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Contents

About the Journal

About the Homicide Working Group

Contact Details

About the Journal

The Journal of Homicide and Major Incident Investigation encourages practitioners and policy makers to share their professional knowledge and practice. The journal is published twice a year on behalf of the National Policing Homicide Working Group (HWG).

It contains papers on professional practice, procedure, legislation and developments which are relevant to those investigating homicide and major incidents.

All contributions have been approved by the Editorial Board of the HWG. Articles are based on the authors' operational experience or research. The views expressed are those of the authors and do not represent those of ACPO. Unless otherwise indicated they do not represent national policy. Readers should refer to relevant policies and practice advice before implementing any advice contained in this journal.

The Journal is edited by Peter Stelfox on behalf of the National Policing Homicide Working Group.

[Back to Cover](#)

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[Back to Cover](#)

About the National Policing Homicide Working Group

The National Policing Homicide Working Group (HWG) is part of the Violence Portfolio within National Policing Crime Business Area. It develops national policy and practice for the investigation of homicide, major incidents and other serious crimes.

The HWG also supports and promotes the training and professional development of practitioners and provides oversight of levels three and four of PIP. It encourages research into homicide and major incident investigation and fosters good working relations between practitioners, policy makers and academics in this field. Membership of the HWG is drawn widely from the Police Service and partner agencies. It comprises the following:

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Contents

Forward	1
Is there room for flair in a police major crime investigation?.....	2
John Fox	
Homicide Research Group	19
Michelle Wright and Ian Waterfield	
The Use of Familial DNA Searching Post Protection of Freedoms Act 2012	24
Martin Bottomley and Chris Holt	
Update on the National Crime Agency - Crime Operational Support Team	37
International Investigations: Current Challenges to British Policing.....	39
Neville Blackwood	
Domestic Homicide Reviews	55
Martyn Lloyd-Evans	
The HWG National De-Briefing Model	79
The Devil and the Detail: Local Analysis of Homicide for Investigators and Policy Makers	86
Jason Roach	
Book Review.....	103
Index to Journal Articles	104

Forward

In the modern day police force we would be forgiven for thinking that it is becoming difficult to keep pace with the rate of change; budgets, policies, structures and media pressure all make the challenges in delivering a quality policing service ever greater. Very often our attention is, for good reason, focussed on 'change management', nevertheless in the world of homicide investigation some of the basics have not changed at all. For example, despite the complex policing landscape, we can predict quite accurately, how many homicides we will have in an average year.

The public still view homicide as a matter of grave concern and the pressure of expectation on SIOs and their teams is often considerable. It is for this reason that we must ensure that SIOs, D/SIOs and all those involved in homicide investigation are given the right opportunities to learn from others so that we can continue to provide world class investigators.

The SIO's Conference can address some of these issues but the reintroduction of the *Homicide Journal* means we are able to connect with a much wider audience and is a vital cornerstone in ensuring that we take every opportunity to learn and develop in this field of expertise. I have often found that one of the common traits amongst investigators is their willingness to share openly the difficulties, challenges and learning coming out of investigations – and by the same token, investigators are some of the most receptive to this approach. This is the culture of self-improvement which the *Homicide Journal* is aimed at and I genuinely hope that you will find the time to benefit from the learning contained within it.

Chief Constable David Crompton
Chair of the National Policing Homicide Working Group

Is there room for flair in a police major crime investigation?

Dr John Fox, Senior Lecturer in Police Studies, Institute of Criminal Justice Studies, University of Portsmouth and former Detective Superintendent.

Abstract

This paper is drawn from a wider research study designed to examine the factors that determine the effectiveness of nationally published police professional practice. It also aims to explore the nature of the investigation process and to identify the ways in which the professional practice publications, such as the ACPO 2006 *Murder Investigation Manual* (MIM) can best be used by the police service.

Because the body of police professional practice publications was only introduced in the last 20 years, there has been little, if any academic interest in this area and the research aims to contribute to improved knowledge of it.

Many police studies are concerned with classic themes such as discretion, accountability, and leadership. As well as the specific theme of the overall research, a contribution is offered in this short paper concerning aspects of these classic themes. The use of discretion within specific investigations will be explored and consideration given to whether the police should be able to use their own flair when carrying out investigations or whether they should be constrained by tried and tested methodologies.

This study, which incorporates a US/UK international comparison, was mainly conducted using qualitative research techniques and, in particular, semi-structured interviews with over 60 police officers and other significant respondents in England and the United States.

Contents

1. Introduction	4
2. Is SIO flair helpful or a hindrance?	5
3. Discretion in major crime investigations	7
4. Academic thoughts on discretion	10
5. I the MIM misunderstood?	11
6. Conclusions	15
References	17

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1. Introduction

Unfortunately, academic literature offers little commentary on, or analysis of, the management of criminal investigations (Neyroud and Disley, 2007). Against this context it is worth noting that the TV portrayal of a 'detective' usually reveals a lone entrepreneur tirelessly working on a single case, using qualities such as panache, ingenuity, imagination. As Cook and Tattersall (2010:1) describe, the fictional detective is often depicted as a *'shrewd and calculating individual who outwits their adversaries almost singlehandedly'*. The likes of Agatha Christie's 'Hercule Poirot', or P.D. James's 'Adam Dalgliesh' would never be seen with a *Murder Investigation Manual* tucked under their arm, and the unique methodology they use, or in other words the discretion with which they investigate their fictional crimes, is the stuff of legends.

It is tempting to now say, 'nothing could be further from the truth', and in some ways, in the UK at least, murder investigation *is* nothing like the fictional portrayal. It is seen as a team effort (Innes, 2002, 2003), and the lead detective is sometimes considered to be a 'business manager' rather than an 'investigator'. However, the evidence from most police respondents in this study seems to suggest that they hope there is still a place for the lead investigator, or Senior Investigating Officer (SIO), to demonstrate flair, ingenuity and independent discretion. It is also perhaps important that SIOs remember that they are primarily investigators rather than administrators.

It is useful to briefly explore what has taken place in the last 30 years in respect of homicide investigation. Neyroud and Disley (2007: 552) pointed out, since the review into the flawed Yorkshire Ripper enquiry (Byford, 1981) there has been a drive to *'standardise the way major crime investigations are managed'*. The vehicles which have been used to try and achieve that 'standardisation' include the set of documents formerly known collectively as ACPO/NPIA professional practice, and in particular the MIM. The concept of Authorised Professional Practice (APP) has now replaced the professional practice documents and it is anticipated that a version of the current MIM will be part of this APP.

The role of the modern SIO seems, according to Cook and Tattersall (2010) to be rather bureaucratic. They describe in their SIO's Handbook (Cook and Tattersall, (2010:3) how the SIO has to '*make sure the investigation is professionally planned, managed and structured and that all information is carefully analysed and investigated*'. Neyroud and Disley (2007: 551) refer to the lead detective as the '*investigative manager*', which seems to further reflect the idea that within a strictly prescribed systems approach, there is no place for individuality, discretion or flair.

One of the objectives of this research was to explore whether the introduction of the ACPO/NPIA professional practice publications, and in particular the MIM had contributed to UK homicide investigations becoming over-bureaucratic and 'systems' orientated, thereby inhibiting the natural flair, discretion and investigative ability of individual senior detectives.

2. Is SIO flair helpful or a hindrance?

The paper will return to the discussion of the investigative system later but we should first note that the definition of 'flair' from the Oxford online dictionary indicates a natural talent, aptitude, or ability, and specifically includes the words stylishness and originality. A majority of the respondents in this study (n = 31) suggested that the existence of some APP, and in particular the MIM, could inhibit the flair and individuality of investigators, or in other words the discretion with which they investigated serious crime. They also generally felt that this was a negative development and that investigations would be more successful if creativity and flair were encouraged.

Other sociological studies have also concluded that police officers believe they should be allowed to use discretion when investigating offences. For example, '*when asked if they accomplished their craft by applying rules, the police response is unerringly the same. They state emphatically, and categorically, that competent police work is not done by following a book of rules. Police work, they insist, is not done by the book*' (Shearing and Ericson, 1991: 481). This view

was also reflected by most police officer respondents who contributed to this research.

"I think absolutely, there must be some discretion. Because, for example, if you ask an SIO to pursue a covert line of enquiry and they are not comfortable with it, or they are not used to it, or they are not used to handling the product, then that almost is a recipe for disaster. If the manual says to an SIO you've got to do this and there are some difficulties around disclosure that an SIO is uncomfortable with, that's another recipe for disaster. So the SIOs have got to be comfortable in their own skills. I mean expecting an SIO to do things that are completely alien to them is dangerous territory in my book." (DCI)

"There's a risk that, rather than thinking about the circumstances of the particular case, a checklist can be applied in order to safeguard our actions, if you like; to say that 'we've complied with the manual', rather than necessarily what may or may not be right in the circumstances of the particular investigation or situation." (DCI)

The wider research contrasted and compared the US method of homicide investigation with the UK system, and although there are considerable differences in approach, the detectives from both countries in the research sample, shared the view that individuality and discretion in the use of investigation techniques is an important element.

"No matter how complete, how attentive to detail you are in producing your manuals or your guides or whatever, you cannot account for every eventuality, every investigation, although they will have a lot of similarities, they are different. They require the ability for the detective in charge to be able to think on his feet, to be able to go in a direction an investigation starts to take him. That's the art of the investigation." (US Chief of Detectives)

"My position is this, I think a manual is good, but you need to be able to think on your feet. If I had to follow a manual and I said, 'ok, step number 1, 2, 3 is done, I am going to step 4'. What about my creativity as an investigator? I solved a lot of crimes because of my creativity when I was in a detective bureau,

being able to be thinking outside the box. This doesn't let you think outside the box". (US Police Captain)

3. Discretion in major crime investigations

The argument put forward by these practitioner respondents needs to be considered against a discussion as to whether police investigators *should* have the discretion to investigate crime in an idiosyncratic way or whether there should be a strict format employed by all. Another way of putting this is that it may well be the case that the police want to enjoy unfettered investigative freedom, but since the police are accountable to the public, an important question to be considered is: how are the public, and victims of crime, best served? Waddington (1996) argued that because the police operate in conditions of 'low visibility' decisions taken in the patrol car or police station were effectively 'unreviewable' (Waddington, 1996). The same could be argued for decisions taken in a major incident room. Moreover one of the most vexed issues in contemporary police accountability is the extent to which central government and the local police and crime commissioner can exert influence over operational policing matters, an arena jealously guarded by chief constables.

The police may review their own decisions, in fact they often do because there is a fairly robust system for murder case reviews, but that is still the police reviewing their own investigative decision making. There is no scope for the public, or the family of a murder victim, or a lawyer representing that family, to routinely hold an investigator to account for their investigative decision making, or in particular, a failure to adhere to nationally recognised good practice such as APP. When there has been a very high profile failure, such as the police investigation after the murder of Stephen Lawrence in 1993, the investigative strategy employed by the SIO may be picked apart and scrutinised by a public inquiry. However, this is rare, and in the vast majority of cases, the detailed investigative decision making, or whether discretion has been exercised to employ, or not to employ certain techniques, is known to no-one outside the Police Service. It could be considered bad luck for a murder victim's family if the police officer investigating the killing is simply incompetent, but if a competent

SIO chooses to ignore recognised national guidance such as the MIM, perhaps that would be of greater concern to the victim's family. The debate about whether an investigator may deviate from APP or other recognised national guidance at least needs to be aired so that it can be understood why, if that is the case, it would be impractical to hold investigators within tight constraints.

Although the objective researcher should undoubtedly try and avoid using personal experience to contribute to a study, I will permit myself to use two pieces of personal anecdotal evidence to help continue the debate. As a senior SIO, I was tasked to investigate the death of a young man which occurred when he was being arrested by some police officers. This was an unusual case in the sense that whereas normally the family of a homicide victim enjoy a good relationship with the SIO, in this case, because the family believed that their son had been unlawfully killed by police officers their confidence that I would carry out a thorough and vigorous investigation was low. As such, they employed a firm of solicitors who, through a series of letters and demands, attempted to scrutinise and direct aspects of the investigation – thereby attempting to limit my discretion. A few weeks into the enquiry, four of the suspected officers were arrested and held in custody for interview. In accordance with recognised practice, and after advice from a police expert in interviewing techniques, I decided to employ a strategy of phased disclosure of the evidence prior to the interview. When they heard that arrests had been made, the solicitors representing the family sought an injunction to prevent me from disclosing any of the evidence to the suspects prior to interview, fearing that to do so would in some way help them evade prosecution.

Apart from the fact that the tactic of phased disclosure is well established and I believed it was the correct tactic in these circumstances, as a point of principle I also felt it was intolerable for there to be any interference with my investigative strategy by the family or their lawyers, and consequently all parties spent a day at the High Court in London, arguing their case. For my part, I was effectively arguing, in a judicial setting, that as the SIO, I should enjoy the discretion to investigate the death using my own creativity and flair. The judge agreed with that notion, and ruled in my favour. Although at the time this seemed an annoying and time-wasting experience, it might be considered not such a far-

fetches idea for the family of a homicide victim to be able to express their view about the techniques an SIO is planning to use, or has decided not to use. It is noted that even in cases where the victims' family could be considered to be 'on-side', it would still be unusual for the police investigator to discuss with them investigative tactics or methodologies. In the case highlighted above, I was not 'going against' any national guidance, but if I had been, perhaps it is even more important that victims' families could challenge such discretion.

The second personal anecdote contributes further to the debate. At the time of drafting this paper I fractured my arm. After the emergency treatment, stabilisation and pain relief, I was visited by a consultant orthopaedic surgeon during his ward round. He set out three options for my treatment and gave me time to ask questions about the implications of each. Lying in hospital that night in morphine induced bliss, it occurred to me that a police SIO would never discuss with a victim, or their family, the various options available in terms of investigative techniques, and ask them to choose how they would like the investigation to be progressed.

Arguably, nor should that happen, because, unlike the medical example, the implications of a flawed investigation go beyond the immediate victim. Although it is sometimes said that the SIO is working on behalf of the murder victim's family, in fact this should never be the case. If the offender is not caught, the wider public is left at risk, so it would seem wrong for an untrained layperson to influence investigative methodology or limit the discretion of the trained investigator. An important point of principle can therefore be put forward: the police are working on behalf of the wider community rather than, as in the case of most doctors, a single 'patient' or victim.

To further pursue this idea of discretion in investigations, the research reported in the present paper allows an inference to be drawn that investigators often feel they have to use judgment about not pursuing possible investigative options. Furthermore they feel that the existence of APP should not create a climate of fear whereby they are worried about exercising such judgment. Using a fictional everyday occurrence as the analogy, if a detective is assigned a burglary case to investigate, a suggestion in the guidance, *Core Investigative Doctrine* (ACPO,

2012) is that a trawl for available CCTV may provide evidential clues. If the victim, believing that the investigation wasn't being carried out effectively, visited a shop across the road, and found crucial CCTV evidence which was not recovered by the investigating officer, they might be deeply unhappy, indeed, the failure to locate and seize important CCTV footage may well be considered by the victim a matter of incompetence, or at least poor judgment. But what if cost was the deciding factor? If the officer decided that it would have cost too much to seize and view CCTV footage, the victim would hardly be content, but as argued shortly, cost and resourcing issues affect investigations at all points of the spectrum of seriousness. For an investigator to ignore some investigative ideas contained within APP could be considered by some academic commentators such as Reiner (2000: 169) to be a reasoned, business-like, discretionary decision based upon the availability of resources.

4. Academic thoughts on discretion

It is useful to revisit, and attempt to apply, some of the academic arguments around this issue of discretion. Apparently supporting the argument in favour of discretion in investigative techniques, Neyroud and Beckley expressed a view that *'increased professional autonomy and a more reflective practitioner are essential for the development of public policing'* (Neyroud and Beckley, 2001: 81). Several years earlier however, Jefferson and Grimshaw were calling for the flair and individuality of police officers to be restricted, arguing for policies aimed at *'severely limiting police discretion and reducing the free will of officers to use it'* (Jefferson and Grimshaw 1984: 18) and even earlier, Goldstein (1977) argued that discretion should only be exercised through proper training and guidelines. However, in their research paper *'The Effective Detective'*, Smith and Flanagan (2000) list 22 'core skills' that they believe an effective SIO should possess. Although many of those skills related to the management of business processes, one notable skill apparently required, is to have an *'innovative investigative style'*, which arguably supports the idea of the SIO being creative, and introducing new methods or ideas into an investigation, thereby exercising discretion in deciding whether or not to follow established guidelines.

This paper adopts the position suggested by Goldstein (1977) that if investigators are properly trained to a national standard (for example PIP Level 3), it is acceptable for them to be able to use discretion in their investigations.

A prominent US academic and criminologist who contributed to the data in the current study expressed the view that there should be some guidelines for investigating murder, not least in order to maintain integrity, but not to the point whereby they completely restrain creativity.

"I mean it's somewhere in between. You have to have a certain set of rules that will keep you from being too creative. You can't be too creative because it's a very thin line in murder investigation. It is loaded with emotions, I mean, people can say whatever they want, that police officers don't have emotions, but they do have them. You can scratch the surface, there will be emotions there. It's not like investigating a cheque that bounced. Especially when you see the victim and the family of the victim, there are some emotions there. And I do believe that you might be tempted to cross the line here and there because you do believe in the ultimate goal to discover who was responsible for the crime. So, there have to be some boundaries. But on the other hand, you have to be left to your own devices within the boundaries." (US Academic Professor of Criminology)

5. Is the MIM misunderstood?

It is probable that none of the UK police practitioner respondents would argue against that view from the US professor, because none expressed the opinion that APP or national guidance such as the MIM should not exist. In fact, on the contrary, all believed that the MIM was fundamentally useful, but some had reservations about how the original concept or 'vision' may have been misinterpreted or corrupted, and these misgivings will be explored shortly. As far as the concept of 'SIO flair' is concerned, the overwhelming view of all the police practitioner respondents in the fieldwork was that investigators should not be overly constrained by 'guidelines', and should be creative and able to use flair and discretion. The following utterances are representative of those who held that view.

"I don't think you should stifle the creativity of a detective or an investigator in investigation. And if this (guidance) is going to stifle them, I think it could hinder the end result that you want which is an arrest and conviction. I think that manual would be an excellent reference tool, but not a bible that you have to follow and live by in a course of investigation. " (US Police Captain)

"You have to decide what you need to do as an investigator to achieve your particular objective, for whatever stage you are at in investigation. The books give you perhaps some thoughts about what things you need to be considering, but you need to sit down as an individual and decide, 'these are my circumstances, this is what I am looking to achieve, therefore I am going to do this, this and this and these are my reasons why'. And that, I think, is how people should be approaching it, not to say, 'I need to do this, that and the other' just because the book says so" (DCI)

It is important to consider the experience level of the investigator, and in particular how, the less experienced the investigator, it could be argued that it is more important for them to conform to guidance contained within the relevant APP document, and perhaps adopt a less 'discretion driven' approach.

Waddington (1999: 194) uses the phrase '*discretionary policy making*', when explaining that he believes senior police officers should be able to use their discretion to allocate resources to a particular task, even if the public or politicians believe they should be doing something different. Grimshaw and Jefferson (1987) also accept that senior police officers are often obliged to prioritise, using their discretion, between legally equivalent tasks, and Reiner (2000: 169) reminds us that '*the police never could have adequate resources for the enforcement of every law. There is thus an inescapable necessity for choice about priorities*'. Although these commentators undoubtedly had in mind the macro level of managing a police force, the same principles can be applied within an individual criminal investigation.

It therefore seems desirable that, in line with their fictional counterparts mentioned above, police investigators should be able to use their experience, guile, and flair to investigate crimes with an idiosyncratic approach. If police APP

prescribes a methodology for investigation, it becomes detrimental if it tends to affect the freedom with which SIO's allocate limited resources to investigative activity, such as, for example house to house enquiries, or to prioritise the amount of effort or resources they devote to particular lines of enquiry. However, the downside of allowing such freedom is that occasionally the wrong investigative decisions will be made, and were they to become aware of this, victims of crime might feel they were let down.

The debate about whether the police should in any way be held accountable for their investigative decisions is continued later, but whatever the outcome of that philosophical argument, there is clear evidence from this research that the 'doctrine', as envisaged by Sir David Phillips, was never meant to constrain investigators but rather to support and help them. There is also clear evidence that somehow the message has been corrupted over the years, and some investigators do actually believe that documents such as the MIM give them a prescriptive list of investigative activities that *must* be carried out, otherwise they could be sanctioned. Some also believe that *only* the investigative methodology prescribed in the MIM can be carried out, thereby limiting their flair and creativity. Indeed, during the first few interviews which contributed to this qualitative research it quickly emerged that several respondents held the view that the existence of national police guidance might create a 'tick box' or even risk averse mentality amongst police investigators, which was certainly not meant to be the case according to the creator. It seems important that documents such as the MIM are not seen as a further threat to SIO's in the sense that sanction could be applied for a failure to comply. The mere perception of the guidance being seen as another form of accountability is damaging enough to create a general negative view of the authorised professional practice documents in the minds of some people. In an interview with the visionary behind the current crop of police guidance, Sir David Phillips, he expressed his frustration with this development.

"The problem that I always had with doctrine was that we are in danger, particularly in this world of political correctness, of frightening people into saying you must follow blindly an instruction book otherwise the enquiry that follows

will get you. Now, this is entirely contrary to the idea I was developing. Doctrine is a process, not a dictum."

One philosophical detective superintendent disagreed that the MIM should be followed slavishly by remarking, *"rules are for those that follow blindly, and guidance is for the wise."* Others were less confident in their approach, and there was some evidence from the data that the MIM has indeed created a risk-averse attitude amongst some SIO's due to a perception that it should be slavishly followed.

"I think that, in terms of a 'back-covering' mentality, there could be a desire to want to follow the core list if you like, rather than think more widely." (DCI)

The current Commissioner of the New York Police Department William Bratton, offered the view, that *"guidance is fine as long as it doesn't lead to a risk averse attitude amongst police leaders"*.

Not surprisingly, there was evidence that the more experienced the SIO, the less likely they are to feel constrained by the MIM. A self-confessed inexperienced SIO, a detective inspector, was frank when he admitted that he was likely to succumb to risk averse investigative decision making.

"I'm more likely to succumb to that restriction. I'm more likely to test the water with "oh let's look at the manual, let's look at what the expectations are". Look at the minimum standards of investigation strategy. Then once I've got the foundations I might consider some minor risk-taking, or whatever the right phrase is. But I'm more likely to succumb to it. It could potentially restrict some flair" (DI)

An SIO at the other end of the experience scale, a detective superintendent from a large city force with 15 years working on homicide, was completely unconcerned about the MIM reducing his 'flair' because he did not feel he needed to use it at all.

"Day to day use? An SIO, gets called in at 2 o'clock in the morning, doesn't think about that book, he doesn't have the book with him, and he doesn't look at the book the following day, he doesn't look at it the week after. He might look at it, when the review team criticise them, but I am afraid the book is just the book. And nobody really honestly really looks at it. At the end of the day, you only detect a murder by humans, individuals, applying their experience." (Det Supt)

However, later in the interview, this same SIO expressed the very concern that less experienced SIO's claimed make them risk averse.

"The trouble with the murder manual, the potential trouble that is, if the manual exists and it says these are your considerations, and you failed to carry out one of those considerations, and then something goes wrong, than the manual could be used to beat you up with, either at the public enquiry or even at criminal court case where you failed to do something. That's the danger that I am worried about." (Det Supt)

The stance taken by this particular respondent seems to be at odds with the notion that police officers are accountable to the community, and in particular in this context, victims of crime and their families. It could be argued that given the existence of official guidance on murder investigation, it should not be an option for an investigator, however experienced, to use total discretion by completely ignoring it.

6. Conclusion

There is a general acceptance that at an organisational level as well as a frontline service delivery level the police can and should exercise discretion. Most of the literature concerning this topic focuses on the use of discretion around the recording of offences or a decision to arrest an offender. The discussion in this paper focused on the discretion to use or opt not to use particular investigative techniques. The question of whether victims of crime or their families should be able to influence the conduct of an investigation was also considered.

An overall conclusion that can be drawn is that providing investigators are broadly adhering to the standards recommended within the ACPO authorised professional practice documents they should be allowed considerable scope to carry out their work with flair and individuality. Although the guidance documents can be used in different ways to hold an investigator to account, from a supervisor carrying out a review to a full blown public inquiry, it was never the intention of the creators of police doctrine that its existence should constrain flair and reduce the opportunities to use discretion.

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Homicide Research Group

Dr Michelle Wright, Manchester Metropolitan University

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Abstract

This article provides an overview of the recently established Homicide Research Group which is a subgroup of the Homicide Working Group (HWG). The Research Group aims to develop, implement and coordinate a national homicide research strategy that is driven by the HWG work plan and identified practitioner needs.

The Homicide Research Group is chaired by DCS Ian Waterfield and Dr Michelle Wright is the Research Lead. Members of the Professional Development Committee (PDC) form the Research Steering Group, providing guidance and support on identifying and prioritising research questions, assessing research proposals and deliverables. Support is sought from SIO's and academics to help develop and establish a Homicide Practitioner Research Network aimed at delivering practically oriented research on homicide reduction and investigation.

Contents

1.	Why do we need a Homicide Research Group?	21
2.	Capturing and Recording UK Homicide Research	21
3.	Coordinating and Commissioning Homicide Research	22
4.	HWG Policy on Commissioning Research	22
5.	Homicide Practitioner Research Network	23
6.	Conclusion	23

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1. Why do we need a Homicide Research Group?

Over the last 10 years, the HWG has supported academic research on homicide, however, much of this research has been designed and led by academics with little input from practitioners. Whilst such research is of value, the need to increase practitioner-led research, which can shape and inform policy and practice, is acknowledged by the HWG and as a result, the Homicide Research Group has been formed.

The Homicide Research Group aims to:

1. Bridge the gap between academia and practitioners leading to the production of homicide research which has practical utility;
2. Identify key areas where research is needed and work with practitioners and academics to deliver improved research on homicide reduction and investigation;
3. Provide a forum of knowledge and expertise on a range of homicide-related issues.

2. Capturing and Recording UK Homicide Research

The first task has been to collate all UK published homicide research, policy and practice reports to identify areas already researched and any gaps in the existing literature. In comparison to the USA, academic research on the characteristics and causes of homicide in the UK is relatively limited. There has, however, been an increase from 2000 onwards on investigative related research. Continual environmental scanning of both academic and policing sources ensures that the collated list remains up-to-date and is used to inform the development of a national homicide research strategy.

In addition to published research in academic journals and national policing reports, we are keen to capture homicide-related research currently being carried out by SIO's. If you have completed, or are currently completing, a research project it is recommended that details are forwarded to your HWG

Regional Representative so that these can be added to the Homicide Research Group's database and also submitted to the [College of Policing Research Map](#).

3. Coordinating and Commissioning Homicide Research

Through established links with the SIO community, Universities and the College of Policing Research, Analysis and Information Unit, it is hoped that research will be commissioned in key areas identified by the Homicide Research Group.

Suggested areas for research are collated and prioritised on a quarterly basis. The current identified areas are:

- What has led to the national reduction in homicide? Analysis of national homicide trends;
- Mental health related homicides;
- Homicides involving Black and Minority Ethnic (BME) victims and/or offenders;
- Trace Interview Eliminate (TIE) strategies.

The Research Group will review and provide feedback and guidance on research proposals submitted to the HWG.

4. HWG Policy on Commissioning Research

The HWG will not directly fund research but will provide support for the bidding of funds from external sources and will facilitate access to data for research purposes. A list of UK sources of homicide information and data has been compiled to assist this.

Research proposals submitted to the HWG should include:

- Research aims and objectives
- Identification of relevant issues/literature and theoretical framework
- Research methodology
- Data required, sampling strategy and data storage
- Benefits to the police service

- Timescales for carrying out the research
- Resources
- Dissemination of research findings

The findings of commissioned homicide research will be disseminated via the *Journal of Homicide and Major Incident Investigation* and the PoLKA Major Crime Community.

5. Homicide Practitioner Research Network

To build a research base and deliver practically oriented homicide research requires a core network of practitioners and academics actively engaged in carrying out such research. Support is therefore sought from the SIO and academic community in helping develop and establish a Homicide Practitioner Research Network. The main aim of the network will be to support the delivery of a national homicide research strategy by carrying out and promoting practitioner research into UK homicide reduction and investigation. A multi-disciplinary approach to the study of homicide reduction and investigation will encourage broad membership (e.g. criminology, forensic science, law, psychology). Membership will be open to police practitioners, those working in related or support agencies and academics who are, or have, an interest in carrying out homicide-related practitioner research. The network will focus specifically on homicide in the UK but will establish links with other existing research networks that can contribute to improved homicide-related research. Those interested in becoming members of this network should send their details to m.wright@mmu.ac.uk or ian.waterfield@nottinghamshire.pnn.police.uk

6. Conclusion

The development of practitioner-led homicide research is a long-term plan; by working effectively together practitioners and academics can deliver improved research on homicide and its investigation, which can shape future policy and practice.

The Use of Familial DNA Searching Post Protection of Freedoms Act 2012

Martin Bottomley, Greater Manchester Police

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Abstract

Between 2003 and 2013, over 100 serious offences including murder, rape and other sexual assaults have been detected as a result of familial DNA searching. The vast majority of these crimes would have otherwise remained undetected. However, following the enactment of the Protection of Freedoms Act 2012, which removed the investigative option to utilise an individual's DNA B scrape within a familial DNA search strategy, the use of Y STR profiling within the tactic has been made more difficult. This has caused some commentators to consider whether familial searching is still viable. This paper outlines key research findings and up to date investigative advice on the use of familial DNA searching including guidance on the decision about whether to start working with either the sibling list or the parent/child list and how this decision may depend on the age of the case under investigation.

The authors' research shows that in 95% of cases examined, where a relative of the offender appears on a prioritised list, they appear within the top 30 names. This provides key support for the continued use of familial searching as an effective investigative tactic and for practical policy decisions which allow the continued use of Y STR profiling within a familial DNA strategy. This paper has been signed off as a guidance document by the National DNA Operations Group in support of the National DNA Database Strategy Board.

Contents

1. Principles of Familial DNA Screening	26
2. Information on Successful Cases	27
3. Information on Cases Detected by Other Means	28
4. Summary of Statistics and Research	29
5. Y STR Profiling and the Position Post the Protection of Freedoms Act 2012 (PoFA)	30
6. Cold Cases and Live Cases	31
7. New Advice for Investigators	33
8. Methodology for the Continued Use of Familial DNA Searching Post PoFA	35
9. Conclusions	36

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1. Principles of Familial DNA Searching

Familial DNA searching as a police tactic capitalises on the fact that DNA is inherited from our parents, half from each. An extension of this genetic principle is that full siblings, because they inherit their DNA from the same two parents, generally share more DNA with each other than with unrelated strangers. Thus, when the police are faced with an unidentified DNA profile (target profile) which does not match anyone on the National DNA Database (NDNAD), it is possible to search for people who are on the NDNAD and who may be related to the unknown offender. This potential relationship is usually either a parent or child of the offender for individuals who share half their DNA with the target profile, or a potential sibling for those who share a relatively large amount of DNA with the target profile.

Therefore, the product of the search is two separate results lists. One list contains potential parents or children of the unknown offender and the other list contains potential siblings. These lists are **not** comparable in terms of the ranking scores and cannot be combined in any meaningful way.

Because a 'familial search' is looking for people who only have some DNA in common with the target profile, there are usually several hundred and sometimes thousands of individuals who meet the criteria to be a potential relative. In the absence of an obvious candidate, it is then necessary to prioritise both the parent/child and the sibling lists using geography and age in addition to the original genetic ranking to focus on the individuals most likely to actually be related to the unknown offender.

Once the familial lists have been prioritised, the most effective next step in the process is to utilise Y STR DNA profiling, the advantage of which is summarised here:

"The Y-STR profile is generally inherited unaltered from father to son. Thus, if a male appears on the familial lists as a possible parent, child or sibling of the

offender, his biological father, his sons and his male siblings can be eliminated if his Y-STR does not match that of the offender.”¹

The decision about which list to action first takes on increased importance now that we have to visit and re-swab the males on the lists in order to use Y STR comparison. Before the Protection of Freedoms Act, we could simply ask for the B scrapes held at the forensic service provider to be compared as a bulk submission.

Equally, given that there is now limited central funding available to assist with familial DNA search related testing, alongside reduced force budgets and the greater cost and resources now required to eliminate individuals as potential relatives via Y STR testing, informed advice about how many persons investigators should be looking at from a familial DNA search results list has never been so important.

The authors of this paper do not claim that relatives of the unknown offender will never be a considerable way down the results lists. This can be the case and it may be the case for your investigation. However, the aim of this advice, based upon research on the outcomes of past cases, is to recommend how many nominals you should realistically be pursuing to maximise the investigative value of familial DNA searching alongside cost effective use of the tax payer’s money.

2. Information on Successful Cases

The information collated as the basis for the research behind this paper has been gathered from a number of sources including forensic service providers, the National DNA Database, NCA and the police forces and investigators from across the UK who have used familial DNA searching within their investigations.

From 1/1/2003 to 1/7/2013, the statistics for familial searching within the UK are:

¹ Bottomley, M. and Holt, C. (2011) Familial DNA: A Relative Success? Journal of Homicide and Major Incident Investigation. Vol 7 Issue 2. Autumn 2011

- 260 investigations have commissioned a familial DNA search;
- 54 of these investigations have identified a relative of the offender on the NDNAD;
- 62 relatives have been found in total (eight investigations found two relatives);

Of the 62 relatives found, all but three were within the **top 30 of a list prioritised using geography and age in addition to genetics.**

The research shows, in cases where familial searching has been used as an investigative tool, that **where a relative of the offender was identified on a prioritised list, in 95% of cases they were within the top 30 names.**

The positions of these 62 relatives on the initial or raw genetic based lists when the search was run across the whole of the NDNAD vary from number one on the list down through the hundreds and, in some cases they were outside the top 1000. For those that were in the hundreds or thousands, the additional prioritisation using geography and age² was the key to success. In a successful GMP case from April 2013 which related to a rape from 1989, the relative of the offender was at position 483 on the purely genetic ranking but rose to position 27 when the lists were prioritised using geography and age.

3. Information on Cases Detected by Other Means

Based on the findings of the research, it is proposed that going beyond the top 30 of a prioritised list is less likely to locate a relative of the offender and is therefore not a good investment of force resources. A relative of the offender has after all, so far, only been found outside of the top 30 on three occasions in 260 investigations. But what if there is a self-fulfilling aspect to this? What if we generally only find relatives of an offender within the top 30 because that is where we start to look and usually do not go much further down the list? Could it be the case that within the 206 crimes that did not identify the offender via

² Gregory, A. and Rainbow, L. (2011) *Enhanced Prioritisation of Familial DNA Searches*. Journal of Homicide and Major Incident Investigation. Vol.7 Issue 1. Spring 2011.

the familial search, that there were actually relatives on the lists but they were so far down the list that we never got to them?

Clearly, where a case remains undetected and the 'familial' aspect of the investigation has run its course, there is no way of identifying whether there is a relative of the still unknown offender further down the list. However, the authors have identified a further 35 detected investigations which sit within the first 260 to have used familial searching within the UK. Each of these 35 cases commissioned a familial DNA search during the investigative phase and when the case was still undetected. They have all been subsequently detected but by means other than the familial DNA search, such as a routine load and hit or as part of a mass screen. These 35 cases are therefore not included within the 54 cases successfully detected using familial searching, referred to earlier.

In all 35 crimes we now know the identity of the offender and the source of the DNA which was used as the target profile for the earlier familial DNA search. In each of these cases, although we know the familial DNA search was not the route to detection, we have been able to find out whether the offender actually had a relative on the NDNAD at the time of the search and, if so, how far down the list the relative was.

Prior to the results of this research being known, it was hypothesised that if there were indeed relatives of offenders sitting well below the top 30 of the prioritised lists, a sample size of 35 gave a reasonable opportunity to find some of these.

However, in only two of the 35 cases was a relative identified and, on both occasions, the relative was within the top 30 of the prioritised list.

4. Summary of Statistics and Research

When we look at the 54 successful familial searches together with the 35 investigations which were solved by other means, we have a total of 89 investigations in which we now know the identity of the offender, whether there

was a relative of the offender on the familial search lists and, in the cases where there was a relative, at what position the relative was found. There are 56 cases where a relative of the offender has been identified within the lists. From those 56 familial searches, on only three occasions was the relative of the offender known to be outside the top 30 of a list prioritised using geography and age alongside genetics.

From this, we can see that where a relative of the offender was identified on a prioritised list, in 95% of cases they were within the top 30 names.

While it is important to stress that it can never be said that a relative of an offender will not be found outside of the top 30 prioritised nominals³, there is, in the opinion of the authors, good evidence to support the advice to investigators that in order to optimise the investigative value of a familial search, research and resources should be concentrated on the top 30 names of both the parent/child list and the sibling list.

5. Y STR Profiling and the Position Post the Protection of Freedoms Act 2012 (PoFA)

The use of Y STR profiling has been a significant factor in investigations being able to manage the workload of progressing and eliminating individuals identified within a familial DNA search results list when trying to establish whether they are a relative of the unknown offender. The Y STR process utilised the second swab or 'B scrape' which is taken when a person is DNA swabbed in the custody office. These swabs have, until recently, been retained by the forensic supplier who processed the DNA profiling and were accessible for Y STR profiling once authority was obtained from the DNA Strategy Board. By this route investigations have been able to very efficiently and covertly eliminate many of the people contained within the results lists as potential relatives of the offender using the theory described in italics at Section 1 above.

³ The three individuals who were related to the offender and were outside of the top 30 on the prioritised list were actually outside of the top 60 and in one case outside the top 100.

Even more importantly, where the Y STR profile of the person on the list matches that of the target profile, the technique has led to the identification of verifiable relatives of the offender and thereby led to the identity of the perpetrator.

The use of Y STR profiling within a familial search strategy has therefore led directly to the detection of many murders, rapes and serious sexual assaults with all the associated benefits including the prevention of further offending and victim satisfaction that their attacker has been brought to justice.

The introduction of The Protection of Freedoms Act, which removed access to the B scrapes, has made the use of Y STR profiling more problematic and far less efficient than was previously the case. However, **the use of Y STR profiling is still possible**. Investigators will need to visit the persons within the familial search results lists and re-swab them.

6. Cold Cases and Live Cases

It has long been considered by the authors of this paper that familial DNA searching has a greater chance of success on cold cases rather than live cases because, with the passage of time, there is more opportunity for a relative of the offender to have been loaded onto the NDNAD. In fact, it is probably more accurate to say that whether it is a live case or a cold case, **if you think your offender is now over 40, familial DNA searching is more likely to succeed because there is a greater chance of the offender having had children who may have gone on to commit a crime and had their DNA profile loaded onto the NDNAD.**

The research findings do indeed show that cold cases account for a significant proportion of the familial DNA searches to have been conducted to date and, as a result, the successes. The fact that the tactic has been used more during the investigation of cold cases than live cases is because many live cases are solved in a relatively short time by other means, together with the fact that when a cold case with a full DNA profile is reviewed, other lines of enquiry, such as the

swabbing of TIE nominals are often already exhausted and the commissioning of a familial search is a logical investigative option. However, it is important to recognise that there are a number of successes where familial searching was used on a live case and the tactic is undoubtedly viable in both cold and live cases.

Breakdown of successful familial DNA cases as of 1/7/2013:

Table 1. Relatives Found by Case Type

	Cold Case	Live Case	Total
Number of Successful Cases	40	14	54
Number of Relatives Found	46	16	62

Table 2. Parent / Child Relationships by Case Type

	Cold Case	Live Case	Total
Son	21	2	23
Daughter	5	0	5
Father	2	2	4
Aunt	0	1	1
Total Parent / Child	28	5	33

Table 3. Sibling Relationships by Case Type

	Cold Case	Live Case	Total Cases
Brother	9	8	17
Sister	7	3	10
Nephew	2	0	2
Total Siblings	18	11	29

7. New Advice for Investigators

Based upon the research and findings discussed within this paper, it is recommended that the following updated advice is considered by senior investigating officers (SIOs) when utilising a familial DNA search.

A case by case discussion will be required with your forensic service provider and your forensic submissions manager to establish whether there are any potential cost benefits in bulk submissions for Y STR analysis. The below observations are outside of such considerations. A decision to collect 50 or more swabs before submitting en masse will probably negate the requirement to decide which list to start working with.

It is likely that some individuals, although clearly present on the NDNAD, may not have come to police notice for several years and may prove difficult to trace in the initial stages, so any policy decision to collect all the swabs from all the males within the top 30 of both the parent/child and sibling lists before submitting them may not be easily achieved within an acceptable timescale.

If a decision is to be made about whether to start with the parent/child list or the sibling list when utilising familial DNA searching, when we look at **all** the detected cases, the simple breakdown between parent/child and sibling lists shows only a slight leaning towards the parent/child list and demonstrates that both lists have yielded success in fairly even measures. This is not particularly helpful when deciding which list is more likely to contain a relative of the offender.

However, when we look at the breakdown of cold cases and live cases, it can be seen from the tables above that there is a greater percentage of success with **cold cases from the parent child** list and a slightly greater success rate in **live cases from the sibling** list. This is unsurprising given the earlier observation about the increased opportunity for the children of the offender to be loaded onto the NDNAD if the offender is over 40, and is something for

investigators to consider when deciding whether to start by researching the top 30 from the sibling list or the top 30 from the parent/child list.

Previously, because it was possible to pursue the males on the lists in a very efficient and covert manner by using the B scrapes, it was often the case that the males of interest were researched first followed by the females if there was no positive result from the Y STR submissions.

It is important to note that females, although represented in fewer numbers, once they appear within the top 30 of a prioritised list are equally as likely to be related to the offender as males. A typical 'top 30' list will contain six or seven females and 23 or 24 males. These proportions reflect the demographics of the NDNAD. Considering that we now have to visit the males and re-swab them as well as draw up a family tree, **it is advised that both males and females are traced in their ranked order**, allowing where appropriate, an early assessment of the family trees of the females within the list rather than leaving them until last, as may have been the case previously.

From the research data gathered, it can be seen that over 50% of the identified relatives of offenders were actually within the top ten of a list prioritised by the addition of geography and age to the original genetic based lists. This is true of both the parent/child and the sibling lists. This suggests that a sensible strategy would be to pursue the top ten from one list, followed by the top ten from the other list, then numbers ten to twenty and so on, rather than pursue the full top 30 from one list before moving on to the next. These decisions will be case specific dependant on the believed age of the suspect and whether it is a cold case or a current case.

There is no doubt that the need to locate and re-swab individuals requires additional resources and staff at a time when force budgets are reducing, but this updated information and advice to investigators provides the necessary rationale and evidence for SIOs to set an investigative policy which keeps work within a manageable level by targeting only those individuals who are **most likely** to be a relative of the offender.

8. Methodology for the Continued use of Familial DNA Searching Post PoFA

This final section provides a viable and logical process for investigators to follow when pursuing a familial DNA search strategy. This series of chronological steps builds upon the existing guidance⁴ which should be referred to for more detail when required. This updated advice takes into account the results of the research and the current legal position:

1. Familial DNA Search conducted by your forensic service provider;
2. Analysis of the raw, unprioritised national list to identify any **obvious** candidates for being a relative of the offender, for example persons who were swabbed local to the crime scene and are very high on the list;
3. Prioritisation of the lists by NCA Crime Operations Support/Serious Crime Analysis Section (the NCA Specialist Operations Centre (SOC) number is 0845 000 5463);
4. Policy decision made on whether to start with the parent/child list or the sibling list using the research which shows greater success with **cold cases from the parent child** list and a slightly greater success rate in **live cases from the sibling** list. A further consideration at this stage is to pursue the top ten from one list, followed by the top ten from the other list, then numbers ten to twenty and so on, rather than pursue the full top 30 from one list before moving on to the next;
5. Locate and visit the individuals within the top 30 of the prioritised lists in accordance with the policy decision made at 4 above. Males and females should now be visited in ranked order and a family tree obtained. Males should be consensually re-swabbed to allow submission for Y STR comparison with the crime scene Y STR profile;
6. Submit the male swabs for Y STR comparison with the crime scene profile.
7. Research any positive Y STR male matches and all females within the top 30 using both the family tree provided by the individual and enquiries with the General Register Office (GRO) of births, deaths and marriages. Experience has shown that such research is not infallible and a

⁴ NPIA (2011) Using Familial DNA Intelligence Products in Serious Crime – Tactical Advice.

comparison may reveal either gaps in the information provided by the GRO or relatives missed off the family tree by the individual concerned.

8. Swab potential offenders identified from the research at 7 above who require elimination.

9. Conclusion

Post implementation of the Protection of Freedoms Act 2012, familial DNA searching remains a viable tactical option. Furthermore, the updated advice contained within this paper, which is evidence based, provides SIOs with the necessary rationale for setting policy around researching no more than 30 individuals per results list. This not only ensures the use of the tactic targets only those who are most likely to be related to an unidentified offender, but also, for the first time, provides a clear framework for quantifying the maximum investigative and financial resources required to pursue a familial DNA search as a line of investigation.

Update on the National Crime Agency (NCA) Organised Crime Command Crime Operational Support

As of 7 October 2013, the Crime Operational Support Team moved to the National Crime Agency, having formerly been part of the NPIA and more recently SOCA (Serious Organised Crime Agency), and now sits within the Organised Crime Command. The transition was relatively seamless and the team remained unchanged in terms of its role, standard operating procedures, budget and staffing levels. They were deemed to have come from what was termed a 'precursor agency' into the NCA and have joined others who most will recognise as also once having been part of the NPIA, such as the Specialist Operations Centre, Serious Crime Analysis Section, the UK National Missing Person's Bureau and the National Injuries Database.

The unit's role has remained exactly the same, i.e. to support serious and complex crime investigation in the UK (including Scotland and Northern Ireland). They retained a dedicated team of four Regional SIO Advisers, supported by CISOs (Crime Investigative Support Officers) who deploy to assist SIO/IOs and their enquiry teams with strategic/tactical advice and good practice. The team also comprises of full-time specialist national advisers in areas such as:

- search,
- forensic,
- family liaison,
- investigative interviewing,
- behavioural investigative profiling and scene assessment,
- clinical psychology,
- geographic profiling,
- National Injuries Database.

All of the above can be utilised and deployed free of charge to provide expert assistance to investigations. Over the past 12 months they have once more continued to provide a high level of support to numerous serious crime cases and between them performed duties that contained a substantial and varied workload.

However, the NCA is a different home for them from what was the NPJA. The NCA aims to have a more open and operational remit and promotes a new slogan of 'leading the UK's fight to cut serious and organised crime'. The NCA has fully embraced the 4 x Ps philosophy which is also linked to the Government's Contest (counter terrorism) strategy of Prepare, Prevent, Pursue and Protect. The term 'serious crime' now appears within an organisational structure that incorporates cyber, organised and economic crime commands, investigations and organised crime sections, border policing and the Child Exploitation and Online Protection (CEOP) Centre. Therefore there are many other functions, useful resources and assets within the NCA that can be linked into and with this in mind the Crime Operational Support team are anticipating moving into new areas of support while still providing a consistently high standard of commitment and support to major crime investigation.

Overall the service provision from Crime Operational Support remains unchanged and is in fact improving by keeping pace with new challenges that form part of 21st century investigation requirements; particularly for SIOs and major enquiry teams. This is also mirrored in the College of Policing's new PIP 3 training and accreditation streams being rolled out to SIOs, such as the new foundation course and optional module covering organised crime investigation. They remain an excellent resource for SIOs and crime investigators and should be an early consideration to be called upon to provide extremely valuable assistance, specialist assets and advice, particularly in hard-to-detect and complex crimes.

The contact method for the NCA Crime Operational Support team is still via the Specialist Operations Centre on the usual national number of **0845 000 5463**, and on email as listed below:

Regional Advisor	East and Northern Ireland	tony.cook@nca.x.gsi.gov.uk
Regional Advisor	South	paul.williamson@nca.x.gsi.gov.uk
Regional Advisor	West	paul.kemp@nca.x.gsi.gov.uk
Regional Advisor	North and Scotland	george.barr@nca.x.gsi.gov.uk

International Investigations: Current Challenges to British Policing

Neville Blackwood MSc, College of Policing International Police Investigations Subject Matter Expert, International Law Enforcement Adviser to 'Missing Abroad' and former Detective Superintendent Police Adviser to the Foreign & Commonwealth Office.

Abstract

The effects of globalisation means that not only do we play, study, work and retire abroad we fight, steal, go missing and get murdered abroad. British policing quite rightly has an excellent reputation worldwide and this home-grown expertise is often sought to support international investigations in many far distant countries with different languages, cultures, politics and judicial processes. Adding to the British police workload are the many foreign nationals who are victims of serious crime in the UK. Such major crime investigations can seriously stretch resources and test the skills and knowledge of a Senior Investigating Officer's, as well as their ability to navigate their way around international protocols, systems and legal processes.

By examining selected areas of British police involvement in serious international cases, such as, homicide, kidnap, forced marriage and child abduction, as well as looking at the power of closer partnership working, this article argues that there are compelling reasons to establish a dedicated team to deliver more efficient and effective investigative support in this very challenging environment.

Contents

1. Introduction	41
2. Homicide	42
3. Kidnap	44
4. Forced Marriage	46
5. Child Abduction	48
6. Effective Collaboration	48
7. Conclusion	52

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1. Introduction

More and more the UK police are taking to the air to investigate serious crimes committed against British nationals abroad or by foreign nationals in this country. This may be to take statements from key witnesses based overseas, to actually investigate crimes in support of other countries or to prosecute here.

Each year of the last four, around 70,000 foreign nationals were arrested in London alone¹. Many of the offences were very serious and will have required extensive research by the Metropolitan Police about the suspect in their home country, particularly around intelligence relating to their offending behaviour there or criminal convictions held on record.

In the reporting year of 2011/12 there were 292 recorded arrests or surrenders of UK people in other European Union countries as a result of European Arrest Warrants (EAW) issued in the UK. There were 2,470 foreign nationals dealt with under EAWs within the UK over the same period². Each of these will have engaged British police officers in research, application, execution or processing.

Adding to the British police workload are the many foreign nationals who are victims of serious crime here, which can range from murder, manslaughter, kidnap and human trafficking. Major crime investigations in the UK involving foreign nationals can seriously stretch resources and test the skills and knowledge of an enquiry team's ability to navigate their way around international protocols, systems and legal processes. Managing investigations involving British nationals getting into difficulty overseas can be even more complex.

The effects of globalisation demand more sophisticated law enforcement approaches to crime prevention, investigation and prosecution as not only do we

¹ http://www.met.police.uk/foi/pdfs/disclosure_2013/feb_2013/2013010000160.pdf

² <https://www.gov.uk/government/speeches/european-arrest-warrant-data--2>

play, study, work and retire abroad we fight, steal, go missing and get murdered abroad. Foreign & Commonwealth Office statistics for 2012/13 show that: 310 Britons were sexually assaulted, 710 went missing, 5,435 were arrested and 6,193 died³.

By examining selected areas of British police involvement in serious international cases such as homicide, kidnap, forced marriage and child abduction, as well as looking at the power of closer partnership working, this article argues that there are compelling reasons to establish a dedicated team to deliver more efficient and effective investigative support in this very challenging environment.

2. Homicide

Usually, sovereignty and territorial integrity means that murders of British nationals committed abroad can only be prosecuted in the country where the act occurred. However, legislation dating back to 1861 (Section 9 Offences Against the Person Act)⁴ allows such murders to be prosecuted in England.

For example, in 2009 Allen Heard was convicted at Birmingham Crown Court and sentenced to life imprisonment for strangling his wife Patricia after a heated argument and burying her body in a shallow grave near their house in Spain.

Cases involving a conspiracy to commit murder in the UK but, where the act takes place abroad, have also led to convictions here. In 2007 the husband and mother-in-law of Surjit Athwal, a customs officer at Heathrow Airport, were found guilty of conspiring to have her killed when she visited India. They were given life sentences. Surjit's body was never found.

More complex cases where UK police support has been given to murders abroad include the killing of South Wales couple Ben and Catherine Mullany whilst they

³ <https://www.gov.uk/government/publications/british-behaviour-abroad-report-2013>

⁴ <http://www.legislation.gov.uk/ukpga/Vict/24-25/100>

were honeymooning in a five star hotel in Antigua. They were both shot during a robbery and in 2011 two Antiguan men were convicted of their murder. This was after a long and challenging enquiry during which the Metropolitan and South Wales Police provided invaluable tactical and technical support to the Antiguanans. This was at a significant cost to the British taxpayer and was initiated by a direct request from the Antiguan government for assistance.

To complicate matters, because Antigua has the death penalty for murder, before UK officers could set foot on soil there the British government had to receive assurances from the Antiguan government that the death penalty would not be enacted in this case.

Of course this begs the question: should the UK police, with the wealth of expertise and resources it is quite rightly hugely respected for around the world, get involved in such cases when large amounts of treasury money is expended? Furthermore, if they did in this instance why not for many others in the developing world where countries would gladly receive any support available?

Pakistan, Thailand and the Philippines regularly feature as countries where most British nationals are murdered abroad. Families have often requested UK police involvement in supporting investigations in these countries as they complain of poor investigative standards, lack of resources or even corruption as major inhibitors towards effective prosecutions. However, unless specifically invited to assist and on a full cost recovery basis, the UK is unlikely to get involved beyond a diplomatic consular level – effectively keeping families updated on the progress of enquiries (or lack of!).

Such issues are more easily dealt with in the EU where the legislative framework for such cooperation already exists. For example, in September 2013 British national Saad al-Hilli was shot dead together with his wife, mother-in-law and a French cyclist in Annecy, France.

Soon after the French commenced their investigation they forged a strong working relationship with Surrey Police through a formalised 'Joint Investigation Team' which effectively gives French and UK police executive and coercive

powers whilst operating in each other's country. The legal basis for this comes under Article 13 of the 2000 EU Convention on Mutual Legal Assistance in Criminal Matters and subsequently incorporated into the EU Framework Decision of 2002⁵. It allows for a much more effective sharing of intelligence and swifter completion of formalised requests to gather evidence. It is seen by many experts in the area of international policing as a formidable part of the police armoury, particularly when tackling human trafficking and drug smuggling.

However, there is a debate currently going on within Parliament about the possible opting out of 133 EU law and order measures including Joint Investigation Teams, European Arrest Warrants and even the UK membership of Europol⁶. Although the plan will be to opt back in to the measures which more suit the UK, the risk is that the other EU states will not agree to the cherry picking exercise and we could lose some long fought for pan-European crime tackling assets.

3. Kidnap

A highly sensitive area of international cooperation is the criminal or terrorist kidnap of British nationals abroad. There is a significant difference between the two types as the government response can vary dramatically. Criminal kidnap is effectively the 'taking away' of another against their will, more often than not for financial reward. Terrorist kidnap is where the motive is more political: change of government policy, release of prisoners or payment of a ransom which inevitably funds further terrorist activity.

In the former, the British government is likely to support the country where the kidnap has taken place if requested but will play more of a passive role. In the latter, the role will be very proactive and the Cabinet Office Briefing Rooms (COBR) will likely be convened for the duration of the incident. COBR will be

⁵ <https://www.europol.europa.eu/content/page/joint-investigation-teams-989>

⁶ <http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/130723-0003.htm>

chaired by a Minister and a range of options will be developed, possibly including the deployment of British Special Forces to rescue the hostage or hostages.

In the case of Paul and Rachel Chandler who were kidnapped by Somali pirates off the coast of the Seychelles in 2009, the government had full responsibility for the investigation as Somali, being a 'failed state', had no democratic government or effective rule of law. Even their yacht was returned to the UK for forensic examination. As it turned out they were both released in 2011 after relatives paid a ransom.

The fear in all kidnaps in Somalia is that the perpetrators may be linked to the terrorist group Al Shabaab who may have the hostage passed on to them for political ends, or at least receive some of any ransom paid. The British government will not pay a ransom but sometimes families or insurance companies do. The robust position held by the British government is held as it is strongly believed that capitulating to demands weakens the negotiation position in future cases, can encourage more kidnaps and provides funding for other terrorist crimes. It is driven by a respect for the right to life as the hope is that the current hostage can be released safely through negotiation or tactical action and further incidents discouraged.

This can get complicated when other countries do not hold a similar position. There have been some instances where nationals of countries which do pay ransoms are held at the same time as British nationals, thus creating a diplomatic minefield during the negotiations. In cases of international kidnap, the British government's tactics will be diplomatic support or tactical assistance which could include specialist resources.

An example of where high levels of technical expertise in relation to kidnap and extortion demands had to be deployed quickly in cooperation with another jurisdiction is provided by the 2010 case of a young British boy with a Pakistani heritage called Sahil Saheed who was kidnapped whilst on a family visit to Jhelum in Pakistan.

This was a classic criminal kidnap by an organised crime group intent on purely financial gain. The standard position of respecting sovereignty and territorial integrity held good in this case until the boy's father was instructed by the kidnappers to prepare a ransom and return to Manchester to await further instructions. This immediately brought the British law enforcement agencies into play and adding to global complexity was the fact that the world's media were reporting on it. Pressure was being exerted from all angles for a quick and successful resolution to this high profile 'life at risk' international criminal investigation.

Time differences, language difficulties, varying judicial processes and standards of investigation were fast time challenges to this enquiry, not least of which being who was in charge: Pakistan or the UK? Other countries soon got involved. The ransom money was transferred to members of the international gang in Paris who were eventually arrested in Spain where the money was recovered after the boy had been released in Pakistan safe and well.

International cooperation was put fully to the test and it is without doubt the first class efforts, specialist skills and existing networked global law enforcement contacts that enabled the British police and the Serious Organised Crime Agency (now the National Crime Agency) to coordinate the other police responses across four countries towards such a successful conclusion. Without the specialist skills and scientific capability of the British police it would have been unlikely that such a successful outcome would have been achieved. This is yet another illustration of the importance of the British police's global footprint and willingness to support less developed countries where our citizens get into extreme difficulty.

4. Forced Marriage

A particularly high maintenance area for British policing involving British nationals overseas are cases of forced marriage where one or both people do not consent to the marriage and pressure or abuse is used. Between January and December 2012 the dedicated Forced Marriage Unit within the Consular Section

of the Foreign Office recorded 1,485 such cases in 60 different countries with the main proportion being in Pakistan (47%), Bangladesh (11%) and India (8%)⁷.

The pressure that can be put on victims to marry against their will can involve physical threats and violence or emotional and psychological pressure where they may be made to feel like they are bringing shame on their family.

It is likely that legislation will be passed soon to make forced marriage a criminal offence which will increase the work for British police who are currently managing such cases through the Forced Marriage (Civil Protection) Act 2007 and via Forced Marriage Protection Orders⁸. The extra work will include obtaining witness statements from countries many thousands of miles away and combining these with evidence accumulated locally to satisfy the high standard of 'beyond reasonable doubt' in the UK courts.

Often victims are married with the full consent of their parents and it is only through friends or other family members that the true situation is reported to UK police who receive allegations of kidnap and effectively repetitive rape in other countries of British citizens. The British police are at a disadvantage because, again, sovereignty of the other countries must be respected and it is only through the diplomatic efforts of consular staff that can facilitate the 'rescue' of the victims.

This can cause many local UK police officers some concern as they are effectively relying on the international diplomacy of the Foreign Office to progress their civil investigation and when a victim is returned he or she may well be at risk from their own family and will be given specialist protection.

⁷https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/141823/Stats_2012.pdf

⁸ <http://www.legislation.gov.uk/ukpga/2007/20/contents>

5. Child Abduction

Parental child abduction is a growing problem too for the Foreign Office. It was involved in 272 cases in 2003/4 but 580 in 2012/13⁹. British police sometimes get engaged as under Section 1 of the Child Abduction Act 1984¹⁰ it is an offence for a person “connected” to a child under 16yrs if he or she takes the child out of the UK “without the appropriate consent”. An investigation in these circumstances can quickly become highly sensitive and very complicated with the need to utilise Interpol channels and issuing of European Arrest Warrants and legal argument over ‘appropriate consent’.

Assisting police to secure the return of the child is the 1980 Hague Convention on the Civil Aspects of International Child Abduction¹¹. This is a multi-lateral international treaty aiming to return the child to where he or she “normally lives” so that issues of residence (which parent a child should live with), relocation (which country a child should live in) and contact (access) can be decided by the courts of that country. However, key countries where children are removed to (Pakistan, Thailand, India and Japan) have not signed up to this treaty making many cases very long, intractable and even more traumatic for the families involved.

6. Effective Collaboration

Closer international police collaboration and cooperation is essential to tackle some of the global challenges where not only organised crime groups respect no borders, neither do those who kill whether motivated by money, jealousy, hatred or lust. In death cases it is not simply the police who may get involved it will

⁹ <https://www.gov.uk/government/news/new-fco-figures-show-parental-child-abduction-cases-on-the-rise>

¹⁰ <http://www.legislation.gov.uk/ukpga/1984/37/section/1>

¹¹ http://www.hcch.net/index_en.php?act=conventions.text&cid=24

also likely include the Foreign Office, Coroner, Victim Support Homicide Service and various support groups.

UK families and police often share common challenges in that there will be unfamiliar language, investigative and judicial processes, culture, religion and politics on top of long distances and time differences to contend with. Standards of investigation around the world also vary greatly, with some countries having no access to computers, DNA or fingerprinting assets.

Working effectively with partners both across law enforcement agencies and peer support groups is vital to managing expectations as well as utilising resources efficiently. Often UK police officers spend considerable time liaising with families of those bereaved overseas with the best of intentions: victim focus, family support and the pursuit of justice.

However, if those police officers are insufficiently aware of their international legal powers they could be setting family expectations as to what the UK can do far too high, adding to their trauma and possibly dissatisfaction with how the death of a loved one is being investigated. This can lead to a 'critical incident' scenario where trust and confidence in the policing response is undermined and the negative fallout radiating from the personal experience to the local community and in some cases to the national/international level through the media.

Often the critical media headlines relate to the perceived poor quality of investigation overseas but the public in the UK could see this as the police generally and the British government being unhelpful when in fact it is simply not legally possible for further involvement.

An examination of the agencies and support groups currently engaged in murders of British nationals abroad illustrates how, through holistic collaboration, families of victims are better served and international cooperation enhanced. It develops the argument that a dedicated team of investigators linked directly with other key organisations can make a real and positive difference to the management of future incidents.

When a British national is murdered abroad the Foreign Office consular section provides assistance to the bereaved family which could include making arrangements for the body to be repatriated and updating them on the progress of the foreign police investigation.

As a result of a Court of Appeal ruling in 1982 in relation to the death of nurse Helen Smith in Saudi Arabia in 1979, when she fell from a hotel balcony, a duty was imposed upon Coroners of England and Wales to inquire into any deaths abroad which were violent or unnatural and where the body was repatriated. The Coroner for the area the body is taken to will hold an inquest investigating the cause and circumstances of the death.

The Coroner may request the local police to support this enquiry, in which case they would appoint a Senior Investigating Officer and Family Liaison Officers. The Coroner does not have a role as a prosecutor and the police are conducting an investigation only for the Coroner and not the country in question. If the body does not get repatriated there will be no inquest in the UK.

Practical and emotional support to the family can be provided by the Homicide Service, which is managed by the national charity Victim Support and funded by the Ministry of Justice. They will appoint a dedicated caseworker who can assist in funeral arrangements, counselling, translation and interpreting, legal advice, travel and repatriation.

In 2000 Lucie Blackman aged 21 years went missing in Japan and immediately her family confronted typical challenges including basic language barriers through to confused and mixed messages from the Foreign Office, British police and the Japanese authorities. Frustration and confusion built upon the trauma when sadly Lucie's body was found. Her killer was eventually convicted. Born out of this tragedy was a charity simply known as 'Missing Abroad'¹².

It deals not only with missing people but also homicide and was designed to fill the gaps in family support around such cases and understand where police help

¹² <http://www.missingabroad.org/>

ends and why. It highlights the strength through experience of third-sector capabilities: if a person is reported missing, primed support kicks-in with circulation around social media, translation or introduction to the right agency or partners.

The charity is a small team punching way beyond its weight mainly because of the dedication of the individuals involved coupled with their expertise across all aspects of this often complex and highly sensitive area. Their offices are fitted with state of the art video link facilities where families can conduct media appeals, provide court statements and communicate directly with key individuals worldwide.

There is clearly a robust network of partners who can support families who have been bereaved through murder or manslaughter overseas. The challenge is for there to be a consistent approach and not, what can be perceived by some families as a postcode lottery, particularly around the varied responses by the many individual police forces around the UK.

The Foreign Office, Coroners and police have signed up to a memorandum of understanding which helps clarify the collective response to the murder or manslaughter of a British national overseas¹³. It ensures a minimum standard of assistance and sets out roles and responsibilities. Furthermore the Foreign Office have a senior police officer seconded to the Consular Directorate who acts as a gateway to UK law enforcement helping to form and consolidate effective working relationships¹⁴. From the police perspective, this has also been supplemented with specific and regular training around international investigations delivered to Senior Investigating Officers via the College of Policing¹⁵.

¹³https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/141958/mou-fco-acpo-coroners.pdf

¹⁴ Foreign Office Detective Superintendent Police Adviser can be contacted on 020 7008 8734

¹⁵ Subject Matter Expert: Neville Blackwood can be contacted on 07557 962702

7. Conclusion

The many examples of international crime investigations given above have more often than not engaged investigators across the UK way out of their comfort zone initially. They are highly trained in dealing with domestic cases but this knowledge cannot simply be adapted to investigations within a foreign framework.

Across the country SIOs will engage in an investigation involving a significant international dimension and they will eventually work out the most effective way of dealing with many of the challenges. However, this process can be very time consuming, resource intensive and on occasions lead down a blind alley. The learning from individual SIOs in these situations is not currently harvested for the collective corporate good of locally affected Forces let alone at a national level. Thus officers have to learn on each case unaware of best practice identified by colleagues elsewhere.

In general terms the process of gathering evidence from abroad for example, via an International Letter of Request or seeking the extradition of a suspect through a European Arrest Warrant, is relatively straightforward. But some investigators believe they do not require a formal International Letter of Request if a Section 9 witness statement is taken at a British Embassy as they mistakenly assume it is 'British soil' - it is not and an ILOR is required. Some investigators believe the execution of an EAW by another EU Member State at the home of a suspect wanted for murder in the UK will automatically result in a detailed search of the address - it will not and vital evidential opportunities could be missed. With a dedicated team of experts these and many more key investigative avenues would be more effectively managed as those involved would have a more comprehensive understanding of the international landscape with all the possible options as well as the probable restrictions.

The benefit of having such a team is as much about knowing what to do when there is an active UK investigation as it is about knowing when not to take action. This is because such action may not be within the remit of the

investigation, not in accordance with local or international law or simply not the responsibility of the UK.

Investigators can spend a considerable amount of time trying to navigate their way around the global minefield to identify the most effective way forward or, in worse case scenarios, assume a course of action which is actually contrary to law. For example, instances have occurred where foreign nationals resident in the UK have been arrested on suspicion of murder overseas when there has never been an international arrest warrant issued and suspects have been removed from countries to face trial in the UK when we have no extradition treaty with them – all potentially breaches of the law that could prove fatal to prosecutions.

Within the world of international investigations generally there are so many twists and turns that often the biggest challenge is understanding the fundamental differences between foreign and domestic practice.

We have to tread carefully in so many instances. Blasphemy is a death sentence offence in Pakistan, homosexuality is a criminal offence in Uganda, children who are sexually abused in some Arab states can be criminally responsible for their own abuse and a British national called Akmail Shaikh was executed for trafficking heroin into China in 2009.

Most of Europe has adopted the 'inquisitorial' legal system where the inquiry into the facts is conducted by the judge who also examines the evidence and interrogates witnesses. In the UK we follow the 'accusatorial' system where the judge acts as an impartial umpire with prosecution and defence each putting their case before leaving a jury to decide on guilt or otherwise. Within the inquisitorial system prosecutors will regularly perform the role of SIO directing investigative strategy, authorising surveillance and even interviewing suspects. Appreciating this is crucial to effective collaboration but how many UK investigators know about this major investigative difference between our European partners let alone those much further afield?

All of the above provides a strong argument for setting up a dedicated team of investigators based in the UK but with specialist skills and knowledge to deploy anywhere in the world if necessary or at least be an expert team to advise on the best way to deal with international cases.

In this time of austerity on a day-to-day basis UK police are so focussed on their local demands they are reluctant to engage in cases triggered by a death overseas. They certainly do not have the in-house expertise to immediately pick up on all the complexities and minefields out there and they risk losing public confidence if it is not managed in a more sophisticated and innovative way.

Maybe it is time for the government to consider investing in a team capable of managing international cases in such a way that support that really can make a positive difference is delivered and which is consistent, both within the international legal frameworks, but also to victims and their families.

This would prove value for money as highly informed decisions will be made by experts from across the relevant agencies: police, Crown Prosecution Service, Foreign Office and supporting civilian partners. Families would have their expectations managed by a clear and realistic outline of what can or cannot be done and the police will not risk getting sucked into protracted investigations when they really have no role to play. The bottom line will be that where UK police should and can be involved, they will touch the ground running and achieve more effective results.

Domestic Homicide Reviews

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Abstract

This article hopes to give the reader an understanding of the processes relating to the conduct of multi-agency Domestic Homicide Reviews and practical advice on some of the challenges that reviewers may face.

Martyn is the head of the South Wales Police Review Unit. He is an accredited Senior Investigating Officer, NPIA Peer and a retired Detective Superintendent who was Head of the Major Investigation Team. In his current role he undertakes reviews of live undetected murders / serious crimes, domestic homicides, long term missing persons and serious case reviews.

The contents of this paper are based upon the National Guidance and Martyn's experience of implementing the guidance and policy whilst conducting Domestic Homicide Reviews.

Contents

1. Introduction	57
2. Commencing the Review	59
3. The Review Chair and Panel	60
4. Selecting the Internal Management Review Author	61
5. Terms of Reference	62
6. Methodology	63
7. Structure of the IMR	66
8. Overview Report and the Role of the CSP Chair	68
9. Media	70
10. Learning the Lessons Locally	70
11. Learning the Lessons Nationally	73
12. Conclusions	77

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1. Introduction

The benefit of conducting independent reviews of homicide investigations was first identified in 1981 by Sir Lawrence BYFORD who had been tasked to examine the Police investigation relating to the 'Yorkshire Ripper' murder inquiry.

Home Office Circular 114/82 followed the publication of the 'Byford Report' and in 1989 the Association of Chief Police Officers (ACPO) produced guidance as to when and how reviews should be conducted.

Historically not many forces conducted reviews of detected homicides opting instead for 'debriefs' to identify best practice and lessons learnt. Domestic related homicides were rarely reviewed.

During 2011 / 2012 a total of 540 murders were committed in England and Wales, of these 176 (32%) were deemed to be 'domestic' homicides. In the past, limited research was undertaken to establish if lessons could be learnt from why these deaths occurred, if they could have been prevented and if current multi-agency working practices were effective.

For almost a decade 'Working Together' legislated that, in certain circumstances, multi-agency reviews would be conducted when a child dies or is seriously injured or sexually abused. These reviews were conducted solely to learn lessons and not to apportion blame. It was not until 13th April 2011, when Section 9 of the Domestic Violence, Crime and Victims Act 2004 became law, that multi-agency Domestic Homicide Reviews (DHR) were placed on a statutory footing.

In 2011 the Home Office published 'Multi-Agency Statutory Guidance for the Conduct of Domestic Homicide Reviews¹.' It was revised in June 2013.

¹ The guidance can be found at: <https://www.gov.uk/government/publications/reviced-statutory-guidance-for-the-conduct-of-domestic-homicide-reviews>.

A DHR is recognised as:

A review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by:

- A person to whom he / she was related or with whom he / she was or had been in an intimate personal relationship; or
- A member of the same household as himself / herself.

Where the above criteria are met a DHR **must** be undertaken.

The focus of a DHR differs significantly from that of a review of an undetected homicide. The multi-agency review is not meant to examine how the deceased died or who is culpable. Its purpose is to examine precursor incidents and establish what impact, if any, they had on the death, with a view to:

- establish what lessons are to be learnt from the Domestic Homicide regarding the way in which local professionals and organisations work individually and together to safeguard victims;
- identify clearly what those lessons are, both within and between agencies, how and within what time scales they will be acted upon, and what is expected to change as a result;
- apply these lessons to service responses including changes to policies and procedures as appropriate; and
- prevent domestic violence and abuse by improving service responses for all domestic violence and abuse victims and their children through improved intra and inter-agency working.

In March 2013 a new definition for domestic violence and abuse was published viz:

"Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 years or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- *psychological*
- *physical*
- *sexual*
- *financial*
- *emotional*

2. Commencing the Review

When a Domestic Homicide occurs the police should inform the relevant Community Safety Partnership Chair (CSP), in writing, of the incident. The letter to the CSP Chair should include the name / address / date of birth of both the victim(s) and the perpetrator(s) and contain sufficient information for the Chair to make an informed decision as to whether or not a DHR should be conducted. If Police databases indicate the involvement of other agencies, their details should be included.

The Chair of the CSP should decide, within one month of receiving the written notification, whether or not a DHR should be commissioned. Confirmation of their decision must be sent in writing to the Home Office at: DHRENQUIRIES@homeoffice.gsi.gov.uk The victim's family should also be informed, in writing, at the same time of the decision.

If the victim of a Domestic Homicide is aged between 16 and 18 years consideration should be given to how the Serious Case Review (SCR) and DHR can be managed in parallel in the most effective way and if some aspects of the Review can be commissioned jointly to avoid duplication of work. The SCR should be progressed through the Local Safeguarding Children's Board (LSCB).

If there are other investigations or processes (Criminal, Mental Health, SCR) ongoing, consideration should be given to decide whether or not a jointly commissioned review would be more effective.

3. The Review Chair and Panel

Chair:

The CSP Chair should appoint the Review Panel Chair.

The Review Panel Chair should be independent and not directly associated with any of the agencies tasked to complete reviews. Their role is to identify which 'agencies' will be required to complete an Internal Management Review (IMR), manage and co-ordinate the review process, draw up 'Terms of Reference' and produce the final Overview Report². They should have the following knowledge / skills:

- Relevant knowledge of Domestic Violence (D/V) issues / Honour Based Violence (HBV) guidance / legislation relating to adults / children and Equality Act 2010.
- An understanding of role / context of main agencies and discipline regimes.
- Managerial expertise.
- Strategic vision
- Good investigative, interviewing and communication skills.
- The completion of the e-learning training packages on Domestic Homicide Reviews and producing an overview report.
- Attendance at the DHR Chair's training events run by the Home Office.

Panel:

The Panel should consist of the appointed Chair and representatives from the various agencies tasked to complete IMRs. Agencies can include: Chief Officers of Police for police areas in England and Wales, Local authorities, providers of Probation Services, Strategic Health Authorities, Primary Care Trusts, Local Health Boards, NHS Trusts and others such as Housing, Prisons as well as non-statutory organisations, such as, Women's Aid and Black and Asian Women's Support.

² The Review Panel Chair may also be the author of the Overview Report.

The Crown Prosecution Service (CPS) will not normally be part of the panel but may be called upon to submit an IMR.

The Panel can be fixed or bespoke and **must** include representatives from the voluntary and community sector, Independent Domestic Violence Advisors (IDVA) and Specialist Domestic Violence Services.

Its membership may include those who also have the responsibility to complete their agency IMR.

The panel member's role is to:

- Confirm or comment upon the terms of reference as required including time period to be reviewed;
- Act as a link to their respective agency to facilitate the work of the Panel and keep their agency informed of issues arising from the review in line with their organisational reporting arrangements;
- To present their agency IMR and initial analysis to the Panel;
- Offer professional expertise and if necessary, challenge the practice identified in other IMRs and agency analysis.

The Review Panel should recognise that the quality and accuracy of the Review is likely to be significantly enhanced by family, friends and community involvement. When considering whether to interview them, the Panel must take into account that any of the people may be potential witnesses or even defendants in a future criminal trial. Prior to doing so the Panel Chair will need to take guidance from the SIO in relation to any ongoing criminal proceedings.

4. Selecting the Internal Management Review Author

The Panel Chair will decide which of the above agencies will be tasked to complete its own IMR and provide a chronology and analysis of their agencies involvement with the victim(s) / deceased(s).

All agencies should provide and share relevant information. If they decide to limit that information they should record why and provide the reason(s) to the Review Panel Chair.

The Police IMR author³ should:

- Have a detailed knowledge of their policy, procedures and working practices.
- Be able to access the relevant information.
- Not be involved, or a line manager of, anyone who was involved with any of the precursor incidents.
- Received training regarding the review process.
- Have an understanding of the Home Office Multi-agency statutory guidance for conducting D/V Reviews.
- Be able to write a report and make specific, measurable, appropriate, realistic and timely (SMART) recommendations.

5. Terms of Reference (TOR)

The TOR should be drawn up by the Review Panel Chair and agreed by the Panel members. They should be clear, bespoke, meaningful and achievable.

They should state which agencies will be required to complete an IMR and identify all persons who will be the subjects of the review together with the time period of events to be reviewed.

The TOR aims should include:

- Examination of agency records to establish a factual chronology of their contact with the victim and / or the perpetrator, including domestic abuse / violence management process relating to the victim and the perpetrator, and any others included within the TOR.

³ The Police IMR author may also be a Panel member.

- Consideration of the level of agency support implemented to manage the risks associated with the victim of domestic abuse / violence.
- Determine whether the Police and other agencies had existing robust policies and procedures in place prior to the homicide and ascertain whether the staff of these agencies adhered to such policies or guidelines in dealing with the case.
- Examine the adequacy of collaboration, communication and information sharing between the Police and all of the agencies involved.

6. Methodology

Section 9, paragraph 84 of the National Guidance states that if a perpetrator is arrested and charged with a domestic homicide, the commissioning of the Overview Report may be placed on hold until the conclusion of the criminal proceedings.

The scope of the DHR may be temporarily restricted until after the outcome of the criminal proceedings, such as, consideration being given to not interviewing people who may be witnesses or defendants in criminal proceedings. However, there may be occasions when the entire Review process will take place alongside the ongoing criminal investigation⁴.

If it is decided to delay the commissioning of the overview report the IMR authors and interested parties should be notified so that records can be secured. The Review Panel should ensure that the records are reviewed and a chronology drawn up to identify any immediate lessons to be learned. These should be brought to the attention of the relevant agency for action, secured for the subsequent Overview Report and forwarded to the Disclosure Officer appointed in the criminal proceedings.

⁴ See 'Statutory Reviews and the Homicide Investigation' article in the Journal of Homicide and Major Incident Investigation, Volume 7, Issue 2 November 2011.

Once the Police have been requested to conduct a DHR, police systems / databases (PNC / PND / Command and Control / Crime Recording / Intelligence) should be interrogated for any Police contact with those mentioned in the TOR.

A chronology of Police contact involving the subjects, which occurred during the relevant time, should be prepared. Each contact should be reviewed especially those relating to:

- Threats
- Violence
- Criminal Damage
- Harassment
- Intimidation
- Behavioural problems
- Drug abuse / misuse
- Alcohol misuse
- Mental Health
- Domestic Incidents
- Concerns from family / friends / neighbours

The following need to be addressed:

- Has the domestic abuse element been correctly identified in previous reports made to Police, and correctly logged on IT systems?
- Were the Police responses / action taken at every stage appropriate?
- Did it comply with force / national policy?
- Is the policy correct or in need of updating?
- Was the correct documentation submitted?
- Was there sufficient information gathered from victim / scene to inform a thorough risk assessment?
- Was the information shared with appropriate agencies according to local agreements, or who should the information have been shared with?
- Were the appropriate background checks conducted on all the subjects involved, including previous relationships?
- Were markers / flags created on Police databases?
- Was a Risk Assessment done within appropriate time scales?

- Was all previous information taken into account when the risk assessment was done?
- Was there any intelligence held on the subjects, was it appraised and acted upon when further intelligence was received?
- Was it a repeat incident? If so, was this identified and the appropriate action taken?
- Was there any escalation in reported incidents, was it identified and acted upon?
- Was there effective frontline supervision of staff?
- Was a domestic abuse record created or updated?
- Were appropriate safeguards put in place to protect victim?
- If applicable, was the case referred to a Multi-Agency Risk Assessment Conference (MARAC)? Was it timely? Did the relevant agencies / members attend? Was an 'Action Plan' produced? Was it effective / adhered to?
- Was a holistic view taken of all the contacts with the subjects or were contacts viewed in isolation of each other?
- Could the Police have done anything better?
- Identify good practise / agency failings.
- Was appropriate action taken to protect victim after charge – i.e. witness intimidation protocol filled in where perpetrator remanded? / Victimless prosecutions considered? Harassment correctly dealt with?
- Are the Police learning from previous reviews?

PND or other databases may identify Police contact in other force areas. Should this be the case then the outside force should review their contact with the subjects and their findings incorporated in the lead force's IMR or in a separate IMR or other document agreed by the Review Panel Chair.

If multi-agency meetings have been held in respect of any of the subjects, the minutes of those meetings should be read to ensure that any tasks or intelligence received by the Police was logged and if necessary, acted upon.

Whilst conducting the IMR the Police author may deem it necessary to interview colleagues, key prosecution witnesses or the deceased / accused family members. Should this be the case then the IMR author should seek the views of

the Senior Investigating Officer (SIO) and obtain advice from the Crown Prosecution Service (CPS).

A written record must be kept of interviews and a copy of the notes must be given to the interviewee. The original notes must be submitted to the Disclosure Officer appointed in the criminal case.

Once completed the Police IMR must be quality assured by an appropriate senior officer who should 'sign off' the document and debrief / give feedback to those involved in the review process. The senior officer is also responsible for ensuring that any internal recommendations made are acted upon.

The Police IMR should be sent via a secure e-mail (or other secure means) to the designated co-ordinator, appointed by the Review Panel Chair.

Once each agency has completed their IMR, copies of all submitted IMRs are usually circulated to panel members for consideration. It is important that the Police IMR author reads each of these reports to ensure that any reference made, to Police is correct. If not it should be challenged.

7. Structure of the IMR

The below is a direct lift from Appendix 2 of the Home Office Multi-Agency Statutory Guidance for the conduct of Domestic Homicide Review. It suggests that all IMRs follow the same format viz:

1. Introduction

Brief factual / contextual summary of the situation leading to the DHR including an outline of the TOR and date for completion:

- *Identification of person subject to review*
- *Date of Birth*
- *Date of death / date of serious injury / offence*

- *Name, job title and contact details of person completing this IMR (include confirmation regarding independence from the line management of the case).*

Victim, perpetrator, family details - if relevant.

<i>Name</i>	<i>Date of Birth</i>	<i>Relationship</i>	<i>Ethnic Origin</i>	<i>Address</i>

Include family tree or genogram if relevant.

2. Terms of Reference

Include agreed TOR.

3. Methodology

Record the methodology used including extent of document review and interviews undertaken.

4. Details of Parallel Reviews / Processes

Discuss and list.

5. Chronology of agency Involvement

What was your Agency's involvement with the victim?

Construct a comprehensive chronology of involvement by your agency over the period of time set out in the review's terms of reference. State when the victim / child / family / perpetrator were seen including antecedent history where relevant.

Identify the details of the professionals from within your agency who were involved with the victim, family, perpetrator and whether they were interviewed or not for the purposes of this IMR.

6. Analysis of Involvement

Consider the events that occurred, the decisions made, and the actions taken or not. Assess practice against guidance and relevant legislation, addressing terms of reference

Consider further analysis in respect of key critical factors, which are not otherwise covered by the sections above.

7. Effective Practice / Lessons Learnt

Discuss and list.

8. Recommendations

Should be focussed on the key findings of the IMR and be specific about the outcome which they are seeking. All the recommendations should be specific, measurable, appropriate, realistic and timely (SMART).

Pages 34 / 35 of the Home Office Multi-Agency Statutory Guidance for the conduct of Domestic Homicide Review gives a practical example of how the 'events' in the Police chronology, should be recorded.

8. Overview Report and Role of CSP Chair

The Overview Report should be completed within six months of being commissioned.

The Review Panel Chair has the responsibility to pull together all the IMRs into one document and draw overall conclusions

The Police IMR author / Review Panel member must ensure that their information is fully and fairly represented in the Overview Report. The findings remain 'restricted' until the final publication of the anonymised report.

Recommendations are recorded as follows.

Recommendation	Scope of Recommendation i.e. local or regional	Action to take	Lead Agency	Key milestones achieved in enacting recommendation	Target date	Date of completion and outcome
What is the overarching recommendation	Should this be enacted at a local or regional level	How exactly is the relevant agency going to make this happen? What actions need to occur	Which agency is responsible for monitoring progress of the actions and ensuring enactment of the recommendation	Have there been key steps that have allowed the recommendation to be enacted	When should the recommendation be completed by	When is the recommendation actually completed? What does the outcome look like?

The CSP Chair should:

- Agree the Overview Report and Executive Summary, ensure it's fully anonymised and make arrangements for feedback and debrief to staff, family members and the media.
- Sign off the Overview Report.
- Provide a copy to the Home Office and gain their clearance to publish.
- Provide a copy of the Overview Report to senior managers of each of the agencies involved.
- Monitor the implementation of the Action Plans.
- Formally conclude the review when the Action Plans have been completed.

Whilst the anonymised Overview Report and Executive Summary are made public the IMRs are not.

9. Media

Each agency should identify a spokesperson who should be fully briefed. The Internal Reviewer should highlight any obvious issues, which could attract media attention, for their agency.

A multi-agency lead spokesperson should be nominated and once the draft Overview Report has been drawn up a media statement should be collectively prepared to ensure consistency. The aim should be for 'one voice' however, if agencies are singled out for specific criticism, they will need to develop an appropriate response.

Individual agencies should not be tempted to comment prior to the publication of the Overview Report, regardless of pressure from the media. That said, contingencies should be put in place in case of leaks and pre-publication media speculation.

Be aware that the media will try to make connections between a review of an historic event with ongoing or current issues

Consider how to "break the news" Website? Press Release? Press Conference?

This will be your chance to get your point across and remember - If you got it wrong, then say so – but concentrate on how issues have been put right.

10. Learning the Lessons - Locally

Between 2009 and March 2013 South Wales Police have conducted a total of 11 Domestic Homicide Reviews both as a single and multi-agency. Based upon SWP policy the generic findings were as follows:

'Domestic' incidents involving verbal altercations only:

- *"Domestic Abuse, Stalking, Harassment (DASH) form should be submitted by officer during their tour of duty"* – generally it was.
- *"There is no requirement to submit a DASH form if NICHE (Command and Control) checks on the address / victim / offender reveal no previous abuse history or intelligence."* - the NICHE checks were not always done.
- *"Officer should endorse NICHE of the reasoning behind the decision not to submit DASH form."* - NICHE was not always endorsed.
- *"DASH forms should be quality assured by a Supervisor"*. - the DASH form contained a box where the supervisor's name could be electronically inserted without the supervisor actually seeing the form.
- *"DASH forms should be reviewed / quality assured on a daily basis by Public Protection Unit (PPU) staff."* -this was not always taking place, often the forms would not be looked at for several days (PPU staff worked from Monday to Friday).

Completion of DASH form:

- Generally submitted by officer during tour of duty.
- Entries on DASH form not always completed.
- Often the 'Full account of Incident' bears no resemblance to what happened.
- Risk Indicator Questions not always answered or answered correctly.
- POVA (Protection of Vulnerable Adult) referral? – often not answered.
- Vulnerable to further abuse? - rarely answered.
- Officer's observations often not completed.
- Often not checked by a Supervisor.
- Often not tasked to BCU PPU.

Public Protection Unit findings:

- Not always risk assessed within 24 hours of receiving DASH form.
- Rarely were further checks done (PNC/D, NSPIS, NICHE, CATS (Internal SWP historic child abuse database) for both victim / suspect.
- Domestic Abuse Officer's risk assessments often wrong or not completed.
- Domestic Abuse Record not always created.
- Marker not always placed on home address within NSPIS (Command and Control) Critical Register.

- Repeat victims not always identified (second incident within three months).
- 'Action Plan' not always being completed if risk is identified as very high / high or a second repeat incident.
- Where applicable not always referred to MARAC (Multi Agency Risk Assessment Conference).
- PPU staff not always trained.

MAPPA findings (based upon one DHR review)

- Risk Assessment should be formally stated by MAPPA at first meeting.
- Chair of MAPPA to ensure all outstanding actions are completed.
- Intelligence gathered at each MAPPA should be fed into police systems.
- The PNC Marker 'Archive ViSOR Subject' should be explained to patrol officers.
- If other agencies no longer have a legal obligation to manage offender (no longer on licence) Police to risk assess and if necessary prepare action plan.

Connecting Up Reviews

It is imperative that a holistic view is taken in respect of all the findings obtained from a DHR and that failings are addressed. In South Wales the findings are entered onto a matrix so that common themes can be identified. The DHR is discussed at the Crime and Safeguarding Board, chaired by an Assistant Chief Constable and an action plan is prepared to address the failings. Good weak / practices are cascaded within force by a quarterly newsletter which is shared nationally on POLKA and circulated to other Regional Review Groups.

Outcomes

The following outcomes have occurred as a direct result of the review process;

- 800 front line staff received DASH training.
- Inputs given to all PPU line managers.
- D/V Homicide input given on SIO / Review Course.
- HQ PPU regularly 'dip sample' PPD / 1 DASH forms.
- Supervisory 'Electronic' signature has been removed from PPD /1 DASH form.
- PPU staff now work weekends.

- Move to place PPD /1 DASH form on hand held device (Blackberry).
- Good / weak practice matrix created (identify re-occurring themes).

11. Learning the Lessons - Nationally

Copies of all completed DHR Overview Reports and supporting documentation is sent to the Home Office where the Quality Assurance Panel assesses them against the Multi-Agency Statutory Guidance. Where Reviews are found to be inadequate the areas of concern are highlighted and sent back to the CSP Chair.

When a completed Overview Report meets the required standard it is anonymised and then published, at a local level, on the CSP website.

As well as assessing the Overview Reports, the Quality Assurance Panel also has the responsibility to identify good and poor practice, consider national recommendations and disseminate national lessons.

In November 2013 the Home Office published a document on Domestic Homicide Reviews 'Common Themes, Lesson Learnt' (available at www.gov.uk/government/publications/domestic-homicide-review-lessons-learned). The following extracts are pertinent to Police IMRs:

Awareness raising and communication

'There appears to be gaps in awareness and understanding of what constitutes domestic violence and abuse. A key misunderstanding is that domestic violence only means physical violence. There are also some examples where financial and emotional abuse are not regarded as forms of domestic violence. A clear understanding of domestic violence and abuse is important as in many of the cases there was evidence of domestic abuse incidents prior to the homicide.

There have also been reports where the power and control aspects of domestic violence have not been recognised. This is important because coercive control

makes up a large proportion of domestic abuse and is considered to be an important risk factor for domestic homicide.

- *Review your communications to ensure that all forms of domestic violence and abuse are covered.*
- *Review your internal training to ensure these key messages are highlighted.*
- *Support the national, 'This is Abuse', campaign, aimed at tackling domestic and sexual abuse in teenage relationships in your local area. Email: VAWGCampaign@homeoffice.gsi.gov.uk for further information on the 'This is Abuse' campaign and how to access support materials.*
- *Publicise that help and support is available even if the abuse has not been physical.*
- *Consider using survivors' experiences to support training and communication.*

Risk Assessment

The importance of a consistent approach to risk identification, assessment and management for all professionals was identified in a number of reports. This was often supported by recommendations for effective implementation and training. This included the operation of the Domestic Abuse, Stalking and Honour Based Violence (DASH) risk assessment tool by police and the Coordinated Action Against Domestic Abuse (CAADA) DASH for multi-agency partners. There were some examples where risk assessments did not take account of prior known incidents which meant that the true picture of escalation of abuse was not presented. There were also cases where there had been an increase in the severity of violence but the risk had not been reviewed where it may have been appropriate to do so.

- *Service providers to consider reviewing their risk assessment and management approach to ensure it is robust – consider using dip-sampling of forms to test effectiveness.*
- *Ensure that staff in your agency or service have the appropriate training in risk assessment and management.*
- *Contact your local MARAC Development Officer and discuss how they can help you improve your assessment of risk of domestic violence in your work.*

- *Use the materials available on the CAADA website regarding risk assessment which are tailored for a wide range of agencies and available in many languages. http://www.caada.org.uk/marac/RIC_for_MARAC.html*

Information sharing and multi-agency working

Many of the reports highlighted the importance of sharing information about risk of domestic violence or abuse between agencies. In some cases information sharing was identified as inadequate where individual agencies had some knowledge of the victim and or perpetrator but this was not shared, even where it was lawful to do so, to give a full picture of the situation and ultimately a full understanding of the potential risks. This included some cases where agencies knew about previous domestic violence and abuse or other victim vulnerabilities. However it is also important that agencies make informed decisions – preferably with victim consent - to share information and only share when it is safe to do so, to ensure that the victim is not placed at greater risk.

In some cases referrals between agencies or to the MARAC were not made when it would have been appropriate to do so. There were also sometimes inconsistencies with how agencies refer to MARAC.

The challenge of accessing records and information from other areas was identified. This was usually in relation to the police records of a perpetrator who had moved to a different police force area.

- *Review information sharing protocols locally and consider options for multi-agency information sharing.*
- *Contact your local MARAC Development Officer and discuss how they can help with advice and best practice on information sharing, referral criteria, transferring MARAC cases between areas and risk assessment. http://www.caada.org.uk/marac/Regional_support_for_MARACs.html*
- *Ensure that the appropriate agencies are attending your MARAC.*

Complex needs

In a number of cases the victim and/or the perpetrator had complex needs which could include domestic violence and abuse, sexual abuse, alcohol, substance misuse and mental health illness. In some cases the domestic violence and abuse was not always identified because agencies were focusing on addressing, for example, the mental health or substance misuse. In these cases there was often more silo working which meant an appropriate multi-agency intervention was not considered. There appeared to be a need to raise awareness and understanding of how best to engage and work with those with complex needs.

- *Drug and alcohol services should review, amend and make robust use of their risk assessment frameworks, which involve assessment of risk in relation to violence and abuse.*
- *Promote the AVA Complicated Matters toolkit and training with local practitioners [http://www.avaproject.org.uk/our-resources/good-practice-guidance--toolkits/complicated-matters-stella-project-toolkit-and-e-learning-\(2013\).aspx](http://www.avaproject.org.uk/our-resources/good-practice-guidance--toolkits/complicated-matters-stella-project-toolkit-and-e-learning-(2013).aspx)*
- *Promote the CAADA guidance on attendance of mental health and substance use services at MARAC.*

Perpetrators and Bail

Inadequate information sharing between agencies was also identified in some cases where a perpetrator is released on bail or from prison. Some reviews highlighted the importance of compliance with existing processes and procedures specifically in relation to bail management including breach of bail as this is critical in protecting victims and managing suspects.

There have also been a number of reviews where a lack of suitable accommodation for individuals leaving prison has led to perpetrators either returning or attempting to return to a victim's home. There should be checks made before accommodation is confirmed to verify circumstances and assess risk.

Section 1(8)(h) of the Police Reform and Social Responsibility Act 2011 provides that the Police and Crime Commissioner (PCC) must, in particular, hold the chief constable to account for the exercise of duties in relation to the safeguarding of children and the promotion of child welfare.'

It is the intention of the Quality Assurance Panel to publish a regular 'Learning Lessons Bulletin' in the near future.

Independent Police Complaints Commission (IPCC)

Between 2009 and 2011 the IPCC received 90 referrals relating to death or serious injury where Article 2 of the Human Rights Act may be relevant. Of these 31 referrals related to Domestic Homicides.

In December 2011 the IPCC published a 'Learning the Lessons Bulletin' (Bulletin 15) which highlighted the failings in three separate cases where domestic homicides occurred following contact with the Police. The failings related to command and control, response, record keeping, supervision, risk assessments and MARAC referrals.

The IPCC 'Learning the Lessons Bulletin' can be accessed at: <https://www.learningthelessons.org.uk>

12. Conclusions

DHRs have provided the police with a structure in which they can examine their interaction with victims and perpetrators of domestic homicides and their associates / family. Such detailed examinations with partner agencies enable us to identify areas of weakness and good practice and make informed recommendations to improve our responses. Being transparent and willing to learn from lessons will reassure the public, and increase confidence that we are committed to making positive changes.

The ultimate aim is to make the lives of domestic abuse victims safer, and to prevent homicide by driving forward changes that will make a real difference. The DHR looks at the bigger picture, and can make connections that may not have been identified previously or by sole agency reviews. Ensuring that agencies are responding appropriately to victims of domestic abuse by dealing with them in a positive way, offering and delivering appropriate support mechanisms, procedures, resources and intervention is all key to the process.

For more information on DHRs and the Panel please access:
<https://www.gov.uk/government/policies/ending-violence-against-women-and-girls-in-the-uk/supporting-pages/domestic-violence>

The HWG National De-Briefing Model

In January 2012 a report presented to the HWG showed that whilst good practice from reviews was being shared within individual forces and, in some cases, regionally, the focus was on unsolved crimes rather than on those that were successfully solved. It was felt that this left a gap in the service's ability to learn from successful investigations. As a result, the HWG asked its Professional Development Committee (PDC) to develop a process to capture good practice from successful investigations.

The process that the PDC instigated is based on the HWG Regional Representatives and gives them autonomy on how best to structure the gathering and dissemination of information from debriefs within their region.

What is common to all regions is a debrief questionnaire designed to identify the following key points:

- Critical success factors that led to the charge of the suspect(s)
- Creative and/or innovative investigative techniques that were used
- Best practice that can be adopted from the above
- Barriers to successful conclusion of the investigation
- Lessons learned
- Cost of the investigation

A copy of the questionnaire is included at the end of this article and can be used in all cases of homicide or major incident investigation. It can be completed either by the SIO in charge of the investigation, by an independent PIP3 SIO or by a review officer. In all cases, it is hoped that it will be completed within 28 days of someone being charged with the offence and forwarded to the HWG Regional Representative. SIOs who believe that there is something that others could learn from a case they have worked on should liaise with either their own force review officer or directly with their Regional Representatives, whose contact details are shown at the front of the *Journal*.

The debrief questionnaires are collated by the Regional Representatives who provide quarterly returns to the HWG which identifies key issues worthy of further work or the learning that needs to be shared within the SIO community.

The PDC are responsible for disseminating learning through SIO training, force, regional and national Continuous Professional Development and the *Journal of Homicide and Major Incident Investigation*.

The PDC also identify those cases which may be worthy of more detailed and structured debrief and will use the themes emerging from all debrief to inform the HWG research agenda.

The HWG understands that SIOs are busy and have many demands on their time. But a few minutes spent filling in the questionnaire once someone is charged with an offence will ensure that the SIO community and the wider police service will maximise the learning from individual cases.



National Policing Homicide Working Group

Detected Homicide/Critical Incident - DEBRIEF

The purpose of a detected post incident debrief is to identify the following key points.

1. Critical Success factors that lead to the charge of suspect(s)
2. Creative and/or innovative techniques that contributed to the success
3. Best practise that could be adopted from the above
4. Barriers to the successful conclusion of the investigation
5. Lessons learned
6. Costs of the investigation

Each de-brief should be conducted by the SIO for the particular investigation or a nationally accredited PIP 3 SIO or qualified review officer. The de-brief should take place within 28 days of a suspect being charged with the offence.

The reviewing officer should be aware that this document will need to be assessed by the disclosure officer in order to decide if the content should be revealed to the CPS.

The Organisational Recommendation Matrix (below) should be considered as a way of highlighting innovation/learning as Incident specific, Procedural and Organisational Recommendations. This is adopted from the Major Crime Review Guidance.

Organisational Recommendation / Learning Matrix	Case Specific Recommendations	Organisational/ Policy Recommendations	National Recommendations
<p><i>PIP Level 1</i> Uniform/Initial Response</p>	<ul style="list-style-type: none"> • Consider direct ethical feedback to individuals and supervisors including BCU management. • Inclusion of learning on relevant training courses. • Consider new training inputs. 	<ul style="list-style-type: none"> • Organisational Review Panel (ORP) to consider alteration of current force policy. • ORP to consider learning and development implications for the organisation. • ORP to forward learning/recommendation to NPIA for dissemination. 	<ul style="list-style-type: none"> • ORP to consider alteration of local force policy. • ORP to forward learning and recommendations to NPIA for dissemination nationally. • ORP to forward for dissemination to relevant ACPO Business area. • ORP to consult with relevant partner agencies where appropriate.
<p><i>PIP Level 2</i> Investigators</p>	<ul style="list-style-type: none"> • Consider direct ethical feedback to individuals and supervisors. • Inclusion of learning on relevant training courses (IMSC). • Consider new training inputs (training days). 	<ul style="list-style-type: none"> • Organisational Review Panel (ORP) to consider alteration of current force policy. • ORP to consider learning and development implications for the organisation. • ORP to forward learning / recommendation to NPIA for dissemination. 	<ul style="list-style-type: none"> • ORP to consider alteration of local force policy. • ORP to forward learning and recommendations to NPIA for dissemination nationally. • ORP to forward for dissemination to relevant ACPO Business area. • ORP to consult with partner agencies where appropriate.
<p>PIP Level 3 (+) SIO learning</p>	<ul style="list-style-type: none"> • Consider direct ethical feedback to individuals and supervisors. • Inclusion of learning on relevant training courses (SIO DP). • Consider new training inputs (training days) CPD points. 	<ul style="list-style-type: none"> • Organisational Review Panel (ORP) to consider alteration of current force policy. • ORP to consider learning and development implications for the organisation. • ORP to liaise with partner agencies where appropriate. 	<ul style="list-style-type: none"> • ORP to consider alteration of force policy. • ORP to forward learning and recommendations to NPIA for dissemination nationally. • ORP to forward for dissemination to relevant ACPO Business area. • ORP to consult with partner agencies where appropriate.

De-brief Details

Victim: D.O.B: Ethnicity:
Suspect: D.O.B: Ethnicity:
Date of incident: Location:
Weapon used (if applicable): Cause of death:
Categorisation of Homicide (A+, A, B or C):
Brief synopsis of the incident:

1. **Critical Success factors** – SIO perspective of the key investigative technique (e.g. Forensic opportunities, Witness Management, Intelligence, Phone analysis, CCTV, Covert Methods, H2H, Media, Arrest strategy etc) that led to:

1.1. The identification of the suspects:

1.2. The gathering of evidence to support the charges:

1.3. Other significant outcomes (please specify, examples are determining homicide in difficult to diagnose situations such as infant deaths and 'no body' murders, locating concealed bodies or property etc)

2. **Creative and/or innovative techniques that contributed to the success** - Innovation that led to an early arrest, resulted in effective use of experts, staff/resources etc

3. **Best practise that could be adopted from the above** – utilising the matrix above to classify each area into case specific, policy or national recommendations.

4. **Barriers to the successful conclusion of the investigation** – Issues that impeded the effectiveness or efficiency of the investigation. These may be case specific to the police or partnership related e.g. CPS.

5. **Lessons learned** – Bullet points of key recommendations to be considered for future investigations- Including consideration of what could have been done to prevent crime occurring in the first place.

SIO completing:

PIP 3 accredited:

Yes / No

Date:

Signature:

The Devil and the Detail: Local Analysis of Homicide for Investigators and Policy Makers

Dr Jason Roach, Director of the Crime and Policing Group at the University of Huddersfield.

Abstract

Homicide statistics for England and Wales, conducted by the Home Office and published yearly by ONS, focus mainly on the national picture. It can be argued that, although this is of undoubted importance to national policy makers and of great interest to criminologists, it is often too vague, too general, and too time limited (i.e. comparative analysis only spans a limited period of time) to be of much use to those charged with investigating, reducing and preventing homicide at a more local level. The present paper seeks to demonstrate how a more localised analysis of homicide, spanning longer periods of time, can help identify patterns and trends that may or may not follow the national picture. The paper concludes by suggesting that by producing a more pertinent local analysis of homicide, investigators and policy makers will have a wider frame within which to make decisions. To illustrate this approach, the analysis of recorded homicide in a large metropolitan area over a 30 year period, is presented.

Dr Jason Roach is the Director of the Crime and Policing Group at the University of Huddersfield. He is a Chartered Psychologist and an Associate Fellow of the British Psychological Society. Although Jason has been involved with homicide cases in the past, his most recent research has focused on; homicide investigation, investigative decision making, child homicide, the reviewing of cold case homicides, and the psychology of fraud and deception.

Contents

1. Introduction	88
2. A Local Study of Homicide	89
3. Victims of Homicide	91
4. Suspects	93
5. Victim – Suspect Relationships	95
6. Method of Killing	96
7. Circumstances	99
8. Conclusion	99
References	102

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1. Introduction

The UK Home Office produces and the Office for National Statistics (ONS) publishes statistics on violence in England and Wales annually. Generally this constitutes headline findings, which although of interest, are usually presented in a rather cursory way, tending to highlight recent general trends in homicide in England and Wales over the past year. My point is not to criticise such analysis for what it is not designed to do, but merely to suggest a way in which research might hold more informative worth for investigators and homicide reduction policy makers at a local level.

So why do I think this important? Well, having on numerous occasions asked senior police officers the questions, "*What is your policy for reducing homicide and who drafted it?*" rather worryingly, the common response to the first question is "*I don't know*", making the second superfluous. Drill beneath the surface and what those officers are really saying is that they do not have a specific homicide reduction strategy locally, but that they do have Control Strategies based on the National Strategic Assessment and linked with the both national and local violence reduction plans.¹ For example, common violence reduction priorities identified will be likely to include domestic violence, child protection and violence in the night-time economy, in the belief that a focus on these areas of violence will have a knock on reduction effect on local homicide rates generally.

With the present paper I hope to demonstrate, albeit briefly, that more certain reductions in homicide rates are likely to be more achievable, if one focuses specifically on reducing homicide, rather than anticipating a trickle-down reduction effect as a result of focusing on areas of general violence alone. More specifically, how by conducting even a small amount of basic local homicide analysis can produce a 'road map' for investigators and enable police policy makers to better understand homicide at a local/force level, and consequently to produce more informed and more effective homicide reduction/prevention policies.

¹ My thanks to Pete Stelfox for clarifying this point.

2. A local study of homicide.

Region A

Region A is a county with an estimated population of 2.2 million and it houses several cities. On average it accounts for approximately 5% of all recorded homicides in England and Wales (roughly equating to 40 a year). Every year, Region A usually has the fourth or fifth highest homicide rate of all forces/regions in England and Wales.

Method

The quantitative data analysed in this study was obtained from the Homicide Index (HI) and related to all homicides in Region A recorded in the period 1st January 1979 to the 31st December 2009 (hereafter referred to as 'the 30 year period').² HI data was supplemented by information obtained from individual cases and the force intelligence system.

For the 30 year period a total of 1013 crimes were *initially* recorded as homicide, with 918 cases still classified when this research began³ On average, there were 30.6 homicides per year in Region A over this period⁴

All homicides in region A comprised of 86% murder and 14% manslaughter, with only 3 cases recorded as infanticide. Table 1 displays the average number of homicides per decade across the 30 year period, and highlights how the average number of homicides increased with each successive decade.⁵

² The thirty year period 1979-2009 was suggested by the senior officer who commissioned this research. It spanned his career in the police.

³ A rough estimate of the number of cases initially classified as homicide (at the point of charge) that are subsequently re-classified at a later date, as suicide, due to acquittal, not guilty, lesser charge etc. was found to be between 5 and 10%. This has no bearing on police investigative performance, but instead reflects the court process in general.

⁴ For this research, homicide offences are shown according to the year in which Police initially recorded the offence, which is not necessarily the year in which the crime took place, or when a court decision was made. This is standard practice (Coleman, 2009).

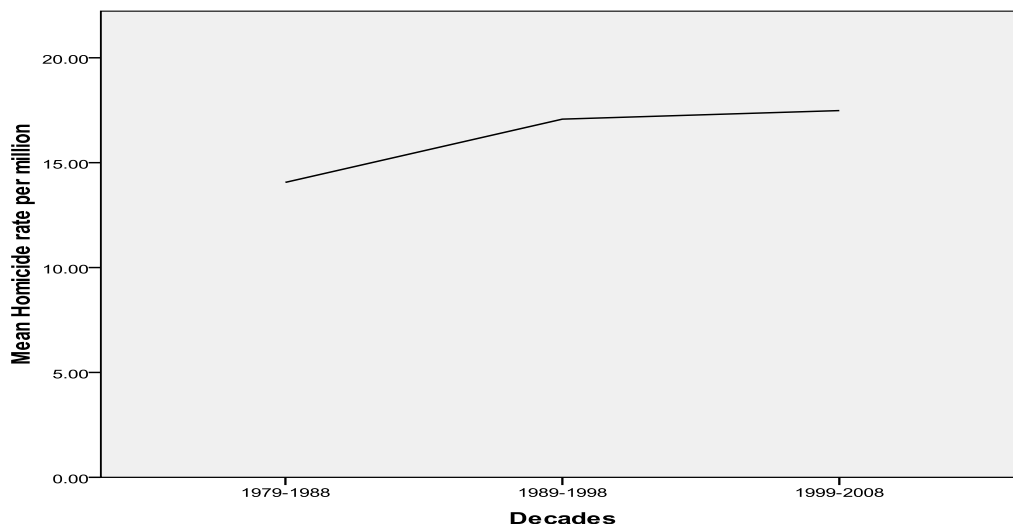
⁵ As the standard deviations are equal this suggests that the average for each decade is not distorted by an extreme number of homicides found in any one year, so does not explain the wide variation in homicide between decades.

Table1. The average number of homicides in Region A 1979-2009 per decade

	1979-1988	1989-1998	1999-2009
Total number of homicides	263	300	355
Average number of homicides	26	30	35
Range (per year)	20-41	20-37	26-45
Standard deviation	6	6	6

Although there was an increase in the average number of homicides with each successive decade this did not take into account the likely changes in population in region A over the thirty years. Drawing any conclusions, therefore, from crude number increases was considered unreliable. In order to calculate, for example whether the risk of being a homicide victim for the population of region A had actually increased over the thirty years, homicide *rates* were calculated for each decade, by using population data obtained from the Office for National Statistics (ONS). Figure 1 below shows the average homicide rate in Region A for each decade of the thirty year period.

Figure 1. The average homicide rate per decade for Region A (1979-2009)



As can be seen from Figure 1, using homicide rates shows that the increase in homicides for Region A slowed down for the period 1989 to 2008, stabilising for the 10 years 1989 to 2009 despite an increase in the population. Using crude numbers would not have identified this welcome trend.

3. Victims of Homicide

In order to gauge whether the risk of being a victim of homicide in Region A had changed over the 30 years (with obvious implications for measuring fear of crime) victim rates were calculated by using population data (ONS). Table 2 displays the homicide victimisation rates for people living in Region A for different points in time between 1979 and 2008⁶.

Table2. Homicide victimisation rates for Region A

Year	Number of recorded homicides	Population of Region A	Number of male victims	Number of female victims	Total victimisation rate	Male victimisation rate	Female victimisation rate
2008	37*	2,200,636	26	9	1:59,000	1:41,000	1:124,000
2001	36	2,066,548	27	9	1:57,000	1:37,000	1:120,000
1991	16	2,061,698	16	0	1:129,000	1:62,000	n/a
1981	22	2,066,548	11	11	1:94,000	1:91,000	1:97,000

*The gender of 2 victims was not available on the dataset used

As can be seen from Table 2, although the chances of being a victim of homicide in Region A almost doubled, from 1981 to 2008, from 2001 it has stabilised.

Gender of victims

Table 2 also highlights that in Region A the rise in the homicide victimisation rate was not proportionate for men and women, with the overall increase in risk

⁶ 2009 census data was not available at this point and so only figures up to 2008 were included

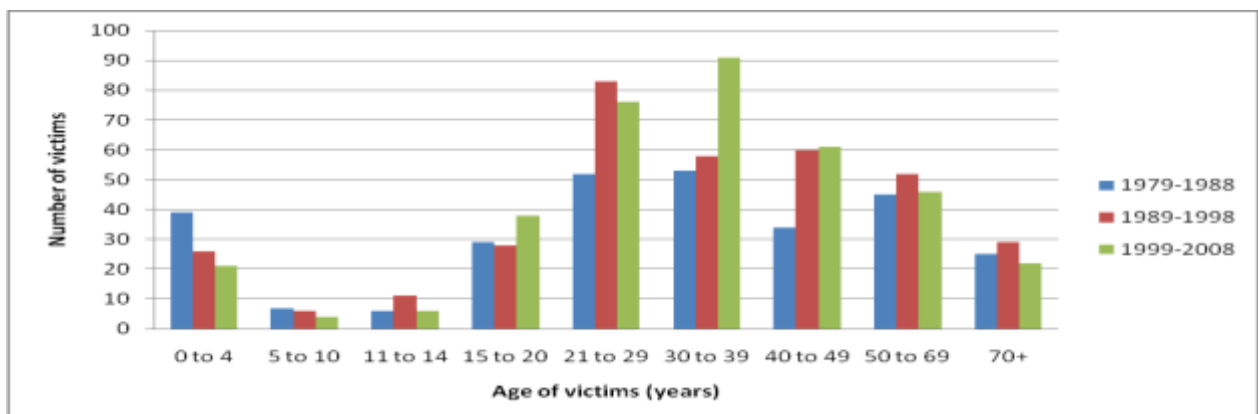
largely due to the steep increase in male victimisation, which was much higher in 2008 than in 1981 (1 in 41,000 and 1 in 91,000 respectively). Put simply, the odds of a male becoming a victim of homicide more than doubled between 1981 and 2008, whereas for females it was reduced by around 30%. This is supported if the average number of male and female *murder* victims per decade are compared.

This showed that despite males in Region A making up only 49% of the population, by 2009 they accounted for almost 70% of all Region A homicide victims. This finding has major policy implications for Region A. For example, it is males who appear to warrant targeting with violence and homicide reduction initiatives rather than females. Perhaps the reduction in female homicide risk is a product of domestic violence initiatives nationally and at the Region A level. Further data analysis is provided below which refines further which groups of males require specific homicide reduction targeting.⁷

Age of victims

Figure 2 shows the number of homicide victims in Region A per decade according to age.

Figure 2. Number of homicide victims per decade for each age category



⁷ Interestingly, in 1979 the split of male and female homicide victims was even at 50% each. Any speculation as to why females in Region A appear to be at less risk of homicide nowadays than 30 years ago, must include discussion of domestic violence programmes set up by Police and other partner agencies over the last 10 years.

As can be seen, over the three decades the most common victim age groups were 21-29 years, 30-39 years, and 40-49 years. When converted to homicide rates, risk was appeared to be as disproportionate as gender and is summarised briefly below:

- Those aged 21-29 years accounted for 21% of homicide victims but on average only made up 16% of the Region A population.
- Over the period 1999-2008 those aged 31-39 became the largest victim age category.
- Those aged 21-29 and 30-39 accounted for 41% of homicide victims but made up on average only 30% of the Region A population.
- Those aged 0-4 years accounted for 8% of homicide victims although this age group on average only made up 6% of the overall Region A population.
- Those aged 50-69 years accounted for 14% of homicide victims yet made up on average 21% of the Region A population.

The findings from the victim age analysis have obvious implications for those charged with drafting homicide reduction policies and as background information for investigators. For example, although traditionally a large percentage of victims (mainly male) have been aged 21-39 years, the worrying increase is with the growing number of victims aged 30-39 years and young male victims aged 15-20 years.

4. Suspects

The term suspect is preferred to 'offender' or 'criminal' as all those formally charged were included in the study and not just those convicted of a homicide offence.⁸

⁸ It is usual practice for a study of this nature not to make the assumption that the criminal justice system is infallible, and that those charged or convicted are solely the guilty and those not charged or convicted solely the innocent. We thought it pragmatic here to include all those charged irrespective of the legal outcome. Our analysis of court disposal outcomes for the 30 year period indicate that on average less than 10% of those charged with homicide are not convicted.

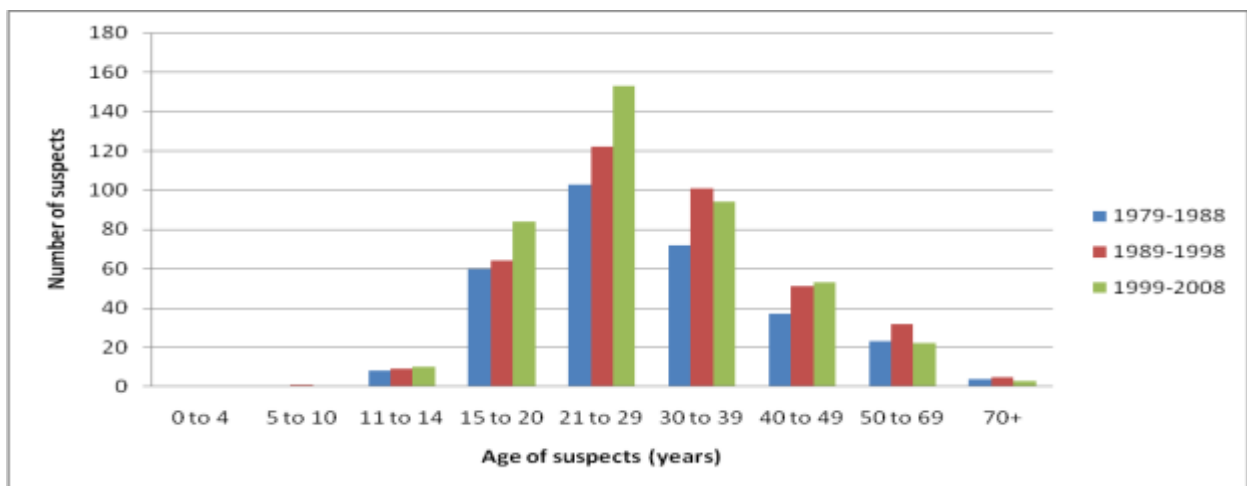
Gender

Over the 30 year period approximately 80% of all homicide suspects were male, with males accounting for 88% of murders and 75% of manslaughter charges. Females (by definition) accounted for 100% of infanticides (3 in total).

Age

Figure 3 shows the number of Region A homicide suspects per decade according to age category. As can be seen, over the three decades the most common suspect age categories were 21-29, 30-39, and 15-20 years.

Figure 3. The number of homicide suspects per decade for each age category



Again, if turned into homicide rates, the age of suspects was found to be disproportionate in Region A:

- Although those aged 21-29 years represented 34% of all homicide suspects this group only made up on average 16% of the Region A population.
- Although those aged 30-39 years represented 24% of homicide suspects they only made up 14% of the Region A population as a whole.
- Although those aged 15-20 years represented 19% of homicide suspects they made up only 7% of the Region A population as a whole.

This analysis shows that for Region A homicide cases, younger males (aged 15-20) were not just growing in numbers as victims of homicide, but also were increasingly becoming suspects.⁹ Again the implications for policy makers are obvious and this trend (likely not to be unique to Region A) would not have been identified so readily without a longitudinal study of this nature.

5. Victim - suspect relationships

Analysis of victim-suspect relationships in Region A homicide cases across the 30 years was not without significant problems. Although, at first glance 'stranger' appeared to be the largest singular relationship category (representing 23% of recorded victim - offender relationships from 1979-2009) it appeared actually not to be the case after further analysis.

Use of the stranger category declined significantly after 1989 primarily as a consequence of an increase in the number of other categories made available with which to record a victim-suspect relationship, rather than a sudden decline in the number of stranger homicides recorded. Moreover, further case file analysis directed at where a suspect was 'known', highlighted that in no less than 72% of the cases the victims actually knew the suspect on some level¹⁰.

The most frequently recorded victim - offender relationships were actually found to be 'son/daughter' (including step son/daughter) and 'spouse' (which includes ex-spouse, cohabitee and ex-cohabitee).

The next largest relationship category was 'friend' (19%), but for an officer to ascertain unequivocally whether a suspect was a friend or acquaintance of the victim is problematic to say the least. It does appear, however, that over the 30-year period 'friends' were likely to be suspects in homicide cases along with 'spouses'.

⁹ Although only speculated on here, this could link with the Home Office and Police Force work on Ending Youth Violence.

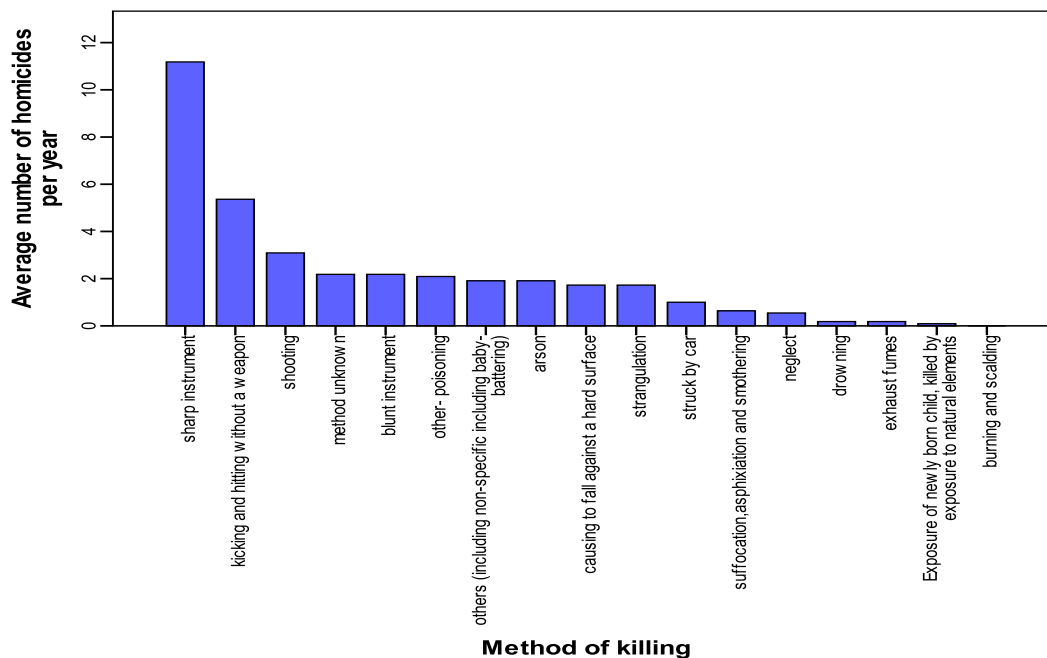
¹⁰ The difficulty now shifts to how this is recorded. For example, what is the difference between an acquaintance, an associate, and a friend, and is the subject of ongoing research by the writer

It must be noted that 'relationship unknown' was the third largest recorded victim - suspect relationship category, pooling 16%. This category comprised of other smaller ones such as 'no suspect', 'unsolved' and 'not known', and underlines the difficulty in clearly establishing a victim – suspect relationship in a homicide investigation.¹¹ Suffice to say here that further research is desperately needed around how relationships are recorded and categorised in homicide investigations because at present this element of homicide recording is too messy to be able to draw any meaningful conclusions.

6. Methods of killing

Figure 4 shows the frequencies for the different methods of killing involved in Region A homicides for the thirty year period. As can be seen, using a *sharp instrument* was the most frequent method of killing, indeed it was by far the most frequent method found for every intervening year from 1979-2009.

Figure 4. The average number of homicides per method of killing 1979-2009



Obviously, attacking with a sharp instrument such as a knife correlates highly with fatalities and therefore with high rates of homicide. Some solace is that the rate of increase appears to have slowed down over the period up to 2009. More

¹¹ This is more likely to be an issue with the HI coding categories rather than the information not being coded correctly at all.

recently, however the recent National picture has been less encouraging with the use of sharp instruments increasing. The data was not available for Region A to see whether the use of sharp instruments has continued to slow down.

Shooting was found to be the third most common method of homicide with an average of 3 homicides per year, but becoming an increasingly common method used as the average number of shootings per decade rose from 1 in the period 1979-1988 to almost 3.5 per decade for the period 1999-2008.

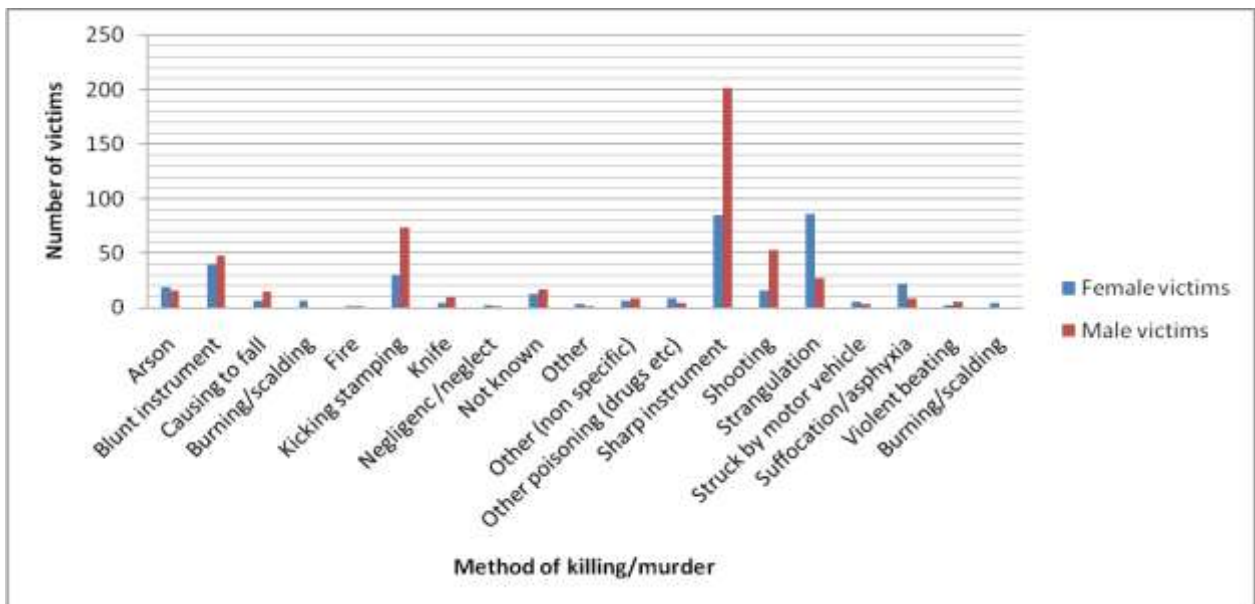
Over the 30 year period, advances in Emergency Room care have no doubt contributed to a fall in the number of victims killed by other methods, especially those not involving weapons. A summary of the findings for other methods of killing is now presented:

- *Kicking and hitting without a weapon* – the average number of homicides per decade appeared to decrease between 1979 and 1998. Since 1998 its use as a method began to rise.
- *Strangulation* - strangulation as a method of killing in homicides decreased by 50% over the 30 years.
- *Use of a blunt instrument* - after peaking in 1998, the use of a blunt instrument in homicide continued to fall to the levels of use in 1979.
- *Causing to fall* - since its introduction as a CRIMSEC 7 category in 1997, the general trend was one of slow increase as a method of killing

Methods of murder and victim gender

A simple cross-tabulation of methods used in the murder and victim gender is represented in Figure 5.

Figure 5. Methods of murder and gender of victims



The most common method of killing for both male and female victims was by *sharp instrument* (41% and 26% respectively) with a total of 35% of all murder victims killed this way.

Male victims were more likely to have been murdered by *blunt instrument*, *causing to fall*, *kicking and stamping*, and *shooting*. Contrastingly, female victims were more likely to have been murdered by *strangulation*, *arson*, *suffocation* and *other poisoning*. All these findings are consistent with the current National picture (ONS, 2014)

Murder victims and the most popular methods of killing

The most frequent methods of killing varied according to the age and gender of the victims. For example, female victims aged 15-24 years appeared more likely to have been strangled than their male age counterparts (who were more likely to have been killed with a sharp instrument).

Male murder victims aged 20-44 appeared more likely to have been killed by shooting than female victims of the same age. Indeed shooting only appears as a frequent method for female murder victims aged 35-39 years. See *Appendix 1* for a more detailed breakdown of victim age, gender and method of killing.

7. Circumstances

Analysis of circumstances was also a problematic variable to analyse.¹² The circumstances most frequently recorded for a homicide (after discounting the recorded categories of 'unknown', 'not known' and 'no suspect') were *rage and quarrel*, *neighbour feud*, *jealousy* and *revenge* appear to be the most commonly recorded circumstances. Different CRIMSEC7 recording practices aside, these three categories appear year on year to be the most consistently recorded over our 30 year period.

Analysis of victim gender and circumstances highlighted

- *males* - rage and quarrel, neighbour feud, jealousy and revenge, and robbery respectively were the most common circumstances.
- *females* - rage and quarrel, family/domestic dispute, sexual/pathological and jealousy (including possessiveness) respectively.

As can be seen, there appears to be some variation in the most frequent circumstances recorded according to the sex of the victim.

8. Conclusion

The reader is probably asking why analysis of victim and suspect ethnicity has not been presented. The simple answer is because it was impossible to do reliably. For example, ethnicity in homicide has not always been reported on by the Home Office.¹³ It suffices to say here that the multitude of changes to the categories available to recorders of homicide information over the 30 year period, has not made taking a longitudinal perspective on ethnicity in homicide an easy task.

¹² Between 1979 and 2009 a total of 78 different categories were used to describe the circumstances of homicide, mainly as a result of a combination of CRIMSEC7 changes and occasional 'idiosyncratic recording'. Both conspired to make analysis somewhat problematic but not impossible. For example, the recording of the circumstance for a homicide as *unknown*, *not known*, *not applicable* and *no suspect* were found to be the most frequent recording categories used, accounting overall for more than 30% of all the circumstances recorded. To consider the recording of the circumstances of a murder for Crimsec7 purposes messy is somewhat an understatement!

¹³ See HO 2009/10 bulletin

The present paper had a simple objective; to demonstrate how local, longitudinal homicide research can be of benefit to both investigators and police policy makers charged with reducing homicide in their area. The changing trends and profiles identified by Region A are merely to illustrate what can be done to provide a better frame of reference within which homicide investigators and force policy makers can make local decisions about homicide.

Such findings should be used in conjunction with the National Strategic Assessment and violence reduction programmes. For example, analysis of longitudinal homicide data here showed that males in Region A were progressively more at risk of homicide than females. Although the reduction in female risk is probably attributable to both national and local domestic violence policies which should be continued, it does highlight the need to target resources at young males if homicide rates in Region A are to be significantly reduced overall. Local homicide trends may not of course always mirror the national picture, but only dedicated local analysis can tell you this.

Though the surface is merely scratched here, I do offer one last example of how the generation of how such localised, longitudinal analysis can be used to produce more focused homicide policies. Table 3 displays the most frequent method of killing in Region A over the 30 year period, according to the gender and age of the victim. The generation of a small, local, longitudinal homicide analysis such as this would be a step in the right direction toward better informed (and better evidenced) homicide reduction/prevention policies.

Table 3. Murder victim age, gender and most frequent method of killing

Victim age	Male murder victims	Female murder victims
<1 year	Causing to fall, kicking and stamping, suffocation	Arson, kicking and stamping
1 – 4	Kicking and stamping, suffocation	Kicking and stamping, suffocation, arson
5 -9	Arson	Kicking and stamping, suffocation, arson
10 -14	Strangulation, suffocation, arson	Arson, strangulation
15 -19	Sharp instrument, kicking and stamping	Strangulation, kicking and stamping, strangulation
20 -24	Sharp instrument, shooting, strangulation	Strangulation, sharp instrument, kicking and stamping, blunt instrument
25 -29	Sharp instrument, shooting, blunt instrument	Sharp instrument, strangulation, blunt instrument
30 -34	Sharp instrument, shooting, kicking and stamping	Sharp instrument, blunt instrument strangulation,
35 -39	Sharp instrument, shooting, blunt instrument	Strangulation, sharp instrument, shooting
40 -44	Sharp instrument, shooting, kicking and stamping	Strangulation, sharp instrument, blunt instrument
45 -49	Sharp instrument, blunt instrument, kicking and stamping	Blunt instrument, sharp instrument, strangulation
50 – 54	Sharp instrument, kicking and stamping, blunt instrument	Blunt instrument, sharp instrument, strangulation
55 -59	Sharp instrument, strangulation, blunt instrument	Sharp instrument, strangulation, blunt instrument
60 – 64	Sharp instrument, kicking and stamping, blunt instrument	Sharp instrument
65 – 69	Sharp instrument	Strangulation
70+	Kicking and stamping, sharp instrument, strangulation	Sharp instrument, strangulation, suffocation, poisoning (other)

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ONS (2014) *Overview of Violent Crime and Sexual Offences 2012/13* found at <http://www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime-and-sexual-offences--2012-13/rpt-chapter-1---overview-of-violent-crime-and-sexual-offences.html> (accessed 02/02/2014).

Book Review

Blackstone's Senior Investigating Officers' Handbook (Third Edition), Oxford University Press by Tony Cook and Andy Tattersall

The first edition of Blackstone's Senior Investigating Officers' Handbook was published in 2008 and found instant success with SIOs. It provided practical guidance on the approach to homicide investigation that had been developed over many years by the authors. It was well written and was presented in a user friendly pocket size that was characteristic of Blackstone's range of police handbooks.

For the third edition, which was published earlier this year, the text has been thoroughly revised and expanded. It now includes a particularly welcome chapter on conducting Trace, Interview and Elimination (TIE) enquiries, which was not covered in sufficient detail in previous editions. It is typical of Cook and Tattersall's approach that this sometimes difficult technique is presented in a straightforward way with check lists and suggested Do's and Don'ts to guide SIOs through the many issues without dictating a one size fits all approach.

The Handbook now provides a comprehensive guide to homicide and major incident investigation. It deals authoritatively with the techniques of investigation and SIO decision making as well as the many management issues that are involved with running a major crime enquiry.

To accommodate the increased content the pocket size of the original has been dropped and the Handbook is now the size of a standard textbook. This is justified by the fact it will now be seen by many as the natural successor the *ACPO Murder Investigation Manual* which has not been updated since 2006 and which seems likely in the near future to be incorporated into the more generic ACPO Authorised Professional Practice (APP). For anyone who is serious about developing their skills as an SIO, Cook and Tattersall's SIO Handbook is now the place to go for guidance.

Index of the Journal of Homicide and Major Incident Investigation

Back copies of the *Journal* are available on-line at the Criminal Investigation Research Network <http://criminology.research.southwales.ac.uk/journal-of-homicide/>

Author	Title	Volume Issue Page
Adcock, S.	Financial Investigations: SIO Considerations	6.2.61
Ashcroft, G. Pearson, S.	Managing the Relationship with the Family Liaison Officer	3.1.59
Atherley, A.	Honour Related Violence: Context, Culture, and Consequences	3.1.21
Baker, A. Richards, L.	Prevention of Homicide and Serious Violence	1.1.3
Baker, R. Birch, J.	Operation Wirok: The Discovery of Skeletal Remains in the Birmingham Main Line Canal	7.1.57
Beer, J.	Legal Attendance at Post-Mortem Examinations	3.1.85
Berry, R.	Operation Pentameter 2 (UKP2): An overview for the major crime investigator	5.1.53
Book Review	Discovering Through Death: Beliefs and Practices	7.2.84
Book Review	The Ascent of the Detective: Police Sleuths in Victorian and Edwardian England	7.2.86
Book Review	Effective Investigation of Child Homicide and Suspicious Death	8.1.91
Bottomle, M. Holt, C.	Familial DNA: a relative success?	7.2.4
Byron, G.	Forensic Science Support to Critical and Major Incident Investigations: A service Based Approach	5.2.75
Carr, L.	Case Study of Mark Corner, the Murder of Two Sex Workers in Liverpool	6.2.75
Clayman, S.	To Snitch or Not To Snitch? Bridging the Gap Between Research and Practice	7.1.103
Cole, T. Brown, J	When is it best to seek assistance from a Behavioural Investigative Adviser?	8.1.62
Cunningham, D.	Crossing the Line: An international case study	4.2.15
Davies, P. Green, J. Price, D. Fyfe, P. Nicholls, G.	The Investigation of Deaths on Land or Premises Owned, Occupied or Under the Control of the Ministry of Defence: Protocol	2.1.33
Derbyshire Constabulary	Derbyshire Constabulary Child Exploitation Investigation Unit: Intervention strategies	5.2.39
Devoil, T. Ryan, S. Thompson, M.	Managing and Preventing Critical Incidents	3.1.3
Dismore, O.	Air Support: so much more than just a pretty picture	5.1.27
Doyle, M.	Non-suspicious Death (Or Is It?): The Duties and Responsibilities of the Police	7.1.45
Earl Robinson	Offering Monetary Rewards: A Useful Investigative Tactic When Trawling for Witnesses	7.1.89
Editorial	Editorial	3.2.3
Editorial	What Price Professional Practice?	7.2.1
Editorial	Getting Involved with the Homicide Working Group	8.1.1
Ellis, J. Thompson, S. Bardsley, R. Jefferies, I.	Demystifying the World of Body Search and Blood Dogs	7.2.45
Focus On	Forensic Gait Analysis	4.1.83
Focus on	Forensic Linguistics	4.2.111

Focus On	Forensic Anthropology	5.1.95
Focus On	The National Injuries Database	5.2.87
Focus On	Forensic Pathology	6.2.103
Fox, J.	The Police Response to Infant Deaths	1.1.61
Fox, J.	Are We Killing the Goose?	3.2.67
Fox, J.	Statutory Reviews and the Homicide Investigation	7.2.24
Gerrard, G.	CCTV and Major Incident Investigation: Professionalising the Police Approach	3.2.7
Gradwell, M.	Lost in Translation: The use of interpreters during Operation Lund	2.2.3
Green, R.	Do They Know More Than We Do? What Opportunities Are To Be Gained From Data Held by Other Organisations?	3.2.59
Gregory, A. Rainbow, L.	Enhanced Prioritisation of Familial DNA Searches	7.1.75
Harrison, I.	Protocol for Fire and Rescue Service Assistance to the Police in the Search for Missing Persons	2.2.21
Harrison, M. Donnelly, L.	Buried Homicide Victims: Applied geoforensics in search to locate strategies	4.2.71
Hart, A. Amoret, M. Whitaker, P. Hall, M.	The Use of Forensic Entomology in Criminal Investigations: How it can be of benefit to SIOs	4.1.37
Heath, S.	Using Multi-agency Data to Reduce Deaths from Drug Abuse in Scotland	1.1.15
Hepworth, M.	Operation Bevel: An Insight on How to Manage a Multi-death Investigation in a Healthcare Setting	7.1.35
Herdale, G.	The Legal Framework for Acquiring and Using Passive Data for Policing Purposes	3.2.29
Heydon, T.	Operation Hydration: Internet Murder Enquiry	6.2.23
Hutchinson, T.	The SIO and the Tier 5 Interview Adviser	4.1.25
Jackson, M.	Linked Series Stranger Attacks and Homicide: The debrief of Operation Yeaddiss and related offences	5.1.5
Jackson, M. Brown, D. Watson, D.	Police Investigation of Healthcare Incidents in Community Settings	7.1.19
Jackson, M. Smith, A. Watson, D.	Mental Health Homicides a Joint Police and NHS Approach	8.1.30
James, N.	Responding to Major Disorder in Prison Establishments and Immigration Removal Centres	6.2.87
James, P.	National Ballistics Intelligence Service: Every gun tells a different story	4.1.15
Jones, D. Grieve, J. Milne, B.	Reviewing the Reviewers: A tool to aid homicide reviews	4.2.59
Jones, I.	Investigation of Deaths Following Police Contact	2.1.93
Kirby, S. Turner, G.	Think Crime, Think Car, Think ANPR: The Use of ANPR in Major Crime Investigations	3.2.35
Lawrence, K.	Investigation into the murder of Hell's Angel Gerard Tobin on the M40: a murder committed by an Organised Crime Group	5.1.39
Linden, W. Campbell, P.	The Phoenix Database: Homicide Analysis, Action Learning and Knowledge Sharing	6.2.5
Lloyd-Evans, M. Bethell, P.	Review of Undetected Historic Serious Crime: Why bother?	5.2.3
Lowe, T. Innes, M. Roberts, C.	The Impact of Homicide on Community Reassurance	3.1.67
Maher, S.	Professionalising Investigation: An update on the SIO development programme PIP Level 3	6.1.51
Marsh, N.	Injury Photography: Is it more than skin deep?	6.2.45
Marshall, D.	Child Homicides: A suspect in the family. Issues for the Family Liaison Strategy	4.1.69
Mayes, J. Brown, A.	Risk Factors for Intra-familial Unlawful and Suspicious Child Deaths: A retrospective study of cases in London	6.1.77

Marshall, D. Weber, A. Risdon, A. Sebire, N.		
McCabe, S.	Operation Coveyville: Double no body murder investigation	6.1.59
McNally, M.	Using the National Mobile Phone Register in Homicide Investigations	4.2.101
Mogg, S.	The Human Tissue Act 2004: Implications for the Senior Investigating Officer	5.1.83
Mooney, J.	HOLMES: From inception to modern day via lessons learned	6.1.31
NABIS	National Ballistics Intelligence Service Update	5.1.37
NABIS	National Ballistics Intelligence Service Update	5.2.57
NABIS	National Ballistics Intelligence Service Update	6.1.73
NABIS	National Ballistics Intelligence Service Update	6.2.57
NABIS	National Ballistics Intelligence Service Update	7.1.117
NABIS	National Ballistics Intelligence Service Update	7.2.42
NABIS	National Ballistics Intelligence Service Update	8.1.57
Niven, N. Burchall, G.	The Development of Intelligence-Led Mass DNA Screening	3.1.51
Niven, N. Massie, R.	Social Networking as an Intelligence / Investigative Tool :Case Study	6.2.33
NPIA	POLKA Update - Major Crime Investigation Community	7.1.44
NPIA	NPIA Missing Persons Bureau Update	7.1.72
NPIA	Focus On: Sleep Related Fatal Vehicle Crashes	7.1.121
NPIA	The POLKA Major Crime Investigation Community	7.2.22
NPIA	UK Missing Persons Bureau Update	7.2.71
Palmer, P.	Liability for Negligent Investigation: The Osman legacy	2.2.33
Partridge, A.	Operation Castorland	7.2.73
Pearce, A. Harding, C.	Criminal Cases Review Commission: The first ten years	4.1.49
Pearson, S.	Managing Cross-Border Single Homicide Investigations	4.2.27
Porter, C.	Low Template DNA Profiling: A guide for Senior Investigating Officers	6.1.13
Rainbow, L. Gregory, A.	Behavioural Investigative Advice: A contemporary view	5.1.71
Reid, S.	Crimewatch Explained	4.2.3
Reid, S.	Media: A useful investigative tool	5.2.59
Richards, L.	Homicide Prevention: Findings from the Multi-agency Domestic Violence Homicide Reviews	2.2.53
Roach, J.	Long Interval Detections and Under the Radar Offenders	8.1.20
Roycroft, M.	What Solves Hard to Solve Murders? Identifying the Solving Factors for Category A and Category B Murders. Does the SIO's Decision Making Make a Difference?	3.1.93
Rycroft, M.	Historical Analysis of Public Inquiries of Homicide Investigations	4.2.43
Saleem, F.	Homicide in a Diverse World: SIO Conference Editorial 2010	7.1.5
Sawers, M.	Major Crime Reviews	4.1.3
Sawyer, N.	The Major Crime Scene De-contamination Gateway	7.2.61
Scott, I.	Investigating Drug Related Deaths	1.1.25
Scott, I.	Organ and Tissue Donation Opportunities during Police Investigations into Suspicious Death or Fatal Road Traffic Collisions	6.1.3
Smart, K.	Follow the Money: The Use of Financial Information in Major Crime Investigations	3.2.21
Smith, K.	NCPE Crime Operations: Supporting Serious and Series Crime Investigations	2.1.39
Smith, M.	The Corporate Manslaughter and Corporate Homicide Act 2007: A challenge for investigators?	4.1.97
SOCA	Crime Operational Support Update	8.1.39
Stelfox, P.	The Role of Confidants in Homicide Investigations	2.1.79
Stelfox, P.	Improving Practitioner Research into Homicide and Major Incident Investigation	8.1.75
Swift, B.	Methods of Time Since Death Estimation within the Early Post-mortem Interval	6.1.97
Tennet, A.	Stealing Time: The Use of Passive Data During Operation Nuthatch	3.2.43

Dixon, H.		
Vesely, L. Lloyd-Evans, M.	Reviews of Long Term Missing Persons and Unidentified Found Bodies	8.1.2
Wate, R.	Responding to Public Inquiries: Lessons learnt from the Bichard Inquiry	2.2.42
Wate, R. Birch, M.	Deposition Sites: Case studies Operation Fincham and Operation Sumac	4.2.87
Wate, R. Marshall, D.	Effective Investigation of Intra-familial Child Homicide and Suspicious Death	5.2.17
Watts, S.	Investigating Deaths in Healthcare Settings	1.1.37
White, G.	Prison, Probation and Immigration Related Deaths in Custody: A Protocol for Police Investigations	2.1.53
White, W.	Guidance in the Use of Serving Prisoners as Witnesses	1.1.53
Young, H. Richards, L. McCusker, S.	Profiling Mentally Disordered Homicide Offenders to Inform Investigative Decision Making and Intervention Strategies	2.1.3