

**Submission
No 4**

**INQUIRY INTO GAY AND TRANSGENDER HATE CRIMES
BETWEEN 1970 AND 2010 - 57TH PARLIAMENT**

Name: Daniel Glick
Date Received: 16 January 2020

From: [Daniel Glick](#)
To: [Committee Social Issues](#)
Subject: Invited submission for inquiry into Gay and Transgender hate crimes from U.S. journalist Daniel Glick
Date: Thursday, 16 January 2020 5:01:50 AM

Dear Legislative Councilmembers,

Thank you for inviting me to make a submission for your inquiry into Gay and Transgender hate crimes between 1970 and 2010. I have no objection to this submission being published in full on the Legislative Council's website with my name attached to it if the committee deems it worthwhile to do so.

I am aware of and have read the submission to the Standing Committee on Social Issues by Steve Johnson for the Johnson family dated 8 November 2018, and will not repeat all those details here. In this submission, I share a number of personal and professional observations and questions that I hope might be useful to the committee as it pursues its important work. My comments will focus on what I believe is both a historical *and* a contemporary failure to hold successive NSWPF officers and leaders accountable for their responses to widespread violence that targeted members of the LGBT community for decades. It is clear to me from my experiences that the NSWPF will not independently assume responsibility for its actions, and that the Committee's oversight and forceful actions will be required to ensure necessary change.

Some context for my submission: I am an American investigative journalist who was hired in May 2007 by Steve Johnson, the brother of Scott Russell Johnson, to look into the circumstances surrounding Scott's death on or around December 10, 1988 at Blue Fish Point near Manly Beach. (Scott, a gay, 27-year old American, was pursuing graduate studies in Australia at the time of his death and was living with his Australian partner.) For the record, I am no longer in the employ of Mr. Johnson, and submit this as a private citizen without recompense in the hope it will be useful to your inquiry.

Scott's body was found naked at the bottom of a cliff near Blue Fish Point, and his death was originally ruled a suicide by a NSW Coroner in early 1989. That was changed to an "open finding" after a second Coronial Inquest in 2011, prompted by new information I personally brought to and reviewed with the NSW Coroner's office on behalf of the Johnson family. (A subsequent meeting at the Coroner's office that included police officers is one example among many that illuminates the necessity of checks and balances on the NSWPF leadership: The Johnson family had repeatedly presented this new information to various NSW police officers, all of whom failed to act until the Coroner's office compelled police to investigate. I was in the room in May 2011 when former NSW State Coroner Mary Jerram's deputy Don McLennon asked police representatives if they would investigate the new information; police responded that they would only do so only if ordered by the Coroner. In my presence, McLennon told police to investigate.)

Ultimately, a third Coronial Inquest in 2017 ruled that Scott's death was the result of a homophobia-motivated homicide perpetrated by unknown persons. The NSWPF continued to dispute this conclusion in its presentations to NSW State Coroner Michael Barnes during the inquest.

I first went to Sydney in May 2007 at Steve Johnson's request, with three initial goals: to gather available documents regarding Scott's death; to learn if the place where Scott died was a "beat"; and to ascertain whether there had been incidents of violence targeting gay men in Northern Beaches communities. I had reviewed media coverage of "Operation Taradale," which documented widespread violence against gay men at beats in

the Eastern suburbs around the time of Scott's death. I had been told that this violence had not stopped at the Harbour Bridge.

I reviewed all of the original police reports and documents from Scott's 1989 inquest, which even by the standards of the day detailed a perfunctory police response that showed conclusively that Scott's death had been dismissed as a suicide before any evidence was gathered or interviews conducted. Both the initial police investigation and the police response to Steve's request for an inquest revealed a palpable disinterest in discovering how Scott died.

At the original inquest, NSWPF officers stated that the place where Scott had died was not a beat. Although I am a middle-aged, heterosexual male from Colorado with no specialized detective skills, it only took a couple of days in 2007 to locate and interview several gay men who had frequented the Blue Fish Point beat in the 1980s – including a gay man who had been stabbed there and even heterosexual men who knew about the beat. (During the 2017 Inquest, the Coroner heard first-hand testimony from several men who used the beat and stated that it was extremely popular – sometimes frequented by more than 20 men on any given summer day during this period.)

No effort had been made during the initial inquest to ascertain whether other reports of violence in the Northern Beaches had occurred, and if they may have been linked to Scott's death. I quickly learned through public records and press reports that there had been significant incidents of homophobic violence against gay men of that era in various Northern Beaches beats, including the stabbing at the beat where Scott died and multiple, violent assaults at nearby beats. NSW State Coroner Michael Barnes also heard testimony from more than a half dozen men who *admitted* to having roamed Northern Beaches communities – from Narrabeen to North Sydney – to assault and rob gay men, including at the Blue Fish Point beat. These were all assailants that I learned about during our private investigation; none were identified by police investigators.)

From May 2007 through December 2017, I traveled to Sydney approximately 12 times to continue investigating Scott's death, culminating with the third inquest ruling by NSW Coroner Barnes: Scott had died as a result of a gay-hate homicide committed by persons unknown. During those visits, I spoke with former gang members, gay and straight community members, and current and retired NSW police officers, all of whom confirmed the haunting prevalence of what was casually known to all as "poofter bashing."

What I learned will not be a surprise to you: I would hypothesize that almost every gay man who lived in the greater Sydney area in the 1970s, 1980s, or 1990s either personally experienced homophobic violence and/or intimidation, or knew of somebody who had. Almost uniformly, those men recounted a deep distrust for the police, and several told me stories I could not verify about being treated shabbily by police themselves. I interviewed Paul Simes and Alan Rosendale, for example, and their story, in some ways even more than Scott's case, leads me to the main point I would like to share with the Committee:

There has been a failure to hold police to account for historic wrongs, and an ongoing attempt by the NSWPF to downplay or avoid responsibility for its actions and inactions over the decades this Committee is investigating. As far as I can tell, no NSWPF officer has ever been reprimanded or has been held accountable for any failures on the part of the police to protect people in the LGBT community from sustained, repeated acts of homophobic violence that persisted over a period of decades. This includes officers, past and present, who were involved in Scott's case, as well as officers, past and present, responsible for other failures.

In Scott Johnson's case, I was able to identify dozens of police officers who had worked in the Northern Beaches in the 1980s and 1990s, and who had first-hand knowledge of some of the persons of interest we identified for Coroner Barnes' 2017 inquest. The corruption in the police force during that era has been well documented (i.e. Operation Florida), but there has been no effort to extend those investigations into a different kind of corruption: ignoring the widespread violence perpetrated primarily against gay men, and failing to investigate criminal assaults against gay men. The officer in charge of forensically documenting the scene of Scott's death, for example, did not even visit the top of the cliff to take pictures or collect evidence. (He was ultimately promoted to Superintendent.) The officer in charge of the first inquest, who either willfully ignored evidence or was so unprofessional as to not seek any, also attained the rank of Superintendent.

People have sought to explain some of these failures from 1988 on the culture of the police at the time, as well as prevailing societal attitudes towards homosexuality. However, even decades later, when we brought new evidence to bear on Scott's death, the resounding reluctance of the NSWPF to act was shocking. My personal experiences with the NSWPF, especially the "Strike Force Macnamir" lead investigator from the Unsolved Homicide Unit, does not give me much confidence that any true accountability has been achieved. Even when police were forced to investigate, they were never held to account for the incalculable waste of public resources "investigating" inconsequential tangents to Scott's case in order to defend their original position. They repeatedly ignored solid leads that ultimately became part of the Coronial homicide ruling, indicating to me that these problems persist to this day. I will not belabor the actions of Strike Force Macnamir's officers, but will state emphatically that from our first meeting with the officers in charge, both Steve and I were treated with unprofessional disdain and hostility. Steve's submission goes into great detail on this matter, so I will not belabor the point.

I do not believe that Scott's case was an anomaly. I do not know the current details of the Simes/Rosendale investigation, but from what I know, it appears to present an ongoing effort on the part of the NSWPF to cover up, obfuscate, and otherwise deflect any serious attempt to find the responsible parties and hold them and their commanding officers to account.

Although it is undeniable that the NSWPF has made great strides in improving its policing practices and relationship with the LGBT community over the past decades, the failure of the police to admit its past mistakes and demonstrate its commitment to both truth and reconciliation remains, in my opinion, a roadblock to true accountability. At one point, we submitted a lengthy complaint about police conduct to (now-former) NSW Ombudsman Bruce Barbour, who accepted our complaint and told us there would be an investigation following the third Inquest into Scott's death. It never happened.

I realize that as an American citizen living in this time, I cannot hold my country up as a paragon of institutional virtue either in policing practice or in governance. However, our two countries both believe firmly in the rule of law, and we have multiple ways to ensure that our law enforcement officers and the institutions that oversee them are held accountable for their failures. When those failures include the systematic oppression of a class of people, our societies are weakened. We have both drawn on fundamental principles of policing that seems to have more or less originated with Sir Robert Peel in the early 19th-century UK and focuses on the fact that "policing by consent" requires transparency about police powers and actions, integrity in using those powers, and accountability to the public when those powers are abused.

With this in mind, I commend your efforts to rectify some of these failures, and seek ways to ensure that they do not continue into the future. We have a deep and abiding need for legislators to pass laws that help us live together in civil society, as well as judicial officers that help to interpret those laws as they apply to real human behavior. We also need functioning, moral, and professional law enforcement personnel to protect the most vulnerable among us. When the police fail, they must be held to account. That has not yet happened in Scott's case – either for the men who killed Scott or for the police force that failed to even look for his killers. Nor has it happened for the thousands of people in the LGBT community who, over a period of decades, suffered from these institutional failures. Many continue to suffer today.

If I can be of any service to the Committee, please do not hesitate to contact me.

Respectfully,

Daniel Glick

Lafayette, Colorado

January 15, 2020

Daniel Glick