

**INQUIRY INTO UNSOLVED MURDERS AND LONG-TERM
MISSING PERSONS CASES IN NEW SOUTH WALES
BETWEEN 1965 AND 2010**

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The Hon. Jeremy Buckingham MLC

Submission for Parliamentary Inquiry

Long Term Unsolved Cases: Missing and/or Murdered Persons By Dr Louise Steding (PhD, BA.hons, ANZFSS, AACAI)

Dr Steding is an archaeologist and criminologist. Louise has taught forensic psychology and forensic science, criminology, and policing at university levels, as well as policing at the academy. She is a practitioner of geographic and landscape profiling, psychological profiling (victims and offenders), and forensic archaeology (methods for locating and recovering deceased missing persons)

No individual or institution alone will solve some of the long-term missing persons cases. By their definition, such cases have no active leads. It is my request that the Police and their Forensic Services be more inclusive of less mainstream behavioural, empirical and social science specialists. Further, that access to casefiles, inquests, and other information vital for research and searches be released earlier to a wider group of approved 'stakeholders' by the coroner and police.

1. For missing persons (presumed deceased), my focus is on search methods and combinations thereof in real circumstances. I study older roads and access routes along with shafts, wells, early construction details, modified landscapes, and other challenging search items and areas. As with any scientific approach, I require access to information for planning and preparation prior to attending a crime scene. However, restriction to information like transcripts of police interviews or sketches by persons of interest, considerably reduce the effectiveness of my input. Signing confidentiality agreements and/or reasonable redactions are solutions which can apply to all professionals.

2. Restricted access to medical examiners reports and witness statements should never be denied to an investigating professional or to family members. The following examples are of general difficulties experienced by non-police.

Case example: 1972: Disappearance of friends and travelling companions Robin Hoinville-Bartram (murdered) and Anita Cunninham (missing).

a). I was kindly granted access to a medical examiner's report and witness statements by the Queensland Coroner which, on reading, informed me that a victim (Robin Hoinville-Bartram) was murdered and buried by an offender rather than her body having washed down a creek. Access to such information can provide vital information recognised by some and not by others (both police and non-police).

b). Robin Hoinville-Bartram's travelling companion Anita Cunningham remains missing. Anita's brother David Cunningham continues to search for her. Because Anita's brother is not a family member of the murder victim (Robin), he was denied access to reports and statements pertaining to the murder of Robin Hoinville-Bartram. Yet many of the documents that I have read provide indirect information relating to the disappearance of Anita Cunninham (the likely circumstances of her disappearance and

the location of her death). While inquests are generally used to disseminate information, no inquest was held for Anita Cunningham. She remains 'missing' and according to police her files are restricted to 'protect the investigation'. But what investigation? That of Robin Hoinville-Bartram or that of Anita Cunningham? Some 54 years have passed.

During this time Anita Cunningham has been blamed and defamed (as shown in a *60 Minutes* interview of a clairvoyant). The family of Anita Cunningham has suffered severe neglect by the 'system'; her mother now being deceased and her brother being left to turn for help to non-police specialists, media, and former police. The competence and dedication of many good police officers continue to be doubted. As for 'Justice', it has been shown not to have been done. Of course, not all murders are solvable, nor do all missing people want to be found. Nonetheless, non-police specialists should have much greater ease of access to information so that we too may do our jobs. Yes, we may well uncover flaws in investigations or the system. The aim is not necessarily to discredit, but to build upon and improve.

We do need solutions. Some may be:

- a) Not to separate the investigation of cases into 'missing' and 'homicide', especially where two people are known to have been travelling companions or otherwise together.
- b) Where a person is missing, an inquest can likely establish whether that person may be presumed deceased. Such public inquests should be held as early as possible and no later than 3 years from the time the person went missing.
- c) Inquests should be reviewed at least every 6 years and include assessments of case reviews required to be performed by police every 3 years. Empirical, behavioural, and social sciences are advancing at an astonishing rate.

3. Personally, I have found the QLD Coroner's Office to be very helpful. They considered me to have "sufficient interest" in several cold cases. I cannot say the same of the NSW Coroner's Office. As part of the application to access records of unsolved cases dated between 1963 and 2000, in NSW applicants must submit a Form 24 along with a death certificate of the deceased person along with the applicant's relationship to the family. This is highly restrictive for researchers of cases that occurred between 63 years and 26 years ago.

Of course, for unsolved cases this has to do with the release of potentially sensitive information about witnesses, persons of interest, and police investigations. Again, a solution is to open files from perhaps 20 years (or sooner) with reasonable redactions. After 50 years there should be few, if any redactions. After 50 to 70 years (State variation) restriction cannot be to protect the integrity of ongoing inquiries. These figures should be unified across States and Territories, given that crimes transcend such boundaries. I might add that very little is private nowadays and conspiracy theories do more harm than truth.

4. For many specialists, research goes beyond documentary and testimonial evidence. Access to potential physical evidence is vital. For my work, I simply need a complete list of surviving evidence, its storage method, and location. A list of such items would allow qualified non-police specialists to suggest approaches or methods to extract further information as some methods advance and others are attaining greater acceptance. Access or collaboration would also allow testing and possibly new leads from both public and private sector.

5. Among the many unsolved missing or murder cases, the list presented by Police is incomplete. The reasons for this are likely to be historical, cultural, and social. One impact for researchers is that we are working with incorrect statistics. For example, in my studies of the 1970s I could not help but notice that

Aboriginal people were underrepresented. I have since been trying to 'close the gap' for all States and Territories and have received widespread support from Aboriginal people.

6. I would like to see the reintroduction of a single inclusive experts list for police to refer to. This list would need controls.

- a) It should be compiled by an assessment committee consisting of Police and their forensic services, independent qualified practitioners (Masters and PhD) and university representatives, as well as skilled accredited persons.
- b) All members of this committee should be changed every 3 years. This is to avoid unintentional or intentional bias, or the unjustified exclusion of perceived less important applicants.
- c) This list should be reviewed at 3-year intervals under the new committee.
- d) All applicants need to be appropriately qualified and experienced.

7. Different potential crime scenes require different approaches.

Case Example: Excavation in Search and Recovery

Some years ago, I was requested by Police to assist with a search in bushland. I was asked to attend "as a last resort" to "demonstrate the diligence of police" at an upcoming inquest. The officers showed me an area to search. Based on my knowledge a search of this area would have been a waste of time and resources. Instead, I suggested changes to the warrant allowing the initial search area to be reinvestigated using different methods. After 10 years, my input took 2.5 hours and police officers who would listen to my rationale. They found him.

Where police and specialists work together, the police 'plan of action, should carefully consider when which expert enters the scene. The following examples are based on my own specialty as an archaeologist/criminologist.

Case Example:

- a) In searching bushland and coastal regions, for example, it would be prudent of police to call in archaeologists as a first or early resort rather than the last. We read the landscape differently from police and are used to looking for various human impacts or disturbances.
- b) When human remains are located, an archaeologist should be present for the recovery process. For example, in a case involving the recovery of human remains, soil samples were not taken from advised locations. Information from such a collection could have provided an answer to a coroner's question.
- c) As an archaeologist, I also use machines in excavation. It would be the last item brought to a search area, following techniques to close-in on a likely location.
- d) Perhaps the 'Officers in Charge' of crime scenes should have a checklist to record which specialists they sought advice from – who, when, why, from where, and if not, why not.

8. Another question might be added to this checklist: Was the specialist paid or unpaid by the Police. The Police Force is a centralised government organisation. Expecting non-police specialists to work for free is inappropriate and demonstrates a lack of understanding of the value of expert knowledge and skills. No expert should work for free. Although cold case units have comparatively few officers and lower funding, it cannot be that cold cases freeze over. Insufficient funding, low recruitment, even insufficient storage space, have feasible solutions - other than families feeling that they have to turn to the private sector.

Respectfully yours,
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