

DEPARTMENT GENERAL ORDER 06-10

OFFICE of the CHIEF OF POLICE
REPLACES/AMENDS: None

August 30, 2006

COLD CASE INVESTIGATIONS

I. **PURPOSE.**

To establish guidelines in regard to the evaluation, selection, and action processes connected to cold case investigations.

II. **DEFINITIONS.**

Cold Case – An old (in excess of one calendar year) Homicide or serious felony Crime Against Person Case that remains unsolved.

III. **GENERAL.**

The commander and supervisor of CID, working in tandem, will conduct a review of all unsolved felony Crime Against Person cases on an annual basis, and utilizing the criteria established below, identify certain cases for cold case review. Suitable cases, if any, will be identified by case number and crime classification in a written memorandum to the Chief of Police and will be ranked according to the following priorities:

1. High Priority

Those in which a death was ruled a homicide, the victim and suspects were identified, significant physical evidence can be reprocessed for clues, new leads have arisen within the last six months, and critical witnesses are accessible and willing to cooperate.

2. Moderate Priority

Cases in which witnesses can identify suspects or where preserved evidence can be reprocessed and analyzed through modern technology (DNA analysis, AFIS identification, shell and casing analysis) and whose status can be verified or reclassified as a result of the additional laboratory analysis.

3. Low Priority

Cold cases in which no known physical evidence or witnesses are available to help identify a suspect.

The most important component of cold case investigation is personnel. However, due to the limited number of detectives available to the department, investigators assigned to CID who may be assigned to investigate a cold case will routinely do so in addition to their other investigative duties. In addition, cold case investigations will be supervised at a minimum by a sergeant, and the findings, if any, shall be properly documented.

IV. EVALUATION CRITERIA.

The evaluation criteria to be utilized in selecting cold cases for re-investigation includes, but is not limited to:

1. Legal considerations, such as the application of statutes of limitation, or concerns of potential double jeopardy.
2. Technological considerations, such as the nature and condition of evidence, and new forensic investigative techniques.
3. Practical considerations, such as the availability and cooperation of witnesses in re-examining the case.
4. Resource considerations, such as the time, money, and personnel availability needed for investigative and forensic analysis activities.

V. INVESTIGATIVE ACTIVITIES.

The actions associated with cold case investigation shall generally include, but not be limited to:

1. Identification of potentially suitable cold cases according to solvability factors. Cold cases should not be selected at random.
2. Assign a seasoned investigator to re-examine case files, evidence logs, laboratory reports, autopsy reports, etc. This should be done in person.
3. Evaluate the case evidence to determine if new advanced forensic analysis techniques would be beneficial.
4. Consult with the appropriate forensic laboratory and prosecutor's office in the submission of evidence for re-testing.
5. Involve the prosecuting attorney's office for legal counsel.
6. In hindsight, identify who benefited most from a homicide, suspicious death, or serious assault. Identify any new suspects.
7. Re-contact the victim or victim's family as a courtesy.
8. Re-interview witnesses; determine which witnesses are still willing to cooperate in prosecution.
9. Obtain DNA reference samples from suspects and other identified subjects and submit to laboratory for analysis.
10. If a DNA profile included as evidence does not match a suspect's DNA profile the sample should be submitted to the FBI's Combined DNA Index System (CODIS).
11. Use external resources as needed, to include the FBI, other law enforcement agencies, retired police personnel, specialists, etc.

VI. DOCUMENTATION.

After reviewing significant witnesses and working all viable leads, if no suspect can be identified, a supplement report shall be prepared documenting the follow-up investigation and recommending further investigation or current inactivation. The arrest of a suspect will render a cold case closed regardless of whether the suspect is convicted or even brought to trial. A case may be closed administratively if the suspect for which the department has probable cause has died, or is mentally incompetent to undergo prosecution.

The supplement report will be reviewed and approved in accordance with established protocols and electronically filed with the original report.

BY ORDER OF:

THOMAS J. BYRNE
Chief of Police

TJB:dld

CALEA Reference: