

Police are making changes: crime expert

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By Bret Christian

WA police are making a big effort to improve the way they investigate serious crimes and correct miscarriages of justice, says an international forensic science expert.

Professor David Barclay has reviewed the Claremont serial killings and the murder of Mosman Park jeweller Pamela Lawrence in 1994.

The completed report on the Lawrence murder clears Andrew Mallard, who served 12 years in jail for the crime.

Professor Barclay has had an insider's view of the way our police work, and has been hired to advise them on improvements to investigation techniques.



Professor David Barclay

Changes made to police forces in the United Kingdom had greatly reduced the chances of wrongful convictions, he said.

Witness and confessional evidence should always be backed up by physical evidence, Professor Barclay said in a recent interview for ABC television

Scientists should be involved in all stages of the inquiry, sitting in with other investigators and contributing to discussions about all aspects of cases.

Professor Barclay has retired as head of physical evidence for the UK National Crimes and Operations Faculty.

He has participated in hundreds of cold case reviews of murders and rapes, with about a two-thirds success rate.

"It does seem to me that WA police are trying to leap forward now to change their systems," Professor Barclay said.

"They've had me back to look at a current cold case and the way they've set up a cold case unit."

A new Special Crime Squad was established in Perth last year to review cold cases which remain unsolved or in which the original defendant was acquitted.

"I'm currently attached as an adviser to a (WA) cold case unit, as part of the major crime squad and that unit includes crime analysts, scientific support staff, myself and detectives all in the same room, all working together," Professor Barclay said.

"It's exactly the sort of integrated approach that I would recommend and that we now use in the UK."

WA was "just catching up".

During the '90s, a UK police district, South Wales, was successfully reformed after a spate of nine miscarriages of justice where the wrong person was jailed.

"That happened in the UK," Professor Barclay said, "and it's happening now in the United States and it may be happening in Western Australia because the police investigative techniques used to rely on identification evidence and confession evidence and writing things up in notebooks and so on.

"And the courts don't like that any more; they tend to rely on physical evidence.

"There are opportunities to inadvertently or deliberately manufacture confession evidence, to put words in people's mouths and sometimes that's really quite innocent on the part of the police.

"So that sort of evidence is now thought to be pretty unreliable in the UK and we've moved over to concentrating on physical evidence.

"I wouldn't say there's anything particularly sinister about it, it's just that that's the same sort of process that we could point the finger at in the UK going back 15 years.

"It's happened definitely now in the United States with the Innocence Project, and it's happening in Western Australia.

"And I think Western Australia is making particular strides, efforts to close that gap, to learn from the lessons that we went through in the UK, the pain that we went through in having to move our systems to an integrated and physical evidence-based approach.

"I think eyewitness identification and sequence of what happened has been comprehensively discounted across the world now, by lots of academic surveys.

"Physical evidence is anything that is physically left at the crime scene, and that includes pathology, fingerprints, blood like DNA and interpretations of those; blood pattern analysis and so on.

"So really any observation, interpretation or physical thing that's left at the crime scene which might be associated with either the offender or the sequence of events.

"In Western Australia at present, and throughout the time of the Claremont case, individual scientists, however competent, tended to be doing their tests in isolation in the laboratories.

"Most scientists are very intelligent, bright people who are interested in detecting crime. They're actually very useful just to sit in, in investigations, because they contribute in all sorts of ways, not just in the tests that they do

"There are three types of miscarriage of justice really, and the most important one is the one where you never find out who did it, because that's a miscarriage of justice, there's no justice at all for the relatives of the victim.

"And of course that also applies if you get the wrong person, because you haven't detected the crime properly.

"And there's another type which is when the conviction is overturned later on technical grounds.

"And that can happen when everybody knows perfectly well that the real offender has been brought before the courts and originally convicted, but they're off because there was some technical breach of judge's rules or whatever.

"The most sinister one is where the wrong person has been convicted and that conviction has been helped along by actions of the police deliberately.

"That may be quite sinister, they may have wanted to fit him up right from the start but it's more likely to be that they're pretty sure he did it, and they helped the confession along or inadvertently give clues to him about movements or whatever.

"It's very rarely a sinister conspiracy from the start, things just run off, they decide somebody's done it and then go after that person to find the evidence that will convict him."

Professor Barclay said most of the nine wrongful convictions in South Wales happened in the 1980s and were detected in the 1990s.

"Appeals went through the courts," he said. "And when those appeals went through the courts it became obvious.

"If that person hadn't done it, the evidence in some areas was so conclusive against them, it must have been fiddled. Statements must have been invented by the police."

Professor Barclay said that in the UK two autopsies were conducted.

The defence had access to independent forensic experts, paid for by the government.

If a murder was unsolved after 28 days, a complete mandatory review of the crime was made from scratch by officers not involved in the original investigation.

If the offender was still undetected after six months, another review would be conducted by officers from another force, with "no contamination of thoughts" from the original officers.

(The full text of the interview can be seen under Beyond Reasonable Doubt - David Barclay interview. at: abc.net.au/austory.