



Cold Case Squads: Leaving No Stone Unturned

by Ryan Turner and Rachel Kosa

Why Cases Get Cold

Conventional wisdom in homicide investigations holds that speed is of the essence. The notion is that any case that is not solved or that lacks significant leads and witness participation within the first 72 hours has little likelihood of being solved, regardless of the expertise and resources deployed. Over time, unsolved cases become “cold.” Cases most likely to be classified as cold include gang- and drug-related deaths; cases involving immigrants, transients, and homeless or unidentified people; unclassified deaths; and unsolved police shootings. Cold cases are among the most difficult and frustrating cases detectives face. These cases are, in effect, cases that other investigators, for whatever reason, could not solve.

Law enforcement agencies, regardless of size, are not immune to rising crime rates, staff shortages, and budget restrictions. Rising crime rates can tax the investigative and administrative resources of an agency. More crime may mean that fewer cases are pursued vigorously, fewer opportunities arise for followup, or individual caseloads increase for already overworked detectives. Transfers, retirements, and other personnel changes may force departments to rely on younger, less experienced investigators to work cases, often unsuccessfully.

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Bureau of Justice Assistance

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202-616-6500
Fax: 202-305-1367
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About the Authors

Ryan Turner and Rachel Kosa are former Research Assistants with the Police Executive Research Forum.

The Police Executive Research Forum (PERF) is a national organization of progressive police executives from the largest city, county, and state law enforcement agencies. PERF is dedicated to improving policing and advancing professionalism through research and involvement in public policy debate. Incorporated in 1977, PERF's primary source of operating revenue comes from government grants and contracts, and partnerships with private foundations and other organizations.

Police Executive Research Forum

1120 Connecticut Avenue NW., Suite 930
Washington, DC 20036
202-466-7820
www.policeforum.org

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An increase in homicide rates can increase the caseloads for the staff of crime labs and county coroners' and medical examiners' offices. This, in turn, can lead to reports that are delayed for months, increased chances for error, and overlooked evidence. Support services, if available at all, may be spread thin during high-profile cases that force investigative labs to expend large amounts of manpower disproportionately. These overloads can either slow investigations or discourage some detectives from using the support services at all. Criminalists and evidence technicians can also face backlogs that prevent them both from attending all crime scenes and from conducting prompt followup work. As a result, crucial scientific evidence, especially blood and trace evidence, goes uncollected. Investigators with heavy caseloads may be forced to rely on photographs of evidence or on witness testimony, which may be strongly challenged by defense attorneys.

All the obstacles that hamper homicide investigations in their early phases contribute to cold cases. Cold cases may even allow more murders to be committed. People who have killed once, if not arrested, may continue to kill. Police failure to solve murder cases and to put the offenders behind bars often leaves the community feeling helpless. If they feel the police are not doing their job in protecting the community and witnesses of crimes, members of the community may also be less willing to cooperate with police.

How Cold Case Squads Work

A cold case squad may be a viable option for a jurisdiction that is plagued by a significant number of unsolved murders. Some cold case squads are formed because the volume of new cases or police initiatives prevents any work from being done on old cases. Some squads are formed out of convenience when a decline in new murder cases provides departments with the personnel and other resources necessary to begin investigating old cases.

The specific duties of cold case squads may vary among law enforcement agencies. Nearly all of these squads

review and continue the investigation of unsolved homicides or suspected homicides in which the lead detective initially assigned has retired, transferred, or otherwise left the case. Cold case squads can be especially useful in locating and working with past and potential witnesses and reviewing physical evidence to identify suspects. The squads may investigate unsolved homicides currently assigned to a homicide detective when deemed necessary by supervisors—usually when the lead detective has exhausted all leads. Cold case squads also perform an outreach and networking role by assisting other jurisdictions with homicide investigations as appropriate.

The most important component of cold case squads is personnel; the squads must have the right mix of investigative and supervisory talent. The staffing model used for cold case squads is determined mainly by whether the squad works full-or part-time and whether it is based within a police agency or a prosecutor’s office. Cold case squads can consist of any of the following:

- ◆ Single full-time investigator.
- ◆ Squad of two or more full-time investigators.
- ◆ Investigators working on cold cases in addition to other investigative duties.
- ◆ Former homicide detectives in a part-time or volunteer capacity.
- ◆ One-time cold case squads (assigned to high-profile unsolved cases).
- ◆ Occasional squads.
- ◆ Investigators in a special squad based in a district attorney’s or state attorney general’s office.
- ◆ Interdepartmental partnerships (county or regional cold case squads).

Cold case squads usually include at least the following:

- ◆ A supervisor or team manager (usually a lieutenant) from the homicide division, who acts as a liaison

among police management, participating law enforcement agencies, the local community, and the press.

- ◆ A supervisor (usually a sergeant), who coordinates the daily operations of the team.
- ◆ Investigators.

Squads may also contain administrative or “light-duty” detectives to enable full-duty detectives to devote their time to other cases. These detectives review cases, write case summaries, list evidence and witnesses, and perform workups on witnesses and potential suspects to gather current information such as addresses and recent arrests. Light-duty detectives also compile any documentation or records that are not already in the case file.

Using External Resources

Squads may also use, as needed, the services of the Federal Bureau of Investigation (FBI) and U.S. Marshals Service, medical officer’s or coroner’s office, retired personnel, college students or interns, internal or external criminalists or other specialists (forensic, fingerprint, firearms), and administrative staff. A permanent, fully staffed and supported cold case squad can be more advantageous than a temporary or one-time squad because investigative staff and resources focus solely on solving cold cases and are more likely to be applied to cases over a long period. Budget and staff constraints, however, may determine the particular squad setup.

Not all cold case squads reside in municipal police departments. The Naval Criminal Investigative Service (NCIS), like the Army Criminal Investigation Division and Air Force Office of Special Investigations, investigates cold cases involving homicides that occurred on military bases or involved military personnel. The amount of formal cooperation between military and local law enforcement personnel is limited by the scope of their jurisdictions. NCIS is unique among the armed forces investigative services in that its cold case investigations are all performed as undercover operations.

The U.S. Marshals Service has a number of joint-agency fugitive task force units around the nation. Local or state police departments often send an officer to work with the task force, and a cold case squad may gain assistance in this way. Cold case squads should contact their local Marshals' office to determine what assistance may be available for a specific investigation. The FBI assists local law enforcement agencies with cold cases through its National Center for Analysis of Violent Crimes, which is headquartered in Quantico, Virginia. The FBI formerly helped police departments form cold case squads, but it now focuses its cold case assistance on cases that involve gangs and drugs, as a part of the Safe Streets Violent Crimes Initiative.

Choosing Personnel

Because cold cases can be very labor- and time-intensive and may require innovative investigative techniques, squads are most effective when they consist of investigators who have significant experience in investigating and prosecuting various types of homicide cases. Traits considered essential for cold case investigators include:

- ◆ Seniority.
- ◆ Strong communication and interpersonal skills (including interviewing and interrogation ability).
- ◆ Strong research skills.
- ◆ Patience.
- ◆ Creativity.
- ◆ Persistence.
- ◆ High motivation level.
- ◆ Enthusiasm for the job.

Some cold case squads encourage additional training about modern criminalistic technology and about services for victims' families (such as support meetings and witness protection resources).

Cold case squads offer various types of additional compensation, such as the ability to work regular daytime shifts, earn increased salary and rank, and use separate offices and equipment (including automobiles).

The size of the staff determines the number and type (team or individual) of investigations that can be conducted. Several investigators may be assigned to a case depending on its nature, the type of work involved, and the size of the squad. If possible, the cold case squad should be given an office separate from that of the general homicide squad. Separate work space may help prevent cold case detectives from being drawn into general homicide cases, especially high-profile cases that require more resources. In some instances, officers rotate periodically between general homicide assignments and cold case squad investigations.

Reviewing Cases

The process by which cases are reviewed and considered for referral to the cold case squad varies. These cases are usually at least a year old and cannot be addressed by the original homicide squad because of workload, time constraints, or the lack of viable leads. Cases are referred to a cold case squad by the homicide squad supervisor or other homicide detectives. In many instances, the supervisor, either with or without the input and consensus of the squad, decides which cases are referred to the cold case squad. In some instances, prosecutors will reopen cold cases or initiate cold case investigations with state and local law enforcement agencies. Witnesses that were previously uncooperative or unknown may come forward with information that leads to the reinvestigation of a cold case.

Cases are reviewed and prioritized according to the likelihood of an eventual solution. The highest priority cases are those in which the murder victim, or even a second surviving victim, has been identified; the death was ruled a homicide; suspects were previously named or identified through forensic methods; an arrest warrant was previously issued; significant physical evidence (such as

fingerprints, DNA, or shell casings) can be reprocessed for further clues; newly documented leads have arisen within the last 6 months; and critical witnesses are accessible and willing to cooperate.

High (but not highest) priority cases generally are those in which witnesses can identify suspects; information or evidence can identify possible suspects; or the initial investigation identified witnesses who could not be located or need to be reinterviewed. Cases of moderate priority include those in which preserved evidence can be processed and analyzed through modern technology (such as an automated fingerprint identification system, DNA analysis, or DRUGFIRE, a computerized program that tracks signatures on spent shell casings) and whose status as a homicide can be reclassified depending on the results of the additional laboratory analysis. Cases that generally receive the lowest priority are those in which no known physical evidence or witnesses are available to help identify a suspect.

Cold case investigators usually start by reviewing the case file, talking with all previous investigators tied to the case, and obtaining any notes they may have that are not in the case file. Investigators are particularly interested in reviewing or locating any gaps of information in the case, including people mentioned in statements that do not have a corresponding interview report in the case file, undocumented investigative actions (such as search warrants without documentation of service), and so forth. Any available evidence is assessed for future usability and additional analysis. The original suspect is rarely reinterviewed.

After reinterviewing significant witnesses and working all viable leads, if no suspect can be identified, the detective writes a summary documenting the followup investigation and recommending either further investigation or inactivation. A homicide case can be closed either through arrest of the suspect or by administrative action. The arrest of a suspect renders a case closed regardless of whether the suspect is convicted or even brought to trial. A case may be closed administratively if the suspect for which the

department has probable cause either has died or has been prosecuted for another crime and is behind bars for life.

Resources

Although forensic analysis and investigative techniques have greatly improved over the years, the resolution of cold cases is primarily rooted in a squad's ability to identify, locate, and secure the testimony and cooperation of witnesses and informants.

Cold case investigations place particular emphasis on securing the participation of previously unknown or uncooperative witnesses. Locating them can be a formidable task. Witnesses may lie low because they face threats or retaliation, and informants may have, at best, a faulty recollection of an incident. With the passage of time, however, witnesses may no longer feel intimidated by threats or by the initial shock and publicity of a homicide. Individuals may have access to previously unavailable information, especially when a killer begins to boast about previous crimes. The relationship between suspects and witnesses may also have soured over time; in drug- and gang-related homicides, the killer himself may have been killed by a rival or other parties. Some witnesses may find their personal, professional, or legal circumstances have changed or may need assistance from law enforcement themselves.

Today, cold case squads have at their disposal technology, investigative methods, and resources that were not available to law enforcement agencies in the past. The two most frequently cited technological tools are DNA analysis and fingerprint technology (including automated fingerprint identification systems; cyanocrylate/ "superglue" fingerprint systems that allow investigators to lift prints from surfaces previously considered unprintable, such as leather and cloth; and systems that use lasers to lift prints). The availability of telephone services (such as Crime Stoppers) that offer cash rewards for anonymous informants has increased the flow of cold case information to investigators. Some agencies use the Internet and online forums for their Crime Stoppers efforts. In

addition, some law enforcement web sites offer police-only areas that present examples of *modus operandi* to investigators and agencies worldwide in order to obtain their comments.

Although media outlets sometimes have an uneasy relationship with law enforcement, particularly on a local level, they can help by reaching out to potential or uncooperative witnesses. After an arrest has been made in one cold case, people often contact police with information on other cold cases. Major newspapers and community publications can print articles and photographs relating to old cases. Radio and television stations, through news and community affairs broadcasts, can disseminate information, offer reenactments, and reach more members of a community than most law enforcement agencies can. Moreover, the participation of one media entity may encourage others to participate, increasing the potential for outreach.

Performance Measures

The most visible measure of a cold case squad's effectiveness is the number of cases it solves. Other internal and external gauges include awareness of and participation in investigations by communities, families, witnesses, and outside law enforcement agencies; the number of investigations handled by the squad; the number of resolutions (although a resolution may not result in arrest); and the number of successfully prosecuted cases.

Pros and Cons

The main benefit of a cold case squad is that it reduces the backlog of unsolved homicide cases. The arrest of suspects in one cold case may either solve other cases (through new leads and information from those suspects) or prevent new ones (by keeping killers from committing other crimes). A cold case squad's success in even one case can lead to positive feedback from a family that had been frustrated by law enforcement's previous inability to solve the death of a loved one. The sense of justice and closure gained by the victim's family when a case is closed cannot be

overestimated. Even clearing previous suspects from suspicion can be helpful both to the families and the investigators. Arrests made in old cases also provide a good opportunity to present the community with a positive image of police who never stop caring about unsolved cases.

A cold case squad, however, also requires significant staffing and financial resources to pursue leads and track suspects. In addition, it requires input from potentially uncooperative or reluctant parties, especially the community, the victim's family, and witnesses. A cold case squad's success in closing cases and encouraging other investigations may actually hamper its effectiveness if resources for pursuing a flood of additional leads are not available.

Other Options

Not every law enforcement agency can afford a permanent cold case squad. One alternative is to consult a cold case organization like the Vidocq Society, an international nonprofit organization of forensic experts, criminalists, pathologists, investigators, and attorneys who meet regularly to solve unsolved homicides. The group works with the police, prosecutors, and the victim's family, providing assistance on a pro bono basis. In addition, the FBI and various federal, state, or district attorneys' offices may be able to provide investigative resources for cold cases. Funding may also be obtained from federal sources or foundations.

Contacts

For additional information about cold case squads, contact:

Scott H. Birch
Criminal Investigator
Idaho Attorney General
700 West State
Boise, ID 83720
208-334-4527

Det. M. Deasaro or Det. R. Shock
St. Petersburg Police Department
1300 First Avenue North
St. Petersburg, FL 33705

Sgt. Jim Givens (retired)
3407 West Mountain View Road
Phoenix, AZ 85003
602-863-4003

Sgt. Jerry W. King
Cold Case Supervisor
Dallas Police Department
2014 Main Street, Room 300
Dallas, TX 75201
214-670-6976

Capt. Thomas A. Martin
Escambia County Sheriff's Office
Attention: Criminal Investigation Division
1700 West Leonard Street
Pensacola, FL 32501
850-436-9589

Lt. Hugh F. Mooney
Santa Ana Police Department
60 Civic Center Plaza
P.O. Box 1981
Santa Ana, CA 92702
714-245-8022

Sgt. Jim Munsterman
or Sgt. Jorge Duran
San Diego Police Department
Northeastern Division
Homicide MS #713
San Diego, CA 92101
858-538-8000
or 619-531-2473

Special Agent Charles Regini
Washington Field Office

Federal Bureau of Investigation
Washington, DC 20535
202-278-2225

Special Agent Edward Royal
Florida Department of Law Enforcement
Chairperson, Southeast Florida Cold Case Committee
7265 Northwest 25th Street
Miami, FL 33122
305-470-6827

Sgt. Ray Verdugo
Los Angeles County Sheriff's Department
Homicide Bureau/Unsolved Unit
5747 Rickenbacker
Commerce, CA 90040
213-890-5520

Lt. Ron Waldrop
Homicide Unit Commander
Dallas Police Department
2014 Main Street, Room 300
Dallas, TX 75201
214-670-3739 or 214-670-1633

Arthur Westveer
Behavioral Science Unit
FBI Academy
Quantico, VA 22135

Cpl. J.F. Whitt
Greensboro Police Department
300 Washington Street
Greensboro, NC 27401
336-574-4018 or 336-373-2255

The Vidocq Society
1704 Locust Street, Second Floor
Philadelphia, PA 19103
215-545-1450
www.vidocq.org



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