

# Sue Thompson 4th Report to Coroner on Death of Scott Johnson: Formal Response to NSW Police Report, May 2017

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## Introduction

1. This is my revised and final formal statement / report written for the 3<sup>rd</sup> Inquest into the death of Scott Johnson. I am offering my opinion to the NSW Coroner in the matter of the death of Scott Johnson. I state that I also stand by my prior Reports. They contain my truthful opinions.  
Please note my previous 3<sup>rd</sup> formal statement/report is herein amended with additional paragraphs added here for clarification at 24<sup>th</sup> May 2017.  
The changes are these additions:  
new paragraphs 81-96 (paragraph numbers thereafter effected by these additions)  
new paragraph 124.
2. No-one has asked, requested or encouraged me to write this report. I write it of my own volition because of my concern for truth, fair and proper process in matters concerning historical police gay/lesbian relations, historical anti gay/lesbian violence and the historical 'possible gay hate related or prejudice related murders/homicides'. The death of Scott Johnson and the investigation of his death is impacted on by all of these issues. In my opinion it is important to share my historical knowledge on these issues so that they might be considered by the Coroner.
3. My concern arises from my sense of responsibility as one of the few people with relevant and detailed knowledge and experience of this era as pertaining to these specific issues. They were the basis of my work as the NSW Police Gay/Lesbian Client Consultant from 1990-2002.
4. In 2011 I wrote my first opinion Report on Scott Johnson's death for the NSW Police which they submitted to the Coroner. In 2014, I wrote a second opinion Report directly to the Coroner and the Commissioner of Police, prior to the Police completing their Review Report. I intentionally wrote that before the Police completed their Report and was motivated after meeting with the Head of Homicide as I was concerned about what I perceived as an escalating and disappointing conflict that I believed to be unnecessary and hoped might be avoided.
5. I do not hold myself out as a formal court recognised expert according to some strict legal definition or criteria. My use of the term expert is as the average person would use the term, which is in relation to my lengthy experience in and extensive knowledge of these specialist issues. Although I studied Arts/Law and was admitted to the NSW Bar in Dec 1979, I am not, nor was I, a practising lawyer with knowledge of or interest in legalistic details of court practice and procedure. I do not know the strict legal criteria of the term expert in a formal court trial or hearing context.
6. I am not a legal, criminology, forensic, investigative or psychology expert. Instead, I have my knowledge, insights, learning and opinion gained through my extensive experience in a specialist area and I feel a responsibility to share that with the Coroner. Its value is as deemed relevant by the Coroner. I offer my genuine, honest,

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truthful opinions based on my experience and knowledge of these specialist issues. I offer it because of my ongoing sense of responsibility and duty to tell the truth on these issues and to ensure that the particular historical knowledge, held uniquely by me, is available where it should be.

7. Whilst I have a copy of the NSW Police Report I have not read it due to my own health issues with “incomplete quadriplegia” which caused my medical retirement in 2002. I am unable to read as to try to would be far too strenuous for me and at too high a cost in personal physical toll and recovery. This was exacerbated by its unsearchable document format.
8. I have not read the substance of the Report, however, some of its contents have been reported to me by third parties including Mick Willing, Steve Johnson, Daniel Glick and Steve Page. Some of its contents in relation to my list of ‘unsolved possible gay hate-related homicides’ were probably also indirectly touched on by John Lehmann in my discussions with him when he provided me with a copy of the *NSW Police Briefing called ‘Issue: Assessment of 30 potential ‘gay hate’ unsolved homicides by the Unsolved Homicide Team (UHT) to determine if any bias motivation existed’*.
9. Journalist Rick Feneley has sent me some comments made by Det Insp Pam Young in her Report where she questions parts of my earlier reports, my credibility and my opinions. He asked me to respond to them specifically.
10. I will address those specific parts of the Pam Young Report where I have read actual quotes pertaining to my credibility and opinions. I will address some other issues where I have relevant knowledge and experience.
11. In the past I have read transcripts from the first Inquest into Scott Johnson’s death including as I recall the evidence or statements of Doreen Cruikshank, Michael Noone and Steve Johnson. I have read the unsigned 2007 Police Report into Scott Johnson’s death. I have read some parts of the 2012 Police Report to the Coroner. I had some discussions with Michael Noone in August 2012.
12. If there are any other matters which the Coroner or Counsel Assisting the Coroner might specifically like me to address arising out of the Police Report, Scott Johnson’s death or my expertise/experience in anti gay violence and gay hate related homicides then please ask me at any time. I will not be able to attend the Court or give evidence physically at the Court but if needed am open to giving evidence at my home for a limited number of people or perhaps by some video link to the best of my abilities.
13. I would like to state categorically that I have absolutely no grudge with the Police Service, no ill – feeling or desire for conflict whatsoever. I am a bridge builder and peace maker by nature, career and reputation. For 12 years I was a loyal employee putting the police forward in the best light, helping them move forward with honour and credibility on gay and lesbian issues. It was always my advice that telling the truth

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about the errors of the past was the only way to be authentic and have credibility, otherwise the gay and lesbian community would be unmoved and suspicious at best, hostile and critical at worst.

14. I have always behaved professionally towards the Police and prefer to support their reputation where that can be done genuinely. It would have been my preference to only take with me the good memories of working with the many wonderful officers I worked with for 12 years in Police. The last thing I have ever wanted to do is be drawn into some conflict as this. I am greatly saddened and disappointed that this situation has escalated to where it is today and I still wish for resolution, peace and moving forward. There is always a way.
15. After my unexpected medical retirement, I wanted nothing more to do with the issues related to my previous job as they brought up too much grief and sadness related to my injury and massive life change in March 2002. It was only when I read of Scott's death in 2007 that I felt compelled to come forward as one of the few people with contemporaneous information and relevant expertise. I was in some dilemma and hoped that all would be resolved in a few months if I assisted Daniel Glick in how best to explain the issues of beat cliff murders to Police in reasonable language the Police might understand as I knew they had done previously in other beat cliff murders after reviewing their errors and oversights of the past.
16. Criticising the Police is not now, nor would it ever be, my first choice. When I worked at the Ombudsman's Office, the then Ombudsman George Masterman QC called me into his office one day in 1982 or thereabouts and said 'you achieve some of the best results in this office Sue but you mediate everything when you are meant to write wrong conduct reports to Parliament. I know you get fantastic results, the government departments admit their mistakes and fix their systems and the complainants are happy but you are not meant to arbitrate, that is not in our legislation. You are meant to report wrong conduct to Parliament'. I explained that I was not one to hit people over the head with a hammer when you could resolve a problem through consensus.
17. I initially wrote in my 2011 Report on Scott's Death that no blame should be laid at the feet of Police from that time in the late 1980s. I explained the historical context and hoped this would encourage Police to take responsibility themselves and more easily and honestly review Scott's case without the potential impediment of seeming to criticise still serving officer(s).
18. Mick Willing came to meet with me to advise me that Police had finished their Review Report in 2014 and that they were no closer to knowing how Scott died and that he may well have committed suicide. I was surprised and dismayed and asked him whether he genuinely held the view that Scott had not been more likely the victim of a gay hate or prejudice related murder rather than suicide or misadventure. I summarised my reasons for each. I asked him if that was his view using "balance of probabilities" not "beyond reasonable doubt". In that discussion I explained that 'I am

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very loyal to the NSW Police Service but I am more loyal to justice. If your Report comes out saying that then I am sorry but I will have to come out formally with my views and they will not agree with yours’.

19. I reached out again by writing to the Commissioner and Minister in 2014, hoping for some better outcome than was indicated.

**I state again that I was a world recognised expert on gay hate crimes, gay hate homicides/murders – see Police comment “Without verification, Ms Thompson states that she is a world recognised expert on gay hate crimes and homicides.”**

20. I did not in my previous report claim in the present tense that I **am** a world recognised expert. That does not accurately portray what I wrote in my report to NSW Police in 2011. I specifically stated that for many years I **was** a world recognised expert. That distinction goes to the substance of my comment - “I was for many years a world recognised expert on gay hate crimes, gay hate homicides/murders and strategies to reduce gay and lesbian hate crimes. My reputation was a result of my highly respected work and achievements in the NSW Police Service”. I again refer to what I said above in Paragraph 5 regarding the term expert.
21. To go further and address the current Police Force Report’s possible aspersions on my genuine historical expertise in this area I submit a document which I maintained when working in Police (***Police GLL Program, History and Achievements – 31 pages***). In 1990 I was advised by senior public servants that I must protect myself going to work in such a sensitive job in Police as there would be many who would wish I would fail and work actively towards that end. I was advised to record everything, important phone calls, all meetings, all projects etc. That was advice which I took seriously, hailing from a background in law and as an Investigation Officer in the Ombudsman’s Office. I formally opened registered police files on every issue I worked on. I kept detailed records. I was also aware that it is easy and sometimes tempting for an organisation or some within it to re-write history on sensitive issues without a formal traceable, searchable record.
22. That 31 page document is only a brief selective summary yet I trust will provide ample evidence of the international and national reputation I had on these issues, of the many areas where my expertise was sought and a timeline of my annual work and key achievements demonstrating this. When I was employed by the NSW Police, for the most part they appreciated my opinions, professionalism and impartiality and enjoyed their recognition and status achieved nationally and internationally through my achievements. I suggest it was my reputation that assisted the organisation in gaining much credibility on these issues. I am not a different person now to who I was then.

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Although I now have physical disabilities I do not have mental ones, professional or indeed moral ones.

23. I would appreciate that 31 page document being considered. I trust it provides enough context to address any 2014 Police Force comments that could be construed as innuendo that I might be imagining myself as an expert on these issues out of some sort of delusional thinking or egotistical need for recognition. I am not known for either and neither motivate me. Furthermore I have little time and wellness to waste on unnecessary conflict or drains on my limited energy. I only continue to be involved out of my genuine enduring concern for historical truth and fair process.
24. I had extensive experience over many years on gay hate violence and gay hate murders, working closely with detectives and police on these cases from day one in my job in Police Headquarters in Jan 1990 as there had been a brutal murder the week before. That experience and expertise was evidenced and demonstrated repeatedly but specifically by:
- my 458 documented media interviews on these issues from 1990-2002
  - my joint research with PWU in designing, conducting and writing the published Report known as ***Out of the Blue, A Police Survey of Violence and Harassment of Lesbians and Gay Men***
  - my formal research with the Australian Institute of Criminology and the publishing of our formal research in an academic journal, Current Issues in Criminal Justice, following rigorous, formal, academic review.

### **I have not failed to give Police information on gay hate crimes**

25. I do not know if the Police imply in their Report that I failed to give them information but given they did this in published comments in the media on two occasions, I will address this issue as it potentially also goes to my credibility.
26. In 2011 I had written my opinion in the review of Scott's case and sent it to Det Tim Wilson, he then took a statement from me and sent it to the Coroner's Court. I have never failed to give Police any information at any time. I believe in sharing information so that people and organisations can do their best and I do not believe in setting people up to fail or in sabotaging them. Ultimately I probably naively still like to think that we all are capable of being well intentioned and well meaning. I also believe that with knowledge comes the responsibility of sharing it with others. I have no desire, need, energy or physical capacity to be playing games with the NSW Police. I would much rather see them succeed as a credible, honourable organisation.

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27. In July 2013, the Unsolved Homicide Police criticised me in the media for not giving them my research and information on gay hate murders when they had actually not made any contact with me whatsoever or asked me for any information whatsoever. I am medically retired with significant injuries. Perhaps this was an attempt to discredit me and suggest that I was withholding information however I had no idea they wanted any details from me. After reading this article, I immediately reached out to them and initiated contact by emailing my list to John Lehmann on Saturday 27<sup>th</sup> July, advising him I had another spreadsheet full of details and notes but that the easiest list was my Word document.
28. An officer from Unsolved Homicide rang my mobile on Mon 29<sup>th</sup> July 2013. I responded on 30<sup>th</sup> and told her I had already emailed my list to John Lehmann on Saturday 27<sup>th</sup> July. I then emailed both my word document list of possible homicides and also my private spreadsheet list with personal comments etc to Mick Willing on 8<sup>th</sup> Aug 2013 to ensure no miscommunication.
29. Even still on 9<sup>th</sup> Aug 2013 in Goulburn Herald, I read "On the almost 30 unsolved cases cited by the former police gay liaison co-ordinator Sue Thompson and criminologist Steve Tomsen, Superintendent Willing said: "In light of your articles, we again spoke to Sue Thompson and she provided us with her information, or some information. We're still after more information from her. All of her information is being assessed in light of what we had done with the Taradale reviews". I have always been generous and uncensored in giving my information to police.

**Anti gay violence occurred anywhere, right across Sydney, with no arbitrary borders. There is an historical presumption of this violence, not the reverse. It was not then nor is it now my role to give Police names of bashing victims in order to prove violence existed, such a suggestion is ill formed.**

30. It is not nor has ever been my role to name victims in order to prove violence existed. It did, it was an epidemic, everyone in the gay community knew, police knew if they wanted to, senior Police knew, the Minister knew and spoke of it constantly in Parliament as recorded in Hansard. Parliament knew, the Government knew, the media knew. Anyone who says that without names being provided, it didn't exist needs to understand the issues about reporting to police.
31. To suggest that if there is no reporting, then there was no evidence of violence implies this 'We treated you so badly before the 90s, we bashed you in 1978 Mardi Gras and in events after, we bashed you in the Club 80 Raids, we turned you away from our Police stations when you were bleeding after being bashed. Sometimes we harassed you ourselves. We made sure you knew not to report to us because we did not care

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for the most part. And now we say because you didn't report to us, there was no violence'. That is insulting and historically inaccurate. It was the same argument back then. Many police always used that excuse.

32. That is why so much research was done – see my Out of the Blue published survey with Price Waterhouse; see published research with AIC. Any informed senior cop from that era knows the truth about that violence. I have 15 folders of media stories of the violence throughout my 12 years in HQ.
33. I do not need to name victims to know countless bashing victims existed across Sydney and in NSW. I spoke to hundreds. In the beginning they would ring me from all across NSW and even from other States, it was overwhelming. Initially most victims of gay hate crimes would not speak to police. I met regularly with the Police GLLOs. I met with gay community groups. I have the names of the murder victims not of bashing victims. I referred all bashing victims to the GLLOs or Local Commanders for investigation. I researched murders with the AIC. No-one can say bashings did not occur in an area because they were not reported. That is manipulating history.
34. I bear witness to the bashings, the lack of reporting because of Police hostility discrimination and unprofessionalism and the well known widespread lack of Police concern and / or investigation in the 80s.
35. And then there is Scott Johnson, the young man full of life and promise, someone's brother and best mate, someone's beautiful son, someone's uncle who they would never meet. He and all the victims of violence and likely victims of murder (when the victim is murdered there is no witness to testify to the violence) deserve rigorous justice not attempts to rewrite history about the 1980s, the violence, the prevalence, the widespread nature of it across Sydney and the Police institutional response to that violence.
36. It is a nonsense to name any location in Sydney and try to argue that anti gay violence did not exist there in the 80s because it was not reported to a hostile Police Service by people, identifying as part of a group, that was used to 200 years of police hostility and episodic brutality.
37. **Anti gay violence occurred anywhere where there was homophobia, prejudice, hatred and an opportunity to target someone presumed to be gay, in other words, everywhere. That is truth. History shows that this presumption of violence is what should stand.** The reverse is not rational and cannot be argued with credibility. Bashings occurred right across Sydney. There were no borders where bashings began and ended, therefore, this includes Blue Fish Point Manly and surrounds. There is no rational explanation for why it would not.
38. Similarly there were beats in every suburb, whether known to police or not. Human nature has a way of finding a way to do these sorts of things. Some were obvious and



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controversial beats, some were more hidden and secret. Many were known to certain types of teenagers who derived satisfaction, adrenalin rushes, macho bonding and peer approval in hunting out beats like children playing a game of hide and seek or a sport but with a twisted wicked ending. Never underestimate the ability of young people to find things out.

39. There was widespread fear and reluctance to ever report violence to the Police knowing the likely outcome, the refusal to take reports, the victimisation of victims of that violence, the failure to investigate, the seeing the victims as unworthy, the hostility, the open warfare. To now try to say there was no violence in the Manly area, or anywhere, because people did not report, Police did not take reports, keep reports, investigate reports is offensive to those with knowledge of and respect for history and truth. My 15 folders of media articles from 1990-2002 on this violence, my work and our Police and community anti violence strategies contain at least 1,553 pages of published articles.
40. In 2015, to single out one specific area of Sydney and say there was no violence there in 1988, because there was none recorded - is inaccurate and misleading. Even in 1994 in Sydney, the Out of the Blue Report that I wrote with Price Waterhouse, showed less than 1 in 5 reported to Police.
41. In 1988 to report was extremely rare. This began to change after Ted Pickering, then Minister for Police started standing up in Parliament in 1990, revealing the extent of the violence, supporting our work for change and demanding the Police Service be professional and take action. We ran anti violence campaigns in the gay press from Jan 1990 asking people to report and giving my phone number - my phone rang endlessly, and I was informed in one year was the busiest phone number in Police HQ after the 24/7 Media Unit.
42. The first time I heard the term "white paper" I was a student at UNSW Law School - it means to try and rewrite history, blank out the truth, white paper over it. It is one of the most dangerous things to the moral foundation of a society. Historical truth is not negotiable. The end does not justify the means. The only way forward, in my humble opinion, is by truth.



**The Police Report says it is extraordinary that I have recently added a previously unidentified indicator of a gay hate crime and that I have “obviously written this into [my] definition of gay-hate crime with favourable bias for the belief of the Johnson family” (2429)**

43. The author of the Police Report seems to take personal offence at my genuinely held opinions, however, they remain my genuinely held opinions. As I wrote to the Coroner “the indicators of gay hate homicides from various papers that I have written and that we used in the Police Service during my time as coordinator of police gay/lesbian liaison included...”. There are two important contexts here - **“written”** and **“used”**.
44. There were two published, numerous unpublished and countless spoken versions of my list that I used. That is real life, life lived not only on paper. My versions jointly published with the Australian Institute of Criminology in 2000 and 2001 state “some of the possible indicators of a gay-hate related homicide are...”. There are two important words here - **“some”** and **“possible”**. A written word published list was never definitive or exhaustive, nor should anyone think it is.
45. Our list (AIC and NSW Police) published in 2000 includes “absence of other motive” as an indicator. **If asked to explain that I would both then and now immediately refer to the cliff murders, easily mistaken or misinterpreted as suicide.** I argued to include cliffs as a particular indicator because of their importance and an explanation in our published research but I of course respected the expert academic opinion of my joint researcher, Professor Jenny Mouzos (Cartwright) whose academic reputation depended on strict research criteria.
46. Our list next published in 2001 was a partial compromise and included a new indicator of “other indicators emerging after commonsense review of the circumstances” (which adopts a New York Police Dept term).
47. Other versions were developed for conference presentations, international keynote speeches, police training, training of judiciary overseas, powerpoint etc. What I learnt over that preceding decade about gay hate murder indicators could never be confined to bullet points on one piece of paper. As an intelligent, analytical person I have always improved and refined my explanations continually as my own understanding deepens and evolves.
48. In 1999 my Powerpoint presentations, which I have a copy of, showed that 24% of gay hate murders happened at beats. I listed cliffs as an actual weapon. I identified cliffs as the 4<sup>th</sup> most commonly used weapon after knife, hands and feet, heavy object. I did not change indicators for Scott’s case. I knew about cliffs from 1990 and their special importance.

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49. I started monitoring gay hate related murders in January 1990 in my first week in Police HQ because of a brutal murder of a gay man at a beat by teenagers from a nearby school. Det Sgt Steve McCann from Homicide rang me for help.
50. I worked closely with McCann from then. He wanted support in raising the alarm re several unsolved 1980s possible gay hate murders at beats, particularly those at cliffs called suicides. As we gained understanding of the patterns of these crimes and offenders' behaviour, we articulated the indicators so that Police would stop ignoring them and getting it so tragically wrong.
51. We examined many unsolved beat deaths at cliffs, wrongly called suicides or misadventure. I watched the crime scene video interviews with the teenagers who killed Rattanajurathaporn in 1990. I watched one say that 'the easiest thing with a cliff is just herding them over the edge'. I will never forget that interview. It made me pay attention to cliff deaths, all the way back in 1990.
52. Same with my 1990 Homophobia Workshops at Cleveland St High when the kids said 'we go to the cliffs every weekend to bash the pooftas'. The kids knew more about the special role of cliffs in gay hate crimes than police did back then and one could observe, perhaps even now.
53. It wasn't rocket science to see what was happening. McCann and I just weren't blinded by bias or prejudice, we wanted to see, we wanted the truth. It's not rocket science to look at prejudice related killings and see the patterns re locations etc.
54. **It is not hard to see a clifftop location is a definite indicator in a unique and important way. Such a murder is really the only gay hate murder (apart from certain drug overdoses or hot shots) where it is easy to not even realise it is a murder. That makes it unique and requiring of very special attention, consideration and awareness. Most other murders were/are pretty obviously murders. From 1990 cliffs were definitely on my agenda, in my mind and to me obviously the scene of far too many murders, too easily misinterpreted, overlooked or written off by police as suicides.**

**My work expertise on beats and addressing the Police Report rejection of my opinion that many gay men would go to a beat to celebrate some good news they had just received – see Police comment “She provides John Russell and Scott as examples, but two (unproven) examples do not represent typical behaviours”.**

55. I spent 12 years dealing with beats and beat violence. I learnt, contemplated and discussed all the issues around beats continually. Firstly, because ambush murders were happening at them at alarming rates. Secondly, because they were singularly the most heated, emotional and difficult issue when training police, Police Commanders etc. Each time I trained police I had to almost wear body armour for the discussions on beats. It was legendary amongst the Police GLOs who assisted me with training – ‘oh no here we go again, not beats, not again’. It was at times dramatic, for example when educating a large number of selected Patrol Commanders on beats in 1992 at the Sydney Police Centre as referred to in my previous reports. This took place at the request of Commissioner Lauer because of the seriousness of the complaints of police misconduct at beats and the spiral of escalating violence leading to murders: harassment and intimidation by police at beats -> beat users fear of police -> bashings not reported to police -> escalation in number and brutality of bashings -> murder.
56. It was an issue that many police felt very strongly about, to say the least. I knew a lot more about beats and why men went to them, than most people would ever know or want to know in their lifetime. I had no choice, it was a significant part of my job. I had to become an expert on beat users, police behaviour at beats and bashers’ MO at beats. It is possible that I might be one of the most impartial experts on beats. When I say “typically many gay men would go to a gay beat to celebrate some good news they had just received”, I say it because I know it to be a fact. That comment is not an unproven example. Most men never disclose that sort of sexual behaviour. Like many straight men don’t easily disclose cheating on their wives and girlfriends and especially if it means going to a beat.
57. I have always found it important in understanding beats and helping others to understand beats, to realise that beats are really about male sexuality rather than homosexuality (see further discussion below 61-67). It is useful to look at the common denominators in male behaviour rather than immediately lining up the assumed differences between straight men and gay men. In relation to the question of going to a beat to celebrate good news, the question to ask then becomes more appropriately ‘is it common or typical for men to want to have sex to celebrate some good news?’
58. There is also thrill, excitement and risk taking that can be a common or inherent part of masculinity as expressed by some men or indeed expected of men. That same drive can attract men who have sex with men to beats. For example a true story - someone

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might live next door to KKK, a previous famous men's bath/sauna house in Kensington but prefer to go to the night time beat at Bondi.

59. Also entering a gay venue, of whatever kind, whether hotel or sex on premises venue, requires varying degrees of social interaction or a confident mood, whereas a beat does not. Quick, free, anonymous, no performance anxiety, no expectations.
60. Men who go to beats (or went to beats) were men who had sex with men. The previous sociological term was MSMs. There were straight male beats in specific areas where the men adamantly identified themselves as being straight, there were quite social gay beats more about friendship than casual sex, business men favoured beats, truck driver beats, beats frequented by men shopping with their wives on Thursday nights in shopping complexes, very gay beats etc. I had to learn the fine nuances about who uses beats, beat behaviour, differences at different types of beats. I also had to be there for a lifelong friend when she discovered her husband had been going to beats for most of their marriage. She flew to Sydney to ask me as she thought I would be the only person who would not automatically condemn him, could give some explanation that might make sense of her trauma and explain the unfamiliar world of 'men who have sex with men' at beats. She was right.

**My opinion on how beats operate from my perspective gained over 12 yrs working on this complex issue that inevitably attracts much understandable ignorance, many assumptions and a good dose of prejudice.**

➤ **Beats are about male sexuality not homosexuality**

61. A significant part of my job for 12 yrs was about beats and beat violence. There was and is much prejudice and assumption about beats. I trained police on it for countless hours for countless days in endless ways. In any training of police or speaking to police it was always their priority. It always had to be dealt with first before anything else could be discussed. It was the most time consuming, controversial, emotionally charged issue for police.
62. The phenomenon of beats is often very hard to understand. Beats were an historical phenomena, in some areas they may still be. I spent countless hours and days training police about beats and dealing with their understandably emotionally charged response to them. Beats are a complex issue, a complex phenomena.
63. The most effective way I learnt to explain beats was as follows in the next 3 paragraphs.
64. Beats are about male sexuality, not about homosexuality. They speak about men not about homosexuality. Generalising - in a heterosexual context women often create a moderating influence on male sexuality.... think courting and commitment. And my

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line that really made cops understand - Sue: "imagine for a moment, if there were special locations (eg clifftops, public toilets, parks) where women were willing to have free, anonymous, quick sex - no money, no questions, no dating, no dinner, no flowers, no niceties, no commitment....what do you think would happen...the traffic queues would block Sydney!" Cops: "YEAH DEFINITELY!". Sue: "well that is what beats are. No moderating female limits, but two men both happy to have free, quick, anonymous sex. (I am not suggesting that all heterosexual men would join those queues).

65. If police behave unprofessionally at beats then they create an atmosphere where men are too scared to report violence. Without intervention opportunistic bashers escalate into murderers and some into serial killers. And that was exactly what was happening. Many deaths remain unsolved, especially those in cliff areas where the murder could be misinterpreted or ignored as a suicide.
66. Also, out of the history of male homosexuality being a criminal offence, originally punishable by death in NSW and elsewhere (and still in many countries of the world) beats were inevitable. If you were gay or bisexual or wanted male male sexual activity you had to be secret, hidden, and surreptitious or be bashed, killed, murdered, lose jobs, lose families, lose everything.
67. Initially, in training police, I was shocked when asked if there were lesbian beats. If you asked that question to a room full of lesbians back then, there would have been immediate laughter at the ridiculous misconception of it. I thought the answer would be obvious so it forced me to conceptualise and explain the obvious. Of course not, beats are not about homosexuality, they are about male sexuality.

➤ **To assist the Inquest's understanding of whether beats have fixed boundaries or rigid rules of behaviour I state my opinion that beats do not have fixed boundaries or rigid rules because of the vagaries of human nature, varying beat conditions and differing beat users day by day.**

68. Beats do not operate according to rigid predictable rules and customs. Even the question "how did the Blue Fish beat operate" is potentially a flawed question and can be unintentionally misleading and somewhat of a red herring question. The question itself is based on many assumptions. I constantly encountered those assumptions when training police about beats. Police would say "well why don't they (gay men) tell each other not to do x, y or z at beats". I would then explain that gay men do not all share the same brain and behaviours and that gay is not the same, it would be as ridiculous as saying 'well why don't married men not do x, y or z'.

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69. Many beat users would inevitably answer questions of how a particular beat worked based on their own views, opinions, experience, knowledge, assumptions. I think the best way to explain the uncertainty of such a line of questioning is to pose these questions and then hopefully realise there are no fixed reliable answers.

- How does that beat operate for a regular user at that beat?
- For a regular beat user but not a regular at that beat?
- For a first time user at that beat?
- For a first time user of any beat?
- For a rare beat user of that beat?
- For a rare beat user of any beat?
- For a shy and timid beat user?
- For a happy celebratory beat user?
- For a gay identifying beat user?
- For a straight identifying beat user?
- For a bisexual identifying beat user?
- For an 'exploring who I am' beat user?
- For someone who hates the fact that they might be gay beat user?
- For a beat user who's been bashed before?
- For a beat user who's never been bashed?

70. To further understand how vague and misleading is the question of how does a beat operate and how irrelevant it might be, I suggest we understand that there might be two or more distinct 'types' of beat users at a beat at the one time, interacting with each other, and that this will change each beat user's behaviour and the way the beat operates. There are too many vagaries, permutations and combinations for the question to have much value and meaning apart from interest.

71. Human beings are not robots that do pre-programmed things only in certain ways in certain spots, nor are 'gay' men or 'men who have sex with men', nor are beat users; they are not one homogenous sub species of men.

72. Gay men or men who use beats do not all know exactly how beats are meant to work according to some pre-determined, articulated, documented beat rules for different beats that are published in a Handbook that each gets upon discovering he is a gay man. I quickly discovered working in Police that human nature always finds a way, that beats existed in probably every suburb of Sydney and that desire and opportunity dictated what happened there, not rules.

**Suggestion of improper influence on or by Minister Mike Gallacher.**

73. Given the suggestion in the Lateline interviews between Emma Alberici and Pamela Young and Mike Gallacher and my historical knowledge I wish to state my opinion on this issue.
74. It was always essential for Police Ministers to intervene and ensure the right thing was done around homosexuality, hate crimes and police gay relations. If not for successive Police Ministers driving the principles of equity, 'even for gays', and intervening to force the Police Service/Force to take anti-gay violence and murders seriously and treat victims professionally, we would still be in the dark ages of prejudice and violence or barely emerging from them now.
75. All those who care about anti gay violence, murders and hate crimes owe a debt of gratitude to successive Police Ministers for intervening and forcing the NSW Police to address these issues.
76. The Honourable Peter Anderson (Labour) in 1985 intervened and forced the NSW Police to do gay liaison at a time when they were happy to do other community relations roles but not gay liaison. He was inspired to this after his visit to San Francisco where the police asked him what he thought was the most serious crime they faced in that area. He offered some suggestions and then was told that their most serious and common crime was violence against gays and lesbians. On his return he then addressed senior police in New South Wales and demanded that they no longer ignore gay issues and undertake gay liaison. Peter Anderson told me this himself. In 1985 Fred Miller was appointed to that casual position. He was medically retired in June 1989 and there was no replacement for some months until the gay community wrote to the next Police Minister.
77. The Honourable Ted Pickering (Liberal) then intervened and the NSW police set up a permanent full-time position of Gay Client Consultant as part of the newly-established structure of Policy, Planning and Evaluation which included, among other policy positions, program co-ordinators (addressing specific crimes of property theft, car theft, stock theft, sexual crimes etc) and Client Group Consultants to represent the interests of young people, the aged, people of non-English speaking backgrounds, the elderly and gays . I applied for and did that position for 12 years. Pickering became a strong spokesperson about the serious level of violence against gays and lesbians. He stood up regularly in Parliament in the early 1990s condemning the violence and praising my work and the work of the NSW police to reduce it (see Hansard). He was the first ever government Minister in New South Wales to launch a report on violence against gay men and lesbians, The Streetwatch Report written by the Gay and Lesbian Rights Lobby – April 1990.



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78. The Honourable Garry West (National Party) launched two significant reports on gay and lesbian violence at Parliament House in the mid 1990s, despite some intense and protracted opposition from some senior police who did not want factual information about the extent of gay and lesbian violence made public. If not for his insistent intervention the Out Of the Blue Report, a Police Survey of Violence and Harassment against Lesbians and Gay Men (Sue Thompson NSW Police Service and Jewly Sandroussi Price Waterhouse Urwick), 1995, would not have been published.
79. The Honourable Paul Whelan (Labour) supported police marching in the Mardi Gras Parade in 1998 to make a visible statement the police no longer condoned violence nor were allies of gay bashers. If not for his intervention and support at meetings with senior police and myself about this issue they would not have marched nor made the huge impact in reducing gay hate violence that this made.
80. The Honourable Mike Gallacher (Liberal), when a police constable, put his hand up to be one of the police Gay Lesbian Liaison Officers (GLLOs). In those days many GLLOs experienced significant discrimination in the workplace for merely being willing to treat gays and lesbians professionally and with respect. I well remember his excellent attitude and professionalism when I trained him to be a GLLO in my 5 day course at the Police Academy. If he had not been willing to hear Scott Johnson's family's 25 year old plea for help in 2013 then Scott Johnson's case would have remained at the bottom of a pile of 750 unsolved homicides despite his death never being investigated as a homicide at any stage. Gallacher could see that it did not make sense to put Scott Johnson's case at the bottom of that pile sorted by order of chronological receipt by Unsolved Homicide when many of the other cases in that pile would have had some degree of investigation, whether adequate or inadequate. I admire his courage as Police Minister in intervening. I say this with sensitivity and understanding for the plight of the families and friends of anyone murdered. Indeed a close friend of mine's file was also in that large pile of unsolved homicides at that time (Dr Michael Chye murdered October 1989) and I had no idea whether it would ever surface.

### **The role of Police Ministers in the larger context of NSW Police Gay/ Lesbian Liaison**

81. They were dark times in police gay/lesbian liaison until some light emerged in the mid 1980s and then 1990s and even then of course the road was far from smooth and very challenging. Changing attitudes is a long and delicate journey and sometimes newcomers to the journey understandably have no knowledge of the history that has gone before or the intensity of such times. Change is often not linear and there are highs and lows along the way and just as Commissioner Avery said in 1991 'There is still a long way yet to go'.
82. The liaison program didn't even exist until 1985 and homosexuality was a criminal offence until 1984. The history prior to that is easily inferred and well documented by historians, researchers and in the public record. There was a societal, and therefore inevitably police, culture well encapsulated in the story of Police Commissioner Delaney who as Metropolitan Superintendent of Police was quoted in 1952 as saying

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“the two greatest threats to Australian society are communism and homosexuality” (See G. Wotherspoon, *City of the Plain: history of a gay subculture*, Hale and Iremonger, Sydney, 1991, p113).

83. There were countless shining lights inside and outside the Police Service who wanted to make the world a better place and the NSW Police Service a professional organisation that the gay and lesbian communities would work with and could turn to for help with a reasonable expectation that they would get fair and professional service.
84. There were many excellent senior commissioned officers like Executive Chief Superintendent Alf Peate, then Commander of Sydney Police District (later Assistant Commissioner & Region Commander, South Region). His legacy is immeasurable and his support as an ex Detective with a brilliant mind, strategic vision and a huge commitment to community based policing made many advances possible. He championed the way, often invisibly behind the scenes, but with a forceful personality. He continually had my back and especially when the way was rocky. Other great commissioned officers including Assistant Commissioner Bruce Gibson; my first boss Superintendent John Ure who shepherded us through those early days; Supt Peter Walsh who could turn any disaster into something to laugh about and light the path to a solution; Darcey Cluff Commander Inner West who would sit on stage in a gay pub and hear criticisms and concerns and be committed to fixing them; Terry Dalton Commander of Special Branch who worked tirelessly to protect a lesbian church minister from serious harassment and intimidation from a neo nazi group; Jenny Choat of Recruitment Branch who shepherded through gay and lesbian targeted recruitment; and other exceptional ones like John Avery, Christine Nixon, Ike Ellis, Clive Small, Frank Hansen, Irene Juegens.
85. There were many wonderful local level Patrol Commanders (now called Local Area Commanders) like Chief Inspector Kerry Beggs of Surry Hills, Vicki Arender at Newtown, Lola Scott.
86. There were dozens of inspiring cops who put up their hands to take on the additional role of doing Police Gay Lesbian Liaison (Gay and Lesbian Liaison Officers GLLOs) on top of their other general duties despite quite often facing prejudice in that role. They usually never even complained about the downside or told me about it. I guess I didn't either, we were all pretty gutsy and focused on how to fix things, not complain about them. These local level cops were a joy to work with. They constantly showed, through their behaviour and actions, how many people of high calibre, who are true people people, become police for the right reasons. I am very concerned to insult anyone by leaving them out but some who spring to mind include Steve Ford, Jo Watts, Paul Baker (dec), Sharon Holmes, Ron Gould, Terry Harvey, Jo Kenworthy, Sue Trusty, Brad Scanlan, Lesa Londregan, Nikki Twentyman, Kylie Cronin, Adrian Gover, Lee-Anne McDonald, Bruce Mexon (dec), Craig Raymond, Stephanie Robinson, Jackie Cairns, Trudi Crowther, Pauline Bellemore, Robert Fenech, Brad Swan, Jodie Bird, Jason Purcell, Matt O'Neil, and countless others.
87. There were outstanding detectives who wanted to solve these crimes and stop them happening. Detectives like Steve McCann and Steve Page whose dedicated excellent

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detective work helped change the world on gay hate murders. Their work saved lives and changed policing. Similarly David Ainsworth, Graham McNamara.

88. So many courageous cops, senior officers and unsung heroes. Civilians in Police who also did wonderful things like Luke Preston, Sandra Harvey, Mark Davis, Sue Netterfield, Bernard Carlon, Bron Steel. Civilians outside like Jackie Braw.
89. There were also many great community workers, leaders and activists who wanted to see change, worked closely with me and generously with police to make a better future like Carole Ruthchild, Bruce Grant, Cath Phillips, Gail Hewison, Robert French, Nora (Theodora) Savona, David Buchanan, Georgina Abrahams, Sand Hall, Dermot Ryan, Paul van Reyk, David McLachlan, Sue Brooks, Ross Bennett, Dominic Hearne, Stevie Clayton, Peter Grogan, Graeme Greenhalgh. There were workers in community organisations who walked many kilometres with us like Mardi Gras, ACON, PFLAG, AVP, FPA, 2010.
90. There were politicians like Clover Moore, Paul O'Grady. Public servants like Steve Mark ADB, Chris Puplick ADB, Kevin Hume. Key figures like John Marsden.
91. The gay and lesbian media kept us honest and helped us move forward and change opinions: including Barbara Farrelly, Frances Rand, Martyn Goddard, Larry Galbraith.
92. There were occasional disasters but that was rare. This was the era of community based policing and so many decent people both within and outside the Police Service working together for the same goals.
93. The political will of key Police Ministers standing behind and standing up for this work made the world of difference. If not for that support, there would have been many limbs on the tree of Police Gay/Lesbian Liaison that might have fallen off and many people or officers (junior or senior) too wary to climb out on those limbs alone. Ministers made progress possible, through their political support and occasional political intervention and strong stance. Ted Pickering's continued stance can be read in Hansard.
94. Together we were the right people, right place, right time who changed the history of gay and lesbian issues in New South Wales and impacted Australia and several parts of the world. Alf Peate was my chief ally who made so many things possible, we were like the unstoppable team. He would say "that's a great idea Susie, go off and do it and if you have a problem come back and tell me about it but I'm sure you'll be fine". Sometimes he would say "no we can't do that yet we are not ready for that but how about this instead". He had my back often more than I realised. To someone who didn't know Alf he might have looked like an old style detective but he was far from that, he had a brilliant mind, a great heart, a deep and genuine commitment to community based policing and incredibly strategic vision and a strength of personality that meant few would stand in his way. The first time I met Alf in January 1990, I had just started in Police Headquarters and he seemed familiar. At one point when he left the room I stood up and looked at his various degrees and certificates on the walls and realised that he and I had both been to UNSW law school at the same time. The bond was cemented.

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95. There were the constant tragedies of people being bashed brutally and being murdered for no other reason apart from prejudice, hatred and the twisted way in which too many people see half-light and half-truth, sometimes none at all.

96. It is in the context above that I said in my previous report to the coroner at paragraphs 81 and 82:

“If not for ongoing intervention by NSW Police Ministers there would still be an epidemic of hate crimes against gays and lesbians and many of the changes in society that we now take for granted in this country would not have actually happened. The crimes would still rarely be reported to Police. Many police would still be hostile, discriminatory and unprofessional towards gays and lesbians, making sure they never reported crimes and stayed silent invisible victims. Occasionally an officer might bash gays themselves on or off duty. At worst some might pull aside gays and lesbians marching for justice and kick some almost to death in police cells, damaging them physically and emotionally for life. Gay men and lesbians would be regularly bashed and victimised at rates 4 and 6 times the average (Out Of the Blue Survey).

If not for ongoing intervention by NSW Police Ministers there would still be approximately four gay hate related murders in NSW every year. Those convenient locations like clifftops would only be seen as suicides. Some bashers would get away with their repeated violent attacks until they eventually turned into murderers and police would never notice the spiral or where it was heading. Most murders would be committed by young people under 25, often teenagers, wanting to kill a stranger who they assumed was gay because of where they were, how they looked or what they wore.”

On reflection, I feel that those two original paragraphs failed to acknowledge the support given by the many police officers who echoed the views of the Police Ministers and enthusiastically supported their efforts. For that reason I have expanded on my views to recognise those police, many by name but many more un-named, without changing my beliefs about the importance of the Police Ministers in progressing this issue. In doing so, it is also essential to acknowledge the role of so many outside the Police Service.

### **My statement that John Russell was found 'clutching' hair – Police comment that I had misrepresented the facts.**

97. I am not, nor was I ever, nor did I ever want to be, a police officer or a detective, that sort of crime scene evidence and forensic analysis is their role and expertise. I examined the patterns of these crimes; researched; did situation/issue analysis problem solving and policy development and implementation; analysis; organisational change; violence prevention; community relations; bridge building; peace making;

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liaison; getting people to report violence to Police; co-ordinating info on crimes when police had no idea there were patterns happening and then handing that over via Senior Police for proper investigation eg serial crimes of the 90s (police impersonator, gay club pick up - drugging - robbing cases) etc. I think Pam Young was confused about my role.

98. I do not and did not read crime reports. I worked at the NSW Victims of Crime Compensation Tribunal for 2 years prior to joining NSW Police and read violence all day every day, police reports, medical reports, autopsy reports, crime scene photos, coroner's reports, psychologist reports and I resolved that I would never do that again. I was initially shocked when I went to Police that again violence would be such a major part of my job.

99. 'Clutching' was the term I heard used at various times and to my recollection also by police, apparently loosely. Perhaps it was used intentionally for media purposes to bring fear to the potential offender, perhaps I misunderstood it. I have historical media coverage of that case, but it is not to hand at this time.

100. I repeated the term I believe I had heard. My concern was that someone else's hair was on John Russell's hand. It is for Coroners, pathologists, police and lawyers to argue about the import of where it was, the meaning of it and why it went missing.

101. Saying I misrepresented this issue implies I engaged in some deceptive or misleading conduct, which I did not.

### **Hate crimes and narrowing of 'possible gay hate murder/homicide' definition. Relevance of the FBI Uniform Hate Crime Reporting Model to NSW and the problems of retrospective application.**

102. I have observed that the model the NSW Police Force currently uses to assess whether they think a murder is a possible gay hate-related murder is far narrower than it once was. It is probably inevitable that this significantly influences their view on Scott Johnson's death. Their adoption of the FBI Bias Crime model and retrospective application has meant far fewer homicide cases would now ever be recorded as possible gay hate murders or homicides. The FBI bias code is far from universally accepted for identifying these types of crimes for police investigative purposes. It is very narrow and is historically more about flagging domestic terrorism and hate groups that threaten homeland security.

103. I have a different view on the value of using the FBI model for possible gay hate/prejudice related murders. I believe that model is intended to ensure national

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uniform crime reporting in a very different country where there are a vast number of jurisdictions with elected and appointed police and law enforcement officials. Ensuring uniform crime reporting is a very different goal to assisting local operational police in identifying, understanding and solving these types of murders.

104. A hate crime means something quite different whether it is for the general purpose of gathering police intelligence to identify and investigate, prevent and reduce such crimes or alternatively for the specialised purpose of national crime analysis or evidentiary purposes such as for court where for example an additional or “enhanced sentence” may be imposed on an offender for an “aggravated offence” or “aggravating factor”. A hate crime, identified for the broader purpose of operational policing including gathering relevant intelligence and identifying patterns of violence, is one where there are indicators that the crime was targeted ie it was partly bias or prejudice – related. It is important to capture all relevant information rather than rule it out by narrow definition. In the case of homicide this is very important as the primary witness has been killed and cannot assist with the accurate identification and recording of the crime.

105. In my job I collected information on likely gay hate related homicides as a result of early work with homicide detective, Det Sgt Steve McCann, who identified links between several of the murders. That work was continued with Det Sgt Steve Page. It is the shared opinion of myself, Prof Stephen Tomsen (leading international expert on anti gay violence and homicide patterns) and Peter Rolfe (President, Support After Murder) after conducting a conservative review of the homicide lists, that there remain at least 21 unsolved anti gay killings from the 23 year period of 1976-1999 with another 10 (\*typo corrected 5/11/18, original said “2”, should have been “10”) cases requiring further examination. 6 unsolved from 90s, 12 unsolved from 80s, 3 from late 70s (brief review). There are inevitably other cases not yet identified or ruled out in our conservative review due to lack of information to hand. We identified 12 unsolved out of 27 solved\* in the 1980s (ie 44% unsolved) and in 1990s 6 unsolved out of 45 solved\* (13% unsolved).

*[solved\* means where police investigation identified a possible offender, however, in some cases that alleged offender might have been found not guilty or the case no billed].*

106. At last public comment, the NSW Police accept only 8 of those unsolved cases as satisfying their current criteria of gay hate homicide (**8 unsolved over 23 year period**).

107. If today’s police were totally free to apply their now favoured classification method to those 8 cases as well, and were not confined by the history of their own officers or the Coroner publicly recording them as anti gay crimes, then I believe they would now likely only accept one case, Slater, from 1980. In that case, witnesses went on record about the arrested man’s actual spoken intentions that night and his history of having sex with men then bashing them. Only such inarguable, and very rare, evidence would be likely to make police now identify a case as ‘anti gay’ or ‘possible gay hate/prejudice related’. To summarise:



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- Richard Slater, Newcastle, 1980 – witnesses came forward spelling out the gay hate motive & history and it was recorded in evidence
- Giles Mattaini, Bondi, 1985 – Det Sgt Page (in Taradale) & Coroner Milledge
- Raymond Keam, Randwick, 1987 – Det Sgt McCann
- William Allen, Alexandria, 1988 – Det Sgt McCann
- Ross Warren, Bondi, 1989 – Det Sgt McCann, Det Sgt Page, Coroner
- John Russell, Bondi, 1989 – Det Sgt McCann, Det Sgt Page, Coroner
- Cyril Olsen, Rushcutters Bay, 1992 – Police at time discussed case with Thompson & recorded it as gay bashing. Media articles recently used.
- Crispin Dye, Darlinghurst, 1993 – Police at time discussed case with Thompson & reported it as gay bashing in media. Media articles recently used.

108. There are other murder cases where the NSW Police in the past publicly identified them in the media as being gay hate related but I do not have those extensive media articles to hand in any searchable form at this time.

109. My joint research with the Federal Government's Australian Institute of Criminology (AIC) *Gay-Hate Related Homicides: An Overview of Major Findings in New South Wales* had a strict narrow definition as these were not cases identified for police purposes (investigation, patterning and prevention) but for formal homicide research (more akin to uniform crime reporting). Our definition was a homicide where "the victim may have been gay or perceived to be gay and the offender's actions motivated to some significant degree by prejudice or homophobia". The AIC required each case to be independently verified by the NHMP data (National Homicide Monitoring Program) before it could be included in the research. 7 cases were removed for insufficient independent NHMP evidence. 37 cases were verified from 1989-1999 and then researched. This included 29 solved cases and **8 unsolved over a 10 year period**.

110. If Australia's then peak criminology research body verified 8 unsolved in a 10 year period then we can assume there are many more than the 8 police now accept over a 23 year period.

111. If less deaths are identified early on as being possible anti gay murders then inevitably less will be solved. If cases are misunderstood as suicides and misadventure then crucial information can be lost. If they are incorrectly deemed to be suicides or misadventure then they will never even be assessed under the FBI criteria.

112. The collection of intelligence and information on anti gay killings/possible gay hate-related murders needs to be smart enough to capture all relevant cases so that police can detect and intervene in patterns of violence. This is about interrupting cycles of anti gay violence so that they do not escalate to murders. Targetted crime prevention and crime reduction strategies can then be utilised. This is especially important given the historical occurrence of serial offending in these crimes. Undetected serial



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offenders can easily escalate from bashers to killers over a period of time without early police intervention. This is the danger with all crimes of hate and prejudice.

113. This is not about strict FBI Uniform Crime Reporting bias codes, identification that must be used carefully and done “prudently” “only if investigation reveals sufficient objective facts” because it brings with it a greater penalty or gaol sentence or is for purposes of National Monitoring of social problems or domestic terrorism.  
<http://www.fbi.gov/about-us/cjis/ucr/hate-crime-data-collection-guidelines-and-training-manual.pdf>.  
“Due to the difficulty of ascertaining the offender’s subjective motivation, bias is to be reported *only if* investigation reveals sufficient objective facts to lead a reasonable and prudent person to conclude that the offender’s actions were motivated, in whole or in part, by bias. The specific types of bias to be reported, along with their UCR bias codes, are listed”.
114. This is not about court or evidentiary standards of ‘beyond reasonable doubt’ or ‘on balance of probabilities’ or about being prudent as the FBI calls it. It is about Police otherwise not making links, identifying crimes, identifying repeat offenders and responding. It is important to remember that many gay hate related murders were committed in the past by groups of young people who personally told detectives that they had committed dozens, and some said hundreds, of bashings prior to the murder.
115. The definition should be wide enough to identify problem locations, times and perpetrators. If the definition is narrow then police will not be collecting the information needed to protect vulnerable groups targeted by bias and prejudice like GLBTI ie the same old problem continues and history repeats itself.
116. It is about whether there is some indication that the crime was motivated wholly or partly by bias, hate, prejudice, discrimination. If a narrow definition is used to flag crimes in the investigation phase then too many are missed, as history has shown. The FBI classification will sometimes only be satisfied when the offender is in custody and their motivation tested or their intentions proved by a written or heard hate message.
117. It makes no sense for Police to now retrospectively apply a strict FBI code, designed for uniform crime reporting and not for operational police investigations of possible hate crimes, to old possible anti gay murders. To now look for FBI type “sufficient objective facts” with a “prudent person” test to a time 20-40 years ago when police themselves were often incapable of recording truly objective facts about the deaths of gay men, is questionable. Furthermore the cases from 1989-99 have already been tested and verified by the preeminent Australian Institute of Criminology. It is too late to credibly rewrite history.
118. Any narrowing of definition is not what the community needs for the purpose of crime investigation, reduction and prevention or telling the truth about history. With such a serious prejudice related crime as murder, crime prevention should be the common purpose shared by the community and the police. All relevant cases should

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be identified and recorded in order to intervene, apprehend, understand patterns, prevent further cases and solve unsolved cases.

119. As the UK Law Commission's Commissioner for Criminal Law said in a report reviewing hate crimes in May 2014 "the police and CPS may "flag" offences as hate crimes but they adopt a much less stringent test (based on perception not proof)". It is basic common sense that Police records in these cases should be about flagging, not about only flagging what can be proved. Use uniform crime reporting strict definitions for national monitoring if necessary but it is not useful in the operational investigation and solving of crimes. It has been often said that "an assumption is the death of a good investigation".

120. We will never know the true number of anti gay murders at beats that were classified as suicides or misadventure. Neither my research nor Professor Stephen Tomsen's looked at these cases. The beat cliff deaths were still largely invisible to police until Operation Taradale's work 2000-2002 headed by Det Sgt Steve Page. He provided an extensive Police Report to the Coroner in 2003. Coroner Jacqueline Milledge supported his findings and in 2005 handed down her critical report into previous Police investigations.

### **Time to make amends for the tragic clear up rates for possible gay hate related homicides of the 1980s compared to the 1990s.**

121. There is a significant disparity in the clear up rates for gay hate homicides before 1990 and those after (note definition for clear up/solved explained at Para 91). Many men, including Scott Johnson, died in very questionable circumstances in the tragic decade when gay murders were 3 ½ times less likely to be solved by police.

- From 1980-1989 there are **12 unsolved** out of a total 27 anti gay related homicides ie 44% remain unsolved (ie clear up = 56%)
- From 1990-1999 there are **6 unsolved** out of a total 45 anti gay hate related ie 13% remain unsolved (ie clear up = 87%)
- There are at least 3 cases that remain unsolved from the late 70s but this era has not been studied.

122. The percentage of unsolved anti gay homicides was more than 3 times higher in the ten year period before Jan 1990 when the NSW Police embarked on a formal program to improve police gay/lesbian relations. From that time I began monitoring the cases with a strong resolve to reduce the violence and murders. I encouraged reporting of violence, worked with detectives, set up GLLOs, was publicly supported in the media by Ted Pickering as the Minister who publicly condemned the violence. Highly

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respected senior police like then Chief Supt Alf Peate, Supt Darcy Cluff, Supt Ike Ellis stood strongly behind a widespread strategic program for change including work in schools. This can also be said as: The gay hate homicide clear up rate was more than 3 times lower in the decade before Jan 1990.

123. It is my opinion that it is time amends were made for that disparity, in the rare cases where it still can be. I believe Scott Johnson's case is one such case.

124. In conclusion: I cannot comment factually on the investigations currently being undertaken into possible 'gay hate related deaths' or 'anti gay related deaths' (ie suspicious deaths of gay men or men perceived by offenders to be gay, where the motive may possibly be gay hate related or anti gay related). Quite rightly, I am not privy to the details or scope of those investigations, however I would hope and expect that they are thorough and far-reaching. I have no reason to doubt that genuine efforts are being made to determine the causes and motivations behind the many tragic, unexplained, suspicious gay or gay hate related deaths and that the investigations are being approached in a thorough, truth-seeking manner. In view of suggestions that I am questioning the current police investigations I should make it clear that I am not qualified, nor do I claim to be qualified, to question or critique the current investigations.

My overall conclusions about whether particular deaths were more likely to have been suicide or murder may differ from those of the investigators, but those differences are based on my extremely detailed understanding of gay hate crimes during the 1990s, based on first-hand involvement and research during that volatile period and with examination at that time into similar crimes in the 1980s. In expressing any such difference of opinion I do so without in any way questioning the probity of the police investigation. I also reiterate strongly that I am not attempting to influence the outcome of this specific inquest into the death of Scott Johnson. My only wish is to assist the Coroner by offering my direct experience and in depth understanding of gay-hate crime in the era of his death and to complement other direct and indirect evidence that may be relevant to this inquest.

This is my formal report.

Sue Thompson  
24 May 2017

Report amended with additional paragraphs added 24<sup>th</sup> May 2017 for clarification:  
paragraph 1 amended;  
new paragraphs 81-96 added; (this impacts paragraph numbering thereafter) and  
new paragraph 124 added.