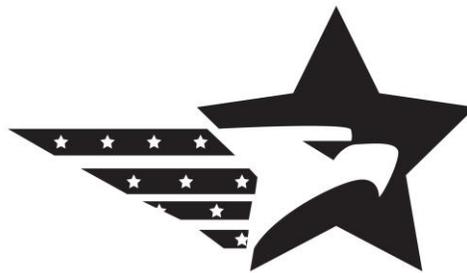


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The article entitled, "Cold Case Models for Evaluating Unresolved Homicides," written by Sarah Stein and James Adcock, was reprinted in the Journal of Cold Case Review, Volume 2, Issue 1, January 2016, with permission and citations approval from only co-author Sarah Stein. Therefore, the article entitled, "Cold Case Models for Evaluating Unresolved Homicides," written by Sarah Stein and James Adcock, is reprinted in the Journal of Cold Case Review, Volume 2, Issue 2, July 2016, with permission and citations approval from both co-authors Sarah Stein and James Adcock. The Editor apologizes for this error.

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The Use of Linkage Analysis in the Jacob Wetterling Cold Case

By Jolene van Nevel^[1] & Corliss Bayles^[2]

Abstract

The information on the case study of one of the highest profile cases in Minnesota that involve child abduction has been sourced from online materials by the State of Minnesota, and online peer-reviewed scholarly and psychological journals. It has resulted in the implementation of the Crimes against Children and Sexually Violent Offenders Registration Act of 1994 (Anderson & Sample, 2008, Sample & Bray, 2006), a first line defense law that deals with child kidnapping and sexual assault of children. As the cornerstone of more recent legislations, such as Megan's Law (1996), now called Adam Walsh Child Protection and Safety Act (Sample & Bray, 2006), sex offenders are required to register in every state, and for those states to make that information available to the public. This case study will go over a brief background of the Jacob Wetterling abduction almost 17 years ago and go into the recent events leading to the current developments where a person of interest has been identified. Then, the forensic psychological relevance will be covered, specifically the relation to linkage analysis.

Keywords: cold cases, kidnapping, sexual assault, criminal investigation, law enforcement

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Background

On October 22, 1989, eleven-year-old Jacob Wetterling, from St. Joseph Minnesota was at home with his younger brother Trevor (10) and friend Aaron (11). Jacob called his parents, who were at a party, to see if it would be okay for them to take their bikes down to the corner store to rent a mov-

ie, and get some snacks (Anderson & Sample, 2008; Karnowski, 2016). His mother said “no” at first, but Jacob called back and asked his father. The father approved, on condition that they wore reflective gear since it was around 9 p.m. at night. According to the boys, an unknown man, wearing a mask and dark clothing, stopped them when they were about a quarter-mile from the Wetterling home. He

approached holding a gun and ordered them to throw their bikes in a nearby ditch and lie face down on the ground. He then asked their ages. After this, he told Jacob's brother and friend to run, and not look back, or they would be shot. When both Trevor and Aaron reached the woods, they looked back, and Jacob and the abductor were already gone (Karnowski, 2016). To this date, Jacob has not been found.

Shortly after the abduction, police received a possible tip: one individual reported observing a strange man looking at customers at the store where the boys were. It was later discovered that this case resembled another case that happened around nine months before the abduction of Wetterling. There was another boy, about the same age, taken in Cold Springs, Minnesota, about 10 miles away from St Joseph (Anderson & Sample, 2008). The boy was walking home from ice-skating, when he was taken by a masked man, wearing black. The man molested the boy, then pushed him out of the car, and told him to run, or he would be shot. At this point, the two cases seemed related (Sample & Bray, 2006) because the Modus Operandi (MO) (Wright, 2008) was the same in both cases. There was a masked man, wearing black, abducting young boys, and then telling them to run, or he would shoot them. The only difference between this case and Wetterling is that this boy was alone and Wetterling was not.

It was later revealed that there were five more similar cases of abduction and sexual molestation of boys around the same age in the City of Paynesville, Minnesota about 40 miles from St Joseph. They are believed to have been abducted by the same man, with the same MO of the masked man, in black clothes and at gunpoint. It was this MO that led authorities to believe that the same man committed the Wetterling, Paynesville, and Cold Spring cases, which led investigators to assume that they were looking for a repeat sex offender (Frust, Smith & Lauwagie, 2015, Karnowski, 2016).

Person of Interest

In October of 2015, Danny Heinrich (53), of Annandale, Minnesota, was arrested and is currently federally charged with possession of child pornography (Person of interest, 2016). He had also been considered a person of interest in the Jacob Wetterling case since 1990. Authorities found similarities between the tire tracks and footprints that were left at the scene of the crime and Heinrich's footprints and his 1982 Blue Ford EXP. Most recently, DNA was found in the sweat-shirt of the boy who was taken in Cold Spring and matched Heinrich's DNA, thereby successfully connected him to the abduction and molestation of that child. Heinrich was never charged in 1990. The DNA that was found in the sweatshirt was used to get a warrant to search for "items of interest" in both cases. This investigation resulted in the finding of trophies of 19 three-ring-binders with photographs of young boys between 11 and 16 years of age as well as other items of interest (Person of interest, 2016).

Image 1: *Composite Sketch and Photo of Person of Interest*



Above is a photograph of the composite sketch that was taken from the Wetterling abduction and the arrest photo of Heinrich in October 2015. So far Heinrich is pleading not guilty for the disappearance of Wetterling, and that of the other cases in which he is named person of interest. (Frust, Smith & Lauwagie, 2015, Karnowski, 2016).

Linkage Analysis

Three important features of offender behavior may be evident at the crime scene, namely (Bartol & Bartol, 2011):

- (1). The Modus Operandi (MO), the actions or procedures the offender engages in to commit the offense,
- (2). The personation or signature, the repetitive almost ritualistic behavior the offender uses from crime to crime; and,
- (3). Staging the intentional alteration of the crime scene before the police arrive.

In the case of Wetterling, all of these features were used to link his abduction with previous abductions in other cities in Minnesota. These features will be demonstrated later in this article when shown how they can be used to link to the one offender or person of interest. Because criminals often change their MO until they figure out which one provides the best success for committing the crime, investigators sometimes err if they place too much importance on the MO when linking crimes (Bartol & Bartol, 2011).

The following describe how linkage analysis can be used in the Wetterling case with the past information, and the new data that has come up about the person of interest, in this case, Heinrich. To begin, linkage analysis is commonly used when authorities are trying to figure out how certain aspects of the crime may, or may not, be related to another case, in the chance that there are many cases related to each other in a serial manner (Woodhams & Laubschagne, 2012). In this case, the patterns are observed through linkage analysis to determine the possibility of Heinrich committing more than one abduction and sexual molestation (Laubschagne, 2006, Woodhams & Laubschagne, 2012). When relying on crime scene behaviors to link cross-crimes evidence, accuracy is very important (Ellingwood, Mud-

ford, Bennell, Melnyk, & Fritzon, 2013). Ellingwood et al. (2013) explained that one of the challenges investigators face is linking one individual to unsolved crimes when no physical evidence is available to examine, and there is only behavioral evidence obtained from the crime scene. In this case, the investigator must rely on a technique known as Behavioral Linkage Analysis (BLA). The primary task of criminal profiling is to infer the characteristics of the offenders from their actions and other associated variables in the investigation.

Goodwill, Allen, and Kolarevic (2014) identified two types of aggression, namely instrumental and expressive. These authors described instrumental aggression as being directed at achieving a particular goal such as money or territory. They described expressive aggression as the consequence of frustration and intense emotions such as anger, rage, or jealousy. The first type is evident in the Wetterling, and previous similar cases in Paynesville and Cold Spring (Karnowski, 2016; Laubschagne, 2006; Wright, 2008). These three cases provided a link in the modus operandi (MO). Ritualistic behaviors were exhibited during the abductions (Laubschagne, 2006). One ritual was taking the children at gunpoint, which could bring some sort of excitement to the offender in seeing the fear in their eyes at the sight of the gun. This action might be viewed as instrumental aggression, which could have achieved the offender's goal of quickly obtaining control, especially with multiple victims. Next, would be that of molesting the child, which satisfied the offender's aggression and lustful urges (Thompson, 2014). The last ritual would be that of releasing them, while at the same time, telling them not to look back or they would be shot. The overall "pattern" in the Paynesville and Cold Spring cases revealed a masked man, dressed in all black, taking the boys at gunpoint, molesting them, and then releasing them. At this point, it appeared that Wetterling might be related to the Paynesville and Cold Spring cases.

Heinrich fits the profile characteristic classified by the FBI (Bartol & Bartol, 2011). These features include the following:

- controlled mood during the commission of the crime
- crime scene control
- mobility (such as a car in good condition)
- the perpetrator follows the crime in news media
- planned offense
- the victim is a targeted stranger
- controlled conversation
- aggressive acts before death
- weapon present at the time of the crime

All of these aspects indicate the crime is organized and carried out successfully without deviance from the plan or MO. The current profile of the abductor is a Caucasian male between the ages of 40 and 50 years old and around 5'8" tall. He had a husky build with very broad shoulders, and a low-pitched, raspy voice (Frust, Smith, & Louwagie, 2015; Karnowski, 2016). This appearance is consistent with the composite sketch presented in Image 1. Another aspect of the profile is that it is believed that the person of interest is a repeat sex offender (or serial sex offender) (Sample & Bray, 2006). In the accounts of the abductions from the boys involved in the Paynesville and Cold Spring cases, the kids saw a Blue Ford that matched the description of Heinrich's truck. Due to the recent DNA comparison of the sample taken from Hein-

rich in 1990, Heinrich was finally identified as a person of interest. The DNA sample, taken from the sweat-shirt, solidified the link between the cases and led to the arrest of Heinrich in October 2015. Currently Heinrich, and his lawyers, are trying to get this pertinent evidence thrown out based on the expiration of the statute of limitations for the Cold Spring boy (Person of interest, 2016). Furthermore, behavioral consistency, an important consideration in linkage analysis (Woodhams & Laubschagne, 2012), is evident in these cases. The description of the perpetrator as a man with a mask, dressed in black, at gunpoint, abducting young boys, and molesting them, are common denominators in the cases mentioned here.

Another defining link between the cases could be the 19 three-ring-binders that were found in the home of Heinrich with the photos of young boys who could have been his victims. These binders could also be considered to be his trophy, which enabled him to recall and relive each of the molestations from time to time. The binders could also very well be seen as some sort proof of Heinrich being a repeat/serial sex offender.

Conclusion

In Sauk Rapids, Minnesota on HWY 15 in the wake of the Wetterling abduction the "Bridge of Hope" was built in the aftermath of the Wetterling abduction. The bridge was named by the organization "Jacob's Hope Foundation," in the hope that he would be found and that nothing like this would happen again. This bridge is a famous bridge in the area, and it serves a beacon of hope to all those who have been taken or lost.

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The Weighting Game: Exploring Factors Impacting Detectives' Prioritization of Cold Case Homicides

By Ashley Wellman, PhD ^[1]

Abstract

Declining clearance rates are contributing to a growing number of cold case homicides and spawning the generation of designated detectives and specialized units. Despite the attention and resources being assigned to cold case homicides, investigators face caseloads that include daunting missing pieces and unique needs. Therefore detectives must decide which case files they will select to actively investigate. This paper explores multiple factors that may influence their decision making. With major cases, personal experiences and scholarly literature, the writer introduces the impact of nondiscretionary planning utilizing resource allocation and extralegal factors such as political pressures, ideal victim theory, survivor and communal pressure, and investigators own personal relationships with the case.

Keywords: cold case homicide, resource allocation, political influence, social pressure, case prioritization

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Introduction

Texas Clearance rates for homicides have fallen from 91% in 1965 to 64% in 2014 (US DOJ, FBI 1965; 2014). This decrease in the ability to solve cases has led to an increase in homicide cases that are at risk of being classified as "cold". Walton (2006) defines a cold case homicide as a murder investigation where when the original detective is no longer working the case, no new information or leads have emerged and the case is at least a year old without any promising activity. Each year approximately 36% of homicide cases remain uncleared by law enforcement and thus are at risk of being classified as cold case homicides. Law enforcement has recognized this growing concern, and many departments around the

country have designated detectives and units to specialize in revisiting these unsolved homicides. Yet, the reality remains that with a heavy caseload and in some cases little information to go on, investigators must systematically select the cold case homicides that will receive the greatest attention. Drawing on the author's personal experiences as a cold case homicide consultant, her research with the surviving families of cold case homicides, and established literature, the current paper explores various factors influencing case selection including: resource allocation, political pressure, ideal victim theory, family and community pressure, and detectives' personal connections to a case.

Resource Allocation

While some departments have been able to contribute a team of detectives to solely focus on cold case homicides in a specialized unit, many other departments do not have this luxury. Detectives often find themselves balancing a heavy workload that includes active cases that pose great risk to the community, such as robbery, sexual assault or a recent homicide, and therefore their attention must focus on these cases. Even when progress is being made in a cold case, if more pressing responsibilities arise, supervisors often require the detectives to shift their efforts to the more time sensitive cases, thus continuing to delay the cold case homicide investigation (Mains, 2014).

Yet, when officers are able to dedicate their energy to the multiple cold cases in their department, they must systematically decide which cases will be worked first. Strategic targeting encourages officers to select cases based on defined criteria that maximize efforts on cases. Instead of spreading themselves thin by contributing small amounts of time to all cases at hand, strategic targeting requires efforts to be tailored to a small set of cases (Peterson, 2005). It is recommended that a detective should work no more than one or two cases to increase the opportunity to solve the homicide (National Sheriffs' Association, 2011).

Given the large quantity of cases and the recommendation to focus on those most likely to be solved, investigators must carefully consider which case they will select. An original review of all case files may be conducted by detectives in an effort to prioritize cases. Several factors within the case files will add to the detectives' perceptions of solvability. According to the Colorado Bureau of Investigations (2010), cases can be categorized as high, moderate or low priority based on the information known in the case. Cases that had an identified suspect, available witnesses and properly

preserved physical evidence would be recognized as high priority, while cases without any of these types of leads would be labeled as low priority. Other factors that should be considered include whether or not a body was recovered in the homicide, previous lab results, and the likelihood for prosecution (National Sheriffs' Association, 2011) a realistic and practical way to approach the challenge of solving cold case homicides. However, given that circumstances change, new information may emerge and scientific advances are likely to be made, detectives should conduct ongoing assessments of the unsolved cases (National Sheriffs' Association, 2011).

Case clearance rates benefit from this nondiscretionary approach to case selection, focusing on case factors over extralegal influences (Litwin, 2004; Roberts & Lyons, 2009; Puckett & Lundman, 2003; Regoeczi, Kennedy, & Silverman, 2000). From a practical standpoint, case prioritization in accordance to solvability presents as the most logical and systematic method for investigations. However, detectives working cold case homicides do not operate in a vacuum and are not immune to the internal and external pressures that may influence case selection. Therefore, it is important to consider other factors that have a significant impact on the level of energy dedicated to a case.

Political Motivation

Regardless of case details, politics and political pressures are likely to play a role in detectives' decision making. It is possible for supervisors and elected officials to support a particular case or family and therefore pressure detectives to tailor their focus to meet their interests.

As elected officials, sheriffs and prosecutors specifically are motivated to provide the community with a sense of safety and proven, successful leadership. Designed to generate support from their constituents, a sheriff may

focus in on a particular case that is likely causing concern or popular amongst community members and allocate significant resources to solving it. For example, one cold case in a Florida law enforcement office involved a missing collegiate female who was from a wealthy family. The homicide had occurred 25 years earlier in this college town, and still was a topic of unrest and uncertainty among residents, students and parents who had sent their students to the university in town. The Sheriff declared the case as one she was determined to solve in an effort to define “her legacy”. She wanted to be the leader in charge when the case was finally solved, depicting that she was able to achieve something so many other sheriffs before her had failed to do. This case became sole focus for the cold case homicide unit. Despite other cases that had more promising leads, and according to the resource allocation model should have been the focus of our efforts, the sheriff would frequently deny investigation requests or expenditures noting it wasn’t for the “priority” case.

Through various interactions, detectives are likely to gauge the district attorney’s expectations and standards for the prosecution of a cold case homicide. Imagine a cold case homicide without a body. Also driven to win cases and develop a strong trial record, prosecutors may believe cases without a body are too difficult and thus would transfer this belief to detectives. When faced with two very similar cases, one with a body and one without, detectives working under this type of prosecutor would be encouraged to select the case with a body for further investigation. Regardless of the evidence at hand, prosecutors weigh both legal and political concerns, and often political influences bear the heaviest weight on their decisions (Didrick Castberg, 2003).

In addition to public and elected officials, detectives may have personal motivation for investigating and solving a cold case that is deemed as significant. With success measured

in “solved cases”, law enforcement officials are most likely to align their resources and time investigating cases that will contribute to their clearance rate (DuMont, 2003; DuMont, Miller, & Myhr, 2003; Tellis & Spohn, 2008). Receiving notoriety and attention for solving an important case may improve future promotions, pay and assignments. Additionally, despite their own views and beliefs in a case, detectives are likely to adhere to the requests and interests of their supervisors as political allegiance is influential in their future career as well (Didrick Castberg, 2003).

Cases that will bring the most recognition, bring attention to the actors at hand and create the perception of returned safety among residents are more likely to be selected by officials and law enforcement working the case. Conversely, a case that is likely to arouse unrest amongst the community or that isn’t deemed significant is not likely to gain the attention of influential political figures and thus will not receive the political pressure to elevate its urgency.

Victim Prioritization

According to Donald Black’s Theory of Law, police efforts may be driven by extralegal factors. The quantity of law applied, in this case the amount of resources and effort dedicated to a specific case, varies based on victim status. Higher victim status will result in greater law being applied to the case, thus increasing the chance that the case will be solved (Black, 1976). Black’s theory depicts a devaluation theory that leads investigators and the community to devalue particular cases that do not contain an “ideal” victim (Keel, Jarvis & Muirhead, 2009).

In a similar vein to the way in which the media selects cases, cold case homicide investigators may consciously or subconsciously target cases involving a white, female victim due to the societal value frequently placed in this population. Media literature dictates that

white women are often viewed as innocent and pure, thus valuable (Collins, 2013; Jewkes, 2004; Wilcox, 2005) whereas minorities women (Entman & Rojecki, 2000; Jiwani, 2008) and male victims are viewed with lesser priority. White men and women may also be selected above minority victims due to their perceived lack of status deviance (Pritchard & Hughes, 1997; Shoemaker & Reese, 1996).

Christie (1986) proposed the social construction of the “ideal victim” who commands legitimate victim status. Three of the attributes Christie states contribute to this elevated victim status could also help explain which victims’ cold case investigators regard as most important. These factors include a weak victim, the victim’s actions garner respect, and the victim has no accountability for their victimization. Under Christie’s framework, cold case homicide victims that would present as most valuable would include those with elite status, those without a previous record and those who were elderly, children or female. Police will likely seek to prioritize the cases that they deem as most “worthy” of investigation (Bouffard, 2000).

Research on sexual assault and case selections, police have been criticized for their patriarchal beliefs about women that reserve “justice” for women who embody the “legitimate” victim (Estrich, 1987; LaFree, 1980, 1981). Despite the priority often assigned to female victims, knowledge that the female victim engaged in high risk and illegal behaviors that could have resulted in their victimization is likely to diminish the prioritization of the case (Konradi, 1997; Kingsnorth, MacIntosh, & Wentworth, 1999; Spohn & Holleran, 2001). Regardless of gender, victims who present with troubled history and arrest records are also regarded as a “lesser” victim (Jordan, Nietzel, Walker & Logan, 2004).

When exploring police decision making, Lum (2010) found that race and class influences police discretion. In areas that have predomi-

nately black, lower class residents, more law is likely to be applied and more severe charges are likely to be filed. In areas that are predominantly wealthy, crimes are likely to be downgraded or dropped all together. Roberts and Lyons (2009) report that amongst studies exploring race and clearance rates, cases involving Caucasian victims are most likely to be solved (Addington 2008; Alderden and Lavery 2007; Lee 2005).

Survivors of cold case homicides perceive their loved one’s victim status to be of incredible importance. During my review of cold cases, families would call and often wanted to know why their case wasn’t being pursued with the same energy as “the young, pretty white girl”. In an interview with a surviving brother of an African American male victim stated that the police approached his brother’s case with little concern. He stated that because his brother had a record and was involved in drugs that the police likely thought “let them kill each other.” Another family echoed similar concerns, noting that the police just saw their son as “another dead black man”. Race and criminal lifestyle may simply be perceived as significant factors. However, it seems logical that when considered in conjunction with victim characteristics most likely to garner the attention of the community and politicians and create unrest, victims who do not follow the typology of the “typical” homicide victim will most likely attract more investigative attention.

Survivor Pressure and Commitment

Survivors of cold case homicide often feel forgotten, neglected and not supported by practitioners and the community, thus leading to a sense of disenfranchisement (Wellman, 2014a; 2014b). Without answers in their case, the families left behind in a cold case homicide are likely to feel as if the police, specifically, have failed them and that they shoulder responsibility for keeping the case alive (Stretesky, Shelley, Hogan, & Unnithan, 2010).

The idea of personally giving up on the case may symbolically represent giving up hope that justice will be reached.

Some survivors may commit to keeping their loved one's case present in the media or at the forefront of the detective's mind. Amongst the survivors I have worked with, one sister noted that she commits to calling the police the first of every month just to check in. She believes that if she were to stop calling, the police may forget about her case. Several families described how the media may hold a key to developing new leads within the community, so several had sought ways to highlight their case. These options include traditional media avenues such as print and television news, but also extend to social media.

Others may engage directly in their own investigation. Recognizing that family members may have access to relationships and information that the police do not, it is important for the investigators to be open to accepting evidence and information from cold case homicides (National Sheriffs' Association, 2011). Amongst the cold case homicide survivors I have worked with, several had conducted their own interviews and searches to gather potential evidence in their case. One sister described how she would walk through the woods hours at a time trying to see if her brother or the killer left behind any clues.

For an elite group of cases I have reviewed, wealth enabled survivors to financially support the investigation into their loved one's unsolved murder. I worked alongside a mother and father who personally organized and funded searches for their daughter's remains, including the use of cadaver dogs and ground penetrating radar equipment. They also hired a personal investigator and a psychic to participate in the investigation. Without concern of resources, law enforcement officers who encounter families willing to supplement the investigation may be motivat-

ed to partner with the family and move the case higher on their priority list.

Most families are not able to financially contribute to their loved one's case. Instead, they seek to establish social and communal pressure. If surviving family members can position their loved one's homicide as a priority in the community, it is more likely to gain the attention of cold case investigators. Law enforcement prioritize cases that cause concern among community members, with public opinion impacting the way in which police target specific cases (Peterson, 2005). Distribution of flyers, rallies, public pleas for assistance and social media are ways in which cold case survivors can motivate individuals to pay attention to their case.

Amy Weidner, a young Indianapolis mother who was brutally murdered in 1989, exemplified this idea. Friends and family rallied to keep Amy's memory alive by creating a Facebook page in her honor. Having never investigated a homicide before, Det. Sgt. William Carter stated the public interest and Facebook presence of this case aroused a personal interest in the case, thus motivating officers to re-examine her case (Donaghue, 2015). Her case was eventually solved. While the social media page was not what led to the information used to solve this cold case, it was the impetus for the case being reopened.

Many Twitter accounts specialize in the distribution and call for action on state specific cold case such as @MIColdCase, @IowaColdCase, @IndianaColdCase and many organizations and individuals are following suit, including @ProjectColdCase, @ColdCaseSquad and @ColdCaseTips. A personal twitter account @LindsayB_murder asks people "Who Killed Me?" With police failing to investigate the case, a recent post asks "The Saanich Police have shut down my unsolved murder investigation...Is there anyone out there who can help me?"

A lead detective for a cold case unit in Florida told me that his emotional tie to the cases is correlated to both the victim and the family. He described that with any homicide, he seeks to provide a voice to the victim, but when the family is actively involved and passionate about supporting and being engaged with the police, that he also feels accountable to those the victim leaves behind. When the family engages with the case, he feels his responsibility to provide justice is magnified.

In a review of four major cold case locations, researcher discovered 33% of cases in Dallas were prompted by familial inquiries, while the other three locations rarely made decisions based on survivors' engagement with their detectives (Davis, Jensen & Kitchens, 2011). However, despite the quantitative rankings from their study, Davis and colleagues note that when discussing cases with experienced experts, family inquiry and pressure is a significant factor. To make sense of this disconnect, the authors explain the interactions with families may simply prompt investigators to specifically reexamine a case, but are not likely to lead to a full investigation unless strong evidence and useful leads are uncovered. In the event that a case is reopened predominately as a result of a proactive family were amongst the least likely to be solved (Davis, et al., 2011).

Personal Connection

For many detectives, they are unable to completely disconnect from the homicide cases that they work. Detective Mains recognized that cases impact investigators both personally and professionally.

“One of the toughest challenges faced by any homicide investigator, even those of us who specialize in cold cases, is turning off the case. We go to bed at night and continually think of ways to solve the case or who may have done it or what we could be doing better. For me personally, the victims stay with me and the

crime stays with me regardless of what I am doing.” (Mains, 2014; para. 26).

Some investigators will develop personal connections based on a symbolic connection to the victim, their surviving family or the severity of the case. One detective I frequently worked with was fixated on a particular cold case involving a small child, noting that he had a young son who was nearing the victim's age. He said he keeps a picture of the young male victim on his desk to encourage him to continue a fight for justice and answers in the case.

A particularly heinous case may also contribute to the strong personal motivation to solve a cold case homicide. In the case of Amy Weidner, police noted the case was one of the most gruesome and horrific scenes they had ever encountered. Capt. Geilker stated that she was nude and lacerations covered her upper-head. Further investigation revealed she had been beaten, raped and strangled by her attacker, before she was left on the floor with her baby, still alive, sitting next to her. Detectives kept her picture circulating the homicide unit for years, each having a vested interest in its resolution (Roberts, 2014).

Other investigators struggle to move past a particular unsolved case because they have an actual past with the investigation. Rodie Sanchez is at the heart of the television show “Killing Fields”. The now retired detective was part of the original 1997 investigation into the murder of a Eugenie Boisfontaine, a 34 year-old graduate student at LSU. The case was not solved and Sanchez's passion for identifying a suspect in the case caused him to frequently revisit the file (Jones, 2016). With resources provided by the television show, Sanchez was allowed to return to the investigation for another chance at catching Boisfontaine's killer. It is a case that still dominates his thoughts. “This case haunts me. Every day I get a chance, I think about that poor girl. I wish I could still do something,

(Bergeron, 2016; para. 3) [...] “I’ve got to find this som’bitch if it’s the last thing I do” (Bergeron, 2016; para. 15)

Regardless of professional growth and career advancements, detectives are often reminded of past cases that hold a special place in their memory. When these special cases do not have a resolution, that goal of a resolution and justice may weigh heavily on their investigative efforts.

Summary and Conclusion

The purpose of this article is to explore the various factors and pressures that may influence detectives’ decisions of which cases will be reopened and receive the bulk of their time and resources. It is important to note that these explanations are not mutually exclusive. Instead, cases may contain elements that would allow them to be selected by detectives for a host of explanations from practical and professional to political and emotional decision making.

The Highway of Tears case currently plaguing British Columbia serves as a strong example of a case that includes multiple important variables, thus thrusting it into the forefront of politicians’, detectives’, families’ and the communities’ minds. The case which spans more than 4 decades officially includes 18 homicide victims but locals believe the number reaches beyond 43 victims (Van Sant, 2016). Primarily involving aboriginal women, the majority of these cases remain unsolved. In regards to resource allocation, detectives currently working the case describe having more than 750 boxes of information and 1400 suspects to process through to see if any viable leads arise. The area where the killings take place has been described as a perfect location to dump bodies and get away with it, thus adding to the fact that detectives feel the case is nearly too monumental to broach. However, political pressure to find answers and to dissuade fear among residents is com-

ing in the form of financial support. Recently, The Canadian Prime Minister, Justin Trudeau, has pledged \$30 million for a national investigation into the deaths and disappearances of these women (Van Sant, 2016), a commitment that is in direct contrast to previous politicians who claimed the deaths were fully explored and no longer required attention or resources (Schmunk, 2014).

Until now, their victim status had not commanded the attention these women deserved. The majority of the women who were murdered along this length of the highway were aboriginal women. Many had suffered abuse at the hands of their families, and thus becoming prostitutes, throw-aways and runaways (Buckley, 2012). A former MP stated that these women were partially to blame for their fate as they entered cars with drivers they did not know, hitchhiking in the middle of the night (Schmunk, 2014). Media coverage portrayed the aboriginal women as lesser victims as well, both through content and visual portrayal, with white victims receiving more compassionate, thorough and well placed coverage compared to their aboriginal counterparts (Gilchrist, 2010). It is possible that a group of victims comprised mainly of aboriginal women who are viewed as “lesser” (Entman & Rojecki, 2000; Jiwani & Young, 2006; Jiwani, 2008) contributes to the fact that the government, media and police have seemingly forgotten about these cases until the recent refocus.

Survivors and community members are demanding answers. Ten years ago families and practitioners interacted at a symposium designed to develop a plan to heal the pain and find answers along the Highway of Tears. Family members marched the highway raising awareness and spreading education to prevent future victimization, an event that will be recreated in June 2016. One woman helping to organize the march is the surviving sister of one victim. She stated “We can no longer be silenced” (Bellrichard, 2016).

During the 2006 symposium, 33 recommendations were established to prevent future victimization by improving social service and decreasing the need to hitchhike along the highway (Canadian Press, 2014). Little progress has been made to implement these recommendations. Some state the recommendations are unnecessary and in some instances outdated, while the larger community is demanding that action take place. Support from the Prime Minister is likely to influence the application of these safety improvements and investigative efforts (Van Sant, 2016).

The Highway of Tears is just one of many cases that has managed to gather the attention of many stakeholders. Yet each and every homicide detective faces the decision of which cases to investigate. While the typical case will likely not mirror the breadth of the Highway of Tears homicides, some of the

same factors that have thrust that case to a top priority may be similar factors that influence cold case homicide investigators' prioritization.

Without systematically measuring detective decision making, there is no way to predict the frequency and magnitude these factors may have in their decisions to reinvestigate a given case, nor will these explanations impact each detective in the same manner. Instead, the goal of the paper is to articulate the complex reality that exists within departments struggling to prioritize and solve cold case homicides. Regardless of their reasons for reopening a case, it is clear that the men and women who specialize in cold case homicide investigations are dedicated to justice for these victims and their families regardless of the passage of time.

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Corrected Copy

Cold Case Models for Evaluating Unresolved Homicides

By James M. Adcock, PhD^[1] and Sarah L. Stein, PhD^[2]

Note: This is a reprint of an article originally published in the Investigative Sciences Journal with minor stylistic alterations, in particular the adaption of references to APA standards.

Abstract

During the period 1980-2008 the United States has accumulated nearly 185,000 unresolved murders (Gest, 2010). Based on the number of homicides and clearance rates for murders 2009-2012 this figure is either closer to, or well over 200,000. As of 2004 the United States also had approximately 14,000 unidentified sets of human remains, many of which could be homicides, further increasing our total number of unresolved cases (Willing, 2007).

The efforts to resolve some of these cases by law enforcement and others have been unrelenting. And while historically we can easily identify the early 1980s with Dade County Sherriff's Office as the beginnings of the "cold case concept" (Adcock & Stein, 2011), a standard protocol for evaluating cold cases has not yet been identified and implemented, as noted by the Rand Corporation study for the National Institute of Justice (NIJ) (Davis, Jensen, & Kitchens, 2010) The intent of this article is to provide the readers with two cold case models that can assist in streamlining the evaluation process and possibly significantly contribute to the resolution of cold cases.

Keywords: cold cases, evaluation models, unresolved homicides

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Cold Case Unit Configuration

While many evaluation models exist and their successes have been varied in na-

ture, the "best practices" rule, based on the review of cases as well as investigator feedback, is applicable. That is simply this: a cold case unit should minimally consist of two or

more seasoned detectives. This unit needs to be exempt from all other responsibilities and allowed to fully concentrate on the unresolved cases. Having access to the additional skills of an analyst will be helpful and save a lot of time. The unit should also have a district attorney assigned to them who they can confer with on a daily basis in order to maintain continuity and cleanliness of arrest and conviction of the perpetrator(s). While other configurations exist and have some successes, this is the “best practices” configuration and if maintained will provide positive results.

Introduction to Cold Case Evaluations

There are almost as many methods of evaluating cold cases as there are agencies investigating them with the fore runner probably being the standard format of a seasoned detective sitting down and reviewing the case file from cover to cover looking for solvability factors, physical evidence, names of suspects and remaining undeveloped leads, etc. As this can be, and is a very time consuming process, most agencies do not have the man power or resources to do this unless they have obtained grant money that helps to offset overtime pay and other expenses involved; imagine having to read through and totally comprehend a 3,000 page case file? Better yet how about 12,000 pages? As a result, cases may remain untouched and not investigated unless someone snitches, confesses or by chance the evidence was submitted to a crime lab and a CODIS DNA match notification is received. All of these factors contribute to the continuing rise of unsolved murders.

In recent years, DNA has been touted as the champion of cold case resolution. In reality however, DNA only resolves about 30% of all cases. One study of over 400 murders in California which attempted to measure criminal justice outcomes in investigations determined that detective decisions had more of an impact on solvability than forensic science (Baskin & Sommers, 2010). The over reliance

on DNA will more likely than not lead to investigative mistakes, a lack of innovation in cold case reviews, and potentially, more unresolved cases. An arrest and conviction (or exoneration) must contain the “totality” of the circumstances and evidence, both physical and testimonial.

However, with a carefully selected team of people consisting of a mix of private citizens, not just detectives, successful resolutions can be accomplished through the review process. It is an old case, no one has looked at it in 10 or more years, so what do you have to lose allowing outsiders to review the file not only within the confines of the police department but by your rules and with signed statements of confidentiality?

As previously mentioned, there is no set standard protocol reference the evaluation of cold cases in the United States. Additionally, without outside funding very little can be done and once funding has been depleted, often times, the cold case concept goes away, leaving unresolved issues for the police and the families related to the deceased. It is our hope that the following will be helpful to the readers and the detectives who are tirelessly working to resolve these cases.

Cold Case Evaluation Models

The initiation of any cold case evaluation process, regardless of its nature or design, has to begin with the consolidation of cases into one location and the entering of basic case data into a database for future analysis and control/management purposes (see Figure 1).

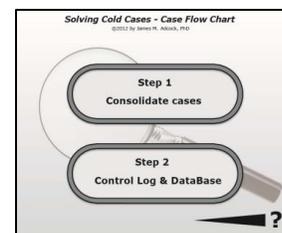


Figure 1: *Case Flow Chart*

Once data entry is complete, the review process must begin in earnest. The following two sections of this article will describe two models. The first is that which is reflected in Adcock and Stein's cold case text (2011) (2nd ed. in process). The second model came about after conducting numerous seminars on cold case investigations, receiving feedback from cold case investigators, and observing requirements put forth by federal agencies for local law enforcement to receive grant monies to evaluate cold cases. The first model is arguably the more thorough of the two, but is time consuming and in certain situations may not be feasible. The second model was designed based on the present state of thinking regarding cold case investigations: that is to focus primarily on DNA analysis and other evidence with identification potential. This model may prove to be more convenient for police departments inundated with unresolved cases, as well as those agencies seeking federal grant monies.

Cold Case Model 1

This model, if followed properly, is a comprehensive, effective, and team-based evaluation tool based on the most common categories found in investigative files: behavioral evidence, physical evidence, and informational evidence (see Figure 2). The crux of this model is the team approach whereby members hold periodic sessions to discuss findings, theories, and validate their combined findings with information directly from the case file. This process becomes particularly critical during Phase IV which includes the identification of persons of interest, as well as each person's pre-, peri-, and post-offense behavior. This methodology of citing all material lays the groundwork for communicating with the district attorney prior to a suspect's arrest, during trial preparation, ensures solid testimony during trial as all information has been appropriately validated. The design is scientifically based: every piece of information must be validated with an accurate source. This model

lends itself well to a team of reviewers led by a seasoned detective to question the members and their findings with "how do you know that?" For example, It is for these reasons that The Dutch Police Academy in Apeldoorn, NL adopted this model for their advanced master's level academic program for detectives as their system of cold case review is equally scientifically based and compliments the model put forth by Adcock and Stein.

Despite the utility and comprehensive nature of this model, as stated earlier, it may be inappropriate for some cold case evaluations. This model may be too time-consuming for investigators, or an agency may not have the manpower or funds to devote to this framework. As such, we have provided an alternative model for agencies that will be focusing primarily on physical evidence during a cold case review due to either the lack of time and manpower, or the fact that they are seeking federal grant monies from agencies such as the National Institute of Justice (NIJ) which requires the focus to be on evidence that has DNA potential.

Cold Case Model 2

This second model was designed to streamline the evaluation process while also attempting to maintain a scientific base of reference, as well as a comprehensive nature. Many agencies, whether inundated with cold cases or seeking grant monies, need a more expeditious process to evaluate cases than that presented in model one (Adcock and Stein, 2011). As such, the following is being suggested as an alternative way to approach these cases, bringing to the forefront the evidentiary issues like DNA and fingerprints. With this concept in mind, go to Step 3 as found in Figure 3 below.

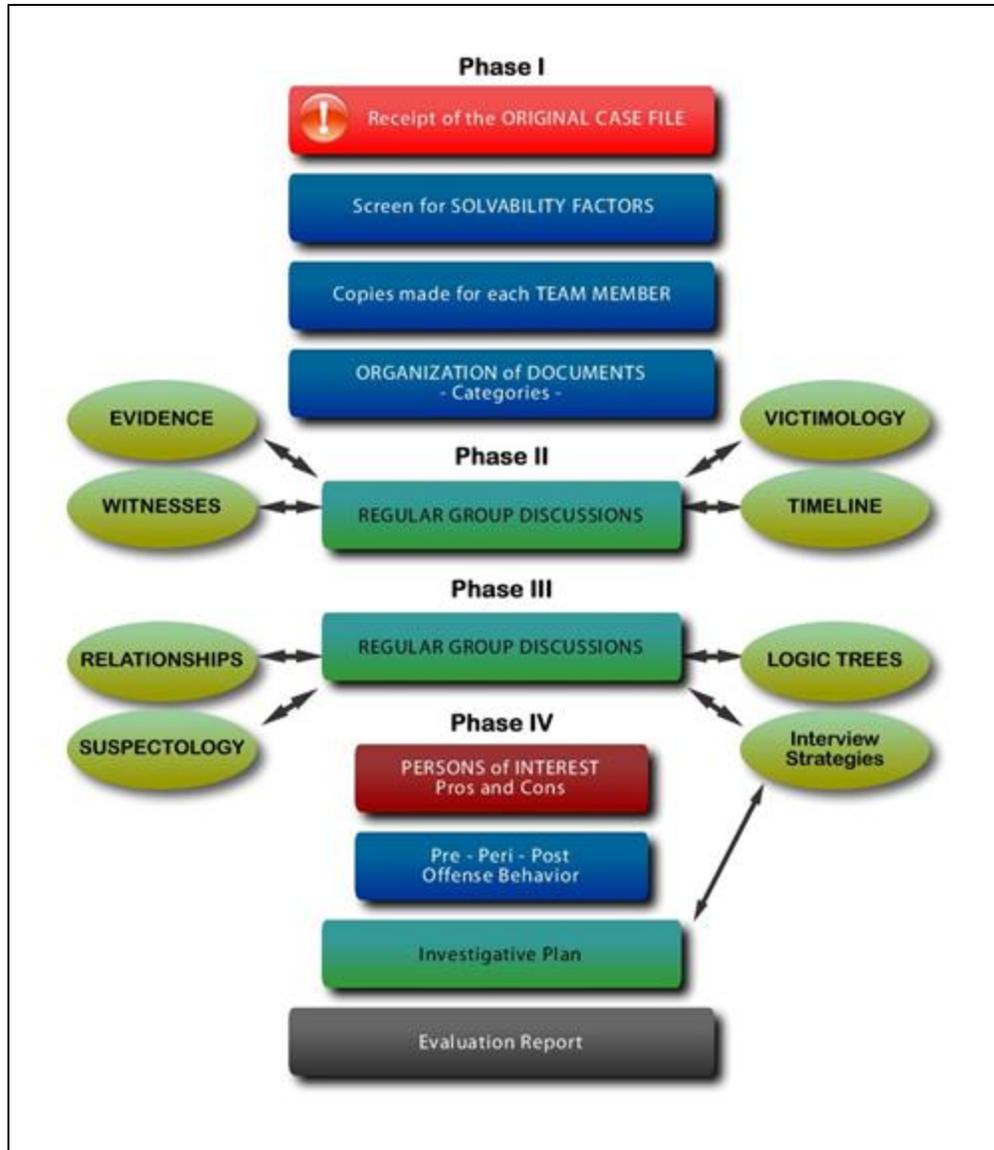


Figure 2: Cold Case Model 1 Flow Diagram

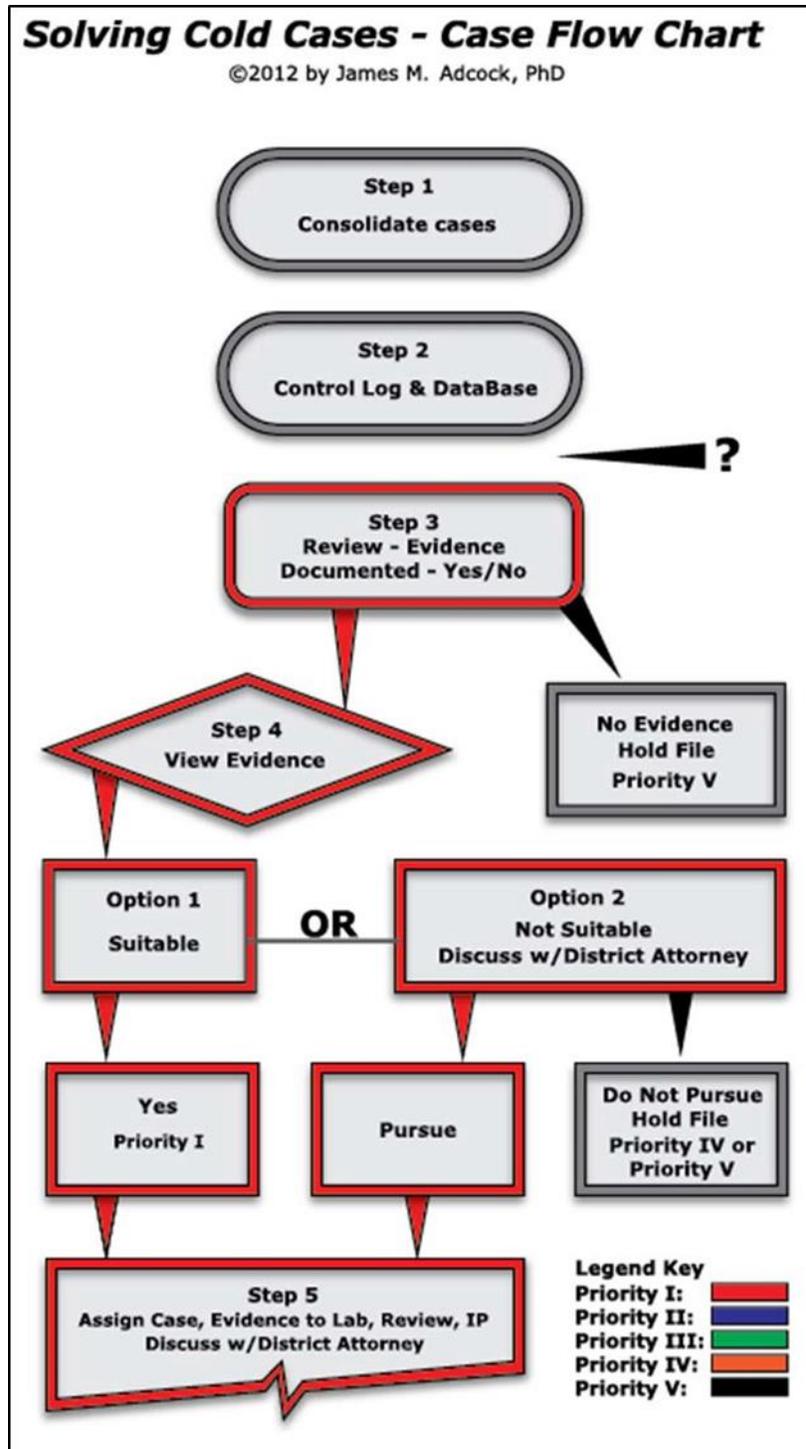


Figure 3: Case Flow Chart Steps 1 - 5

In order for this model to work correctly there has to be a system of prioritization established. With that, as depicted at the bottom of Figure 3, the following colored coded schedule is suggested:

Prioritizing Cold Cases with Color Coding

Priority I (Red):

Contains evidence with DNA or Latent Print (LP) identification potential. At the onset all cases with this evidence potential are a Priority I until CODIS and/or AFIS results are received. Possible labeling for priority could be Priority 1 – DNA, Priority 1 – LP or Priority 1 – Other. Bottom line is that the investigation contains some evidence that may identify a perpetrator.

Priority II (Blue):

Contains evidence with DNA/LP Potential without a CODIS/AFIS match but a SUSPECT is named in the file.

Priority III (Green):

Contains evidence with DNA/LP potential without a CODIS/AFIS match and No SUSPECT is named in the file.

Priority IV (Orange):

DNA or other evidence still exists, however slight, but in order to complete the analysis process more samples are needed and/or more investigation is required to obtain the necessary evidence to complete the analysis process.

Priority V (Black):

No evidence is found. The case file is placed into a hold category until time allows for a more thorough review and/or evidence or witnesses avail themselves.

The focus is initially on whether or not the case contains physical evidence, especially evidence that might identify a particular person of interest through either DNA or Latent Prints. The NIJ grants only focus on the presence of evidence with DNA potential when we might in fact have other types of evidence that prove to be very evidentiary and compelling in a court of law not to mention other investigative information in the file that could lead to both physical and/or testimonial information that has probative value. But at Step 3 we are only looking for the presence of physical evidence.

If there is no physical evidence the case becomes a priority 5 investigation until all others are dealt with. If evidence is there then it must be viewed and a determination made whether or not it suitable for testing. At this point the evidence is either suitable for testing or it is not suitable. In many situations the non-suitable evidence is not further evaluated, however, it is suggested before proceeding in this direction the detective should discuss the concerns with the District Attorney. The prosecutor might be willing to continue with the evidence as either its condition and/or handling may be something s/he could work with later if it goes to court.

The presence of this suitable evidence makes it a Priority 1 investigation. The evidence is then given to the crime lab for analysis and the assigned detective begins in earnest a thorough re-view of the file as s/he already knows it has solvability potential. This will allow the investigator to better evaluate the information in the file and gather the necessary information to prove or dis-prove a particular person committed the murder, all with the goal to bring the investigation to a trial and resolution. Then, Step 5 will be the most time consuming of all processes of the evaluation but by placing it here in the model versus in the beginning as depicted in Phase I and II in the first model, one already knows the potential for solving is much greater due to the

presence of the evidence and just needs to put the pieces of the puzzle together.

At this point the process moves forward (see Figure 4). Step 5 is the most consuming in time and effort, besides you are waiting for the evidence to be evaluated by the crime lab that can take anywhere from 30-60 days depending on the turn-around times of the laboratory. By the time the evidence has been returned and a report has been received the case file and process can go a number of ways and the prioritization may change.

As depicted, if you have a CODIS or AFIS match the investigation remains a Priority 1 Investigation and is pursued accordingly. If there is no match but a suspect is named in the file then this is a Priority 2 investigation as the potential for solving is still great. However, if there is no match and no suspect named, the investigation will require a lot of work to identify the donor of your evidence and/or just to identify a suspect for further review and is therefore a Priority 3 investigation. Let's solve the ones we have the most potential and tools to solve and then return to the others later.

Complete the investigative process with periodic district attorney consultations starting with Priority 1, then 2 and then 3. Once all these are done the cold case team/person needs to return to the Priority 4 cases to see if they can develop new leads and/or evidence. While Priority 5 cases are probably not solvable things can change and the system has been known to convict on circumstantial evidence that is not physical in nature.

Discussions and Conclusions

Some issues must be reiterated and emphasized for those who are serious about evaluating their cold cases for resolution and hopefully, a conviction of the right offender. While the first model is the most comprehensive, its design is labor-intensive and requires a great deal of time and patience, whereas the subsequent model is more time-efficient and may cost a department less, both in manpower and expense in overtime, etc.

The hope in presenting the above models is that departments will feel less overwhelmed by the prospect of evaluating one, or even one hundred cold cases. It is also hoped that these models will prevent departments from arbitrarily sending evidence to crime laboratories in a blind attempt to retrieve viable results. That is, hoping that a CODIS hit will produce a suspect as opposed to methodically reviewing the file to narrow down the pool of suspects. With two unique models of evaluation, one for departments with adequate manpower, funds, and expertise, and one for departments that are seeking grant monies or that are simply wishing to expedite the review process, the optimum end result (regardless of the model chosen) is the same: the resolution of unsolved cases, and providing some measure of relief to grieving families, and victims seeking justice.

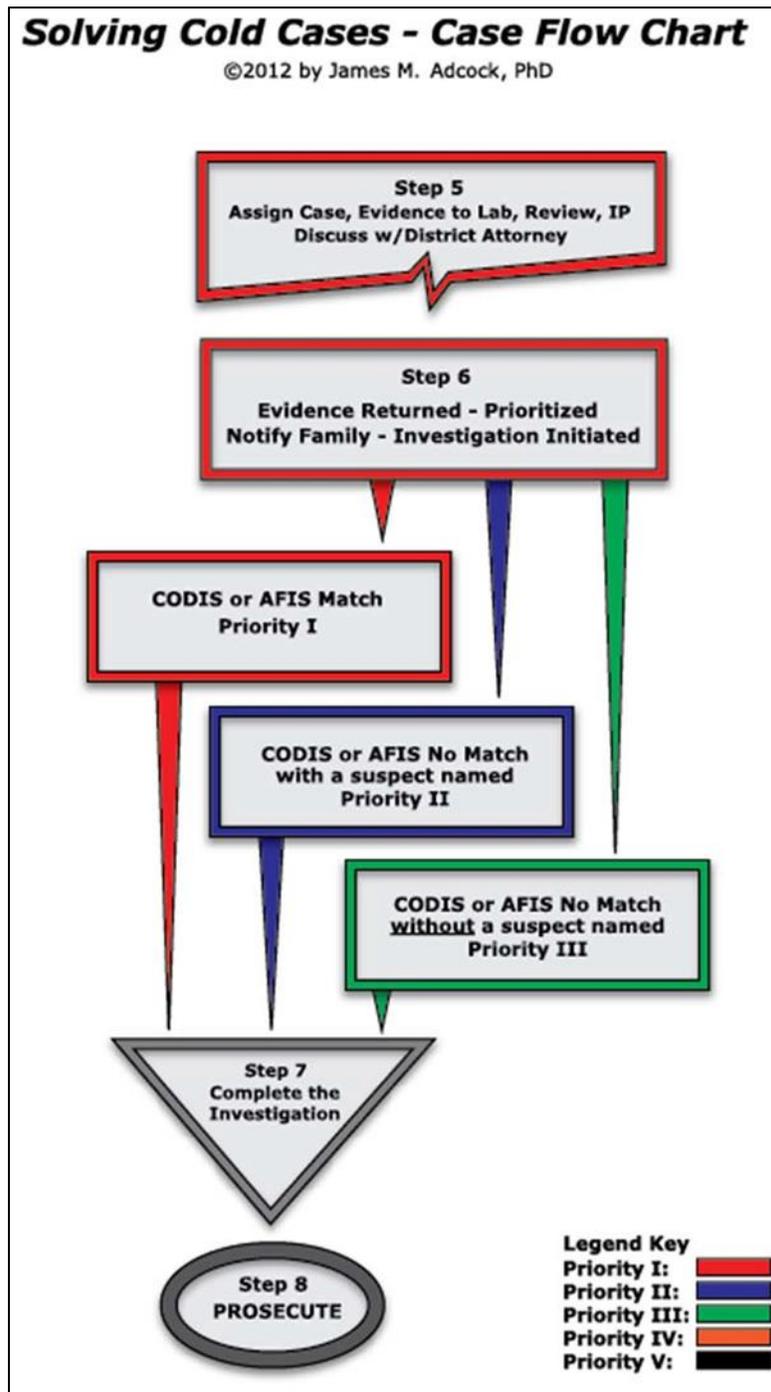


Figure 4: Case Flow Chart Steps 5 - 8

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