

**Issue:**

Approval sought to commence new strategy to address backlog in unsolved homicide investigations.

**Background:**

In 2003 the Unsolved Homicide Review Team was approved by CET. Following this approval resources were allocated and Standard Operating Procedures (SOPS) established. Those SOPS covered key points including: the definition of an unsolved homicide; the role of the Unsolved Homicide Unit; standard practices for case screening; process for prioritisation of unsolved homicide cases; procedures for case allocation; the establishment of the independent review panel; tracking file process and list; post investigative procedures/referral process; and principles for dealing with secondary victims.

In 2005 a member of Forensic Services Group was added to the review panel. In 2006 the draft case review list was finalised and reviews commenced. Six reviews were conducted regarding murders within the Central Metropolitan Region.

In 2008 it became necessary to add an investigative capacity to the review team and dedicate those resourced to investigating outstanding unsolved homicide cases. Both central and regional teams were formed.

In 2012 the parameters of the Unsolved Homicide Team were broadened to include pre-1970 unsolved cases and post 2000 unsolved cases.

In 2015 the regional units were dissolved and merged back into a single centralised group which resulted in a number of projects being identified as necessary for the Unit to continue functioning. These included: secondary victim communications; internet FAQ for unsolved, internet website for unsolved cases; further review of homicide cases; review of suspended cases; a homicide beginning to end data base, revised case management process, linking process for missing persons and homicide, intelligence process and arrangements with the Coroner in respect to unsolved matters. These projects were either partially completed or abandoned.

Since 4 December 2017 the Homicide Squad Management team has spent a significant amount of time reviewing current practices. This has resulted in a consensus view that change must be made sooner rather than later.

Based on the current holdings and from the year 1972 onwards there are 763 unsolved homicide matters. If suspended (and rejected) matters are removed the total drops to 571. The number of these cases which have actually been reviewed is small, in fact, there have been no reviews conducted in relation to unsolved homicide matters since 2013. This has been due to significant staff shortages and the demand for resources required for current and new investigations, including critical incident investigations.

**Current Position:**

Whilst there is many ancillary matters around communication, secondary victims, websites and linking of missing persons notifications, these are not the highest priority. The highest priorities for the NSWPF and Homicide Squad are: 1) how we classify and review and prioritise unsolved homicide matters; 2) an audit of the real numbers and lists; 3) the

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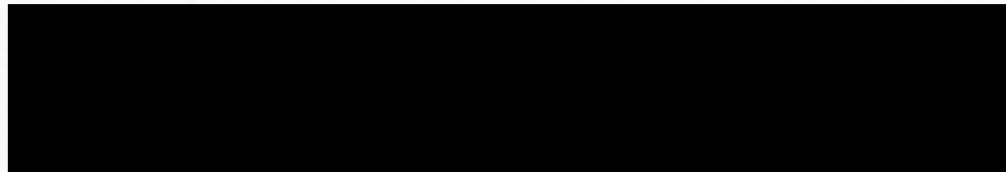
recommencement of a review process; and 4) the appropriate allocation of resources to review, locate exhibits/evidence; and, to reinvestigate those determined to be the highest priority.

Currently there is no clear delineation between the various types of unsolved homicides and missing persons (believed to be deceased). The existing review process for unsolved homicide investigations considers: 1) the availability of documents, witnesses and exhibits; 2) whether there is a suspect, where that person is, and ability to target that person; 3) the existence of new technology; 4) the impact of the passage of time; and 5) new information or lines of inquiry.

The current classification system has multiple vagaries associated with it and so it is not clear whether all those matters currently considered unsolved homicides are even really homicides at all. The current process does not align with current SCC risk assessment and investigation allocation processes. For these reasons the Homicide Squad would like to establish a new classification system for unsolved homicide investigations to reduce the number of categories to four.

The four proposed classifications are: 1) Unsolved Homicide; 2) Unresolved Homicide; 3) Undetermined Homicide; and 4) Solved Homicide. Each classification is defined in the attached table (**see attachment 1**). These four categories are consistent with those used in other jurisdictions and make it easier to see and measure the real number of unsolved homicides on the books.

Once classified it is proposed that a review of the relevant investigations will be undertaken, category one first, followed by category two and three. A new assessment framework has been designed to force an alignment between the current SCC Crime Operations assessment model and the existing principles/criteria within the current unsolved homicide assessment regime.



Due to the broad nature of the assessment criteria and the many unique aspects of unsolved homicide investigations the 4 assessment criteria will be weighted differently. For example,



Through consultation with the entire Homicide Squad Management Team weightings have been determined for each of the criteria.

The weighted scores will be totalled and provide an overall score, which in effect will determine the priority position of all assessed homicides (**see attachment 3**). There will be some matters that score equally, in these circumstances those with equal scores/ratings will be prioritised using discretion and with consideration as to the availability of resources to be determined through consultation between the Homicide Squad, relevant LAC's and SCC Crime Operations.

The proposed approach to commence this new process will be to:

- 1) Ratify the outlined process and methodology;
- 2) Identify and allocate human resources, workspace, and equipment;



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0/2017/1041980

- 3) Audit and reclassify each homicide/death currently listed on the tracing file according to the new classifications;
- 4) Commence a review process using the new assessment framework;
- 5) Allocate investigations internally to SCC or externally to LAC's via the Office of the Director, Crime Operations, SCC.
- 6) Maintain the review process indefinitely.

It is proposed that the human resources for the original audit, classification and commencement of reviews could be sourced from pools of displaced (as the result of reengineering) Crime Managers or other officers assessed as suitable for the task. The process will be overseen by D/C/Inspector Laidlaw – who has been moved into the role of Coroner Liaison and Homicide Squad Review Team Coordinator.

Finally, it is the view of the Homicide Squad Management Team that future consideration should be given to changing the name of the Unit to include the term 'Cold Case' to bring it in line with other jurisdictions and with the commonly used language in respect to unsolved homicide cases.

**Attachments:**

1. Table - New categories and description of each
2. Table - Assessment criteria and description of each
3. Table – Assessment Matrix

**Recommendations:**

1. That the attached classification, assessment criteria and rating process is ratified;
2. That approval is given for the commencement of the process.

Scott Cook  
Detective Superintendent  
Commander, Homicide Squad  
21 December 2017

Director, Crime Operations, SCC

Assistant Commissioner, State Crime Command

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### Category List and Description

	Category	Description
1.	Unsolved	<ul style="list-style-type: none"> <li>• Homicide (excluding lawful justification or excuse), or a matter deemed Homicide by the Commander Homicide Squad, which has not resulted in any person being charged.</li> </ul>
2.	Unresolved	<ul style="list-style-type: none"> <li>• Homicide where judicial proceedings were commenced and either:               <ol style="list-style-type: none"> <li>a. the matter has been withdrawn (no billed); or</li> <li>b. the suspect/s were acquitted at trial (except on the grounds of self-defence or mental illness); or</li> <li>c. the suspect/s was convicted and that conviction was later overturned by a Higher Court.</li> </ol> </li> </ul>
3.	Undeterminable	<ul style="list-style-type: none"> <li>• Death:               <ol style="list-style-type: none"> <li>a. where the cause and manner are unknown or cannot be established; or</li> <li>b. by apparent suicide where there is doubt as to the manner of death; or</li> <li>c. by apparent misadventure where there is doubt as to the manner of death; or</li> <li>d. referred to the Homicide Squad by the Coroner that do not fall within the categories of Unsolved or Unresolved.</li> </ol> </li> <li>• A referral by the Coroner of a missing person where foul play is not evident.</li> </ul>
4.	Solved	<ul style="list-style-type: none"> <li>• Homicide where:               <ol style="list-style-type: none"> <li>a. a suspect has been charged, convicted and all appeals finalised; or</li> <li>b. a suspect has been acquitted on the grounds of self-defence or mental illness; or</li> <li>c. an arrest warrant for a Homicide offence is in existence and the suspect is outstanding.</li> </ol> </li> </ul>

