

Lindy Chamberlain Report

Summary of Evidence

Throughout the Chamberlain trial, Lindy's guilt and innocence was determined by the defence and prosecution's use of a range of forensic evidence and witness testimonials.

Core defence evidence involved Sergeant Lincoln's findings of dingo tracks near the tent, surrounding 'unknown' droplets. Furthering this, expert tracker Mrs Winmarti found east of the tent at the top of the ridge a 7 inch wide impression into the sand that appeared to have a woven knitted fabric pattern, correlating with Azaria's clothing, followed by a drag mark of 8 to 10 inches in width (<http://netk.net.au/>). Critical evidence used within the trial was the finding and identification of the baby's jumpsuit by tourist Mr Goodwin 7 days after Azaria's initial disappearance, 4km from the campsite. The jumpsuit contaminated with dirt, vegetation and animal hair also assisted in determining the suspect and potential timeline of events. The fabric had additionally endured lacerations on the left-hand sleeve and the collar which was also severely bloodstained (justice.nt.gov.au). Dr. Andrew Scott, the primary examiner of the blood found in the chamberlain's family tent and on their belongings, deemed the blood found to be consistent with being transferred from a primary source and furthered the idea that the jumpsuit had been cut by a sharp tool instead of torn by an animal. The prosecution further repressed Lindy's innocence through biologist Joy Kuhl, who claimed there was a spray pattern of foetal haemoglobin in the car and on family possessions. Kuhl furthered this by implying that Azaria had been stuffed under the dashboard whilst she was still bleeding, and identification of a camera bag zipper to indicate the mechanism to carry the body. However, the most vital defence evidence was the discovery of the matinee jacket 150 metres away from the original location where the jumpsuit was found. The Matinee jacket found, was highly weathered and presented soil stains, small cuts in the collar, holes throughout the jacket and markings of potential blood staining, consistent with the damage to the jumpsuit (<http://netk.net.au/>).

Explanation of Issues

The Chamberlain Case drew attention to the prominence of issues within the collection, preservation and analysis of forensic evidence and further highlighted how bias and public opinion can alter the justice system and hence result in the false guilty verdict of Lindy Chamberlain. The initial issue within this case was the use of incorrect forensic protocols when investigating a crime scene. The lack of preservation of the crime scene as a result of not securing the cordon led to a range of issues in regards to contamination hence altering the validity and credibility of evidence including the dingo tracks. This misconduct is furthered by the lack of photography at the crime scene as it was noted that all police cameras were not functioning or working at the time. Despite hiring a professional photographer this evidence could not be presented due to a standard in forensic evidence not being met. The mishandling of the jumpsuit by Constable Morris without gloves and moving from its initial location creates inconsistencies in Wallace Goodwin's

testimony and hence hinders the credibility and ability to further trace what may have caused Azaria's disappearance.

Additionally, the techniques used in the search for Azaria and her clothing were apparently ineffective leading to the inability to locate the matinee jacket resulting in the consistent disbelief that Lindy was innocent. Consequently, the early dismissal of Lindy's innocence and potential dingo involvement led to the poor investigation of the alternative hypothesis, causing bias within the media's portrayal and jury members' verdict. Incorrect forensic protocols are illustrated in the misidentification of the substance spray pattern in the family car as blood by Joy Kuhl. The seizing of the family's car 6 months after Azaria's disappearance introduced apparent issues in the validity of the test due to denaturation (www.afp.gov.au/). This inaccuracy is furthered by the use of outdated techniques which influence false positives and the lack of standardised procedures which despite being heavily flawed, acted as critical evidence in incriminating Lindy Chamberlain.

Additionally, the need for multiple coronial inquiries with differing evaluations further posed an issue that disregarded both the work and reputation of the previous coroners, consequently demonstrating the severity of invalid expert opinions in determining the outcome of a case. Initially, Professor Cameron and Dr Jones were called upon by the Crown as Forensic pathologists, to assist in understanding Azaria's cause of death. Both men had no expert knowledge regarding the dingo species and disregarded the speculation of a dingo's involvement immediately (<http://netk.net.au/>). They thoroughly believed their hypothesis that Azaria's cause of death was due to a laceration to her throat, and the bloodstains and markings on her jumpsuit were sufficient enough to prove such. Similarly, Professor Chaikin's expert knowledge in textile fibres was crucial to the case, despite Chaikin having any experience with the canine species and relying on recently conducted experiments on a similar fabric. Chaikin proposed that the damage to the jumpsuit was consistent in a resembling cut made by scissors (www.famous-trials.com/). However, forensic odontologist Dr Brown opposed this opinion suggesting that the markings on the jumpsuit were consistent with being caused by canine dentition. Hair expert Hans Brunner through further investigating Azaria's clothing found dog/dingo hairs, which went against the previous reliance that no hairs had been found in the vacuuming upon collection of the clothing pieces. Furthermore, the ranger of the campsite Mr Roff was only called upon as a witness to testify his evidence for the first trial only. It was believed that his evidence was not 'fresh' and therefore was dismissed, despite having been the first ranger to have arrived at the scene (justice.nt.gov.au/). The dismissal of Roff's statement demonstrates the court's inconsistency in deciding which evidence is deemed valid, despite providing critical information to the case.

Analysis of Issues

The core issues of mishandling evidence and misconduct in forensic protocols by experts highlighted the prominence and hence need for improvement in forensic procedures and standardisation.

A major issue throughout this case was the lack of standardised procedures, practices and processes, especially in the collection and preservation of evidence. At the time, the crime scene was not officially declared and marked off, and hence resulted in public access. This malpractice led to the disruption of potential dingo tracks and contamination of other potential evidence, which ultimately hindered their credibility and hence could not be used in court proceedings. The time discrepancies between the collection of evidence, such as the chamberlain's car, and the crime commission further hindered the credibility of validation tests and identification processes. This is apparent through the denaturation of the blood found in the tent in which prevented the use of accurate individualisation consequently disrupting potential key evidence in the chamberlain's defence and hence slowing of court proceedings. The apparent carelessness of the forensics and police involved is furthered in the location of the matinee jacket. The appearance of the matinee jacket only 150m away from the initial crime scene and within an evident dingo's lair, illustrates that the area was not sufficiently searched (www.afp.gov.au/). This could have been prevented through the application of correct forensic protocols in the initial search and would have increasingly accelerated court processes and prevented wrongful convictions.

Mishandling of evidence was also involved in the investigations into the clothing pieces. Once collected the jumpsuit was vacuumed, hence all visible hair specimens, plant material and soil were removed. This significantly altered the credibility of the evidence source and posed great impacts of change and contamination to critical evidence. This is similarly seen in the Farah Jama case in which the mishandling and collection of a DNA sample resulted in the contamination and hence miscarriage of justice, incriminating Jama for 6 years (www.smh.com.au/). Items from the Chamberlain's tent including the bassinet and blanket that had the presence of blood, were also taken into police custody early on within the investigation. Whilst they were in police custody, the evidence was damaged by a moth infestation due to incorrect storage. Therefore, the bassinet and blanket were unfit to be presented as evidence within the case. Additionally, multiple examinations of the clothing and their transportation to be transported to numerous locations Australia wide, posed a threat to potential contamination.

The mishandling of evidence was a significant factor, specifically, issues that occurred in the collection of blood evidence. Joy Kuhl was an expert forensic biologist brought up by the crown who evidently displayed forensic malpractice, hence her evidence being invalid. The 'substance' that was found in the car believed to be blood was unable to be properly sampled as incorrect methods were

used for testing, hence lengthening the court process. The initial issue within her results was the use of highly likely denatured blood, which meant the proteins would react differently from its original form and portray inaccurate results. Despite this, her outdated testing methods were also flawed as they did not include necessary tests controls of adult and child haemoglobin. This would be essential in the comparison and hence individualisation of the sample, and ultimately minimise potential discrepancies whilst presenting in court. Similarly, the preconceived bias when completing blood tests is seen in the Herman Atkins case, in which was charged with robbery and rape and wrongfully imprisoned for 12 years (innocenceproject.org/).

To prevent these discrepancies, defence validation tests should be made, however was unable to as a result of Kuhl throwing away the plates used to test the blood on. Kuhl additionally used up all the sample within her own tests, hindering her credibility and, leaving no choice but to classify this potential incriminating evidence as inadmissible. The health commission of NSW was heavily influenced by the malpractice seen by Joy Kuhl and other experts, implementing a series of standardisation and control procedures. A core protocol employed was the photography of testing plates, which would evidently minimise errors and discrepancies and hence heighten credibility.

The numerous coronial inquests led to greater confusion and ignorance of the alternative hypothesis and the creation of reasonable doubt. The differentiating perspectives regarding Azaria's cause of death created unreliability against such 'experts' with their incorrect forensic protocols and invalid statements further undermining the validity of their opinions. In addition to the opinion's provided by Professor Cameron and Dr Jones the analysis that Azaria's throat had had to have been cut, was supported through the belief that the neckline of the jumpsuit would have been more severely damaged if she was attacked by a canine (<http://netk.net.au/>). This preposition had a strong impact on society and the media which therefore created potential bias. Cameron further provided evidence that there was a faint imprint of an adult hand on the jumpsuit, which extended the notion of Lindy being the primary suspect and dismissing the concept of a dingo's involvement (www.famous-trials.com/). Evidence presented from the onset of investigations, immediately assumed that findings were linked to Lindy, placing a judgement of guilt upon her. Tests undertaken to further prosecute Lindy were incorrectly done, in continuing to present her as guilty. This is exemplified in a hand print test where Michael and Lindy both presented 3 phalanges, and in a bloody hand print there were 4, however no other connections of suspects were linked (justice.nt.gov.au/). Another key witness was park ranger Derek Roff, who over two years prior to the Chamberlain camping trip had been asking the NT government for assistance in monitoring and managing the nearby dingo population and quoted "if nothing was done, it would lead to a human tragedy" (www.rif.org/). This

governmental negligence forms the basis of potential corruption and bias, especially as this was disregarded in all court proceedings.

The chamberlain case was a case in which drew attention to the prominence of wrongful convictions, improper forensic science, governmental misconduct and inconsistencies around the world. The enactment of the Chamberlain commission of Inquiry, establishment of the innocence project and the national institute of forensic science, enquire into and report on the correctness of the Chamberlain convictions, and acknowledge issues to ensure they were not repeated with the aim of minimising malpractice and preventing miscarriage of justice.

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References

- Acton, C. (2012). Azaria Chamberlain inquest. *Nma.gov.au*.
<https://doi.org/https://www.nma.gov.au/defining-moments/resources/azaria-chamberlain-inquest>
- Allen, C. (2020, August 17). Car at the centre of Azaria Chamberlain case goes on display at National Museum of Australia 40 years on. *ABC News*.
<https://www.abc.net.au/news/2020-08-17/azaria-chamberlain-car-on-display-at-nma-40-years-on/12563336>
- Chamberlain v R (No 2) ("Chamberlain case") [1984] HCA 7; (1984) 153 CLR 521 (22 February 1984). (2015). *Austlii*
http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1984/7.html?contextfl1;queryflindy%20chamberlain;mask_pathfl
- Courtney, R. (2013, November 7). The Azaria Chamberlain Case. *Australian Geographic*. <https://www.australiangeographic.com.au/blogs/on-this-day/2013/11/on-this-day-azaria-chamberlain/>
- Creighton, R. (2010). Forensic. *Lindy Chamberlain-Creighton*.
<https://lindychamberlain.com/legal-process-and-findings/forensic/>
- Lambert, T. (2020, August 17). 'Why didn't she cry?' how Lindy Chamberlain became the poster child for life-shattering gender bias. *Women's Agenda*.
<https://womensagenda.com.au/latest/why-didnt-she-cry-how-lindy-chamberlain-became-the-poster-child-for-life-shattering-gender-bias/>
- Moles, R. N. (1987, May 22). Northern Territory reports: Morling commission report on Lindy Chamberlain case part two. *Networked Knowledge*.
<https://netk.net.au/NT/NT19.asp>
- Morling, T. (1987). Royal Commission of Inquiry into Chamberlain Convictions

Report. *Commonwealth Parliamentary Papers*, 15(192).
https://justice.nt.gov.au/__data/assets/pdf_file/0005/209057/azaria-hamberlain-appendix-av-web.pdf

Super User. (2012). The Trial of Lindy and Michael Chamberlain ("The Dingo Trial"). *Famous-trials*
<https://www.famous-trials.com/dingo/457-home>

Szego, J. (2014, March 29). Wrongfully accused. *The Sydney Morning Herald*
<https://www.smh.com.au/national/wrongfully-accused-20140324-35cga.html>