

OFFICIAL: Sensitive



NSW Police Force

STANDARD OPERATING PROCEDURES

Unsolved Homicide Team

State Crime Command, Homicide Squad

Version 2.0

OFFICIAL: Sensitive

OFFICIAL: Sensitive**DOCUMENT CONTROL**

Title	STANDARD OPERATING PROCEDURES Unsolved Homicide Team
COMMAND RESPONSIBLE	State Crime Command, Homicide Squad
AUTHORISATION	Commander, Homicide Squad
PUBLICATION DATE	2022
CURRENT VERSION	2.0
REVIEW DATE	2023
CLASSIFICATION	OFFICIAL: Sensitive

© State of New South Wales through the NSW Police Force 2021. All rights reserved.

DOCUMENT CLASSIFICATION

This document is classified as OFFICIAL: Sensitive. This document contains material that requires some degree of protection. If compromised through loss, attrition or unauthorised disclosure, it may cause a degree of harm to members of the public, NSW Police Force and/or the NSW Government, and/or hinder a law enforcement investigation or operation.

OFFICIAL: Sensitive**Contents**

Document Control	2
Document Classification	2
UNSOLVED HOMICIDES & SUSPICIOUS DISAPPEARANCES	4
<u>1.0 BACKGROUND AND FUNCTION</u>	4
<u>1.2 COLD CASE</u>	4
<u>1.3 UHT STRUCTURE</u>	5
<u>1.4 DEFINITION OF UNSOLVED HOMICIDE CASES</u>	6
REVIEW TEAM AND INVESTIGATION TEAMS.....	7
<u>2.0 REVIEW TEAM</u>	7
<u>2.1 TRIAGE AND REVIEW PROCESS</u>	8
<u>2.2 SOVABILITY ASSESSMENT</u>	9
<u>2.3 RE-INVESTIGATIONS</u>	11
<u>2.4 JOINT INVESTIGATIONS</u>	12
<u>2.5 EXTRANEOUS DUTIES</u>	13
FAMILIES – SENIOR NEXT OF KIN (SNOK)	14
<u>3.0 VICTIMS FAMILIES - CONTACT</u>	14
MEDIA	14
<u>4.0 MEDIA</u>	14
CONCLUSION	15
ANNEXURES.....	15
<u>5.0 INSTRUCTION SHEET</u>	15
<u>5.1 ANNEXURE A: Triage Form – template</u>	15
<u>5.2 ANNEXURE B: Evidence Summary – template</u>	15
<u>5.3 ANNEXURE C, D, F: Witnesses, Exhibits, POSTMORTEM - template</u>	15
<u>5.4 ANNEXURE E: Exhibit matrix – template</u>	15
<u>5.5 ANNEXURE G: Assessment Sheet – template</u>	15
<u>5.6 ANNEXURE H: Ratings table</u>	15
<u>5.7 ANNEXURE I: Homicide Squad Quality Assurance – Template</u>	15

OFFICIAL: Sensitive

UNSOLVED HOMICIDES & SUSPICIOUS DISAPPEARANCES

1.0 BACKGROUND AND FUNCTION

The Unsolved Homicide Team (UHT) operates within the command of the Homicide Squad, State Crime Command. The charter of the UHT is to monitor the status of, review, prioritise, and reinvestigate historical unsolved homicides and suspicious missing person's cases (where homicide is presumed) within NSW. These standard operating procedures are to be read in conjunction with the Guidelines for the Investigation of Major Crime and the business Rules of the State Crime Command.

In 2004 the UHT was formed as a Review Team to assess unsolved homicides from 1970 to 2000 and make operational recommendations. Between 2004 and 2008 over 400 unsolved homicide cases were reviewed and 190 of those were identified as warranting consideration for reinvestigation.

In 2008, an investigative capacity was included and the number of investigators at the UHT was substantially increased. This included three smaller Regional Unsolved Homicide Teams in Northern, Western and Southern Regions each comprising of four investigators, respectively.

In 2012 the UHT broadened its parameters to include pre-1970 and post-2001 cases, including suspicious missing persons cases.

In 2013 a review of the UHT was undertaken by senior management with the recommendation for restructure which was approved by the Senior Executive and took place in 2015. The restructure involved the devolving of the three regional teams with those positions centralised to the metropolitan office of the UHT based at Police Headquarters Parramatta. Although centralised, the UHT maintains reviews and investigations of cases throughout metropolitan and all regional areas in NSW.

1.2 COLD CASE

A 'cold case', or commonly referred to by NSWPF as an unsolved case, is generally an unsolved homicide or suspicious missing person where an offender is undetected, typically for a period of some years. These cases can be inactive due to a lack of information to advance it to an active case. An unsolved case would normally remain open but inactive for five years or more.

One of the key factors in triggering an open inactive unsolved case to an open active case, is advances in forensic technology, witness coming forward, investigative opportunities develop with persons of interest.

There is a great deal of sensitivity surrounding the activation of unsolved cases, particularly for the victim's family and friends but also within communities.

OFFICIAL: Sensitive

One of the most significant challenges for the UHT is determining which unsolved case is reviewed and determined a priority to re-investigate amongst the hundreds of cases recorded.

Each case is subject to a triage process which is incorporated in the overall review process. It is recognised that several critical aspects will impact on the ability to successfully investigate an unsolved case. It is for those reasons each case is prioritised against several considerations including Forensic Opportunities, Key Witness Availability, Suspect Availability, Investigative Opportunities, Locating Relevant Exhibits and Documentation and Community Impact.

The growth of cold case units internationally and in Australia can be directly attributable to the improved ability to analyse forensic evidence such as DNA. Significant advances in evidence analysis have greatly improved the ability of cold case units to produce results.

Unsolved case work however is far from the stereotypical view projected in the media. The work is tedious, difficult, and extremely challenging. It is a fact that in any unsolved case the circumstances surrounding the death can make it more or less easy for police to establish what has happened and ultimately, the police do not control all the factors that determine whether a successful outcome is likely to be achievable or not (Innes 2007). It is important for the community to understand this.

Unsolved cases can be very laborious and time intensive and may require innovative investigative techniques, it is for those reasons the selection of investigators who have significant experience in investigating various types of major crime investigations such as homicides is important.

The UHT has a blend of investigators from different cultural backgrounds, many with traits considered essential for cold case investigators which include seniority and experience, strong communication and interpersonal skills, strong research skills, strong technology skills, patience, compassion, creativity, persistence, self motivation and enthusiasm for the work.

1.3 UHT STRUCTURE

The current authorised strength of the UHT is 35 personnel comprising of one 'Review Team' and four 'Investigation Teams', each led by a Detective Sergeant. There are also two intelligence analysts attached to the UHT. These teams are managed by three Investigation Coordinators (Detective Inspector) accountable to the Commander, Homicide Squad.

OFFICIAL: Sensitive**1.4 DEFINITION OF UNSOLVED HOMICIDE CASES**

The UHT is responsible for the monitoring, review, and reinvestigation of unsolved cases in the following circumstances:

- The investigation of a homicide has been to Inquest and the Coroner has referred the case to the UHT. This includes suspicious missing person's cases where the missing person is presumed to be deceased.
- Selected historical homicides and suspicious disappearances of missing person's cases (prior to the formation of the UHT) that have been to Inquest and resulted in 'open' findings.
- An investigation which led to a charge of murder but resulted in a failed prosecution. This does not include cases where the offender was found not guilty on the grounds of self defence or mental illness.
- Selected cases at the direction of the Commander, Homicide Squad.

The UHT is not responsible for the reinvestigation of cases that have not been to Inquest or are current, incomplete, or insufficient. This does not prevent the UHT from assisting original investigators in current cases, in a consultative capacity.

Unsolved Homicide cases are defined under the following categories:

- **Undetected.** These are homicide and suspicious disappearances of missing person's cases that have not resulted in any person being detected and charged.
- **Unresolved.** These are cases that have resulted in a person being detected and charged but were acquitted (except on the grounds of self defence or mental illness), or the cases have not been finalised at court and an arrest warrant for the person is in existence.
- **Undeterminable.** These are cases where a coroner is unable to determine that a person died because of homicide and /or is unable to find that a missing person is deceased are classified as Undeterminable. Responsibility for these cases is determined at the discretion of the Commander, Homicide Squad.
- **Solved.** These are cases where a person has been detected and charged resulting in a successful prosecution.

OFFICIAL: Sensitive

REVIEW TEAM AND INVESTIGATION TEAMS

2.0 REVIEW TEAM

The UHT Review Team consists of 2 x Detective Sergeants and 2 x DSC investigators. They are assisted by the 2 x Intelligence Analysts attached to the unit. The two main roles of the Review Team are:

- (a) Information management
- (b) Maintaining the 'Triage' and 'Review' process.

Information Management

(i) *The Tracking File*

All unsolved homicide cases are listed and maintained on an excel spreadsheet in the squad's computer M: Drive known as 'The Tracking file'. Each case is categorised as either 'Solved' 'Undetected', 'Unresolved' or Undetermined. Each case contains details that include:

- Date of death, victim's details, event numbers;
- Crime scene details, motive;
- Inquest details;
- Review status, priority status;
- Investigation status, OIC details, strike force name, arrest details;
- Exhibit references (EFIMS);
- Next of Kin details;
- Reward status.

(ii) *Strike Force Palace*

The UHT receives information on unsolved homicide cases daily from sources that include: NSW Police Intelligence Reports disseminated via COPS; Intelligence disseminated through external law enforcement agencies; CrimeStoppers; Directly from community and other sources. Information is assessed and actioned as necessary. If the information is considered significant, the Investigations Coordinator is advised, and it is disseminated to the OIC of any existing strike force investigation that the information pertains to (if that is the case) and the appropriate action is taken.

The information is then recorded in E@glei *Strike Force Palace (between 1970 to 2000) or Strike Force Palace 2 (Between 2001 and onwards)* – the case management shell pertaining to all unsolved homicide and suspicious disappearance (Missing Person) cases, most of which are not subject to current active investigations. Each homicide and missing person's case have its own sub category where the information is stored as products. Homicide cases are separated from missing person's cases. There are also special sub categories for information

OFFICIAL: Sensitive

relating to: Known offender classifications; Details of Coroner's referrals and; Details of next of kin communications. The management of Strike Force *Palace* is the responsibility of the Investigation Coordinators and Review Team Leaders (Detective Sergeants).

2.1 TRIAGE AND REVIEW PROCESS

There are four stages of this process;

1. A **triage** is conducted of the unsolved case by UHT Review Team. This triage can determine whether the matter should be reviewed. Refer to Annexure 'A'.
2. The triage is then provided to an investigator to commence the **review** of the unsolved case, utilising the review package.
3. The review is then put before a UHT Review Committee for **quality control and prioritisation**.
4. Then finally **ratification and determine of any reinvestigation process** of the unsolved case.

When a case is referred to the UHT from the Coroner it will not be triaged or reviewed for five years, in most cases. This is to allow the passage of time to take effect, enabling fresh information to be received or new evidence obtained through improved scientific technologies, or new investigative methodologies. This will not apply if fresh information or evidence is received for a case in the interim, requiring immediate attention (e.g. a DNA result from a crime scene identifying an offender or suspect).

Because of the large number of cases on file at the UHT, the oldest cases are generally selected as a priority for triage and review. In most instances, cases older than 20 years are the most difficult and challenging with a low chance of solvability, hence the requirement to review them as soon as practicable.

When a case is ***triaged*** it is determined whether it will be allocated for ***review***. If allocated, it will be provided to an investigator on the Investigation Team who will:

- Retrieve the; case file, existing briefs of evidence, including coronial brief, all related investigative documentation, and records.
- Obtain access to any E@gle.i or other electronic holdings.
- Obtain all court transcripts and covertly obtained material available.
- Identify and locate any existing exhibits. Ascertain their history and status regarding forensic examinations e.g. The existence of DNA or fingerprints. If necessary, arrange for a Forensic Review to be conducted on known exhibits (evidence) on hand then arrange for their re-examination.

OFFICIAL: Sensitive

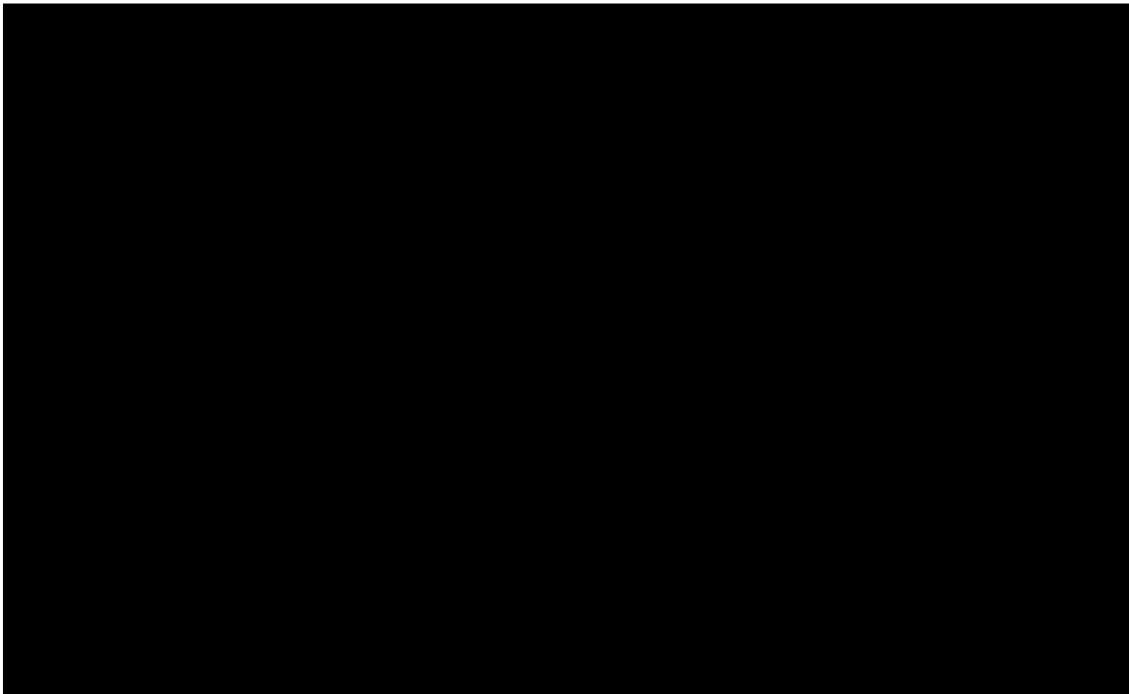
- Recover all known Information Reports (COPS), particularly those received since the last investigation. These should be saved in the relevant SF Palace sub category.
- Ascertain all known suspects and persons of interest, whether they were interviewed (under caution), targeted covertly, their current location, availability, and suitability for future targeting.
- Ascertain the existence of all known witnesses and their relevance to the investigation. Under no circumstances are suspects or witnesses to be contacted by the reviewing officer.
- Identify and locate (if possible) the original investigating police.
- Ascertain the existence of any current government rewards.
- Identify and locate next of kin. They are not to be contacted by the reviewing officer.
- The reviewing officer will then complete a (pro forma) case screening report detailing the results from the above enquiries. This will include the completion of an exhibit matrix (showing location and current status of exhibits) to be attached to the report.
- The reviewing officer will also include in the report: Profile of the deceased / missing person; Incident details; Brief circumstances of the crime; Cause of Death (as indicated in post mortem report); Coronial Inquest details; Results of any criminal court proceedings.
- The Investigation Team Leader or Review Team Leader will then certify the report for quality assurance.

2.2 SOVABILITY ASSESSMENT

Following the completion of the **review** report, the UHT management team comprising of the Investigation Coordinators will consult with the reviewing officer and Review Team leader to complete the solvability assessment and give a priority rating for consideration of future re-investigation. This will be achieved using the (pro forma) case solvability assessment report – a matrix document using rating scores based on the findings from the review report.

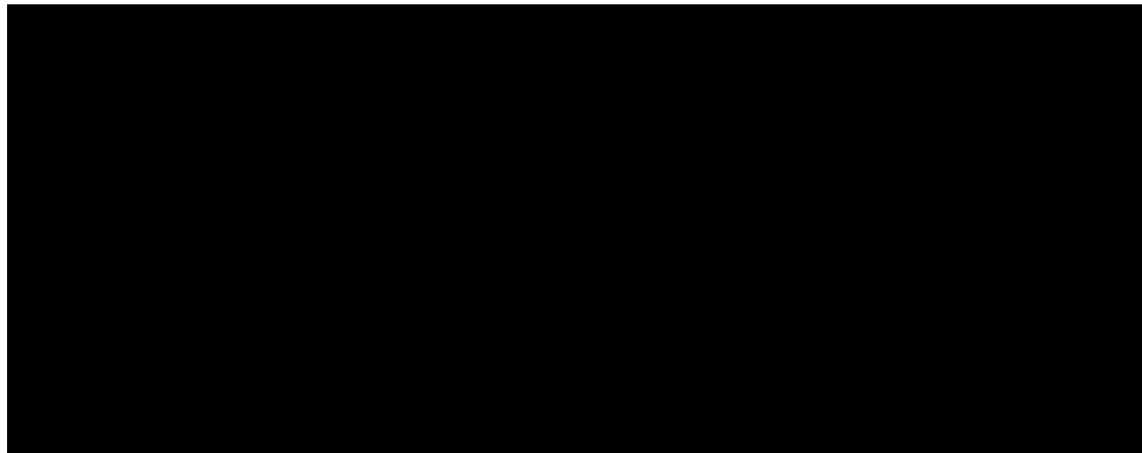
An aggregate ratings score will determine the priority for the unsolved case against others.

OFFICIAL: Sensitive



When new information or evidence is received, this has the potential to alter a priority rating score. The UHT management team will re-determine the solvability assessment and adjust its priority to reflect the new information or evidence.

There are other factors that may determine the priority given for prioritising and re-investigating cases, particularly when two or more cases are rated similarly. Those factors include:



Copies of the review report and solvability assessment report, along with priority rating, will be uploaded into Strike Force Palace. Updates will also be made against the respective case in the Tracking File.

OFFICIAL: Sensitive

OFFICIAL: Sensitive**2.3 RE-INVESTIGATIONS**

Following the completion of the review report and solvability assessment, the UHT Review Committee (*Investigations Coordinator, Commander of Homicide Squad and Team Leader of the Review Team*) will determine the quality assurance of the review and priority rating. *Ratification of recommendations and determine of any case for reinvestigation* is then considered and elected and allocated to one of the UHT investigation teams to commence on the unsolved case for re-investigation. The decision for case selection rests with the UHT investigations coordinators and is to be endorsed by the Commander, Homicide Squad. The cases with the highest priority rating will be given preference. An additional consideration in the selection of cases will include – the location where the case originated from. Cases will not be selected for re-investigation solely on the basis they originated in the metropolitan area. The other consideration for case allocation is the existing case load of the investigation teams and the availability of staff and resources to effectively conduct investigations.

When a case is selected for re-investigation and allocated to an investigation team:

- The investigation team leader will apply to commence a SCC Strike Force with Terms of Reference, through the Commander, Homicide Squad to Operations Support, State Crime Command.
- A case officer will be selected and a new strike force name and new E@gle.i case management shell created.
- Progress reports and Post Operation Assessments will be submitted as required in accordance with SCC Business Rules.
- Weekly reports on the status of strike force investigations will be submitted to the UHT Investigations Coordinators.
- The decision to close or suspend an investigation will be made by the Investigations Coordinator in consultation with the OIC and Investigation Team Leader.
- Consideration will be given regarding the location of the homicide or area where the majority of investigations will occur. This may result in the UHT seeking the assistance of the respective Local Area Command and Region for staff and resources leading to a joint investigation.

OFFICIAL: Sensitive**2.4 JOINT INVESTIGATIONS**

For joint investigations the following criteria applies:

- The case officer will determine the initial scope/volume of investigative activities / inquiries required to be conducted in regional locations.
- UHT Investigation Coordinators will then notify the Region Operations Manager (where the homicide occurred and if different, where it is determined the majority of investigations will take place).
- The Homicide Squad, via the Serious Crime Directorate, SCC will then submit a 'Request for Assistance' to the respective Region for the establishment of a joint investigation to be led by the UHT.
- In consultation with, and with input from the respective Region Operations Manager, an 'Investigation Agreement' between SCC and the respective region will then be created along with 'Terms of Reference' establishing the number of staff and resources to be provided from SCC and the Region (Local Area Commands) and cost arrangements.
- Invariably, the involvement of region staff may not be full time but only when strike force operational activities require it (e.g. The interviewing of witnesses in a LAC or monitoring of a remote surveillance post). UHT staff will conduct the other investigative activities required.
- Costs incurred by Region (LAC) staff attached to a strike force (e.g., Overtime, travel etc.) will be met by regions pursuant to the 'Investigation Agreement'.
- Where necessary and involving consultation between UHT Investigation Coordinators, Region Operation Managers and Local Area Commanders, facilities such as; Forward Command Posts, strike force rooms, etc. may be established at locations in LAC's for the purpose of operational activities involving both UHT and Region staff.
- Investigation direction, significant decision making, changes regarding staff and / or resources will be the responsibility of the Commander, Homicide Squad or UHT investigations coordinators. Prior consultation will be required between the Director, Serious Crime Directorate, SCC and the Region Operations Manager should amendments be required to 'Investigation Agreements', 'Terms of Reference' or 'Investigation Plans.'
- Progress Reports and other reporting remain the responsibility of the UHT. Region Operations Managers and relevant LAC staff will be provided with copies of Progress

OFFICIAL: Sensitive

Reports and invited to attend any formal SCC Assessment and Review process for unsolved homicide investigations impacting on their areas.

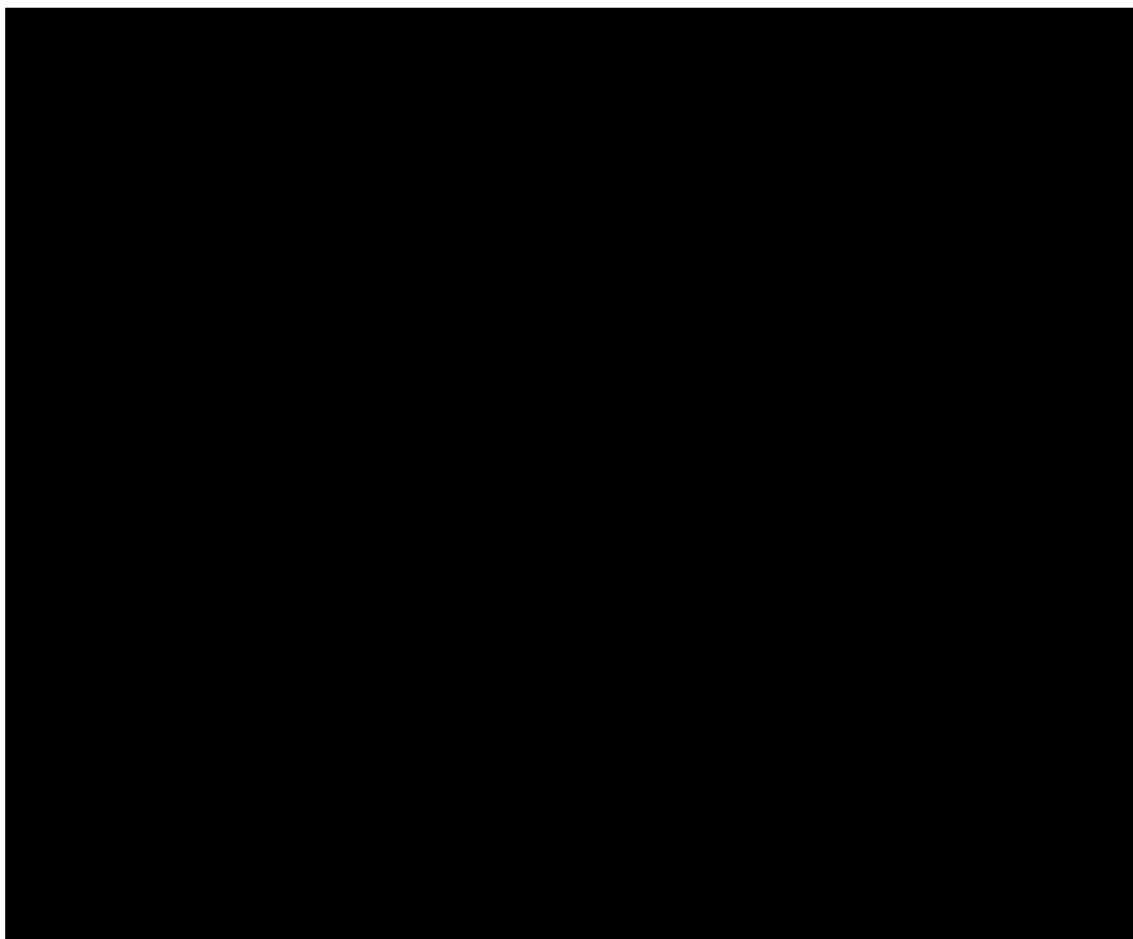
- All media inquiries and activities will be authorised / approved by the Commander, Homicide Squad in line with SCC protocols and coordinated through the SCC Media Liaison Unit. The SCC Media Liaison Officer is to be advised of any requests from regional or metropolitan based media outlets for matters relating to unsolved homicide cases.
- The decision to suspend or terminate joint investigations will involve consultation with the respective Region Operations Manager but will be the responsibility of the Director, Serious Crime Directorate upon recommendation by the Commander, Homicide Squad or UHT Investigations Coordinator.

The Homicide Squad has corporate responsibility for all homicides in NSW. On occasions, some unsolved homicide investigations may be conducted solely by LAC's. In these cases, the UHT will monitor the progress of the investigation and provide consultation or other assistance where practicable.

2.5 EXTRANEOUS DUTIES

The Investigation Teams and Review Team officers may also be called upon to perform other duties including:

- The location and reconciliation of exhibits relating to all unsolved homicide cases and conversation onto EFIMS. This may also include organising forensic reviews and submitting items for forensic examinations. The locating and recovery of previously unknown or 'lost' exhibits may result in priority being given to case screening and review of those respective cases.
- Conducting inquiries or limited investigations because of relevant or significant information received (other than strike forces being undertaken by the Investigation Teams).
- Application for government rewards through the Rewards Evaluation Advisory Committee (REAC) for unsolved homicide cases.

OFFICIAL: Sensitive

MEDIA

4.0 MEDIA

All media related activities must be in adherence to the NSWMP Media Policy. If UHT staff are contacted by media outlets, no information is to be given out relating to UHT activities or investigations. If contact occurs, the details of the media representative and their requests should be obtained and forwarded to the Investigations Coordinators. Otherwise, UHT staff must not engage in any media interviews, releases, or provide any information to the media without the authority of the Commander, Homicide Squad.

The involvement of UHT staff in any media related activities including Interviews, press conferences, appeals for assistance, releases or other general contact must be coordinated through the SCC Media Liaison Officer and with the approval of the Commander, Homicide Squad.

Unsolved Homicide Team personnel are regularly contacted by media outlets seeking information on unsolved homicide cases. The standard reply (to be given by Investigation Coordinators with approval from the Commander, Homicide Squad) should be: *"This is an unsolved homicide case subject to review. It is not appropriate to release details of the status of the case, due to operational integrity and police methodology."*

OFFICIAL: Sensitive

CONCLUSION

This Standard Operating Procedure is subject to change and is to be reviewed when a change or introduction of processes is made.

ANNEXURES

5.0 INSTRUCTION SHEET

5.1 ANNEXURE A: TRIAGE FORM – TEMPLATE

5.2 ANNEXURE B: EVIDENCE SUMMARY – TEMPLATE

5.3 ANNEXURE C, D, F: WITNESSES, EXHIBITS, POSTMORTEM - TEMPLATE

5.4 ANNEXURE E: EXHIBIT MATRIX – TEMPLATE

5.5 ANNEXURE G: ASSESSMENT SHEET – TEMPLATE

5.6 ANNEXURE H: RATINGS TABLE

5.7 ANNEXURE I: HOMICIDE SQUAD QUALITY ASSURANCE – TEMPLATE