

**STANDARD OPERATING PROCEDURE**

**FOR THE**

**UNSOLVED HOMICIDE UNIT**

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**UNSOVLED HOMICIDE UNIT**

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**1. DEFINITION: UNSOLVED HOMICIDE**

**Cases to be included in the unsolved homicide list:**

- 1.1 An unsolved homicide is a homicide for which the offenders have not been convicted.
- 1.2 Offence must have occurred more than 3 years prior to the time of review.
- 1.3 Cases in which an accused was acquitted on the grounds of self-defence or mental illness shall be considered solved. In such cases, the identity of the person committing the homicide is known; however, no prosecution can be launched.
- 1.4 Cases in which the suspect is deceased will be reviewed. If a Coroner has found that the homicide was committed by a person now deceased the matter will be considered solved.
- 1.5 Missing persons cases will not be included as unsolved homicides unless there is an open finding by the Coroner.

## **2. ROLE OF THE UNSOLVED HOMICIDE UNIT:**

- 2.1 Maintain a list of all unsolved homicides and track the status of each case.
- 2.2 Manage the case screening process for all cases.
- 2.3 Prioritise cases after the case screening process.
- 2.4 Make recommendations as to the scope of any investigation resulting from the case screening process. Develop investigation plans for this purpose.
- 2.5 Lead or participate in strike forces set up to investigate cases from the unsolved homicide list.
- 2.6 Act as a consultant to Local Area Commands involved in the investigation of cases on the unsolved homicide list.
- 2.7 Identify cases that should receive no further investigation and present those cases to an independent panel for review and confirmation.
- 2.8 Develop relationships and liaise with information holders and internal and external stakeholders such as: the Coroner; Division of Analytical Laboratories; Institute of Forensic Medicine; Homicide Victims Support Group; police and government archives; Forensic Services Branch; Missing Persons Unit; Undercover Branch; and interstate cold case investigators.
- 2.9 Identify past practices that have impeded the investigation of unsolved matters and make recommendations that will improve the future investigation of unsolved homicides.

### 3. **STANDARD OPERATING PROCEDURE FOR CASE SCREENING:**

#### **RATIONALE:**

A thorough search of available records has located 366 unsolved homicide offences for the years 1970 to 2000. At present there is no information available by which to prioritise these cases for review and investigation.

It is recognised that some cases have been thoroughly and exhaustively investigated either when originally reported or in subsequent reinvestigation and there will be no realistic opportunity to further those efforts. It is also recognised that some cases were not thoroughly investigated in the first instance and that opportunities still may exist to solve the case.

Other factors to be considered when assessing solvability are: the availability of physical evidence, witnesses and investigation documents; impact of time (on relationships between suspects and witnesses since the murder occurred); advancements in technology; and new methodology (such as undercover techniques). Each of these factors may have an impact on the solvability of a case, even when the initial investigation was thorough and exhaustive.

To enable prioritisation of cases for reinvestigation all cases should be subjected to initial screening to assess the information, evidence, documents and exhibits available and the opportunity to solve the case.

The officer conducting the case screening will certify that all available material has been reviewed and provide recommendations as to future action (reinvestigation, closure or suspension until further review at future time). A "Case Screening Form" has been designed. A copy is attached at annexure 'A'.

The case screening will not involve investigation. It is purely intended to review the available material and make recommendations based on that. It will necessarily involve computer checks to locate witnesses and speaking to

the original investigator/s. To avoid possible compromise of any later investigation, under no circumstances will investigators contact witnesses or suspects. Likewise, to avoid raising expectations, secondary victims will not be informed that the screening process is taking place.

The case screening process will form the basis of prioritising cases for investigation. Some cases will inevitably return to the unsolved homicide list after they have been further investigated. These cases will need to be reviewed via the case screening process on a regular basis (every three to five years).

Initially, to ensure a consistent approach and that the process can be properly monitored, case screening should be confined to the Unsolved Homicide Unit. It is suggested that once all cases have been reviewed for the first time, there may be opportunities to have case screening done at the Homicide Investigators Course, the Senior Detectives Course or at Local Area Commands.

#### **INITIAL CASE SCREENING:**

- 3.1 All unsolved murders from 1970 to 2000 will be physically reviewed, starting with the year 2000 and working backwards. Cases for years after 2000 will be added to the unsolved homicide list on an annual basis.
- 3.2 The purpose of case screening is to assess the available material and the solvability of the case. The officer assigned the case screening will not undertake an investigation of the case. The role is confined to reviewing the available material.
- 3.3 Review of all unsolved homicides will be conducted prior to any decision on priority for reinvestigation.

- 3.4 The case screening must not be assigned to any officer who has previously been involved in the homicide investigation being screened (either original investigation or subsequent efforts).
- 3.5 The officer conducting the case screening will complete an electronic case screening form with a view to identifying opportunities to further the investigation. Guidelines to ensure consistency of procedure are included.
- 3.6 The officer conducting the case screening will be required to locate:
- The brief and original investigation papers (and from subsequent investigations if applicable)
  - Exhibits and other physical evidence connected to the case
  - Coroner's findings
  - Other relevant material
- 3.7 The officer conducting the case screening will be required to list what investigation records, information, documents, evidence and exhibits are in still existence.
- 3.8 The officer conducting the case screening will be required to provide a comprehensive synopsis of the incident and investigation.
- 3.9 The officer conducting the case screening will be required to list the witnesses and assess their availability through COPS, RTA and other sources. The witnesses will not, under any circumstances, be contacted during the case screening process.
- 3.10 In cases where a suspect is identified, the officer conducting the case screening will be required to compile an updated profile of the suspect. The suspect/s will not, under any circumstances, be contacted or interviewed during the case screening process.

- 3.11 The officer conducting the case screening will be required to make a recommendation as to the appropriate family member to contact to inform of case status (but no contact is to be made with that person).
- 3.12 The officer conducting the case screening will be required to make a recommendation as to what further avenues of investigation are available.

**Quality assurance:**

- 3.13 The officer conducting the case screening, and the Co-ordinator, Unsolved Homicide Unit, will be required to certify as to the quality of the screening conducted and that all available material has been reviewed.
- 3.14 The Unsolved Homicide Unit will maintain a list of all unsolved cases on a database/tracking system and continually update the status of each case.
- 3.15 The Co-ordinator and Senior Investigators of the Unsolved Homicide Unit will conduct a quality review of each case screening by:
- Checking the provided information;
  - Cross referencing physical evidence availability ( [REDACTED] ) from known holdings;
  - Checking and commenting upon recommendations re further investigation (or no further investigation), particularly with regard to knowledge of technological and methodological advancement.
- 3.16 The case will be prioritised at the completion of the case screening and quality review process.



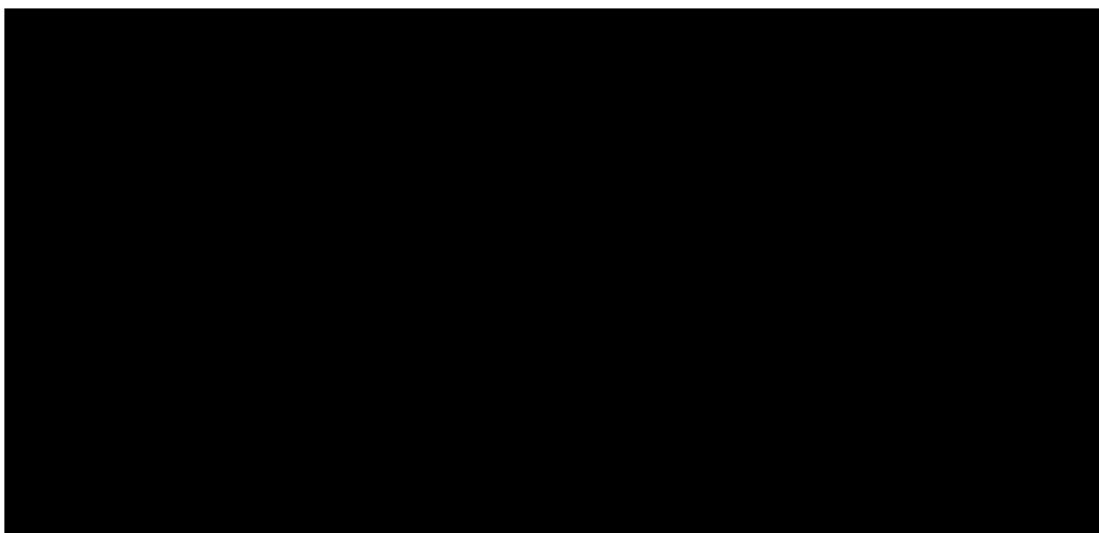
#### **4. PRIORITISATION FOR UNSOLVED HOMICIDE CASES:**

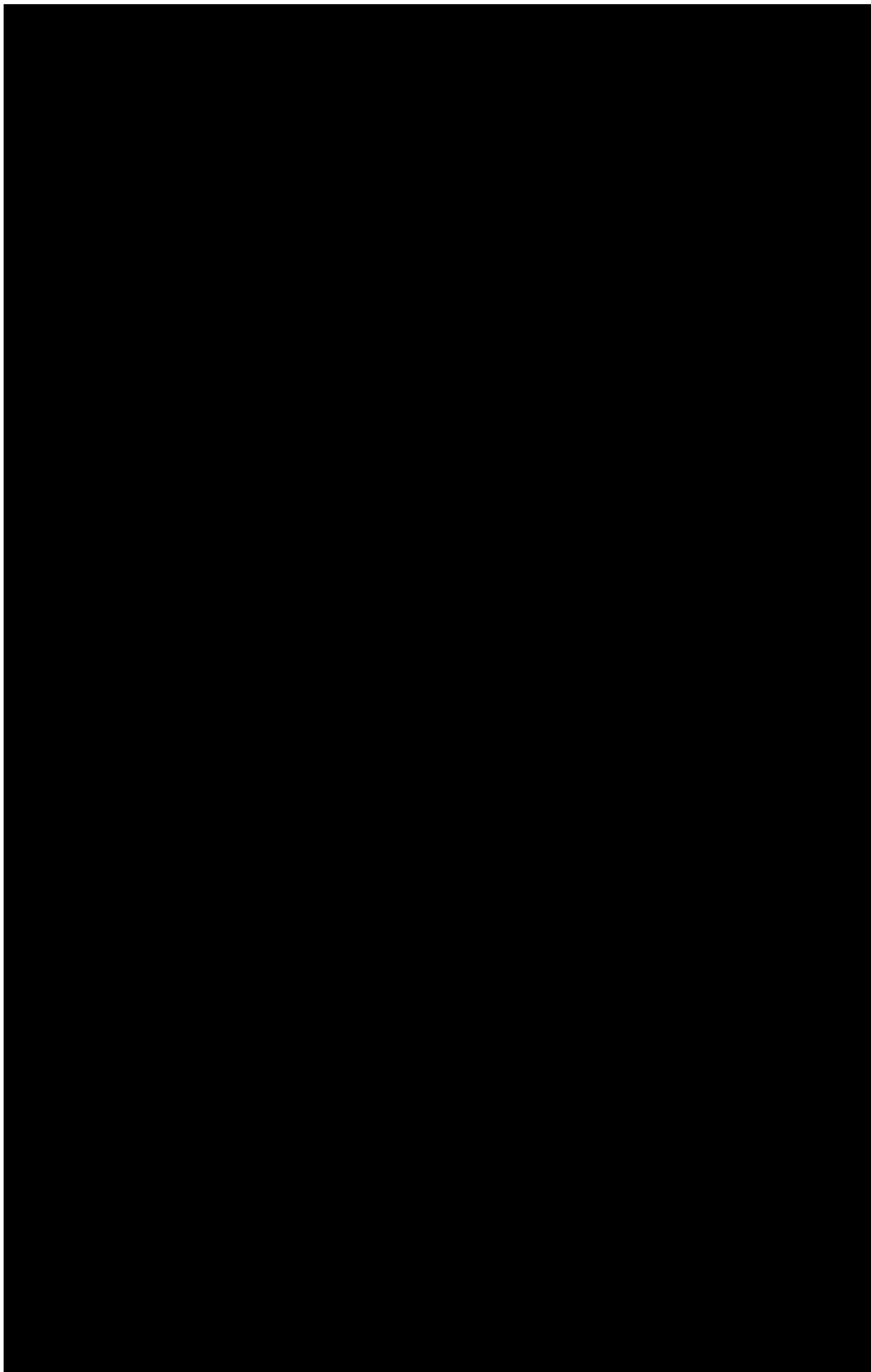
The case screening process is reviewing a large number of unsolved homicide cases spanning the last thirty or more years. New cases will come into the list each year.

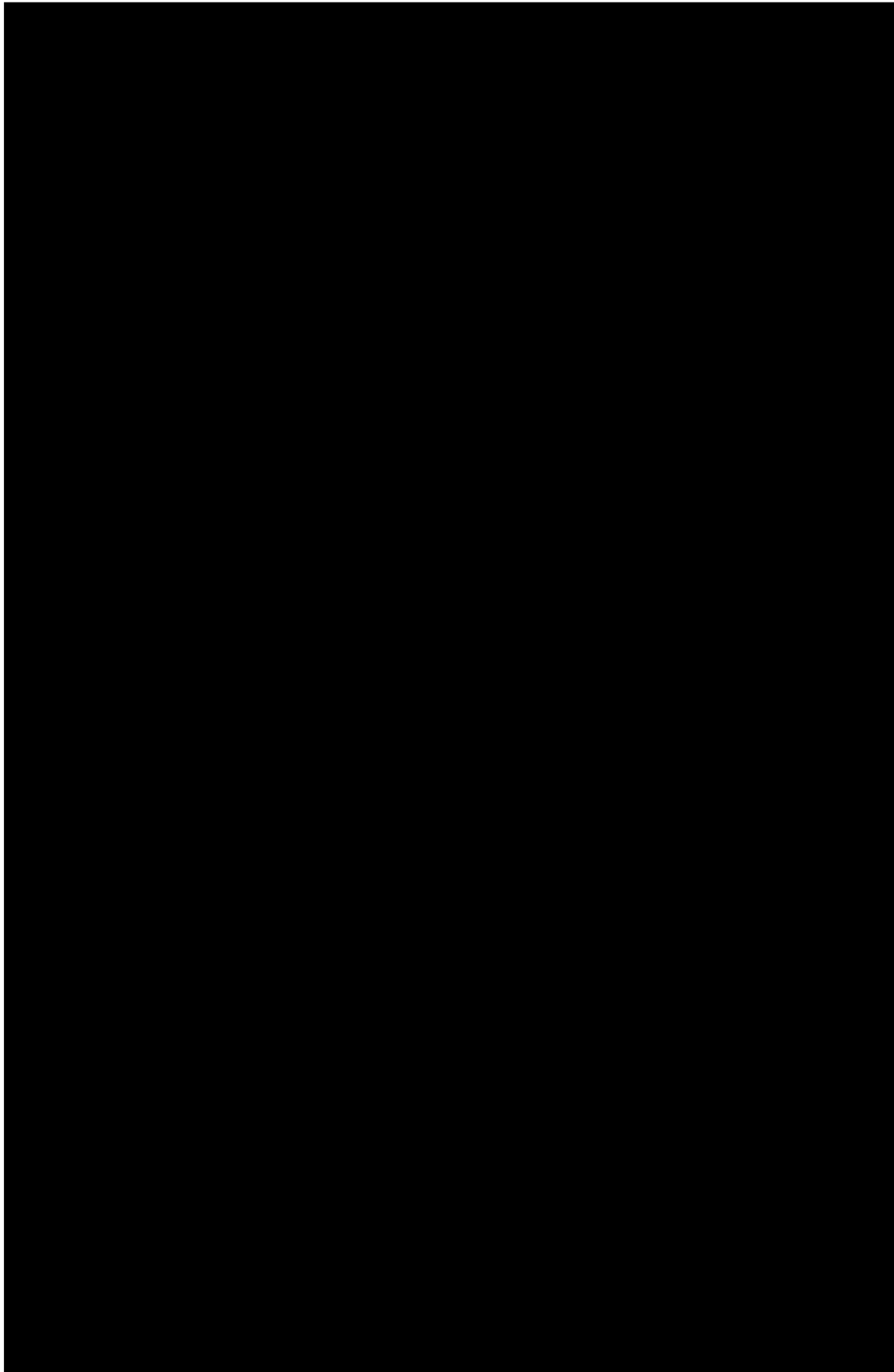
It is probable that a large number of cases requiring further investigation will be identified and that these cases will have varying likelihood of being solved. The prioritisation process is based on the premise that cases with the greatest likelihood of success receive the highest priority for resources. It is also concerned with identifying cases that should be suspended due to there being no realistic prospect of resolution.

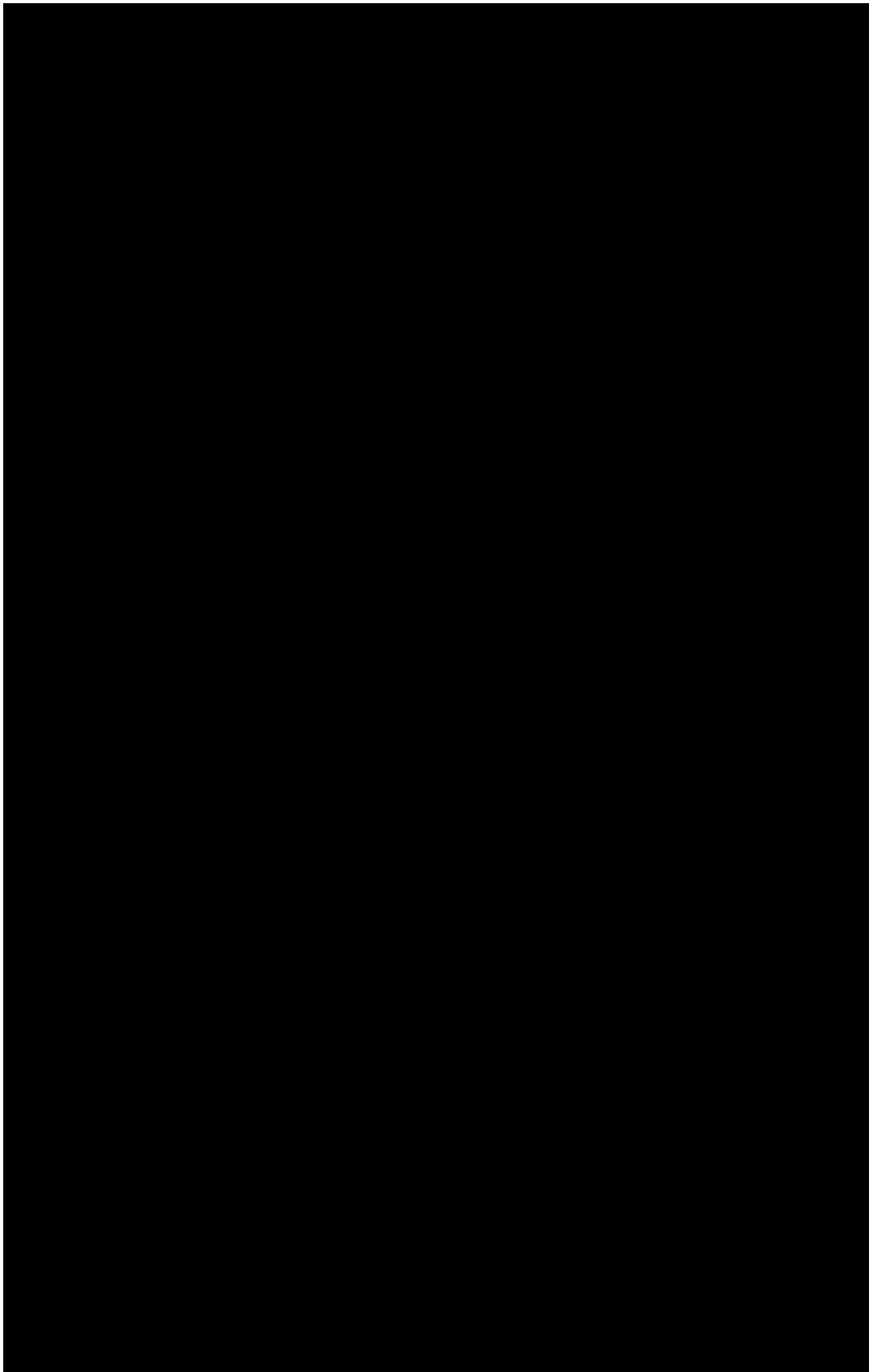
The opportunities for further investigation depend upon a number of factors. These factors relate to the availability of the original investigation documents, witnesses and physical evidence; the identification of a suspect and the opportunity to utilise new investigative techniques; technology; and leads or opportunities brought about by the passage of time.

Each case should be rated on the above criteria, with extra weighting given to new technology such as DNA. Each rating is based on the information contained in the case screening form.









## 5. STANDARD OPERATING PROCEDURE FOR CASE ALLOCATION

After the initial case screening each case will be prioritised into one of four categories – high priority, medium priority, low priority or no priority (recommended for closure or suspension). In each case action needs to be taken to either further the investigation or, where the investigation cannot be taken further, close or suspend the case.

The case screening process has identified ways in which the original or subsequent investigations can be taken further. The majority of cases were thoroughly investigated in the first instance and most should not need to be fully reinvestigated.

Proposed investigations of old cases should be limited to areas highlighted in the case screening process or issues arising from those new inquiries. After completion of the case screening and prioritisation processes, the Unsolved Homicide Unit should prepare an investigation plan outlining the scope of the new inquiries recommended. In some circumstances, new inquiries may be limited to a single task, such as submitting exhibits for DNA analysis. Secondary victims should be informed of the new investigation.

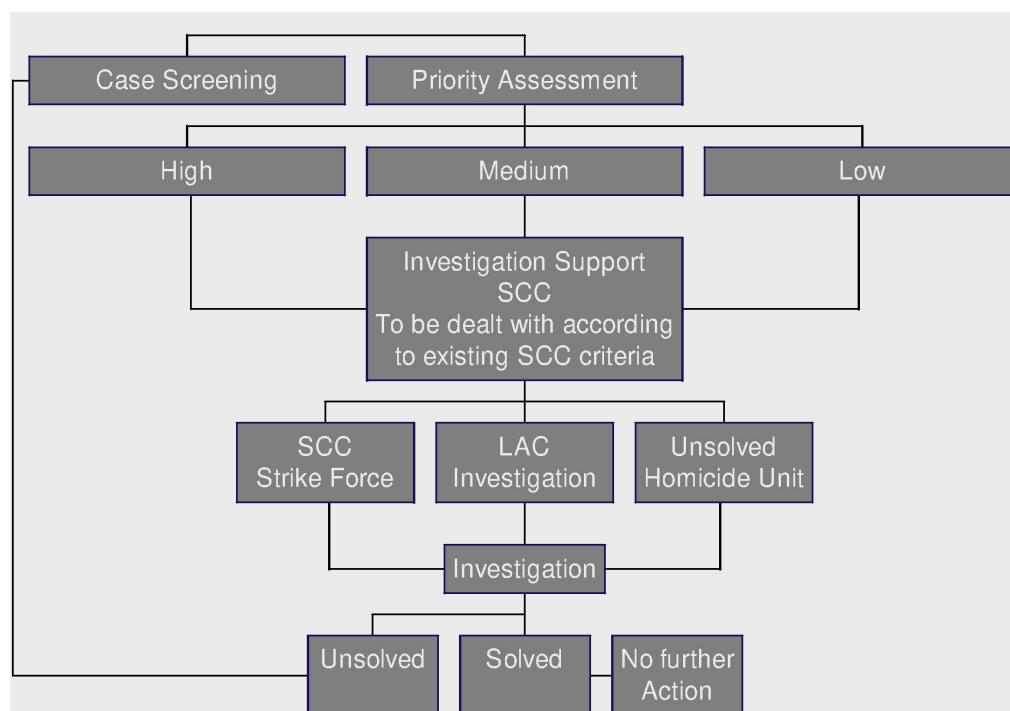
If the case is solved as a result of the further investigation, the case will be removed from the unsolved list. If the case is not solved it should be returned to the unsolved list for future case screening.

Some cases will be rated as having no priority due to either having been exhaustively investigated or vital elements such as physical evidence or witnesses are missing or dead. In these circumstances the case should be recommended for closure or suspension. If closed, the case will not be further investigated or receive further screening unless new information warranting such action is received. If suspended, the case will remain in the unsolved homicide list and be subjected to further case screening at a future time.

To ensure that the closure process is transparent, the recommendation should be put before an independent panel for confirmation. The panel should have the option of confirming the closure of the case; submit the case for further review; or confirming that the case be suspended.

The recommended procedure for each level of priority is set out below:

### 5.1 HIGH, MEDIUM AND LOW PRIORITY CASES:

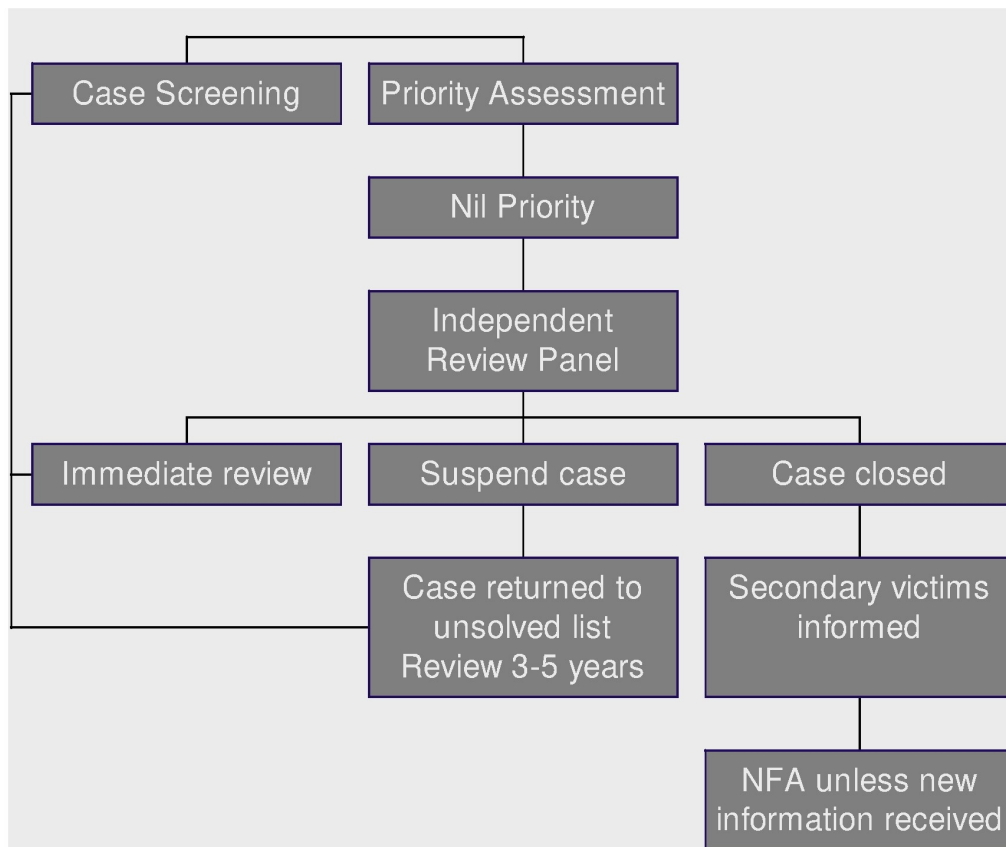


5.1.1 Where a case has been screened and rated as a high, medium or low priority the Unsolved Homicide Unit will prepare an investigation plan outlining the scope of inquiries or actions required.

5.1.2 The investigation plan will be forwarded to Investigation Support, State Crime Command with a recommendation to commence a strike force to investigate the matters identified.

- 5.1.3 Depending upon the volume of work required by the investigation plan and the State Crime Command risk assessment, SCC may:
- a. Form a SCC strike force; or
  - b. Forward the case to the LAC in which the offence occurred for investigation;
- 5.1.4 As per current State Crime Command criteria, SCC involvement may consist of:
- a. State Crime Command strike force; or
  - b. Joint involvement with an LAC in a SCC led strike force; or
  - c. Provide assistance to an LAC led strike force; or
  - d. Assistance provided to an LAC in the form of a consultancy.
- 5.1.5 For State Crime Command cases, progress reports and post operational assessments will be submitted as per normal State Crime Command process.
- 5.1.6 Progress of cases submitted to Local Area Commands will be monitored through the consultancy basis or liaison with the Local Area Command Crime Manager or Investigations Manager.
- 5.1.7 In the event that the homicide is solved, it will be removed from the unsolved homicide list.
- 5.1.8 If the strike force finalises without the case being solved, the case will be returned to the unsolved homicide list. The case will be subjected to further case screening in the future.

## 5.2 NO PRIORITY CASES (CASES RECOMMENDED FOR CLOSURE OR SUSPENSION):



5.2.1 Where a case has been screened and received a no priority rating, a recommendation will be made that the case be closed or suspended.

5.2.2 Cases recommended for closure or suspension will be submitted to an independent panel for review.

5.2.3 The independent panel may:

- a. Agree with the recommendation and confirm that the case is to be closed; or
- b. Agree that the case has no priority and recommend that the case be suspended and remain in the unsolved homicide list for further case screening in the future.



- c. Disagree with the recommendation and return the case to the Unsolved Homicide Unit for further review.
- 5.2.4 Closed cases will be removed from the unsolved homicide list and will not be subjected to further review or investigation unless new information warranting such action is received.
- 5.2.5 Suspended cases will remain in the unsolved homicide list and be subjected to further review at some time in the future (3 to 5 years).
- 5.2.6 Cases returned to the Unsolved Homicide Unit for further review will put through the case screening process again.

## **6. INDEPENDENT REVIEW PANEL:**

- 6.1 The Independent Review Panel will consist of five members:
- Commander, Homicide Squad (chairperson)
  - Representative of the Region in which the homicide occurred – of the rank of Commander or Superintendent
  - Detective Inspector from State Crime Command
  - A representative of Forensic Services Group, with the rank of Sergeant or above, who has experience in homicide investigation.
  - Representative of the Homicide Victims Support Group
- 6.2 The purpose of the independent review is to ensure that the decision to suspend a case is transparent and the merits of further investigation are fully explored.
- 6.3 The role of the police panel members is use their combined experience in investigation and management and/or technical expertise to review the case screening and evaluate the merits or possibilities of further investigation.

- 6.4 The role of the representative of the Homicide Victims Support Group is to provide perspective to other panel members on secondary victim issues and assist police in conveying the decision of the panel to the secondary victims.
- 6.5 The review panels will be convened on a needs basis.
- 6.6 The Co-ordinator, Unsolved Homicide Unit and the officer conducting the case screening will present details of the case to assist the Independent Panel or Review in deciding whether the case should be closed or suspended.
- 6.7 The independent panel may:
- a. Agree with the recommendation and confirm that the case is to be closed; or
  - b. Agree that the case has no priority and recommend that the case be suspended and remain in the unsolved homicide list for further case screening in the future;
  - c. Disagree with the recommendation and return the case to the Unsolved Homicide Unit for further review.

**CLOSED CASES:**

- 6.8 Cases that should be closed are those where no further investigation is reasonable because it has been exhaustively investigated; or vital documents or evidence is missing or has been destroyed; or witnesses are deceased or unable to be located; or the suspect is deceased; making further investigation impractical and unreasonable.
- 6.9 Closed cases will not be further investigated or reviewed unless new information warranting such action is received. The case will be removed from the unsolved homicide list.

- 6.10 If new information is received the case may be reopened and subjected to further case screening and prioritisation.
- 6.11 When a case is closed the family members of the victim will be notified of the decision.

#### **SUSPENDED CASES:**

- 6.12 Cases that should be suspended are those where no further investigation is reasonable or practical at the present time, but due to the circumstances of the case or likely future technological improvements, it may, in the future, become reasonable or practical to do so.
- 6.13 Suspended cases will remain in the unsolved homicide list and be subjected to further case screening and prioritisation in the future (3 to 5 years) or when required.

### **7. TRACKING THE UNSOLVED HOMICIDE LIST**

The Unsolved Homicide Unit has the responsibility of maintaining the list of unsolved homicides and tracking the status of each. At the time the Unsolved Homicide Unit commenced (1 March 2004) the list contained 366 unsolved homicides for the period 1970 to 2000. 12 of these cases were double homicides and two triple homicides, making a total of 350 unsolved cases. An additional 36 cases have been identified that may require inclusion in the unsolved homicide list.

In addition to the 1970-2000 homicides there are still a number of high profile cases from the 1960's (such as the Bogle/Chandler and Wanda Beach murders). In some cases the offender is likely to still be alive.

Cases for years after 2000 will be added to the unsolved homicide list on an annual basis (i.e. 2001 cases will be added to the unsolved homicide list in

2005 etc). Other cases will come into the list on an irregular basis, such as when a prosecution ends with an acquittal or a 'no bill' by the DPP or when an on-going investigation ends without the case being solved. All new cases entering the unsolved list will be subjected to case screening.

The case screening process will form the basis of prioritising cases for investigation. Some cases will inevitably return to the unsolved homicide list after they have been further investigated. These cases will need to be reviewed via the case screening process on a regular basis. At present, it is suggested that each case returning to the unsolved homicide list be reviewed every three to five years.

The Unsolved Homicide Review Unit will list all cases on a database/tracking system and collate the completed case screening forms.

The Unsolved Homicide List will be continuously updated to indicate the status and priority of each case (e.g. undergoing case screening; currently being investigated; to be further screened in 2006 etc).

## **8. POST INVESTIGATION PROCEDURE:**

- 8.1 Investigations are finalised as per State Crime Command current procedure.
- 8.2 Solved cases will be removed from the unsolved homicide list and kept on a separate database.
- 8.3 Cases that are unsolved after investigation will be returned to the unsolved homicide list and marked for future case screening, three to five years after returning to the list.

9. **PRINCIPLES FOR DEALING WITH SECONDARY VICTIMS:**

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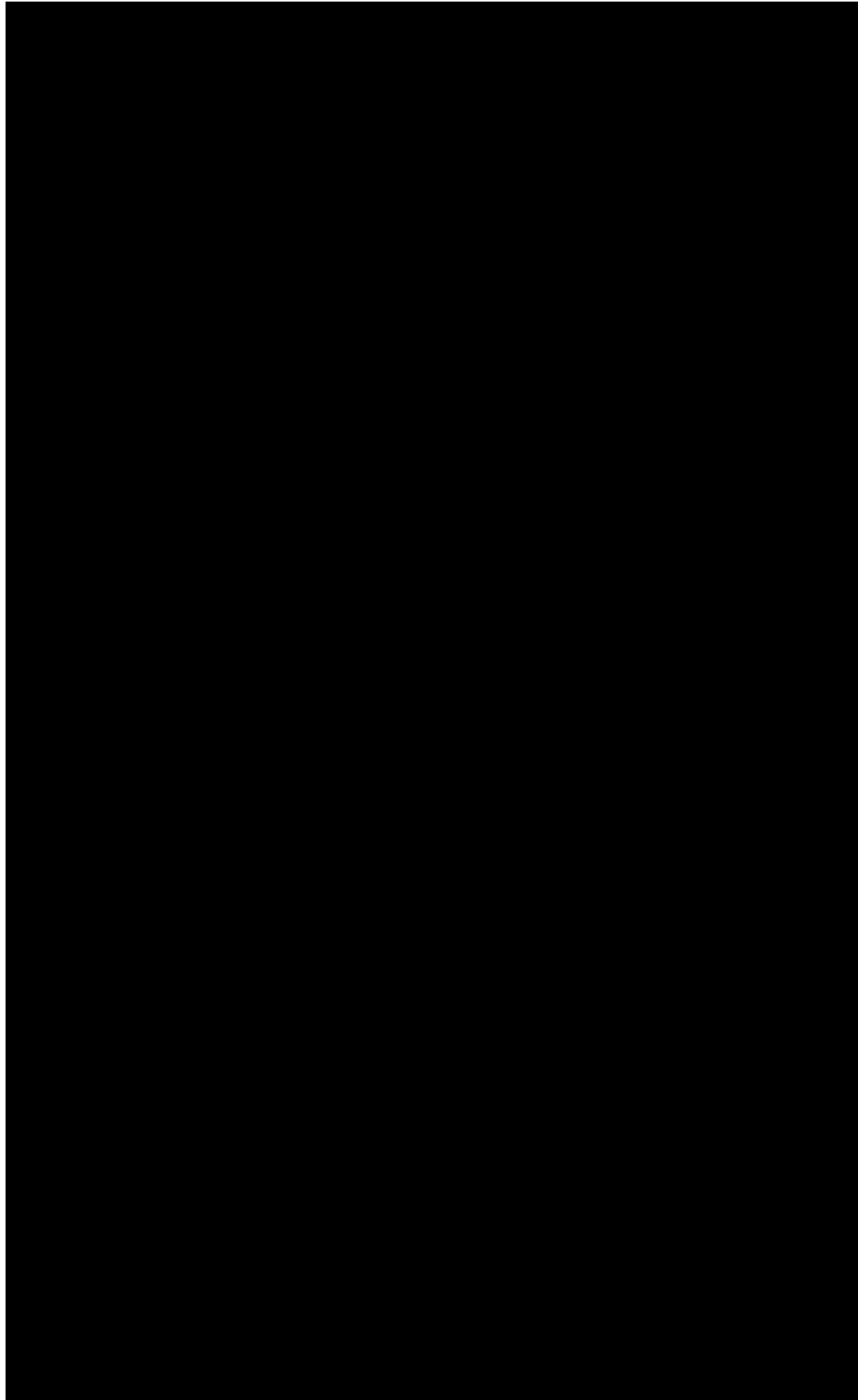
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