

Developing an Effective Case Management Plan

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Session Description

This session will provide knowledge on how an effective case management plan can impact homicide clearance rates. The session will look at solvability factors such as the number of detectives assigned to case, witness statements, and investigative work including evidence collection and information sharing both internally and externally.

Housekeeping



Red Sox Beat Yankees and Won 2004 World Series

- The “curse” was broken
- And that’s all that matters in Red Sox Nation...

The Scenario...

- Radio call for a person shot
- Outside, at night
- Known gang influenced neighborhood
- Victim dead on scene
- Volatile reaction within community
- Victim associated with gang violence
- Uncooperative witnesses at scene
- Some physical evidence (shells, a firearm, bullet holes in cars)
- Homicide Unit notified...

The Scenario...

- Radio call for a robbery in progress
- Update, store clerk has been shot
- Update, victim is critical not expected to survive
- Indoor scene
- 5 AM
- Cash register open
- Money gone
- Signs of a struggle
- Baseball bat on scene
- Blood on inside of glass door
- Blood drops outside leading to street
- Homicide Unit notified...

The Scenario...

- Found body
- Wooded area on side of road
- Partially clothed
- Face down
- No obvious sign of trauma
- No known identification
- Signs of lividity on back
- Some items of clothing
100 feet away
- Tire tracks in dirt on side
of road near scene
- Is raining
- Homicide Unit
notified...

Homicide Unit Notified...

- Who gets notified?
- Who responds?
- Who takes control?
- Who makes the decisions?
- How many Detectives go?
- Does everyone go to scene?
- Who do you talk to at scene?
- What are your priorities?
- What is your objective?

The Objective

To provide a timely and effective response

To conduct an effective, professional, diligent, and credible investigation

To collect and process potential physical evidence

To make informed and thoughtful decisions

To conduct effective and complete interviews

Why?

To identify a suspect?

To determine what happened?

To identify, document, collect, preserve items that may aid the investigation?

To identify and interview persons with information?

To clear the case?

THOUGHT...

- “the Homicide Unit was notified...”
- The incident has changed
- Team approach
- Communication/coordination
- Multi tasking dynamic
- Strategic, tactical, and procedural decision making
- Documentation/building a file

The Process

Regardless of the scenario, the scene, or the victim; there is a consistent and professional process at the core of every death investigation conducted by a Homicide Unit.

The facts and dynamics involved may dictate some flexibility, but the foundation will be built on a sound investigative response and process.

Reality Check...

- The pyramids were built using the “latest technology”
- Carrier pigeons were considered “ingenious” as a form of communication
- The best detectives were only interested in “just the facts”
- And selling Babe Ruth to the Yankees was a “good business decision” for the Red Sox

What do we know about that...

- We no longer build pyramids—we build high rise condos
- Safer, quicker, cheaper...with the latest technology
- There is nothing ingenious about a pigeon; except how their aim is always on target
- Joe Friday never went to court or wrote a search warrant. Think he worried about his witnesses getting killed, DNA, electronic recording? How would Joe do against Perry Mason?
- And Babe Ruth became “The Curse” for the Red Sox

Challenges...

The times have changed...

- Society is more sophisticated and crimes have kept pace
- Technology has aided, but also hindered police investigations
- Legal procedure and rules of evidence have evolved also
- Not everybody wants to help the police
 - Reluctant witnesses vs. obstructionist witnesses
- FEAR is not just a feeling-it can be a way of life

Communication...

- It all starts with communication

People know why a murder happened, and who did it...

Officers in patrol and specialized units can play a valuable role...

Forensic units...

Intelligence units...

Community groups...

HOW DO WE GET PEOPLE TO HELP?

Another way to view it...

- How can YOU let people help?
- Communication can be proactive not reactive.
- What have you done to encourage the help?
- It starts with you...

Response...

- The way we respond...
- How do we deal with people;-callers, witnesses, suspects, patrol force, specialized units, support groups, etc?
- How do we handle the scene?
- Are you open to new thoughts, suggestions, ideas?
- How you handle “Homicide Unit Notified” sets the tone

The Tone...

- “Begin with the end in mind”

Covey, 7 Habits of Highly Effective People

- “Begin with a Murder Trial/Motion in mind”

- Daniel Coleman, Boston, Ma

At every step of the investigation we must recognize that each decision must be weighed for its timing, need, and ultimate admissibility during a trial.

Failing to recognize this concept in today’s environment is like using a carrier pigeon to mail your rent payment.

“Quod non est in actis, non est in mundo”

Translation:

“What is not in the documents does not exist“

A friendly reminder that an investigation is only as good as the documentation and evidence that will support it. Your memory may be good, but your case and your credibility demand documentation.-----

Daniel Coleman, Boston, Ma.

The objective...

- The SHIFT...

TRADITIONAL=The Police arrested the murderer---case closed

REALITY=Sorry Joe Friday, but you have to go to court.

- Event is no longer the focus
- The process of why-how it happened takes center stage
- The shift is a “societal” shift-not just law enforcement

We must recognize the shift from arrest as the objective, to our investigative process as the strength in a prosecution beyond the arrest.

Debate...

- Clearance vs. conviction?
- Probable cause vs. beyond a reasonable doubt
- Your view depends upon your seat.
- Red Sox vs. Yankees
- Every arrest/clearance must be made with the realization that there will be a sophisticated challenge to it
- Accountability, trust, responsibility



GUILTY

ARREST

SCENE

- Great Arrest !!!!!
- How did you get there?
- Where did the evidence come from?
- Who are the witnesses?
- How do we get this information into a courtroom?
- Let's talk about your Process

WHAT IS THE PROCESS?

- Call to scene
- Control
- Decision making
- Timing/sequences
- Legal considerations
- Delegation
- Documentation
- Video, photos, sketch, collection
- Interviews
- Electronic recording
- Communication
- Review/debrief
- Discovery
- Debate
- Preparation
- Professionalism
- And so much more... all at the same time

CSI FACTOR?

- Not just TV
- Life is more sophisticated and complex
- Everyone uses e-mail, IM, cell phones, GPS, online chats, etc
- Everyone is aware that DNA exists
- Everyone has basic knowledge that fingerprints can be recovered
- Public and private video cameras



Who sits on juries?

- The Jury is not dumb... and they have their own beliefs
- Everyone knows bullets can be identified
- Everyone knows that there are surveillance cameras everywhere
- Everyone questions police tactics
- Everyone knows that you have to question everything the “government” tells you
- Everyone knows that the police could have taped the defendant’s statements-but didn’t
- Who gets the benefit of the doubt?



What are the biggest challenges to investigating and prosecuting a homicide?

- Increased reliance upon forensics
- Witness reluctance
- Increasing legal challenges to forensic testing
- Juror sophistication and expectations
- Public/media portrayals
- Increased questioning of police credibility
- Obstructionist witnesses-gang cases especially
- Limited resources vs. growing case load vs. greater expectations by public

What can we do?

- Effective selection of personnel
- Education and training of ALL personnel
- Proactive relationship building
- Recognize our role within a greater objective
- Develop and nurture strong communication mechanisms (internal and external)
- Focus on credibility and sustainability of our investigative efforts

Change of culture is needed-
don't let the carrier pigeon
carry your mail

- Juries are “normal” citizens—COPS are NOT normal
- Juries think the way they do because they are NOT cops
- The investigation must be conducted in a way that can be presented as a learning module for the jury.
 - This is why we did or did not do certain things in the investigation—from the witness stand—no excuses-just explanation
 - Do not leave a jury guessing about what was done (not done) or why it was done (not done)—that is REASONABLE DOUBT

What does a “clearance” tell us?

Does it measure effectiveness?

Should we be more concerned with trial outcomes over arrests stats?

Does community confidence in police go up when we make an arrest? lose a case?, or a suspect is released on a technicality?

Who judges effectiveness and how should it be measured?

A focus on the process alone suggests that we may value conviction over arrest and cause undue delay



A focus on arrest alone suggests we may minimize important and necessary steps



Our biggest challenge is to balance both of these concepts



- Recognize that they are not mutually exclusive
- Know how and when the two responsibilities have been satisfied
- Confidence and integrity to not compromise these responsibilities
- Public needs, offender rights, investigator integrity—
- DUE PROCESS
- Accountability

The challenge for a criminal is to not get held accountable for their actions

- All other challenges belong to us as law enforcement
- As part of prosecutions
- As witnesses
- As protectors of those who cannot or will not speak for themselves

Thought...

- “The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.”

Martin Luther King Jr.

Investigating and prosecuting homicides is not comfort and convenience...

The challenges will continue to grow; become more complex and more frustrating...and we will continue to do what we do--because it matters...
and because “the Homicide Unit was notified”

Developing an effective case management plan for homicide investigations

- There is no single “over the counter” remedy for this challenge
- It may require an organizational and cultural shift from traditional narrow models to broader strategic models
- There is a need to recognize that complexity and sophistication of crimes and subsequent investigations will translate into time, delays, and additional resource expenditure
- Selection, training, education, and communication are critical
- “front loading” the response and investigation when appropriate
- Partnerships and trust within agency, with other law enforcement and with community stakeholders
- Effective and timely response
- Strategic and “dynamic” decision making
- Credibility and investigative integrity
- Open and receptive philosophy to allow others to contribute

What is your reality?

- Budgets/economics
- Staffing
- Case load
- Jurisdiction
- Current perception: agency, unit, product
- Judicial/legislative mandates re: procedures
 - recording, eyewitness process, disclosure, etc

The investigative plan requires BALANCE

- Know your objectives
- Know your realities
- recognize your role as PART of the solution, but not the ONLY part
- Proactive communication and education both internally and externally
- Public demands vs public fear
- Responsibility to investigate and desire to solve vs the immediate needs for public safety, prevention of further crime, guide effective deployment decisions
- Investigative reality/evidence vs patrol or community perception of the incident
- Results/information vs how you get them
- Probable cause vs beyond a reasonable doubt
- Efficiency vs effectiveness

The foundation...

Respond promptly and effectively-identify priorities

Send as many investigators as appropriate for circumstances

Establish command and control for decision making and resource use-strategic, legal, and tactical control and accountability

Integrate patrol and other responders into the process immediately

Utilize access to external resources to collect information, assess perceptions, manage information

Consider all steps and decisions within the context of the realities down the road

First “72” mentality when possible, followed by a debriefing and transition meeting from triage to sustained and strategic effort

Assess what is known, assess what is needed, assess priorities

Your thoughts...