

# Cold Case Homicide Reviews

Cheryl Allsop

## Introduction

This chapter provides an account of how the police seek to solve long-term undetected homicides, shining a light on the opportunities and challenges faced by cold case review teams. It will focus mainly on how cold case reviews are conducted in the United Kingdom but will also draw on examples from other countries, in particular the United States, the Netherlands, Canada, and Australia. What will become clear is that both in the United Kingdom and elsewhere it is advances in forensic techniques and technologies, along with the growth of technological databases and information from members of the public, that enable cold case homicides to be progressed. It should, however, be noted that cold case homicides are not easily detected, despite how they are portrayed in the media and in fictional accounts (Lord 2005).

This being the case, the question arises: why do the police conduct cold case homicide reviews? This question is particularly pertinent in an age of financial austerity when policing budgets are severely restricted and decisions have to be made about how best to prioritize activities and where limited resources should be spent. To that end, the chapter will begin by considering why cold case homicide reviews are conducted, before going on to outline how they are conducted, providing some examples and examining some of the opportunities and challenges which face investigators.

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## Why Conduct Cold Case Homicide Reviews?

Cold case homicide investigations have captured the imagination of the media and the public. They are the ultimate “whodunnit.” For detectives finally to succeed in catching an elusive offender reinforces the popular image of the crime fighting, investigative detective, unearthing and solving clues, in much the same way as popular media and dramatic accounts portray investigations. Such successes can help the police to engender a feeling of public confidence in their crime fighting abilities and quest for justice. The publicity surrounding cold case homicide successes can help the police to present themselves in a positive light.

Similarly, detecting an unsolved homicide can provide a form of community reassurance, particularly in smaller communities where the specter of an unsolved murder can loom large, including for those previously considered a suspect and who have had to live with the finger of suspicion pointing at them until the real offender(s) is caught. Additionally, of course, while the crime remains undetected an offender is still free to offend again, so the opportunity to apprehend and stop dangerous offenders cannot be underestimated. This is particularly pertinent with crimes involving sexual violence as the chances of repeat offending are high and so cold case stranger rape investigations, in particular, provide opportunities to link offenses and prevent further recidivism when advances in forensic science link crimes and offenders to crimes. Crucially, however, it is for the families of the victims who need to see justice for their loved one that a cold case review can provide the greatest benefit. Cold case review successes can also provide hope for other victims’ families that they too will obtain justice for the murder of their loved one. As Rock (1998) asserted, families of homicide victims need to know what happened to their loved one and want to obtain justice for them. Seeing offenders caught and punished for the crimes committed provides an opportunity for families to gain some kind of closure. Conversely, investigating cold cases requires significant amounts of time and resources that could be invested in current crime fighting, where there are arguably greater chances of success, and so police agencies must balance the resources devoted to older and newer cases. Achieving this balance in the context of limited investigative resources is difficult particularly when close relatives of the victim and the offender might well be dead.

## What Is a “Cold Case”?

Unsolved homicides are never closed, it is simply that an investigation will stop when all lines of enquiry have been explored and there appear to be no further investigative opportunities to follow at that time (Innes and Clarke 2009; Allsop 2013). As such, there is no prescribed time when an unsolved homicide “goes cold”: it is generally recognized that this occurs simply when there are no viable investigative opportunities left to pursue (Jones, Grieve and Milne 2008; Innes and Clarke 2009; Allsop 2013). In the United Kingdom, in order to try to prevent homicide

investigations from stalling, they will be subject to periodic progress reviews to ensure that all investigative opportunities have been explored, that all procedures have been followed correctly and to provide guidance to the investigating team (Nicol *et al.* 2004; Jones, Grieve, and Milne 2010). Cold case reviews are also conducted ideally at two year intervals on cases that remain unsolved to establish whether there are likely to be any new potential investigative opportunities to pursue (Innes and Clarke 2009). However, the robustness of this two year review cycle does depend on the police having the resources in place to do the reviews. As one might expect, both nationally and internationally, it is the availability or lack of resources that will determine the likelihood of a review team being in place to actively conduct such reviews.

In short, cold case investigation teams are not universally in existence and, as will be seen presently, there are no uniform or prescribed ways of approaching cold case reviews. Indeed, even within individual teams there are differences in how they are tackled. Likewise there are similarities and differences in how different countries approach cold case homicides, and many do not appear to have any form of systematic investigative policy in place for reviewing unsolved homicides. Those that do are, for the most part, taking advantage of advances in forensic techniques and technologies including DNA databases to progress cold case homicides. As Hulshof, Knotter, and Spormans (2015) note, in the Netherlands the first cold case unit was established in 1999 and in 2000 a cold case pilot initiative between Amsterdam-Amstelland and Utrecht, successfully linked two crimes to one offender using new scientific techniques to re-examine DNA evidence which could then be compared to a suspect sample held on the DNA database. In 2000, the Minister of Justice advised that all homicides and sex crimes should be reinvestigated and as units were beginning to achieve successful results so it spurred on other areas to review their unsolved crimes (Hulshof, Knotter, and Spormans 2015). In the United Kingdom and in the United States, cold case reviews have become an established component of policing, again fueled by advances in forensic techniques and technologies that potentially provide new investigative opportunities. Adcock and Stein (2015) noted that in the United States, in the absence of forensic opportunities, it is unlikely that cold cases will be reviewed. However, it should be pointed out that in the United States, in particular, new forensic techniques and technologies were not always the driver of cold case investigations, as they are now.

As Innes and Clarke (2009) illustrate, when the term cold case review originally came into parlance in the United States in the 1990s the focus was very much on witness testimony and changing allegiances. Based on the idea that as time goes on and people fall out or change loyalties, interviewing these witnesses years later might elicit new information which could subsequently be used to generate new lines of enquiry (Innes and Clarke 2009; Allsop 2013). These avenues of enquiry are, of course, still pursued but the focus now is much more on the opportunities that advances in forensic techniques and technologies present to these old cases. Now, as in the United Kingdom, forensic opportunities are exploited to identify suspects. Funding provided by the National Institute of Justice has further allowed for historic

crimes to be reinvestigated (NIJ 2002; Lord 2005; Innes and Clarke 2009). Similarly, in the United Kingdom the Home Office has provided funding for forces to exploit forensic opportunities in long-term unsolved homicides and unsolved stranger rapes (Allsop 2013).

### Operation Stealth

In 2007, the Home Office in the United Kingdom provided funding to support police teams keen to detect unsolved homicides. An initial budget of £250,000 was provided from which review teams had to bid for money for cases which they thought could be progressed from forensic opportunities. Over 50 unsolved homicides were reviewed by police teams across England and Wales. A second proactive phase began in 2008 which saw the Operation Stealth project team search the Homicide Index<sup>1</sup> for homicides they believed had the potential for progression by drawing on advances in forensic science, especially where there were suspects in the frame who could be implicated or eliminated from the investigation. The then Forensic Science Service were also asked to rate the chances of potential forensic success in each case. A further £250,000 was set aside for this, and in March 2010/2011 two million pounds was allocated to cold case homicide reviews. The Operation Stealth project team recorded a number of successes, most notably that of John William Cooper convicted of the double murders of siblings Richard and Helen Thomas in 1985 and husband and wife Peter and Gwenda Dixon in 1989. Cooper had previously been a suspect but with insufficient evidence available initially to connect him to the crimes, he was not originally prosecuted for them. It was not until the cold case review team were able to link him to the victims after DNA from the victim's blood was found on his shotgun and fibers from their clothes were found on his, that he was finally able to be prosecuted and convicted for the murders (Wilkins and Hill 2014).

Another notable conviction was that of Mark Weston, convicted of the murder of Vikki Thompson in 1995. He was originally acquitted of the murder in 1996 but subsequently convicted after the unsolved homicide was reopened in 2005. He was convicted in 2010, after microscopic traces of blood were found on his footwear which enabled him to be connected to the victim. His conviction was made possible by changes to the double jeopardy laws, which now allows for suspects to be prosecuted again for crimes of which they have previously been acquitted, if there is new and compelling evidence available. In this case the blood found on his footwear provided the new and compelling evidence which gave rise to the new prosecution (Allsop 2013).

Similar changes to the double jeopardy laws in Scotland, in 2009, allowed for the conviction of Angus Sinclair, a prolific serial sexual offender, for the murders of Helen Scott and Christine Eadie. Although the original trial in 2004 had been stopped and Sweeney acquitted of the murders, he was eventually convicted in 2011, when DNA found on one of the victims' coats was said to originate from the two victims and only two others, one being John Sweeney (Police Scotland 2014).

Canada and Australia similarly draw on forensic techniques and technologies in historic unsolved homicides, and the opportunity to progress cold cases is also solicited through the media and Crime Stopper appeals with sometimes substantial rewards offered for information, as will be noted presently. However, despite the new leads witness information can generate it is easy to see why forensic opportunities are pursued in unsolved homicide reviews. In the United Kingdom, the introduction of the National DNA Database (NDNAD) in 1995 and in the United States the Combined DNA Index System (CODIS) has enabled crime scene samples from historic crimes to be upgraded and compared with samples held on the database of offenders and other crime scenes, thereby providing investigators with a new line of enquiry to explore when a match is achieved (Harper 2015). As Adcock and Stein (2015) suggest the ability to link crimes using CODIS has been a key factor in detecting many cold cases.

Having DNA profiles enables cold case investigators to explore further lines of enquiry that would not have been available at the time the offense was committed and allows for new investigative leads and lines of enquiry to be explored. For example, mass screening was successfully used in the Netherlands to identify an offender in a 1999 rape and murder case. The investigation into the murder of 16-year-old schoolgirl Marianne Vaatstra, in fact, highlights a number of the main drivers in identifying suspects in historic homicides. The case was kept alive through media appeals and forensic techniques enabled the mass screening of local men to identify the offender. A number of “tip offs” provided by members of the public following a news broadcast suggested that a cigarette lighter identified in the victim’s handbag, which contained traces of DNA matching traces of DNA found on the victim’s body, was sold locally to where the victim lived in Zwaagwesteinde. A mass screening of local men identified a farmer who lived near to where the victim’s body was found. He later confessed to the crime and was convicted of the rape and murder of Marianne, receiving an 18 year jail sentence (DutchNews.nl 2012).

In the United Kingdom the cold case review into the murder of Stephen Lawrence is one of the most high profile cold case investigations, and it was microscopic specks of blood on the jacket of one of the suspects that indicated his presence at the crime scene. Stephen was murdered in 1993 and although five suspects were identified at the time it was not until January 2012 when two of the five, David Norris and Gary Dobson, were convicted of the murder after DNA found on exhibits retained from the murder placed them at the crime scene (Laville and Dodd 2012).

In Canada, investigations into the cold case disappearance of Henrietta Millek, who went missing in 1982, are being progressed at the time of writing to establish whether an item belonging to the victim, her purse, which was found in a bar where she was last seen, may hold the DNA of her abductors given the improvements in forensic techniques now available including “Touch DNA” analysis. In addition, appeals have been made to the local community to come forward with information (CBC News 2009). Returning again to the Netherlands and the United Kingdom we see here how forensic techniques enabled two unsolved homicides across two continents to be linked. The cold case review by Rotterdam police in 2008 linked the two

murders of Melissa Halstead in Amsterdam in 1990 and Paula Fields in London in 2000. In addition, the introduction of the missing persons database in the Netherlands in 2007 enabled the body of Melissa Halstead to be identified in 2008 through familial DNA techniques. Finding a connection between the two victims provided investigators with the opportunity to explore their connection to each other and to the potential offender. So following a joint operation by the Dutch police and the Metropolitan Police, John Sweeney was convicted of the murders of Melissa Halstead and Paula Fields (Davies 2011; Summers 2011).

Of course these successes depend on relevant items being retained and being correctly stored and labeled such that review officers can connect exhibits to the crimes. A problem not unique to the United Kingdom is the fact that many exhibits cannot be found or cannot be used because of the manner of their collection and storage. It is, therefore, the task of a review team to locate any potential exhibits to be able to establish any new forensic opportunities to identify a suspect.

## Process

In the United Kingdom, while there are no uniform approaches to conducting cold case reviews there are certain tasks which must be completed. Before a review can take place the first task is to locate the documentation from the original investigation. This in itself can be problematic as documentation, paperwork, and exhibits can often be spread far and wide across the force areas in several places. Depending on the age of the case the investigation may not have been documented and stored on HOLMES<sup>2</sup> so all the information may be held on paper. All of the boxes containing the investigative paperwork and exhibits must be found, and once located, searched through for important documents including the closing statement report which details the senior investigating officer's (SIO) thinking at the end of the original investigation (and any subsequent reviews), and the exhibits log to establish what exhibits are held by the police. The case files can then be reviewed looking for forensic opportunities to progress, potential suspects who need to be eliminated or implicated, and considering any hypotheses as to what might have happened in the case.

An important part of the review process is to prioritize which cases to review. Decision makers have to weigh up factors such as the likely chances of success, the forensic opportunities available, whether there are any suspects previously identified who need to be eliminated from the enquiry, and how high profile the case is. The police also have to consider and manage the risk that an offender could offend again. Ultimately, however, it is the potential for a successful result which determines the priority given. Similarly, in the United States, cases are again prioritized considering the chances of solving the case, the existence of physical evidence that could be tested using new scientific techniques and whether there are likely to be witnesses and suspects still alive (Lord 2005). Likewise, cases being reviewed by the Victoria Police Cold Case and Missing Persons Squad have been prioritized based

on new information being available which could lead to the identification of an offender, and advances in forensic technologies enabling forensic opportunities to be explored and again, as one would expect, focusing on those cases with the most likely chance of success (Moor 2014).

Given the focus on exploiting forensic potential, an important step in the review process is to establish what tests have already been carried out on the exhibits. A review team, often in conjunction with the scientific support team, will decide what further tests may be viable on samples held and in what order. This is important because certain tests may render the sample unsuitable for any further testing, so it is important for review teams to carefully consider the order and priority of any forensic tests being conducted.

In addition to forensic expertise, cold case review conferences can incorporate multi-disciplinary expertise, with teams drawing on psychological as well as forensic expertise (Innes and Clarke 2009). As Innes and Clarke (2009) note, further lines of enquiry can be generated when behavioral advisers can suggest a new investigative hypothesis, including suggesting the type of person who may have committed the homicide, which in turn can be used to narrow down the potential suspect population. It is open to debate how effective it can be to know the type of offender who may have committed the crime after many years. That having been said, it can help to narrow down a large suspect pool and can also be utilized in conjunction with forensic opportunities, including when familial DNA opportunities are being progressed, in particular in helping to decide upon the parameters to be explored.

## Opportunities and Challenges

Forensic opportunities therefore provide the potential for identifying suspects in cold case homicides, in particular in sexually motivated crimes. However, the value of forensic science to an investigation depends on a number of important factors. It is worth remembering that historically crime scene samples were not collected as they would be today. Samples would be handled without protective gloves and crime scenes would be trampled on without officers wearing protective clothing. Samples would be collected based on what was known at the time. As such, samples could easily be contaminated. Similarly, the manner in which items and samples were collected at the time and subsequently stored can also impact on any future value. Exhibits were often thrown together in storage bags, again running the risk of cross contamination. In addition, samples can degrade over time. The ability to take advantage of new scientific techniques and technologies is also dependent on the exhibits being retained in the first place and it was not uncommon for items to be returned to victims' families, especially as detectives would not have been aware of the future potential opportunities that are now available. Ultimately though, it is the potentially prohibitive costs of forensic testing that can be the biggest obstacle for cold case review detectives, particularly in the United States where it can be difficult for police teams to gain access to expensive DNA testing thereby precluding them

from exploring potential new lines of enquiry. Police teams have to decide between spending the limited resources on forensic testing in cold cases with allocating resources to current crimes. With finite resources available often the decision is made to allocate them to current cases and returning to cold cases as and when there is time available to do so.

As was alluded to earlier, in the United Kingdom as in other countries, in addition to the opportunities that advances in forensic techniques and technologies can bring to cold case investigations, as in live homicide investigations, information from the public and new witness testimony is also elicited by investigators. The passage of time provides both an opportunity and a challenge for obtaining viable witness testimony from people who haven't previously come forward with information, or who were reluctant to share with detectives what they knew about the crime. However, as time passes and people change allegiance they may be more likely to come forward to reveal what they know about the crime, albeit as time passes memories fade and witnesses may not be able to accurately recall what they saw or heard or know. The vagaries of eyewitness testimony and memory and recall processes have long been established (see, for example, Loftus 1996; Wells 1993; Williamson 2007) and these can be amplified by the continuing passing of time. Moreover, if witnesses are now proffering a different statement from the one originally provided, detectives have to consider the credibility of the information and the value of the information they can provide, given that they will have changed their account of events, at least once, from accounts they have previously given. Locating witnesses can also be difficult after a number of years; however, the media can be used to great advantage to trace witnesses and suspects, and to encourage both them and potential new witnesses to come forward.

## The Media

The media play a vital role in live homicide investigations and the ability to manage the media is a key skill for senior investigating officers. In cold case investigations the media are utilized in a number of ways. The newspaper report referred to earlier, (by Keith Moor in the Herald Sun) on the newly established Cold Case and Missing Persons Squad in Victoria Australia, demonstrates how the media can be instrumental in generating new leads in cold case investigations, with the Acting Detective Inspector reporting that information from the public had given them new lines of enquiry to explore in a number of unsolved homicides. The online version of the newspaper has links to their unsolved homicide database and provides information to the public on the details of the unsolved homicides; with links to Crime Stoppers enabling members of the public to come forward anonymously with information in connection to the unsolved crimes (see Moor 2014). In other jurisdictions across Australia, Crime Stopper appeals on police websites are also utilized in an effort to encourage witnesses to come forward, again offering rewards for information leading to an arrest. Following one such "tip-off," not initially concerned with a cold



case, new investigative avenues are being explored in connection to the cold case abduction of two young girls in Adelaide in 1973. Again, a substantial financial reward has been offered to encourage anyone with information to come forward and report it to the police (Littlely and Rice 2014).

In the United Kingdom, newspaper and television appeals are often made in an attempt to jog memories and encourage witnesses to come forward with information. Anniversary appeals, often many years after the murder, are seen as a timely opportunity to remind the public of the ongoing investigation and to encourage anyone with information to come forward. Unsolved homicides are regularly reported on the factual television program, *Crimewatch*, which focuses on showing crimes in the hopes of generating new information from the public. The program often includes reconstructions of cold case homicides to encourage people to telephone in to the television studio to talk to officers in charge of the case or to contact the police directly.

Social media has also been utilized by review teams keen to engage a wide audience. Police Twitter accounts can be used to publicize a review and request information from their followers in the hopes that their followers will retweet the information request to their followers, and so on, reaching a wide audience of Twitter users. For example, in November 2014 in the United Kingdom, West Yorkshire police coining the term “tweeconstruction” tweeted a reconstruction of a cold case to appeal for witnesses to the unsolved murder of a 13-year-old school girl in an attempt to elicit new information from an interested public. Police Facebook pages are also used to publicize cold case reviews and to appeal for information. As noted previously, cold case review successes are also publicized to remind the public that the police never give up on obtaining justice for victims. Family members will themselves set up websites, blogs, and Facebook pages to highlight the unsolved homicide of their loved one, [www.whokilledmymum.com](http://www.whokilledmymum.com) is one such site pertaining to the 1986 murder of Patricia Grainger and her son’s quest to find the killer. When the media are to be utilized by the police, families will be kept informed by review officers so that they do not have to learn of the review via the media and to help minimize the impact any such publicity might have on the families. On occasions family members might also be used in these appeals to remind the public of the human side of the story in the hopes of encouraging the offender and witnesses to come forward.

The above having been said, in the United Kingdom families are often not advised of a cold case review until the investigating team start to elicit publicity about the case or if they are making enquiries that might come to the attention of the family. If there is a chance that this will happen then they will advise relatives to prepare them for it. That notwithstanding, families will contact review teams to push for a review of the unsolved murder of their loved one and this can prompt further action on a case. In live homicide investigations families can be an invaluable source of information about the victim (McGarry and Smith 2011) and so it would seem that including them in the review would be worthwhile, notwithstanding the risk of raising their hopes and then dashing them again in the event of the review coming to nothing, particularly given the regular cycle of reviews.

So, in the quest for publicity and public information the Internet provides a valuable resource to cold case reviewers. In the United States, in particular, there are numerous websites and blogs dedicated to unsolved murders, designed to publicize cases and keep them in the public eye. Often run by volunteers and family members of victims they support law enforcement officials in eliciting information from the public.

In fact, in the United States volunteers are often used in cold case investigations. Lord (2005) notes the value of deploying experienced detectives and volunteers in cold case units in the United States, where volunteers provide additional resource and expertise to the investigation team. Pettem (2013) similarly notes the value of volunteers, including, for example, college interns and retired professionals. The Vidocq Society, where members have expertise in a number of areas—including criminal investigations, forensic techniques, and technologies and the law—provides voluntary assistance to law enforcement officials tasked with investigating unsolved homicides. Their advice is given for free and is simply designed to help assist and progress unsolved homicide investigations albeit a small operation only available to review a very small number of cases (<http://www.vidocq.org/>). This use of volunteers in this way currently seems to be unique to America but the benefit of doing so is immediately apparent.

## Conclusion

Having a dedicated cold case review team in place with the resources available to review unsolved homicides provides the greatest opportunity to detect these crimes. Advances in forensic techniques and technologies provides a good starting point for identifying suspects and eliminating others from police enquiries, notwithstanding the potential problems that may arise when relying on old crime scene samples. The potential to revisit cold cases and link current to past offending has grown exponentially through the establishment and continual growth of DNA databases and it is often the value that these databases can add to cold case investigations that is used to justify further expenditure and their continued growth (Williams and Johnson 2008). But, the costs involved can make cold case investigations a luxury that cannot be afforded when already stretched resources are allocated to current crime investigations. The ability to utilize various forms of media to encourage witnesses and suspects to come forward and the changing allegiances of those previously loyal to the offender also provides further potentially less costly opportunities to finally detect long-term unsolved homicides. These opportunities are not without the requisite challenges which need to be overcome to progress these investigations. It is often the traditional detective skills that enable investigators to bring together all of the pieces of the puzzle, drawing on all of the investigative tools at their disposal to identify and ultimately bring offenders to justice, in so doing obtaining long overdue justice for the families. But while governmental funding has been allocated to progress cold case homicide reviews it remains to be seen whether the necessary resources will continue to be available for this form of policing.

## Notes

- 1 The Homicide Index contains details of all homicides in the United Kingdom.
- 2 HOLMES is the Home Office Large Major Enquiry System, a computer system used to manage and store information gathered during an investigation.

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