

# The Blackburn case:

"This operation has demonstrated that the New South Wales Police Service is more than capable of handling an extensive and highly sensitive inquiry." Assistant Commissioner Tony Lauer, 24/7/89.

**L**yn Blackburn wasn't expecting visitors on the evening of July 24 1989.

It was just another day. She'd been at home with her young child, Holly.

She did not know that her husband, Harry, had spent since 4.20pm in police custody being questioned about a

series of sexual assaults and kidnappings which had spanned 20 years. She wasn't aware that he'd been arrested, and that at 6.00 o'clock his name, photograph and arrest details had made every major television network in the country.

In fact, the first hint Lyn Blackburn had of the gravity of that day was at 6.20pm when the visitors came.

She answered her front door and found a team of police, several of whom she knew, with a search warrant.

They searched the Blackburn home but would not tell her what the search was about.

She didn't know that every word spoken in her home over the past three months had been recorded by police. She didn't know that a senior police officer harboured a "gut feeling" for some 20 years that her husband was the notorious "kilted rapist."

It wasn't until 8.00pm that Lyn Blackburn discovered the bizarre events that were the culmination to Operation Photo.

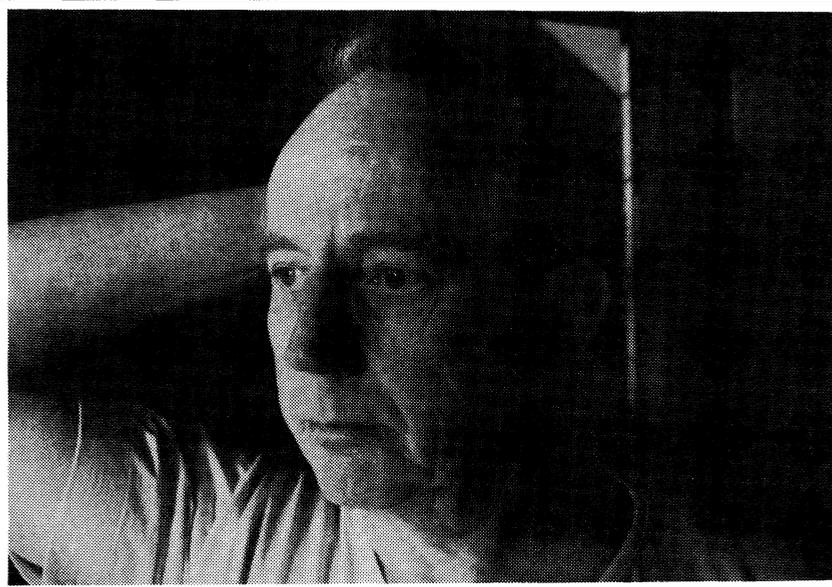
That day Lyn Blackburn was three months pregnant.

by Robyn Smith

Two weeks later she miscarried.

On the evening of July 24 1989, Lyn Blackburn could not sleep.

Not only was her husband in a police cell, but the beams of massive television lights were directed straight through the windows of her home.



On July 30 1989 Lyn Blackburn left that home with her husband and their child.

They were in shock and desperate for some privacy.

The following day, July 31, Lyn Blackburn became her husband's Rock of Gibraltar...

**F**or Harry Blackburn, July 24 was an ordinary day.

He left home for work with the investigation into war criminals living in Australia.

It was a contract that would be cancelled as a result of his arrest only two days later.

He had been retired from the New South Wales Police Force since April 1988.

At 4.15 he was walking to the lift in his building when he heard the receptionist say: "He's coming now."

He asked her if she had been addressing him because there was no-one else in the foyer.

"No," she said.

At the basement carpark he was confronted by several members of the NSW Police Force and asked to accompany them.

Harry Blackburn had no idea that he was suspected of being a serial rapist, nor that his home had been bugged for three months, nor that the New South Wales police had been following him for three months.

He had seen surveillance police

but did not know he was the target.

He was arrested at 4.30pm on July 24. The events preceding and immediately after his arrest on that day are a damning indictment of the New South Wales Police.

A media lock-up was held at Police HQ in Sydney at 4.00pm.

Police maintain that they stressed it was an off-the-record, background briefing and that a media conference would be held later in the day.

Journalists who were at the lock-up and gave evidence before the Royal Commission said that at no time were they told the briefing was off-the-record.

At that lock-up, police issued a media release which quoted then Assistant Commissioner, now Commissioner,

# *two years since 'walk'*

**"Mr Stern impressed the futility of my position: the news was out, the damage was done and could not be undone." Harry Blackburn, 29/4/91**

Tony Lauer as saying: "This operation has demonstrated that the New South Wales Police Service is more than capable of handling an extensive and highly sensitive inquiry."

Radio and television stations ran the story of the imminent arrest of a senior police officer for sexual offences. Lyn Blackburn heard a radio headline and was guessing at who the person might be.

She didn't think it would be her husband.

At the media lock-up the police were supposed to stick to a statement.

In the barrage of questions that followed the statement, Harry Blackburn was named as the suspect.

He was taken to the Sydney Police Centre to be charged, then taken on the infamous "walk" -- a parade before an army of media representatives, all of whom had been alerted to the arrest much earlier in the day.

Harry Blackburn's name and photograph were plastered across every major television network in the country that night.

Speaking on *The Media and The Law* at the launch of Law Week in Darwin, Mr Blackburn said that whilst he had been under considerable duress during his detention, he was later reduced to a state of total despair.

He was visibly distressed when he spoke about the "walk" in particular. "Mr Stern [Mr Blackburn's barrister] impressed the futility of my position: the news was out, the damage was done and could not be undone.

"We would have to carry on and do our best to recover the position.

"The full truth was slow to emerge," he said.

At the Royal Commission into Mr Blackburn's arrest, Justice Lee was unable to determine who authorised the "walk."

He did find, however, that the entire arrest team knew that Mr Blackburn was to leave the Technical Support

Branch building by the front door and in the presence of the waiting media. After the extraordinary events of that day, no prosecution resulted.

Police evidence consisted of tissues which had been found on an oval some distance from one of the attacks and which had been DNA-tested for blood.

The blood on the tissues was found to be group A+.

Harry Blackburn's blood group is O+. There was no day in court; no chance to put a case.

The NSW Director of Public Prosecutions decided that there was no evidence on which to proceed.

Harry Blackburn's first day in court was before a Royal Commission into his arrest, some four months after the arrest.

**"Police are not in the business of entertaining the public." Royal Commissioner Justice Lee.**

Justice Lee was scathing in his criticism of the NSW police.

"Police are not in the business of entertaining the public," he said.

"Apart, all together, from the matter of breaching police instructions and the law of contempt of court, there is another facet of the "walk" which directly relates to human dignity.

"The notion that a man taken into custody can be paraded through the streets whilst the public jeer at him is long gone with the right-thinking members of our society.

"Some humiliation is regularly practised by television stations and newspapers, but police should never be a party to allow a man in custody to be photographed."

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*Page 8 photo courtesy of the Sydney Morning Herald.*

**T**he story doesn't end there for Harry, Lyn and Holly Blackburn.

Harry Blackburn was exonerated by a Royal Commission.

That is all.

He has been treated for severe depression and finds it extremely difficult to talk about his experience.

He never knows how he will respond to questions -- whether he'll be calm and objective or whether he'll break down in public "like Bob Hawke," as he put it.

The Blackburn home that was the target of media spotlights has long since been sold.

Harry, Lyn and Holly have moved to Queensland to try to build a new life. There they run a modest detective agency and Lyn is studying for a degree.

Had they remained in Sydney she would have completed the degree by now, but she must repeat a number of units because she has changed universities.

They lead a modest life on a very modest income -- Harry's superannuation was fast eaten away by premature retirement, legal fees and the interstate move.

Harry Blackburn does not contact his friends because he doesn't know whether they will want to hear from him.

Rather, he waits for friends to contact him.

A damages hearing is pending in New South Wales where the government has moved to join 11 media outlets to the proceedings.

Harry Blackburn was once asked how much he would seek in compensation.

He told the journalist he would want at least \$5 million: \$2.5 million for himself, \$2 million for Lyn and half a million for young Holly.

"But how do you put a price on something like this?" he asked.