouldn't it?

4 A. Not necessarily, Commissioner.  
5

6 Q. I didn't say in every case; I said in some cases,  
7 perhaps, it would be, once a homicide is involved - local  
8 command may be the first responders in the sense that they  
9 are called to a scene, but once it's assessed as a likely  
10 or possible homicide, detectives are soon involved, aren't  
11 they?

12 A. For those more serious matters, yes. But I'm thinking  
13 about lower-level matters like malicious damage, for  
14 example.  
15

16 Q. I see, I see. So what you have in mind is not  
17 homicide but --

18 A. Yes.  
19

20 Q. -- perhaps break and enter, assault on the street,  
21 robbery, a whole series of unrelated - sorry, not  
22 "unrelated", matters other than homicide, because a  
23 suspected homicide would, unsurprisingly, be treated very  
24 seriously as soon as possible?

25 A. Yes, absolutely.  
26

27 THE COMMISSIONER: Is that a convenient point,  
28 Mr Tedeschi?  
29

30 MR TEDESCHI: Yes, Commissioner.  
31

32 THE COMMISSIONER: All right. I'll take the break now,  
33 thank you.  
34

35 **SHORT ADJOURNMENT**  
36

37 THE COMMISSIONER: Yes, Mr Tedeschi.  
38

39 MR TEDESCHI: Q. Assistant Commissioner, you were asked  
40 a number of questions by Counsel Assisting about the  
41 relocation of the Bias Crime Unit into a counter terrorism  
42 section of the Police Force?

43 A. Yes.  
44

45 Q. Your attention was directed to an email from Sergeant  
46 Steer to Derek Dalton, if I could take you, please, to  
47 volume 10, tab 249, [SCOI.79872] on page 1, towards the

1 bottom of the page, Sergeant Steer has written to Derek  
2 Dalton, towards the end of the first line:

3  
4 *As a result of the restructure the Bias*  
5 *Crimes Unit will effectively cease to*  
6 *exist. It has been merged with the newly*  
7 *created Fixated Person Investigations Unit*  
8 *and will no longer be doing bias crimes.*  
9 *From what we have been told is that the new*  
10 *role will not focus on bias crimes or the*  
11 *protected categories including sexual*  
12 *orientation and gender identity. Bias*  
13 *crimes will be left to the relevant*  
14 *corporate sponsors and the unit will focus*  
15 *on right wing, left wing and*  
16 *anti-government groups. The capability*  
17 *around bias crimes will no longer exist.*  
18 *There will be no training and education*  
19 *capability, no monitoring and quality*  
20 *review capability and no expertise around*  
21 *identification, investigation and response*  
22 *to bias motivated crimes.*  
23

24 Now, those were fears that were expressed in May of 2017 by  
25 Sergeant Steer. Were those fears realised?

26 A. At the time, I didn't really turn my mind to what was  
27 happening with the Bias Crimes Unit. I know that there was  
28 a decision made by Commissioner Fuller that bias crimes  
29 would be transferred over into Counter Terrorism and  
30 Special Tactics Command. I wasn't aware of the movement.  
31 Structurally I could see the reasoning for that but  
32 I didn't take a particular view on whether it should sit  
33 there or otherwise.  
34

35 Q. But what do you say to the suggestion that the move of  
36 the Bias Crimes Unit has resulted in - and its inclusion  
37 with the newly created Fixated Persons Investigation Unit  
38 has resulted in a lack of focus on bias crimes, that the  
39 unit will focus on right wing, left wing and  
40 anti-government groups and no training and educational  
41 capability, et cetera?

42 A. No, my understanding was that the transfer of all  
43 responsibilities went over to counter terrorism, and  
44 certainly in the Engagement and Hate Crimes Unit they've  
45 taken great steps forward in that regard.  
46

47 Q. What sort of steps have they taken?

1 A. So there's mandatory education which was introduced  
2 I think last year for bias crimes. I think that's through  
3 Microlearn or something similar, which is an electronic  
4 learning package.

5  
6 Q. For just detectives?

7 A. No, no, that's for all members of the organisation.  
8 Also, the Bias Crimes Standard Operating Procedures, taking  
9 into account some of the findings from Strike Force  
10 Parrabell and incorporating them into that - into the way  
11 that we now identify bias crimes and classify them,  
12 I guess.

13  
14 THE COMMISSIONER: Q. Was last year the first time such  
15 training was made mandatory?

16 A. I don't - I'm not sure, Commissioner. Usually there's  
17 a mandatory training schedule that comes out each year but  
18 I do know that that was on the mandatory training schedule  
19 last year, I think it was.

20  
21 Q. So you have no idea whether it was mandatory for the  
22 first time last year or just a repetition of previous  
23 policy announcements?

24 A. No, I - I know that it was in the mandatory training  
25 but I don't know exactly --

26  
27 Q. But you don't know when, if ever, it was mandatory  
28 prior to that?

29 A. No.

30  
31 THE COMMISSIONER: Thank you.

32  
33 MR TEDESCHI: Q. What do you say about the allocation of  
34 that unit to the fixated persons division?

35 A. Well, as I said, that went in to that particular area  
36 of counter terrorism. I could understand the reasoning for  
37 that on the basis that there is all elements of bias in the  
38 counter terrorism world, and also it was aligned with  
39 counter terrorism intelligence. So to me, that would be  
40 a fair intelligence function, and I used to get reports  
41 through, for my portfolio, on intelligence relating to  
42 suspected bias crime incidents across the state and I was  
43 still able to get that information.

44  
45 Q. You were asked a number of questions about the  
46 selection of the academic review team, and you gave  
47 evidence, in answer to questions by Mr Gray, about the

1 considerations that you took into account in selecting the  
2 three members of the Flinders team. You were asked  
3 a number of questions about independence?

4 A. Yes.

5

6 Q. You gave evidence that independence was of particular  
7 importance to you.

8 A. Yes.

9

10 Q. You were asked questions about the other two  
11 unsuccessful teams?

12 A. Yes.

13

14 Q. The Sydney University team which included Professor  
15 Tomsen?

16 A. Yes.

17

18 Q. And another team which I think was associated with the  
19 University of Western Sydney, which had a Ms Asquith in it?

20 A. Yes.

21

22 Q. What can you tell us, firstly - well, was the team in  
23 which Ms Asquith was a member - were they invited to apply  
24 or to put in a tender for this job?

25 A. Yes, my understanding is that they were all invited,  
26 and that's - that was part of the procurement process; if  
27 we were inviting tenders, then we needed to have at least  
28 three.

29

30 Q. And what did you know about Ms Asquith and her  
31 connection or connections to the LGBTIQ communities?

32 A. I knew that she had some connection in New South Wales  
33 particularly, but possibly elsewhere, because I know she  
34 did some work in Tasmania and also Queensland. She had  
35 attended conferences at the Police Academy that we had run,  
36 so I knew of her and I knew of --

37

38 Q. Did you know or care one way or the other whether or  
39 not she was a member of any of those communities?

40 A. No.

41

42 Q. The team that included Professor Tomsen - you recall  
43 you were asked a number of questions by the Commissioner  
44 about Professor Tomsen and his eminence in the field?

45 A. Yes.

46

47 Q. Could I take you, please, to volume 2, tab 28,

1 [SC0I.77323], the first page. This is a three-page  
2 document. Each page has the same pro forma, with different  
3 wording in each and different numbers in each. You've  
4 explained that this was the form that was filled out in the  
5 decision-making process to decide which team to allocate  
6 this job to?

7 A. Yes.

8

9 Q. And on the first page, this "Murray et al", that  
10 included Professor Tomsen?

11 A. Yes, it did.

12

13 Q. And you see on the first row, the criterion is  
14 "Proposed solution meets requirement of RFQ"?

15 A. Yes.

16

17 Q. What does RFQ mean?

18 A. Request for quote - quotation.

19

20 Q. And the comment to the right of that is:

21

22 *Application was threadbare ...*

23

24 Do you know who filled out this particular form?

25 A. Yes, I understand it have been Shobha Sharma.

26

27 Q. And what was her connection to the Hate Crime Unit?

28 A. She's a manager in the Hate Crime - sorry, she was  
29 a manager in Operational Programs at the time. So Sergeant  
30 Steer would report to her.

31

32 Q. And what do you say about the suggestion in this form  
33 that the Sydney University application was threadbare?

34 A. My recollection was that the submission put together  
35 by Sydney University basically replicated a lot of  
36 information that was provided to them in the request for  
37 quotation and when compared to the other submissions and  
38 applications was seen to be light on detail.

39

40 Q. Is that one of the reasons why the Sydney University  
41 application was not successful?

42 A. Yes.

43

44 Q. You gave evidence in answer to questions by Mr Gray  
45 that independence from the Police Force was of critical  
46 importance because you perceived that if you used somebody  
47 who had had previous connections with the Police Force,

1 that when the report came out, there might be criticism?

2 A. Yes.

3

4 Q. If you had used either the Asquith team or the Sydney  
5 University team, in your view, was there a chance or  
6 a likelihood or a possibility of criticism from the LGBTIQ  
7 communities?

8 A. Yes, no doubt.

9

10 Q. What sort of criticism would you have anticipated?

11 A. I would say criticism on the basis that in the - in  
12 Nicole Asquith's case, that she had really gone out of her  
13 way for the Police Force, travelling to Goulburn, at least,  
14 for a conference. There may have been a perceived --

15

16 Q. Previously?

17 A. Previously, yes. There may have been a perceived  
18 conflict, being too close to the police.

19

20 Q. Had she been in receipt of payment for services  
21 previously by the police?

22 A. I'm uncertain. I'm not sure whether she received  
23 payment or whether she did work for us out of her own  
24 research interest. And very similar scenario with Sydney  
25 University. I would - I was concerned that - independence  
26 was the main concern of mine.

27

28 THE COMMISSIONER: Q. But, Mr Crandell, Ms Asquith,  
29 prior to you being told there needed to be a procurement  
30 process, was your preferred candidate, wasn't she?

31 A. Yes, I thought she should be asked to quote, yes.

32

33 Q. Well, not only asked to quote; before you were told by  
34 Dr Devery or Shobha Sharma that a procurement process was  
35 necessary, your preferred candidate was Dr Asquith, wasn't  
36 it?

37 A. Well, I didn't know the other candidates at the time,  
38 Commissioner, so I can't say --

39

40 Q. Before you learned there had to be a procurement  
41 process, didn't you put forward Dr Asquith as your  
42 preferred choice?

43 A. No, I don't think that's accurate.

44

45 THE COMMISSIONER: Okay, thank you.

46

47 MR TEDESCHI: Q. Did you put her team forward as

- 1           deserving of consideration?  
2           A.    Yes.  
3  
4           Q.    And was that because of your knowledge of what she'd  
5           done in the past for the Police Force?  
6           A.    Yes.  
7  
8           Q.    And she'd done a good job?  
9           A.    Yes, she had.  
10  
11          Q.    And she knew about the field of gay-hate crime?  
12          A.    Absolutely.  
13  
14          Q.    But when all three proposals were in front of the  
15          committee, was the committee unanimous in deciding to use  
16          the Flinders team?  
17          A.    Yes, it was.  
18  
19          Q.    And I think you said that your view was that one the  
20          great benefits of the Flinders team was that they came from  
21          interstate and so they wouldn't know anybody who as  
22          associated with either the investigations or the victims or  
23          the police or anybody like that?  
24          A.    Yes.  
25  
26          Q.    Did it appear to you that that was a view that was  
27          held by all the members of the committee that decided to  
28          award this contract to the Flinders team?  
29          A.    Yes, that's my understanding.  
30  
31          Q.    Did you consider that the team that was led by  
32          Professor Derek Dalton had sufficient expertise to do the  
33          job that was required?  
34          A.    Yes.  
35  
36          Q.    Why was that?  
37          A.    Well, I thought that they had the qualifications to be  
38          able to conduct a fair review and certainly - certainly  
39          from an academic perspective, they had the qualification  
40          the and definitely an interest in the field, particularly  
41          in relation to policing and gay communities.  
42  
43          Q.    In your view, did the three of them have an  
44          understanding of the marginalisation of LGBTIQ communities?  
45          A.    Yes, they did.  
46  
47          Q.    Did they have a knowledge about the history of the

- 1 difficult relationship between those communities and the  
2 police?  
3 A. Yes, absolutely.  
4  
5 Q. The three - Flinders team, I mean?  
6 A. Yes.  
7  
8 Q. And the panel that was involved in the selection of  
9 the Flinders team, I think that was Shobha Sharma,  
10 yourself, Ms Braw and Dr Chris Devery?  
11 A. Devery, yes.  
12  
13 Q. Just tell me again what role did Dr Devery have?  
14 A. So Dr Devery was a manager of the research unit of  
15 Education and Training Command. So he was the senior  
16 officer in charge of that unit and he - his - part of his  
17 role was to look at and assess candidates for research, for  
18 undertaking research in the Police Force.  
19  
20 Q. That was exactly the sort of thing that this committee  
21 was required to do?  
22 A. Yes.  
23  
24 Q. Was he a police officer?  
25 A. No. No, he's a --  
26  
27 Q. A civilian employed by the Police Force?  
28 A. Yes. He's - he holds a doctorate.  
29  
30 Q. Once the decision had made been to use the Flinders  
31 team, was that communicated to any people in the LGBTIQ  
32 community?  
33 A. Yes, ACON, as a representative of the community;  
34 senior politicians. I - definitely other - definitely  
35 other people that were in leadership positions within the  
36 LGBTIQ community, because I held regular meetings with  
37 those people on a monthly and bi-monthly basis to keep them  
38 informed, not only of Parrabell but also of developments  
39 within the community.  
40  
41 Q. And when it was made known that the Flinders team had  
42 been appointed, were there any criticisms or concerns  
43 expressed?  
44 A. No.  
45  
46 Q. At any time, did anybody express any criticism or  
47 concern about the Flinders team as to their independence,



1 their objectivity or their ability and qualifications to do  
2 the job?

3 A. No, certainly not.  
4

5 Q. Even after the report was produced, did you receive  
6 any criticisms along those lines?

7 A. No, I did not.  
8

9 Q. Now, it was suggested to you by Counsel Assisting that  
10 it was somehow inappropriate for the Flinders team to adopt  
11 a collaborative approach with the strike force members;  
12 that, ideally, what should have been done is you should  
13 have presented your report and they conduct their own  
14 review, completely independently of the members of Strike  
15 Force Parrabell, without any discussion or consultation or  
16 collaboration?

17 A. Yes.  
18

19 Q. Now, could I take you, please, to the final report,  
20 exhibit 1, page 56, [SC0I.02632]. I take you to page 56  
21 which, of course, was written by the Flinders team.

22 A. Yes.  
23

24 Q. I will take you to the bottom paragraph, second line,  
25 and if I could read to you what's contained there:  
26

27 *Consultation permitted the probing of*  
28 *classificatory decisions by [Strike Force*  
29 *Parrabell] and deliberation enabled the*  
30 *academic team to explore the classification*  
31 *system and moot disagreements in a manner*  
32 *that ultimately produced a more nuanced*  
33 *understanding of the most complex cases*  
34 *both in their own right and in the context*  
35 *of their totality. The academic team*  
36 *worked collaboratively with the [NSW Police*  
37 *Force] as findings were being finalised and*  
38 *experienced a strong spirit of cooperation*  
39 *in its interactions. This might strike*  
40 *some observers as irregular (in terms of*  
41 *the logic that a review must be conducted*  
42 *from a perspective of pure objectivity),*  
43 *but the academic team believed it was*  
44 *prudent to engage in open and productive*  
45 *discussions as the work of [Strike Force*  
46 *Parrabell] drew to a close, rather than*  
47 *face the possibility of working on*

1            *misapprehensions or misinterpretations of*  
2            *processes and methods.*

3  
4            Then it says:

5  
6            *Deliberation was a particularly important*  
7            *aspect of the process. In looking for and*  
8            *determining the existence of bias crime,*  
9            *differences in opinion emerged and had to*  
10           *be reconciled. Much in the same way that*  
11           *the [Strike Force Parrabell] detectives*  
12           *sought to rigorously review their findings,*  
13           *the academic team engaged in carefully*  
14           *measured debates about each individual case*  
15           *in the interests of being thorough,*  
16           *consistent and precise. This was vitally*  
17           *important because it allowed the academics*  
18           *to develop a more nuanced understanding of*  
19           *the logic that underpinned the*  
20           *categorisation decisions of [Strike Force*  
21           *Parrabell]. At the second Sydney meeting,*  
22           *a large police delegation discussed*  
23           *differences in opinion with regard to the*  
24           *cases under review. The police finalised*  
25           *their position on the cases and declared*  
26           *a cessation to their deliberations. At*  
27           *this point the academic team members were*  
28           *able to clarify various assumptions and*  
29           *move forward on the basis of these*  
30           *deliberations. From this point on the*  
31           *academic team could formally evaluate the*  
32           *operations and "findings" of SFP.*

33  
34           Those were the views expressed by the academics of  
35           Flinders. Do you agree with those views?

36           A. I agree with all of those views.

37  
38           Q. What is your view about the collaborative process that  
39           had been engaged in prior to that process between the  
40           different police officers who were members of the strike  
41           force?

42           A. Well, there was significant discussion around  
43           particularly classifications and material reviewed and  
44           there was debate about where cases ought to be classified,  
45           and so it was unsurprising to me that the academic review  
46           team would need to go through the same process, whether  
47           with or without strike force investigators, they had to

1           come to their views as well.

2

3           Q.    What's your view about the collaborative process that  
4           involved Sergeant Steer?

5           A.    I think it was appropriate.  It was appropriate on the  
6           basis of the dip sample approach; it was appropriate on the  
7           basis that he was used as a resource and as an advisory  
8           person.

9

10          Q.    Now, you gave evidence that the Flinders academic team  
11          did not adopt the same methodology in assessing the cases  
12          as the police had.  Did you discuss with them the different  
13          criteria that they used?

14          A.    I didn't have detailed discussions with them on the  
15          different criteria, because it was always open to them to  
16          come up with a different criteria or adopt the criteria  
17          that Strike Force Parrabell had undertaken.

18

19          Q.    And was there any attempt made to get them to switch  
20          from their own methodology to the methodology that the  
21          police had adopted?

22          A.    No, absolutely not.

23

24          Q.    And was it manifestly obvious in the Parrabell report  
25          that there had been these two different approaches by the  
26          two different teams?

27          A.    Yes, it's very clear.

28

29          Q.    Was that of any embarrassment to you?

30          A.    No, certainly not.  That's what I was after.  If it  
31          wasn't the case that they turned the independence of their  
32          own minds to the classification of bias crimes, then  
33          I don't think they'd be doing their job.

34

35          Q.    You were asked a number of questions --

36

37          THE COMMISSIONER:  Just before you move on, Mr Tedeschi.

38

39          Q.    Mr Crandell, do you have the Parrabell report  
40          [SCOI.02632] in front of you, page 56?

41          A.    Yes, I do.

42

43          Q.    Mr Tedeschi read to you a number of passages.  Can  
44          I just ask you about a couple.  If I just ask you to look -  
45          you see where it says at the bottom, four lines up from the  
46          bottom:

47

1           *The academic team worked collaboratively*  
2           *with the NSWPF as findings were being*  
3           *finalised ...*

4  
5           And then over the page, in fairness:

6  
7           *This might strike some observers as*  
8           *irregular --*

9  
10          et cetera:

11  
12           *but the academic team believed it was*  
13           *prudent to engage in open and direct*  
14           *discussions as the work of SFP drew to*  
15           *a close ...*

16  
17          And do both of those statements about "as the timings were  
18          being finalised" and "as the work of the SFP drew to  
19          a close" - from your vantage point, are they accurate  
20          observations?

21          A.    I believe so.

22  
23          THE COMMISSIONER:    Thank you.    Yes, Mr Tedeschi.

24  
25          MR TEDESCHI:    Q.    You were asked a number of questions by  
26          couple assisting about the governance of Strike Force  
27          Parrabell?

28          A.    Yes.

29  
30          Q.    And you told us that you were the overall commander  
31          but you've also told us today about all the other jobs that  
32          you had at the same time.  You gave evidence in answer to  
33          questions by Mr Gray about the weekly meetings and the  
34          monthly meetings?

35          A.    Yes.

36  
37          Q.    Is that a standard procedure in such situations, for  
38          an overall commander, in the position that you were in, to  
39          go to monthly meetings and the other supervisors underneath  
40          that commander to go to weekly meetings?

41          A.    Yes, it is.

42  
43          Q.    You were asked a number of questions by Counsel  
44          Assisting about Detective Chief Inspector Lehmann, who had  
45          written an issues paper in September 2013 expressing the  
46          view that the number of suggested gay-hate homicides was  
47          a gross exaggeration?

1 A. Yes.

2

3 Q. And it was brought to your attention by Counsel  
4 Assisting that Detective Chief Inspector Lehmann became the  
5 supervising officer of Strike Force Neiwand?

6 A. Yes.

7

8 Q. You were asked some questions about whether you were  
9 aware of what the motivation was for the choice of Chief  
10 Inspector Lehmann as the supervising officer of Strike  
11 Force Neiwand, and you speculated that the then commander  
12 of the Homicide Squad, Mr Willing, may have had something  
13 to do with the choice?

14 A. Yes.

15

16 Q. You were asked whether Commander Willing may have  
17 chosen Chief Inspector Lehmann because Mr Willing agreed  
18 with what Chief Inspector Lehmann had said, and "thought  
19 that Lehmann might arrive at a certain result", and you  
20 replied "Perhaps"?

21 A. Yes.

22

23 Q. Do you have any actual knowledge about the reasons why  
24 Chief Inspector Lehmann was appointed to head Neiwand?

25 A. No, I do not.

26

27 Q. And what do you say about your knowledge of  
28 Commander Willing and Detective Chief Inspector Lehmann and  
29 your knowledge of them as police officers?

30 A. Well, Commander Willing I've known for over 30 years,  
31 and now ex Deputy Commissioner Willing. He's a person with  
32 an extremely good reputation of competence throughout the  
33 Police Force. His integrity and ethics have never been in  
34 question, to my mind, and I think it's inappropriate for me  
35 to even speculate about his reasons. He will have reasons  
36 for the decisions that he has made, I am certain of that.  
37 But anything that I say should never be taken as  
38 a criticism of former Deputy Commissioner Willing because  
39 I respect him and hold him in the highest regard.

40

41 Q. And Chief Inspector Lehmann?

42 A. Chief Inspector Lehmann has an extensive history in  
43 homicide investigation and criminal investigation. He's a  
44 career detective. He has an outstanding reputation of  
45 competence, particularly in leading detectives in unsolved  
46 homicide and other cases. His reputation is beyond  
47 reproach and I respect him a great deal.

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THE COMMISSIONER: Q. Does that mean that insofar as any statements you have previously made about Mr Willing or Mr Lehmann and which might be construed as criticisms, you now seek to withdraw?

A. Yes, Commissioner, that's true.

Q. And what has caused you to take that different view?

A. Because I didn't have knowledge of reasons for them making decisions and it's inappropriate for me to comment on that in my view.

Q. So your evidence the other day was, what, accidental, was it?

A. It wasn't accidental but it was a speculation that I regret.

THE COMMISSIONER: All right. Thank you. Yes, Mr Tedeschi.

MR TEDESCHI: Q. Could I take you back, please, to volume 3, tab 83, [SCOI.74429]. Can I take you, please, to page 1. Again, this is the meeting of the minutes on 19 January 2017 involving you, your three supervisors, Sergeant Steer and a couple of others.

A. Yes.

Q. On page 1, the fourth tab under the number 1, "Introduction & general discussion " --

A. Yes.

Q. -- the fourth dot point is:

*Other outcomes include communication to the "community" regarding the realistic number of "gay hate" murders during this period and despite this number being less than the "88" reported by community activists and some media, an acknowledgment that there was elevated violence directed against the "gay" community during this period.*

And the next dot point:

*An important outcome is internal guidance and training for police regarding bias crime classification.*

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Now, this meeting took place on 19 January 2017, which is towards the end of the period that Strike Force Parrabell was working?

A. Yes.

Q. Those two outcomes, were they, in your view, achieved by the publication of the report?

A. Yes, absolutely.

Q. What was the reaction of the LGBTIQ community to the report when it was issued?

A. The community representatives that I spoke with were extremely happy with the acknowledgment of extreme and elevated violence and the distinction between the findings of gay-hate motivation not necessarily being a reflection on the degree of brutality and violence experienced by that community during this period of time.

Q. And in the report I think you made 12 recommendations for internal changes?

A. Yes, I did.

Q. In the NSW Police Force?

A. Yes.

Q. How many of those 12 recommendations have been adopted?

A. All of them.

Q. And in your view as an Assistant Commissioner, has that resulted in any real changes in the NSW Police since the publication of the report?

A. Yes.

Q. What changes have you seen?

A. I've seen a greater commitment of education, particularly, throughout the organisation, in different areas of the organisation, particularly criminal investigative training and general training of police officers through investigators courses that now contain bias crime components; the gay and lesbian liaison course already had a bias crime component but that has now been boosted with more material. Now there is a soon to be adult sexual assault investigation course which will include a bias crimes component in that as well. So it is a far broader educative focus on bias crimes and

1 classifications and it also brings awareness to the  
2 frontline police officers that can turn their mind, having  
3 an open mind, ruling it out before they - sorry, ruling it  
4 in before they rule it out.

5  
6 Q. And at one stage were you responsible for education  
7 and training?

8 A. Yes, I was.

9  
10 Q. So you were in a unique position to be able to  
11 introduce and oversee and witness those changes?

12 A. Yes, I was in a very good position, organisationally,  
13 to be able to influence the educational landscape of the  
14 organisation.

15  
16 Q. Was one of your concerns not only gay-hate crimes but  
17 domestic violence in the LGBTIQ communities?

18 A. Yes, certainly.

19  
20 Q. What changes have there been there?

21 A. So there's been greater awareness and all LGBTIQ  
22 community members now address every recruit, every police  
23 recruit, down at the academy to express to them the  
24 perspective of other people in relation to police officers  
25 and their behaviour, particularly in relation to bias crime  
26 in marginalised communities. That's a significant step,  
27 but it also allows us to get a message in nice and early to  
28 those police officers and then, as it goes through the rest  
29 of the curriculum, through the rest of the educational  
30 curriculum, there will be follow-ups with further  
31 educational modules as we progress through a career.

32  
33 Q. And you stated that one of your objectives in setting  
34 up the strike force was to create a better relationship  
35 between the LGBTIQ communities and the police. Do you know  
36 whether those relationships have improved since the report  
37 was published?

38 A. I believe so. Obviously I was close to the  
39 communities during my tenure and I know that work has now  
40 been carried on by Assistant Commissioner Gelina Talbot.  
41 There's still a strong community spirit. This is still  
42 a journey, though. We've still got a long way to go. To  
43 generate trust between an organisation that has  
44 historically been mistrusted is extremely difficult and it  
45 takes time. So one report is not going to do that. Strike  
46 Force Parrabell standing alone won't do that. But it does  
47 add to credibility when senior police officers are willing



1 to accept and acknowledge past errors and understand that  
2 it was a very dangerous period to be, if you were a gay man  
3 in particular; but when you look at the LGBTI community  
4 more broadly, they all suffered throughout that period of  
5 time. So to bring that community with a more trusting  
6 relationship to the police is never, ever going to happen  
7 overnight. It will be a longer-term, lengthy strategic  
8 process of trust building.

9  
10 Q. Do you think there's more readiness on the part of  
11 those communities in general to report violent crime?

12 A. Yes. I mean, I - when you look at the reporting  
13 statistics of LGBTIQ domestic violence, it's an extremely  
14 low reporting rate, we estimate about 2 per cent. So  
15 2 per cent for domestic violence in a marginalised  
16 community is never going to be acceptable. So a lot of  
17 people out there are still suffering violence at the hands  
18 of others and not trusting the police enough to at least  
19 report that violence. So there's a massive challenge in  
20 that space and it will take --

21  
22 Q. Do you think there has been any improvement in the  
23 reporting of crime since the Parrabell report?

24 A. I do, but as I say, I think that's also an evolution.  
25 I can't say that that is as a result of the publication of  
26 Parrabell, but I can say that as time evolves and as  
27 milestones like Parrabell are reached, that that will bring  
28 the community closer together.

29  
30 Q. And since the publication of the report, have there  
31 been various media campaigns to encourage the reporting of  
32 violence by members of those communities?

33 A. Yes, there is. There's significant media campaigns at  
34 least four times a year that the corporate sponsor engages  
35 in, that ranges from Mardi Gras and fair-day festivities  
36 through to the International Day Against Homophobia  
37 Transphobia and Biphobia, Wear It Purple Day, which is for  
38 LGBTIQ youth, which is particularly important and then  
39 Transgender Day of Remembrance in November of every year.  
40 It is very important for us to stay close to the  
41 transgender community because they are in an extremely  
42 dangerous position even in today's society.

43  
44 Q. And finally, Assistant Commissioner, you gave evidence  
45 following the completion of Task Force Parrabell that the  
46 detectives training program is now more developed in  
47 relation to bias crimes. Can you tell us a bit more about

1 that?

2 A. Yes. So there is an investigators course, which is  
3 a preliminary course to the detectives training, and then  
4 also another preliminary course and a detectives  
5 designation course. Throughout those areas of curriculum,  
6 there is now bias crime as a module, and there is a greater  
7 focus, as I understand it now, on bias crime, which  
8 I believe has come out of the recommendations from  
9 Parrabell. One of the 12 recommendations was to increase  
10 investigator training as well as improve training from  
11 recruit right through the career of a police officer.

12  
13 MR TEDESCHI: Commissioner, would you pardon me for just  
14 a moment?

15  
16 THE COMMISSIONER: Certainly. Yes, certainly.

17  
18 MR TEDESCHI: Yes, thank you.

19  
20 THE COMMISSIONER: Mr Crandell, thank you. I will take  
21 this course.

22  
23 Mr Tedeschi, I'm going excuse Mr Crandell from further  
24 attendance, but I will make the following observation: on  
25 Friday of last week, the Commission received 800 new  
26 documents not previously made available. A number of those  
27 documents concerned Mr Crandell. The Commission staff has  
28 not had an opportunity yet to review those documents.

29  
30 I would hope that if any of them are documents which  
31 relate to any term of reference, they may be the subject of  
32 documentary tender, however, if there is something that is,  
33 I hope in the near future, identified as something that may  
34 require some further questions, obviously copies of those  
35 documents, although they have come from you in the first  
36 place, will be shown to you again and if there's a need for  
37 Mr Crandell to return, I will make sure that occurs, but  
38 I think I can tell him pretty safely it won't be this year.  
39 By the time we end our hearings with other matters that  
40 I need to attend to, it will be early next year, and of  
41 course, we are cognisant of his commitments otherwise. So  
42 I just add that as a caveat.

43  
44 So I will excuse you, Mr Crandell, for the moment.

45  
46 THE WITNESS: Certainly.

47

1 THE COMMISSIONER: As you have heard me say, we need to  
2 review some documents. You are mentioned in dispatches,  
3 and so consequently, I need to look at that before I do  
4 otherwise. But in the circumstances, I think the fair  
5 thing is to excuse you from further attendance, and we will  
6 let you know if that position changes and give you and  
7 those assisting fair notice of what it is we need to talk  
8 to you about.

9  
10 THE WITNESS: Thank you, Commissioner.

11  
12 MR TEDESCHI: If the Commission pleases.

13  
14 THE COMMISSIONER: So, thank you. You are free to go.  
15 Thank you, Mr Crandell.

16  
17 <THE WITNESS WITHDREW

18  
19 THE COMMISSIONER: Now, Mr Gray?

20  
21 MR GRAY: Commissioner, the next witness would be Sergeant  
22 Steer.

23  
24 THE COMMISSIONER: I think what I will do is --

25  
26 MR GRAY: If it is convenient to the Commission, I will  
27 call Sergeant Steer.

28  
29 THE COMMISSIONER: No - well, by all means, yes, all  
30 right.

31  
32 <GEOFFREY ROBERT STEER, sworn: [12.40pm]

33  
34 <EXAMINATION BY MR GRAY:

35  
36 MR GRAY: I wonder if Sergeant Steer could have his  
37 statement in front of him while I ask a few questions.  
38 [SCOI.82080].

39  
40 THE COMMISSIONER: Certainly.

41  
42 MR GRAY: Q. Sergeant, in paragraph 3 you list some of  
43 your qualifications and credentials, starting from your  
44 Bachelor of Science degree back in 1994 and through to  
45 various courses you've done up to 2019. Do you see that?

46 A. Yes.

47

1 Q. Thank you. And you tell us in paragraphs 5 and 6  
2 something of your experience and exposure to policing of  
3 hate crimes in the United States in 2015 and, indeed,  
4 earlier, from 2006 onwards?

5 A. Yes.

6  
7 Q. Now, I wanted to ask you, first of all, something  
8 about your knowledge of the background to the setting up of  
9 a bias crime capacity in the NSW Police Force prior to your  
10 involvement in that field. Could Mr Steer have volume 7,  
11 please. I'll just take you to that in a second. In your  
12 paragraph 7 of your statement you refer to the Cronulla  
13 riots in 2005 and you say that following those riots, in  
14 2006 you submitted a report proposing the creation of  
15 a hate crime capability for the NSW Police?

16 A. Yes.

17  
18 Q. That, in due course, was accepted and there was  
19 a position created?

20 A. Yes.

21  
22 Q. But before that, in that volume 7, if you turn to  
23 tab 187, [SC0I.76960], this may or may not be something you  
24 know, Sergeant Steer, and if you don't know, that's fine.  
25 This was an earlier proposal for a Hate Crime Unit back in  
26 late 2001, which was not then, at that time, accepted or  
27 proceeded with. Were you aware of that?

28 A. I've heard rumours of it but, yes, I don't know the  
29 details of it. It was mentioned when I started doing hate  
30 crimes by Operational Programs.

31  
32 Q. Sorry?

33 A. It was mentioned to me by staff at Operational  
34 Programs that there was a previous report suggesting the  
35 creation of a hate crime capability, but I know no details  
36 about it.

37  
38 Q. So you haven't seen this document before?

39 A. No.

40  
41 Q. All right. Fine. I won't ask you any more about that  
42 for the moment, then, at least. But back to your  
43 paragraph 7, [SC0I.82080], you proposed a hate crime  
44 capability in 2006, and in 2007 the position of Hate Crime  
45 Coordinator was created, and you were the person who took  
46 up that position?

47 A. That's correct.

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Q. Now, your first stint in that position was from 2007 to 2009; is that right?

A. That's correct, yes.

Q. And then the position was de-established or disestablished for three years from 2009 to 2012?

A. Yes.

Q. I'll come back to that, but in the two years that you did first fill that position, 2007 to 2009, what was the role? What were you doing in those two years?

A. So primarily the first - for 2007, 2008, I was attached to the Community Contact Unit, Counter Terrorism and Special Tactics Command. That first 12 months was primarily assessing the current capabilities of the NSW Police, identifying where we had issues, what we were doing around it, establishing some of the processes and procedures that we would use.

In 2008, Counter Terrorism made the decision that the position didn't fit with Counter Terrorism due to - it didn't fit within their charter because they primarily looked at race and religion and counter terrorism around that are where I was looking at 9 protected categories, or eight at that stage, we added the ninth when I returned. So it was then moved to Policy and Programs where I was seated with the policy officers for those different categories, so it was a better fit - not the best fit but it was a better fit than being at Counter Terrorism.

There we started looking at - more looking at incidents, starting to do data collection and analysis of data collection, starting doing education and training on low-level - on a lower level, developing - continuing development of the position, effectively.

Q. And during these two years, you were single handed?

A. Yes.

Q. There was nobody else but you?

A. Yes.

Q. In the bias crime or hate crime role?

A. Yes.

Q. And your rank then was sergeant or --

1 A. Yes.

2

3 Q. And you speak about a two-tier model in your  
4 statement - that is, there would be a subject matter  
5 expertise which would reside with you, I presume; is that  
6 the idea?

7 A. Yes.

8

9 Q. And that the person with the expertise, namely, you,  
10 would exercise oversight in relation to hate crimes  
11 reported by officers generally?

12 A. Yes.

13

14 Q. And that seems like a rather large job for one person.

15 A. It certainly was. It was for the entire seven years  
16 that I did it. We adopted that model based on what  
17 I considered best international practice, which was - our  
18 view was in the UK. Most policing agencies adopt the  
19 two-tier model, because it allows that knowledge and  
20 expertise. Expecting frontline police to get their hand -  
21 their head around hate crimes is extremely hard. It's  
22 very - they are very complex to investigate and resolve, so  
23 having that subject matter expertise is why we adopted that  
24 model.

25

26 Q. In paragraph 19, if I could just jump ahead briefly,  
27 you were talking about the relationship between your role,  
28 Bias Crimes Coordinator, and the role that Sue Thompson had  
29 previously undertaken --

30 A. Yes.

31

32 Q. -- as Senior Policy Officer, as you call it, for  
33 Gender and Sexual Diversity?

34 A. Yes.

35

36 Q. Now, she had left - you say that the work with respect  
37 to tracking and monitoring hate crimes that had been  
38 undertaken by Sue Thompson was taken over by yourself; is  
39 that right?

40 A. Yes.

41

42 Q. And you started doing this work in 2007?

43 A. Yes.

44

45 Q. And she had left her position I think about five years  
46 before that; is that right?

47 A. Yes, that's correct.

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Q. So for that five years, from before 2007, nobody had been doing it?

A. As far as I was aware, I think they were still keeping when significant incidents were showing up, but as to a process of tracking, reviewing, assessing, all that, I don't think anyone was doing it.

Q. Right. Now, why was the hate crime position, Hate Crime Coordinator position, disestablished in 2009?

A. I'm trying to word this diplomatically. There was some internal politics involved; there were some issues between then deputy commissioners, and part of that role was - there was a decision - my then manager tried to get the position permanent as a sergeant's job. I was on a - what's known as a section 66, so temporarily appointed to the rank of sergeant for the role. That was knocked back for whatever reason - I don't know. I was on the promotion process, so I decided that I would take promotion. Sought some advice from colleagues who suggested that was the best thing to do. So I left and no-one ever filled the position again, and it effectively - it was never a substantive position within the organisation. It was a temporary position. It was an over-strength position. So there was no actual what's known as a SAP position for it.

Q. What does that mean?

A. It's how the organisation assigns officers. So it was an over-strength position; it wasn't an authorised position. So when I left in 2009, technically the position ceased to exist.

Q. And what did you do for the next three years?

A. So I was attached to Blacktown Local Area Command as a general duties supervisor.

Q. Right. And then the position evidently was re-established in 2012, the Hate Crime Coordinator position?

A. Yes.

Q. And why was that? What happened then?

A. So former Deputy Commissioner Kaldas returned from his stint with the United Nations, identified that the position was missing. Mr Kaldas was instrumental in the setting up of the hate crime position when he was the Commander of Counter Terrorism. He's the one who decided that, yes, we

1 need this position, supported it, set it up under the  
2 Community Contacts Unit. He then got promoted to deputy  
3 commissioner. So when he returned, he realised the  
4 position was no longer there. He saw value in it,  
5 re-established the position and contacted me and asked if  
6 I was - would be willing to come back and do the role  
7 again.

8  
9 Q. So he had been instrumental in setting it up in '07?

10 A. Yes.

11  
12 Q. And then was instrumental in re-establishing it in  
13 2012?

14 A. Yes.

15  
16 Q. I see. And somewhere along the line there was  
17 a change in terminology from "hate crimes", in 2007, to  
18 "bias crime", by the time 2012 came around. Do you know  
19 why that was?

20 A. Yes, my understanding is there were discussions had in  
21 regards to the terminology, that people found "hate crime"  
22 confusing, in that it's an extreme emotion and people might  
23 think, "I don't hate this person. Why is it a hate crime?"  
24 Where bias is more of a cognitive process. So it was  
25 deemed by referring to or renaming it as "bias crimes", it  
26 was easier to understand what the position actually was  
27 doing.

28  
29 Q. Subsequently - and you may or may not know this - in  
30 more recent times the terminology seems to have changed  
31 back again to "hate crime". Do you know whether that's  
32 happened or - and why?

33 A. I know it's gone back to being "hate crime", but  
34 I don't know why.

35  
36 Q. When the position was re-established in 2012 and you  
37 came back to the position, it was within the Operational  
38 Programs part of the police; is that right?

39 A. Yes.

40  
41 Q. Ms Shobha Sharma was someone to whom you reported,  
42 or --

43 A. Yes, she was the manager of the unit. So the Bias  
44 Crimes Unit has always, or whilst my tenure, has always  
45 been a subunit of another unit. It's never been  
46 a stand-alone unit.



1 Q. Right. And as at 2012, it was a subunit of  
2 Operational Programs?

3 A. Operational Programs was the command. It was  
4 the diversity team. So - and that covered cultural  
5 diversity, vulnerable communities, the LGBTI community, so  
6 it was put in that unit because of access to those other  
7 policy officers.

8

9 Q. I see, all right. Thank you. Now, just one second.  
10 I think during the course of the next three years, that is,  
11 between 2012 and - well, the next five years, between 2012  
12 and 2017, you started off again being a sole operator; you  
13 were the only person originally?

14 A. In 2012 there was a policy officer who had that  
15 portfolio, but it was a joint portfolio, so they did  
16 vulnerable communities plus bias crimes, but I was the only  
17 police officer.

18

19 Q. Right. And then did that, over the next few years,  
20 change? Was it gradually increased in staffing terms?

21 A. Yes, so in 2015 we managed to get two additional  
22 positions, being an intelligence officer, who was  
23 a civilian analyst, and we had a sworn project officer.

24

25 Q. Was that Senior Constable Corbett?

26 A. Yes.

27

28 Q. Okay. Now, in your statement at paragraph 16 you  
29 refer to numerous requests being submitted to establish  
30 a stand-alone unit with sufficient resources and staff,  
31 et cetera, but that that was not forthcoming. Who were you  
32 making those requests to, or what position?

33 A. So originally it was through the chain of command, so  
34 it was to my manager, saying, "I need help. I can't deal  
35 with the workload by myself." Mr Kaldas was one of my  
36 direct reports, so I've made the same comment to him.  
37 Eventually, I think it was 2014, we put a formal request up  
38 through HR Command requesting a phased build-up of the Hate  
39 Crime Unit and the capability, I think up to a maximum of  
40 12 staff. That went through the chain of command but we  
41 never got a response.

42

43 Q. I see. And then in your paragraph 18 you talk about  
44 the role changing to a more intelligence-based focus in  
45 2015 and directing to "increased activity by organised hate  
46 groups and increasing anti-Islamic activity". So in that  
47 period, 2015, was there a shift away from some areas of

1 bias crime to the areas of hate groups and anti-Islamic  
2 focus?

3 A. I don't think there was a shift, as such. Our focus  
4 changed. So we were still doing the normal work that we  
5 were doing, but we were more focused on the activities,  
6 during the Reclaim Australia rallies, of organised hate  
7 group activity and anti-Islamic activity as a result of  
8 those rallies.

9

10 Q. Now, in paragraph 20 you speak about the creation of  
11 the Bias Crimes Standard Operating Procedures, which was  
12 a process that you described in 2013 and 2014, and they  
13 were ultimately approved I think perhaps in 2015; is that  
14 right?

15 A. Yes, I think it was around 2015.

16

17 Q. Now, by this time, you had had considerable exposure  
18 to the ways in which hate crime was dealt with by police in  
19 the United States?

20 A. Yes.

21

22 Q. And you have spoken about that in summary, or referred  
23 to it in your statement. Now, is it right to say that  
24 there is a divergence of approaches to the identification  
25 and recording of hate crime as between the US and the UK,  
26 in broad terms?

27 A. Not as - in regards to the way that they are recorded.  
28 They are still recorded the same sort of way. It's how  
29 they identify it. So the UK system is more victim based.  
30 So if the victim says it's a hate crime, it's deemed to be  
31 a hate crime, where the US approach is more investigative,  
32 which is, "Yes, you have said it is a hate crime. We  
33 accept that, but a determination isn't made until the  
34 investigation is done."

35

36 Q. And the US model, is this right, in summary, or in the  
37 broad, focuses on the intent or the motivation of the  
38 offender?

39 A. Yes, primarily, that's what we're looking for, is  
40 the - because the crime is motivated by the offender, as to  
41 why he did it, that's what - the ultimate aim is to  
42 determine why he did it. So, generally, if the offender  
43 throws his hand up and says, "Yes, I did it because  
44 I didn't like a certain group", it is classified as a hate  
45 crime.

46

47 Q. Whereas, again in the broad, the UK model emphasises

1 the perception of the victim or of witnesses?

2 A. Yes.

3

4 Q. Now, because the US model requires evidence of the  
5 offender's subjective motivation, it will in general  
6 classify less cases as being hate crimes than the UK model;  
7 would you agree?

8 A. Yes, I do, and that was always what we had to weigh  
9 up. The issue that I looked at - and I admit that I had my  
10 own biases: I was trained by the US, so that is the system  
11 I understand better - the concerns I had about adopting the  
12 UK model was there is an overrepresentation, because you  
13 are going off what the victim says, where the US - and  
14 I agree - is an under-identification, because if you don't  
15 get that admission from the offender and you can't prove  
16 it, it may not be classified as a hate crime. So there  
17 is - there's pros and cons for both approaches. I thought  
18 if we actually investigated and found out what the  
19 offenders - it's easier to engage the community around  
20 their perceptions by saying, "Yes, these are the actual  
21 numbers", rather than letting their perception possibly  
22 create fear, because their numbers are higher based on  
23 their perceptions.

24

25 Q. Right. As you have just said, though, to summarise,  
26 the likelihood is that the US model, if anything, will be  
27 inclined to underestimate the number of hate crimes;  
28 whereas the UK model, if anything, is likely to  
29 overestimate the number?

30 A. Yes, that's correct.

31

32 MR GRAY: Is that a convenient time?

33

34 THE COMMISSIONER: Yes, I will adjourn, thank you.

35

36 **LUNCHEON ADJOURNMENT.**

37

38 THE COMMISSIONER: Yes, Mr Steer, come back into the  
39 witness box, thank you. Yes, Mr Gray.

40

41 MR GRAY: Q. Sergeant, when you were creating the SOPs,  
42 the Standard Operating Procedures, for what was by then the  
43 Bias Crime Unit in 2013, 2014, 2015, you essentially  
44 adopted the US model rather than the UK model; is that  
45 right?

46 A. Yes.

47

1 Q. I wonder if Sergeant Steer could have volume 9,  
2 please. I just want to check with you whether this is  
3 either the document or a document that you took those  
4 indicators from, if you go to tab 228 in volume 9,  
5 [SCOI.82087]?

6 A. Yes, that's the document.

7

8 Q. That's the document, "Responding to Hate Crime. A  
9 Multidisciplinary Curriculum", the Massachusetts document  
10 from 2000?

11 A. No, it's not from Massachusetts. That's just an  
12 example that they used around the definition of the - from  
13 the Department of Justice.

14

15 Q. Sure. The reason I say Massachusetts is just that  
16 that's where, apparently, it was based, if you look on the  
17 second page. But I accept that you're quite right; it's  
18 the Department of Justice?

19 A. Yes.

20

21 Q. But if we turn to page 15, and it goes through to  
22 page 18, or 17, are they the nine bias crime indicators  
23 that you adopted?

24 A. Yes.

25

26 Q. They are?

27 A. Yes.

28

29 Q. And was that document something that came to your  
30 notice in the course of the various training and education  
31 you were pursuing in the United States?

32 A. Yes.

33

34 Q. Right, thank you. So when you came back to Australia  
35 and you were looking to deploy bias crime indicators here,  
36 you simply utilised those?

37 A. Yeah, it wasn't so much about deploying bias crime  
38 indicators or anything like that, it was about trying to  
39 find a method that would allow frontline police to quickly  
40 identify if a job they've gone to might be a bias crime.  
41 And under the two-tier model, that's basically all they're  
42 designed to do, is, "Yes, I think this might be bias  
43 motivated", put some information in the report to say,  
44 "These are the reasons why we think it's bias motivated."  
45 It then jumps up to the next tier to actually make an  
46 assessment, a determination, and see where it goes from  
47 there.

1  
2 Q. I'll come to this in due course, but just since we're  
3 there, and you may or may not know this now, but as we  
4 speak, in 2022, is that still what happens, as far as you  
5 know, essentially?

6 A. Once again, trying to be diplomatic, I believe that  
7 that's the process that's supposed to be, but my  
8 understanding, especially from being a general duties team  
9 leader at the moment, is that a lot of police still don't  
10 understand bias crimes or what they are or how to identify  
11 them.

12  
13 Q. I'll come to what I understand to be the present  
14 expectations, the present guidelines. But just  
15 foreshadowing that, my understanding at the moment - and  
16 tell me if this is not right, if you can - is that while it  
17 may not be easy for police to do it, nevertheless, that is  
18 still the current expectation, that frontline police would  
19 have - do have - a list of indicators and they're meant to  
20 record them, if relevant, so that somebody else at the EHCU  
21 can form a view?

22 A. I believe that's still the formal process but as  
23 I said, from my experience as a general duties team leader,  
24 most of my troops, when I mention bias crimes indicators,  
25 their eyes roll and go blank, they don't know what I'm  
26 talking about.

27  
28 Q. I wonder if the witness could now please have volume  
29 7. We don't need number 9 anymore. In volume 7, Sergeant,  
30 if you could turn to tab 188, [SCOI.75057], these are, we  
31 understand, the 2015 Standard Operating Procedures for bias  
32 crime?

33 A. Yes.

34  
35 Q. So these are the ones that you had developed and had  
36 had approved?

37 A. Yes.

38  
39 Q. On page 12, there's a list of protected groups?

40 A. Yes.

41  
42 Q. First one being "Race", and then various others,  
43 including, particularly relevant for present purposes,  
44 "Sexual Orientation", "Gender Identity", and "Sex/Gender"?

45 A. Yes.

46  
47 Q. Were those protected group definitions developed by

1 yourself or did you get those from somewhere else?

2 A. Basically, we've taken some of them from the US, so  
3 I believe previously that the question around immutability  
4 has been asked, and that's how we determined what went into  
5 a protected category, was it was designed to be an  
6 immutable characteristic, something that you can't change.  
7 We acknowledge that you can change your religion, we can  
8 acknowledge that you can change factors, but the cognitive  
9 dissonance that goes with that change makes it unlikely  
10 that a victim is going to change.

11  
12 So the only one that really wasn't an immutable  
13 characteristic was homelessness, and that came out of  
14 research that was coming out of the US and the UK at the  
15 time, around bias-motivated attacks targeting the homeless,  
16 and we were trying to get ahead of the curve and trying to  
17 get some data here so we knew what was going on here.

18  
19 Q. I will come to "immutable" shortly, but since we're  
20 here, are you saying that your view is that all of those  
21 protected groups, apart from homelessness, are groups where  
22 the relevant status is immutable?

23 A. I would argue that, on the strict definition, no, but  
24 in the general definition of it, because changing your  
25 religion, because of cultural, et cetera, and so forth, all  
26 those ties creates a form of cognitive dissonance which  
27 creates a lot of internal turmoil for the person, so  
28 changing is very hard, and there's consequences to those  
29 changes.

30  
31 So although, yes, technically you can change your  
32 religion, you can change your gender, you can do all that  
33 sort of stuff, the psychological baggage that goes with  
34 that makes it unlikely that people will just willy-nilly.  
35 The example I use is, when I first took over the bias  
36 crimes role, there was a category called "political  
37 prejudice". Now, we dropped that, and that's not in here,  
38 because you can change your politics. You can choose one  
39 party or another, it comes, it goes, it's easy to do.  
40 These characteristics aren't that easy to change. You can  
41 change, but it's not an easy process and there is a lot of  
42 psychological baggage that goes with it.

43  
44 Q. All right. I might come back to that a little bit  
45 when we get to that word. Then on pages 14 and 15, we have  
46 the 10 bias crime indicators?

47 A. Yes.

- 1  
2 Q. And they are nine from the United States document?  
3 A. Yes.  
4  
5 Q. Plus number 10, being "Level of violence"?  
6 A. Yes.  
7  
8 Q. Which you have added yourself?  
9 A. Yes.  
10  
11 Q. And where did you get that idea from?  
12 A. So level of violence - a lot of the research that  
13 I was looking at at that time was showing that bias crimes  
14 victims suffer a higher level of violence. I think - it's  
15 been a while since I've looked at the research but I think  
16 it was seven times more likely they would end up being  
17 hospitalised than a non-bias crimes victim. What we were  
18 seeing when we were doing the monthly download of the stats  
19 reviewing all the events that had been flagged was similar  
20 sort of stuff. The level of violence was high.  
21  
22 Q. In relation to bias crimes generally --  
23 A. Yes.  
24  
25 Q. -- not just LGBTIQ?  
26 A. No. No, across the board. Generally the level of  
27 violence was higher. So I formed the opinion that - once  
28 again, the indicators are there as a cue to investigating  
29 police that this might be a bias crime. They're not locked  
30 in, they're not permanent, they're not, "We've got to tick  
31 every box". It's something that can trigger, "Might this  
32 be a bias crime? And now I think it might be a bias crime,  
33 this is where my investigation has to go." I have to ask  
34 those questions to determine one way or another.  
35  
36 Q. I wanted to ask you that, and you have in fact more or  
37 less, I think, addressed what I was going to ask. At the  
38 head of that page, page 14, before "(a) racial, ethnic,  
39 gender, religious & cultural differences", you were  
40 addressing the state of play, which is at the crime scene -  
41 that is, the very beginning of what will become an  
42 investigation --  
43 A. Yes.  
44  
45 Q. -- is that right? So that these - the use or the  
46 resort to these indicators you're putting forward, as  
47 I understand it, as something to be done during the

1 investigation?

2 A. Yes.

3

4 Q. In fact at its early stages?

5 A. At the early stages, once you get there. And I think  
6 the Commissioner mentioned earlier in one of his questions  
7 to Mr Crandell, it's not the high level of crime, it's  
8 across all crime types, so broken down - "mal dam",  
9 whatever - is we hope that police will have these in their  
10 mind. They might tick "Location", they might tick  
11 "Organised hate group", there might be something which then  
12 triggers, "Well, this might be a bias crime, I now need to  
13 explore that."

14

15 Q. So you need to tailor, in part, the rest of the  
16 investigation with that in mind.

17 A. Yes.

18

19 Q. You have a note in red on page 15, essentially to that  
20 effect?

21 A. Yes.

22

23 Q. Now, one of the things you say in the note in red is  
24 that:

25

26 *The indicators are a guide only and not*  
27 *a legal certainty. [They are just]*  
28 *designed to act as a cue for [further]*  
29 *questioning and investigation.*

30

31 Then when we get over to page 41, which is talking about  
32 the position that you had, Bias Crimes Coordinator, that  
33 position is described as being the police's "subject matter  
34 and source expert"?

35 A. Yes.

36

37 Q. And under 12.1, the Standard Operating Procedures had  
38 in mind that the person holding that position would review  
39 all incidents that had been flagged as a suspected bias  
40 crime, and that means, does it, whenever, at the scene, an  
41 officer does, in effect, tick the box in that sense by  
42 saying one of these indicators seems to be present and  
43 needs to be thought about, that would come to you?

44 A. That was what was supposed to happen. So once they  
45 form the opinion that it's a suspected bias crime - so we  
46 weren't putting the onus on them to make the determination  
47 whether it was or it wasn't. We just think it is - it then



1 gets passed up to me, who then looks at everything. And  
2 what we were asking officers to do was to put as much  
3 information as possible in their COPS narrative outlining  
4 how they got there. So, "I believe this is a suspected  
5 bias crime because it was a gay beat", that there was  
6 a level of violence, weapons of opportunity were used -  
7 whatever. That will then come to me. I then look at the  
8 event, all that, make a decision, "Yes, I agree we're going  
9 in the right direction with this." Then I would reach out  
10 to the command and say, "Right, where are you going with  
11 this? Do you need assistance? Can we be of assistance?  
12 Have you got it?" Et cetera and so forth.

13  
14 Q. And what would then happen? Supposing you thought  
15 this does look like a bias crime, what would be then your  
16 contribution or your involvement?

17 A. Generally I would either contact the officer directly  
18 if it was a low-level thing, so something that general  
19 duties would generally investigate, or common assault or  
20 something like that, send them an email, go, "Look, this is  
21 what you've done. Do you need any assistance? Is there  
22 anything that we as the unit can do to assist?" And then  
23 we would track it, the progress, through to see where it  
24 ended up. If it was high level, we would generally contact  
25 the crime manager and basically do the same thing, "We're  
26 aware of this. Do you need any assistance? Is there  
27 anything we can do to help?"

28  
29 Q. And what would be the finish line of that process from  
30 the bias crime point of view?

31 A. So basically, once the investigation was completed, we  
32 would then manipulate - well, not "manipulate", change the  
33 stats. So if we said it was a suspected bias crime, it's  
34 now been determined to be a bias crime, we would change it  
35 to say it was a bias crime. We would make certain  
36 recommendations, if you had an offender, they'd been  
37 charged, we would recommend the application of  
38 section 21A(h) of the Crime (Sentencing Procedures) Act,  
39 and guide them to the right prosecutorial advice in regards  
40 to how they can apply that.

41  
42 Q. And if the crime was unsolved in the sense that  
43 a perpetrator hadn't been identified?

44 A. So we would then look at what the classification was.  
45 What you've got to understand about the indicators and what  
46 the process is, if we don't have an admission from the  
47 offender, which is what we want, it becomes

1 a circumstantial brief. So we would then look at all the  
2 circumstances and go, "Yes, we believe this is a bias  
3 crime. We think we can hit that level based on all the  
4 circumstances"; or "No," and it would be a suspected bias  
5 crime, or it might not be one at all.  
6

7 Q. Okay. If you turn over to page 42, at 12.4, the  
8 Standard Operating Procedures say that, at the completion  
9 of the investigation, a classification is to be made, and  
10 incidents are to be classified as one of the following four  
11 kinds, which are there listed. Do you see that?

12 A. Yes.  
13

14 Q. So one is "Bias Crime", two is "Suspected Bias Crime",  
15 three is "Bias Incident", and four is "Not a Bias Crime",  
16 in this document.

17 A. Yes.  
18

19 Q. Now, in looking at the "Bias Crime" one, there are  
20 then some words following the classification title, "Bias  
21 Crime", and the words are:

22  
23 *Sufficient evidence exists to prove beyond*  
24 *a reasonable doubt the offenders actions*  
25 *were motivated either wholly or partially*  
26 *by bias.*  
27

28 Where did that language come from? What was the source of  
29 the language?

30 A. Basically what we were looking at is the legislation  
31 around bias crimes is minimal in New South Wales. So we  
32 were trying to classify our incidents to certain  
33 categories. So the reason we selected "beyond a reasonable  
34 doubt" is we wanted to see how many we could get which  
35 would meet that legal standard of proof, which would then  
36 assist us in making application to change the legislation  
37 or, if we had cases, actually try them before the courts  
38 and see how the courts responded to them and that would  
39 then inform our future direction of where we go around  
40 legislation.  
41

42 Q. And when you're using the word "we" there, in terms of  
43 "we" drafting these things, that's you and who else?

44 A. My policy officer at the time.  
45

46 Q. Who was?

47 A. I believe it was Amy Mouafi at the time.

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Q. With you - no disrespect to her - you taking the leading role, I presume?

A. Yes, yes.

Q. So the words "sufficient evidence" were an idea of yours?

A. Yes.

Q. And the words "beyond a reasonable doubt" were an idea of yours?

A. Yes.

Q. And you were introducing those words here at the conclusion of the investigation; is that right?

A. Yes.

Q. After the investigation had completed?

A. Yes.

Q. And then for "Suspected Bias Crime", you had not the obverse, but a contrast - that is to say, insufficient evidence to prove beyond a reasonable doubt?

A. Yes.

Q. So still with the same ideas of sufficiency of evidence and the criminal standard of beyond reasonable doubt?

A. So what we did there was the reason we brought in "Suspected Bias Crimes" as a category was we understood that we might not always hit that level of proof for a bias crime, but that doesn't diminish the victim's side of things and the impact on the community. So what we were basically trying to convey to communities was, "Yes, we haven't hit this level of proof, but we still take it seriously, we're still recording it, we're still using it for our intelligence side of things and all that sort of stuff. It's still here. We haven't ignored it completely. We haven't said, 'Because we haven't hit this proof it never happened to you'."

So the reason we had that insufficient evidence was we weren't at that level for that legal standpoint but we still wanted that evidence. So it might have just been language. Language is extremely deceptive in regards to bias crimes, so language alone might not prove motivation.

1 Q. And who was going to make this classification in  
2 12.4 - yourself?  
3 A. Yes, the coordinator, yes.  
4  
5 Q. Pardon?  
6 A. The coordinator, so whoever was sitting in my role.  
7  
8 Q. Whoever was sitting in your role --  
9 A. Yes.  
10  
11 Q. -- was going to make the call based on whatever facts  
12 and information had come from the investigators?  
13 A. Yes.  
14  
15 Q. As to whether "sufficient evidence exists to prove  
16 [something] beyond a reasonable doubt"?  
17 A. Yes.  
18  
19 Q. And that was - if I'm understanding you correctly -  
20 with a view to (a) getting a sense of how many bias crime  
21 contenders met that standard with a view to considering  
22 whether amendments to legislation were desirable?  
23 A. Yes, so basically, at the end of the day the dream at  
24 the end of this was that we'd be able to prosecute  
25 successfully crimes that were motivated by bias. So we  
26 were trying to get a sense of (a) what's the capability of  
27 NSW Police to capture this information to a sufficient  
28 standard; then identify cases that we could put forward to  
29 the court as test cases; and then, from that, determine  
30 whether there needed any legislative changes or anything  
31 like that.  
32  
33 Q. Now, in the time that you were in the role from 2012 -  
34 well, from the time these SOPs came in in 2015 until you  
35 finished in the role in 2017, are you able to give the  
36 Commissioner any indication either in numbers or in  
37 proportions, which - how many cases in your time came  
38 within these four?  
39 A. Oh, that's going to be hard to say. So what we did  
40 was each month, we'd download the statistics, I would  
41 review them and classify them and then we'd have a report  
42 that went out to whoever it was relevant to. We used to  
43 average maybe 120 to 170 events a month that were flagged.  
44 Out of that, I would say roughly I think, from memory, we  
45 had roughly about a 50 per cent failure rate where police  
46 would misidentify bias crimes. So what does that drop us  
47 down to? About 60 or 70. Then out of that, insufficient -

1 I would say maybe 10 to 15 per cent were insufficient  
2 information. And then - bias crime, because of the high  
3 level, were always going to be less than suspected bias  
4 crimes, so I would say maybe 20 would be bias crimes and  
5 the remainder would be suspected, but that's just rough  
6 numbers.

7  
8 Q. Okay. Because obviously enough, introducing the  
9 criminal standard of beyond a reasonable doubt is a high --

10 A. Yes.

11  
12 Q. -- hurdle to jump?

13 A. Yes.

14  
15 Q. So unsurprisingly, perhaps, not very many would meet  
16 that standard?

17 A. Yes.

18  
19 Q. Is that right?

20 A. Yes. And that's what we were trying to ascertain, is  
21 what is the quality of information that police are  
22 recording? How easy - so if you compare it to the US and  
23 I look at the NYPD Hate Crime Task Force, they've got  
24 a higher number because their processes are in place,  
25 police know what they have to do, there's processes in  
26 place, et cetera and so forth. We were in the beginning  
27 stages of this, so our numbers are going to be less because  
28 we're still trying to educate police about what they need  
29 to do and how to do it.

30  
31 Q. I'll just ask you this generally, I'll come to it  
32 later a bit more specifically on one of the documents, but  
33 in your statement and some of your other emails and so on,  
34 you've said - and I'm summarising - that the way the 10  
35 indicators were used by Strike Force Parrabell was, in your  
36 opinion, inappropriate, being used as a checklist?

37 A. Yes.

38  
39 Q. Do you recall saying that - things to that effect?

40 But I wanted to ask you this: in your view, what was the  
41 right way, the appropriate way, to use these indicators?

42 A. So the way we used it was - it depends on the role, so  
43 if you're talking about frontline police, it was just that  
44 trigger. For me, it was the assessment stage. So my  
45 assessments would sit there and if I was doing a formal  
46 assessment - so when I was doing the statistics, most of  
47 this was being done in my head. I knew the indicators off

1 by heart, I could just run through it manually through my  
2 head. If we were asked for a formal assessment we might  
3 sit there and say, "Yes, we determine this or assess this  
4 to be a bias crime because of the following", then we would  
5 go: location, it's a known gay beat, there has been 15  
6 assaults in the last two years in this location, within  
7 certain time frames, within certain MOs, and signatures  
8 were found, et cetera and so forth. There's been evidence  
9 of organised hate group activity in the area, et cetera and  
10 so forth. There's been language that was used during the  
11 attack, et cetera and so forth.

12  
13 So as I said previously, if we didn't have the  
14 admissions from an offender, we're looking at that  
15 circumstantial case, and so when we look at the whole  
16 picture, based on all the information that we've recorded,  
17 we would then make our determination.

18  
19 Q. So two stages, then, in your approach to it. The  
20 indicators would be used by the frontline people attending  
21 the scene as cues for things that might perhaps need to be  
22 looked at?

23 A. Yes.

24  
25 Q. And then at the conclusion of the investigation, in a  
26 different context, they would be - the bias crime  
27 indicators and the classification categories would be used  
28 by you personally for the statistical --

29 A. Yes.

30  
31 Q. -- objectives that you've mentioned?

32 A. Yes.

33  
34 Q. Now, the next thing that seems to have happened, at  
35 least for the purposes of what we're looking at in terms of  
36 the development of the documentation after this Standard  
37 Operating Procedures in 2015, was a presentation that you  
38 gave in 2016 in June, and you will need volume 3 for this.  
39 The presentation that I'm referring you to is at tab 64A,  
40 [SCOI.77319]. That, as we understand it, is a presentation  
41 that you gave at least in June 2016 - you may have given it  
42 at other times as well.

43 A. No, it was designed specifically for Parrabell.

44  
45 Q. That's what I was coming to.

46 A. Yes.

47

1 Q. It was designed specifically for Parrabell?  
2 A. Yes.  
3  
4 Q. And it's because - at your initiative or because  
5 someone asked you?  
6 A. Because we were asked.  
7  
8 Q. Who asked you?  
9 A. I don't know whether it was Mr Crandell or Jackie  
10 Braw. It was one of those two, in that portfolio.  
11  
12 Q. What was the - sorry, beg your pardon?  
13 A. It was just because it was their portfolio.  
14  
15 Q. And what were you asked to do?  
16 A. Basically go through what hate crimes were, what the  
17 indicators were, some work that we've done and some ideas  
18 around hate crimes and the investigation side of things.  
19  
20 Q. Okay. And if we - just in terms of timing, if you  
21 look at tab 64 - no, in fact, I'll come to it - anyway,  
22 look at tab 64, [SCOI.74246]. You'll see that down the  
23 bottom of the first page - in fact, if you go to the second  
24 page, you will see that what has happened is that Detective  
25 Bignell has asked you for some additional information on  
26 the bias crime classifications that you covered in your  
27 presentation, which has obviously just happened --  
28 A. Yes.  
29  
30 Q. -- at that time, and you give him a bit more  
31 information, you give him a copy - you email him the  
32 presentation?  
33 A. Yes.  
34  
35 Q. So I'll come to those emails, but just in the  
36 presentation itself, [SCOI.77319], there are some small  
37 page numbers on the top right?  
38 A. Yes.  
39  
40 Q. If you turn to page 10, you start talking about the 10  
41 indicators.  
42 A. Yes.  
43  
44 Q. And you say that they're only a guide, they don't mean  
45 that there is a legal certainty, and so on. And then under  
46 the first indicator, "Differences" on page 11, the word  
47 "immutable" has been introduced - it is a slight change to

1 the wording that came from the American document?  
2 A. Yes.  
3  
4 Q. You agree?  
5 A. Yes.  
6  
7 Q. Just talk us through that. Why did you introduce that  
8 word?  
9 A. I think it was an error on my part. Usually, that  
10 would be in my notes on the presentation, not on the actual  
11 slide, because what we were trying to explain to them is  
12 when we talk about differences, we were talking about the  
13 protected categories. So this is how we got to the  
14 protected categories. We use that immutable characteristic  
15 to identify our nine protected categories, and that's what  
16 we were talking about with differences. So we're talking  
17 about if we use race as an example, your victim might be  
18 black and your offender might be white. So there's your  
19 difference on that immutable characteristic.  
20  
21 Q. Well, I don't mean to focus too much on this word but  
22 the word "immutable" is not in the Standard Operating  
23 Procedures --  
24 A. Yes.  
25  
26 Q. -- you agree?  
27 A. Yes, I do.  
28  
29 Q. But it is in this presentation?  
30 A. Yes.  
31  
32 Q. And when you said it might have been a mistake, do you  
33 mean it shouldn't perhaps have been in the presentation --  
34 A. It shouldn't have been in the presentation, yes.  
35  
36 Q. It should have been a commentary only?  
37 A. Yes. So usually I put the notes - in the "Notes"  
38 section on the presentation, which I would see as  
39 a presenter, and as I said, we've always used immutable,  
40 that's how we came up with our nine protected categories,  
41 so it was designed to explain to the staff we were giving  
42 the presentation to, "These are the protected categories,  
43 this is how we got here, this is what we're talking about  
44 when we say characteristics." We're not talking about that  
45 one had a red hat and one had a blue hat, we're talking  
46 about these protected categories.  
47



1 Q. All right. And in the email at tab 64 [SC01.74246],  
2 when you send to Mr Bignell the presentation - do you see  
3 that at the bottom of the first page?

4 A. Yes.

5

6 Q. And then you said:

7

8 *Re: classifications, the definitions are*  
9 *below.*

10

11 And then you give five definitions. Do you see that?

12 A. Yes.

13

14 Q. So in the SOPs, there are four - we've just looked at  
15 them - whereas here there are five?

16 A. Yes.

17

18 Q. And not only is there a fifth one, but the language  
19 applicable to each of the five --

20 A. Has changed.

21

22 Q. -- titles has changed?

23 A. Yes.

24

25 Q. So why five not four, first of all?

26 A. We added "Insufficient Information" from doing the  
27 stats, from reviewing the cases. There was a large number  
28 that there just wasn't information being recorded in the  
29 COPS event that would allow us to make a determination. So  
30 instead of ruling them out and ignoring them, we classified  
31 that as "Insufficient Information", so when we went back to  
32 our corporate sponsors, whenever we were doing training,  
33 et cetera and so forth, we had that data to sit there and  
34 say, "X amount isn't meeting the criteria. This is what  
35 we're finding. We need to tighten up how we're actually  
36 recording stuff to make sure things are recorded properly."  
37

38 Q. And is that a development or a change that happened  
39 after the Standard Operating Procedures had been under way  
40 for a while and you were getting some data from which you  
41 could derive that view?

42 A. I think if my memory serves me right, "Insufficient  
43 Information" was always a category I used, but we weren't  
44 getting the numbers that we were getting.

45

46 Q. But it wasn't in the SOPs is all I'm saying?

47 A. No, that's what I'm saying, we weren't getting the

1 numbers, so it was sort of an internal process for me. So  
2 when we were doing the SOPs, it wasn't deemed to be  
3 a factor because we weren't getting the numbers. Then as  
4 the SOPs rolled out, we were doing education around and  
5 training and all that sort of stuff, we saw an increase in  
6 the number of events that were being classified as  
7 "Insufficient Information", so it's become a more  
8 formalised thing, the SOPs just weren't updated with it.

9

10 Q. So in the presentation at 64A, [SC0I.77319], if you go  
11 to page 25 --

12 A. What page was that, sorry?

13

14 Q. In tab 64A at page 25, do you see the five  
15 classifications are listed there?

16 A. Yes.

17

18 Q. But without any, as it were, commentary?

19 A. Yes.

20

21 Q. With no words explaining them?

22 A. Yes.

23

24 Q. So that's the presentation, just on page 25, just with  
25 the five --

26 A. Yes.

27

28 Q. -- bare categories. But when you send the email to  
29 Mr Bignell, you give him the definitions for the  
30 classifications?

31 A. Yes.

32

33 Q. This is in tab 64, [SC0I.74246]?

34 A. Yes.

35

36 Q. And as you have just agreed, the language for the five  
37 definitions is different from the language in the SOPs?

38 A. Yes.

39

40 Q. So, next question: where did this different language  
41 come from that we see in tab 64, in that email?

42 A. So what happened was, as I've already said, we had  
43 that high standard of proof. We were trying to ascertain  
44 what was going on organisationally, so what we were finding  
45 is there were occasions when there might be intelligence,  
46 there might be information from sources, et cetera and so  
47 forth, which wouldn't possibly be admissible in court but

1 still would help us make that determination in regards to  
2 whether it was a bias crime or not. It shows motive of the  
3 offender or it shows a history or something like that. So  
4 by a change - or adding information, we were capturing that  
5 broader aspect of information.  
6

7 Then, if we decided that we want to try this before  
8 the courts, we would seek advice in regards to whether that  
9 information would be admissible and if the result was no,  
10 it's not, then that might have downgraded its ability to be  
11 prosecuted, but it wouldn't change the fact that it might  
12 have been a bias motivated crime.  
13

14 Q. Did you, in the presentation, explain to the listeners  
15 or the participants the two stages at which the indicators  
16 were to be used - stage 1 being at the investigation stage  
17 by the frontline officer as a cue or prompt, and stage 2  
18 being at the classification stage by you at the end?

19 A. I don't believe so. I think it was just about the  
20 indicators for Parrabell, because we were asked to talk  
21 about the indicators, so my mind-set would have been we  
22 were talking to the investigators of Parrabell, that was  
23 the focus, not explaining how they're used or supposed to  
24 be used in a day-to-day.  
25

26 Q. Well, what information, if any, were you given as to  
27 what Parrabell had in mind for its methodology?

28 A. Not a lot.  
29

30 Q. At that point?

31 A. I remember three meetings from Parrabell. The first  
32 one was where Assistant Commissioner Crandell told us that  
33 he was starting the strike force.  
34

35 Q. And do you know - I don't want to get you off your  
36 train of thought, but do you know when that was?

37 A. No, I can't give you a date. It would have probably  
38 been in 2015, it would have been prior to their starting  
39 it, because we had - I gave him some advice in regards to  
40 potential outcomes.  
41

42 Q. So that was - sorry, I don't want to take you off your  
43 train of thought but you mentioned three meetings. This is  
44 the first one, and it was with Superintendent Crandell --

45 A. Yes.  
46

47 Q. -- and others?

1  
2 MR TEDESCHI: I object. He didn't say it was the first  
3 one.  
4  
5 MR GRAY: He did say it was the first one, I think.  
6  
7 Q. Did you not?  
8  
9 THE COMMISSIONER: Hang on, I understand the objection.  
10 Mr Gray, ask it again just to clarify so that there is no  
11 misunderstanding.  
12  
13 MR GRAY: Q. I thought you said that you referred to the  
14 first meeting?  
15 A. Yes, I did.  
16  
17 Q. Yes, thank you. And that was with Mr Crandell and  
18 some others?  
19 A. I believe Shobha Sharma was there, I believe Jackie  
20 was there, and possibly Detective Inspector Middleton might  
21 have been there and maybe Detective Sergeant Grace.  
22  
23 Q. And where was this?  
24 A. It was at Surry Hills.  
25  
26 Q. Right. And the subject was what?  
27 A. Basically, Mr Crandell was just advising us that they  
28 were going to look at Parrabell, pick it up, run with it.  
29 He was outlining what their plans were. From memory, he  
30 wanted some input from us in regards to what we thought.  
31 We gave him some certain advice.  
32  
33 Q. "We" being you and?  
34 A. Well, when I say "me", I mean the unit. So it was  
35 effectively me, but Shobha was there as well as my manager.  
36  
37 Q. Right. Okay. So that's the first meeting?  
38 A. Yes.  
39  
40 Q. And then there were two more you had in mind?  
41 A. The second meeting was when I did the presentation.  
42  
43 Q. This one in June 2016?  
44 A. Yes.  
45  
46 Q. Yes?  
47 A. And then the final one was when we looked at the dip

- 1 sample.
- 2
- 3 Q. Which was in --
- 4 A. When we looked at my analysis.
- 5
- 6 Q. Which was in January 2017?
- 7 A. Yes.
- 8
- 9 Q. We'll come to that.
- 10 A. Yes.
- 11
- 12 Q. Now, when you say three meetings, are you saying that,
- 13 to your recollection, those are the three times you had
- 14 involvement in Parrabell, or are you saying something else?
- 15 A. Well, I'm - they're the three - they're the three
- 16 meetings I recall. I've looked at my calendar and there
- 17 were other meetings around Parrabell, but whether
- 18 Mr Crandell was present during those, what they related to,
- 19 I don't know. But they're the three meetings that stand
- 20 out in my mind in regards to Parrabell.
- 21
- 22 Q. All right. So when you send this email to
- 23 Mr Middleton - sorry, to Mr Bignell, on 29 June with those
- 24 five definitions, that was pursuant to the second of the
- 25 meetings --
- 26 A. Yes.
- 27
- 28 Q. -- that is the June 2016 meeting. And was there any
- 29 other discussion or explanation that you recall orally or
- 30 in a meeting or in a phone call about how those five
- 31 classifications and definitions were to be used?
- 32 A. No.
- 33
- 34 Q. Were you asked for any such explanation?
- 35 A. No.
- 36
- 37 Q. Now, just for the sake of completeness, could Mr Steer
- 38 have volume 7, please. And just look at tab 200,
- 39 [SCOI.75055], which is the very last tab. It's headed
- 40 "Bias Crimes Identification Guidelines". Do you see that?
- 41 A. Yes.
- 42
- 43 Q. Under the heading "Indicators" and the first heading
- 44 "Differences", the word "immutable" is to be found?
- 45 A. Yes.
- 46
- 47 Q. It's not dated, and I'm just wondering whether you can

1 help us with when this document came into existence?  
2 A. I'm not 100 per cent certain, but I'm going to suggest  
3 it was one of the first documents I did back in 2007/2008.  
4  
5 Q. Even with the word "immutable" in it?  
6 A. Yes, because, as I said, the categories were based on  
7 that immutable characteristic. Back then I was still  
8 getting my head around everything so I probably would have  
9 stuck it in there to remind myself, and then as it's  
10 developed, we've dropped it, to everything else. As  
11 I said, with the Parrabell presentation, it's probably an  
12 error on my part because generally I would stick it in the  
13 "Notes" section of the presentation, not on the actual  
14 slide.  
15  
16 Q. All right, thank you. So would this document be  
17 likely to have been a document that was just created by you  
18 for you and --  
19 A. Yes.  
20  
21 Q. -- not disseminated?  
22 A. No, no. It was for my - I might have, when we did  
23 training later on, used some of that information in slides  
24 and presentations, but, yes, it was basically developed for  
25 me.  
26  
27 Q. Okay. Now, if I can just now turn to Operation  
28 Parrabell --  
29 A. Yes.  
30  
31 Q. -- Operation Parrabell, and your statement on that  
32 topic. You deal with it at about paragraph 34,  
33 [SCOI.82080]. Have you got your statement there?  
34 A. Yes.  
35  
36 Q. So Operation Parrabell was established by you  
37 personally?  
38 A. Yes.  
39  
40 Q. And it followed and flowed from, is this right, the  
41 extensive media coverage of homicides believed to be hate  
42 crimes targeting gay males?  
43 A. Yes.  
44  
45 Q. And in particular, in around - that sort of coverage  
46 in 2013?  
47 A. Yes.

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Q. You then describe what the proposed purpose was. You say it would be comprehensive, it would involve interviewing offenders and witnesses. There would be community consultation, and so forth.

A. Yes.

Q. You have described all of that. In developing the concept, you consulted with the Senior Policy Officer for Gender and Sexual Diversity - that's --

A. Jackie Braw.

Q. Jackie Braw. And you completed a report for approval - I'm getting on to the top of the next page now - and you say:

*From memory the concept was approved with the proviso that the focus was on a hate crime assessment only, and no review of the criminal component (homicide) was to be undertaken.*

A. That's correct.

Q. Now, your idea was there would be a hate crime assessment of the 80-plus cases?

A. Yes.

Q. You would interview offenders and you would interview witnesses?

A. Yes.

Q. You would consult the community throughout?

A. Yes.

Q. Then could Mr Steer have volume 1, please, of the tender bundle. And if you turn to tab 12, [SC0I.75056], this was a document called "Bias Crimes Investigation Agreement" that you prepared at the outset of what would have been Operation Parrabell?

A. Yes.

Q. Under the heading "Mission", you were going to focus the bias crime assessment on suicides and suspicious deaths in two particular areas, namely, the Northern Beaches and the Central Metropolitan Region. Was there a reason for confining it to those two areas?

1 A. I think it was just - although we didn't have a full  
2 grasp of how much work was going to be involved, we knew  
3 that if we had to travel around New South Wales, it just  
4 wasn't feasible.

5

6 Q. Okay.

7 A. So it was easy for us to access those areas from where  
8 I was based.

9

10 Q. Okay. And then on the second page, there's a heading  
11 "Bias Crime Indicators", and your intention was that:

12

13 *Each incident will be filtered through the*  
14 *current ten bias crimes indicators. The*  
15 *purpose of this is to identify potential*  
16 *deaths that may have a bias motivation.*  
17 *The indicators do not mean that an incident*  
18 *was in fact bias motivated, but suggest*  
19 *a possibility of a bias motivation.*

20

21 A. Yes.

22

23 Q. Now, when you recorded that as the intention - namely,  
24 to filter each incident through the 10 bias crimes  
25 indicators, what was the filtering that you were going to  
26 do? What was the process you had in mind?

27 A. Basically using the indicators, so doing that  
28 formalised assessment where we look at those 10 indicators,  
29 and I have to clarify, yes, there's 10 indicators, but  
30 other things might come up through the questioning which  
31 might not be in those 10 indicators that we would still  
32 look at. So basically look at those 10 indicators, use  
33 them as our basis for assessment, so we look at those  
34 categories and gather as much information as we could in  
35 those areas and then give our assessment.

36

37 Q. And when you're using "we" and "our", it's you and  
38 Sergeant Jo Kenworthy?

39 A. Yes.

40

41 Q. And you being the lead operative in the exercise?

42 A. Yes.

43

44 Q. So again, just keeping in mind what later was your  
45 criticism, as I understand it, of how Strike Force  
46 Parrabell used the indicators, what is the difference in  
47 your mind between how you intended to use them and how you



1 understand the strike force used them?

2 A. So ours is a more free-flowing approach. It's not in  
3 a formalised document. That comes later in the assessment  
4 where we might use those headings and sit there and go,  
5 "Location". We drill down on them, so we would be looking  
6 at intelligence for those areas, geographic profiling, all  
7 that sort of stuff.

8  
9 So for location, we might say, "Yes, it was a known  
10 gay beat. There's been a certain number of attacks in that  
11 area. MO is similar", et cetera and so forth, and reason  
12 out our assessment. So anyone can look at that document  
13 and basically say, "This is how they've got there." If  
14 we've missed things, people can hopefully easily pick them  
15 up and say, "Well, you didn't consider this or consider  
16 that", because we would cover off on all those.

17  
18 The concerns I had with the way that Strike Force  
19 Parrabell did it is they did it on a form. Not a big fan  
20 of forms because it limits thinking. Because most people,  
21 when they look at a form, think, "That's all I've got to  
22 worry about, what's on that form."

23  
24 What confused me, and the samples that I sent to the  
25 NYPD Hate Crime Task Force to dip sample my work to make  
26 sure that I was on the money, was the fact that under each  
27 indicator they would then make a determination whether it  
28 was a bias crime or not. So there were occasions where it  
29 might say, "Not determined", then it might say, "Suspected  
30 bias crime", then it might say - so throughout their  
31 process, it was confusing.

32  
33 Q. They were, as you - are you talking about the strike  
34 force and the use of the form now?

35 A. Yes.

36  
37 Q. But you're saying that in the forms that you saw, the  
38 12 or so, which we'll come to, they were recording bias  
39 crime or not --

40 A. Under each indicator.

41  
42 Q. -- item by item?

43 A. Yeah, under each indicator. And then they would come  
44 up with their final determination. But there was very  
45 little to understand how they got there, where the way that  
46 we would do it would be we would reason out what we were  
47 doing so it was clear, "We've come to this determination

1 based on all of this information."  
2

3 Q. And when you say you would do that, do you mean you  
4 would do that in a written form?

5 A. Yes.  
6

7 Q. But it's not a - not in the form of a form?

8 A. Not a form. It would basically - probably the best  
9 example would be the bias crimes assessment we did on North  
10 Head, that document. It would be basically that document  
11 where we would spell everything out.  
12

13 Q. For each case?

14 A. Yes.  
15

16 Q. I see. All right. Now, with your statement in mind,  
17 if you have that there, [SCOI.82080] at 36 - I'll just let  
18 you familiarise yourself with this again - 36 through to 39  
19 you talk about what you were able to do as Operation  
20 Parrabell, apart from the North Head bias crime assessment  
21 and apart from the comparison between Marks Park and North  
22 Head. You talk there in 36 to 39 about what you began to  
23 do or began to get ready to do in connection with the 80;  
24 correct?

25 A. Yes.  
26

27 Q. But what I wanted to ask you is how far did you  
28 actually get with the work on the 80?

29 A. Not very.  
30

31 Q. Did you get to the point of doing any actual reviews  
32 of those 80 cases?

33 A. We started - and I can't remember which one it was, we  
34 got the briefs from State Archives or a number of briefs  
35 from State Archives and we started looking at the  
36 statements. Jo advised me, or Jo Kenworthy advised me that  
37 her secondment was ending and so we stopped. We just  
38 didn't have the resources to do it.  
39

40 Q. And in 39, you say, about seven or eight lines down  
41 39, you say:

42  
43 *On obtaining the archived material an*  
44 *assessment was completed it was determined*  
45 *by Senior Sergeant Kenworthy and [yourself]*  
46 *that with the current resources, it was*  
47 *estimate to take 3 years --*

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even if that was all you did; is that right?

A. Yes.

Q. And then at the top of the next page, after you mention that additional resources were requested but not forthcoming, you say four lines down:

*It was decided to suspend Operation Parrabell ...*

Do you see that?

A. Yes.

Q. Who made that decision? Do you mean you did?

A. I did.

Q. And was that in about mid 2014 after the second of those two assessments, or late 2014?

A. Yeah, it would have been - it would have been shortly after that second assessment.

Q. And when you say a few lines down again, "It was envisioned that sufficient resources would be given and that if that happened Operation Parrabell would be reactivated", do you mean it was envisioned by you or by someone else?

A. By me.

Q. But it didn't happen?

A. No.

Q. Now, coming to Strike Force Parrabell and turning to paragraph 40 of your statement, now, in the first sentence you say:

*The Bias Crimes Coordinator [ie, yourself] had minimal involvement with respect to Strike Force Parrabell.*

Is that still your position?

A. Yes.

Q. You refer there then to the original meeting, and that's the first of three that you described a few minutes ago?

A. Yes.

- 1  
2 Q. You say you offered to assist the strike force and  
3 were advised that the strike force would seek assistance if  
4 required?  
5 A. Yes.  
6  
7 Q. Who said that?  
8 A. I believe it was Detective Inspector Middleton.  
9  
10 Q. And was assistance ever sought from you?  
11 A. No.  
12  
13 Q. You were asked to give the presentation, of course,  
14 that you've mentioned, in June 2016?  
15 A. Yes.  
16  
17 Q. I've dealt with that. And we'll come to the dip  
18 sample. But apart from the presentation and the dip  
19 sample, were you ever asked to assist Strike Force  
20 Parrabell in any other way that you can recall?  
21 A. No.  
22  
23 Q. Now, for Strike Force Parrabell there were a number of  
24 constituent documents. Do you still have volume 1 on the  
25 table? You may not.  
26 A. I don't believe so.  
27  
28 Q. I need you to have volume 1.  
29 A. Oh, yes, I do, sorry.  
30  
31 Q. If you turn to tab 14, [SC0I.74385] this is a document  
32 called "Investigation Plan for Strike Force Parrabell".  
33 Now, this has two dates on it on the fifth page. Beneath  
34 Sergeant Grace's name is the date 25 May 2015 and beneath  
35 Detective Inspector Middleton's name is the date 3 August  
36 2015. As best you recall, were you ever shown this  
37 document?  
38 A. No.  
39  
40 Q. When was the first time you saw it?  
41 A. Today.  
42  
43 Q. On the third page, you'll see there's a heading  
44 "Investigative Outcomes", towards the bottom?  
45 A. Yes.  
46  
47 Q. And it says that Bias Crime Identification Forms will

1 be attached to a report, making the following findings, and  
2 then there are four bullet points. Do you see that?

3 A. Yes.

4

5 Q. And "There is evidence that sexuality or other bias  
6 was involved", and then "It appears likely", "It appears  
7 unlikely", "There is no evidence". Is that language that  
8 you had ever played a part in drafting?

9 A. No.

10

11 Q. Then at tab 15 in the same volume, [SCOI.75071],  
12 there's the coordinating instructions for Strike Force  
13 Parrabell. Now, were you provided with them or a draft of  
14 them at any stage?

15 A. No.

16

17 Q. When was the first time you saw these coordinating  
18 instructions?

19 A. Today.

20

21 Q. Have a look at the language at the bottom of page 3 -  
22 the second-bottom paragraph on page 3 begins:

23

24 *The review will use a list of Bias Crime*  
25 *Indicators ...*

26

27 et cetera?

28 A. Yes.

29

30 Q. It says that the indicators were published by the US  
31 Department of Justice, and the footnote tells us where they  
32 came from?

33 A. Yes.

34

35 Q. And then the next paragraph down says:

36

37 *Investigators have created a "Bias Crimes*  
38 *Indicators Review Form".*

39

40 And over the page it says:

41

42 *For each indicator, the following 4*  
43 *findings are available ...*

44

45 And then we have, "Bias Crime", "Suspected Bias Crime",  
46 "Not a Bias Crime", and "Insufficient Information" on page

47 4. Can you see that?

1 A. Yes.  
2  
3 Q. And you can recognise, I'm sure, that the titles of  
4 the indicators and then the definitions attached to the  
5 indicators are the language from your email?  
6 A. Yes.  
7  
8 Q. Nonetheless, you have not seen these coordinating  
9 instructions until today?  
10 A. No.  
11  
12 Q. Is that right?  
13 A. That's correct.  
14  
15 Q. Now, starting at the bottom of page 4 and going over  
16 for 10 pages or so thereafter is the document titled "Bias  
17 Crime Indicator Form"?  
18 A. Yes.  
19  
20 Q. Do you see that?  
21 A. Yes.  
22  
23 Q. Now, when did you first see a Bias Crime Indicator  
24 Form in those terms?  
25 A. When they were sent to me for the dip sample.  
26  
27 Q. So that's December 2016 or January 2017?  
28 A. Around then, yes.  
29  
30 Q. Prior to that, you'd never seen the form?  
31 A. No.  
32  
33 Q. Had any draft of the form or version of the form ever  
34 been provided to you for your comment?  
35 A. No.  
36  
37 Q. Did you know they were using a form --  
38 A. No.  
39  
40 Q. -- prior to December or so 2016?  
41 A. No, I didn't.  
42  
43 Q. How did you understand that they were proceeding with  
44 the strike force? What was their methodology as you  
45 understood it?  
46 A. I don't know.  
47

1 Q. You didn't know?

2 A. I - yeah, as I said, I had minimal involvement with  
3 Parrabell, so I don't know how they planned to do it. We  
4 gave them the information around the indicators that we  
5 used but, yeah, we never got any information about how they  
6 planned to use it.

7

8 Q. There's another document, which I perhaps probably  
9 should show you for completeness. It's in volume 2 at  
10 tab 59, [SCOI.77317]. It's the very last tab in that  
11 volume, and it's called "Strike Force Parrabell Induction  
12 Package"; do you see that?

13 A. Yes.

14

15 Q. And if you just turn the pages over at a gentle pace  
16 so you can see what it looks like, could you then tell us  
17 whether you've ever seen that document before?

18 A. No, I haven't.

19

20 Q. Well, just looking at it now, do you see that it also  
21 has a Bias Crimes Indicators Form built into it?

22 A. Yes.

23

24 Q. And looking at page 4, do you see that the indicators  
25 are only three in number and they're in different language  
26 from the form that we just looked at --

27 A. Yes.

28

29 Q. -- a moment ago? Do you know where that language  
30 came from?

31 A. No idea.

32

33 Q. All right. Thank you, I think that can be returned.  
34 In your statement at paragraph 21, [SCOI.82080] you talk  
35 about the form, the Bias Crimes Indicator Form?

36 A. Yes.

37

38 Q. And you say it was created by Strike Force Parrabell,  
39 which seems to be accepted, and you say:

40

41 *... and appears to be based on the Bias*  
42 *Crimes Indicators ... that was used by ...*

43

44 you?

45 A. Yes.

46

47 Q. You say there was no consultation with you in relation

1 to the creation of this form; is that correct?

2 A. That's correct.

3

4 Q. And you say:

5

6 *... the basis of the form appears to be*  
7 *based on an incorrect understanding of what*  
8 *the indicators are and how to use them.*

9

10 Is that right?

11 A. Yes.

12

13 Q. Again, could you just tell us what you believe to be  
14 the incorrect understanding of what they are and how to use  
15 them?

16 A. I can't remember the - which document you have shown  
17 me.

18

19 Q. Do you need the form? It's in volume 1.

20 A. Oh, I can speak without seeing it. They mention, as  
21 an example in there, organised hate groups, that if anyone  
22 had associations on COPS, that that would be deemed to be  
23 an organised hate group. That's not how we defined it. So  
24 their understanding about what that category is, in my  
25 opinion, was incorrect. As I said, they've done it, in my  
26 opinion, as a checklist with those bias crime - after each  
27 indicator saying whether it was a bias crime or not.  
28 That's, as I said, confusing. Other experts in the field  
29 had the same issues I did. So, yeah, that's why I say it  
30 wasn't the way that we did it.

31

32 Q. You say in paragraph 21 that the bias crime  
33 indicators - on the fifth line - are utilised as an  
34 aide-memoire within bias crimes investigations?

35 A. Yes.

36

37 Q. You are directing attention there to the fact that the  
38 indicators are used as cues during the investigation?

39 A. Yes.

40

41 Q. Is that right?

42 A. It - in fairness, they can be used in - for Parrabell,  
43 but it's the way it's been done is what causes me concern,  
44 using that form and the way that they've classified it  
45 after each indicator instead of looking at it as a holistic  
46 approach.

47



1 Q. Thank you. Then back to paragraph 40 of your  
2 statement, you see about five lines down, you say:

3  
4 *During the time frame that Strike Force*  
5 *Parrabell operated there was no*  
6 *consultation [with you] with any of the*  
7 *cases.*

8  
9 That's still your position?

10 A. Yes.

11  
12 Q. And we'll come to the dip sample, which you obviously  
13 did participate in?

14 A. Yes.

15  
16 Q. So apart from the dip sample, you say you were not  
17 consulted about any of the cases?

18 A. Not that I'm aware of.

19  
20 Q. Right. Now, a couple of lines below there, you say:

21  
22 *The lack of consultation raised serious*  
23 *concerns as the role of the Bias Crimes*  
24 *Unit, under the two-tier model, was to have*  
25 *the final say as to if incidents were hate*  
26 *motivated, due to the expertise held within*  
27 *the unit.*

28  
29 And you say:

30  
31 *These concerns were raised through the*  
32 *direct chain of command and the Bias Crimes*  
33 *Corporate Sponsor.*

34  
35 What does that mean? Who were these concerns raise with?

36 A. So I raised them with my manager, Shobha Sharma, and  
37 my corporate sponsor, who was Superintendent Danny  
38 Sullivan.

39  
40 Q. He was the bias crimes --

41 A. Yes, and I do believe I even raised it with former  
42 Deputy Commissioner Kaldas.

43  
44 Q. And what was the response from any or all of those  
45 three?

46 A. So at the original meeting that we had in regards to  
47 Parrabell, an agreement was made that we would make the

1 final determination. As Parrabell progressed, we were  
2 seeing none of - nothing. So that's when we started  
3 raising concerns, as Parrabell was doing more and more  
4 cases, the concerns I held were workload for me. I believe  
5 the 12 that I dip sampled took me about a month to do them,  
6 and that was generally on overtime. So we weren't seeing  
7 the cases, there was minimal communication between us and  
8 the strike force, so we didn't know what they were doing,  
9 how they were doing things, and I generally had a concern  
10 that they may be doing things different to how they're  
11 supposed to be done, and that might impact on the results.  
12

13 Q. Now, could Mr Steer have volume 3, please. I just  
14 want to get your response to something contained in an  
15 email. It's not an email that went to you, it's at tab 82,  
16 [SCOI.74420]. I'm sorry, it was an email that was copied  
17 to you. It's an email from Craig Middleton to various  
18 people - well, to Jackie Braw and copied to various people,  
19 one of whom is yourself, on 18 January 2017. And it  
20 concerns or is sparked by, among other things, the dip  
21 sample exercise that was then under way. What I wanted to  
22 ask you about is what Mr Middleton says in the second  
23 paragraph. Just read that to yourself and I'll highlight  
24 the bit I want to ask you about.

25 A. Yes.  
26

27 Q. I should really, to give you the context for this,  
28 take you to the email that this is responding to. It's on  
29 the second page. It's responding to this email from Jackie  
30 Braw, in which Jackie Braw tells Craig Middleton that you  
31 and Jackie Braw met with the person who was then acting in  
32 Shobha Sharma's role in connection with the meeting that  
33 was going to take place the next day, which was the dip  
34 sample meeting. And I'll let you read that to yourself as  
35 well to remind yourself of what was happening.

36 A. Yes.  
37

38 Q. Now, Jackie Braw seems to have had in mind that one  
39 objective was for you on the one hand and Strike Force  
40 Parrabell on the other hand to come to a consensus on at  
41 least some cases if possible. That's what she seems to be  
42 saying?

43 A. Yes.  
44

45 Q. And was that something that was conveyed to you?

46 A. It wasn't conveyed around consensus. The position  
47 that we always took was, under the original agreement, we

1 would make the final determination because that was our  
2 area of expertise. So Parrabell would do their findings.  
3 So if we look at it from the process, that would be the  
4 first responder's investigation, then it moves up to the  
5 next tier and we would look at the case and go, "Yes, we  
6 agree", or "No, we don't, this is what we're going to  
7 classify it as."  
8

9 Q. And was it in your mind that your say would be  
10 determinative?

11 A. Yes.

12  
13 Q. As it were, overruling the strike force's view if  
14 necessary?

15 A. As per the SOPs.

16  
17 Q. As per the Standard Operating Procedures?

18 A. As per the SOPs.

19  
20 Q. I see. Now, what Mr Middleton says, and what I wanted  
21 to ask you about in particular, in the second paragraph of  
22 his email, just about halfway through that paragraph, he  
23 says:

24  
25 *It has always been the case Geoff and the*  
26 *Bias Crime Unit have had complete access to*  
27 *the [Strike Force] Parrabell e@gle.i system*  
28 *from the commencement of the [strike*  
29 *force]. I am happy for Geoff (and indeed*  
30 *welcome his input) or for that matter any*  
31 *other member of the Bias Crime team to*  
32 *access e@gle.i and conduct a review of any*  
33 *or all of the completed review forms.*  
34 *I have always left that up to the Bias*  
35 *Crime Unit to decide how best to conduct*  
36 *their review and how many of the forms they*  
37 *wish to review.*

38  
39 Now, what is your response to that?

40 A. We did have access. I looked at it from a workload  
41 management perspective. There's no way I could go through  
42 Parrabell every day, see which forms are completed, which  
43 isn't completed. The expectation that I had, and always  
44 had, and was expressed, was that as the forms got  
45 completed, that they would be - I would be either notified  
46 "We've completed this one. Go and have a look at it on  
47 e@gle.i", or they would send us the documents and we would

1 look at it, and that never happened.

2

3 Q. When you say "the documents", do you mean the  
4 historical files?

5 A. Not so much the historical files, because we had  
6 access to them on e@gle.i, but the completed Bias Crimes  
7 Indicator Form that they were using, and I think when they  
8 sent me the 12 that I dip sampled, it was on an Excel  
9 spreadsheet as well.

10

11 Q. Now, on the dip sample exercise, you mentioned - you  
12 talk about this again in paragraph 40 of your statement,  
13 [SCOI.82080], perhaps a bit before halfway through the  
14 paragraph, you say:

15

16 *After Strike Force Parrabell completed*  
17 *their assessments, and after raising*  
18 *concerns about the lack of consultation,*  
19 *I was allowed to conduct a dip sample of 12*  
20 *cases.*

21

22 Do you see that?

23

A. Yes.

24

25 Q. So how did that come about? How did it come about  
26 that not having had any cases provided to you for review,  
27 you were then provided with 12? What happened?

28 A. Basically, it was me raising with my manager on  
29 a regular basis that we hadn't seen anything from  
30 Parrabell. "I've got concerns. It's very quiet and we  
31 haven't seen anything." From memory, we were told  
32 originally they were going to send us the cases and they  
33 sent 12 to begin with, so I reviewed those.

34

35 Q. Who was it who sent you the 12?

36 A. I want to say Detective Inspector Middleton but  
37 I could be wrong.

38

39 Q. And what, so far as you know, was the basis on which  
40 those 12 were chosen?

41 A. I have no idea. They were just 12 cases that were  
42 sent to me. I've got no idea how they chose them. I just  
43 assumed that they were the completed ones. I could be  
44 wrong, but my understanding was Parrabell wasn't  
45 necessarily doing it in numerical order. So as they got  
46 completed, they might have been the first 12 that they  
47 completed and --

1  
2 Q. So when these 12 were sent to you, which seems to have  
3 been perhaps in December 2016, had you previously seen  
4 either a blank Bias Crime Indicator Form or a completed  
5 form?  
6 A. No.  
7  
8 Q. You had never seen the blank form till then?  
9 A. No.  
10  
11 Q. So the first time you saw the form was in the  
12 completed state with these 12?  
13 A. Yes, once I did the dip sample.  
14  
15 Q. So that was the first time you realised that was the  
16 methodology they were using?  
17 A. Yes.  
18  
19 Q. And when you did see that, did you immediately have  
20 concerns about that?  
21 A. Yes.  
22  
23 Q. You saw, when you got the forms, that what the strike  
24 force was doing was going through the 10 indicators and  
25 coming to a view and entering a result as to bias crime,  
26 not bias crime --  
27 A. Yes.  
28  
29 Q. -- insufficient or suspected?  
30 A. Yes.  
31  
32 Q. And your work at that point, doing the dip sample, was  
33 to, in effect, accept that way of going about it and see  
34 what you thought?  
35 A. Yeah, so basically the dip sample was to look at their  
36 findings and see whether we agreed with their findings. So  
37 the first point of contention I had with it was the way  
38 they were using the indicators, and then the - some of  
39 their findings we varied, we disagreed on.  
40  
41 Q. Thank you. I'll come to that. But what I want to try  
42 to ask you is, for the sake of your exercise, your dip  
43 sample exercise, did you adopt their methodology, even  
44 though you didn't think it was right, or did you adopt  
45 a different methodology?  
46 A. I'll go yes and no. So what we got sent was an Excel  
47 spreadsheet, and I don't know whether you've seen that

1       Excel spreadsheet. So there was an Excel spreadsheet where  
2       they had their indicators and a summary of their findings  
3       on the indicators. So what I did was then create another  
4       column next to their findings for that indicator and put my  
5       comments based on that indicator. And then while they were  
6       still going, "This indicator is a bias crime", "This  
7       indicator isn't a bias crime", I didn't do that. At the  
8       end of it, I assessed the whole based on all the  
9       information I had access to, and made a determination based  
10      on everything.

11  
12      Q.    Right. Now, do you have - is that volume 3 that you  
13      have there, because it is volume 3 that I need to take you  
14      to?

15      A.    Yes.

16  
17      Q.    If you could turn to, first of all, tab 83,  
18      [SC0I.74229], these are said to be minutes of the meeting  
19      on 19 January 2017 where you were present with Mr Crandell,  
20      Mr Middleton, Mr Grace, Mr Bignell and Jackie Braw and  
21      another person.

22      A.    Yes.

23  
24      Q.    You recall this meeting?

25      A.    Yes.

26  
27      Q.    Have you seen these minutes before?

28      A.    I may have, but they don't stick in my mind.

29  
30      Q.    Now, item 2 is headed "Bias Crimes Unit review of 12  
31      cases", and it says that you tabled a summary of 12 cases  
32      you reviewed and provided your rationale for  
33      determinations, and then various cases are summarised?

34      A.    Yes.

35  
36      Q.    When we get to case number 64 - you will see that,  
37      Webster?

38      A.    Yes.

39  
40      Q.    You highlighted particular matters. And the minutes  
41      say:

42  
43            *All agreed with Sergeant Steer's rationale*  
44            *(and therefore suggesting "Insufficient*  
45            *Information") but decided to leave the*  
46            *determination as "Suspected Bias Crime" ...*  
47

- 1 that being the strike force's designation --  
2  
3 *and maintain flexibility to amend once*  
4 *Flinders University Team have provided*  
5 *their advice.*  
6  
7 Do you see that?  
8 A. Yes.  
9  
10 Q. If you look about four bullets down for the Dempsey  
11 case - do you see that one, case number 67, Dempsey?  
12 A. Yes.  
13  
14 Q. Towards the end of the discussion there:  
15  
16 *All agreed for these reasons on*  
17 *"Insufficient Information" and seek advice*  
18 *from Flinders University Team".*  
19  
20 A. Yes.  
21  
22 Q. Similarly in case number 68, "Meek", do you see that?  
23 A. Yes.  
24  
25 Q.  
26 *Sergeant Steer outlined rationale for*  
27 *"Insufficient Information" and all agreed*  
28 *to amend to this determination and await*  
29 *Flinders University advice.*  
30  
31 A. Yes.  
32  
33 Q. And similarly - well, it's said again at the end of  
34 that same case:  
35  
36 *All agreed to move to "Insufficient*  
37 *Information" and seek Flinders University*  
38 *advice.*  
39  
40 A. Yes.  
41  
42 Q. Now, was somebody saying - you or someone else - that  
43 the final landing or decision of the strike force as to  
44 which classification would be adopted would follow upon  
45 advice from Flinders University?  
46 A. I'm not aware of those conversations.  
47

1 Q. Was that said in this meeting as the minutes appear to  
2 record?

3 A. Oh, I don't recall. I remember the meeting was a  
4 little bit tense in regards to my findings and my  
5 rationales for it. Someone may have made the comment  
6 whether it was, "Wait for advice from Flinders University",  
7 or whether it was, "We'll see what their finding is", and  
8 whatever, but, yeah, it was a tense meeting.

9

10 Q. Right. Well, now, on the third page, the second  
11 bullet point begins:

12

13 *At this point a useful discussion on*  
14 *terminology followed.*

15

16 Do you see that?

17 A. Yes.

18

19 Q. And could you just read to yourself that bullet point  
20 and the three bullet points that follow it?

21 A. Yes.

22

23 Q. Now, do you have a recollection of this topic being  
24 discussed, about changing the classification of "Bias  
25 Crime" to the classification, "Evidence of a bias crime"?

26 A. I do.

27

28 Q. And the suggestion of changing "Not Bias Crime" to "No  
29 evidence of a bias crime"?

30 A. Yes.

31

32 Q. And what was your view about that suggested change?

33 A. I maintain from our perspective, from the unit's  
34 perspective, that we should keep the definitions as we had  
35 them. It was Parrabell's exercise. If they decide to  
36 change them, that was their call. But I still argued that  
37 we shouldn't. However, I did see their logic in it and  
38 I left the final decision up to them.

39

40 Q. And their logic being what, as you saw it?

41 A. The point about - by clarifying or by classifying it  
42 as "Not a bias crime" might be - not - "extreme" is not the  
43 right word, but too final, where, as investigations  
44 progressed, especially with the unsolved ones, more  
45 information might come in which might warrant changing the  
46 classification at another stage.

47



1 Q. Now, the bullet point below that beginning, "Acting  
2 Assistant Commissioner Crandell asked Sergeant Steer to  
3 write a section for the report on this issue explaining the  
4 approach of the strike force and the difference between  
5 their determinations and how [NSW Police] might investigate  
6 such crimes today regarding evidence", do you recall being  
7 asked to write part of the report?

8 A. I do and I don't. I don't remember that specific  
9 conversation, but I did find some emails where, after I had  
10 left, Jackie Braw sent me an email asking if I would review  
11 the report, but I don't specifically remember being asked  
12 to write anything.

13

14 Q. This meeting is January 2017.

15 A. Yes.

16

17 Q. It would appear from the material that the Commission  
18 has that the report, the police part of the report, seems  
19 to have been written at least a year later, in the first  
20 part of 2018. Whether that makes a difference to your  
21 answer I don't know --

22 A. Yeah, I don't specifically remember that conversation,  
23 being asked. I'm not disputing what's in the minutes, if  
24 that's what they said happened, it happened, but I don't  
25 recall.

26

27 Q. Well, apart from this meeting, was there ever any  
28 other communication with you where you were asked, either  
29 orally or in writing, to write part of the report?

30 A. Yeah - well, not write the report, but 2018 Jackie  
31 Braw sent me an email asking if I would review the report,  
32 and Mr Crandell wanted some feedback from me. By then,  
33 I was out of the unit, it was then with Fixated Persons, so  
34 I said "Well, you are going to have to contact Fixated  
35 Persons because that's not my role anymore", to which there  
36 was a response, Mr Crandell said, "If you don't do it, then  
37 no-one else will", and I never saw the report. So --

38

39 Q. It wasn't - the draft wasn't sent to you?

40 A. No.

41

42 Q. Right, thank you. Now, if you'd turn to tab 84,  
43 [SC0I.74430], I just want to go through this list, which is  
44 said to be the 12. I don't know if you remember the names  
45 or --

46 A. No.

47

1 Q. -- whether these were the 12 you recall looking at?  
2 A. I would say that'd be the 12 people I did, but I don't  
3 remember, looking at it.  
4  
5 Q. Well, the way this document is set out is in the top  
6 table, the number and the name of the victim are set out  
7 and then two columns, the strike force's assessment first  
8 and then your assessment second. Do you see that --  
9 A. Yes.  
10  
11 Q. -- for each case. And then the lower table is a,  
12 what is said to be, combined assessment, of the upshot of  
13 the discussion on that meeting in January.  
14 A. Yes.  
15  
16 Q. I just want to go through what that tells us. If we  
17 look at the lower column, the first one, number 50,  
18 "Combined Assessment", "Insufficient Information". We can  
19 tell, can't we, from looking at the top table, that that  
20 was a case where your view was already the same as the  
21 strike force's view?  
22 A. Yes.  
23  
24 Q. With the second one, number 55, your view was  
25 different from the strike force - we can see up top?  
26 A. Yes.  
27  
28 Q. And what's described as the "Combined Assessment" was  
29 the adoption of the strike force's view over - in  
30 preference to yours?  
31 A. Yes.  
32  
33 Q. And the same applies to number 57?  
34 A. Yes.  
35  
36 Q. Adopting the strike force's view rather than yours?  
37 A. Yes.  
38  
39 Q. The next two, 62 and 63, are two that you and the  
40 strike force were already in agreement on?  
41 A. Yes.  
42  
43 Q. And then 64 and 65 are two more where the strike  
44 force's view was the one which prevailed rather than yours,  
45 where there had been a disagreement.  
46 A. Yes.  
47

- 1 Q. Number 66 is a case, the fourth case where the two  
2 views, the strike force's view and your view, were already  
3 the same?  
4 A. Yes.  
5
- 6 Q. Then the next two, 67 and 68, are the only two, as  
7 this form would suggest, where your view has prevailed over  
8 the strike force's view, where there was a disagreement.  
9 Do you see that?  
10 A. Yes.  
11
- 12 Q. And in each case, the strike force had said, "Not a  
13 bias crime" - that is, not a bias crime at all - and your  
14 view was that there was insufficient information?  
15 A. Yes.  
16
- 17 Q. And in those two cases, 67 and 68, according to this  
18 document, your view had been accepted. And then in the  
19 last two, 71 and 72, again, where there had been  
20 disagreement, again, it was the strike force's view which,  
21 according to this document, prevailed?  
22 A. Yes.  
23
- 24 Q. So of the 12, you and the strike force were in  
25 agreement about four to begin with?  
26 A. Yes.  
27
- 28 Q. And in disagreement about eight, and of those eight,  
29 six had been resolved in favour of the strike force and two  
30 in favour of your view, according to this document?  
31 A. Yes.  
32
- 33 Q. Now, in your statement - well, first of all, had you  
34 seen that document we just looked at?  
35 A. No.  
36
- 37 Q. Ever before today?  
38 A. I may have seen it at the time but I don't recall.  
39
- 40 Q. All right. When you were preparing your statement,  
41 did you have it available to you?  
42 A. No.  
43
- 44 Q. In your statement, [SCOI.82080], dealing with this you  
45 say - following the sentence I took you to before where it  
46 says, "I was allowed to conduct a dip sample of 12 cases",  
47 you said:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

*Out of the 12 cases dip sampled I disagreed with the findings of 9 ...*

Do you see that?

A. Yes.

Q. It seems on the face of that document that was 8 rather than 9?

A. Yes.

Q. And you describe some of the disagreements. And then towards the end or nearly at the end of that paragraph you say:

*There was a meeting held where the dip sample results were reviewed and from memory no consensus was met. I do not know if they changed any of their findings.*

Do you see that?

A. Yes.

Q. Now, does looking at that table we just looked at alter that account, or does it not?

A. Yes and no. As I said, it was a tense meeting. There was robust discussion on a number of cases that I disagreed with, and on a number of occasions I said, "We're just going to have to agree to disagree", and what they did with their results I don't know. But I know there was a number that I said, "Well, we're just going to have to agree to disagree", because I don't agree with their points.

Q. Were you sent any document, either the ones we've just been looking at or any other document after that meeting to record what had happened?

A. No. Not that I'm aware of, no.

Q. So that's January 2017. Did you have any further involvement in the work of the strike force after that?

A. No.

Q. And did anyone ever ask you to have any involvement in it after that?

A. I suppose, to clarify it, we did have involvement because I spoke to the academics on a number of occasions, I think after that date.

1  
2 Q. Yes.  
3 A. But, yeah, that was it.  
4  
5 Q. Now, on the academics, let me ask you a few things.  
6 As at the period that the strike force was under way, that  
7 is 2015 into 2018, were you familiar with the work of  
8 Australian academics in the area of hate crime or bias  
9 crime?  
10 A. Yes.  
11  
12 Q. And who were the most prominent or well-regarded  
13 academics working in that field, as you understood it?  
14 A. The two that I worked with the most was Professor Gail  
15 Mason and Dr Nicole Asquith.  
16  
17 Q. And had you heard of Professor Stephen Tomsen?  
18 A. Yes.  
19  
20 Q. What was your understanding of the regard in which he  
21 was held?  
22 A. I really can't comment because - I was aware of him  
23 and I know that he published a lot of articles around  
24 gay-hate crime but I hadn't read them so - and I hadn't  
25 heard anything bad or good for him.  
26  
27 Q. Right. And in the case of Dr Asquith?  
28 A. I worked with Nicole on a couple of things; in fact,  
29 I think 2017 Nicole and I were working on a risk management  
30 project for hate crimes based on her research.  
31  
32 Q. And you were aware of Professor Gail Mason?  
33 A. Yes. I worked closely with Professor Mason as well.  
34  
35 Q. Now, had you ever heard in this period, until they  
36 were chosen as the academic reviewers, of Dr Derek Dalton?  
37 A. No.  
38  
39 Q. Or Dr Willem de Lint?  
40 A. No.  
41  
42  
43 Q. Or Dr Danielle Tyson?  
44 A. No.  
45  
46 Q. Were you asked by anybody involved in the strike force  
47 for your thoughts on who might be a suitable academic to

1 consider for the whole of academic reviewer?  
2 A. No.  
3  
4 Q. If you had been asked, what might you have said?  
5 A. I probably would have suggested either Dr Asquith or  
6 Professor Mason.  
7  
8 Q. All right. Now, I think finally - second to finally -  
9 in March 2017 Dr Dalton sent you an email, which I can show  
10 you if you don't remember it, asking you whether you had  
11 any data or academic support for the bias crime indicators?  
12 A. Yes.  
13  
14 Q. Do you remember that?  
15 A. Yes, I do.  
16  
17 Q. You sent him a response saying, in effect, no, you  
18 didn't?  
19 A. Yes.  
20  
21 Q. And you explained why that was. Perhaps I had better  
22 show it to you. It is in volume 10 at 248, [SCOI.79391]?  
23 A. Yes.  
24  
25 Q. You can see starting from the back of the email chain  
26 that Dr Dalton emails you on 28 February --  
27 A. Yes.  
28  
29 Q. -- about the form that was being used by the strike  
30 force. Do you see that?  
31 A. Yes.  
32  
33 Q. And he says to you:  
34  
35 *We fully appreciate that the instrument is*  
36 *just used as a "tick sheet" or guide to*  
37 *identifying a range of BIAS crimes ...*  
38  
39 A. Yes.  
40  
41 Q.  
42 *... but we really need to know if you have*  
43 *any data or research findings ...*  
44  
45 that speak to the reliability and grounding that underpins  
46 its accuracy and use as an instrument.  
47 A. Yes.

- 1  
2 Q. That was his question. And you wrote back, next email  
3 up the chain, spelling out that the indicators were not  
4 a definitive checklist or tick sheet. You made that point?  
5 A. Yes.  
6
- 7 Q. And you explained that the indicators were designed to  
8 prompt officers to explore bias motivation. If any of the  
9 indicators were present, officers should ask questions to  
10 explore that possibility further.  
11 A. Yes.  
12
- 13 Q. And then you say that because they are a prompt for  
14 officers, there is no research that you are aware of that  
15 assesses their effectiveness. You see that?  
16 A. Yes.  
17
- 18 Q. And you say that as, an operational cop, you could  
19 tell him, from 21 years of policing and 16 years studying  
20 and dealing with bias crimes, that these work when used as  
21 they are designed to be used, and is that still your view?  
22 A. Yes.  
23
- 24 Q. And you spell out this:  
25  
26 *If they are used as a checklist they do not*  
27 *work.*  
28
- 29 And you go on to elaborate that point. Now, that's an  
30 exchange in March 2017. There had also been - and you may  
31 recall this - in December 2016 a discussion, which seems to  
32 have been on either the telephone or perhaps on Zoom or  
33 something, but not in person, in which you were involved in  
34 and Dr Dalton was involved; do you remember that?  
35 A. I think it might have been in person, because  
36 I remember they brought him up and he wanted to look at  
37 Marks Park, and I know we had in-depth conversations about  
38 the indicators and all that during that --  
39
- 40 Q. That was in October 2016?  
41 A. Yes.  
42
- 43 Q. You were present when he came up that time?  
44 A. Yes, yes.  
45
- 46 Q. And had some discussions then?  
47 A. Yes.

1  
2 Q. And at that point, did you know that the Bias Crime  
3 Indicators Form was how the strike force had gone about  
4 things?  
5 A. No, because that was prior to me assessing. So the  
6 first time I knew that they were using a form was when  
7 I got sent it.  
8  
9 Q. Right. So you had some interaction with Dr Dalton at  
10 that meeting in October, and there does seem to have been  
11 another discussion in December?  
12 A. Yes.  
13  
14 Q. And I will just turn that up. It's on 12 December.  
15 Mr Dalton refers to having had a fruitful discussion with  
16 Jackie Braw, Superintendent Crandell, Shobha Sharma and  
17 yourself. You may or may not recall that?  
18 A. Yes, I don't recall that specific meeting, no.  
19  
20 Q. Well, apart from those two or three or three or four  
21 occasions where you had some interaction with Dr Dalton,  
22 was that the extent of the balance of your involvement?  
23 A. Yes. As I said, I remember meeting him when he came  
24 up. I remember one phone call with him, which was once  
25 again about the indicators. And - yeah, and if I was  
26 involved in that meeting, then that meeting.  
27  
28 Q. All right. Now, could you please have volume 7, and  
29 turn to tab 190, [SC0I.77469]. Do you see that's  
30 a document called "Bias Crimes Unit Handover"?  
31 A. Yes.  
32  
33 Q. And it has a date on the last page, which is 15 June  
34 2018?  
35 A. Yes.  
36  
37 Q. And it says it's created by Sergeant Nathan Corbett?  
38 A. Yes.  
39  
40 Q. Who was the acting team leader of the Bias Crimes Unit  
41 at that point?  
42 A. Yes.  
43  
44 Q. Now, you had departed the Bias Crimes Unit the year  
45 before?  
46 A. About June/July, 2017.  
47



- 1 Q. Yes. Now, have you seen this document before?  
2 A. No.  
3  
4 Q. Have a look at page 1, where Sergeant Corbett gives  
5 a history of the unit. Do you see that?  
6 A. Yes.  
7  
8 Q. In the first paragraph he talks about its creation in  
9 2006/7?  
10 A. Yes.  
11  
12 Q. And then he says that in 2009 the position was  
13 de-established, for three years?  
14 A. Yes.  
15  
16 Q. Then in the second paragraph he talks about the  
17 position being created again in 2012, and he talks about  
18 the staffing arrangements over the next couple of years.  
19 A. Yes.  
20  
21 Q. Then in the fourth paragraph he says that in July  
22 2017, the Bias Crimes Unit was affected by a police  
23 organisational restructure and was realigned in the way  
24 that is described there. Do you see that?  
25 A. Yes.  
26  
27 Q. He describes that as happening in an overnight  
28 fashion, which caused 75 per cent of the staff, including  
29 the team leader - being yourself - to leave the Bias Crimes  
30 Unit within two weeks of being restructured. Do you see  
31 that?  
32 A. Yes.  
33  
34 Q. Does that accord with your recollection?  
35 A. Yes.  
36  
37 Q. The team at that point had four people, I think,  
38 including you?  
39 A. Yes. So there was myself, Senior Constable Corbett,  
40 there was our intel analyst and there was the policy  
41 officer.  
42  
43 Q. And he says 75 per cent left. So that was you and two  
44 of the other three?  
45 A. Yes. Nathan was the only one who remained.  
46  
47 Q. Right. So according to this document in the next

1 paragraph, the unit some time later that year was again  
2 realigned within the Counter Terrorism Command from the  
3 Fixated Persons Investigation Unit to the Engagement  
4 Intervention Unit. Now, was that something that you knew  
5 at the time?

6 A. I knew it happened, because Nathan told me.

7  
8 Q. You had left?

9 A. I had left but Nathan had a conversation with me.

10  
11 Q. Why did you leave? Was your position abolished or  
12 what happened?

13 A. Once again, trying to be as diplomatic as possible,  
14 internal politics. So as Nathan points out in there,  
15 I walked in to work one day, was told by my commander to  
16 come and see him and he told me that we had just been  
17 transferred to counter terrorism. There was no  
18 consultation with us. Effective immediately we were  
19 attached to the Fixated Persons Investigation Unit.

20  
21 From memory, a couple of days later we had a meeting  
22 with the then Acting Commander and - I can't - I want to  
23 say Coordinator, Response Group and Counter Terrorism, but  
24 I could be wrong - where he basically told us that we were  
25 attached to Fixated Persons, we weren't doing hate crimes  
26 anymore, we were to do what we were told and shut up, at  
27 which point I politely pointed out to him that I would be  
28 transferring out of the unit.

29  
30 Q. Where did you go?

31 A. I went to general duties at Hawkesbury.

32  
33 Q. Was that your choice?

34 A. It was my choice. I could have remained, but I had  
35 several long conversations with some colleagues in the  
36 States in regards to what had happened. I'd been given  
37 certain information from a number of reliable sources both  
38 within the NSW Police and the New South Wales Government  
39 that I was not popular anymore doing hate crimes and that  
40 the intent was to get rid of me. So I didn't see the point  
41 in remaining in a unit where my work would be undervalued.

42  
43 Q. Now, in the paragraph below that, Sergeant Corbett  
44 says that through November/December 2017, the NSW Police  
45 effectively had no Bias Crimes Unit; do you see that?

46 A. Yes.

47

1 Q. Is that your understanding?

2 A. Yes, as I said - and I think an email was shown  
3 earlier today, to Dr Dalton, we were effectively told that  
4 we weren't doing hate crimes anymore; that none of our  
5 roles were going to continue, we would be looking at  
6 left-wing, right wing and anti-government movements. We  
7 were not to do hate crimes, we were not to train, we were  
8 not to do anything. Hence, why I left.

9

10 Q. According to the next paragraph in this document -  
11 I won't go through the detail of it - the gist of it seems  
12 to be that for some time in 2018 there was only one person  
13 in the team, and for some period that year there were two  
14 people in the team, and in the last paragraph, the  
15 expectation of Sergeant Corbett, writing in June 2018, was  
16 that by some time soon, in mid 2018, there would be no Bias  
17 Crime Unit within the NSW Police. Was that your  
18 understanding?

19 A. My understanding was effectively once we transferred  
20 to counter terrorism, that that was the end of the unit.  
21 What happened after that, as I said, we were told in no  
22 uncertain terms we will not be doing hate crime. So when  
23 I left, my understanding was that the function and role  
24 that we performed had ceased to exist.

25

26 Nathan hung around for a little while longer. I know  
27 I had a couple of conversations with Nathan in regards to  
28 questions he had about things that we did, so I only assume  
29 from that that they were back doing hate crimes again under  
30 the intervention and engagement unit. But what happened  
31 once he left, I don't know.

32

33 Q. Could Mr Steer have volume 4, please, and if you would  
34 turn to tab 126, [SC0I.74679], now, this is your email to  
35 Mr Crandell of 9 June 2018, after you saw --

36 A. Yes.

37

38 Q. -- an article in The Australian newspaper?

39 A. Yes.

40

41 Q. In a few places, including in the first couple of  
42 lines, but you reiterate it in one or two other places, you  
43 were "forced out of the Bias Crimes Unit"?

44 A. Yes.

45

46 Q. When you used that expression in the email, are you  
47 referring to what you have just explained?

1 A. Yes.

2

3 Q. Now, in that first paragraph - no, sorry, in the last  
4 paragraph of the email on page 3, beginning, "Sir",  
5 paragraph 11, in effect?

6 A. Yes.

7

8 Q. Do you see about four or five lines in you say:

9

10 *My experience with hate crimes in the*  
11 *[NSW Police Force] fully supports the*  
12 *concept of organisational cognitive*  
13 *dissonance. If the information supplied*  
14 *differs from the core belief then all*  
15 *information, no matter how relevant or*  
16 *accurate will be disregarded to avoid*  
17 *conflict with core belief systems. As the*  
18 *[NSW Police Force] clearly has fought every*  
19 *attempt to integrate a hate crimes response*  
20 *into every day policing, I am not surprised*  
21 *by the way it has ended.*

22

23 Do you see that?

24

A. Yes.

25

26 Q. Firstly, your description of "organisational cognitive  
27 dissonance", what are you getting at there?

28

A. Basically, what we were doing did not gel with what  
29 the NSW Police wanted.

30

31 Q. In what sense?

32

A. Trying to think of how to word this. So from the  
33 outset, the unit was not popular because there is a belief  
34 that we're a multicultural society and everything works  
35 well. The fact that we have a unit that says that people  
36 don't get on, that there are issues, was always at odds  
37 with that belief system. So there was always tension  
38 between what we did, because we were identifying issues  
39 that people would prefer not get raised.

40

41 Through seven years, I probably spent half that time  
42 defending everything I did. I sought guidance on multiple  
43 occasion from senior officers as to what direction the  
44 NSW Police wanted to take. I was told consistently,  
45 "You're the expert, you do what you want to do", but in the  
46 same breath I would get attacked.

47

1 Q. You would get attacked?

2 A. Get attacked. Get told that, "No, we're not doing  
3 that. This is wrong", et cetera and so forth. So every  
4 time we tried to take a step forward, we would end up  
5 taking two steps back. It was seven years of trying to  
6 convince an organisation that wasn't interested in hate  
7 crimes to take it seriously, that there are positive  
8 outcomes when you do take hate crime seriously, but - yeah.  
9 So that's what I mean, it was basically what we were  
10 promoting wasn't what the NSW Police wanted to hear.

11

12 Q. Now, on a slightly different topic, in this email at  
13 the paragraph numbered 4 you talk about the two models, the  
14 UK and the US, and you then refer to the 10 indicators, and  
15 you stress again that they are not a checklist and never  
16 have been a checklist?

17 A. Yes.

18

19 Q. And is the point you were making there essentially the  
20 points that you have made this afternoon on that front,  
21 about the checklist, or is it a slightly different point?

22 A. It is probably a slightly different point. I think  
23 this email came out of pure frustration. So after all the  
24 work that I had done in regards to this area, I was being  
25 assessed on what Parrabell did, and Parrabell did not do  
26 what I did. They didn't follow my processes. And so the  
27 work that we had done, which we understood, which was well  
28 adopted around the world, was being attacked based on  
29 a misunderstanding of or execution by Parrabell, and that  
30 was my point, is that the indicators - like Mr Crandell  
31 submitted a review of all this; I still technically argue  
32 that was outside his purview because he wasn't doing bias  
33 crimes, he was sexuality and gender diversity, but he  
34 outranks me, it's his call - is they were attacking the  
35 method that we did without understanding the method. And  
36 that was our biggest issue, is everyone jumped to  
37 conclusions about what we did but nobody ever tried to  
38 understand what we did or ask us, even ask us what we did.  
39 They just had their own opinion, and that's what they ran  
40 with.

41

42 Q. On that same point, see the paragraph numbered 9?

43 A. Yes.

44

45 Q. In the last couple of lines you say that he - that is,  
46 Mr Crandell - was told on multiple occasions that the  
47 indicators were not a checklist and that Parrabell used

1           them incorrectly. Do you stand by that?

2           A. I do. When we started this, I gave them the warning,  
3           if it wasn't done properly there would be a negative  
4           backlash. I remember when I started looking at the dip  
5           samples, I spoke to my manager on several occasions saying,  
6           "This isn't what's supposed to be happening, they are not  
7           using it right", et cetera and so forth. So, yeah, I stand  
8           by that.

9

10          Q. Did you say that to him, though, to Mr Crandell?

11          A. Probably not directly, but through the chain of  
12          command I raised my concerns, both through my corporate  
13          sponsor, both through my manager, that I had serious  
14          concerns with what they were doing and how they were doing  
15          it.

16

17          Q. Right. Now, one other thing in that email. Just  
18          a couple of lines above that, you say:

19

20                    *I ... hope that you recall the*  
21                    *conversations that I had with you, that you*  
22                    *recall changing the definition so that it*  
23                    *fitted with the investigation outcomes ...*

24

25          What are you referring to there?

26          A. That would be that discussion that we had when we were  
27          doing the dip sample where they changed it from "Not Bias  
28          Crime" to "No evidence of bias crime".

29

30          Q. And why do you describe that as "a change to fit with  
31          the investigation outcomes"?

32          A. As I said previously, my position was that it should  
33          stand the way that we do it. That's - was adopted  
34          NSW Police Force practice. We should maintain that for  
35          organisational integrity. As I said, I understand why they  
36          changed it, I do understand that point, and it was  
37          Mr Crandell's call. It was - he was running the strike  
38          force, I had no authority in it. I gave my opinion. He  
39          listened to my opinion. He made the decision.

40

41          Q. The last thing, Mr Steer. You need volume 7 for this,  
42          if you turn to tab 195, [SCOI.77445]. These are, as we  
43          understand it, the current Hate Crime Guidelines as  
44          at April 2022. On the page numbered 3 down the bottom, you  
45          will see that there is a publication date?

46          A. Yes.

47

- 1 Q. 13 April 2022?  
2 A. Yes.  
3  
4 Q. Are you aware of these?  
5 A. No.  
6  
7 Q. Have they not reached you in Hawkesbury?  
8 A. I'm unaware that there were Hate Crime Guidelines.  
9  
10 Q. On the assumption that these are the current  
11 guidelines, if you turn to page 16, do you see there is  
12 a heading "Procedures", and then "Procedure Overview"?  
13 A. Yes.  
14  
15 Q. And you will see that the investigating officer is  
16 supposed to note hate crime indicators?  
17 A. Yes.  
18  
19 Q. And then under the second kind of flagged section, the  
20 investigating officer is to enter details in COPS - do you  
21 see that?  
22 A. Yes.  
23  
24 Q. And then under the third section, the incident is to  
25 be assessed and classified by the EHCU - that's the  
26 Engagement and Hate Crime Unit?  
27 A. Yes.  
28  
29 Q. Then, next, that unit - sorry, the HIRC, Hate Incident  
30 Review Committee, assesses the incident and makes  
31 recommendations. And then finally, if the incident is  
32 classified as a hate crime, the investigating officer is to  
33 identify that in the facts sheet?  
34 A. Yes.  
35  
36 Q. Now, do you know if such a procedure is under way or  
37 in force at the moment?  
38 A. I haven't seen anything come out in regards to it.  
39 I'm not aware of one, as a general duty supervisor.  
40  
41 Q. On the next page, page 17, there is a heading "Hate  
42 Crime Indicators", and you can see that although they are  
43 not numbered, if you just take a moment to glance through  
44 them, there are nine of them.  
45 A. Yes.  
46  
47 Q. And although they are not in the same language,

1           verbatim, as the nine that you brought from the United  
2           States, and although the indicator number 1 from the United  
3           States, namely, "Differences", seems to be not there, the  
4           nine otherwise are the same as your 10, are they not --

5           A.    Pretty much so.

6  
7           Q.    Pretty much?

8           A.    Yes.

9  
10          Q.    So does that indicate to you that the officer at the  
11          front line, the officer attending the incident or crime,  
12          whatever it is, if this is the relevant guideline, is  
13          essentially expected to do more or less what was expected  
14          under the SOPs that you devised?

15          A.    Yes.

16  
17          MR GRAY:    Yes, those are the questions that I have.

18  
19          THE COMMISSIONER:    Mr Madden, do you have any questions?

20  
21          MR MADDEN:    Sorry, Commissioner, no, I've got no  
22          questions.

23  
24          THE COMMISSIONER:    All right. Thank you. It is five to,  
25          Mr Tedeschi, do you want to start in the morning?

26  
27          MR TEDESCHI:    I would prefer to start in the morning,  
28          Commissioner.

29  
30          THE COMMISSIONER:    Yes, that's fine. All right. We will  
31          adjourn until 10 tomorrow morning. Yes, thank you. All  
32          right. I will adjourn.

33  
34          **AT 3.55PM THE SPECIAL COMMISSION OF INQUIRY WAS ADJOURNED**  
35          **TO TUESDAY, 13 DECEMBER 2022 AT 10AM**



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