

NEW SOUTH WALES POLICE

HOMICIDE SQUAD STATE CRIME COMMAND



UNSOLVED HOMICIDE TEAM

- Metropolitan
- Country Regions

STANDARD OPERATING PROCEDURES.

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1. Introduction

On 31 March 2004 the Unsolved Homicide Review Team commenced the formal review of more than 300 historical unsolved homicide cases identified between 1 January 1970 and 31 March 2001. Those reviews were conducted in accordance with the Standard Operating Procedures that were in place for the Unsolved Homicide Team. Although more than 300 cases were initially identified for review by January 2007 the number of cases reviewed by the UHT Review Team amounted to 419 as the number of cases naturally increased from 31 March 2001 as other outstanding cases were finalised as investigations across the state.

Of those 419 cases a total of 201 were identified as requiring further investigation. Among those 201 cases 9 cases were reopened since 31 March 2001 due to the significance of information received and allocated to LAC and the Homicide Squad for investigation.

The remaining 192 cases were identified, prioritised and recommended for further investigation. In July 2008 the investigative arm of the Unsolved team was formed with staff drawn from the regions and State Crime Command to progress those investigations.

The State Coroner has identified the reviewing role undertaken by the Unsolved Unit and now refers all unsolved Homicides or suspicious deaths to the Unsolved Unit for review. The Standard Operating Procedures have been updated to include and identify when the Unsolved unit will undertake an unsolved investigation and the role investigators will have in those investigations

2.0 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.
- 2.5 Assign cases for investigations to the State Crime Command Unsolved team or Regional Unsolved team.
- 2.6 Lead or participate in strike forces set up to investigate cases from the unsolved homicide list.
- 2.7 Liaise and monitor investigations undertaken by Regional Unsolved Units.

- 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.

CASES TO BE CONSIDERED AS UNSOLVED HOMICIDE.

3.0 Criteria

- 3.1 An unsolved homicide is a homicide for which the offenders have not been convicted.
- 3.2 Coronial Inquest has been held and the investigation has been referred to the Unsolved Homicide Unit.
- 3.3 The Coroner has not referred the matter to DPP for consideration of charges.
- 3.4 Offence must have occurred more than 3 years prior to the time of review.
- 3.5 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.
- 3.6 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.
- 3.7 Missing persons cases will not be included as unsolved homicides unless they have been investigated by the relevant Local Area Command, presented to a Coroner for inquest and an open finding returned.

4.0 Review of Unsolved Homicide Cases

4.1 Case Screening

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.

Cases between 1st January 1970 and 31 March 2001 have been reviewed and prioritised based on 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.

4.2 Initial Case Screening

Unsolved Cases 1970 to 2000

- (a) All unsolved Homicides from 1970 to 2000 have been identified, reviewed, and placed on a tracking file.
- (b) The investigations will be prioritised and distributed to the Regional and State Crime Command Unsolved Units.

Unsolved Cases 2000 –

- (a) Cases for years after 2000 will be added to a new tracking file for that period.
- (b) Review of all Unsolved Homicides in this category will be undertaken where possible 3 to 5 years after an inquest has been held, or at the direction of the Commander Homicide Squad.
- (c) These matters will be assessed and prioritised at the time of review.

4.3 Case Screening Process

- (a) 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).
- (b) The officer conducting the case screening will complete an electronic case screening form with a view to identifying opportunities to further the investigation.
- (c) The officer conducting the case screening will be required to locate the brief of evidence and original investigation papers (and from subsequent investigations if applicable) Exhibits, other physical evidence connected to the case, Coroner's findings and other relevant material
- (d) The officer conducting the case screening will be required to list what investigation records, information, documents, evidence and exhibits are in still existence.
- (e) The officer conducting the case screening will be required to provide a comprehensive synopsis of the incident and investigation.
- (f) 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.

(g) 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.

(h) 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).

(i) The officer conducting the case screening will be required to make a recommendation as to what further avenues of investigation are available.

(j) The Officer will make a recommendation on the prioritisation of the case and hand the completed document to the Team Leader of the Unsolved Review Team.

(k) The Team Leader will update the tracking file with the information from the Case Screening form and forward it to the Investigations Coordinator Unsolved Unit.

(l) The case screening document will be placed on strike force Palace , eagle @ , filed in a folder and stored in the compactors at the Unsolved Unit.

4.4 Quality assurance:

(a) 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.

(b) 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.

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) and prioritisation, particularly

with regard to knowledge of technological and methodological advancement.

(d) The case will be prioritised at the completion of the case screening and quality review process.

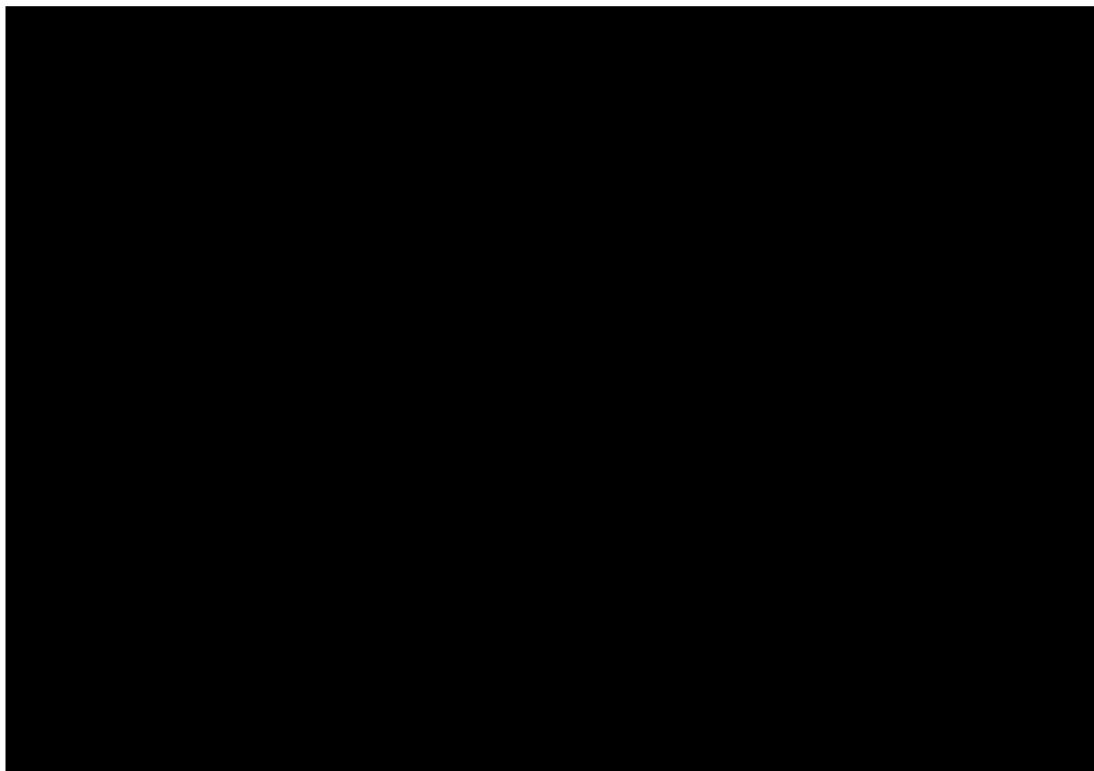
4.5 Prioritisation of Cases

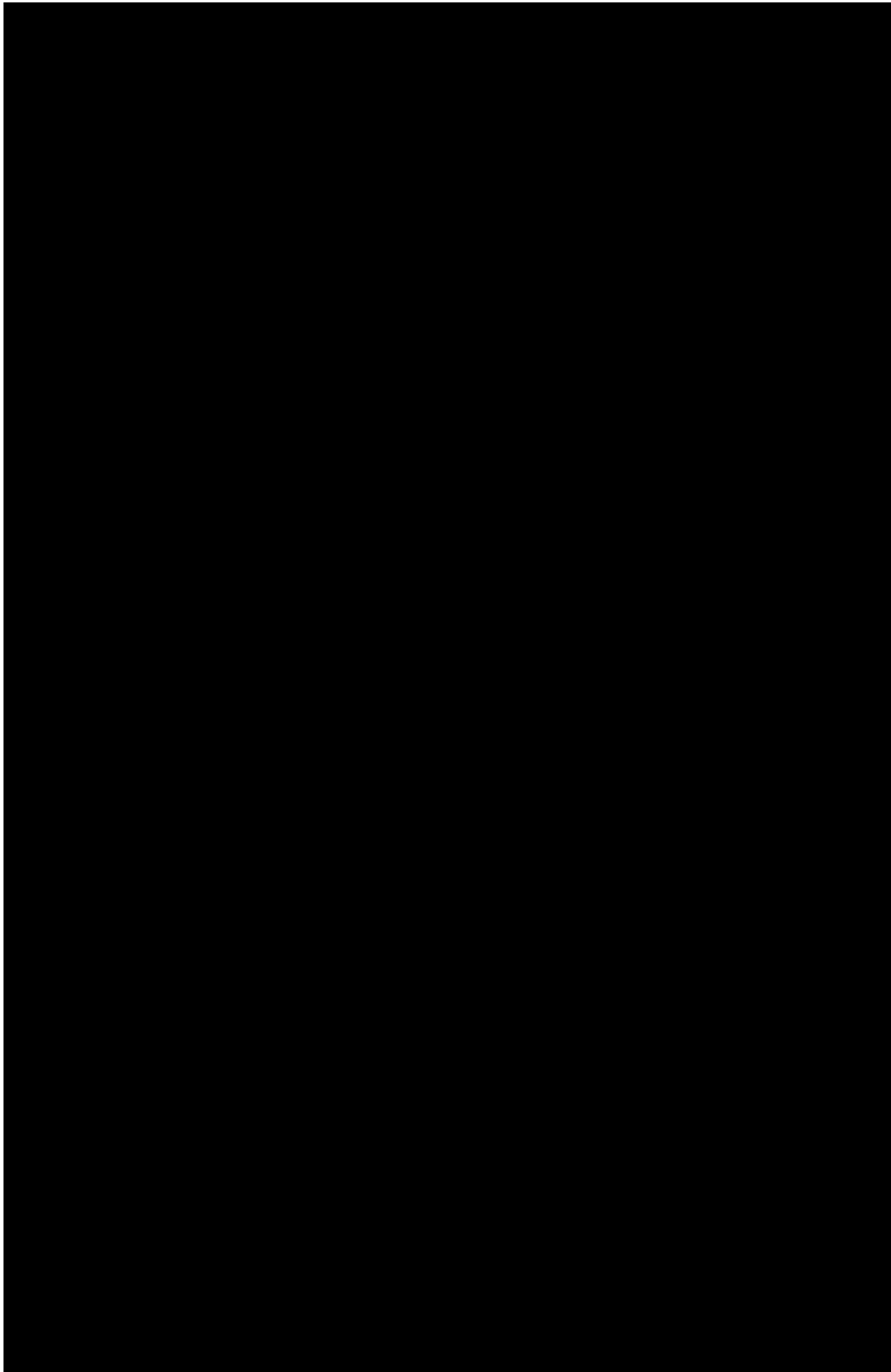
The prioritisation process is based on the premise that cases with the greatest likelihood of success receive the highest priority for resources. It is also concerned with identifying cases that should be suspended due to there being no realistic prospect of resolution.

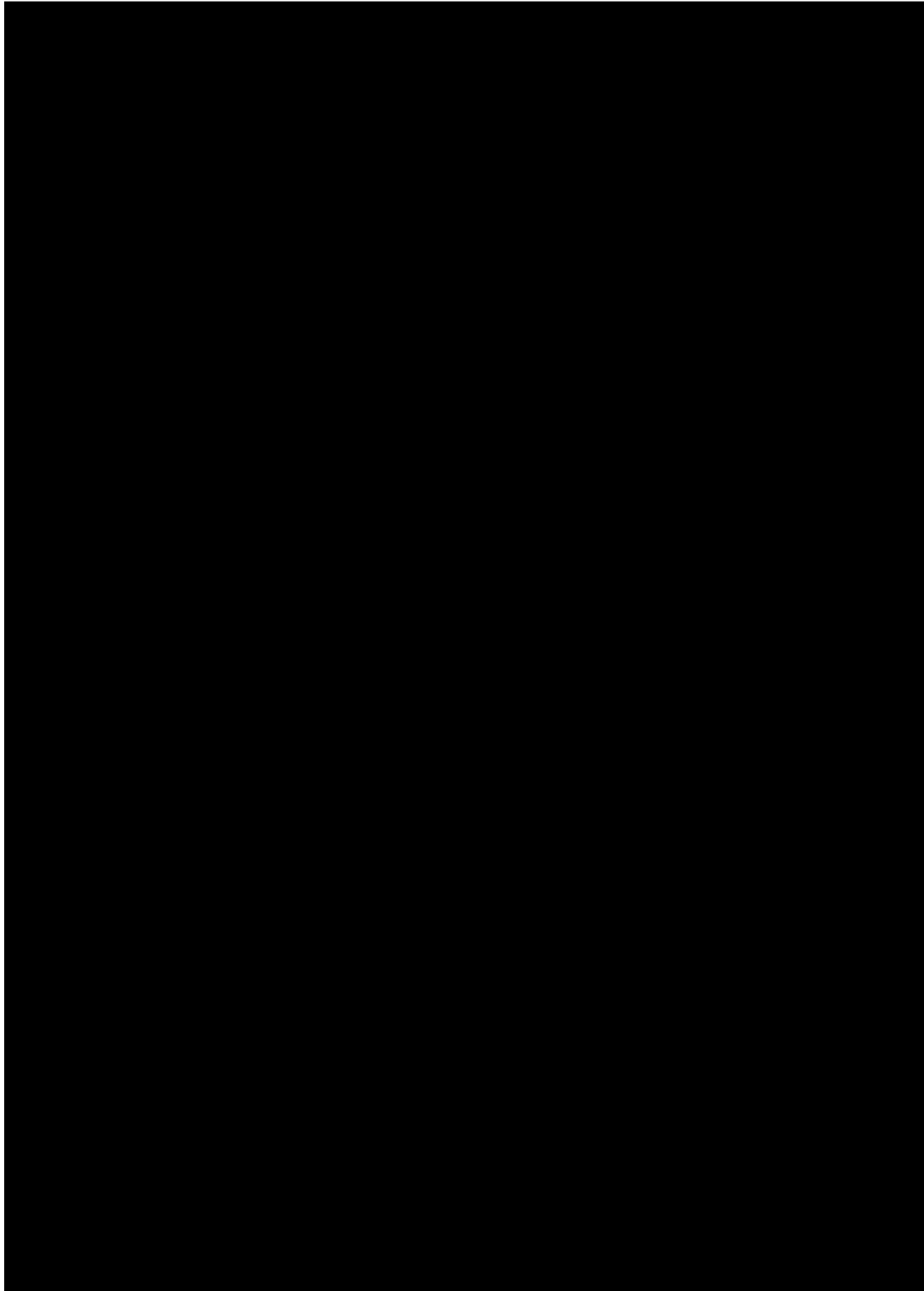
The opportunities for further investigation depend upon a number of factors. These factors relate to the availability of the original investigation documents, witnesses and physical evidence; the identification of a suspect and the opportunity to utilise new investigative techniques; technology; and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

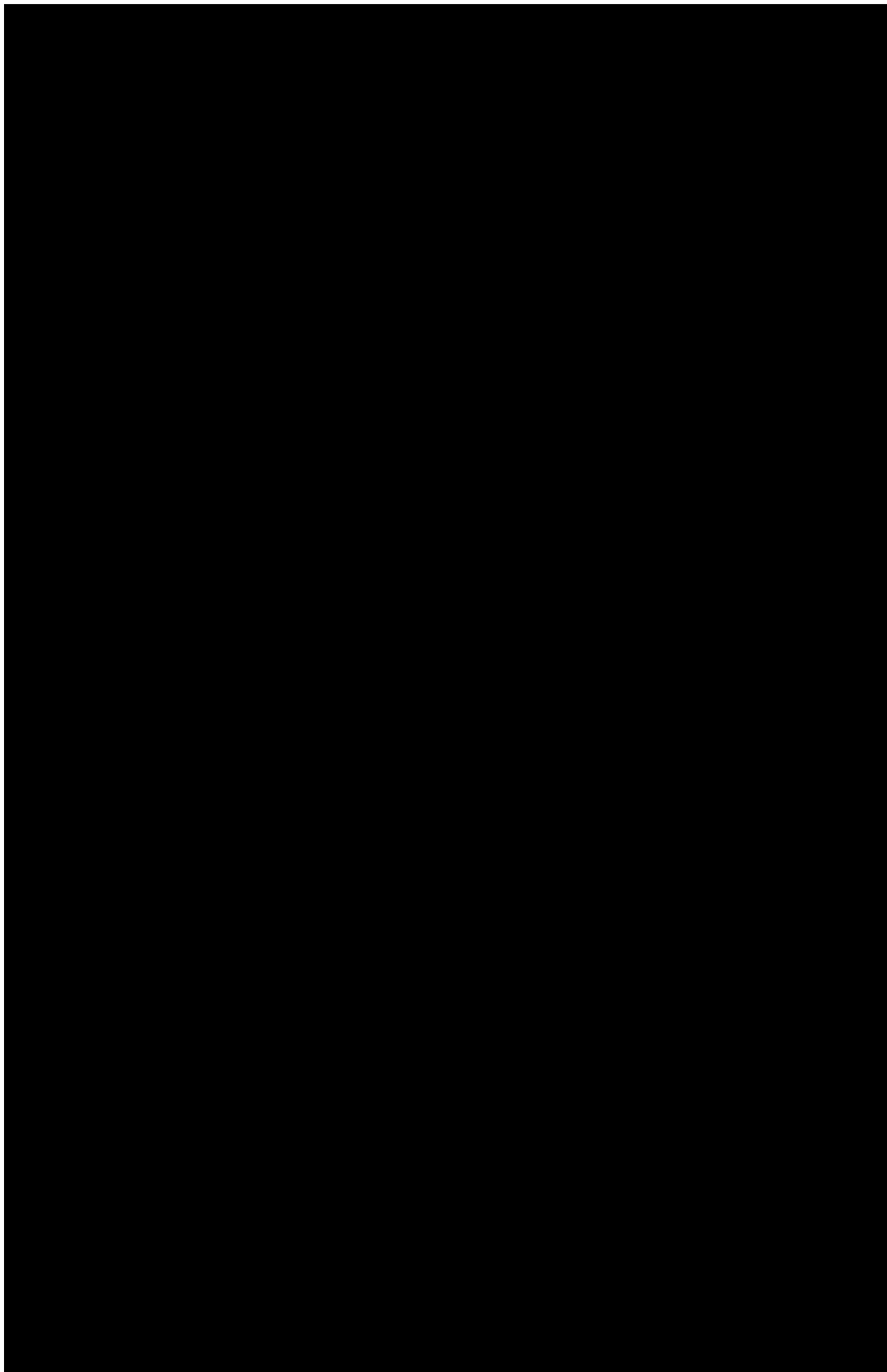
Each case should be rated on the above criteria, with extra weighting given to new technology such as DNA. Each rating is based on the information contained in the case screening form.

The Commander Homicide Squad can review the priority given to a case for further investigation at any time.









4.6 Case Allocation

After the initial case screening each case will be prioritised into one of four categories – high, medium, low or no priority (recommended for closure or suspension). In each case action needs to be taken to either further the investigation, 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. At the completion of the case screening and prioritisation processes the investigations Coordinator Unsolved Homicide will submit a recommendation for further investigation historical Unsolved Homicide case form to the Director Serious Crime.

Director Serious Crime will review the recommendation and where appropriate activate a Strike Force name and issue Terms of Reference. The investigation will then be assigned to the relevant officers attached to the Regional or Metropolitan Unsolved Homicide Unit.

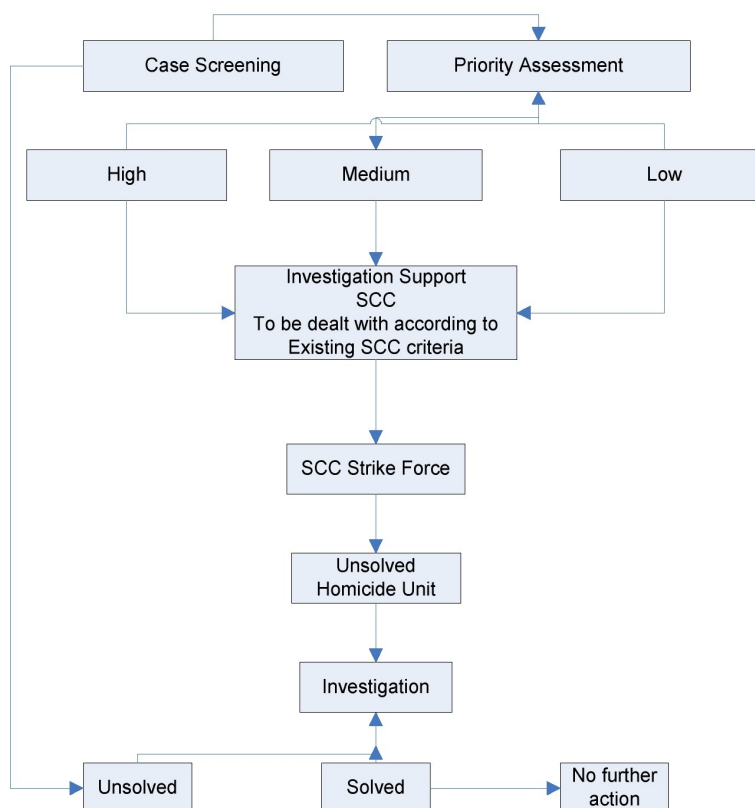
The investigator appointed to lead the investigation will be responsible for the submission of the investigation plan to the Investigations Coordinator Unsolved Unit State Crime Command for approval.

If the case is solved as a result of the further investigation it will be noted on the master tracking file. If the case is not solved it should be returned to the unsolved list for future review.

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.

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

HIGH, MEDIUM AND LOW PRIORITY CASES:



CLOSED CASES:

Cases that should be closed are those where no further investigation is reasonable because it has been exhaustively investigated; or vital documents or evidence are missing or have been destroyed; or witnesses are deceased or unable to be located; or the suspect is deceased; making further investigation impractical and unreasonable.

Closed cases will not be further investigated or reviewed unless new information warranting such action is received. .

If new information is received the case may be reopened and subjected to further case screening and prioritisation.

SUSPENDED CASES:

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.

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.

4.7 Reporting

Weekly Reporting

Regional and State Crime Investigation Units will submit a weekly activity report to the Investigations Coordinator, Unsolved Homicide Unit, State Crime Command prior to 8am each Monday. The Regional units will also disseminate their weekly activity reports to their Regional Operations Manager. The activity report must display what has been achieved in the previous week and what progress is to occur in the forthcoming week. Items of significance are to be highlighted including any proposed operation or media releases.

Progress Reports

Regional and State Crime Command Units will submit progress reports in accordance with State Crime Command business rules. The State Crime Command Progress Report document will be utilised for that purpose. The document is to be completed and provided to the Commander Homicide Squad by the due date.

For each individual Strike Force the Serious Crime Directorate will, through consultation, determine the frequency of reporting by way of SCC Progress Report. Depending on the classification, either, gold, silver or bronze.

GOLD	SILVER	BRONZE	BLACK
<i>Fortnightly</i>	<i>Monthly</i>	<i>Bi-monthly</i>	<i>On Request only</i>

It is the responsibility of the Office In Charge of a Strike Force to submit progress reports to the Team leader for the respective team in accordance with the Terms of Reference.

It is the responsibility of the Team Leader to ensure that as Investigation Supervisors that the progress reports are quality assured and then submitted for assessment.

Work Flow

<i>OIC Supervisor</i>	Submission on Eaglei to the Investigation
<i>Investigation Supervisor</i>	Quality Assurance submission on Eaglei to Region Operations Manager (Country Region Teams only) and all to the Coordinator Unsolved Homicide Team.
<i>Region Ops Manager (Country Regions only)</i>	Submission to Region Commander – Eaglei
<i>Coordinator (UHT)</i>	Compile all reports for Commander, Homicide Squad
<i>Commander, HS</i>	Submission to 'Assessment & Review' for Director, Serious Crime, State Crime Command

Post Operational assessments

Post operational assessments will be completed and submitted upon the arrest of an offender or upon the finalisation of the investigation. The document is to be completed within three months of the matter being finalised.

If the strike force finalises without the case being solved, the case will remain on the unsolved homicide list and will be subjected to further case screening in the future.

4.8 Review of recommendations.

Further Investigations

In those cases where further investigations are recommended the families will be advised by the Senior Investigator appointed to undertake the investigation. The Senior Investigator will make contact at the appropriate time after considering all the facts in the matter and satisfying themselves that advising the family will not impede or hamper the investigation.

The Senior investigator will be responsible to ensure the Victims Charter of Rights is adopted and the family of the victim updated regularly on the progress of the investigation where possible. Contact with the representative of the victim family will be updated on the relevant eagle i created for that investigation.

No Further Investigation

Where it is identified that no further investigations can be undertaken the representatives of the victims family will be advised on request.

An investigation will be activated if:

Further evidence or information becomes available not previously considered. New technology not previously utilised in the investigation which may progress the investigation will be considered..

A request from family members for a review of the recommendations made during the case screening process will be considered by the Commander Homicide.

The Commander Homicide or the Investigations Coordinator Unsolved Homicide will communicate that decision to the families and relatives of the victims.

The Commander or the Investigations Coordinator Unsolved Homicide will also consider all reasonable requests from victim groups acting on behalf of the victims families for information.

4.9 Tracking Unsolved Homicides.

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 2001. 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.

A separate Tracking file will be established to identify unsolved cases for years from 2000. 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 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).

5.0 Investigation Management

5.1 State Crime Command Business Rules

An Executive decision was made on 28 April 2008 to implement an investigation model across NSW to undertake further investigation of those 192 unsolved homicide cases. Those investigations will be investigated by Unsolved Homicide Investigation Teams based in the Southern, Western, Northern Regions and a Metropolitan Unsolved Homicide Team attached to the Homicide Squad, State Crime Command.

All investigations undertaken by the Unsolved Homicide Investigation Teams, Metropolitan and Country Regions will be in accordance with the Guidelines for the Management of Major Crime and the Business Rules of State Crime Command (SCC).

All unsolved homicide cases activated for investigation have been formally processed by the Unsolved Homicide Review Team and an application submitted by the Investigations Coordinator Unsolved Unit , State Crime Command for the formation of a strike force.. Only those cases that have been approved for investigation by the Director, Serious Crime Directorate, State Crime Command are to be investigated by the Unsolved Homicide Investigation Teams (UHIT)

The Director Serious Crime, State Crime Command will create a strike force name and Terms of reference for each strike force established.

All investigations are required to have the Homicide Squad, SCC included as a participating Organisational Unit within Eagle i

5.2 Requests for State Crime Command Assistance

In accordance with the Business Rules of SCC formal requests for assistance from SCC to Country Regions are to be submitted by way of a SCC Request for Assistance application to the Director, Serious Crime Directorate, SCC

5.3 SCC Investigation Agreements with Country Regions

In accordance with the Business Rules of SCC Investigation Agreements have been formalised between Northern, Southern, Western Region and State Crime Command. Those agreements list and detail the investigation management and formal reporting protocols to be complied with during the investigation of unsolved homicide cases by the three country regions.

5.4 Terms of Reference – SCC

All investigations undertaken by UHT's are conducted within specific Terms of Reference issued by the Director, Serious Crime Directorate, SCC. Each Terms of Reference must be agreed to by the Officer in Charge, Investigation Supervisor and the Director, Serious Crime Directorate SCC..

Once completed all Terms of Reference are to be 'uploaded' onto the specific Eagle i investigation for each case.

5.5 Roles

Eagle i OIC – Case officer allocated to lead an investigation. OIC can be a Detective Senior Constable or a Detective Sergeant
Eagle i Supervisor – Team Leader or nominated person responsible for supervising an investigation in accordance with the Terms of Reference.

Eagle i Assist – Investigator allocated to a strike force to provide assistance to the OIC of the investigation.

5.6 Investigation Plans

As required by the Terms of Reference each investigation will have an investigation plan developed and submitted for approval to the Investigation Supervisor. Once approved the Investigation Plan is then 'uploaded' onto Eagle i.

If the occasion arises whereby new strategies have been identified an additional Investigation Plan is required to be submitted by the OIC to the Investigation Supervisor.

Templates for Investigation Plans are available on the SCC intranet site.

5.7 SCC Legal Services notification.

State Crime Command Legal Services are to be notified at the commencement of a strike force. The name of the assigned officer at that unit is to be recorded on eagle I for that strike force.

6.0 Intelligence Analysis

The three country regions will provide their own analytical support for their respective unsolved homicide investigations. State Crime Command will provide analytical support for the Metropolitan Investigations and also strategic support for the Unsolved Homicide Team, Homicide Squad.

7.0 Media Management

All investigations into Unsolved Homicide Cases will be subject to the NSW Police Force Media Policy. Due to the media profile and expected high level of public interest in the Unsolved Homicide Teams a Media Strategy specific to Unsolved Homicide Investigations has been developed by the Media Liaison Officer, SCC.

Regional Unsolved Homicide Units are to consult with the Investigations Coordinator Unsolved Unit, SCC, Commander Homicide Squad and State Crime Command Media Liaison officer with any proposed media release.

All media releases will be developed and submitted to the Investigations Coordinator Unsolved Homicide Unit for vetting and approval by the Commander Homicide Squad in consultation with the Operations Managers of the relevant region.

The SCC media liaison officer is to be advised of any requests received from regional or city based media outlets for media stories.

8.0 Notification - Family & Victim Group Management

The Unsolved Homicide Unit, State Crime Command will be responsible for advising families when further investigations commence.

The Homicide Victim Support Group notification form will be forwarded to that group by email or fax when an investigation has taken place..

Recording of Contact.

Written or telephone contact with the families of victims will be recorded on eagle i under the Palace Investigation. Where a strike force is already established then the contact should be uploaded onto eagle i under that strike force name.

Upon the activation of an investigation it will be the responsibility of the Officer in charge to ensure that regular contact be maintained and that contact logged on the "log" functionality on eagle i for the relevant investigation.