

# HOMICIDE: THE NORTHERN TERRITORY PERSPECTIVE

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THE NORTHERN TERRITORY COVERS AN AREA OF 1,346,200 SQUARE KILOMETRES (17 per cent of the continent) extending from the islands and the coast of the tropical Top End (12 degrees south) to the arid regions of the Centre (25 degrees south). The Northern Territory's population of approximately 157,300 is largely confined to the major centres with about 73,300 situated in Darwin and 24,000 in Alice Springs. The only other major population centres are Katherine (7,500), Tennant Creek (3,000) and Nhulunbuy (3,400). The remainder of the population (46,100) is scattered throughout the Northern Territory in small, isolated communities (Australian Bureau of Statistics 1990a, p. 1).

Almost one-quarter of the Northern Territory's population is made up of Aboriginal and Torres Strait Islander peoples (Australian Bureau of Statistics 1990b, p. 21). The median age for Aboriginal people at 30 June 1986 was nineteen years, compared to around twenty-six years for the Northern Territory as a whole: the national median age is 31.4 years (Australian Bureau of Statistics 1988, p. 15). Aboriginal males and females are fairly equally proportioned in all age groups although, overall, females make up 2.5 per cent more of the population. In the non-Aboriginal population of the Northern Territory, there are higher numbers of males in each age group and overall there are 4.5 per cent more males than females (Australian Bureau of Statistics 1986, p. 29).

## **Crime Rates—Interstate Comparisons**

As at 30 June 1991 the Northern Territory was policed by 721 sworn officers or approximately 450 police officers per 100,000 population (Northern Territory. Police Fire and Emergency Services 1991, p. 63). This makes the Northern Territory the most policed jurisdiction in Australia. Nevertheless it continues to experience a far higher crime rate than other jurisdictions, particularly in relation to crimes of violence. For example, between July 1987 and June 1989, the average number of reported murders in the Northern Territory was five times the Australian average. However, it is not only the offence of murder in the Northern Territory which rates significantly in the national figures: the rate of motor

vehicle theft in the Northern Territory was only exceeded by New South Wales during that same period and reports of unlawful entry were over twice the national average, although problems with the definition of the 'unlawful entry' offence may account in part for this variation (Police Commissioners' Australian Crime Statistics Sub-Committee, various years).

Alcohol was a factor in the commission of over half the offences for which an offender was arrested or summonsed. For example, in 1988/89, 52 per cent of offenders were affected by alcohol, 57 per cent in 1989/90 and 59 per cent in 1990/91 (Northern Territory Police data). Indeed, the high rate of alcohol consumption (nearly double the national figure) is clearly one of the factors which contributes to our higher crime rate (Palmer & Murphy 1990). Various strategies are in place to reduce alcohol consumption in the Northern Territory, such as protective custody legislation, although this is primarily a means of affording protection to those who are found drunk in a public place. In 1989/90, there were just over 30,000 apprehensions for protective custody and in 1990/91 just over 31,000. Approximately 88 per cent of those taken into protective custody between 1981 and 1987 were Aboriginal (Northern Territory. Police, Fire and Emergency Services [various years] ).

Unfortunately, in proportion to their population in the Northern Territory, Aboriginal people are also over-represented in crimes of violence. For example, from 1 January 1989 to 31 December 1991, of the seventy-two homicide victims, 65 per cent of the victims were Aboriginal and, of the known offenders, 68 per cent were Aboriginal (Northern Territory Police data).

### **Northern Territory Homicide Situation**

Two analyses of Northern Territory homicides have been conducted. They relate to homicides reported to police or becoming known to police during 1988 and also during the financial year 1990/91.

During 1988 there were twenty-three incidents involving twenty-eight victims (five in one incident, two in one other) and twenty-three offenders. In 1990/91 there were twenty-seven incidents involving twenty-seven victims and forty-three offenders (eleven in one incident and five other incidents involving two or three offenders).

#### *Alcohol-related incidents*

Despite the small sample involved in these analyses, it appears that in the majority of homicides alcohol was a significant contributory factor. In 1988, 78 per cent of suspects were considered to be affected by alcohol at the time of the commission of the offence and a small percentage were affected by some other drug. In 1990/91, 70 per cent of offenders were affected by alcohol, none by other drugs.

#### *Victims*

A majority of victims were also affected by alcohol (61 per cent in 1988 and 74 per cent in 1990/91). The majority (61 per cent) of victims in 1988 were Aboriginal males, with 82 per cent of all victims being Aboriginal. Aboriginal

females outnumbered European females two to one. In 1990/91, 59 per cent of victims were Aboriginal (eight male and eight female). Again, there were twice as many Aboriginal female victims as European female victims. This time, however, 26 per cent of victims were European males.

### *Suspects*

In relation to suspects, in 1988 the majority of suspects were Aboriginal males (83 per cent). Seventy-eight per cent of all suspects were aged between twenty and thirty-nine years. The majority were either unemployed or unskilled (35 per cent and 44 per cent respectively).

Again, in 1990/91 the majority of suspects were Aboriginal males (63 per cent) and, again, the majority of all suspects were aged between twenty and thirty-nine years (63 per cent). Fifty-four per cent were unemployed and a further 19 per cent were unskilled. No offenders were described as being in 'professional' employment.

### *Location of offences*

Most incidents took place in the rural areas of the Northern Territory, including Aboriginal communities (75 per cent in 1988, 60 per cent in 1990/91) with the majority occurring either within the victim's home or in a public place.

### *Weapon used*

Weapons used in the commission of offences varied considerably. They included firearms, knives, sticks, rocks and motor vehicles. In 1990/91 there were several strangulations. In 1988, firearms were used most frequently (36 per cent). In 1990/91, knives featured in 37 per cent of the cases with firearms being used in only four incidents (15 per cent).

### *Relationship of suspect to victim*

In 1988, the majority (87 per cent) of suspects and victims were known to each other.

In 1990/91, 93 per cent were known to each other. One in four of the suspects were married to or de factos of the victim. Another 30 per cent were 'family' members who were related by blood or through cultural ties.

### *Motive/Cause*

In 1990/91, 89 per cent of homicides resulted from arguments, generally of a domestic nature. Many were described as either resulting from sexual jealousy/rivalry or because of some trivial matter. One death resulted from a robbery and two from unlawful sexual assaults.

Certainly the Northern Territory experiences its share of bizarre, cruel and perplexing homicides, but most of them occur apparently as a result of a spur of the moment decision. The loss of life is rendered even more tragic because of the apparently trivial nature of the precipitating factors in most incidents.

## Strategies In Place

### *Domestic Violence Legislation*

In the 1990/91 survey, 23 per cent of homicides involved offenders who were married to, or in a de facto relationship with, the victim. In all but one incident, the victims were female, and in all but one both the victim and suspect were Aboriginal. In another three incidents, the thirteen offenders were closely related to or formed part of the extended family of the victim. It is often the case that domestic violence resulting in death for one partner is the culmination of many years of abuse by the man on the woman, such abuse becoming more and more violent.

It is not clear whether this cumulative effect of violence is such a factor of homicide within the Aboriginal population. Audrey Bolger, in her report on Aboriginal women and violence, cited various writers when commenting on the level of violence in Aboriginal communities. They have noted that physical force is used for both punishing wrongdoers and as a means of resolving disputes. Studies showed that women were almost as likely to become involved in fighting as males and in approximately 50 per cent of incidents, women initiated fights. Nevertheless, a woman was more likely to be injured or to suffer greater injury than a man. Almost half the fighting occurred between husband and wife (Bolger 1991, p. 1).

As a result of continued requests by certain sectors within the community and research conducted into the extent of family violence within the Northern Territory (*see d'Abbs 1983*), legislative amendments were made to the existing rather ineffective law.

Commonly referred to as the Domestic Violence legislation (*Justices Act [NT]*, ss. 100AB–100AK), which commenced on 1 October 1989, the amendments have provided police with the power to remove perpetrators of violence from their family home where there are reasonable grounds to believe that the spouse is in imminent danger of suffering personal injury or an aggravation of personal injuries already sustained. Amendments have also provided for applications made by police for restraint orders to be made by telephone, more effective methods of serving summonses, increased powers of entry and further considerations to be taken into account in granting bail.

### *Government alcohol policy*

Earlier in this paper, it was acknowledged that the Northern Territory alcohol consumption rate for the year 1986/87 was almost twice that of the national average. In order to combat the problems associated with such high consumption, the Northern Territory Government has recently implemented an alcohol strategy designed to reduce the length of trading hours and the number of liquor outlets. Government has called for an increase in the retail price of liquor which contains 3 per cent or more alcohol, targeting wine, spirits and full strength beer. The rationale is that increases in price and a reduction in outlets and trading hours will encourage the vast majority to consume less alcohol and less high alcohol content beverages. Flow-on advantages presumably will include less alcohol-related deaths on the road,

more 'take home' pay for the benefit of the family, and less alcohol-related violent offences. The results of this strategy are yet to be seen.

*Firearms Bill and gun control*

In February 1990 the National Committee on Violence published its final report (Australia 1990) and included several recommendations relating to firearms control. The Northern Territory Government agreed to examine those recommendations and, if appropriate, to incorporate them into the existing *Firearms Act* (NT). In fact, in October 1991 a Northern Territory Firearms Bill was introduced into the Legislative Assembly. It included some of the National Committee on Violence's recommendations.

There are several features which quite dramatically alter the existing legislation. They relate to:

- the issuing of corporate and employee's licences to enable an employee to use a pistol in the course of duty. These licences will include a photograph of the licensee and will be in a small durable format;
- clauses controlling the manner in which sporting shooters hold competitions or other events and clauses governing the inspection, design and control of standards of shooting ranges;
- the exemption of interstate licensed sporting shooters taking part in Northern Territory competitions from complying with Northern Territory registration and licensing laws;
- making it an offence for any person to play military-type war games;
- empowering a senior sergeant of police or officer-in-charge of a police station to suspend a person's licence where there are reasonable grounds to believe that the person is suffering from a physical or mental infirmity or incapacity and, as a result of the person's possession of a firearm, may be likely to cause a danger to the safety of the person or to another person or to property;
- an increase in police powers of entry, search and seizure; and
- enabling a medical practitioner, without fear of breach of confidence, to report in good faith to police a belief that a person is not a fit and proper person to have a firearm in possession or under control.

This Bill establishes a three-member Firearms Appeal Tribunal. Currently, all appeals are dealt with in the Court of Summary Jurisdiction before a magistrate. The proposed amendments will provide for representatives from police and the sporting shooters associations in the Northern Territory with a magistrate as Chair to rule on questions of law.

Further, the Commissioner of Police is now empowered to declare amnesties therefore allowing persons to surrender unauthorised firearms and silencers.

*Aboriginal Wardens and the Police Aide Scheme*

The Northern Territory Police Aide Scheme was established in 1980. Its focus has expanded from what was initially a coastal watch scheme and now aides are empowered with certain police powers enabling them to undertake conventional policing duties. Police aides also provide an important liaison function between the police and the community they reside in. The scheme has received national acclaim.

Northern Territory Police recognise that not only are the needs of society, in general, changing in relation to policing but also that the aspirations of the Aboriginal community towards self-determination affect the approach police need to take, particularly in the Aboriginal communities scattered throughout the Northern Territory.

In 1992, research is being undertaken, through combined Northern Territory and Federal funding, into the effectiveness of the scheme in today's policing environment with the aim of making recommendations which will meet the needs of the Aboriginal community in the twenty-first century. A new and, at this stage, informal program operating in several Aboriginal communities is also being researched. This is the Warden Scheme which provides Aboriginal people with the opportunity to reinforce traditional systems of control within their own communities.

Wardens, as with police aides, are selected by the members of the community in which they reside. By virtue of the respect they hold within their community, they are in a position to encourage peaceful resolution to an assortment of problems. Wardens take on the responsibility of enforcing the community's rules, as opposed to the strict letter of the law. The warden's role is one primarily of negotiation and mediation. Generally, the scheme has been very effective in controlling and reducing anti-social behaviour such as fighting and drunkenness.

However, these schemes, in conjunction with other police/Aboriginal strategies implemented specifically to reduce public drunkenness and violence, can only be successful if they form part of a larger initiative which must focus on education and attitude changes towards violence generally and the destructiveness of alcohol abuse.

*Section 137 of the Police Administration Act 1991 (NT)*

With regard to post-arrest detention, the Northern Territory has, at least from a police perspective, the most appropriate and practical power of all Australian jurisdictions. The *Police Administration Act* (NT) section 137 detention power— which allows police to detain a person following arrest for a 'reasonable period' —recognises the exigencies of criminal investigation/interrogation while still requiring strict accountability. As a result of this power, police in the Northern Territory are able to operate consistently and ethically without having to go through the legal fiction of suspects 'assisting' with inquiries.

The section 137 power has significantly increased the professionalism and integrity of police investigation and has equipped police with the necessary tools to properly serve the community interest. An example of the usefulness of the section 137 power was seen in September 1988 where, in a remote outstation in

the heart of Arnhem Land, a young man shot five people. He was arrested and kept in custody for seventy hours prior to being charged with murder. The unusually long time spent in custody was caused primarily because of the difficulties associated with the remoteness of the scene and, without the section 137 provision, the investigation would have been severely hampered.

#### *Electronic recording of interviews*

Another strategy which has been implemented informally for several years but which is now receiving legislative backing is the electronic recording of interviews with suspects of crime. The requirement to electronically record interviews encourages increased professionalism on the part of the investigating police officers and provides the court with an accurate account of the interview process. As a result, there are fewer allegations made by suspects of police malpractice and fewer not-guilty pleas entered.

### **Future Strategies**

#### *The role of DNA*

Early in 1992, Northern Territory Police purchased Polymerase Chain Reaction (PCR) equipment to be used specifically for DNA analysis in the Northern Territory Biology Laboratory of the Forensic Science Section at Police Headquarters, Berrimah. Significantly, this process works on very small, even badly degraded, samples. The whole process can be completed in two days and is an extension of a well-known and well-researched grouping system, thus eliminating the need for suspect statistical assumptions.

The potential of this process is that hairs, saliva, nasal secretions and skin scrapings will be appropriate sources for testing and, in all respects, on a par with blood samples and semen stains.

A great deal of research is being undertaken worldwide into new portions of DNA which can be analysed by the PCR technique. The typing of these new portions will significantly increase the scope of identifying criteria, thus foreseeably resulting in a limitless ability to positively identify any one individual from another. Such technology will be useful in the investigation of homicide incidents.

#### *National Exchange of Police Information (NEPI)*

The National Exchange of Police Information (NEPI)—a national Common Police Service—was established by way of an agreement signed by the Commonwealth, states and territories of Australia in March 1990. This initiative harnesses modern information technology techniques so that information and resources throughout the various jurisdictions can be shared and utilised in a cooperative and cost-effective manner.

The enormous potential of the NEPI approach was seen prior to 1990 with the establishment of the National Automated Fingerprint Identification System (NAFIS) in 1985. In fact, NAFIS is currently the major application managed and controlled by NEPI. It represents the most significant individual investment in information technology made by the Australian law enforcement community

(\$20 million). Through the use of the system, fingerprint experts throughout Australia have been able to achieve very impressive results.

Searches are only made on those individuals who could not be positively identified through other indexes. For example, in 1990/91, of the 122,000 searches made, over 25,000 positive identifications were made and over 20,000 of those could not have been achieved without the system (National Exchange of Police Information 1991).

NEPI is currently developing two further information systems. They are a Missing Persons User Requirements to be incorporated into an overall Persons of Interest system; and a National Data Model which will enable access to and exchange of information relating to a variety of areas such as persons, vehicles, property.

#### *Violent Criminal Apprehension Program in Australia (VICAP)*

In 1989, the National Police Research Unit (NPRU) conducted a feasibility study for the establishment of a Violent Criminal Apprehension Program (VICAP) in Australia. As a result of the study, the Unit recommended that such a program be established within the Australian Bureau of Criminal Intelligence (ABCI) together with a Criminal Profiling Service (also known as Criminal Investigative Analysis (CIA)). In its *Final Report*, the NPRU highlighted the strong demand which exists in Australia for a unit to collate information about certain categories of serial crime (Byrne 1990, pp. 11–25).

Such a program has been operating in the USA under the auspices of the Federal Bureau of Investigation (FBI) since 1985. It is a nationwide data information centre designed to collect, collate and analyse specific crimes of violence with a view to determining whether similar pattern characteristics exist among individual cases recorded in the system (NPRU 1990).

In 1990/91, two Australian police officers attended the FBI Academy to undertake a ten-month course in Criminal Investigative Analysis (CIA). On their return to Australia, they briefed the Australasian Crime Conference in 1991 on VICAP, CIA and the National Centre for the Analysis of Violent Crime (NCAVC). In the USA, VICAP and CIA functions are performed by the NCAVC at the FBI Academy.

As a result of its briefing, the Crime Conference resolved that a working party be formed to examine all options available to the development of a National Centre for the Analysis of Violent Crime in Australia. In their subsequent report (in February 1992) to delegates to the 1991 Australasian Crime Conference, the working party—comprising of senior police officers from three States (New South Wales, Victoria and South Australia)—discussed the USA VICAP and observed that, by using VICAP, it is possible to identify offences committed in different jurisdictions by the same offender(s). This is a real problem in the USA, where there are approximately 17,000 police agencies. Although jurisdictional problems regularly confronting the various police forces in the USA are not as significant in Australia, there still exists a serious concern among Australian investigators that criminals are using state, territory and national borders to escape detection and avoid apprehension (Australasian Crime Conference 1992).

The working party recommended that the NPRU's recommendations to only include robbery and rape in VICAP should be expanded to include all homicides or attempts and, depending if certain circumstances exist:

- missing persons;
- unidentified bodies;
- rape or serious sexual assault;
- armed robbery;
- arson; and
- extortion.

The working party also recommended that a NCAVC be established in Australia at the ABCI and that future development of the national system should be a joint project of the ABCI and NEPI. The working party's proposal was considered by the Conference of Commissioners of Police of Australasia and South West Pacific Region in 1992.

## **Conclusion**

It is the case that the Northern Territory continues to experience a far higher crime rate than other jurisdictions. This is particularly so in relation to crimes of violence, especially murders. Through the Northern Territory Government's Alcohol Strategy, firearms legislation, domestic violence legislation, Police Aides and Aboriginal Wardens Schemes and various national strategies such as NEPI and VICAP, it is hoped that the incidence of homicide and other violence-related crime in the Northern Territory will begin to decrease.

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