

Serving Survivors of Homicide Victims During Cold Case Investigations: *A Guide for Developing a Law Enforcement Protocol*

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Justice Solutions

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Parents Of Murdered Children, Inc.
For the families and friends of those who have died by violence

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INTRODUCTION

Statement of the Problem

Advancements in DNA technology and other forensic investigative tools have enabled law enforcement agencies to reopen cases left dormant for years. Although the number of cold cases investigated by agencies on a nationwide basis each year is currently not tracked, the Federal Bureau of Investigation (FBI) does track the number of offenses cleared. In 2009, 66.6 percent of the 13,242 murder and non-negligent manslaughter crimes in the United States were cleared by arrest or exceptional means.¹ While this is a significant clearance rate, it leaves many homicides unsolved each year.

In response to the advances in forensic technology, many law enforcement agencies have established cold case units with the hope that reexamining evidence will help solve more crimes. As cases are reopened, investigators are contacting survivors of homicide victims. Although survivors may be grateful that their loved one's murder has renewed attention, the reopening of a case can sometimes have traumatic effects. As discussed in Section 4.1, "Training for Investigators," survivors may experience a resurgence of grief upon learning that their loved one's case has been reactivated. New activity in their case may give survivors hope that it will be solved. However, if this new activity does not move the case forward, then survivors may reexperience the frustration and grief they experienced when the homicide first occurred. A National Institute of Justice (NIJ) report² emphasizes that "reinvestigating a case may cause renewed psychological trauma to the victim and victim's family." Moreover, "it should not be assumed that victims and witnesses, even if they were eager to pursue the case when it occurred, are still interested in pursuing the case." Finally, the NIJ report recommends that officers reinvestigating a case "enlist the aid of victim service providers." Working in partnership with victim service providers will help investigators better understand and address the needs of survivors.

In addition to the establishment of cold case units by law enforcement agencies, services for survivors of homicide victims have also been legislated by two states as well as implemented within some federal agencies. In Arizona, "a law enforcement agency that has a cold case shall establish and maintain a cold case register."³ In Colorado, there are statutes defining a cold case and creating a cold case homicide team within the Colorado Bureau of Investigation.⁴ On the

¹ Federal Bureau of Investigation (September 2010). *Crime in the United States 2009*. Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division. Retrieved February 1, 2011, from www2.fbi.gov/ucr/cius2009/data/table_25.html. "Exceptional means" may include, but is not limited to, death of the offender; victim's refusal to cooperate with the prosecution after the offender has been identified; or denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense.

² National Institute of Justice (July 2002). *Using DNA to Solve Cold Cases*. Special Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. NCJ 194197. Retrieved February 1, 2011, from www.ncjrs.gov/pdffiles1/nij/194197.pdf.

³ Ariz. Rev. Stat. § 13-4271(A). Cold case register; law enforcement agencies; definition.

⁴ Colo. Rev. Stat. § 24-4.1-302(1.2). Definition of cold case; Colo. Rev. Stat. § 24-33.5-425. Cold case homicide team.

federal level, both the Naval Criminal Investigative Service/U.S. Department of the Navy and the FBI have developed protocols to address the needs of survivors in cold case homicides.

Response to the Problem

The National Sheriffs' Association, Justice Solutions, and the National Organization of Parents Of Murdered Children, Inc., partnered to create this guide for developing a protocol on how law enforcement can best serve survivors of homicide victims during cold case investigations. At the outset, project staff (1) conducted a literature review on the topic of homicide cold cases, and (2) surveyed law enforcement agencies for information on existing cold case units.

Literature Review

Two reports from the project's literature review especially underscored the need for this guide and the issues that law enforcement officers, victim service providers, and survivors of homicide victims face in cold case investigations.

First, the Arizona Cold Case Task Force's *A Report to the Governor and the Arizona State Legislature*⁵ notes the state's legislated creation of the task force and its responsibilities to (a) "review procedures used by law enforcement agencies in investigating and preserving cold case homicides;" (b) "review procedures used by law enforcement agencies in investigating recent homicides;" and (c) "receive comments from members of victim's families and members of the public." When the task force surveyed all police departments, county sheriff's offices, and tribal police departments in Arizona, only 9.4 percent of responding agencies reported having written protocols for the handling of cold case homicides. The *Conclusion* by the Best Practices Subcommittee of the Task Force "recommends that every Arizona law enforcement agency with a cold case homicide have a written cold case homicide protocol" and states that "cold case homicides are one of the most significant challenges facing law enforcement agencies nationwide."

Second, *Developing a Strategy to Provide Services and Support Victims of Unsolved, Serious Crimes, Final Report*,⁶ by the Canadian Resource Centre for Victims of Crime (CRCVC), is a compilation of data from the CRCVC's survey questionnaires and roundtable meetings on the "needs of victims in unsolved crime" (including homicide, sexual assault, and missing person cases) and the "existing services for this population." Data from the three, detailed questionnaires—one for law enforcement investigators, one for victim service providers, and one for victims and their families—were analyzed, as were the discussions from the two, 2-day roundtable meetings: one for law enforcement officers and victim service providers, and one for survivors of homicide victims. The report lists 25 policy recommendations (some of which are

⁵ Cold Case Task Force (December 28, 2007). *A Report to the Governor and the Arizona State Legislature*, Phoenix, AZ: Office of the Attorney General. Retrieved February 2, 2011, from www.azag.gov/law_enforcement/ColdCaseTaskForceReport2007.pdf.

⁶ Canadian Resource Centre for Victims of Crime (August 30, 2005). *Developing a Strategy to Provide Services and Support Victims of Unsolved, Serious Crimes, Final Report*. Ottawa, ON: Canadian Resource Centre for Victims of Crime. Retrieved February 2, 2011, from www.crcvc.ca/docs/Unsolved_crimes_finalreport.pdf.

referenced throughout this guide) under the headings of law enforcement, victim needs, and future research. One of those recommendations for cases of unsolved, serious crime is that “law enforcement services should develop protocols.”

Survey of Law Enforcement Agencies

Project staff also developed a questionnaire, “Serving Survivors of Homicide Victims During Cold Case Investigations: A Survey to Identify Existing Cold Case Units,” and disseminated it via e-mail to all 3,083 sheriff’s offices across the United States and to all state sheriffs’ associations. It was also posted on the International Association of Chiefs of Police’s Web site and announced on a victim service provider listserv. The survey asked 12 questions related to the following:

1. Where the respondent’s cold case unit is located within the law enforcement agency’s departments.
2. When it was established.
3. How the unit defines “cold case.”
4. Staffing level of the unit.
5. Background/experience of staff.
6. Types of crime investigated.
7. Number of cases investigated.
8. Number of cases closed and their disposition.
9. Types of services offered to survivors.
10. If the unit has policies and procedures.
11. If those policies and procedures address services to survivors.
12. Challenges staff face in working with survivors.

Eighty-two surveys were completed, with only 31 respondents (38 percent) indicating that they have a separate cold case unit within their agencies. Twenty of these 31 respondents reported having policies and procedures specific to cold case investigations; and of those 20 respondents, 17 have policies and procedures specifically addressing survivors.

Summary

The findings from the project’s literature review and the data from the survey substantiated the need for this guide to assist every law enforcement agency, regardless of whether it has a separate cold case unit, in the development of a protocol on serving survivors of homicide victims during cold case investigations.⁷ Accordingly, this guide provides a framework for the development of an agency protocol to more effectively work with and, moreover, better serve survivors of homicide victims.

⁷ See Section 1.3, “Terminology Issues,” for information on the use of the term “cold” case.

Serving Survivors of Homicide Victims During Cold Case Investigations: A Guide for Developing a Law Enforcement Protocol

1.0 DEFINITIONS AND TERMINOLOGY

Every law enforcement agency, regardless of the agency's size, should have a written, agency-specific, cold case homicide protocol. The first step in developing this protocol is to establish the criteria that define a case as "cold."

Currently, there is no uniform definition of "cold case homicide," neither nationally, between states, nor even within a state, with the exception of a very few states (including Arizona and Colorado) that have developed or legislated a statewide definition. Furthermore, because there is no statute of limitations on the crime of homicide, an investigation is never closed until cleared by arrest or another criterion that has been agreed on or set by law or policy within a jurisdiction or law enforcement agency. Every unsolved homicide investigation, however, eventually arrives at a point where there is no further lead or evidence to actively pursue. With few exceptions, law enforcement agencies have only minimal or vague guidelines and policies on the set of circumstances, or the length of "tolled" time, that causes an active homicide investigation to become inactive or cold. This lack of criteria defining a cold case poses a problem for law enforcement in communicating with surviving family members of homicide victims and creates confusion and frustration among the survivors.

Thus, law enforcement agencies should begin their development of a cold case protocol by first defining clearly the criteria that transition an active homicide investigation to inactive or cold status. Only then can the second, critical step in developing a protocol be tackled: defining the criteria that determine which cold cases are pursued.

1.1 DEFINING "COLD CASE"

A. Two General Categories of Definition

Although most law enforcement agencies' definitions of cold case homicides can be classified into two general categories, either "leads" dependent or "time" dependent (see Section 1.1C, below), the variety of definitions used by agencies makes it difficult to grasp the scope or all the issues of the cold case homicide problem.

B. Clear and Consistent Definition

A clear and consistent definition of a cold case homicide will—

1. Foster a common understanding of the issues surrounding cold case homicides.
2. Make it possible to track homicide cases through the investigatory process.
3. Facilitate the exact identification of investigatory responsibility at any given time.

The flip side of this clear and consistent definition between "homicide" and "cold case homicide" case is that the latter term may imply to survivors that investigatory responsibility for the homicide has shifted; which may, indeed, be the case. Survivors, however, may be left with the impression that their case will no longer be investigated at all, by anyone. For this reason, developing the agency's definition of a cold case homicide should be carefully thought out and clearly communicated to all agency personnel and survivors of homicide victims.

Furthermore, it is important to recognize that homicide investigators can be passionate about solving cases that originate under their watch. The transition of investigatory responsibility to a cold case unit can cause interruptions in lines of communication and in trust that have been nurtured over time by the original homicide investigator with a victim's surviving family. Accordingly, a cold case homicide protocol should both honor the commitment of homicide investigators and be sensitive to the needs of the victim's survivors.

C. Statutory and "Working" Definitions of Cold Case

In some jurisdictions, the definition of a cold case is legislated; in other jurisdictions, agencies will need to formulate a working definition.

1. Arizona Revised Statute, § 13-4271(F): "Cold case" means a homicide or felony sexual offense that remains unsolved for 1 year or more after being reported to a law enforcement agency and that has no viable and unexplored investigative leads.
2. Colorado Revised Statute, § 24-4.1-302(1.2): "Cold case" means a felony crime reported to law enforcement that has remained unsolved for over 1 year after the crime was initially reported to law enforcement and for which the applicable statute of limitations has not expired.
3. Sample local and federal law enforcement agency definitions of "cold case," some of which have no timeframe, include:
 - a. Any major violent crime wherein all leads have been exhausted and all victims/witnesses have been interviewed with any suspects being excluded (Flagler County Sheriff's Office, Bunnell, Florida).
 - b. Any case that has not generated a lead within 6 months and has not passed the statute of limitations (Jerome County Sheriff's Office, Jerome, Idaho).
 - c. Any unsolved major felony that has become "stagnant" for 1 year (Belmont County Sheriff's Office, St. Clairsville, Ohio).
 - d. Any homicide, suspicious death, unidentified human remains, and missing person cases (under suspicious circumstances) that have gone unresolved due to a lack of leads or case activity for 2 years or more (Volusia County Sheriff's Office, Daytona Beach, Florida).
 - e. Any unsolved murder after the third anniversary (Metropolitan Police Department, Washington, D.C.).
 - f. Any unsolved homicide case after 3 years if all leads have been exhausted, and any murder case where evidence was not tested for DNA (Houston Police Department, Houston, Texas).
 - g. A homicide that has remained unsolved for more than 3 years or a homicide case in which the original detective assigned as the case manager or the secondary detective involved has been transferred out of the Criminal Investigations Unit (Tulsa County Sheriff's Office, Tulsa, Oklahoma).
 - h. Any unresolved or pending cases; this occurs when all leads have been thoroughly investigated and no viable suspects have been identified (Federal Bureau of Investigation).
 - i. A death case wherein the manner of death has been ruled homicide or undetermined and all logical investigative leads have been exhausted without resolution (Naval Criminal Investigative Service).

1.2 DETERMINING WHICH CASES TO PURSUE

After establishing the criteria that define a case as cold, law enforcement agencies should then define the criteria that determine which cold cases are pursued. Identifying and selecting cases to be worked involves more than merely picking back up on unsolved cases. The following checklist can help investigators as they begin the process of determining which cases to reopen:

1. Review cold cases in the record/archive files.
2. Seek information on cases from investigators previously assigned to the homicide unit.
3. Seek information on cases from officers in other departments of the agency.
4. Review investigators' information requests of family members and acquaintances of the victims.
5. Seek information from other law enforcement agencies that had some connection with the cases or the parties in the cases.
6. See Appendix A, "Application for Cold Case Review."

A. Cold Case Solvability Questionnaire

A solvability questionnaire can also assist investigators in determining which cases to pursue. See Appendix B for a sample questionnaire to be completed by investigators, crime lab specialists, and prosecutors.

1. Most cold case units identify their strongest solvability factor as the experience of the investigators. Over time, circumstances related to the case may change, and almost all cases can benefit from a "fresh set of eyes" examining the files and evidence. In addition, survivors of homicide victims may initiate their own investigations. Agency investigators should be open and react positively to information or evidence obtained by survivors.
2. After completing and reviewing solvability questionnaires, an investigator should focus on only one or two cases at a time to increase the likelihood of closing a case.

B. Cold Case Prioritization/Triage Rating Scale

The Arizona Cold Case Task Force recommends in its 2007 report to the governor and state legislature that all cold case homicide protocols, regardless of agency size, include "the annual review and prioritization [triage] of all cold case homicides."⁸ An agency will need to determine for itself, however, based on its resources, what constitutes a practical timeframe for cold case review, prioritization/triage, and contact with survivors. Some agencies may even have the resources for semi-annual or quarterly reviews. In any event, during these reviews, investigators should categorize all leads and, even if there are no leads, still call survivors and share that information.

1. A periodic review of all cold cases using a standard cold case solvability questionnaire fosters the allocation of resources to those cases where new informational details or new investigatory practices and technologies have increased the chances that a case can be solved. In Pima County, Arizona, the Cold Case Homicide Task Force uses this strategic approach to cold case review and case prioritization/triage via a round table discussion. Ranking all existing cold case homicides based on their solvability allows the task force to focus its resources and

⁸ Cold Case Task Force, *supra* note 5.

- expertise on previously unsolved cases where new evidence and leads have emerged.
2. The Cold Case/Violent Criminal Apprehension Program Unit of the Colorado Bureau of Investigation uses the following “At-a-Glance” chart⁹ to prioritize cases:

High

Known suspect, preserved physical evidence, witnesses available

Moderate

No known suspect but physical evidence preserved, witnesses available

No known suspect, insufficient evidence, witnesses available

Low

No known suspects, physical evidence, or material witnesses

In short, periodic reviews and prioritization/triage of unsolved homicide cases address the fact that the dynamics of cases change over time and new investigatory technologies are developed, both of which can create new leads and add new information to an investigation.

1.3 TERMINOLOGY ISSUES

Terminology is an issue that requires thoughtful review in the development of a cold case protocol.

- A. Survivors of homicide victims may have concerns with words like “prioritization rating scale,” as this may seem to imply a value judgment has been made about their case. Terms like “triage scale” may minimize such implications.
- B. The word “cold,” as in “cold cases” and “cold case unit,” is established terminology in the law enforcement field, although other terminology, like “slow to resolve cases” or “historical homicides,”¹⁰ does infrequently appear in the academic literature. Law enforcement officials should be sensitive in their use of the potentially painful word “cold” and may want to consider explaining to survivors why specific language is used.
- C. A publication style sheet at the International Association of Chiefs of Police even states: “It is the editorial policy of *Police Chief* magazine not to use the term cold case(s) when referring to Open-Unsolved investigations. This term has been made popular by the entertainment industry and the news media, but it does not properly reflect the professional law enforcement view of open-unsolved investigations. Families, friends, neighbors, and the police officers who have investigated these cases have not forgotten the victims and crimes committed, and law enforcement agencies continuously seek to solve all cases.”
- D. Terms like “open,” “closed,” “active,” and “inactive,” if there are no clear agency definitions and explanations, will confuse and frustrate survivors about their cases and law enforcement procedures.

⁹ Colorado Bureau of Investigation. (2010). *Cold Case Investigations—Strategies and Best Practices Training Curriculum*. Note: Training course developed by the Cold Case Task Force (HB1272) Curriculum Committee, with support from the Arapahoe County, CO, Sheriff’s Office and the Colorado Department of Public Safety.

¹⁰ Canadian Resource Centre for Victims of Crime, *supra* note 6.

2.0 STAFFING OF COLD CASE UNITS

One of the many challenges in establishing and maintaining a cold case unit is determining how to staff the unit. Decisions must be made about the number of investigators assigned to the unit and the level of experience needed to take on these difficult cases. In the National Sheriffs' Association's (NSA) survey questionnaire referenced in the "Introduction," respondents were asked to provide information about the level of experience and number of investigators assigned to work cold cases in their law enforcement agencies. Of the 31 respondent agencies that have a separate cold case unit within their agency, 22 reported having one to three investigators assigned to the unit, five agencies reported four to six investigators, and four agencies reported seven to 10 investigators. Eighteen respondents indicated that at least one of the investigators in their agency's cold case unit has more than 20 years of experience, eight have at least one investigator with 10–20 years of experience, and one has at least one investigator with five to nine years of experience.

2.1 STAFFING LEVELS AND EXPERIENCE

The difficulty in investigating homicide cases that have few, if any, leads, and that may not have been worked for a long period of time, necessitates that agencies assign to cold cases only those personnel who have extensive experience with homicide investigations. In addition, agencies should try to keep the same investigator on a case. This continuity helps build rapport and maintain communication with the survivors, which can foster more information and leads. All cases can benefit, of course, from review by a "fresh set of eyes;" however, it is critical to retain the lead investigator on the case.

Furthermore, law enforcement agencies should include a victim service provider in the cold case unit. As stated in the reports by the Arizona Cold Case Task Force¹¹ and the Canadian Resource Centre for Victims of Crime,¹² investigators and survivors of homicide victims both benefit when a victim service provider is a part of the cold case team. Of the respondents to NSA's survey questionnaire, 38 (46 percent) indicated that they have victim service providers within their agencies to assist survivors during cold case investigations. A service provider allows investigators to focus on the case. Respondents who do not have a provider on staff refer survivors to providers in the prosecutor's office or to community programs.

2.2 USING VOLUNTEER RETIRED INVESTIGATORS

Volunteer retired investigators in a cold case unit can enhance an agency's efforts to solve cases. The U.S. Department of the Navy's Naval Criminal Investigative Service uses retired investigators in an analytical role to review cases and offer a "fresh set of eyes." Also, the Arizona Cold Case Task Force Report¹³ notes that many agencies use volunteer retired investigators with active duty homicide investigators. By pairing the volunteers with active

¹¹ Cold Case Task Force, *supra* note 5.

¹² Canadian Resource Centre for Victims of Crime, *supra* note 6.

¹³ Cold Case Task Force, *supra* note 5.

duty investigators, potential chain of custody procedural issues can be avoided when the volunteers handle evidence. Before using volunteer retired investigators, an agency should first meet with the district attorney's office to address any prosecutorial issues.

2.3 ISSUES FOR RURAL AGENCIES

Law enforcement agencies in rural areas may want to explore the possibility of pooling resources among multiple local agencies to staff a cold case unit. These agencies can then share investigators and victim service providers.

3.0 INVESTIGATIVE STRATEGIES

According to a report from the Bureau of Justice Assistance,¹⁴ “Cold cases are among the most difficult and frustrating cases that detectives face.” Moreover, “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.” Yet television shows such as the long-running (2003–2010) CBS series *Cold Case* dramatize investigative persistence that can leave the public believing that, with time and tenacity, every cold case homicide is solvable. Stuck in the middle of this chasm between reality and myth are the homicide victims' families and friends—who wonder if they will ever know what happened or if their loved ones will ever receive justice—and the investigators—who want to close the case and provide the answers survivors so desperately need.

It is understood in the law enforcement and victim service fields that crime victims who are kept informed about their cases and treated with respect and compassion are far more likely to cooperate with law enforcement than victims who feel neglected or disrespected. This good rapport can be especially important in cold cases, where the survivors of homicide victims may have only sporadic contact with law enforcement. The passage of time can also lead to changes in the offender's relationships and circumstances, and, thereby, in the surfacing of new witnesses and leads. Thus, cooperation between law enforcement and victim service providers is imperative to meet survivors' needs and facilitate the investigation of cold cases.

This section of the guide offers suggestions on investigative strategies that may help officers solve more homicide cold cases. Identifying and charging an offender has significant positive effects for a law enforcement agency, survivors of the homicide victim, and the community. As Charles Heurich, physical scientist in the National Institute of Justice's Investigative and

¹⁴ Turner, Ryan, and Kosa, Rachel (July 2003). *Cold Case Squads: Leaving No Stone Unturned*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. NCJ 199781. Retrieved February 16, 2011, from www.ncjrs.gov/html/bja/coldcasesquads/199781.pdf.

Forensic Sciences Division, says to officers, "You are not just solving an old rape or murder case. You are bringing answers to families."¹⁵

3.1 ANNUALLY REVIEW ALL UNSOLVED HOMICIDE CASES

If a law enforcement agency is overloaded with unsolved homicide cases, the agency can use a prioritization/triage rating scale to determine which cases have the greatest likelihood of solvability. These cases should then receive a greater allocation of the agency's limited cold case resources.

- A.** Agencies can examine their policies on reviewing unsolved homicides and the criteria for reopening or reinvestigating a case. See Section 1.2, "Determining Which Cases To Pursue," for more information.
- B.** A prioritization/triage rating scale can be used annually, or more frequently, to review all unsolved homicide cases using standard criteria for solvability. The scale promotes the targeting of investigative resources to those cases where new information has increased the likelihood of solvability.
- C.** Although it is important for agencies that have multiple unsolved homicides to use a prioritization/triage rating scale, investigators should discuss this policy with survivors of homicide victims in the most sensitive way possible. See Section 5.0, "Communicating With Survivors," for more information.
- D.** A prioritization/triage rating scale should be periodically updated to reflect forensic advances. Some of the newer forensic tools and techniques applicable to cold case investigations include—
 - Alternate light sources.
 - Automated Fingerprint Identification System.
 - Fingerprints (lasers).
 - DNA technologies and databases.
 - Integrated Ballistic Identification System.
 - Computer databases such as the Violent Criminal Apprehension Program.
 - Statement analysis.¹⁶

PROMISING PRACTICE: The Naval Criminal Investigative Service Cold Case Homicide Unit has a document, *Cold Case Homicide Unit*, with helpful investigative tips.¹⁷ For more information on this document, e-mail Michael Sullivan, Investigative Review Specialist, NCIS, at michael.g.sullivan@navy.mil.

3.2 SUBMIT EVIDENCE TO THE CODIS DNA DATABASE

The Combined DNA Index System (CODIS) is the core of the National DNA Index System (NDIS), operated by the FBI. CODIS software enables state, local, and national law

¹⁵ Schuster, Beth (July 2008). "Cold Cases: Strategies Explored at NIJ Regional Trainings," in *NIJ Journal*, No. 260. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. NCJ 222904. Retrieved February 16, 2011, from www.ojp.usdoj.gov/nij/journals/260/cold-case-strategies.htm.

¹⁶ Bernardi, Candace (updated, July 2005). *Cold Case Homicide Unit*. Washington, DC: U.S. Department of the Navy, National Criminal Investigative Service, Cold Case Homicide Unit.

¹⁷ Ibid.

enforcement crime laboratories to compare DNA profiles electronically. Information only needs to be entered into CODIS once; it will remain there whether or not there is a match. As of April 2011, NDIS contained more than 9.6 million offender profiles and more than 370,000 forensic profiles;¹⁸ these numbers increase exponentially as more offenders' information is added to the system.

Cold case investigators should submit evidence to CODIS to see if there is a DNA profile match. The offender in the cold case under investigation may have committed another crime that required his or her DNA profile to be submitted to the CODIS database. As of April 2011, CODIS produced more than 142,700 "hits" (i.e., matches) that assisted in more than 137,100 investigations.¹⁹

3.3 MAINTAIN COMMUNICATION WITH SURVIVORS

In many homicide investigations, the victim's surviving family members and friends provide law enforcement with information that is vital to identifying and charging the offender. The same is true in homicide cold cases, even when it has been years since the homicide occurred. Indeed, in some cold cases, it is specifically because of this passage of time that key information surfaces. Over time, relationships change. For example, a divorce may present the opportunity for an investigator to glean new information about someone whom the victim's family or friends no longer feel obliged to protect. The passage of time may also prompt a witness to feel safe enough to come forward and provide more information, especially in the case of a gang-related homicide. A member of this project's advisory group told of a case that perfectly illustrates the "investigatory" importance of law enforcement maintaining continued communication with survivors: An investigator called a woman whose son had been murdered years earlier but whose body was never found. During the call, the victim's mother related that she saw a Facebook posting by her son's ex-girlfriend that mentioned "what happened on the farm." Investigators followed up on this information and found the son's body buried on the farm.

Law enforcement efforts to maintain communication can also have a very positive effect on survivors of the homicide victim. A survey of law enforcement and non-law enforcement based victim service providers indicated that "most respondents felt the active involvement of a victim in their case helpful to them. Respondents felt it may keep the case active, or it may help victims feel they are doing something that can help with the recovery/healing process and may be empowering."²⁰ And, interestingly, research has found that victims are "more critical of police for not keeping them notified than failing to catch the offenders."²¹

¹⁸ Federal Bureau of Investigation (May 2011). CODIS—NDIS Statistics. Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation, Laboratory Services. Retrieved May 25, 2011, from www.fbi.gov/about-us/lab/codis/ndis-statistics.

¹⁹ Ibid.

²⁰ Canadian Resource Centre for Victims of Crime, *supra* note 6. Note: "By involvement, we meant that victims stay in contact with the officer, advocating to get their case re-activated, etc., not that victims should be actively taking part in the actual investigation."

²¹ Ibid., referencing Wemmers, Jo-Anne (1999). "Victim Notification and Public Support for the Criminal Justice System," in *International Review of Victimology*, Vol. 6.

- A. Investigators should contact the homicide victim’s family and friends at least once a year to update them on the case and inquire if they remember anything more or if there have been any changes in relationships. If there has been a relationship change, this event can be an opportunity for the investigator to obtain new information, which may result in a new lead. Even if there have been no changes in relationships or other new information, the investigator-initiated communication will let survivors know that their loved one’s murder has not been forgotten. In the words of one homicide victim’s family member: “Nothing to report is something to report.”²²
- B. It is imperative that law enforcement officials communicate with survivors of homicide victims in a sensitive manner. See Section 5.0, “Communicating With Survivors,” for more information.

PROMISING PRACTICE: The state of Colorado has recognized the importance of, and has statutorily mandated, continued communication in cold cases between law enforcement and victims (which includes survivors of homicide victims). Colorado Revised Statute § 24-4.1-303(10)(b)(IV) states: “The law enforcement agency shall provide the victim in a cold case information concerning any change in the status of the case. In addition, upon the written request of the victim, the law enforcement agency shall provide an update at least annually to the victim concerning the status of a cold case involving one or more crimes for which the criminal statute of limitations is longer than three years.”

3.4 CREATE AND MAINTAIN A COLD CASE REGISTER

A cold case register is a central, non-public database for information about unsolved homicides. The register provides a mechanism for the homicide victim’s family and friends to enter and update their contact information with the law enforcement agency that has jurisdiction over the case.

- A. A register should have an up-to-date list of the investigators who have worked the case.
- B. The register provides a chronological baseline of information, which is important if the investigator working the cold case rotates off the case and another investigator is assigned to it (in which case the new investigator’s information is added to the register).
- C. The law enforcement agency that maintains the register should encourage registrants to contact the appropriate investigator if they become aware of any new information about the case.
- D. Any legislation drafted to establish the creation of a cold case register should include a compliance mechanism to ensure agencies establish the register.

PROMISING PRACTICE: In Arizona, Revised Statute § 13-4271 legislates that “a law enforcement agency that has a cold case shall establish and maintain a cold case register.” Furthermore, “A law enforcement agency shall give priority to any cold case that is associated with a name in the cold case register unless there is a compelling reason to give priority to a cold case that is not associated with a name in the cold case register.”

3.5 CONSIDER USING HOMICIDE COLD CASE PLAYING CARDS

Some jurisdictions and states, such as Miami Valley, Ohio; Washington, D.C.; and Colorado,

²² Canadian Resource Centre for Victims of Crime, *supra* note 6.

Florida, Indiana, South Carolina, and Washington, use homicide cold case playing cards as part of their unsolved case investigations. The back of each card in these decks features the profile of a homicide victim whose case is cold. Decks of cards are made available to offenders in jails and prisons in the hope that the cards will yield new leads. Two cases in Florida and one case in South Carolina have been solved as a result of the cards.

- A. Law enforcement agencies should develop policies on contacting and discussing with survivors the option of having their loved one's case profiled on playing cards.
- B. Survivors' permission should be obtained before their case is profiled on a playing card.
- C. Survivors should be informed that profiling their case on a playing card may bring increased attention not only to their loved one but to themselves as well.

3.6 CONSIDER USING ACADEMIC INSTITUTIONS AND *TARGET FORENSIC SERVICES*

Law enforcement agencies may have a valuable, often underused resource in their jurisdictions: academic institutions.

- A. A college or university criminal justice department can be a resource for professor and student volunteers, whose brains "can be picked" in a cold case homicide investigation without granting them access to agency files.
- B. Some academic institutions have their own crime labs for training students and experimental research. Although these labs may not be accredited to process evidence for admission in a judicial proceeding, lab staff can still be used as expert consultants to preliminarily test potential evidence obtained by investigators.
- C. Academic institutions can sometimes also provide specialized assistance. For example, Florida State University's College of Criminology and Criminal Justice has a program on Underwater Crime Scene Investigation whose expert staff have assisted law enforcement in many recovery efforts.

PROMISING PRACTICE: Sheryl McCollum, a member of this project's advisory group and a cold case analyst for the police department in Pine Lake, Georgia, a suburb of Atlanta, established the Cold Case Investigative Research Institute at Bauder College in 2005 after reading a newspaper article about Mary Shotwell Little, an Atlanta newlywed who had been murdered. About 100 Bauder College students participate in the institute, working with investigators and survivors to solve homicide cold cases. The students use only public documents—court filings, historical accounts, and so forth—in their research. They do not have access to confidential investigative documents, and they always obtain the approval of the victim's families before starting to work on a case. The institute has worked on the Chandra Levy case, the killing of rapper Tupac Shakur, the disappearance of Natalee Holloway in Aruba, and a series of Atlanta child murders from 1979 to 1981.

PROMISING PRACTICE: The national retail chain *Target* has an accredited forensic laboratory near its Minneapolis, Minnesota, headquarters and a branch laboratory in Las Vegas, Nevada. *Target* initially created the laboratory to combat organized retail crime at its stores. The laboratory has since worked with city, state, and federal law enforcement agencies to solve violent felony crimes, including murder. *Target Forensic Services* "is perhaps best known for its

ability to pick up details from surveillance camera footage.”²³ The American Society of Crime Lab Directors’ Laboratory Accreditation Board (ASCLD/LAB) has awarded *Target’s* laboratory system the ASCLD/LAB Legacy Accreditation for digital evidence (video analysis, audio analysis, and image analysis) and latent fingerprint analysis. Approximately 30 percent of the laboratory’s caseload entails supporting law enforcement in the examination of evidence, at no cost to the agency. *Target* asks only that law enforcement agencies donate an agency patch to the laboratory for its work with them.

3.7 UNDERSTAND THAT SURVIVORS MAY LOOK TO OTHERS FOR ASSISTANCE IN THE INVESTIGATION

Survivors of homicide victims desperately want to know what happened to their loved one. In their search for more information, survivors may look to private investigators, psychics, tip lines, media outlets (e.g., true crime television programs), and other sources for assistance in the investigation. Survivors may also produce and distribute fliers or even post billboards to raise awareness about their loved one and encourage people to provide information about the murder. Investigators should empathize with survivors and their need for more information; but investigators should also openly discuss with survivors any law enforcement or prosecutorial concerns about “outside” parties compromising a case.

A. In his book *Practical Homicide Investigation*,²⁴ Vernon Geberth, a retired Lieutenant-Commander of the New York City Police Department, makes a point to “neither encourage nor discourage the use of psychics in homicide investigations.” Instead, he simply states that “the use of a psychic can be considered as an additional investigative aid” and offers a few tips, including the following, for law enforcement agencies that are considering using the services of a psychic.

- “[F]irst establish the authenticity of the psychic by routine inquiry.”
- “[T]he agency can contact The American Society for Psychical Research (ASPR) to ascertain whether it has any information about a particular psychic. The ASPR is a respected and conservative organization involved in the study of this phenomenon.”
- “[T]he best way to avoid being taken in by a phony psychic is in the proper handling and control of this person.”
- “Once the agency decides to employ the services of the psychic, all information supplied about the case to the psychic and all information provided by the psychic should flow through one contact officer, in order to maintain proper control.”
- “[C]ertain facts should be purposely withheld from the psychic in order to maintain the integrity of the investigation and assure that the information provided by the psychic is genuine and not the result of the police investigation.”
- “All conversations relative to the psychic investigation should be taped.”

B. The National Organization of Parents Of Murdered Children, Inc. (POMC) offers ongoing emotional support to survivors of homicide victims to help them reconstruct their lives. The national organization has local chapters in jurisdictions throughout the country.

²³ Eagan, Mary Ellen (April 21, 2008). “CSI: Target,” in *Forbes Magazine*. Retrieved February 24, 2011, from www.forbes.com/forbes/2008/0421/102.html.

²⁴ Geberth, Vernon (2006). *Practical Homicide Investigation: Tactics, Procedures, and Forensic Techniques* (Fourth Edition). Boca Raton, FL: CRC Press.

POMC helps survivors cope with their acute grief and with navigating the criminal justice system. POMC also offers training to criminal justice and allied professionals about survivors of homicide victims and the aftermath of murder. In addition, POMC offers Second Opinion Services (S.O.S.) in cold cases. S.O.S. members—volunteer medical, law enforcement, and investigative experts—provide an independent, objective viewpoint based on existing evidence and records submitted to POMC. S.O.S. evaluates these materials for evidence that needs followup; findings that may have been misinterpreted; areas that need further investigation; and inconsistencies or conflicting information. S.O.S. experts do not further investigate a case, serve as expert witnesses, or identify suspects. In most cases, families receive a written opinion on the case. For more information about S.O.S., visit www.pomc.com/sos.cfm.

4.0 TRAINING AND EDUCATION

Training for investigators, victim service providers, and survivors is a cornerstone to ensuring that survivors of homicide victims receive the services they need during cold case investigations. In the law enforcement and victim service fields, training and continuous education are primarily supported by professional associations, state law enforcement training academies, and national and state victim assistance academies. For instance, at least 36 state Police Officer Standards and Training programs include training on crime victims' issues as a part of their curriculum.²⁵

In the reports of both the Arizona Cold Case Task Force²⁶ and the Canadian Resource Centre for Victims of Crime,²⁷ training is a key issue. In the Arizona report, 28 percent of respondent law enforcement agencies to the task force's statewide survey of police departments and sheriff's offices indicated that staff had attended a cold case training seminar within the last 3 years. In the Canadian report, one of the six recommendations listed for police is that "officers dealing with cold cases should receive training to assist in dealing with victims in unsolved homicide cases to understand their specific needs."

Accordingly, to enhance their response to survivors, law enforcement agencies should provide training opportunities on how best to serve survivors of homicide victims during cold case investigations. At a minimum, trainings and/or other cold case homicide educational programs and materials should be offered to investigators, victim service providers, and survivors.

²⁵ These state programs are in Alaska, Arizona, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. (Results from a September 2010 informal e-mail query to directors of State Victim Assistance Academies, directors of Police Officer Standards and Training Academies, and Victims of Crime Act Assistance Administrators.)

²⁶ Cold Case Task Force, *supra* note 5.

²⁷ Canadian Resource Centre for Victims of Crime, *supra* note 6.

4.1 TRAINING FOR INVESTIGATORS

Investigators play a key role in ensuring that all crime victims are informed of their rights and receive appropriate services after a victimization. Although most investigators receive general training on crime victims' rights and services at either the state law enforcement training academy or during in-service trainings, there are issues unique to serving survivors of homicide victims during cold case investigations that require specialized instruction. These issues, some of which are outlined below, should be co-taught by a homicide investigator and a victim service provider. The investigator should have considerable experience in cold case homicide investigations. The victim service provider should have considerable knowledge of crime victim issues, particularly complicated grief and trauma reactions related to violent loss. It may help the trainers to collaborate with grief counselors or mental health providers who specialize in trauma. Finally, the training would benefit greatly by the addition of a forensic specialist to discuss the latest advancements in and limits of forensic technology and DNA evidence and an attorney with experience in filing civil suits for crime victims/survivors to discuss the civil justice system and possible legal remedies for survivors when there is insufficient evidence for a criminal prosecution.

- A. In addition to receiving training on the impact of crime on victims and survivors, investigators should also receive training on trauma and grief reactions. Survivors may experience a resurgence of grief upon learning that their loved one's case has been reactivated. Survivors who felt that they had "worked through" their grief may be unsettled by the intensity of their reactions. The news that there has been a development in their case will often open up new questions and issues, and new activity in their case may give survivors hope that the case will be solved. However, if this new activity does not move the case forward, then survivors may reexperience the frustration and grief they experienced when the homicide first occurred. The start and stop nature of cold case investigations can bring about a wide range of reactions for survivors. Although a victim service provider may be the primary point of contact for survivors, it is important that investigators also be knowledgeable about how crime affects victims and survivors. In addition, the investigator training should emphasize the importance of continued communication with survivors (e.g., returning calls and annual updates, even when there is no new information). See Appendix C for an overview of grief issues and survivor impact.
- B. Establishing and maintaining ethical interpersonal boundaries for working with survivors are issues that need to be addressed in training and agency policy. Although most law enforcement agencies have policies outlining in general the ethical standards expected of their employees, these policies should also specifically address employee interaction with crime victims and survivors. Investigators should receive training on how to recognize and avoid conflicts of interest with survivors and what to do if a conflict arises. Investigators should be discouraged from having personal relationships with survivors, which could affect their objectivity and judgment, as well as negatively affect survivors. In small and rural communities, avoiding personal relationships may not always be possible; but, agencies in these communities should still develop specific policies to address, and hopefully prevent or minimize, potential problems.
- C. Homicide cold cases are one of the most difficult caseloads an investigator can be assigned, which is why more experienced investigators are often assigned to these cases.

Although lengthy experience investigating homicides is crucial to effectively working cold cases, working the same type of difficult cases over a long period of time can contribute to secondary trauma and burnout. Investigators may not recognize or acknowledge the impact their work has on them. Training can help investigators understand the importance of recognizing, acknowledging, and addressing the symptoms of secondary trauma, which may include anxiety, depression, sleep disturbances, anger, and hypervigilance. Left untreated, these symptoms will affect an individual's overall well-being and health. Professional effectiveness may be reduced and years of service curtailed. At a minimum, training and other supportive services should be provided to investigators to help them recognize the signs of secondary trauma and learn how to prevent or minimize its effects by developing healthy coping skills.

- D.** In small and rural communities, where officers may have the dual role of investigator and victim service provider, training should address the basics of providing services to crime victims, including understanding victims' rights, making referrals to service providers, and filing procedures for crime victims' compensation. Law enforcement agencies and victim/other service programs can conduct joint trainings to maximize their resources.

PROMISING PRACTICE: The Naval Criminal Investigative Service (NCIS) offers a handbook and training seminar that address cold case homicide units and investigations. The handbook includes information about establishing a cold case unit, working with the media, investigating a case, prosecuting a case, and interacting with family members. The seminar, Cold Case Homicide Investigations: Methodology and Protocol, provides information on videotape interviewing, psychological consultations, use of the media in cold case investigations, and other investigative methods. For more information about these resources, e-mail Michael Sullivan, Investigative Review Specialist, NCIS, at michael.g.sullivan@navy.mil.

4.2 TRAINING FOR VICTIM SERVICE PROVIDERS

Most victim service providers receive basic training on the impact of crime on victims and survivors, crisis intervention, and issues related to serving specific victim populations. There are issues unique to serving survivors during cold case investigations, however, that require specialized instruction. These issues, some of which are outlined below, should be co-taught by a victim service provider and a homicide investigator. The victim service provider should have considerable knowledge of crime victim issues, particularly complicated grief and trauma reactions related to violent loss. The investigator should have considerable experience in cold case homicide investigations. It may help the trainers to collaborate with grief counselors or mental health providers who specialize in trauma. Finally, the training would benefit greatly by the addition of a forensic specialist to discuss the basics of forensic technology and DNA evidence and an attorney with experience in filing civil suits for crime victims/survivors to discuss the civil justice system and possible legal remedies for survivors when there is insufficient evidence for a criminal prosecution.

- A.** Survivors may experience a resurgence of grief upon learning that their loved one's case has been reactivated. Survivors who felt that they had "worked through" their grief may be unsettled by the intensity of their reactions. The news that there has been a development in their case will often open up new questions and issues, and new activity in their case may give survivors hope that the case will be solved. However, if this new

activity does not move the case forward, then survivors may reexperience the frustration and grief they experienced when the homicide first occurred. The start and stop nature of cold case investigations can bring about a wide range of reactions for many survivors. Therefore, to best serve survivors in cold cases, victim service providers should receive training on issues surrounding complicated grief. See Appendix C for an overview of grief issues and survivor impact.

- B.** Victim service providers will probably have more contact with survivors than investigators and may be asked many questions about the investigation. Service providers should have a general understanding of how an investigation is conducted but should never answer specific questions about a case without first speaking with the investigator. Providers should be able to explain in general terms why investigators may pursue one lead over another or why investigators may not share information with survivors on new leads in the case. Survivors may have questions about how evidence is collected and tested, and they may have unrealistic expectations about how quickly the process can be completed. Victim service providers should be able to explain in basic terms the benefits and limitations of forensic technology and DNA evidence. They should know the basics of how evidence is collected and tested, why DNA may not be collected and tested, and the limitations of testing. They should understand the Combined DNA Index System (CODIS) and what happens when there is a hit/match. Although investigators may have more knowledge about evidence collection and testing, victim service providers should be capable of answering survivors' basic questions.
- C.** In cases in which a suspect has been identified but no charges have been filed, survivors may want to pursue a civil lawsuit against the suspect. Victim service providers should have a general understanding of the civil justice system and how it differs from the criminal system. For example, they should know that in the civil system, a defendant is found liable or not liable instead of guilty or not guilty and that the plaintiff's burden of proof is a "preponderance of the evidence" instead of the prosecutor's "beyond a reasonable doubt." Providers should be cautious not to raise the expectations of survivors about the likelihood of successfully pursuing a civil lawsuit, which can be a complicated and expensive process. But a lawsuit can also be a means by which survivors obtain a sense of justice if the suspect is found liable and held accountable.
- D.** As with investigators, victim service providers assisting survivors during cold case investigations can be at risk for secondary trauma. Service providers are often the primary point of contact for survivors, which can increase providers' exposure to the trauma and complicated grief survivors may be experiencing. Training can help victim service providers understand the importance of recognizing, acknowledging, and addressing the symptoms of secondary trauma, which may include anxiety, depression, sleep disturbances, anger, and hypervigilance. Left untreated, these symptoms will affect an individual's overall well-being and health. Professional effectiveness may be reduced and years of service curtailed. At a minimum, training and other supportive services should be provided to victim service providers to help them recognize the signs of secondary trauma and learn how to prevent or minimize its effects by developing healthy coping skills.

4.3 EDUCATION FOR SURVIVORS OF HOMICIDE VICTIMS

In the National Sheriffs' Association's survey questionnaire referenced in the "Introduction," the respondent law enforcement agencies identified several challenges they experience in working with survivors of homicide victims. These challenges include survivors' misperceptions (underestimation) about how long it takes to investigate a crime and to process and evaluate evidence. Respondents partially attributed these misperceptions, known as the "CSI effect," to how investigations are currently portrayed on crime drama television series, such as the long-running weekly *CSI: Crime Scene Investigation* and its 2002 and 2004 progeny *CSI: Miami* and *CSI: NY*. Respondents also mentioned that survivors frequently want updates and information on the unsolved case that cannot be provided without compromising the investigation.

To help survivors better understand how cold case homicide investigations are actually handled by law enforcement, an agency can establish a victim/survivor academy similar to the citizens' law enforcement academies already in place in many communities. The purpose of the citizens' academy is to educate the public on how law enforcement agencies operate, including the roles, practices, and services of the agency, and to promote positive relations and more communication between citizens and officers. A victim/survivor academy, co-facilitated by a cold case homicide investigator and a victim service provider, could accomplish a similar purpose. Law enforcement agencies that are not able to hold an academy should ensure that survivors receive this information during their contact with investigators.

- A. An academy for survivors of homicide victims could include training on law enforcement investigative procedures, such as why a case is reopened and how officers followup on new leads; what is probable cause, due process, and so forth; and why, to protect the integrity of an investigation, law enforcement sometimes cannot share information with survivors.
- B. To address misperceptions about forensic technology, a forensic specialist could speak at the academy and explain what DNA is, where it is found, and how it is collected and tested as potential evidence. CODIS could also be explained, as could what it means when there is a hit/match. By having a forensic specialist discuss these and other issues, survivors would have an accurate understanding of how real-life rather than fictional forensic laboratories operate.
- C. Law enforcement plays a key role in ensuring that survivors of homicide victims are informed of their rights. Officers are usually among the first professionals to have contact with survivors and, therefore, are in a good position to inform them of their rights, including the right to apply for crime victim compensation. Upon the reopening of a homicide case, survivors may need support and counseling to help them cope with the psychological reactions they are experiencing. Many crime victim compensation programs cover mental health counseling expenses in cold case homicides. Before information is presented to survivors on compensation benefits, however, the state compensation program should be contacted to confirm the expenses that are covered in cold cases. In addition, information should be provided on supportive resources in the community, such as counselors familiar with complicated grief issues and organizations that offer local support groups (e.g., Parents Of Murdered Children and Mothers Against

Drunk Driving chapters). Finally, all information provided by officers should be given both orally and in writing, so survivors can refer back to the written information at a later date.

5.0 COMMUNICATING WITH SURVIVORS

When an investigation is inactive or cold, survivors of homicide victims may be confused and frustrated in what they perceive as a low level of communication with law enforcement. Family members may also feel guilty and even blame themselves for not having been assertive enough or not asking investigators the “right” questions.

The process of investigatory responsibility shifting to a cold case unit can cause an interruption in lines of communication and trust that have been developed over time between the original homicide investigator and a victim’s surviving family. Accordingly, cold case homicide protocols should both honor the commitment and passion of homicide investigators and be sensitive to the needs of survivors.

In a 2010 study²⁸ that interviewed 37 family members and friends of victims in unsolved Colorado homicide cases, all but one of the survivors “reported that they were dis-satisfied with the current level of communication with law enforcement.” The study also found that most of the agencies in the study did not notify survivors when the lead investigator changed. Moreover, nearly all of the survivors felt that the investigator was not “forthcoming about the murder and potential killer.”

Similarly, in the report of the Arizona Cold Case Task Force,²⁹ the task force notes that it received comments from surviving family members “indicating that some have experienced problems obtaining information concerning the investigation from law enforcement agencies. Some comments indicated an unwillingness or reluctance on the part of law enforcement to communicate what information could be disseminated and what could not.”

The level of communication between law enforcement and surviving family members and friends can also be exacerbated when the survivors are—

- A. Very young.
- B. Grandparents, who may not be considered immediate family or next-of-kin.
- C. Adoptive, or shared another legal relationship with the victim outside bloodlines.
- D. Not family, but shared an interpersonal relationship with the victim, such as a boyfriend, girlfriend, or fiancé/fiancée.
- E. Separated by geography or dysfunction, such as divorce or a feud.

²⁸ Stretesky, Paul, Shelley, Tara, Hogan, Michael, and Unnithan, N. Prabha (September–October 2010). “Sense-Making and Secondary Victimization Among Unsolved Homicide Co-Victims,” in *Journal of Criminal Justice*, Vol. 38, No. 5.

²⁹ Cold Case Task Force, *supra* note 5.

5.1 LOCATING SURVIVORS

New developments in cold cases that require notification to survivors may arise for many reasons. It is critical that these notifications are handled with forethought, planning, and sensitivity. Victim service providers should be brought in as soon as possible to assist law enforcement with the notification process.

A. How Contacts Will Be Made

A determination is needed on how the initial contact with survivors will be made, i.e., by letter, telephone, or in person, and who will make the contact. See Appendices D and E for a sample contact letter and cold case annual notification form.

1. Personal relationships, addresses, and other contact information change; thus, survivors should be encouraged to proactively keep such information up-to-date. This is another reason for regular contact from the cold case unit.
2. Not all members of the same family will react to the notification in the same way, or have the same expectations. If the case involves more than one victim and multiple families, the investigator should be prepared for even greater differences in perspective and needs.

It is common in cold case investigations to encounter survivors who were children at the time of the homicide and who are now adults. These adult survivors may seek more information because they were told little at the time of the homicide. Their emotional reactions may be different as they learn more details of what occurred and view the crime as adults instead of children.

B. Cold Case Register

Establishing a cold case register can help in keeping track of survivors. See Section 3.4, “Create and Maintain a Cold Case Register,” for more information.

5.2 MAINTAINING COMMUNICATION

Law enforcement agencies can develop policies and procedures that promote regular and orderly communication with immediate family members of the victim, as well as those who shared a demonstrable personal relationship with him or her. Agencies can use “primary” survivor contacts to balance the investigators’ caseloads with their responsibility to provide information to those with a continuing need to receive the communications. Investigators should be mindful that using a “single,” primary contact may leave other central and concerned survivors out of the communication loop. Thus, there may need to be several primary contacts in a victim’s case depending on the relationships and communication levels among the victim’s survivors, both family and friends. Victim service providers should be used to coordinate law enforcement’s continued communication with survivors. See Section 3.3, “Maintain Communication With Survivors,” for more information.

A. Initial Contact

Upon initially contacting survivors, the investigator should provide the agency’s and his or her contact information, victims’ rights brochures, and service provider referrals. In addition, the investigator should—

1. Emphasize to survivors the important role they play in the cold case investigation and encourage them to call whenever they have new information to provide or questions to ask.

2. Explain and discuss which aspects of the investigation can and cannot be shared with survivors.
3. Allow survivors to review case files, if appropriate and possible, and encourage them to discuss their own possible theories about the homicide.

B. Continued Communication

Law enforcement agencies that do not have a victim service provider can identify a primary contact(s) for the victim's survivors, with whom the investigator can maintain communication, and who will then share the information received with other survivors. This allows the investigator to more easily update all the survivors. It is recommended that the surviving family members, not law enforcement, decide who will be their primary contact/spokesperson. As discussed earlier, there may need to be more than one primary contact in a victim's case depending on the relationships and communication levels among the victim's survivors, both family and friends.

Continued communication with survivors assures them that, although their loved one's case remains unsolved, the loved one has not been forgotten and the case continues to be worked. The law enforcement agency should—

1. Determine a realistic schedule for “regular” contact with survivors. At a minimum, this contact needs to be annually: once every 6 months, if possible.
2. Convey how frequently survivors can expect to hear from the investigator, and whom they can contact in the interim.
3. Clarify the roles and responsibilities of any professionals, including the victim service provider, who may be working with the investigator on the case and with whom survivors may come into contact.
4. Keep survivors informed and provide support as needed.
5. Make every effort to notify survivors of any new case development before it is announced to the media. Although this notification alert can sometimes be difficult to ensure, its omission can be a critical communication failure for survivors.
6. Remember to contact survivors when there is followup on a new development or a new specific lead.
7. Call survivors periodically to check in and see how they are doing and to remind them that they are not forgotten, even if there is nothing new to report.
8. Maintain ongoing contact throughout the duration of the investigation, no matter how many years it lasts.
9. Honor commitments to and appointments with survivors. When a specific date and time have been set for a meeting with or call to survivors, make sure this appointment is kept; and, if the appointment must be cancelled, reschedule it for another date as soon as possible thereafter. Although an investigator's missed appointment may be nothing more than an oversight, it can be perceived by survivors as a broken promise.
10. State the homicide victim's name each and every time contact is made with survivors to personalize the victim and emphasize that he or she is not forgotten.

PROMISING PRACTICES: Two police departments provide examples of promising approaches to continued communication with victims' surviving families. The Denver Police Department's Cold Case Investigation Unit employs a full-time cold case victim service provider whose sole responsibility is to work with unit investigators and survivor families to offer ongoing assistance, referrals, support, and information. The Washington, D.C., Metropolitan Police Department's Major Case Victims Unit has two full-time

victim service providers who work with survivors of unsolved homicides. They, too, offer ongoing assistance, referrals, and education about the criminal justice process, support, and information.

C. Other Types of Communication

1. A law enforcement agency can have victims' photographs posted on the walls in the cold case unit (as does the Fairfax, Virginia, Police Department) and/or on the unit's Web page (as do the Denver Police Department and the Washington, D.C., Metropolitan Police Department). Displaying photographs of the victims lets survivors know that their loved one's case is important and has not been forgotten, even if the case is not currently being worked. The photographs also inform the public about the unsolved homicide cases, in the hope that the display may yield new information and leads.
2. The agency can send a card and note to survivors on the anniversary date of their loved one's murder.
3. Published and electronic newsletters are another method of communication. The Washington, D.C., Metropolitan Police Department's Victim Services Branch publishes the quarterly newsletter *Empower*, which serves as a communication mechanism to survivors of unsolved homicide cases. The department also has the Homicide Survivors Outreach Listserv, which shares information with survivors about community-based supportive efforts.
4. Law enforcement agencies can sponsor vigils on the National Day of Remembrance for Murder Victims (September 25); during religious holidays; and during National Crime Victims' Rights Week, held in April each year.

PROMISING PRACTICE: In 2006, the Washington, D.C., Metropolitan Police Department initiated a program whereby family members of homicide victims whose cases are less than 3 years old are invited on an annual basis to meet with investigators from the homicide branch. These "next of kin" meetings are held in April and October, Monday through Thursday, from 12:00 to 8:00 p.m. Approximately 65 survivors participate in these two meetings each year. Departmental victim service providers handle all arrangements for the meetings and are available during the meetings to provide support to the survivors. Victim service providers attend the meetings upon the request of the investigators or survivors. Prior to the meetings, the investigators let the providers know if the survivors may need additional support, depending on the information that will be shared with them during the meetings. To maintain confidentiality, service providers are not informed of case developments. Their role is to support the survivors as they go through the investigative process. At the last meeting, before a case reaches the 3-year mark, survivors are informed that their case is being transferred to the unsolved (cold case) homicide unit and that a new group of victim service providers will be available to them. After they are informed of this transfer of their case, the commander of the homicide branch sends a letter to the survivors confirming the transition and providing information about the manager of the victim services branch as their point of contact. The manager then notifies and informs the survivors as to the specific victim service provider who is assigned to their case. In cases that are more than 3 years old, survivors have the opportunity to meet with investigators once a year in June. A smaller percentage of survivors participate in these meetings. During the meetings, survivors usually meet only with a victim service provider but an investigator is available to discuss general investigative protocol issues. Often, survivors want to discuss other issues

surrounding their case, such as the return of property, creating reward posters, and filing compensation claims. Surviving family members also continue to receive notice of the next of kin meetings until they request to be removed from the notification list.

PROMISING PRACTICE: Every year in December, the Washington, D.C., Metropolitan Police Department’s Victim Services Branch (Family Liaison Specialists Unit, Major Case Victims Unit, and Victim Specialists Unit) hosts a “Tree of Remembrance” ceremony for all survivors of Washington, D.C., homicide victims. The police department provides an ornament dedicated to each victim that has been personalized in memory of the victim as requested by the surviving family members. At the ceremony, each surviving family places their ornament on the tree. A local school chorus performs as a slide presentation shows photographs, provided by the families, of all the victims. The Tree of Remembrance ceremony is so well attended that two services are held on the same day, each about 2 hours in length, with 600 survivors, victim service providers, and homicide investigators in attendance. At the end of the ceremony, surviving family members take their loved one’s ornament home.

PROMISING PRACTICE: Since 1999, the Victim Services Unit of the Charleston, South Carolina, Sheriff’s Office, in collaboration with the Medical University of South Carolina/National Crime Victims Research and Treatment Center (MUSC–NCVC), has offered an array of outreach services to survivors of homicide victims. Using a database of contact information for more than 450 survivors, compiled over a 10-year period, the Victim Services Unit sends cards on the anniversary date of the victim’s murder and on the victim’s birthday to surviving family members and hosts several community events each year for survivors. These events include a vigil on the National Day of Remembrance for Murder Victims; a candlelight vigil during the Christmas/Hanukkah/Kwanza holiday season; and a fellowship picnic where survivors, law enforcement, and victim service providers come together for an informal gathering of fellowship and support. Survivors are encouraged to bring pictures of their loved ones to display at these events; and information about local resources is made available at each event.

D. Things To Remember

1. Regular contact and truthfulness are two of the most important needs that survivors have of law enforcement. Thus, investigators should focus on routinely communicating—with sensitivity but without being misleading—as much information as possible to survivors.
2. Survivors’ perception that information is not being shared with them can result in them feeling they have experienced a secondary victimization.
3. Investigators should be mindful of the hurt that survivors can suffer by media and/or law enforcement attention on high-profile cases. Survivors may construe this attention to inattention on their own case and may view law enforcement as discriminatory in its different investigations based on a victim’s race, ethnicity, or social class.
4. Some developments in cold cases occur suddenly, for example, when there is a CODIS (Combined DNA Index System) hit, indicating a DNA match between the victim or crime scene and a known offender. When there is a hit, Federal Bureau of

- Investigation (FBI) policy³⁰ indicates that contact with the victim's family should be in person. In making the telephone call to arrange this meeting, the officer should carefully explain that there is an important new development in the case about which the FBI wants the family informed as soon as possible. The in-person notification should be done in pairs, and always with a victim service provider present. If the family member initially contacted does not want this meeting or information, he or she should be informed that the information will be made public due to the criminal justice process and should be asked if another family member should be contacted.
5. Over time, cold case investigators and other law enforcement agency personnel can become very well-acquainted and personally familiar with the survivors in their caseload. Agencies should therefore address in their policies and training the issue of ethical interactions and professional boundaries between law enforcement and survivors.
 6. A victim's surviving family should be notified by law enforcement when their case is closed and sensitively provided with a truthful and complete explanation, recognizing that the investigator may not be able to provide a complete explanation if there is classified information.

5.3 PROVIDING SERVICES AND REFERRALS

Law enforcement investigators should have some basic knowledge about the range of needs survivors of cold case homicide victims have and should develop sensitive strategies to address these needs. To the extent possible, these strategies should include allowing survivors to participate in the cold case investigation in a manner of their own choosing. In this regard, investigators should also recognize that all survivor family members are different, have different trauma and grief reactions, and have different needs for information.

Prior to the development of its cold case protocol, a law enforcement agency should gather information about local professionals who may interact with survivors of homicide victims and the existing community services that are available to survivors during the course of an investigation and in the event that an arrest is made in the case. These professionals may include personnel in law enforcement agencies, district attorney's offices, the Attorney General's Office, community-based mental health and victim service agencies, and homicide support groups. The National Organization of Parents Of Murdered Children, Inc., may have information about homicide support groups in the local area.

Finally, law enforcement plays a key role in ensuring that survivors of homicide victims are informed of, have access to, and receive the full benefit of the rights, services, and treatment to which they are entitled under the laws of the jurisdiction. Therefore, law enforcement should be familiar with victims' rights laws and should develop and implement the appropriate agency policies and procedures to comply with the laws. Insofar as officers are usually among the first professionals to have contact with survivors, they are in a good

³⁰ Federal Bureau of Investigation, Terrorism and Special Jurisdiction Unit, Office for Victim Assistance "Addressing Victim Family Contact and Needs in Cold Cases Involving Homicides and Terrorism," in *FBI OVA Cold Case Protocol*. Note: Provided to project staff by the Office for Victim Assistance.

position to inform survivors of these victims' rights laws, including the right to apply for crime victim compensation.

- A. Survivors should be provided with a resource list of available services in the community.
- B. Survivors should be given contact information for the State Crime Victim Compensation Program. This program should also be explained to survivors, including the possible limits on the amount of assistance that is offered, such as limits for mental health counseling and other health care services. In that these compensation limits may not take into account the unique dynamics of cold case homicide investigations, the investigator or victim service provider should confer with the compensation program staff to request exceptions to benefit limits for the survivors in ongoing unsolved homicide cases. See Section 6.6, "State Crime Victim Compensation Programs," for more information. In studies conducted with survivors of victims in unsolved homicides, the survivors reported various mental and physical ailments associated with their loved one's murder going unsolved for years.³¹ Survivors of homicide victims are at increased risk of post-traumatic stress disorder (PTSD), depression, and drug use/abuse.³² Furthermore, they may experience complicated grief.³³ See Appendix C for an overview of grief issues and survivor impact. These health problems may be chronic, and survivors deserve the services of a mental health or grief counselor who specializes in trauma-informed counseling. The immediate devastation and the aftermath of a homicide are lifelong issues for families. Accordingly, survivor families may need access to long-term mental health and other health care services. See Section 6.0, "Collaborating With Other Entities," for information on the types of agencies and professionals in the community that would be most helpful for survivor assistance and support needs.
- C. Agencies should try to identify and make available to survivors written resources on grief and loss, especially complicated grief and PTSD. See Appendix C for an overview of grief issues and survivor impact.

PROMISING PRACTICE: The Victim Services Unit of the Charleston, South Carolina, Sheriff's Office works in collaboration with MUSC-NCVC to assess the needs of survivors and make referrals for community-based case management and mental health counseling services. They have also developed a psychoeducational booklet for survivors that provides information on grief and trauma reactions, counseling, victims' rights and compensation, the justice system, and local community resources. In addition, MUSC-NCVC contacts survivors 1 to 3 months after the homicide to offer them an array of outreach services. Services include weekly, no-cost support groups; intensive case management; office- or community-based, evidence-based mental health counseling; advocacy; transportation to court, law enforcement, counseling, and other appointments; and coordination with criminal justice victim service offices.

- D. Some law enforcement agencies have created a victim/survivor academy, similar to the citizens' law enforcement academy, for survivors whose cases have been transitioned to

³¹ Stretesky, Paul, et al., *supra* note 28, and Canadian Resource Centre for Victims of Crime, *supra* note 6.

³² Zinzow, Heidi, Rheingold, Alyssa, Hawkins, Alesia, Saunders, Benjamin, and Kilpatrick, Dean (2009). "Losing a Loved One to Homicide: Prevalence and Mental Health Correlates in a National Sample of Young Adults," in *Journal of Traumatic Stress*, Vol. 22, Iss. 1.

³³ Burke, Laurie, Neimeyer, Robert, and McDevitt-Murphy, Meghan (2010). "African American Homicide Bereavement: Aspects of Social Support that Predict Complicated Grief, PTSD, and Depression," in *Omega – Journal of Death & Dying*, Vol. 61, Iss. 1.

the cold case unit.

- E. Some survivors may be interested in serving as volunteers on other cold cases after their own case has been resolved. They can assist victim service providers in maintaining continued communication with other survivors and help with memorials, newsletters, and so forth. This invitation to serve as a volunteer may be a welcomed opportunity for some “closed case” survivors; and their experiences and personal knowledge of the way the criminal justice system functions could provide a beneficial perspective to other survivors.

5.3 TRANSITIONING CASES

Law enforcement agencies should develop policies that provide a clear definition of the criteria that transition an active homicide investigation to inactive or cold status. Furthermore, case status must be clearly communicated to all parties of interest with clear and continuing channels of communication.

- A. Agencies should have policies and procedures to ensure that the transition of case status, or the transfer, resignation, or retirement of an investigator, does not terminate, decrease, disrupt, or complicate the flow of information between the agency and survivors. Victim service providers can assist in ensuring continuity of communication during the transition of a case and personnel changes.
- B. Agency criteria for determining which cases are worked at any given time should be explained to survivors, along with the investigation protocol for cold cases. In no way should this explanation imply that one case is more important than another.
- C. When investigators leave their positions, or if a case is transferred to a new investigator, survivors should be personally contacted and the new investigator introduced. One survivor in a study on unsolved homicides stated the following:
 - I believe that families should be notified when the lead in the case changes.
 - However, it does make you feel like they are closing the door on the case.
 - You get into a working relationship with these guys and can tell they are invested in the case, and they just leave without saying a word. It makes you wonder if they have given up.³⁴

6.0 COLLABORATING WITH OTHER ENTITIES

Although it is not the responsibility of law enforcement to provide trauma response services to the survivors of a homicide victim, it is important for investigators to understand that this type of victimization can affect survivors’ capacity to participate in an investigation, especially if the homicide has been unsolved for years. If survivors avoid participating in a cold case investigation, or are upset while they participate, their reactions may be the result of victimization trauma.

³⁴ Stretesky, Paul, Unnithan, N. Prabha, Hogan, Michael, and Shelley, Tara. “The Forgotten Victims: What Cold Case Co-victims Want From Law Enforcement,” in slide presentation *What Cold Case Families Want From Law Enforcement*, on the Web site of Families of Homicide Victims and Missing Persons, Inc. Retrieved February 26, 2011, from www.unresolvedhomicides.org/ColdCasePP.php.

Participating in a cold case investigation is stressful for survivors. They are again thrust into a process that can be confusing and that includes jargon they do not understand. Moreover, they are asked to again focus on a traumatic, life-changing experience that permanently took a loved one from their lives. They are interviewed about details of their loved one's life and murder, with questions that may leave them feeling embarrassed, ashamed, guilty or angry; and these feelings of survivors may or may not be conveyed to the investigator.

Interagency and interdisciplinary collaboration is, accordingly, a cornerstone of an integrated, holistic approach that can best address survivors' needs. Through collaborative efforts with community-based programs, investigators can gain a better understanding of victim trauma and the importance of law enforcement referrals to programs and services that can help survivors identify and cope with the trauma of their victimization.

If a community feels that law enforcement is not doing its job to protect citizens and witnesses to crime, the community members may be less willing to cooperate with officers.³⁵ Collaboration provides opportunities for officers to educate citizens about law enforcement practices and to enhance support for their agency within the community. Regardless of the size of an agency or the number of unsolved homicides in the jurisdiction, collaboration with community-based programs and entities can enhance the agency's standing in the community and its public safety services, including the investigation of cold cases homicides.

An important first step in collaborating with other agencies is to gather information about local professionals who may interact with survivors of homicide victims to ascertain what services currently exist in the community. These professionals may include personnel in law enforcement agencies, district attorney's offices, community-based mental health and victim service agencies, and homicide support groups. The National Organization of Parents Of Murdered Children, Inc. (POMC) may have information about homicide support groups in the local area. A law enforcement agency may also consider convening a meeting with local victim service providers to begin interagency and interdisciplinary coordination and collaboration.

In cold case homicide investigations, collaborative entities can include those described below in Sections 6.1 through 6.6.

6.1 MENTAL HEALTH SERVICES

Survivors of homicide victims, whether they witnessed the homicide or not, experience trauma reactions similar to those experienced by direct victims of crime. These reactions are potentially intensified by a complicated grieving process, which involves coping with the sudden violent loss of a loved one combined with the stress and confusion of interacting with the criminal justice system.

The survivors' pain "is the same whether a case is solved quickly or not, but when a case remains unsolved, victims seem less able to move past the initial stages of grief, or their journey through the grief process is much slower. A resolution to the case, the arrest or

³⁵ Turner, Ryan, and Kosa, Rachel, *supra* note 14.

conviction of a suspect, does not make the pain go away, but it can allow someone to continue on their healing journey.”³⁶

- A. Survivors may experience many intense, and even conflicting, emotional reactions upon the reopening of their case. This is a critical point in time for law enforcement to assist survivors with the psychological effects of the cold case investigation.
- B. Mental health services can help survivors in processing the psychological effects of the cold case investigation. These services are appropriate no matter where survivors are in coping with their grief.

PROMISING PRACTICE: In Cleveland, Ohio, the Violent Loss Response Team (VLRT) program, within the Cuyahoga County Mental Health Services (MHS) agency, consists of three partners: the homicide unit of the Cleveland Division of Police, the Victim/Witness Service Center of the Cuyahoga County District Attorney’s Office, and MHS. VLRT provides comprehensive services that address both the practical and the psychological needs of family members and friends after the violent loss of a loved one. Upon receiving notification of a murder, homicide investigators contact MHS, which dispatches MHS crisis staff 24/7 to the scene of a homicide. VLRT crisis staff provide services and support to the survivors during cold case investigations. VLRT coordinates access to community services; obtains reports from the coroner’s office; provides information on dealing with media inquiries; assists with guardianship and probate issues; helps with the filing of crime victim compensation claims; and provides emotional support and education about trauma issues, including referrals to therapists trained in trauma and loss. The three partner agencies of VLRT provide a seamless continuum of services to survivors of homicide victims, at no cost to the survivors. For more information about the Violent Loss Response Team, contact MHS at 216-623-6888.

6.2 SYSTEM-BASED VICTIM SERVICES

Victim assistance units exist in many system-based settings, including prosecutor’s offices and law enforcement and corrections agencies. System-based victim service providers assist in implementing victims’ rights, which are outlined in state statutes and some state constitutions. These victim service providers can make referrals to other agencies and community-based programs. Trained in the impact of crime on victims, they also understand the law enforcement and criminal justice systems. Thus, system-based victim service providers can both explain the language of the law enforcement and criminal justice systems and help survivors navigate what can be very confusing to persons who are not a part of the systems.

PROMISING PRACTICE: The Denver Cold Case Project is an interdisciplinary collaboration of the Denver Police Department, the forensic scientists in the Denver Police Crime Laboratory, the Denver District Attorney’s Office, and victim service providers at both the police department and the district attorney’s office. The project uses forensic DNA to investigate and prosecute cold cases. This collaboration has resulted in 49 completed cold case homicide investigations since it was formed in 2004.

³⁶ Canadian Resource Centre for Victims of Crime, *supra* note 6.

6.3 COMMUNITY-BASED VICTIM SERVICES

Community-based victim service programs serve various crime victims, including victims who report crimes and go through the justice system and those who never report their victimization to law enforcement. Examples of community-based programs include homicide support groups; rape crisis centers; domestic violence programs; legal clinics; child advocacy centers; drunk driving victim assistance programs; faith based services; local services for older adults, such as those sponsored by the Area Agency on Aging; and immigrant and refugee services. These programs provide an array of services, including crisis intervention; support groups; mental health counseling; help with development of a victim support network; legal advocacy; referrals to social services; and advocacy with employers.

A. Community-based victim service programs can help ensure that law enforcement agencies provide the utmost level of trauma-informed communication and information to survivors of homicide victims.

B. Community-based programs can assist law enforcement with training issues and research.

PROMISING PRACTICE: The District of Columbia’s Metropolitan Police Department conducts quarterly meetings with community-based victim service programs. At these meetings, community-based providers assist in setting priorities for the specialized victims unit of the homicide department.

6.4 SURVIVORS’ GROUPS

The National Organization of Parents Of Murdered Children, Inc. (POMC) offers ongoing emotional support to survivors of homicide victims to help them reconstruct their lives. POMC helps survivors cope with their acute grief and also with navigating the criminal justice system. In addition, POMC offers training to criminal justice and allied professionals about survivors of homicide victims and the aftermath of murder. The national organization has local chapters in jurisdictions throughout the country.

A. POMC chapters hold monthly meetings; provide support, advocacy, and court accompaniment; publish newsletters; and design and implement special programs to meet the needs of survivors in their area. Chapters can invite local law enforcement officers to make presentations and answer questions at their monthly meetings.

B. POMC offers Second Opinion Services (S.O.S.) in cold cases. S.O.S. members—volunteer medical, law enforcement, and investigative experts—provide an independent, objective viewpoint based on existing evidence and records submitted to POMC. S.O.S. evaluates these materials for evidence that needs followup; findings that may have been misinterpreted; areas that need further investigation; and inconsistencies or conflicting information. S.O.S. experts do not further investigate a case, serve as expert witnesses, or identify suspects. In most cases, families receive a written opinion on the case. For more information about S.O.S., visit www.pomc.com/sos.cfm.

C. Other survivors’ groups not affiliated with POMC may exist in the community. These groups may be facilitated or co-facilitated by a victim service provider, therapist, or survivor. Before providing referrals to a survivors’ group, investigators should learn of the group’s reputation by inquiring of victim service providers with whom they are well acquainted.

PROMISING PRACTICE: In Fairfax County, Virginia, a homicide detective attends the

monthly meetings of a support group for the survivors of homicide victims. The victim services section of the Fairfax County Police Department began this support group in 1991. For the first 14 years, the group's meetings were facilitated by the director of the victim services section. In 2005, the director invited an investigator from the police department's homicide unit to attend the meetings as a co-facilitator. The investigator now attends these meetings and provides a law enforcement perspective to the survivors' discussions. The investigator explains law enforcement procedures in general terms and provides a calm, reassuring presence for the group's members. The victim services section director recommends that any investigator co-facilitating a survivor support group receive training on the traumatic grief experienced by survivors of homicide victims and the importance of victim services and mental health counseling. For more information about victim services in Fairfax County, visit www.fairfaxcounty.gov/police/service/victim-services.htm.

6.5 VICTIM ADVOCACY ORGANIZATIONS

A few grassroots organizations advocate for enhanced services for survivors of homicide victims and/or public policy changes to enhance the official response to survivors. These organizations differ from community-based organizations, which are focused on providing services to survivors. Although victim advocacy organizations may offer survivors some degree of service provision, they are primarily focused on public policy changes. These organizations can be important allies with law enforcement to increase attention on the issues surrounding cold case homicide investigations and the needs of survivors.

PROMISING PRACTICE: Since 2001, Families of Homicide Victims and Missing Persons (FOHVAMP) has advocated for the families of cold case homicide victims in Colorado. FOHVAMP's goals include training law enforcement in communicating with families of cold case homicide victims and training victim service providers in serving cold case co-victims/survivors. "By bringing together families and friends united by a common tragedy, FOHVAMP mentors these individuals seeking justice for their loved ones."³⁷ For more information, visit www.unresolvedhomicides.org.

6.6 STATE CRIME VICTIM COMPENSATION PROGRAMS

Each state has a crime victim compensation program that provides financial assistance for out-of-pocket costs that arise from a crime. These costs include funeral and burial expenses, medical care, lost support for dependents, and counseling. The maximum amount of this compensation varies by state and is set in state statutes. Most compensation programs accept claims from survivors in cold case homicide investigations, if the fact of a homicide is only recently discovered or confirmed. However, if it always was known to be a homicide, most states will have to make an exception to standard filing requirements to accept a claim years after the crime, and many may not be able to do that.

A. If the crime was identified as a homicide at the time of the crime and a compensation claim was filed at that time, most state victim compensation programs will keep eligibility for future claims open indefinitely, as long as the maximum benefit amount has

³⁷ Families of Homicide Victims and Missing Persons Web site homepage. Retrieved June 13, 2011, from www.unresolvedhomicides.org/about.php.

not been reached. In such a situation, survivors are eligible to file for compensable costs incurred, such as counseling fees, during a cold case investigation.

- B. If survivors did not file a compensation claim at the time of the crime that was identified as a homicide and many years later seek to file a claim because of a cold case investigation, most state crime victim compensation programs will have to make an exception to their usual filing deadline to accommodate the claim. While some compensation programs likely will do this, each state will have to look at this on a case-by-case basis.
- C. A few state crime victim compensation programs do not have filing deadlines; thus, survivors can file a claim at any time, regardless of how much time has elapsed since the crime was identified as a homicide.
- D. A few state crime victim compensation programs will only extend their eligibility deadlines by a few years, not indefinitely.

Investigators should have a basic understanding of eligibility requirements and how to assist survivors with filing compensation claims. They should consider referring survivors to a victim advocate in their agency, or the community, for additional assistance.

PROMISING PRACTICE: The Arizona Cold Case Task Force made the following recommendation: “The Arizona Criminal Justice Commission should take the necessary steps to ensure that each Crime Victim Compensation Board is well informed of their powers and abilities to compensate victims arising from the peculiarities and complexities of cold case homicides and, if possible, appeals may be heard from victims who believe they were recipients of unfavorable compensation decisions derived by misinformed members of any Crime Victim Compensation Board.”³⁸

In addition to the various collaborative entities discussed above, the collaborative entities discussed below can also support the actual law enforcement investigation:

6.7 DOMESTIC VIOLENCE FATALITY REVIEW TEAMS

In 2007, an estimated 1,640 females and 700 males age 12 or older were murdered by an intimate partner; an average of more than four females every day.³⁹ Twenty-four percent of all female homicide victims were killed by a spouse or ex-spouse, 21 percent by a boyfriend or girlfriend, 19 percent by another family member, and 25 percent by others they knew; only approximately 10 percent of female murder victims were killed by a stranger.⁴⁰

Domestic Violence Fatality Review Teams have been created in jurisdictions across the country to study factors that contribute to intimate partner homicides. These teams often include local experts in health, education, criminal justice, social services, and public policy.

³⁸ Cold Case Task Force, *supra* note 5.

³⁹ Catalano, Shannan, Smith, Eric, Snyder, Howard, and Rand, Michael (September 2009). *Female Victims of Violence*. (Bureau of Justice Statistics: Selected Findings). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. NCJ 228356. Retrieved February 23, 2011, from <http://bjs.ojp.usdoj.gov/content/pub/pdf/fvv.pdf>.

⁴⁰ Ibid.

- A. The teams review and analyze individual domestic violence homicide cases to try to identify factors that may increase or decrease the risk of domestic violence-related homicides, as well as specific factors that may serve to prevent these homicides.
- B. The teams can develop promising practices and suggestions for systemic changes that offer better services and interventions to reduce domestic violence-related homicides.

PROMISING PRACTICE: To date, Arizona has nine Domestic Violence Fatality Review Teams in place, and more are being formed. Each of these teams is structured based on local needs and priorities and is recognized by its local government in accordance with Arizona state statutes.

6.8 THREAT ASSESSMENT TEAMS

In response to crimes with multiple fatalities and injuries—including shootings and mass murders in workplaces, schools, malls, churches, and government agencies—some public- and private-sector entities have formed threat assessment teams to help prevent or manage incidents in these settings.⁴¹

Law enforcement constitutes an important part of these teams. Investigators can help assess the nature and reality of threats, provide valuable information to the team and offer potential solutions, start or continue an investigation, make arrests, initiate mental health holds, and so forth.⁴²

CONCLUSION

In recent years, cold cases have gained national and international attention.⁴³ “Extraordinary developments in DNA technology...have dramatically increased the available pool of evidence that can be submitted to DNA testing. This increasing volume of evidence, together with expanded databases containing identifying information from convicted felons, has created a tremendous resource for law enforcement to help solve crimes....”⁴⁴

Yet still, “cold case homicides are one of the most significant challenges facing law enforcement agencies nation-wide.”⁴⁵ And survivors of homicide victims can “have trouble believing in the system and trusting that the investigation is still continuing. They see police, courts, and lawyers as giving up on them. They feel less of a priority as there is little evidence to proceed and feel like a ‘nag or bother’ when asking questions about the case status.”⁴⁶

⁴¹ Albrecht, Steve (February 2010). “Threat Assessment Teams: Workplace and School Violence Prevention,” in *FBI Law Enforcement Bulletin*. Washington, DC: U.S. Department of Justice, Federal Bureau of Investigation. Retrieved February 23, 2011, from

www.fbi.gov/stats-services/publications/law-enforcement-bulletin/february-2010/leb-portlet-february2010/.

⁴² Ibid.

⁴³ Canadian Resource Centre for Victims of Crime, *supra* note 6.

⁴⁴ Cold Case Task Force, *supra* note 5.

⁴⁵ Ibid.

⁴⁶ Ibid.

Improving the systemic processes of cold case homicide investigations is therefore a critically important task for law enforcement. These processes include the nontechnological aspects of investigations, that is, sensitivity to survivors' needs, the improvement of which will also improve law enforcement's investigatory outcomes in the solving of more cold cases.

“For the family members of the victims, this [solving of a cold case] can bring very much-needed resolution to what happened to their loved one,” according to Professor Clete Snell, chair of the criminal justice department at the University of Houston-Downtown.⁴⁷ For law enforcement, closing a cold case also can mean catching a murderer who could kill again.

A Washington, D.C., cold case homicide that was recently successfully prosecuted illustrates the impact that solving a cold case can have on survivors, law enforcement, and the community at large.

Chandra Levy, a 24-year-old California woman working as an intern with the federal government in Washington, D.C., was last seen on May 1, 2001. Her body was found a year later on May 22, 2002. Seven years later, in 2009, a suspect was charged. And almost 10 years after her initial disappearance, Ms. Levy's murderer was tried and convicted on November 22, 2010, and sentenced to 60 years imprisonment on February 11, 2011.

Outside the courtroom after the conviction, survivor Susan Levy, Chandra Levy's mother, very simply and succinctly stated a most basic lesson on the importance to survivors of law enforcement's investigation of cold case homicides: “It makes a difference to find the right person who is responsible for my daughter's death or for anybody else's death.”⁴⁸

Washington, D.C., Police Chief Cathy Lanier's candid comments after the conviction also underscore some of the points raised in this guide about the difficulties in cold case homicide investigations: “It's not like it is on TV. Cases can be very complicated. You never give up, regardless of criticism, regardless of mistakes. And I think that's what happened in this case.”⁴⁹

Finally, U.S. Attorney for the District of Columbia Ronald Machen summed up the broad meaningfulness of this single, cold case conviction to all survivors and law enforcement, as well as to the community at large: “Today's verdict sends a message that it's never too late for justice to be served.”⁵⁰

But cold case homicide investigations are about more than seeing a case solved, a conviction rendered, and justice meted out, as important as these are to law enforcement and survivors. It is hoped, accordingly, that this guide will prompt law enforcement agencies to develop an agency protocol on serving survivors of homicide victims during cold case investigations. The

⁴⁷ Pinkerton, James (November 22, 2010). “These Five Don't Forget: Cold Case Squad Digs Deep into Long-Unsolved Murders, Bringing Relief to Families of Victims,” in *Houston Chronicle*. Retrieved February 26, 2011, from www.chron.com/dispatch/story.mpl/metropolitan/7305540.html.

⁴⁸ Smoot, Kelly (November 22, 2010). “Jury convicts man in killing of Chandra Levy in 2001,” CNN Web site. Retrieved February 26, 2011, from <http://edition.cnn.com/2010/CRIME/11/22/dc.chandra.levy.trial>.

⁴⁹ Ibid.

⁵⁰ Ibid.

information and recommendations outlined in this guide will inform that protocol with the foundational tools necessary for law enforcement to more effectively work with survivors but also—as is the ultimate purpose of this guide—to better serve survivors.

APPENDIX A. APPLICATION FOR COLD CASE REVIEW

Agency Name:

Agency Contact:

Agency Phone:

Agency Case Number:

Type of Crime:

Date of Crime:

Victim's Name:

Agency Reports (Yes/No)

Are all police reports available?

Investigating Agency

Other Agency Reports

Interviews

Are all case investigator/detective notes accounted for?

Does a complete index of all names associated with the case exist?

Are all current and available leads exhausted?

Are all laboratory reports available?

Is a crime scene reconstruction available?

Are crime scene photographs available?

Are additional photographs available from the crime lab?

Is a crime scene video available?

Is a crime scene sketch/diagram(s) available?

Is a crime scene description available?

Victimology: (If there are multiple victims, complete for each victim.)

Name
Photograph from the time of the homicide
Aliases
Nicknames
Address
Social Security Number
Date of Birth
SID
FBI Number
Gender
Race
Age
Physical age
Height
Weight
Hair color
Hair length
Eye color
Facial hair
Dental characteristics
Description of clothing, jewelry, glasses
Scars, marks, and tattoos
 Location
 Are photographs available?
Outstanding features
Occupation
Employer
Lifestyle
Member of associated group, organization, or gang
Marital status
Living arrangements
Was the victim's property taken?
 Was the stolen property entered into NCIC?
Involvement in other crimes
 If so, are reports available?

Was a ViCAP entry made?
Was a ViCAP report obtained?
 Is the report available?
Is any investigation currently in progress?
Is any investigation currently in progress by any other agency?
Is this case suspected to be part of a series of homicides?
Copies of all property receipts

Suspect/Person of Interest:

Is there a suspect/person of interest?

Photograph from the time of the homicide

Suspect background

Current location of suspect known

DNA sample obtained

Analyzed

Lifestyle

CCIC Work-up (QH/DL/PHOTO)

Suspect interview conducted

Audio/Video recording

Complete Timelines for:

Crime scene

Victim

Suspect, if known

Complete case

Sexual Component to the Crime:

Is there an indication of sexual activity or attempted sexual activity with the victim?

Type of sexual activity or attempt

Sequence of sexual activity

Was there any foreign object insertion?

Location on body

Type of object

Was the victim sexually assaulted?

Semen located

Location on body

Did the offender possess any sex-related paraphernalia/devices?

Type of paraphernalia/devices

Did the offender possess sex-related collections?

Type of collections

What were the offender's sexual practices and preferences?

Did the offender experience sexual dysfunction?

Type of dysfunction

What was the level of force used by the offender?

Did the offender use any verbal activity?

What was said?

Did it appear the offender was operating from a ritual/mental script or fantasy?

Did the offender display any obvious fetishes?

Did the offender use any special props?

How did the offender/victim contact end?

Was the victim sexually mutilated?

Coroner Information:

Are all autopsy photographs available (agency, pathologist, coroner)?
Is the autopsy report available?
Are all coroner's reports and toxicology reports available?
Are any reports by anyone else who examined the case available?
If reports are not available, explain.

Laboratory Information:

Is there physical evidence?
Has the physical evidence been inventoried recently and is it still available?
Has the evidence been examined by the current detective?
Was all physical evidence located?

Were fingerprints recovered? Victim _____ Suspect _____ Other(s) _____
Where were the fingerprints recovered?
Have the fingerprints been entered into A.F.I.S.? Date _____
Have the fingerprints been entered into I.A.F.I.S.? Date _____

Biological Evidence

DNA

Known

Unknown

Blood

Spermatozoa

Saliva

C.O.D.I.S. Date _____

Other

Has a DNA identification been made?
Has DNA analysis been completed?
Are results of the DNA analysis available?
Has a DNA profile been obtained?

Trace Evidence N/A

Fiber, Glass, Paint, etc.

Analyzed Date _____

Results _____

Bite Marks

Examined by a forensic odontologist Date _____

Results _____

Other Patterned Injuries

Examined Date _____

Results _____

Are there tire impressions?

Evaluated Date _____

Results _____

Tool Marks

Evaluated Date _____

Results _____

Are there footwear/print impressions?

Evaluated Date _____

Results _____

Was handwriting analysis conducted?

Evaluated Date _____

Results _____

Investigation Information:

Are there witnesses?

Are the witnesses living?

Are key witnesses' locations known?

Polygraph administered

Results _____ Date _____

41.1 conducted

Results _____ Date _____

Weapon Information:

What kind of weapon was used?

Was the weapon recovered?

Firearm

Type _____

Evaluation _____ Date _____

Results _____

Were any projectiles/casings recovered?

Were the projectiles/casings entered into NIBIN?

Results _____ Date _____

NIBIN hits received _____

Blunt force object

What type of object?

Recovered _____

Analyzed _____ Date _____

Edged weapon (e.g., knife)

Recovered _____

Analyzed _____ Date _____

Is there other evidence?

If so, what type?

Complete Case Timeline:

Include case personnel and indicate when duties changed.

Are the detectives previously involved in this case available?

Name(s)

By phone?

In person?

Has the case ever been reviewed before?

By whom?

Date(s) _____

Findings _____

Questions:

How much time is needed to present your case to the Review Team? (No more than one day will be allowed.)

Media Releases:

CrimeStoppers _____

Is there a copy of what was done?

Newspaper _____

Is there a copy of what was done?

Television _____

Is there a copy of what was done?

Radio _____

Is there a copy of what was done?

Internet _____

Is there a copy of what was done?

APPENDIX B. COLD CASE SOLVABILITY QUESTIONNAIRE

- 1. Was this case classified as a homicide or sexual assault per A.R.S. definition at the time of incident? Yes ___ No ___
If not, how was this case classified? _____
- 2. If a homicide, was the victim’s body located? Yes ___ No ___
- 3. If a sexual assault, was a rape kit collected? Yes ___ No ___
- 4. Were there witnesses to the homicide/sexual assault? Yes ___ No ___
Are the witnesses still available? Yes ___ No ___
- 5. Is the victim of the sexual assault available and willing to testify? Yes ___ No ___
- 6. Is there evidence related to the homicide/sexual assault still available? Yes ___ No ___
- 7. Was a Crime Laboratory analysis performed? Yes ___ No ___
If “Yes,” was any type of DNA results obtained? Yes ___ No ___
- 8. Was this case presented to the County Attorney’s Office for issuing? Yes ___ No ___
If “Yes,” what was their opinion? _____
- 9. Was all the evidence related to this case reviewed? Yes ___ No ___
By what Investigator _____
By what Crime Lab DNA Analyst _____
- 10. Is the evidence viable for current scientific examination standards? Yes ___ No ___
By what DNA Analyst _____
- 11. Is the evidence viable for current prosecution standards? Yes ___ No ___
By what Investigator or Prosecutor _____
- 12. After round table review, is this a workable “cold” case? Yes ___ No ___

Assigned Investigator _____ Date _____

DNA Analyst _____ Date _____

Prosecutor (If applicable) _____ Date _____

APPENDIX C. COLD CASE HOMICIDE INVESTIGATION: GRIEF ISSUES AND SURVIVOR IMPACT

As a law enforcement agency reopens a cold case homicide for further investigation, it is essential to consider the psychological and emotional needs of the surviving family members.

Not only does the reopening of the case result in a surge of hopefulness that the crime will be solved, and that the perpetrator will be located and justice will be served, but it may also rekindle many of the components of the grief experience or post-trauma stress symptoms.

Reopening a case may cause survivors to experience reactions ranging from reliving certain events and details to reexperiencing denial, anxiety, anger, sadness, frustration, longing, and a renewal in the search to find meaning.

This guide is by no means comprehensive in its information, but is provided as an overview of some components of the grief experience. If cold case homicide investigators, supervisors, chaplains, and victim service providers are aware of the grief issues that may surface or resurface, they will be able to acknowledge and address those issues with the survivors, which can make a positive impact and may help promote the healing process.

Suggested Response: Holding a planning meeting early in the case will be beneficial for the surviving family members and the cold case unit staff. This will prepare family members emotionally and intellectually, and it will also build rapport and trust with the staff. Give survivors resources at this time to help them manage any stress or grief they may experience.

The Grief Response: Survivors of violent crime may experience a resurgence of grief as the case is reopened. Feelings of elation, anticipation, hope, despair, anger, fear, sorrow, depression, guilt, and loss may surface for the survivors. In some cases, these emotions may have never lessened, or survivors may say they are surprised by the intensity of their thoughts and feelings. Everyone experiences grief in his or her own way. It is a multifaceted response to loss and is unique to the individual experiencing it.

Getting stuck in the grief process is not uncommon. When someone is stuck, he or she may need outside intervention to get unstuck. Working through the grief process takes time and is not a linear process: individuals visit and revisit thoughts, feelings, and memories multiple times in the quest to find meaning.

Prior loss, multiple losses, trauma, substance abuse history, prior mental health issues, and lack of social support increase the risk of a complicated grief experience. Encourage individuals experiencing these issues to seek assistance from a professional therapist.

Suggested Response: Regardless of survivors' response, do not place value judgments on them. Communicate that the initial trauma must have been painful for them, and acknowledge and validate their feelings and responses. It is understood that they will experience distress when going through a reopening of a homicide case. Refer them to knowledgeable grief and loss

facilitators or therapists. Listen to them and help them to feel part of the team working to bring justice for their loved one.

Stress or Post-Traumatic Stress Symptoms: The surviving family members may show signs of elevated stress and may benefit from learning relaxation or other healthy coping strategies. Coping mechanisms differ greatly and effective coping mechanisms may take many forms. What works well for one person may not work for others.

Stress reactions are a component of the grief process. There are many methods to managing stress. Create a handout listing various methods to relieve stress, including therapeutic modalities and techniques to manage a variety of stress-related symptoms. There are many methods to choose from via the Internet.

Suggested Response: Pay close attention to what survivors are saying. They may give you verbal clues to their personal distress. Ask how they have coped with difficult times in the past (past behavior is suggestive of future behavior). If something or someone sustained them in the past, it or they will probably help them cope in the present. Sometimes people need to be reminded of the resources available to them: friends, family, support groups, sports, meditation, prayer, creative arts, journaling, and so forth.

If the survivor needs to call you and speak to you on a frequent basis about the case, this may indicate that the survivor has a need to talk about what is going on. Grief groups and specialized support groups are available in most areas. Develop and offer a listing of telephone hotlines, Web sites, chat sites, and local support groups. To help survivors locate support groups in their communities, refer them to the National Organization of Parents Of Murdered Children, Inc., at 888-818-POMC.

No one ever has closure, but grief changes and becomes less painful as time passes. Even with a cold case being revisited, with proper support, it can be a positive experience for surviving family members. Encourage support systems, people who care, a faith community, and healthy coping mechanisms to help survivors deal with revisiting the homicide and the criminal justice process once again.

This information was compiled by Marcia Romano, Administrative Manager, Victim Service Unit, Chaplains Unit, and Critical Incident Stress Management Team, Pinal County, Arizona, Sheriff's Office.

APPENDIX D. SAMPLE COLD CASE CONTACT LETTER TO SURVIVORS



John W. Hickenlooper
Mayor

CITY AND COUNTY OF DENVER

DEPARTMENT OF SAFETY

DENVER POLICE DEPARTMENT
ADMINISTRATION BUILDING
1331 CHEROKEE STREET
DENVER, COLORADO 80204-2787
PHONE: (720) 913-2000

Date:

Name
Address
City / State / Zip

Dear

As the family member to the victim in a homicide case that has not been solved within a year of the crime, the Colorado Victim Rights Act (C.R.S. 24-4.1-303) entitles you to an annual update on the status of this case.

_____ was the victim in Homicide case number _____ that was reported on _____. Although the status of this case is currently unsolved, I can assure you the goal of this department is to solve this crime. Please feel free to contact me if you have any additional information or questions. My direct line is listed below and I will be happy to assist you in connecting with the assigned detective.

Also, if you would like to receive an annual written update on this case, please complete the attached form and return it to me. Your current contact information will be added to your case. A self addressed return envelope has been provided for your convenience. No additional postage is necessary. If you do not respond to this letter, then your name will be removed from the notification database.

Receiving this letter about the homicide may be difficult for you and bring up questions and concerns. Please feel free to contact me at 720-913-6677 if you need any additional assistance.

Sincerely,

Sarah Chaikin
Cold Case Coordinator
Victim Assistance Unit
Denver Police Department
720-913-6677
<http://www.denvergov.org/dpdvau/>

For:
Gerald R. Whitman
Chief of Police

APPENDIX E. SAMPLE COLD CASE ANNUAL NOTIFICATION FORM

Denver Police Department Cold Case Annual Notification Form

If you wish to receive an annual update from the Denver Police Department regarding your case, please provide the information requested below and return this form in the provided stamped and addressed envelope to:

Sarah Chaikin, Cold Case Program Coordinator
Victim Assistance Unit – Denver Police Department
1331 Cherokee Street, Room 107
Denver, Colorado 80204

PLEASE PRINT

Victim Name: _____

DPD Case Number: _____

Requesters Name: _____

Current Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ E-mail Address: _____

Signature

Date

PLEASE NOTE

It is your responsibility to provide the Denver Police Department with current contact information if you wish to receive information or updates.

APPENDIX F. VICTIMS AND THE MEDIA

Interacting With the Media: Tips for Victims of Crime

As a victim of crime, you may find media attention upsetting or helpful. You might be contacted by the media or perhaps you would like to communicate with the media but are not sure how to do so. The press can be an important ally in some cases. However, for victims seeking privacy, it can be difficult to know how to interact with members of the media. Above all, remember the choice is yours.

The following tips were developed to give crime victims practical advice related to working with the media.

- If you do not want direct interaction with the press but find that it is hard to avoid the press, it might be helpful to appoint a spokesperson who will speak on your behalf. A spokesperson can be anyone you trust who is willing to protect your privacy and represent you and your family in a positive way. A spokesperson can release statements at your request, respond to press inquiries, or accompany you to interviews if you decide to speak to the press.
- You are entitled to grieve in private. You can refuse permission for reporters and cameras to be present at a funeral or burial.
- You have no obligation to provide an interview, even if you have done so in the past. If you decide to grant an interview, you can try to set conditions for the interview (e.g., time, location, protection of your identity). The media may not agree to your terms but if they refuse, you can withdraw.
- You can refuse to answer inappropriate questions.
- You have the right to be treated with dignity, courtesy, and respect.
- You can exclude children from interviews.
- You can file a complaint with a reporter's employer, victim service providers, or law enforcement if you feel harassed by reporters.
- You can complain and seek a correction if a report contains inaccurate information.
- You can ask that comments be off the record (not appear in the story), but be aware that anything you say could potentially be reported.
- You can request that offensive visuals be omitted from a story.
- You can issue your own statement to the press or ask a local official to help you release a statement to the press.

Getting Information to the Media: Tips for Victims of Crime

Victims of crime, or their spokesperson(s), can communicate directly with members of the news media by issuing a press statement or press release. Victims should be mindful of any information that could compromise the criminal investigation or affect trial proceedings. It is a good idea to seek advice from victim witness staff and/or the prosecutor to be sure that public comments will not cause problems with the case.

WHAT IS A PRESS STATEMENT?

A press statement is a brief, written document used to communicate with members of the press. It can provide information or make a request. It might announce a memorial service or the establishment of a memorial fund. Some victim press statements make an appeal to the community for information about an unsolved crime and provide the number to call with information, such as Crime Stoppers or local law enforcement. Press statements might thank the community for their support and/or make an appeal for privacy. A press release can be used to announce a press conference or an upcoming event.

HOW DO I GET MY STATEMENT TO THE PRESS?

A press statement can be mailed, faxed, or e-mailed directly to media organizations. Contact information is often available on the news organization's Web site (on a "Contact Us" page). If it is not clear whom to contact at a particular media source, it may be useful to call the media organization and ask to speak with a news editor. Introduce yourself to the news editor and ask for his or her suggestion about how to submit a statement. (News editors are also the people to speak to if there is a mistake or inaccuracy with an article.) Sometimes officials associated with the criminal case, such as prosecutors or victim witness staff, can assist victims with getting their statement to the press.

HOW DO I WRITE IT?

There is a format commonly used by the media that can be followed when submitting a press release/statement. A quick Internet search will provide many examples of press releases. The basic format on the next page is a good template to use.

Sample Press Release

NEWS RELEASE

FOR IMMEDIATE RELEASE

[date]

For more information, contact:

[Contact Information]

DOE FAMILY ISSUES STATEMENT

<City>, <State>, <Date> - The family of [victim] issued the following statement today:

[The STATEMENT or body of the text is written here. At the end of the release, indicate that the release is ended. This lets the journalists know they received the entire release. Type "End" on the first line after your statement is completed. If your statement goes over one page, type "MORE" at the bottom of the first page.]

For additional information: The Doe family will not respond to media inquiries. John Brown is the family's media spokesperson. He can be reached at: [include contact information, such as phone, cell, fax, email, address].

FOR IMMEDIATE RELEASE: These words should appear before the body of the text. In this sample, they are placed in the left-hand margin, just under the letterhead. Every letter is capitalized.

Headline: One sentence. Use proper title case, capitalizing every word except for the following articles: of, it, the, a, an, from, and, is, by. Use a boldface type.

Dateline: This should be the city your press release is issued from and the date you are mailing your release.

Contact Information: Skip a line or two after the statement and list the name, title, telephone and fax numbers, and e-mail address of your spokesperson. When choosing which contact information to include, keep in mind that reporters often work on deadlines and may try to contact the spokesperson after hours.

--END--

Appendix F was adapted from the "Victims and the Media Resource Packet," included in the *Wisconsin Protocol on Cold Case Investigations: Providing Assistance to Victims and Their Families* (2009), developed by the Wisconsin Office of Crime Victim Services.