

- There must be a reason outside the control of law enforcement which prevents the arrest. (i.e., Death of Offender; Prosecution Declined; Extradition Denied)

Pros and Cons of a Cold Case Squad

Let's look at the pros & cons of a cold case squad. We will begin with the pros:

- Reduces the backlog of unsolved cases
- Arrest of perpetrator in one case may solve other cases or prevent new ones
- Presents positive image of police who never stop caring about unsolved cases

Now let's look at the cons:

- Requires additional or dedicated staffing
- Requires additional funding
- Requires input from potentially uncooperative or reluctant parties
- Solving a case can cause a flood of contacts about other cases that cannot be worked

Although funding a cold case squad can be a challenge, there are resources available that you may be able to access. If your local judges are agreeable, you could consider using seized funds from other cases. You can apply for grants from federal and private resources. You can also seek donations from special interest civic groups.

In closing, please remember that unsolved cases leave a gaping hole in the effectiveness of your agency. What we have offered is a way to investigate these cases at the lowest cost available. By bringing closure to families, you can help them live with their loss and boost the reputation of your agency.

For more information, contact:

James "Butch" Swain
North Little Rock Police Department
Phone: (501) 351-1442



UNIVERSITY OF ARKANSAS SYSTEM
CRIMINAL JUSTICE INSTITUTE

Criminal Justice Institute
University of Arkansas System
7723 Colonel Glenn Road
Little Rock, AR 72204



The Criminal Justice Institute's Management Quarterly

Summer 2005

COLD CASE INVESTIGATION: USING RETIRED OFFICERS

– written by James "Butch" Swain

In September of 2004, the North Little Rock Police Department (NLRPD) started a pilot program designed to reduce open case files by using retired law enforcement officers to supplement the existing detective division. The task of these retired officers is to review cold case homicide files to attempt to solve them by using modern science and techniques.

This idea originated in the later part of 2003. Captain Charles Mask was leading the investigative team at the North Little Rock Police Department. Sgt. James Dancy and his team began by collecting all of the open case files and making sure they had as much of the original files as possible. The homicide detectives then each picked some of these files to investigate as time allowed. In the meantime, Capt. Mask began contacting retired officers from the NLRPD to seek interested individuals who would volunteer to work on these cold cases without pay.

In September of 2004, Captain Leonard Montgomery took over the detective division. A retired Sergeant from North Little Rock joined the team as a volunteer. Since that time, two other retired, experienced officers have joined the team. To date, they have resolved three cases and have evidence pending at the Arkansas State Crime Lab that they hope will lead to the identification of perpetrators of incidents they are investigating. Under the leadership of Capt. Montgomery, the NLRPD team has recently been awarded a federal grant to use for this cold case team.



What is a Cold Case?

- Cold cases are reported incidents of crime that have not been resolved by the original investigation.
- Homicides are the most common investigated cases because there is no Statue of Limitation.
- Rapes are the next most common investigated cases. The Statue of Limitation on rapes is six years unless DNA evidence can be processed; then it can be extended by 15 years.

Developing a Cold Case Squad

The first thing we must decide is where you find the manpower. Some of the sources of you may consider are:

- **Current Investigators** – They can be utilized providing they have the time to investigate these cases.

- **Officers or Detectives on Light Duty** – They can be utilized in reading and reviewing cold cases, and can submit old evidence for new types of testing.
- **Overtime/Volunteer Patrol Officers** – If you have the money in your budget to use for this purpose, this can be a way of training upcoming officers for use as investigators in the future. It will make them a better “first officer on the scene” and improve their report writing.
- **Retired Officers from Any Agency** – Often you have officers from other agencies living in or retiring to your area. They have experience and often wish to stay involved in law enforcement activities.
- **Private Investigators** – You can hire these investigators and let them gather facts, but your officers will need to submit the evidence file for these cases.
- **Civilian Volunteers** – Use criminal justice students in a work study program.



Creating a Cold Case Squad

Once you find your manpower you must determine how you want to begin investigating these older cases. The goals of a Cold Case Squad are to:

- **Resolve the case by arrest or with administrative closure.**
- **Identify and inactivate cases that cannot be worked any further.**
- **Develop a positive image for the community it serves.**

While older cold cases may have more success in using modern scientific techniques, newer cold cases may have more evidence that can be tested due to better evidence collection techniques. Supervisors can select the cases to be investigated, but investigators who pick their own cases seem to work harder to get results.

Now that this is decided, you can begin studying the case by reading and reviewing the case file. In fact, all of the investigators working cold cases should read the file so they can brainstorm about it later.

Next, list all of the witnesses, potential suspects, and obtain photos of people on this list, both current and at the time of the incident. Be sure and locate physical evidence associated with the case and determine what forensic tests can be applied that have not been done previously, such as AFIS, DNA, or Firearms. **Be sure to contact the Arkansas State Crime Lab to seek help in determining what tests are available.**

Now, we want to look at beginning the interview process. The first interview should be with the original investigating officer and detectives. There are usually gaps in the information you have that they may be able to fill in for you.

You must locate witnesses that were interviewed previously, witnesses that may not have been interviewed previously, and new contacts that arise in your interviews. The suspect is not re-interviewed unless an arrest is made or you have developed all of your facts and are ready to arrest. Then you may want to interview to attempt to obtain a confession.

Resources that are available include:

Federal Bureau of Investigation – They have the best labs available and can be utilized on high profile cases. Contact the local office to obtain assistance.

U. S. Marshals Service – They can help you locate witnesses or suspects.

State Police, County Sheriffs, Arkansas Crime Information Center – Communicate with other agencies. You may be chasing the same suspect or have cases with the same criminal identifiers.

Computer Sources – We must remember that the Internet has opened a new world for us to gather information and locate people.

When it appears a case is coming together, get the local prosecutor involved to make sure he/she is aware of your investigation and to seek their input on evidence issues. Then present the case file. If they elect not to prosecute, the case can be exceptionally cleared administratively.

Exceptionally Cleared

Cases sometimes become resolved by means other than arrest. These are called *exceptionally cleared*. To apply this method, cases must meet the **Four Point Rule**:

- The investigation must have clearly and definitely established the identity of at least one offender.
- Sufficient probable cause must have been developed to support arresting, charging, and prosecuting the offender.
- The exact location of the offender must be known so that an arrest could be made.



Coming in November from CJI...

Case File Preparation

The objective of this six-hour course is to instruct law enforcement officers in the proper preparation of case files for prosecution and trial. A good, prosecutable case may be lost in court due to inadequate case file preparation or insufficient follow-up investigation. This course will guide the student through the prosecution process using a hands-on workshop environment. The student will assemble raw data in an effort to illustrate how the arresting officer and the prosecutor must work together in a collaborative manner. The course begins at 9:00 A.M. and concludes at 4:00 P.M.

November 4th

**Hot Springs Police Department
Hot Springs, AR**

**To register, call Kimberly Hendricks at
800-635-6310**