Homicide investigations: modern UK perspectives
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What is going on?

This special edition on UK homicide investigations cannot be more timely, given the current landscape within the Criminal Justice System in England and Wales. One could be forgiven for thinking that British criminal justice raises the same problems on an almost cyclical basis, with recurring problems manifesting in the form of miscarriages of justice (MOJs), poor investigations of rape and domestic abuse reports, poor investigation of apparent or actual homicides, and ongoing issues with one of the areas of practice considered to be fundamental to justice and designed to reduce MOJs: the disclosure regime underpinned by the Criminal Procedure and Investigations Act (CPIA), codes of practice and various explanatory and guidance documents. There is a history of high-profile failings that serve to place poor police practice in the spotlight and amplify in a negative way how the public see police abilities to solve major crime. As Brookman and Innes (2013) suggest, often how police investigate major crimes is used as a “barometer” of police success. In contrast, the way police have honed investigative practice in relation to major crime investigation is often held as the gold standard for all investigations. Despite recurring problems, MOJs can variously be caused by corrupt practices, poor decision making, compliance drift (see Innes, 2003) or investigative incompetence variously fueled by neglect, laziness, lack of training, lack of resources, tiredness, lack of supervision or lack of experience to perform the duty required (as has always been the possibility). What is interesting, however, is that causes resulting in the same outcomes can change over time. To that list of possible causes above, we can now add other variables, such as government austerity measures, staff with higher workloads expected to do more with less, an ever-increasing tidal wave of technological advancement that can overload stretched resources, a higher public expectation that the police are now professionalized and thus more capable than ever, and an increased level of scrutiny unwelcome in policing circles due to such problems (Roycroft, 2019).

Brookman et al. (2018) suggest that the number of homicide cases solved in the USA has declined significantly from above 90 percent in the 1960s to under 60 percent in 2016. In the UK, they demonstrate that the decline is less; from 94 percent in the 1960s to an average of 90 percent since the turn of the century. That said, a recent The Guardian article, based upon freedom of information requests replied to by only 20 out of 43 police services, suggests that detected homicides fell from 83 percent in the year 2010–2011, to 74 percent in 2015–2016 and 67 percent in 2017–18 (Dodd, 2019). Whilst the statistics cannot be relied upon, because of the response rate and potential for inaccuracy, possible explanations for any decline in homicide detections are the increasing complexity of cases, the reduction of resources available to investigate, the capacity of investigations to be able to cope with high-volume information generated in homicide investigations (see Allsop in this special edition) and capacity to deal with the rise in technology. Maguire et al. (2010) observe that the traditional academic view of homicide investigation has been that two important factors contribute to whether a crime is detected or not. Those factors are environmental and organizational. Environmental factors are usually understood as issues seen as the demographics of a case, such as location, community characteristics, type of victim (including gender, race and lifestyle) and case complexity. Organizational factors usually comprise the nature and quality of the investigative response, competence, workloads, policies, practices and procedures, experience and so on. Others have described these as being extrinsic factors (environmental), as opposed to intrinsic (organizational), and have suggested in the past that investigations are usually hampered by environmental/extrinsic factors and there is little that investigative effort (organizational/intrinsic) can do to improve matters and increase detections (echoing the Greenwood et al. (1977) study,
which suggested that detective effort did little to solve crimes). Recent discourse has begun to challenge this perception and argues that what investigators do can, in fact, make a very important difference to whether cases are solved (Brookman et al., 2018; Wellford et al., 2019). Cook et al. (2019) also considered why gun homicides were cleared more often than non-fatal gunshot cases in the USA. They concluded that investigative effort longer than the first two days of an investigation yielded better results, once again pointing to factors that are organizational that can positively affect outcomes.

The dichotomy between environmental and organizational factors does, however, suggest that the distinction is simple, and if we know anything, it is that not everything is as simple as that. Brookman et al. (2018) suggest in their recent paper that some lines are blurred and the simple dichotomy does not take account of the complex and sometimes close relationship between both environmental and organizational factors. It is useful to read the empirical studies within this special edition with these factors in mind. Many of the themes emerging from this collection of research papers on UK homicide investigation relate to organizational factors and the issues and problems raised by the voices of practitioners. That said, Mozova discusses problems associated with so-called gang-related investigations and articulates a number of both environmental and organizational factors that appear to hinder effective investigation of cases, and these are arguably linked to an extent that cannot be understood as a clear distinction between environmental and organizational factors. For instance, some communities where homicides occur may appear distant from the police and a likelihood of cooperation in investigations considered low (Brookman et al., 2018). But what about any effort by investigators to engage with the community to encourage participation? A good starting point would be the use of community impact assessments, and Mozova’s work suggests that these are sometimes not undertaken. Could the approach and mindset of investigators (organizational) make a difference to the environmental factor (community)? Again, this is not to suggest that police never engage, but assuming lack of cooperation could sometimes be a self-fulfilling prophecy.

Dominant themes that emerge from many of the research papers in this journal are: the effects of government austerity measures on resources and workload; the rise of technology and its detrimental effects upon police investigations; the current issues associated with disclosure; oversight of investigations; organizational arrangements for investigations; and the importance of experience, training and knowledge in investigators. These identified themes are important because they can all lead to MOJs either on their own or combined. MOJs in this context relate to the wider sense of not just convicting the innocent, or not convicting the guilty, but also never bringing a person to justice due to investigative failings (Poyser et al., 2018).Space precludes a discussion of all themes emerging, but some will be extrapolated further below.

What is most concerning about the voices of practitioners in this special edition is that there seems little time or resources to be able to do the bare minimum required in homicide investigations. Evidently, the rhetoric of professional practice struggles against the reality of deep cuts to the investigative function, and homicide investigations have not been immune to this. Indeed, Dodd (2019) also notes that there has been a decline in the number of detectives in homicide teams, down by 610 (28 percent) between 2010–2011 and 2017–2018. In article by Hill/O’Neill, Mozova, Fox and Allsop, one discerns a body of investigators trying to do their best against a backdrop of less resources, higher workloads and increased expectations. The current system is providing perfect conditions for MOJs to flourish (O’Neill, 2018). Even the safeguard provided by the Crown Prosecution Service (CPS) appears to have suffered under austerity measures, to the detriment of case management. Hill/O’Neill demonstrate that investigators are unable to work on review recommendations and complain that often there appear to be more review team members than homicide detectives, and that they have fewer resources to be able to act upon recommendations. Moreover, they suggest they are likely to have moved to another homicide case by the time any review is completed. The nature, timing and purpose of reviews appear in need of reconsideration in the modern era, although the study reported one large police service and does not necessarily reflect what occurs in other police jurisdictions. In the article by Mozova and Hill/O’Neill, officers complained that they were unable to progress multiple perpetrator homicides due to scarce resources, and that they had to make pragmatic decisions to concentrate upon more obvious suspects rather than all potential suspects (what one
respondent called “low hanging fruit”). In the article by Fox, the impression emerges of inconsistent practice in cases of child death investigation, with less resources applied to this category of homicide than almost any other. Whether this is a product of austerity and scarce resources is open to question, as the way in which these investigations are structured and managed appears to be a deliberate policy due to the nature of the response believed to be required, including responses with other agencies (see further discussion below).

Lack of resources represents an imperative for investigators to do more with less, although there are consequent concerns relating to welfare of officers in these situations (Turnbull and Wass, 2015). Various articles in this special edition identify lack of resources as problematic in modern homicide investigations, and in the article by Hill/O’Neill, Mozova, Fox, Allsop and Brown/Crege, there is evidence of high workloads against a backdrop of cuts, and concerns amongst some senior investigating officers (SIOs) that systems and practices may not be able to identify actual or potential MOJs, either at all, or before it is too late. Concerns around cutbacks and their effects on police resources in homicide investigations have been reported elsewhere too (see for instance, Turnbull and Wass, 2015; Roach et al., 2018; Brookman et al., 2018).

Recent issues with failed disclosure in rape and serious sexual assault cases (such as those of Liam Allan, Isaac Ittery and others) demonstrated further opportunities for actual or potential MOJs. Luckily, cases like Allan were caught before conviction, but this and other cases mentioned still represent a catalogue of “near misses” (Smith, 2018). The CPIA was intended to provide a statutory regime to ensure that problems with disclosure did not arise in the future. The CPIA, with associated codes of practice and a disclosure manual, mandated police and prosecutor conduct in the investigation of cases, as well as in the recording, retention, revelation and disclosure of unused material. Even before the recent problematic cases, there was ample evidence that police officers did not use the law (see Taylor, 2001, 2005), and a recent HMPSI and HMICFRS (2017) report that criticized both the police completion of unused material schedules (22 percent inadequate) and CPS supervision and management of the process. Smith (2018) suggests that there is a tension between the due process rights of suspects and the adversarial system, with investigators in a cultural milieu diametrically opposed to open disclosure, despite legislation and guidance. Some commentators are also suggesting that the law needs to be changed to allow for post-conviction disclosure following what they suggest is an unsatisfactory ruling in a recent case (Greenwood and Eady, 2019). Disclosure is one of the issues that emerge again in both the Mozova and Hill/O’Neill articles, representing a major concern for investigators worried about the implications of disclosure burdens with limited resources. One of the interesting aspects of the Allan case relates to the rise in technology and the challenges this brings for investigators. Whilst mobile phones, computers and other technological advances are to be welcomed in general, they pose problems for investigators. In the Allan case the suggestion was that a mobile phone contained 57,000 lines of data (MPS and CPS, 2018). Multiply this in cases of groups suspected of homicide and the problems for an investigation amplify. Bearing in mind the CPIA duty to pursue reasonable lines of inquiry, investigators will be faced at times with a battle to interrogate technology such as CCTV, computers, phones and other devices for evidence and or intelligence relevant to a case. All this is against a backdrop of limited investigative resources, capacity and capability pointed out by the HMICFRS (2017) in its PEEL report.

In addition, Allsop notes how the rise in the use of forensic evidence, whilst a major breakthrough in strategies that could help to bring offenders to justice, can create issues with the need for further and costly forensic examination despite the closing of the Forensic Science Service, and the potential that an over reliance on forensic evidence can have a detrimental effect upon the amount of other investigative effort expended on a case. The problematic issue of investigator mindset to forensic evidence (or lack of) has been alluded to by others previously (see Innes, 2003; Roach et al., 2018). The belief that forensic evidence is the “golden nugget” of a case is also flawed from an evidential perspective. Even though it can be crucial to cases (Roycroft, 2007), it is only strong circumstantial evidence and on its own, without other evidence, rarely solves a case (Stelfox, 2006).

According to the Fox research, those undertaking child death investigations appear to be less experienced and, as a result of little or no training, are under-qualified to perform their role. Bearing in mind the importance of child death investigations, this is a concern, although not
surprising based upon the preceding discussions relating to resources and workload. The training issue is worthy of further research in terms of the effects of austerity on the availability and opportunity for training, the increased use and effectiveness of e-learning as a tool for professional development, and the opportunity and availability for continuing professional development of specialists. In the article by Hill/O’Neill, Mozova, Allsop and Fox, there are signs that specialisms need both experience and quality training and development to enhance expertise in specific areas of homicide investigation. In the article by Fox, for example, there is a call for more training in relation to the investigation of child death particularly in light of ACPO policy that suggests all investigators in the field must be nationally qualified to perform the role (ACPO, 2014). Hill/O’Neill highlights a need for training and development of SIOs and reviewers in proactive investigations, and Mozova’s research highlighted a need for specialist, experienced officers to undertake gang-related investigations. Brown/Crego and Mozova also highlight the importance of experienced and well-trained Family Liaison Officers to assist with the ongoing investigation, as well as to support co-victims through the criminal justice process. In relation to disclosure, the need for further training and development of police and CPS staff has already been identified (HMCPSI and HMICFRS, 2017; MPS and CPS, 2018), and a National Disclosure Improvement Plan is in place (NPCC et al., 2018).

Fox highlights issues relating to the investigation of sudden child deaths, but his concerns and observations have implications for other sudden death investigations as well. First, there is an issue relating to the ownership of investigations from the early stages of police response to sudden deaths. In relation to child deaths, Fox highlights the inertia of decision making regarding who investigates a case and at what stage. Homicide teams in the study appear to only take cases where medical evidence confirms homicide. This is problematic, as medical evidence can take some time to emerge. Often this can take months, by which time some essential investigative activities may no longer be possible. Fox highlights this lacuna well and makes suggestions for improvement. What he also alludes to is the inertia created at the investigation level in terms of the guidance afforded to responders in cases of child death (ACPO, 2014). We know that human nature can make a significant difference to how cases are investigated and their eventual outcomes. Guidance to investigators relies upon an understanding that many child death cases are as a result of natural causes, although it is suggested that as the situation develops with greater medical knowledge in this field, it is likely that the number will fall and the number of suspicious cases will rise (Marshall, 2012; ACPO, 2014). Because many deaths are due to natural causes rather than crime, police officers are in the unenviable position of being advised to approach cases in a different, more sensitive way to almost all other potential homicides. They are urged to act in a “sensitive and controlled” manner, or what Marshall (2012) has described as “compassionate cynic.” This is a tricky thing to require of investigators used to cordoning scenes, seizing exhibits, taking statements, arresting suspects and so on. Such a mindset encourages investigators to perform some form of “mental gymnastics” and to subsume their usual police mentality. The point here is not that police officers cannot do this. Indeed, many do this with ease. The problem comes in relation to consistency, and whether these instructions cause confusion and hinder effective responses, where officers could inadvertently miss important evidence. Good practice relies upon the level of experience, expertise, knowledge and training that investigators have in these cases. Evidently, from Fox’s article, training appears to be lacking, and inexperienced officers are investigating what are very important potential homicides. The College of Policing offers a National Child Death Investigation Programme, consisting of a week-long course, although availability is unknown. Again, such lack of clarity potentially fuels a “perfect storm” that could lead to future MOJs. Arguably, cases such as Poppi Worthington demonstrate these kinds of issues, where the police response was criticized by both coroner and the Independent Office for Police Conduct, amid suggestions that officers at the potential crime scene failed to preserve what could have been crucial evidence, and where the initial response was deemed to be inadequate (OPC, 2015). Fox goes further and argues that the system of response to child deaths as it currently stands may inadvertently lead to some homicides being missed.

The investigation of deaths is a fertile ground for future research, relying as it often does on a uniformed response, in the first instance, to consider whether any suspicious circumstances exist. In some cases, local detectives are also called upon to provide their opinion on whether a case is suspicious, and only then will cases be referred to homicide teams to investigate.
The Stephen Port case (Openshaw, 2016) is another that exemplifies problems in referrals to homicide teams. Whilst there is evidence of consultation between local investigators and the homicide team, the case was referred only after the family of Jack Taylor (Port’s final victim of four) undertook their own investigations and pressed the police into further action. Lack of oversight from those considered experts (i.e. SIOs or experienced homicide detectives) can mean that homicides are missed. On a final note regarding death investigations, research would be useful to ascertain the force standard operating procedures and/or guidance relating to all forms of death investigation. Whilst the College of Policing has produced practice advice for dealing with sudden unexpected deaths in adults, each individual police force has their own policies and practices. Some mirror the practice advice, whilst others do not. Some use confusing language by identifying certain deaths as suspicious at the outset, such as deaths in prisons, child deaths, drug-related deaths, suicides and so on. In this way, they appear to be trying to ensure that certain types of cases have at least a detective of the rank of inspector oversee local investigations, so that no potential homicides are missed. The confusing aspect of this is that the investigation then has to be undertaken to consider whether any death is actually suspicious in the sense that there may be third-party involvement sufficient to invoke a fuller criminal investigation. As with guidance on investigating child death, clarity is important so that practitioners are clear on their responsibilities, and defining certain cases of death as suspicious in the first instance merely to signify that the response needs to be overseen by a detective inspector seems likely to overcomplicate matters when the investigation should determine suspicion, not necessarily the category.

Waddington (2015) suggested a number of years ago that police often react to failings with the rhetoric that lessons have been learnt and that the problem will not recur. This, he argues, belies the reality of the situation, and indeed there is evidence that problems do recur despite claims made (see O’Neill, 2018). That said, it is difficult to be critical of a police service that appears to be suffering the consequences of severe cuts to resources and are having to make do with the limited resources they have against the backdrop of increased demand and an inevitable rise in technology that they have limited capacity to cope with. However, the police cannot be absolved from all responsibility. Let us not forget that MOJs, due to poor investigative practice, poor decision making and poor disclosure have occurred for many years, even before austerity and the resource shortages and rise in complexity of cases and technological advances. What may be happening is that the more modern problems have added another layer to the variables that can create the conditions for MOJs to occur. Before austerity, attempts were made to professionalize investigations (at every level of seriousness) under the auspices of the professionalizing the investigation program (Stelfox, 2009; Tong et al., 2009; O’Neill, 2018). However, evidence of success is not currently available (James and Mills, 2012; O’Neill, 2018; Donnelly and West 2019). Additionally, the Murder Investigation Manual (ACPO, 2006) was produced to act as useful guidance for SIOs, but has not been updated sufficiently to take account of new and emerging developments in the field of homicide investigations (Donnelly and West, 2019). Moreover, decision-making guidance and tools (i.e. the National Decision Making Model) appears unsuitable for hypothesis generation and testing, a process thought most likely to prevent tunnel vision/confirmatory bias (and therefore minimize MOJs) better than other decision making processes (Dando and Ormerod, 2017). This could have prevented flawed thinking of the kind that has crept into sexual assault investigations, where an assumption of the truth of a complainant’s account effectively reverses the burden of proof against suspects, thereby undermining essential principles of the legal system (Henriques, 2016). I do hope you enjoy the collection of articles within this special edition. It begins with an empirical study by Valeria et al. that provides some interesting evidence regarding homicide offender typologies and crime scene behavior patterns. Within the context of offender profiling, this research may add an extra evidence-based dimension to investigations where relevant.

References


MPS and CPS (2018), "A joint review of the disclosure process in the case of R v Allan: findings and recommendations for the Metropolitan Police Service and CPS London (January 2018)".


Further reading


Abstract
Purpose – The purpose of this paper is to identify offender typologies based on aspects of the offenders’ psychopathology and their associations with crime scene behaviours using data derived from the National Confidential Enquiry into Suicide and Safety in Mental Health concerning homicides in England and Wales committed by offenders in contact with mental health services in the year preceding the offence (n = 759).
Design/methodology/approach – The authors used multiple correspondence analysis to investigate the interrelationships between the variables and hierarchical agglomerative clustering to identify offender typologies. Variables describing: the offenders’ mental health histories; the offenders’ mental state at the time of offence; characteristics useful for police investigations; and patterns of crime scene behaviours were included.
Findings – Results showed differences in the offenders’ histories in relation to their crime scene behaviours. Further, analyses revealed three homicide typologies: externalising, psychosis and depression.
Practical implications – These typologies may assist the police during homicide investigations by: furthering their understanding of the crime or likely suspect; offering insights into crime patterns; provide advice as to what an offender’s offence behaviour might signify about his/her mental health background. Findings suggest information concerning offender psychopathology may be useful for offender profiling purposes in cases of homicide offenders with schizophrenia, depression and comorbid diagnosis of personality disorder and alcohol/drug dependence.
Originality/value – Empirical studies with an emphasis on offender profiling have almost exclusively focussed on the inference of offender demographic characteristics. This study provides a first step in the exploration of offender psychopathology and its integration to the multivariate analysis of offence information for the purposes of investigative profiling of homicide by identifying the dominant patterns of mental illness within homicidal behaviour.
Keywords  Offender profiling, Mental illness, Psychopathology, Multivariate analysis, Homicide, Crime scene analysis, Crime scene behaviours, Investigative advice
Paper type  Research paper

Introduction
Offender profiling and behavioural investigative advice
Traditional offender profiling has entailed predicting the likely socio-demographic characteristics of an offender based on crime scene information (Almond et al., 2007). However, in the last 20 years, a broader definition of offender profiling has emerged in the UK: behavioural investigative advice (BIA) (Alison et al., 2003). This consists of a more integrated multidisciplinary approach that recognises the range of reliable, tested and transparent evidence-based methods by which psychologists might provide advice to law enforcement during the course of an investigation (Alison et al., 2007). The BIA approach has involved a focus on the bidirectional collaboration between academics and practitioners (Alison et al., 2010).
Behavioural investigative advisors are a professional group of individuals with extensive experience of serious crime and the knowledge to integrate their behavioural advice into an investigation (Rainbow, 2008). They provide advice and investigative support based on knowledge from behavioural sciences (Vettor, 2012). Further, BIA not only involves what is typically considered to be offender profiling, but also contributes to other aspects of the investigative process by aiding: suspect prioritisation, crime linkage, geographical profiling, the interview process and risk assessment of offenders in clinical settings.

A hypothesis, that is, central to offender profiling and consequently to the provision of BIA refers to the possibility that an offender will have some characteristic similarities in the manner she or he carries out a crime, and that variations in such will relate to the individuals who commit them (Canter, 2000). There are two main assumptions underlying the hypothesis at the heart of offender profiling (Alison et al., 2002).

The two assumptions underpinning offender profiling

Two central assumptions need to be met in order for offender profiling to be valid and useful: behavioural consistency and homology (Alison et al., 2002). The behavioural consistency assumption holds that the variations in behaviours of an offender across their offence series must be less than the variation in behaviour between offenders (Salfati and Bateman, 2005). That is, intraindividual behavioural variation across offences is smaller than interindividual behavioural variation. The homology assumption requires the variations between crimes to be related to variations in offender characteristics; criminals who exhibit similar crime scene actions will also possess similar background characteristics (Doan and Snook, 2008; Mokros and Alison, 2002).

For example, two homicide offenders that are married have the same previous convictions to each other and a history of drug abuse should be more likely to offend in the same way than an offender who is single has different previous convictions and no history of drug abuse.

These two assumptions are used to validate the “profiling equation”, abbreviated as the “A → C equation” (Canter, 2000). In this equation, the A(ctions) in an offence are used to derive inferences about the C(haracteristics) of the offender. The assumption of behavioural consistency is not dependent upon the assumption of homology being met since consistent behaviour across offences does not require similarity of characteristics across offenders (Alison et al., 2002). However, if the assumption of homology is found to be valid then the behavioural consistency assumption would be valid as well due to the implication that offenders’ actions have to remain consistent for similarities to be identified between their characteristics and behaviour (Mokros and Alison, 2002). If these assumptions are invalid, advice given to the police may potentially mislead a criminal investigation, resulting in both human and financial costs (Gudjonsson and Copson, 1997).

It has been suggested that the homology assumption (i.e. the direct link between offender characteristics and offence behaviour) is too simplistic since it fails to consider the influence of situational factors on offence behaviour (Alison et al., 2002). Mokros and Alison (2002) state another possible explanation may be that crime scene behaviours are only moderately related to offenders’ demographic characteristics. Indeed, most offender profiling studies attempting to test the consistency and homology assumptions have focussed exclusively on the inference of the offenders’ demographic information (Laajasalo, 2007). However, Alison et al. (2002) argue that it is futile to try to predict demographic features of the offender from crime scene behaviour since psychological theory would not predict such a link. Focusing on other possible differences between perpetrators that commit the same type of crime in different ways may prove a more successful route (Alison et al., 2010; Laajasalo, 2007; Woodworth and Porter, 2000). For example, some researchers suggest that the offenders’ psychopathology may represent a more promising approach (Häkkänen, 2007; Laajasalo, 2007).

The effect of psychopathology on crime scene behaviour

Investigating relationships between the offenders’ psychopathology and crime scene behaviours may yield more interesting results for offender profiling (Häkkänen and Laajasalo, 2006; Häkkänen, 2007). Indeed, some studies have reported that individuals with mental disorders
show more consistent offence behaviour than individuals without such disorders (Santtila et al., 2008; Woodhams and Komarzynska, 2014). Information on how offenders with differing mental illnesses vary in their homicide offence behaviour could be used to generate offender profiles that may assist police investigations (e.g. with suspect prioritisation or developing interviewing strategies) (Häkkänen and Laajasalo, 2006; Woodworth and Porter, 2000). An influential study that was derived from a request for a behavioural analysis (i.e. an offender profile) highlighted that “what is occasionally needed is advice on whether the case includes any behaviour prone to offenders with a mental illness” (Häkkänen, 2007, p. 76). Further, if mental illness results in greater consistency in offence behaviour, this could improve crime analysts’ abilities to link offences by individuals with mental illness.

For it to be possible to profile offenders’ psychopathology from crime scene information there must be a relationship between the behaviour displayed at the crime scene and the offender’s mental illness. Unfortunately, there is a paucity of recent studies investigating whether offender psychopathology is related to specific homicide crime scene behaviours. However, early research suggests violence in psychiatric patients is related to their underlying psychopathology (Blaney and Millon, 2008; Krakowski et al., 1986; Schlesinger, 2007), with some studies demonstrating a significant association between specific violent offending behaviours and certain types of mental disorder (Häkkänen and Laajasalo, 2006; Monahan, 1992; Steury and Choinski, 1995; Taylor et al., 1993). Personality psychology suggests there might be theoretical support for such relationships.

**Personality psychology and offender profiling**

According to Alison et al. (2002), traditional offender profiling has been largely based upon personality and trait approaches, which propose that personality should result in the stability of an individual’s behaviour over time and across situations (i.e. non-situational and based on context-free dispositional constructs) (Pervin, 2002). Indeed, for many decades, the study of behavioural consistency has been an essential part of personality psychology (Woodhams and Bennell, 2014). Early dominant theories of personality psychology measured trait indicators (e.g. behaviours assumed to represent the underlying trait of aggressiveness) often through questionnaires, over multiple time intervals or across situations with the expectation that the individuals’ scores would remain the same. However, research findings suggested the opposite (Shoda and Smith, 2004). Personality psychologists considered these findings were a result of their study design failing to exclude what was assumed to be “error” (i.e. the influence of the situation) (Epstein, 1980). This inconsistency between theory and empirical findings was referred to as the personality paradox (Woodhams and Bennell, 2014).

Rather than viewing either the person or the situation as influential, some researchers have suggested a shift in focus to the interaction of the person and the situation in producing behaviour (Mischel, 1973). This is referred to as interactionism in personality psychology (Griffo and Randall Colvin, 2009). Similarly, within offender profiling, rather than viewing the offender characteristics or crime scene aspects as a direct relationship, Alison et al. (2002) suggest also considering the influence of situational factors in producing offence behaviour. The concept of interactionism was formalised in Mischel and Shoda’s (1995) cognitive-affective personality system (CAPS) personality model.

**Mischel and Shoda’s CAPS**

The CAPS model has frequently been cited in the crime linkage literature for its ability to provide useful predictions as to when behavioural consistency and distinctiveness (i.e. the two main assumptions underpinning crime linkage) are most likely to be observed (Woodhams and Bennell, 2014). These predictions can then be empirically tested to determine their applicability to criminal behaviour and their relevance to offender profiling and crime linkage practice. Mischel and Shoda’s (1995) model proposed a behaviour generation process in which behaviour is produced when a person’s mental representations (or cognitive-affective units) are triggered by situational features that are psychologically salient to the individual. The mental representations or units included within CAPS are constructs of the self, people and situations; expectancies and
beliefs; affects; goals and values; competencies and self-regulatory plans (Woodhams and Bennell, 2014). Within each individual, there is a rich system of relationships among these cognitive and affective units; it is when these units interact and influence one another that plans, strategies and behaviours are activated (Mischel and Shoda, 1995). The pattern of activation is unique to each individual and depends on his or her accumulated learning experiences, expectations and interpretation of situational cues. For this reason, a person’s CAPS can evolve with time as they encounter new experiences and situations, allowing for interindividual differences.

There are two systems included within CAPS. The first one, a “hot” emotional system, is specialised for quick emotional processing and responding based on conditional or unconditional trigger features. The second one, a “cool” cognitive system is specialised for complex spatiotemporal and episodic representation and thought (Mischel, 2009). The two systems are in relative balance and constant interaction. According to Woodhams and Bennell (2014), behaviours that are more impulsive and automatic are likely to show greater consistency over time and across situations.

According to Mischel (2009), the model predicts consistency in behaviour when an individual encounters psychologically similar situations; situational features in these situations will trigger similar patterns of activation producing the same behaviour. Mischel also explains that interindividual variation in behavioural responses to the same situation is a result of differences in how the same situation is perceived and processed. Further, characteristics of the individual such as attributional biases (e.g. interpreting hostility from ambiguous cues), response tendencies (e.g. broad response tendencies) and discriminative faculty may predict interindividual differences. For example, a person with broad response tendencies may have difficulty with responding to situational differences and thus behave consistently across different situations (Mischel, 2009).

Further, personality psychology also reports that individuals with psychopathology, such as social information processing deficits or deficits in discriminative faculty, behave more consistently across situations (Eaton et al., 2009; Walters, 2000).

**Applying CAPS to criminal behaviour by individuals with mental illness**

As mentioned above, the CAPS model makes useful predictions as to when greater behavioural consistency might be expected in criminal behaviour. For example, offenders who can exert more control in a crime (e.g. target selection) are likely to increase situational similarity which may lead to greater consistency. Additional research suggests greater consistency may in part be due to the offender’s form of psychopathology (Tonkin, 2014).

Some research suggests that various forms of psychopathology may affect behavioural consistency by influencing the behavioural responses available to the individual, as well as how they select, attend to and process situational cues (Eaton et al., 2009). These deficits in social information processing may result in consistent behaviour across different situations, suggesting offenders may show behavioural consistency in the manner they commit an offence despite changes in situational features (Woodhams and Bennell, 2014). Indeed, according to Eaton et al. (2009), cognitive and affective distortions associated with personality disorder may prevent the individual from differentiating between situations effectively leading to consistency in psychologically different situations. Further, individuals with personality disorders may have a more limited behavioural repertoire, which can result in indiscriminate responses.

Research also highlights the potential for bizarre behaviour within offenders with schizophrenia to assist offender profiling through the differentiation of offenders (Woodhams and Komarzynska, 2014). Such behaviours are more likely to be displayed when the offender is actively psychotic at the time of the offence. In the case of homicide, research has reported that up to 90 per cent of homicide offenders with schizophrenia experience psychotic symptoms at the time of the crime.

The CAPS of individuals with depression can be greatly influenced by similar constructs of the self (e.g. I am worthless), people (e.g. other people dislike me) and situations, which may result in the individual recreating the same situation over time (Woodhams and Bennell, 2014). Indeed, according to Mischel and Shoda (1995), people will select and recreate situations that suit their personalities. In summary, the presence of mental illness may affect the degree of behavioural
consistency displayed by an offender at the crime scene. Furthermore, greater consistency can also be expected in crimes that are characterised as stressful, mainly interpersonal offences, such as homicide (Woodhams and Bennell, 2014). For this reason, this study focuses on the interpersonal crime of homicide committed by individuals with mental illness. In addition, homicide is one of the serious types of crime where offender profiling is often conducted (Tonkin et al., 2009).

Previous research on homicides by individuals with mental illness

The idea of violence being qualitatively different in relation to the type of mental illness of the perpetrator has been relatively ignored in studies of homicide made for offender profiling purposes (Häkkänen, 2007). Prior research on homicide committed by people with mental illness has mainly focussed on three aspects. First, homicide crime scene behaviours: these studies investigate information concerning victim type (Shaw et al., 2004; Large and Nielsen, 2011), method of homicide used (Rodway et al., 2009; Catanesi et al., 2011), location of the homicide (Canter, 2007), circumstance or motive (Francis et al., 2004; Putkonen et al., 2001) and crime scene behaviours (Häkkänen and Laajasalo, 2006; Salfati and Park, 2007; Santtila et al., 2001). Second, offenders’ mental state at the time of the crime: these studies report on the offenders’ psychiatric diagnosis (Fazel and Grann, 2004; Golenkov et al., 2011; Schanda et al., 2004), symptoms at the time of the offence (Joyal et al., 2004; Peterson et al., 2014; Rodway et al., 2009; Taylor, 1998) and level of intoxication at the time of the crime (Montanez, 2000; Putkonen et al., 2001). Third, differences among the offenders’ socio-demographic and background characteristics: such as offenders’ age, sex, employment and marital status.

Overall, most of these studies have only investigated direct associations between a single aspect of the offender’s clinical or criminal history and a single crime scene behaviour. To date, there has been no study examining patterns in clinical histories of homicide offenders with different mental illnesses and how these could associate with the aspects surrounding the day of the homicide. The aim of this study was threefold. First, using a sample of homicides in England and Wales we will examine the interrelationships between various characteristics of the offenders’ mental health history in order to identify any salient patterns and explore how these associate to aspects surrounding the day of the homicide. Second, to identify distinct homicide typologies based on the associations identified. Finally, to explore the use of information relating to offender psychopathology for offender profiling purposes.

Method

The data collection

All homicide characteristics, socio-demographic and offender criminal and clinical history information were obtained from the National Confidential Enquiry into Suicide and Safety in Mental Health (NCISH). NCISH collect and maintain clinical data on homicides and suicides by mental health patients in the UK (NCISH, 2018). Data collection occurred in three stages. First, notification of homicide and details of the perpetrator were provided by the Home Office to NCISH. Second, psychiatric reports were obtained from Her Majesty’s Crown Courts. Finally, details of the perpetrators were sent to NHS Trusts and Health Boards in the perpetrator’s district of residence to identify previous contact with mental health services. If contact was identified, a questionnaire was sent by the NCISH to the consultant psychiatrist in charge for the patient’s care and treatment. This database is not replicated by any other national or international research group or organisation (Flynn et al., 2016). The standard NCISH methods are described in full elsewhere (Appleby et al., 2016).

The sample

There were 10,473 homicide convictions in England and Wales between 1997 and 2014. Homicides are defined as murder, manslaughter or infanticide under the Homicide Act (Elliott, 1957). Our sample included a NCISH 17-year consecutive case series of convicted homicide offenders (1 January 1997–31 December 2014) in England and Wales. The sample included
patients who had been in contact with mental health services in the year before committing a
homicide. Data on the offenders’ clinical history were obtained via a questionnaire from the
clinician responsible for the patient’s care. Information on offenders’ mental state on the day of
the offence was obtained from psychiatric reports. The final sample consisted of 759 patients
who had been in contact with mental health services in the year preceding the offence and for
whom a psychiatric report was available.

Among the 759 offenders, 685 (84 per cent) were male and 123 (16 per cent) were female.
The mean age of the offenders was of 33.8 years (SD = 11.5). Compared to other homicide
perpetrators in the general population (i.e. non mental health patients) (n = 9,174), patients who
committed homicide were less likely to be male (OR = 0.71, 95% CI [0.517, 0.979]), to have been
in employment (OR = 0.428, 95% CI [0.292, 0.626]), but more likely to be living alone
(OR = 1.53, 95% CI [0.1.17, 2.01]) and have had a history of alcohol misuse (OR = 1.36, 95%
CI [1.07, 1.72]) or drug misuse (OR = 1.67, 95% CI [1.30, 2.15]).

**Definition of variables**

First, a list of 12 variables describing offenders’ clinical and criminal histories were selected for
inclusion in the present study. The variables capture aspects of the offenders’ history preceding
the homicide that have been identified as relevant from previous studies (Brewer-Smyth and
Burgess, 2008; Fazel and Grann, 2004; Flynn, 2013; Flynn et al., 2016; Geddes, 1999; Meehan
et al., 2006; Nielsen et al., 2007; Oram et al., 2013; Shaw et al., 1999). The variables included
psychiatric diagnosis; duration of illness; last contact with mental health services; short term risk
of violence rated by clinicians; contact with GP in the month preceding the offence; history of
self-harm (SH); history of alcohol misuse; history of drug misuse; history of violence; history of
childhood abuse; history of imprisonment; and missed last appointment with mental health
services. Table I presents the categories for each of these 12 variables.

Second, in order to explore associations between the offenders’ clinical histories and the
homicide offence, 18 variables describing aspects surrounding the homicide were divided into
three groups: homicide crime scene behaviours known prior to identifying the offender:
categories of victim age, victim gender, method of homicide and circumstance of homicide
previously identified as relevant in describing the patterns of homicide within this sample
(identification reference); mental state of the offender on the day of the homicide (Oram et al., 2013;
Shaw et al., 2006); and offence and offender characteristics useful to police with identifying the
offender (Santtila et al., 2003). Table II presents the variables and categories included in each of
these groups. Victim and offence information was obtained from the Homicide Index. Data on the
mental state of the offender at the time of the offence were obtained from psychiatric reports.
Offender socio-demographic information was obtained from the homicide questionnaire.

**Statistical analyses**

Descriptive analyses of the entire sample were performed (e.g. offender and victim age, gender)
(see Table I and Table II for frequencies of variables). Next, a three-step approach was adopted to
empirically identify typologies of patients that differed with regard to patterns of clinical histories,
and their associations to aspects surrounding the homicide. In the first step, we performed a
multiple correspondence analysis (MCA) on the active variables in Table I and the supplementary
variables in Table II. MCA allows exploring the principal dimensions and interrelationships
between the categories within the data set. Only active variables contribute to the construction of
dimensions in the graph. In this first step, we only examined the structure of the graph of active
categories (i.e. offenders’ clinical and criminal histories).

The second step consisted of identifying associations between the active and supplementary
variables: homicide crime scene behaviours; mental state of the offender on the day of the
homicide; and offence/offender characteristics useful to police in homicide investigations. This
was undertaken by projecting the supplementary categories from Table II onto the MCA graph of
active categories. Three separate MCA graphs are presented, one for each respective set of
supplementary variables. It is important to remember that supplementary variables do not
contribute to the construction of dimensions but are used to assist interpretation.
In the third step, hierarchical agglomerative clustering (HAC) was performed on the principal dimensions obtained from the MCA to determine the number and nature of distinct profiles of homicide offenders with similar histories and homicide circumstances. A similar multimethod approach has been previously used in homicide thematic classification (Goodwill et al., 2014) and studies defining offender subgroups (Joyal et al., 2011).

MCA is a statistical method of visually conceptualising the multivariate associations between more than two categorical variables (Joyal et al., 2011; Greenacre, 2006). MCA can be seen as analogous to principal component analysis when the variables to be analysed are categorical instead of quantitative (Abdi and Valentin, 2007). MCA is used to “uncover” relationships between categories in order to reveal structure in the data (Greenacre, 2013) without needing to meet the underlying distributional assumptions required in other techniques of categorical data analysis (e.g., \( \chi^2 \) and Fisher’s exact test) (Abdi and Valentin, 2007; Costa et al., 2013). The aim is to extract the main dimensions of the space that capture as much as possible of the inertia (similar to variance explained) (Dumais et al., 2011). MCA provides a visualisation of the associations between categorical variables in the form of a graph of categories (Greenacre, 2013). Two dimensions are usually retained for ease of interpretation of the MCA graph (see Abdi and Valentin, 2007). Each point in the graph represents a category of the variables in the analysis. Categories which appear in close proximity to one another are considered to be relatively more similar than categories placed far apart; this may indicate theoretically meaningful patterns (Husson and Josse, 2014). Additionally, MCA performs a \( v \)-test for each supplementary category. This test follows a Gaussian distribution: a value below \(-2\) or above \(2\) has a coordinate significantly different to 0. This means that the category in question has a positive or negative significant value in each dimension (Husson and Josse, 2014).

Table I  
Active categories of offender’s clinical histories

<table>
<thead>
<tr>
<th>Offender’s history preceding the homicide</th>
<th>N = 759(^a)</th>
<th>%</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Psychiatric diagnosis</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Schizophrenia/other delusional disorders</td>
<td>260</td>
<td>36</td>
</tr>
<tr>
<td>Bipolar affective disorder</td>
<td>32</td>
<td>4</td>
</tr>
<tr>
<td>Depressive illness</td>
<td>67</td>
<td>9</td>
</tr>
<tr>
<td>Alcohol dependence</td>
<td>75</td>
<td>10</td>
</tr>
<tr>
<td>Drug dependence</td>
<td>74</td>
<td>10</td>
</tr>
<tr>
<td>Personality disorder</td>
<td>130</td>
<td>18</td>
</tr>
<tr>
<td>Other diagnosis</td>
<td>85</td>
<td>12</td>
</tr>
<tr>
<td>Missing</td>
<td>36</td>
<td>5</td>
</tr>
<tr>
<td>Duration of illness</td>
<td>n = 701(^b)</td>
<td></td>
</tr>
<tr>
<td>&lt; 12 months</td>
<td>146</td>
<td>21</td>
</tr>
<tr>
<td>&gt; 12 months</td>
<td>555</td>
<td>79</td>
</tr>
<tr>
<td>Last contact with MH services</td>
<td>n = 748</td>
<td></td>
</tr>
<tr>
<td>&lt; 7 days before the offence</td>
<td>214</td>
<td>29</td>
</tr>
<tr>
<td>1–13 weeks before the offence</td>
<td>339</td>
<td>45</td>
</tr>
<tr>
<td>Over 13 weeks</td>
<td>193</td>
<td>26</td>
</tr>
<tr>
<td>Immediate violence risk at last contact</td>
<td>n = 627</td>
<td></td>
</tr>
<tr>
<td>No risk/not considered</td>
<td>301</td>
<td>48</td>
</tr>
<tr>
<td>Low risk</td>
<td>266</td>
<td>42</td>
</tr>
<tr>
<td>Moderate/high risk</td>
<td>60</td>
<td>10</td>
</tr>
<tr>
<td>Contact with GP in month preceding the offence</td>
<td>66 of n = 532</td>
<td>12</td>
</tr>
<tr>
<td>History of SH(^c)</td>
<td>305 of n = 739</td>
<td>53</td>
</tr>
<tr>
<td>History of alcohol misuse</td>
<td>488 of n = 734</td>
<td>66</td>
</tr>
<tr>
<td>History of drug misuse</td>
<td>485 of n = 728</td>
<td>67</td>
</tr>
<tr>
<td>History of violence</td>
<td>397 of n = 742</td>
<td>54</td>
</tr>
<tr>
<td>History of childhood abuse</td>
<td>27 of n = 115</td>
<td>23</td>
</tr>
<tr>
<td>History of being in prison</td>
<td>246 of n = 578</td>
<td>43</td>
</tr>
<tr>
<td>Missed last appointment with services</td>
<td>275 of n = 705</td>
<td>39</td>
</tr>
</tbody>
</table>

**Notes:** All variables were obtained from questionnaire sent to psychiatrist in charge of the patient’s care. This table presents valid percentages. \(^a\)N equals total size of the sample; \(^b\)n equals individuals with available information for each category; \(^c\)self-harm

In the third step, hierarchical agglomerative clustering (HAC) was performed on the principal dimensions obtained from the MCA to determine the number and nature of distinct profiles of homicide offenders with similar histories and homicide circumstances. A similar multimethod approach has been previously used in homicide thematic classification (Goodwill et al., 2014) and studies defining offender subgroups (Joyal et al., 2011).
<table>
<thead>
<tr>
<th>Characteristics on the day of the homicide</th>
<th>N = 759 (%)&lt;sup&gt;a&lt;/sup&gt;</th>
<th>v-test</th>
<th>Dimension 1</th>
<th>Dimension 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Crime scene behaviours known prior to identifying the offender&lt;sup&gt;b&lt;/sup&gt;</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victim gender</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victim was male</td>
<td>312 (41)</td>
<td>−5.620</td>
<td>2.322</td>
<td></td>
</tr>
<tr>
<td>Victim was female</td>
<td>447 (59)</td>
<td>5.620</td>
<td>−2.322</td>
<td></td>
</tr>
<tr>
<td>Victim age groups</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Victim age 0–14 years</td>
<td>51 (7)</td>
<td>5.570</td>
<td>−0.314</td>
<td></td>
</tr>
<tr>
<td>Victim age 15–24 years</td>
<td>86 (11)</td>
<td>−2.297</td>
<td>1.182</td>
<td></td>
</tr>
<tr>
<td>Victim age +55 years</td>
<td>195 (26)</td>
<td>3.431</td>
<td>−4.302</td>
<td></td>
</tr>
<tr>
<td>Method of homicide</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drowning/suffocation/asphyxiation</td>
<td>35 (5)</td>
<td>4.130</td>
<td>−1.006</td>
<td></td>
</tr>
<tr>
<td>Kicking/hitting</td>
<td>89 (12)</td>
<td>−3.093</td>
<td>0.716</td>
<td></td>
</tr>
<tr>
<td>Strangulation</td>
<td>51 (7)</td>
<td>1.623</td>
<td>1.014</td>
<td></td>
</tr>
<tr>
<td>Poisoning</td>
<td>15 (2)</td>
<td>−1.740</td>
<td>1.702</td>
<td></td>
</tr>
<tr>
<td><strong>Circumstance preceding the offence</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child abuse</td>
<td>20 (3)</td>
<td>2.407</td>
<td>1.456</td>
<td></td>
</tr>
<tr>
<td>Domestic dispute</td>
<td>82 (11)</td>
<td>4.274</td>
<td>2.837</td>
<td></td>
</tr>
<tr>
<td>Irrational act</td>
<td>179 (23)</td>
<td>4.041</td>
<td>−10.905</td>
<td></td>
</tr>
<tr>
<td>Fights/arguments/long-running disputes</td>
<td>158 (21)</td>
<td>−6.150</td>
<td>4.379</td>
<td></td>
</tr>
<tr>
<td><strong>Mental state on the day of the homicide&lt;sup&gt;d&lt;/sup&gt;</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol on day</td>
<td>258 (54 of n = 482&lt;sup&gt;b&lt;/sup&gt;)</td>
<td>−10.394</td>
<td>10.469</td>
<td></td>
</tr>
<tr>
<td>Drugs on day</td>
<td>140 (29 of n = 479)</td>
<td>−9.839</td>
<td>−1.33</td>
<td></td>
</tr>
<tr>
<td>Mental illness at time of the offence</td>
<td>380 (56 of n = 678)</td>
<td>8.746</td>
<td>−10.817</td>
<td></td>
</tr>
<tr>
<td>(Hypo)mania</td>
<td>10 (1 of n = 701)</td>
<td>1.066</td>
<td>−2.434</td>
<td></td>
</tr>
<tr>
<td>Depression</td>
<td>140 (26 of n = 691)</td>
<td>10.261</td>
<td>4.390</td>
<td></td>
</tr>
<tr>
<td>Delusions/hallucinations</td>
<td>273 (40 of n = 684)</td>
<td>2.909</td>
<td>−14.811</td>
<td></td>
</tr>
<tr>
<td>Other psychotic symptoms</td>
<td>110 (16 of n = 680)</td>
<td>1.781</td>
<td>−8.643</td>
<td></td>
</tr>
<tr>
<td><strong>Characteristics useful with identifying the offender</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender&lt;sup&gt;e&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>636 (84)</td>
<td>−4.086</td>
<td>−4.016</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>123 (16)</td>
<td>4.086</td>
<td>4.016</td>
<td></td>
</tr>
<tr>
<td>Age group&lt;sup&gt;f&lt;/sup&gt; (years)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&gt; 25</td>
<td>180 (24)</td>
<td>0.202</td>
<td>1.551</td>
<td></td>
</tr>
<tr>
<td>25–34</td>
<td>263 (35)</td>
<td>−3.817</td>
<td>−0.247</td>
<td></td>
</tr>
<tr>
<td>35–44</td>
<td>179 (23)</td>
<td>−1.199</td>
<td>−0.735</td>
<td></td>
</tr>
<tr>
<td>45–64</td>
<td>126 (17)</td>
<td>4.553</td>
<td>−0.664</td>
<td></td>
</tr>
<tr>
<td>+65</td>
<td>11 (1)</td>
<td>4.561</td>
<td>0.146</td>
<td></td>
</tr>
<tr>
<td>Marital status&lt;sup&gt;g&lt;/sup&gt;</td>
<td>n = 734</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>184 (25)</td>
<td>5.392</td>
<td>3.843</td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>429 (58)</td>
<td>−4.647</td>
<td>−4.223</td>
<td></td>
</tr>
<tr>
<td>Divorced/widowed</td>
<td>121 (16)</td>
<td>0.130</td>
<td>1.131</td>
<td></td>
</tr>
<tr>
<td>Employment status&lt;sup&gt;h&lt;/sup&gt;</td>
<td>n = 713</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employed</td>
<td>230 (32)</td>
<td>8.966</td>
<td>−0.596</td>
<td></td>
</tr>
<tr>
<td>Unemployed</td>
<td>483 (68)</td>
<td>−8.966</td>
<td>0.596</td>
<td></td>
</tr>
<tr>
<td>Living circumstances&lt;sup&gt;i&lt;/sup&gt;</td>
<td>n = 704</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alone</td>
<td>270 (38)</td>
<td>−7.490</td>
<td>−1.224</td>
<td></td>
</tr>
<tr>
<td>With parents</td>
<td>145 (21)</td>
<td>3.196</td>
<td>−1.892</td>
<td></td>
</tr>
<tr>
<td>With partner (with or without children)</td>
<td>179 (23)</td>
<td>5.638</td>
<td>3.838</td>
<td></td>
</tr>
<tr>
<td>With children only</td>
<td>22 (3)</td>
<td>1.379</td>
<td>2.176</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>88 (13)</td>
<td>−0.825</td>
<td>−2.071</td>
<td></td>
</tr>
<tr>
<td>Offender–victim relationship&lt;sup&gt;j&lt;/sup&gt;</td>
<td>n = 307</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Son/daughter</td>
<td>17 (5)</td>
<td>5.858</td>
<td>0.003</td>
<td></td>
</tr>
<tr>
<td>Parent</td>
<td>45 (15)</td>
<td>4.287</td>
<td>−6.679</td>
<td></td>
</tr>
<tr>
<td>Current/former lover/partner</td>
<td>58 (19)</td>
<td>10.203</td>
<td>4.415</td>
<td></td>
</tr>
<tr>
<td>Other family</td>
<td>19 (6)</td>
<td>0.586</td>
<td>−2.175</td>
<td></td>
</tr>
<tr>
<td>Friend/acquaintance</td>
<td>100 (33)</td>
<td>−14.066</td>
<td>2.787</td>
<td></td>
</tr>
</tbody>
</table>

(continued)
However, the two-dimensional graph from MCA provides no information about the position of the categories in the other dimensions. MCA analysis and HAC are complementary tools to explore and enrich description of the data (Husson et al., 2010). Thus, HAC was applied to the first dimensions identified as carrying significant data. The clusters offer some information about the position of the categories in the other dimensions “outside of the first plane” (first plane is shown in Figure 1) (Husson et al., 2017). The number of dimensions retained was defined using the FactoInvestigate package with R (Thuleau and Husson, 2017). Ward’s criterion was used as it allows for minimising the reduction of the inertia (Husson et al., 2010). The number of clusters retained was determined using the dendrogram (hierarchical tree). This step grouped participants with similar characteristics. All analyses were performed using the FactoMineR package (Husson et al., 2019), a package for multivariate data analysis with R (R Development Core Team (Venables and Smith, 2015)).

Missing data were treated using the missMDA package for the R system, which performs MCA on incomplete data sets (Josse and Husson, 2016) obtaining graphical representations despite

### Table II

<table>
<thead>
<tr>
<th>Characteristics on the day of the homicide</th>
<th>N = 759 (%)</th>
<th>Dimension 1</th>
<th>Dimension 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stranger</td>
<td>33 (11)</td>
<td>−1.536</td>
<td>−3.547</td>
</tr>
<tr>
<td>Other</td>
<td>35 (11)</td>
<td>1.562</td>
<td>−0.613</td>
</tr>
<tr>
<td>Place of homicide</td>
<td>n = 265</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offender’s home</td>
<td>32 (12)</td>
<td>−1.548</td>
<td>1.155</td>
</tr>
<tr>
<td>Victim’s home</td>
<td>77 (29)</td>
<td>−13.100</td>
<td>−2.786</td>
</tr>
<tr>
<td>Offender–victim shared home</td>
<td>83 (31)</td>
<td>14.331</td>
<td>0.050</td>
</tr>
<tr>
<td>Public place</td>
<td>54 (20)</td>
<td>−1.165</td>
<td>−4.532</td>
</tr>
<tr>
<td>Other</td>
<td>19 (7)</td>
<td>0.149</td>
<td>−1.706</td>
</tr>
</tbody>
</table>

Notes: *N equals total size of the sample; *n equals individuals with available information for each category;  
*information was obtained from Homicide index; *information was obtained from psychiatric reports;  
*information was obtained from homicide questionnaire sent to consultant psychiatrist. Values in italic are significantly different to zero and related to each dimension (p < 0.05)
missing values. The package missMDA performs missing value imputation that takes into account similarities between individuals and relationships between variables (each missing entry of the original data set is imputed with the most plausible category) (Josse and Husson, 2012).

Results

Sample characteristics

Background, demographic and offence information are presented in Table II. The mean age was 33.8 years (SD = 11.5). 729 (97 per cent) homicides involved one victim, 19 (2 per cent) homicides involved two victims, 3 (0.4 per cent) involved three victims and < 3 involved four victims. Out of 759 victims, 447 (59 per cent) were male and 312 (41 per cent) were female victims. The mean age of the victims was 42.2 years (SD = 19.6).

Multiple correspondence analysis

Step 1: we performed a two-dimensional MCA on the 12 clinical and criminal history variables (active) in Table I and the 18 homicide variables (supplementary) shown in Table II. The overall model fit of the MCA was acceptable, accounting for 23 per cent of the total inertia. In this step, we examined the structure of the active categories only. Figure 1 shows the graph of active categories on the first plane (first two dimensions). The square correlation ratios of variables of the two dimensions indicate that the categories that contribute the most to the construction of the dimensions are.

Dimension 1 (see Figure 1 from left to right): individuals who have a history of violence, drug/alcohol misuse, prior convictions and a personality disorder opposed those with no violence, substance use or prison history and a depressive illness diagnosis. This dimension explains 14 per cent of the inertia.

Dimension 2 (see Figure 1 from bottom to top): individuals with no history of SH, attendance at last appointment with services, assessed as low risk, last contact with services in the seven days before the homicide and a diagnosis of schizophrenia opposed those who have a history of SH, missed their last appointment with services, assessment of no risk or risk was not considered, last contact with services more than 13 weeks before the offence and no violence history. This dimension explains 9 per cent of the inertia.

Associations with supplementary categories describing aspects surrounding the offence

Step 2: the second step in the analysis was to investigate associations between the active (i.e. offenders’ histories) and supplementary categories (i.e. aspects surrounding the day of the homicide). The MCA analysis performed a v-test statistic for each supplementary category corresponding to three different groups: homicide crime scene behaviours; mental state of the offender on the day of the homicide; and offender characteristics and crime scene information useful to police in homicide investigations. The v-test value for each supplementary category is presented in Table II. Additionally, the supplementary variables were plotted onto the MCA graph of active categories.

For ease of interpretation, three separate graphs were produced, one for each group of supplementary variables.

Homicide crime scene behaviours. Figure 2 displays the spatial analysis involving the first group of supplementary categories. Combination of the v-test statistic and the supplementary analysis graph indicates three associations.

An association between a male victim between 15–24 years killed by kicking/hitting in the context of fights/arguments/long running disputes and histories of offenders with a personality disorder diagnosis. A second association between a female victim between 0–14 years killed by drowning/suffocation/asphyxiation in the context of a domestic dispute or child abuse and histories of offenders with a depression diagnosis. A third association between victims of more than 55 years killed in the context of an irrational act and histories of offenders with schizophrenia.
Mental state of the offender at the time of the homicide. Figure 3 displays the spatial analysis involving the second group of supplementary categories. Combination of v-test and supplementary analysis graph indicates three associations:

An association between alcohol/drugs consumed on day of the homicide and histories of offenders with personality disorder. A second association between depressive symptoms and
histories of offenders with depression. A third association between mental illness at time of the homicide, manic symptoms, delusions/hallucinations and other psychotic symptoms and histories of offenders with schizophrenia.

Characteristics useful to police during homicide investigations. Figure 4 displays the spatial analysis for the third group of supplementary characteristics. Combination of the χ²-test statistic and supplementary analysis graph indicates three associations.

An association between a single, unemployed offender between 25–34 years, living alone that committed homicide in the victim’s home against a friend/acquaintance and histories of offenders with personality disorder. A second association between a female offender older than 45 years, married, employed, living with parents or partner (with or without children) that committed homicide in the offender’s and victim’s shared home against a son/daughter or current/former lover/partner and histories of offenders with a depression diagnosis. A third association between a male offender, living with “other” that committed homicide in a public place against a parent or other family member and histories of offenders with schizophrenia.

Hierarchical agglomerative clustering

Step 3: HAC was then applied to the MCA results. The first six dimensions explaining 48 per cent of the total variance in the data were included. The HAC extracted three clusters that were used to generate distinct typologies of offenders with similar clinical, criminal histories and homicide events (see Figure 5). The variables “psychiatric diagnosis”, “mental state at the time of the crime”, “duration of illness”, “living circumstances”, “place of homicide” and “relationship between victim and perpetrator” characterised the partition of the typologies the most; each typology was formed by a category of this variable. Information on typologies of homicide offenders with similar characteristics is shown in Table III.

Figure 4

Supplementary analysis of offender characteristics and crime scene behaviours useful to police in homicide investigations
dependence (20 per cent), illness duration of more than 12 months (87 per cent) and missed their last appointment with mental health services (49 per cent) compared to individuals in other clusters. The homicide victims were usually male (38 per cent), a friend or acquaintance to the perpetrator (38 per cent) and were killed in their own home (65 per cent) in the context of a fight/argument/dispute (32 per cent). The individual was not mentally ill at the time of the offence but consumed alcohol on the day (82 per cent) and was likely to be unemployed (82 per cent). Homicide in this group was more often associated with intoxication and less often with symptoms of mental illness. This cluster was labelled externalising.

Individuals in Typology II (32 per cent) were more likely to have schizophrenia (84 per cent), history of violence (74 per cent), no history of SH (82 per cent), childhood abuse (99 per cent) or alcohol misuse (46 per cent), contact with mental health services less than seven days preceding the offence (48 per cent), illness duration of more than 12 months (87 per cent) and an assessment of low violence risk at last contact (60 per cent) compared to individuals in other groups. The homicide was likely to occur in a public place (15 per cent), against a parent (18 per cent) of over 55 years (34 per cent) in the context of an irrational act (39 per cent). The individuals were more likely to experience delusions/hallucinations (73 per cent) and not depressive symptoms (93 per cent) or consume alcohol on the day of the offence (68 per cent). They were also more likely to be male (91 per cent) and single (71 per cent). This cluster was labelled psychotic.

Individuals in Typology III (27 per cent) were more likely to have no history of violence (82 per cent), alcohol (60 per cent) or drug misuse (77 per cent), no history of being in prison (97 per cent), have a diagnosis of depression (29 per cent), illness duration of less than 12 months (37 per cent) and violence risk assessment of no risk or risk not considered at last contact with services (79 per cent) compared to individuals in the other groups. Homicides were usually against a son/daughter (13 per cent) or former/current partner/lover (40 per cent) in the victim and perpetrators’ shared home (74 per cent). The individual experienced depressive symptoms on
the day of the offence (43 per cent) and was likely to be female (28 per cent), employed (50 per cent) and living with partner (40 per cent). A high majority of individuals in this cluster did not consume drugs on the day of the offence (92 per cent). This cluster was labelled depressive.

**Discussion**

The aim of this study was to seek to identify distinct typologies of offenders based on associations between patterns of offenders’ clinical histories and aspects surrounding the
homicide incident. This is the first study to use a combination of MCA and HAC to identify offender typologies based on interrelationships between variables describing the offenders’ clinical histories, demographic information and crime scene behaviours in homicides committed by individuals with mental illness.

First, our multivariate approach allowed visualising the interrelationships between various aspects of offenders’ histories across psychiatric diagnoses. In the first dimension, we found individuals who were more likely to have a history of violence, drug/alcohol misuse, prior convictions and personality disorder opposed those who were more likely to have no history of violence, substance use or prison and depressive illness. In the second dimension we found individuals who were more likely to have no history of SH, attendance at last appointment with services, assessment of low risk of short term violence, last contact with services in the seven days before the homicide and schizophrenia opposed those more likely to have a history of SH, non-attendance to their last appointment with services, an assessment of no short term risk or risk of violence was not considered, last contact with services more than 13 weeks before the offence and no history of violence.

Second, hierarchical cluster analysis allowed examining meaningful patterns beyond the first two dimensions of the data. Three typologies were identified: externalising, psychotic and depressive. These typologies suggest that factors associated with homicidal behaviour differ across diagnostic groups. Further, each profile provides novel information illustrating which combinations of aspects of an offenders’ mental health background are more closely related to a particular mental state at the time of the crime, type of victim and other crime scene behaviours. These findings may be of value to risk assessment of offenders in clinical settings with the identification of the most likely homicide circumstances and potential victim according to the offenders’ previous history and diagnosis. These typologies may assist the police during homicide investigations by furthering their understanding of the crime or likely suspect, offering insights into crime patterns and advice as to what an offender’s offence behaviour might signify about his/her mental health background. For example, percentages presented in Table III may help with narrowing down the field of suspects, while information on the likely mental state of the offender may aid with developing specific interviewing techniques (Bull, 2019).

Findings of the current study present potential pragmatic usefulness for investigative profiling of homicide in two main ways.

**Methodologies used for the study of homicide**

The multivariate statistical approach used in this study is novel in that it presents the use of MCA including active and supplementary information (i.e. offender characteristics and crime scene behaviours, respectively, or vice versa) with the aim of examining significant associations between the two types of variables without mutually influencing their position. To illustrate, findings presented in Figure 4 provide advice on the likely offender demographics based on a significance test (i.e. \( v \)-test) obtained from calculating the coordinates of the supplementary information without affecting the structure of clinical history patterns in the graph. This means the likely inferences about the offender can be made based on his/her background, and are thus useful for police practical work. Moreover, the use of MCA as a preprocessing step for HAC enabled a visual understanding of the classification of homicides and likely offender characteristics into types. This combined multivariate method approach may provide a more empirically based understanding of homicide offences and allow the police to focus on the possible characteristics of the unknown offender by determining similarity between a specific typology identified and the crime under attention.

**Integration of information on offender psychopathology**

Advice offered by psychologists about the behaviour of offenders with mental illness has been particularly welcomed by the police (Häkkänen, 2007; Gudjonsson, 1993). The present study found offender psychopathology is useful in the context of offender profiling in the identification of the dominant facets of homicidal behaviour from a psychiatric perspective; as contextual information that may allow a richer and deeper understanding of the link between offence and likely offender.
Our study advances knowledge by integrating information commonly outlined in offender profiles (e.g., demographics and criminal history) with more extensive information on offender psychopathology (i.e., clinical history and mental state at the time of the crime) and aspects surrounding the offence (i.e., relationship victim–perpetrator and place of homicide) into the previous analysis of offence patterns and offenders’ diagnosis (see Abreu Minero et al., 2018). This comprehensive approach allowed for an improved understanding of the relationship between clinical aspects of the offender’s history and the offence itself. For example, a homicide by an individual with a history of alcohol/drug misuse, personality disorder and previous convictions is more likely to involve the use of alcohol/drugs on the day of the offence, a male victim and a violent impulsive homicide method. Inclusion of the offender’s mental state at the time of the crime can contribute to the understanding of the offender’s decision-making process, while considering the impact of offence contextual variables may help explain the type of relationship and interaction between victim and perpetrator (Crabbé et al., 2008; Salfati, 1998). For instance, homicides consistent with the male conflict homicide pattern are more closely related to impulsive homicides, where alcohol/drug use was present, and in which the victim was killed in his own home and was a friend or acquaintance of the perpetrator. In addition, the police may direct their search to offenders who are more likely to be young, male, single, unemployed, living alone and have previous convictions. This information could help with reducing the pool of possible suspects.

Finally, the finding that specific offender demographics were more linked to a particular typology suggests the offender information more suitable for profiling differs according to the homicide offending pattern. That is, the offender’s employment status may be more likely to be inferred in homicides corresponding to the externalising and depressive typologies but not psychotic, whereas the offender’s marital status was found to be more related to the psychotic and depressive typologies, but not externalising. It is important to note the gender disparity between the externalising and psychotic typologies compared to the depressive typology. This may be related to the specific psychiatric diagnosis that characterised each typology as research has shown mood disorders are more likely to be present in female homicide offenders compared to male offenders (Flynn et al., 2011). Further research may explore this further.

This study has a number of limitations. First, in order to include information regarding offenders’ mental state at the time of the homicide, only offenders with an available psychiatric report were included in our study. Therefore, bias may have been introduced towards offenders with severe mental illness since courts are more likely to request a psychiatric report if there is evidence of a serious disorder. However, data obtained from psychiatric reports allowed the analysis of mental state of the offender at the time of the offence. Second, some offenders with mental illness that commit homicide are not in contact with mental health services preceding the offence (Shaw et al., 1999), therefore, our sample is not representative of all people with mental illness that commit homicide. However, previous studies using broader samples have found similar associations between mental illness and homicide characteristics (see Friedman et al., 2005; Häkkänen and Laajasalo, 2006; Häkkänen-Nyholm et al., 2009; Richard-Devantoy et al., 2016), suggesting offenders in contact with mental health services before the crime may have similar histories to offenders who were not in contact. Third, we were unable to analyse the differences in types of prior criminal convictions and some previously identified risk factors for homicide, such as childhood conduct disorder and domestic violence (Campbell et al., 2007; Kellermann et al., 1993). Finally, the variable “place of homicide” is usually known at the beginning of an investigation and corresponds with the variable set of homicide crime scene behaviours known prior to identifying the offender. However, in the present study, this variable was extracted by NCISH staff from the psychiatric reports prepared for trial after the offender was identified. For this reason, it was considered more appropriate for the “place of homicide” variable to be grouped with offence/offender characteristics useful with identifying the offender. Moreover, two categories of this variable are indicative of offender identity (i.e. offender’s home and victim and offender’s shared home). Strengths in our study include its methodology and a large sample size; the integration of MCA and HAC analyses allowed for visualisation of patterns and classification of multivariate data, rather than analysing single crime scene variables and single offender characteristics. Another strength is the inclusion of various features of offender psychopathology, such as aspects of clinical history, contact with services...
and mental state at the time of the offence. The inclusion of this information offers a more contextualised approach that considers aspects preceding the offence, the offenders’ mental processes at the time of the crime and their associations with crime scene behaviours.

Conclusion

This study identified offender typologies based on associations between offenders’ clinical history patterns and aspects surrounding the offence. The main objective was to explore the use of offender psychopathology within the context of offender profiling. First, associations identified between offenders’ histories and aspects of the offence may contribute to investigative advice by suggesting what type of individual, with which diagnosis and mental health history characteristics is most likely to offend in a specific way. In addition, findings suggest certain offender demographic characteristics may be more associated to the offence depending on the homicide typology. For example, the offenders’ employment status was associated with the externalising and depressive typologies, but not with the psychotic type. Second, the three distinct typologies identified (i.e. externalising, psychotic and depressive) suggest that factors associated with risk of homicidal behaviour differ across psychiatric diagnostic groups. This study provides a first step in the exploration of offender psychopathology and its integration to the multivariate analysis of offence information for the purposes of investigative profiling of homicide by identifying the dominant patterns of mental illness within homicidal behaviour.

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Further reading


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Investigative challenges relating to gang-related homicide: senior investigating officers’ perspectives

Katarina Mozova

Abstract

Purpose – The purpose of this paper is to provide the reader with senior investigating officer (SIO) perspectives of their understanding of gang-related homicide and associated investigative challenges.

Design/methodology/approach – A phenomenological design was utilised in this study. In sum, 15 SIOs from the Metropolitan Police Service were interviewed using a semi-structured interview and analysed using thematic analysis.

Findings – It was found that the original typology of “gang homicide” might be too narrow and focus should be paid to “gang-related homicide”, characterised via motive behind the offence. This type of homicide exhibited specific characteristics (e.g. violent nature, large potential scene and pool of suspects) and investigative challenges which made it different from other types of homicide (e.g. complexity, need for more resources, managing unwilling witnesses, managing media interest, specific evidence challenges, need for thorough risk assessments). The need for expertise in the deployment of officers was highlighted and related to the desire for more continuing professional development (CPD).

Practical implications – Gang-related homicide is especially challenging, but due to its volume, SIOs in London developed a sort of “muscle memory” – something that other police services do not have, even though the “gang problem” is spreading outside of metropolitan areas. Support for changes (e.g. in the utility of community impact assessment) and non-standard procedures (e.g. consideration of covert operations early on) should be discussed in further training and manual development. More attention needs to be paid to the synthesis of experience, expertise and science, SIOs being especially interested in debriefs and CPD opportunities. Multi-agency training is key for homicide investigators, relating to the complex nature of gang-related homicide and relevant safeguarding issues. Resourcing is a clear issue relating to the increase in gang-related homicide, as well as its investigation.

Originality/value – This is the first research into investigative challenges of gang-related homicide in England and Wales, and the findings can be utilised by all police services who may be dealing with gangs in their area. The findings can also support calls for change and development within services.

Keywords Policing, Training/professionalization, Gang-related homicide, Homicide investigation, Senior investigating officers, Street gang

Paper type Research paper

Homicide statistics in England and Wales were the highest in the year ending March 2018 since 2008 (OSN, 2018). What is more, recent years have seen a changing landscape of the nature of homicides. For example, some 40 per cent are perpetrated by knives or sharp objects, there is an increase in young male victims (17 per cent between 16 and 24 years old), and larger numbers of homicides occur in public places (almost 23 per cent took place on the street, footpath or alleyway). This is taking place in the context of an increased number of homicides around larger cities, with over a fifth committed in London alone which some attribute to gang culture (Centre for Social Justice, 2018). Whilst homicide investigations themselves are complex by default (Brookman, 2005; ACPO, 2006), no research currently exists in England and Wales which would consider the investigative challenges gang homicides entail. This is likely due to their increased occurrence being a fairly recent phenomenon, as they used to only form about 1 per cent of homicides (Brookman, 2005). The aim of the current study is to fill in this knowledge gap by
providing the reader with an insight into practitioner perspectives of the unique challenges relating to gang-related homicide investigation.

Gang homicide has been portrayed as a type of homicide characterised as being a male, masculine phenomenon related to drug dealing or turf wars and the inclusion of firearms (Brookman, 2005). However, current data on homicide suggest a prevalence of knife (or similar objects) enabled homicide (Greater London Authority, 2019; Office for National Statistics, 2018). Whilst media reports attribute a large proportion of violence to gangs, there is no standardised data collection mechanism relating to how many homicides can actually be attributed to gangs (e.g. in London; Greater London Authority, 2019), likely due to the largely differing definitions of what constitutes a gang and its policy implications (see e.g. Andell, 2019; Centre for Social Justice, 2009) and the wide statutory definition used in England and Wales which characterises a gang as consisting of at least three people and having one or more characteristics which make them recognisable as a group (Section 34(5) Part IV of the Policing and Crime Act, 2009, amended by the Serious Crime Act, 2015). Therefore, as gang-related homicide prevalence seems to be based on estimates and inferences (McMahon, 2013), it is unclear whether the original definition of gang homicide still stands today.

In a recent presentation by Metropolitan Police Commissioner Cressida Dick (2019), it was stressed that gang-related homicide is of concern, though it is unclear what definition, if any, was used. Internal analyses of demographics noted a similar profile for victims and perpetrators: young, male and of BAME background. Worryingly, 8 per cent of perpetrators were 10–14 year olds. This is important descriptive information, but no research currently exists exploring whether the “gang” dimension impacts on the way it is investigated or any unique challenges associated with it. Strides have been made in understanding gang violence through work by a number of scholars which has paved the way for a better understanding of causes and characteristics of gang violence, the role of status, initiation or drug dealing, and deterrence strategies (e.g. Decker and Curry, 2002; Densley, 2013; Hopkins et al., 2013; Sierra-Arevalo et al., 2017; Vasquez et al., 2012). The only studies relating to homicide investigation specifically are US-centric and outdated (Bailey and Unnithan, 1994; Howell, 1999; Maxson et al., 1985) which causes concern due to UK gangs exhibiting in a unique manner (Alleyne et al., 2016; Klein and Maxson, 2010) and different investigative processes utilised in different jurisdictions. Consequently, we can infer from previous research that gang-related homicide can be complex, due to including more victims, including more perpetrators, including more witnesses, lack of cooperation (embedded in distrust) of involved parties. However, currently no research exists, in England and Wales, relating to how the investigation of such homicides manifests which is at the core of the current research. Moreover, research has also examined how the word “gang” actually relates to crime and justice, highlighting the inappropriate use of the word in prosecutions (e.g. Hallsworth, 2016; Pyrooz et al., 2011; Williams and Clarke, 2016), and it is unknown whether a similar trend relates to homicide investigation.

That gang-related homicide is unique has been echoed in English case-study papers which highlight the nuances of this type of homicide and the need for its better understanding (e.g. Partridge, 2011). Further, whilst gang-related homicide investigation undoubtedly falls within the framework of major incident guidelines (ACPO, 2005) and the Murder Investigation Manual (ACPO, 2006), we do not have any information about the challenges of investigating gang-related homicide, specifically, on an operational level. The aim of this paper is to provide the reader with the first empirical exploration into the perceptions of senior investigating officers (SIOs), responsible for such investigations, as to the unique challenges gang-related homicide investigation entails. Understanding this will have important implications for knowledge sharing and training, especially as concerns remain about the spread of gang-related crime outside of metropolitan areas (Spicer, 2018). Based on the above, the overall research question of this paper is:

RQ1. How is gang homicide understood by SIOs and what are the key challenges associated with its investigation?

Methodology

Design and participants

Qualitative phenomenological design is employed in order to understand participants’ lived experiences, rather than “objective truths” (Smith, 2015) relating to investigating
gang-related homicide. Therefore, their subjective realities are presented in this research study and further research is necessary to understand realities of all parties involved in gang-related homicides. In sum, 15 respondents took part (\(M_{\text{age}} = 47.8\) years old, \(SD_{\text{age}} = 5.3\) years), 13 male and 2 female. All served as SIOs in the Metropolitan Police Service, and all but two are currently employed in the force (two participants retired in late 2018). Participants’ average experience in the police is 24.5 years (\(SD_{\text{experience}} = 8.3\) years), and their average experience in investigating homicide is 10.69 years (\(SD_{\text{homicide}} = 6.1\) years). As SIOs, 13 participants were Detective Chief Inspectors and two were Detective Inspectors. A combination of purposive and snowball sampling was utilised (Mack et al., 2005) as a niche category of officers were recruited and some then referred the researcher to others. Geographically, participants had responsibility for investigating homicides in all areas of their force; however, their bases were representative of all four core geographical quadrants.

Procedure

The researcher approached individuals via e-mail or LinkedIn. Upon agreeing to participate, a convenient date and location was set. Nine interviews were conducted face-to-face and six over the phone. All participants were presented with an Information Sheet in writing and/or verbally, outlining the aims of the study and explaining to participants their voluntary participation, right to withdraw and GDPR-related issues. They were also informed of anonymity and confidentiality of their responses, as well as of the interview being audio-recorded. Then, participants were asked to consent to taking part in the study. A semi-structured interview was used (Mack et al., 2005). The questions were based on the limited literature available on gang-related homicide and available guidance (e.g. Murder Manual, Critical Incident Management). This resulted in ten wide-reaching questions (e.g. how do you know whether a homicide is gang-related?) which allowed the researcher flexibility in elaborating on areas which participants themselves perceived as most relevant. The interviews ranged from 30 to 130 min (\(M_{\text{length}} = 63.07\) min, \(SD_{\text{length}} = 29.23\) min). Interviews conducted over the phone were shorter than those conducted face-to-face (\(M_{\text{phone}} = 39.17\) vs \(M_{\text{face}} = 79\)). In general, this difference was accounted for by the number of examples provided, rather than number of codes generated through the interviews. The study gained ethical approval from Canterbury Christ Church University. British Society of Criminology ethical guidelines were adhered to.

Analysis

Data were transcribed verbatim and input into NVivo software. Thematic analysis was utilised (Braun and Clarke, 2006) as it allows flexibility in coding which is especially useful as coding was conducted in a “bottom up”, inductive way so that codes generated reflect the data, rather than the questions asked. Each new argument presented was assigned a unique code. These were then thematically grouped together where appropriate, which resulted in the generated themes. Data saturation was achieved after the first nine interviews were analysed; however, the remaining interviews underwent the same analysis in order to confirm codes previously found and capture most relevant quotes.

Findings and discussion

This section is organised into themes (presented as headings), with underlined subthemes within. The aim of this study is not to provide an investigative procedural manual, rather, to present challenges most relevant to SIOs involved in investigating gang-related homicide. The themes are not mutually exclusive.

Defining gang-related homicide

As varied as our understanding of the word “gang” is in practice (Andell, 2019), defining what constitutes gang-related homicide is also not straightforward. Whilst a small number of participants noted that victim or suspect identification through the gang matrix (an intelligence database) provided a clear indication, all agreed that gang-related homicide is much wider and
embedded in far reaching associations among young people. For example, No. 4 noted: “[…] if the perpetrator or the victim is on the gang’s matrix […] that’s clear. I wouldn’t say that necessarily makes it different from what we have dealt with an awful lot, which is just groups of young people with a loose affiliation to a particular area. Most of them have got a connection to a gang […].” Further, the general use of the word “gang” and the lack of resonance of the word itself among young people was noted, reflective of previous literature (Wood and Alleyne, 2010): “I think the word gang has been given to them by the media, the police, it’s a way of describing these groups (No. 7). Participants described a large Variety of Gang-Related Homicides, where one or more of the involved parties would have some association with a gang or more widely a geographical area, mirroring definitional difficulties relating to practice (Centre for Social Justice, 2009).

It was the identified Motive which all participants agreed made a homicide gang-related: “Well, I suppose in simplest terms, whether or not the motive has been driven by some sort of friction or some pre-cursor, a previous incident involving gangs” (No. 10). This allows for a wider range of incidents (e.g. victim not associating with a gang or a gang member killed due to a non-gang-related reason) to be considered as gang-related. Whilst this supports the notion that gang-related homicide is a specific type of homicide, it should be judged based on motive, rather than “gang membership”, reflective of Papachristos (2009) social networks construction of gang homicide in the USA.

Gang-related homicide motivations

The strongest motivation is Retaliation, though this could vary from minor disrespects, through “tit-for-tat”, to retaliation related to criminality: “You’re disrespecting me because you’re turning up at my house, I don’t like the look of you, so I’m going to kill you” (No. 7). Retaliation was further seen as embedded in Drug/Business disputes, and closely intertwined with Geography, more specifically, postcode, as No. 3 summarised: “it is usually linked to a particular estates and that estate is usually gonna have underlying criminality and that is invariably drug dealing […]”. These motivations seemed further exacerbated by two things. First, Knife culture poses more serious consequences to the need to retaliate: “the bravado and macho type thing […] someone does something and they go oh sh*t and suddenly […] oh my god I am covered in blood and I’ve got a knife in my hand” (No. 1). Second, a few participants also noted the facilitating impact of Social Media, in its widest sense (e.g. Facebook, Snapchat, YouTube), acting as a catalyst in disputes: “[…] social media is more of causational factor of inflaming very trivial things” (No. 4).

These motivations mirror previous literature surrounding youth violence (e.g. Centre for Social Justice, 2018; Hopkins et al., 2013) and provide evidence to problematic knife culture and social media use by young people (Storrod and Densley, 2017), which can ultimately result in homicide. However, these motivations, identifiable early or later in the investigation, are not the primary investigative considerations, as will be discussed in the next theme.

Standard investigation and gang bias

All participants agreed that there is a need to focus on the “homicide” element foremost and Standard Procedure, in order to counter any possible biases which might occur due to perceiving the “gang” element first. As No. 2 noted, their initial response “would be […] think of the five building blocks because they are there for a very good reason”. The five building blocks (preservation of life, preserve scene, secure evidence, identify victim, identify suspects) are in place to ensure that an investigative mind-set is adopted from the initial response to a possible critical incident (ACPO, 2006). At the same time, participants were wary of the conscious need to follow such procedure, due to the possibility of Gang Bias: “we are trying to deal with it as a homicide first and foremost and trying almost ignore the gang aspects, because if you start going into that world suddenly it can just escalate and go into all sorts” (No. 3) which reflects positively on developments since prolific cases, such as Lawrence (House of Commons, 2009). Conversely, SIOs noted that Covert operations are invaluable in gang-related homicide investigation at an early stage, effectively “turning investigative strategy on its head” as it normally “follows other lines of enquiry, like witnesses, but using covert strategy later is too late, people talk
and things become more hidden" (No. 13). “Such strategy largely relies on the SIO’s experience in homicide decision-making. On the other hand, the “gang” element of a homicide was also seen to enable SIos to request more resources, though this was not experienced by all. Therefore, whilst it is important to keep an open mind with initial hypotheses, appreciating the “gang” element may enable different lines of inquiry beneficial to a successful investigation.

Initial strategic considerations in gang-related homicide

The overarching element, noted by all participants frequently, is the Complexity of this type of homicide, neatly summarised by No. 7: “the first thing I would say with regard to gang homicides is, they are very difficult to solve. They are probably the most challenging type of homicide that you will get”. What is more, all participants noted that, in general, they are more complex than any other type of homicide they deal with, participants comparing it to, among others, domestic homicide, pub fights, sexually motivated homicide or homicide as part of robbery, as No. 14 stated: “[homicides] by stranger […] in pubs […] they usually have a clearer strategy, they’re more straight forward, more predictable […].” This relates to them being perceived as Long-run investigations. Another early consideration relates to preventing possible Retaliation which is frequent and embedded in the motives of this type of homicide (e.g. Vasquez et al., 2012), suggested also by No. 6: “But the spin off was in this gang there was retribution with another gang down the road so there was a period of two weeks where it was just really tricky, nobody knew what was going on”. The previously noted possibility of an early covert strategy also relates here and a more holistic approach to homicide investigation, as discussed later.

Due to the embeddedness of these homicides in the community, Local Area Knowledge was highlighted as necessary for context and helpful with inquiries relating to suspects or witnesses. Whilst Trident, as a tool to better understand the gang context of the incident, was mentioned by participants frequently and in a positive light, it was appreciated that: “[…] [it is] by no means the be all and end all. It’s just another intelligence tool” (No. 10), reflecting critique surrounding its limitations (e.g. Bridges, 2015). On the other hand, participants appreciated their unique position, in that access to organisations like Trident provides invaluable knowledge not accessible elsewhere. Wider Multi-agency Cooperation was perceived in a mixed manner. Some noted the intelligence that can be gained from them, if asked for (e.g. social services, housing). Others noted issues with contradictory agendas and lack of sharing agreements: “But they will be reluctant to give it to you because it breaches trust and I get that actually, what worries me about it I suppose is the knowledge of the existence of it makes it disclosable […]” (No. 5). SIO views therefore supported the notion that better partnerships need to be created and calls for this have been made in literature specific to tackling gang violence (Centre for Social Justice, 2009).

One of the strongest themes across all interviews was the need for Expertise, across different roles, an area which has been indicated to be key in any police work, especially in complex contexts (Willis and Mastrofski, 2018), and characterised by exposure to different experiences (Fahsing and Ask, 2016). No. 4 noted: “well qualified people who have done it before […]. This is not the go around to start experimenting with new people […]”. The reasons for such consideration directly relate to core characteristics of gang-related homicide, which are described in the next theme.

Characterising gang-related homicide

This analysis goes beyond usual descriptors of victims and witnesses, though it is worth noting that all participants agreed with the young, black, male prototype for both profiles.

Violent Character and a seemingly disorganised scene were perceived as characteristic of gang-related homicide. No. 9 described it as: “very violent […] outwardly, it will be showy violent, injuries will tend to be multiple, […] there seems to be a lot where there are actually groups of people attacking others so you will get more than one injury for one person”; this puts strain on initial scene management. These homicides also tend to have Multiple Actors and Crimes, as some original US research suggests (e.g. Maxson et al., 1985), further highlighting the investigative challenges as the evidence and intelligence required to be preserved and gathered grows exponentially.
For example, No. 1 recalled: “unlike any other homicide you are looking at multiple offenders not just one or two you are looking at 6 7 8 9 10 […]”, and No. 3 noted: “you’ve got homicides but in the middle of that there could be multiple stabbings, shootings, drug dealing […]”. This also relates to the possibility of Larger/Multiple Scenes. Individuals in their own area can “starburst” as an exit strategy, or there are multiple scenes (e.g. burnt car, multiple victims).

The group element of these homicides, along with local information, can result in what is usually a quickly identifiable, but also a Large Potential Suspect Pool. Whilst a positive in terms of open lines of inquiry, this reflect the need for more resources to handle the large volume of possible leads: “[…] we would be very lucky if it gave us the specific suspect but it gives a wider call and as I say it makes it more difficult from domestic […] in gangs related world we are looking at between 5 to 15 people […]” (No. 2). This relates to the need for more resources which are of utmost importance in successful homicide investigations (O’Neill, 2018), especially as complex investigations already carry an increased risk of investigative failings (Savage and Milne, 2007).

A subtheme prevalent through all interviews was the inherent Offender/Victim/Witness Link which can make the context of the offence confusing and relates to questions surrounding credibility of the individuals and the importance of continuous development and testing of hypotheses (O’Neill, 2018).

An important finding relates to Criminal Learning. Only some participants felt that there were differences between younger (more disorganised, motivated by disrespect) and older (forensically aware, motivated by their enterprise) offenders. All, however, appreciated the advancement of offender knowledge (e.g. committing crime at night, in dark clothes, wearing baklavas and gloves, “dodging” CCTV, using burner phones, disposing of digital evidence, using hire cars or leaving a digital footprint in places other than the scene of the crime): “they very quickly get it, really quickly get it, you join and within three or four months you will know what the score is” (No. 6). This is supportive of the notion that whilst street gangs are not quite organised criminals, they can commit “organised crime” (Decker and Curry, 2002).

Evidence, disclosure and crown prosecution service (CPS)

Gang-related homicides seem to contain vast amounts of information. Generally, intelligence which was perceived as the Most Likely Evidential related to phones, CCTV and forensics. Despite the vast amount of intelligence they contain, they were most likely to provide concrete evidence. Interestingly, even though individuals are usually well aware of CCTV around the scene, the majority of respondents recalled that footage from fast-food restaurants, such as McDonald’s, was often used to identify individuals. SIOs perceived intelligence from social media Less Likely Evidential. Whilst it could help create a narrative surrounding an offence, SIOs did not “get a lot of evidence from it” (No. 6), and noted their inability to consider the full extent of social media footprints: “at the end of the day there will be lots and lots of stuff on there that is just bogus and false and misleading” (No. 7). Contrary to the usual stereotype of homicide investigation (see Brookman, 2005; Geberth, 2016), Least Likely Evidence actually originated with witnesses and from house-to-house, which makes it that much harder to solve and consider guidance provided by available manuals. This does not mean that usual lines of inquiry are not undertaken. This was echoed by No. 5: “focus on stuff that doesn’t rely on people because you won’t […] you will have to tailor your investigation […] you are not going to get any help which from a traditional policing point of view is hard to swallow”. The reasons for this are noted in a later theme.

It is perhaps not surprising that participants were very strict with the need for a thorough disclosure strategy. The need for an Experienced Disclosure Officer was noted, at times requiring a whole team, most SIOs utilising two disclosure officers as standard, Early and Ongoing disclosure management was discussed, especially as it can take a back seat during long and complex investigations, No. 9 said: “I would always encourage and direct my staff that are undertaking that role, to make sure they start with it on day one”. Similarly, early and ongoing Communication with CPS and Defence was promoted so that all parties are given enough time to review evidence. No. 10 explained: “Mr Defense lawyer, you are now representing (NAME), he’s given a statement and an interview, we’re gonna look through his
phones, this is what we propose to look through, is there anything you can add to that?” All participants recognised the importance of disclosure management, showing support for procedural justice (Brookman and Innes, 2013) and learning from prolific cases (e.g. Allen; Smith, 2018).

SIOs’ relationship with the CPS goes beyond disclosure. They showed a Positive Appreciation of the CPS, noting their lack of resources, as well as valuing the independence it provides to officers often emotionally engaged with their cases. Good relationships with a Point of Contact were highly valued and beneficial. However, they also spoke about Different Agendas, SIOs focussing on justice to families and CPS focussing on convictions. In this way, participants often felt that the CPS acted as judge and jury. This was especially when officers perceived they used Victim Bad Character as rationale for their decisions: “[…] didn’t want to charge because his concerns were that because of [retracted] previous offending history no jury would convict the person who did that to […]” (No. 1) and No. 11 stating: “it’s almost like the victim has to be squeaky clean, it’s difficult”. SIOs further noted frustrations with time limits imposed on them which do not seem to be as strictly applied to the defence, as discussed by No. 6: “we seem to be the last people that they suddenly say ‘right you must do this within […]’. It seems when the defence are given time limits, they are allowed to have slippage […]”. Officers also recalled the usefulness of CPS Specialists which are no longer the norm. The relationship between CPS and the police in gang-related homicide seems to largely mirror that that in sexual assault investigations (Spohn et al., 2014) and, again, resourcing of both seems to strain the relationship further.

**Community impact assessment (CIA) and media strategy**

The need for a CIA is a part of any homicide investigation. Interestingly, it seemed it had Insignificant Impact on the investigation itself, as it is the job of the local police “to try and keep everybody calm and try to bring the tension levels down” (No. 5). Whilst CIA was perceived as valuable in terms of risk management (e.g. safety of officers in particular areas) by some, it was acknowledged that it could be utilised more effectively, if it was not as Reactive and Generic; No. 1 recalled: “I have sat with Gold Groups before when they done the CIA and they have said oh the community impact assessment risk is low blah blah and I said well that’s complete rubbish”. It is important to further investigate the role of CIA in gang-related homicide investigation, as previous fieldwork suggests it could have large benefits (Innes, 2010) and relate to success outcomes (Brookman and Innes, 2013) and SIOs noted their significance as “very beneficial when they are done right, they can really guide a lot of what you do” (No. 13).

Relatedly, media strategy has been highlighted as an important facet of gang-related homicide. SIOs perceived Interference from traditional, as well as social, media, in terms of presenting details which could possibly hinder an investigation, as well as presenting inaccuracies. Such inference was also felt from politicians. SIOs Manage Media usually through a point of contact, the use of police media departments and not fighting against inaccurate representations. Participants often spoke about the need to keep the media’s interest in a way that aids the investigation and does not focus on the “gang” element of the offence, No. 3 noted: “it was a murder in youth club […] when you actually dig into it it turns out the victim is a badish person the appeal point has to be the fact it is the youth club”. This lines up with the researched reporting of homicide and their “newsworthiness” (e.g. Gekoski et al., 2012). They also highlighted the need to balance transparency and the victim’s family’s knowledge as information was often shared very quickly. SIOs further found that anniversary appeals and gaining information through anonymous avenues (e.g. Crime Stoppers) was at times useful, though witness engagement remained difficult.

**The wall of silence**

The Non-Cooperation of witnesses related to distrust or hate of the police, combined with community perceptions of police failures, as characterised by No. 9: “I wouldn’t even say it’s necessarily a distrust of the police I think it’s more of an ingrown hatred”. Witnesses, as well as the general public, often fear the repercussions by gangs: “[…] the things that a judge can do to them is irrelevant compared to what other people have been doing” (No. 1). The subculture
poses its own difficulties (e.g. loyalty, own law), where even a victim’s own parents are often non-cooperative due to these reasons. This strained relationship between police and communities (Newburn et al., 2016) seems to heavily impact homicide investigations.

Despite this, officers identified some ways of Overcoming Witness Resistance, though admittedly, these are not frequently successful. SIOs reflected to the “accidental witness” and speaking to witnesses one-on-one, as they lose some “bravado”. Trust development through continuous management of any witnesses, as well as persistence, mostly facilitated by experienced officers, was often discussed, relating to the long-run characteristic of these investigations: “the officer has got to be able to think on their feet and have got to go into an environment and think dynamically (No. 6) and “you have to have the right people on it, keep coming back” (No. 15). Interviewing a witness as soon as they are willing, regardless of whether further safeguards could be put into place (e.g. use of intermediary), was talked about as necessary though this poses questions relating to procedural justice. Third-party facilitation (e.g. family member, community leader, organisations as Divert or London Gang Exit Scheme) was perceived as useful in breaking down barriers. Whilst witness management is important in all investigations, including gang-related (e.g. Brookman, 2005; Roycroft, 2007), it seemed it could come at the expense of safeguarding witnesses beyond basic right, an issue mainly relating to resources as the risk of losing a witness due to delays is too high. Therefore, embedding safeguarding practices more strongly in training, as well as available manuals, is needed, as well as safeguarding resources being more readily available so that their impact on the investigation through delays can be minimised.

Whilst the police can offer certain Protections, these seemed limited in gang-related homicides, in part because the younger age group involved does not want to relocate (e.g. witness protection). Anonymity was seen as useful with some witnesses. However, officers were aware of the fact that it is not their gift to give, making engagement with a witness difficult as no promises could be made, often only gaining anonymous intelligence from them. Further, witnesses often fear that the gang will find out who they are regardless: “they know exactly whose talking and who’s not and how would someone know that? If you weren’t there, so they start eliminating who it is” (No. 8). Witness protection has been highlighted as a key tool in regards to organised crime (Kramer, 2016), but it is unclear how it can be applied to street gangs.

Most SIOs agreed that their investigations rarely rely on witnesses, unlike what previous research suggests (Roycroft, 2007), again relating to the need to alternative strategies, including covert operations. The current findings also seem to most relate to Innes’ (2003) “whodunnit” type of cases (as opposed to self-solvers and hybrids). However, that does not mean that they do not provide intelligence or that they should not be approached at all. What it does mean, however, is that more learning, resources and expertise are needed in order to engage with the community appropriately.

**Family liaison officer (FLO)**

All SIOs noted the FLO’s unique position and challenges, including dealing with distrust, fear, seeing police as failing, being unaware of their child’s background or even being immersed in the subculture themselves. Their Bigger Role in gang-related homicide was noted as they are entering difficult environments whilst being “detectives first”, as summarised by No. 10: “you make sure it’s one of your experienced officers that you know is gonna get the best out of that witness, who’s not gonna take no for an answer, because that’s unbearable what you’re gonna get […]”. Being experienced and a good communicator were key. Considering that previous research into FLO failings noted a core problem being inexperience and being “investigators rather than support” (Gekoski et al., 2013), the need for an experienced FLO in these homicides is crucial, as well as understanding how to balance support vs investigation effectively. SIOs felt that during their early engagement with the family, they should present the family with the often troubling facts, leaving the FLO to then maintain communication but allowing them to not be the “bearer of bad news”: “it is better that they hear it from us [SIO] really. They don’t have to like us, you know” (No. 5). Risk Assessment of FLO deployment was noted regularly, as well as the possibility of Dual Deployment, which was preferred by many but not possible due to resourcing.
Resourcing

All participants agreed that current resourcing impacts on the increase in gang-related homicide, as well as its relating to Resourcing the Investigation, as whilst resources decreased, workloads increased. This is in part because the complexity of the homicides, rather than number, increased: “[previously] you would probably pick up a new job once every […] four to six months […] those jobs would probably be [easier homicides] [...] you might get a [more difficult one], gang type homicide, and very rarely, if ever, you might get a [very difficult one] […] fast forward I was going on call every six weeks and I knew that pretty much every time […] I’d take a new job, and I knew that most of them will be [difficult]”. This then further impacted Staff Resources relating to the speed of laboratory work, availability of officers and experienced officers, as well as senior positions where SIOs did not always feel supported by their superiors. Often, this was due to their own lack of experience in homicide or related fields. Further complications arise as they often involve Children which impacts on the safeguards put into place for them. Whilst accepted as part of procedures, the need for better availability of services was noted (e.g. appropriate adults, intermediaries). Such issues with resourcing have been noted in much homicide and major incident research (Brookman and Innes, 2013), noting that the success of a homicide investigation is much dependent on the resources available, especially in complex investigations, and is inhibited by the current austerity measures (O’Neill, 2018).

Problem oriented policing

SIOs were very concerned with the Reactive nature of gang-related homicide investigations. As No. 12 stated: “gang homicide sits closer to gang violence, stabbings […] than any other homicide […]”. Participants were very keen in being engaged in more Proactive and Holistic policing. However, due to the current climate, they felt like they have to have tunnel vision and focus only on the homicide investigation: “I am very conscious of the way we deal with […] the continuity, the dealing with the causes […] the effects of families […] we don’t have that kind of continuity of knowledge, it is pretty much isolated and related to a particular job […]” (No. 5). SIOs reflected that their disengagement from local policing matters and that having different teams investigating related crimes relevant to an investigation can complicate their investigation. However, they stated that gang-related homicide investigation should remain in homicide teams. Overall, the notion that we must do what we can so that gang-related homicide does not become “volume crime” was clear. This relates to the overall desire for more knowledge exchange discussed below.

Continuing professional development (CPD)

SIOs felt that the available training and guidance is Insufficient: “the Murder Manual is probably well overdue and in need of a revamp” (No. 9). For example, they noted problems with lack of technology guidance or strategies which are too prescriptive, especially for complex cases. For example, No. 14 stated “[The Murder Manual] is the skeleton […] but it’s not enough […] if you don’t have experience then it’s really not enough”. It is important to note that SIOs appreciated guidance and structure is needed as it is important to remain focussed. Participants were also keen to have some further Gang-Related CPD in a format which can be continuously updated and is based upon best available evidence. This was especially as SIOs noted that gang-related homicide almost became like Muscle Memory for them, as they now deal with them very frequently, as summarised by No. 1: “it would be useful because […] you learn as you […] muddle through yourself, […] as you go along and […] it’s the nature of policing […] but a little bit of guidance would be useful […] and this goes back to when I said about other agencies I didn’t even know they existed it’s stuff like that, particularly in terms of dealing with witnesses who feel intimidated and vulnerable and going back to the whole risk issue stuff”. In general, SIOs were particularly interested in opportunities for more Debriefs and CPD, which, invariably, are not perceived as feasible in the current times of austerity. However, officers saw great value in them and some have even taken it upon themselves to create such opportunities: “So I’ve never seen
an organisational learning team on-site, so yeah any form of brief [...] the feedback into organisational learning is important. [...] we’re meant to try training days, we don’t have [...] all the training units were taken away from police so [...]". Whilst the Professionalising Investigation Programme made strides in professionalising criminal investigation (O’Neill, 2018), wider CPD, including debriefs or other learning seems non-existent, as noted in other SIO research (see e.g. Stelfox, 2011).

Conclusions and recommendations

The present research considered SIO perspectives as relating to the unique challenges of investigating gang-related homicide. Whilst a wide range of valuable information was collated, care needs to be taken when interpreting results due to focus on one police force. As this was the first study of its kind, it was exploratory and each of the analysed areas warrants its own holistic research study. This research captured SIO perspective and did not provide an objective evaluation of homicide investigation, if such a concept exists.

It was found that gang-related homicide is understood in terms of the motive behind the homicide, and embedded in conflict and retaliation between groups of young people. It was perceived as especially violent and outwardly with possible large scenes and potential pools of suspects and witnesses. This study also found support for the existence of unique investigating challenges, relating to different investigative strategies, such as witness management, media and disclosure strategies, or resourcing.

This research therefore provides numerous practical implications. Whilst the original “gang homicide” type has some validity, due to its variety, the term “gang-related homicide”, defined via motive, is more appropriate. Participants noted the importance of not being swayed by the possibility of a homicide being gang-related, positively reflecting on developments since failings identified through cases as that of Lawrence (House of Commons, 2009). The overarching finding in this research was the SIOs desire to truly follow in what Willis and Mastrofski (2018) advocate – the symbiosis of art, craft and science, which was seen through wanting more opportunities for CPD in the area of gang-related homicide investigation, whilst significantly promoting the importance of expertise in these types of investigations which arises from experience (Fahsing and Ask, 2016). It relates to work around disclosure, witness management, FLOs and even senior management. It is therefore recommended that opportunities for CPD are better implemented in everyday SIO work as they noted that CPD is near impossible due to their current workloads (Stelfox, 2011) and current guidance is in need of an update as it provides little more than the skeleton for an investigative strategy. Gang-related homicide investigation seems to be difficult to relate to previous research, theory and guidance. Further, multi-agency training is specifically important for SIOs investigating gang-related homicide, due to its embeddedness in communities, related safeguarding issues and their general complexity (e.g. Centre for Social Justice, 2009).

This relates to the wider issue of resources (Brookman and Innes, 2013; O’Neill, 2018) impacting on all areas of homicide investigations, further in complex gang-related homicide investigations. This was visible through, among others: lack of sufficient CIAs which could likely be used more effectively in reassuring the community and the investigation itself; strained multi-agency relationships which are still awaiting a joined-up approach to cooperation; CPS workloads and lack of specialists; or, to an extent, foregoing safeguarding beyond legal rights which need better embedding into an investigation and resourcing. What is more, lack of resources was also attributed to the increase in gang-related homicides in the first place. All these areas combined are causing frustrations to SIOs.

To conclude, whilst gang-related homicide will always, and should always, be investigated as a homicide first, it does pose its unique challenges which were agreed by multiple SIOs at once. Their complexity impacts on all areas of the investigation and usually requires extra resources and expertise. It is important to listen to the SIO voices as it seems that not enough is currently done to allow for learning in times of decreased resources. As it is likely that gang-related homicide will spread outside of metropolitan areas, in no small part due to county lines, and that the “gang”
element can lead to bias unless consciously avoided. CPD (in form of debriefs, manuals, conferences or others) needs to be better implemented across the different police services. Moving forward, it is important that the participants’ experiences are heard and adjustments are made through consultation with them. The current study presents an opportunity for a research agenda investigating further all the core themes discussed and creating solutions relating to better provisions for SIOs aiding in their investigation.

References


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Police practice in cases of sudden and unexpected child death in England and Wales: an investigative deficit?

John Fox

Abstract

Purpose – The system in England and Wales involves a joint agency response to the sudden and unexpected death of a child (SUDC) and, for various reasons, the police contribution to that investigation is sometimes inadequate. The purpose of this paper is to explore some of the dilemmas which explain this inadequacy.

Design/methodology/approach – The arguments presented in the paper are made on the basis of empirically derived findings, drawing from original research based upon qualitative interviews with nine senior detectives working in the areas of child abuse or major crime, as well as focus groups of senior detectives, and a limited contribution from pathologists.

Findings – This paper explores whether there is an investigative deficit in respect of potential child homicide when compared to an adult domestic homicide, and it concludes that in some areas the most vulnerable people in society may be at risk because of issues such as inadequate training, inflexible force policies and under-resourced police investigation of child death.

Practical implications – It is possible to kill a child and leave few, if any, physical clues on the body. To determine if homicide is the cause of death, the overall police investigation therefore has to be of high quality to identify any clues that have been left by the perpetrator at the scene or in other ways. It is usual for Child Abuse Investigation Unit detectives to investigate SUDC but they are often trying to do so with little training and few resources. Cuts to police service budgets since 2010 have affected all elements of policing, including Major Crime Teams. As a result, these teams are more discerning about which cases they take on and there is evidence they are not taking on child death investigations even if there are suspicions of homicide. The findings reveal important implications for police investigative training and a clear and significant deficit in the investigative resources available to the lead investigator on a SUDC investigation which may or may not be a homicide, compared with the resources available to the senior investigating officer on a straightforward domestic homicide when the victim is an adult. Homicide is missed, then siblings or future siblings with that family may be left at risk of harm. The College of Policing suggested standards for SUDC investigation are sometimes not being adhered to in respect of training and resources.

Originality/value – The paper is informed by original qualitative research conducted in 2019. The findings are of value to police policy makers, the College of Policing, and police senior leadership teams.

Keywords Justice, Policing, Evidence-based practice, Investigation, Homicide, Training/professionalization, Child death

Paper type Research paper

Introduction and background

The majority of children die from natural causes, and the disease, genetic condition or ailment is often easily and quickly identified. However, there are approximately 230 deaths of babies and toddlers every year in the UK which, despite an investigation, remain unexplained (Lullaby Trust, 2015). In respect of an infant (a child under 1 year of age), the phenomenon known as Sudden Infant Death Syndrome (SIDS) is probably the cause of death in most cases of unexpected death. This notion is supported by Kennedy (2004, 2016). However, SIDS is not a diagnosis; it is a label perhaps designed to remove a stigma or feeling of lifelong guilt from bereaved parents. This phenomenon is not understood at all well and no one actually knows the mechanism which occurs to cause death...
(Emery, 1989), although suggestions such as the “Triple Risk Hypothesis” (Guntheroth and Spiers, 2002) – i.e. an infant whose physiological development is slightly behind, who has a minor ailment such as a small infection and who lives in a sub-optimal environment such as a house where people smoke – attempt to explain what may cause an infant to die. Suggestions such as these are no more than a “best guess” at what may have happened, and in the absence of identifying a conclusive natural cause of death the possibility that the child has been deliberately killed remains plausible as an explanation.

It is widely accepted that within the number of cases which over the years have been classified as SIDS, sudden and unexpected death of a child (SUDC) or cot death, a hidden proportion is in fact the result of maltreatment or deliberate harm (e.g. Emery, 1993; Levene and Bacon, 2004; Fox, 2007). These cases of homicide may remain undetected for reasons which could include a failure of the “joint agency response” (HMG, 2018). In other words, there is a failure either by paediatricians or pathologists to observe subtle physical signs that a child has suffered maltreatment or a failure by police investigators to carry out a thorough and searching investigation on behalf of the coroner.

Estimates of the proportion of SIDS registered cases which are in fact undetected homicides vary considerably; however, some authors suggest that up to 10–20 per cent may be frank homicide, with maltreatment (abuse or neglect) being a contributory, though not necessarily a causal factor in a similar proportion (e.g. Emery, 1993; Fleming et al., 2000; Levene and Bacon, 2004; Sidebotham et al., 2005). For policing purposes, it does not really matter what the proportion is, but rather it should be considered unacceptable for there to be any deliberate killing of a human being which does not attract a full and professional investigation.

Marshall (2012) estimates that there are probably between 69 and 84 child homicides in England and Wales each year. The reason the number is rather vague is that as discussed above, within the number of known deaths which end up being classified as SIDS or unascertained, there is an unknown number of “covert homicides” (Vaughn and Kautt, 2009) which are never identified as crime. Because they cannot defend themselves, it is accepted that it may be possible to kill a small child and leave no physical trace of an assault. This is supported by Truman and Ayoub (2002) who suggest that deliberate suffocation of a baby rarely leaves any physical signs, making it impossible to differentiate from SIDS on clinical grounds alone. In some cases, it is understandable that even the most thorough and professional investigation by a police officer, paediatrician and pathologist might fail to identify that crime has occurred. There are likely to be other cases, however, where stones are left unturned and clues not found because of a lack of police resourcing or a lack of expertise by the investigating officer.

In respect of children over the age of one year, the label known as SIDS cannot be used to explain the death, and if the joint agency investigation subsequently fails to identify the cause, such a case would usually be classified as “unascertained”. In respect of children over one year of age and the consequent absence of SIDS being a possibility, the failure to recognise an undetected homicide is more likely to be as a result of an inadequacy in the police contribution to the joint agency investigation. This is because the detection of a disease or genetic condition is a scientific process with certainty as an end result, whereas the police investigation of a potential homicide is, in large part, an art and its success is dependent on the decision making of the lead investigator, the adequacy of his/her training and the staff resources available to him or her, because these factors all dictate the amount of activity conducted to uncover any possible clues as to the cause of death.

This paper will identify and explore some of the factors which tend to make the successful discovery and subsequent investigation of child homicide problematic. The consequences of a failure by police to identify when a child has been unlawfully killed is of great consequence, not just in providing some posthumous justice for the deceased but, and perhaps more importantly, in ensuring the protection of any living siblings or those yet to be born.

Method

The paper has been informed by an original research study carried out by the author between March and July 2019 seeking to explore the question:

RQ1. Is there an investigative deficit in respect of SUDC which could mean that the likelihood of the death of a child which is in fact homicide, but not recognised at that point, is less likely to be identified as such compared to an adult?
The conclusions draw on data gathered using qualitative research methodology including interview and focus group data. Fielding (2000) indicates that much police research is rooted in this method, and it may be considered that, given one is likely to be interviewing confident, professional people, this made it the most appropriate method of gathering data.

The research was designed to include participants with a range of different perspectives on SUDC investigation, specifically senior detectives from the Major Crime and Child Abuse Investigation disciplines, and a small number of Home Office registered forensic and paediatric pathologists. The respondents were therefore chosen carefully for their knowledge and expertise in the subject, and the likelihood that they would represent different standpoints on the issues in question. The sample represents what Patton (2001) calls a “purposeful sample”.

Detailed qualitative face-to-face interviews were conducted with a sample of four current major crime SIos from two different police areas and five senior detectives from Child Abuse Investigation Units (CAIU) working in four different force areas. These interviews were recorded and fully transcribed. The transcripts were loaded into NVivo 12 CAQDAS software which assisted with coding and analysis of the interviews using adapted grounded theory (Glaser and Strauss, 1967). The adapted version of grounded theory employed followed the position taken by Strauss and Corbin (1990); consistent with other adapted versions of grounded theory, the application primarily focussed on the coding and preliminary validation stages, as these were judged most appropriate to the data available.

A survey was e-mailed to six pathologists represented by two specialist paediatric pathologists and four forensic pathologists, all of whom have been involved in child death cases. The questionnaires were tightly focused on the research question, three forensic pathologists agreed to take part in the study and their responses were included within the package of data loaded into NVivo and coded and analysed alongside the other material.

Finally, to explore and test one of the key issues which had emerged during early interviews, two focus groups each consisting of five senior detectives, with a mix from the Major Crime Teams (MCT) and Child Abuse Investigation Teams in two separate police force areas, were given a case description relating to a straightforward child homicide investigation, and the groups were asked to discuss and estimate the resourcing levels which would be allocated to the case and the activity which would be generated. The results were compiled on flipcharts and the data, together with commentary, are provided in Table I.

The limitations of the design are such that although a total of 22 participants provided data for analysis, from a policing perspective, they were limited to 4 force areas (out of the 43 forces in England and Wales), and arguably each individual element of the sample is itself not large.

It is recognised (Bryman, 2004) that qualitative researchers have a particular responsibility to ensure they fairly and accurately reach their conclusions, so as to guard against the possibility that an ill thought out, non-representative anecdote from a respondent might adversely influence an inference or conclusion. The mixed, cross-discipline design of the research enabled the researcher to test and validate comments being made about the key issues. However, the limitations of a qualitative research design are also recognised, and while the findings are suggestive and allow us to identify some important dimensions of the research questions and hypotheses, the analysis cannot be definitive or conclusive. It is noted that a qualitative approach is often adopted in pioneering, exploratory research and it is intended that this paper provides a

<table>
<thead>
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<th>Table I</th>
<th>Breakdown of respondents sampled</th>
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<tr>
<td><strong>Position</strong></td>
<td><strong>Role</strong></td>
</tr>
<tr>
<td>Detective chief inspector</td>
<td>MCT</td>
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<tr>
<td>Detective inspector</td>
<td>MCT</td>
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<tr>
<td>Detective inspector</td>
<td>CAIU</td>
</tr>
<tr>
<td>Detective sergeant</td>
<td>CAIU</td>
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<tr>
<td>Forensic Home Office Pathologist</td>
<td>n/a</td>
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<td><strong>Total respondents</strong></td>
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contribution to an evaluation of the current state of SUDC investigation in England and Wales, and further research is suggested in the Conclusion.

The research reported in this paper was conducted in accordance with the advice contained in the British Society of Criminology (2015).

Findings and discussion

The effect of police budget cuts on major crime investigation

Much of the recent discourse in policing is dominated by a perception that the quality of police work and, in the context of this paper, the quality of investigation have been affected by public sector budget cuts. It might be useful to briefly explore whether this is the case, and if so, how it might be affecting homicide investigation and, in particular, the investigation of child homicide.

It is confirmed by Brogden and Ellison (2013) that since 2010 the Police Service in England and Wales has suffered severe budget cuts and that a dramatic reduction in policing services has occurred. A recent study by Hargreaves et al. (2018) reveals that there was a reduction of 21,000 police officers between 2010 and 2018, bringing overall Police Service numbers down to 122,404. The evidence that since 2010 the police have had to mitigate against government funding cuts is therefore incontrovertible, and since for all police forces the staff salary portion of their overall budget is around 80 per cent (e.g. Police and Crime Commissioner Hampshire, 2017), it has been inevitable that to achieve necessary savings officer numbers have been reduced to well under their authorised maximum establishments. Evidence outlined below indicates that the MCT created in many police forces to primarily deal with homicide cases have not been protected from staff reductions.

Although due to their partisanship it is often unhelpful to cite politicians in an academic paper, in June 2019 it was reported in The Guardian (a UK national newspaper) that in 2019 freedom of information requests to all 43 UK police forces were made by the Labour Party Policing Spokesperson. This survey claimed to reveal that “the number of detectives in major crime and murder squads has been cut by 28%” (Dodd, 2019). This figure is broadly supported by the respondents in the present study.

All MCT participants \( n = 4 \) confirmed that their teams had been subject to significant reductions in investigator numbers over the last few years. Specific utterances include:

There has been a huge impact on our resources and it is getting very difficult now to properly investigate the cases we get. Every homicide we deal with is under-resourced. (MC5)

There has been a huge reduction in resources in major crime teams even in the last 15 months we’ve significantly reduced again. We skimmed right back so you have not only got low numbers in terms of people, we also go often in collaboration and a lot of that continuous push – pull between the teams and the different SIOs over a very small pot of people to do the work. There were five DCIs – that’s gone down to four. And there were five DIs that’s gone down to four. So we’ve lost a DCI and a DI from each crime. In respect of detective constables, in [my force] we went from 18 DCs down to 12. (MC1)

It could perhaps be argued that officers such as these, who are competing with other parts of their force for resources, are hardly likely to paint a healthy picture of their staffing levels, but one of the MCT respondents actually did provide the researcher with a picture – photographic evidence – to illustrate the reduction in his MCT over the past 10 years:

Undoubtedly [there have been staff reductions]. Recently I arranged for the major crime team across the force to have a team photograph after a CPD day. And one of the reasons I did that, other than it’s a nice thing to do, was to emphasise the point that our numbers have greatly reduced since the last time the team had a team photograph. So we have both of those photographs [shown to the Researcher] and it’s difficult to put a number on it off top of my head, but I would say that we are probably somewhere in the region of a third to 50 percent less staff now that what we were 10 years ago. (MC3)

It was fortuitous that one MCT respondent had, before they joined the MCT, been part of the “Change Programme” Team which had to decide where staffing cuts in the force would fall. When asked whether police budget cuts had any effect on MCT, this respondent made an illuminating comment from that other perspective:

Yes, sure. I’ve only been on major crime since [five months ago] although I spent two years on what was called the Specialist Crime Capabilities Programme which is basically a budget cutting change
programme for specialist crime which includes major crime, where we had to make 20 percent savings across the whole specialist crime including major crime. It did not have to be 20 percent from each discipline, it had to be 20 percent across the board. So that was relatively recent so obviously there were cuts within major crime and changes to processes and roles as a part of that process in order to save money and improve efficiency. (MC2)

Having therefore obtained supporting evidence that the report in The Guardian newspaper (Dodd, 2019) is likely to be accurate, it was important to explore whether the workload of the teams had reduced in line with their staffing reductions. As a follow-up question to all MCT respondents, they were asked whether there were fewer murders or serious crimes to deal with now, but all claimed that their core workload had not reduced, and in fact one respondent remarked:

No, it’s gone the other way. It’s gone up, particularly in the last two to three years, there has been a significant increase in work. (MC3)

The present study was designed to establish whether the investigation of childhood death and, in particular, the chances of successfully establishing whether such a death is in fact homicide may be adversely affected by these changes in the staffing levels of MCTs. Although none of the MCT respondents indicated that their team would not normally deal with cases of child death which had clearly been identified as homicide from the outset, as discussed earlier, it is often very difficult to make that early determination. It is accepted that even with clearly identified adult homicides many are “self-solvers” as described by Martin Innes (2003), so not a lot of detective work is required in their investigation. However, it is argued in this paper that due partly to complex pathology and controversy over medical evidence, as well as the fact that the child victim is often cared for by the perpetrators, meaning less reliance can be placed upon trace forensic evidence, child murders are rarely “self-solvers” and do need a lot of detective work and multi-agency cooperation to solve. The next part of the discussion will explore whether there is a disparity, or deficit, in respect of resourcing and training for those investigating a sudden unexpected child death when compared with those officers investigating the suspicious death of an adult.

**Resourcing and training for child death investigation**

One of the peculiarities with child homicide is that even if a police force has a dedicated MCT, as will be discussed later, there is sometimes ambiguity as to whether they will actually investigate this sort of crime, or whether it will be investigated by officers from the CAIU. What is probably universal is that until a sudden unexpected child death has been identified as suspicious, it is extremely unlikely that a MCT would become involved at all, so the early lines of enquiry to determine whether or not there are suspicions will normally be carried out by a small group of CAIU officers often led by a detective inspector or a detective sergeant who may well not have any standardised training in homicide investigation. In the present study, it was reported by the respondents from the CAIUs that the typical resourcing for a SUDC would be a small team perhaps consisting of a detective inspector and two or three investigators. When asked if they were the lead investigator on a regular SUDC case and how many staff they were likely to have on their investigation team, these responses were representative of that group:

On the day, a DI and a DS. Possibly with access to a couple of investigators. (CA3)

Definitely two, with a Detective Sergeant accompanying myself. Additional staff could possibly be made available if necessary. (CA5)

Resource-wise I am probably going to say DI, DS and five DCs. If it was a late night one, or a weekend, there would be fewer people involved. (CA2)

It was then interesting to contrast these numbers with the MCT respondents who were asked how many staff they would deploy if the case was a straightforward domestic homicide where the victim was an adult – for example, a husband kills his wife within their home. Even on such a classic “self-solver” (Innes, 2003), the MCT respondents claimed they were likely to work with a team of around 12–20 detectives at their disposal. These responses are representative of that group:

I’ll be expecting, to include my specialist leads as well, so crime scene managers, CSIs etc. So I’ll be looking at 12 to 14. (MC1)
I would have 4 DSs and 20 investigators – DCs and IOs. It will be anyone who is working. If it is a new job, everyone who is working. (MC2)

And a respondent who had been called out to exactly such a case a few days beforehand recalled:

I would say we had about something in the region of 20 investigative officers in total to deal with what was a fairly contained job. (MC3)

Interestingly, this latter respondent had previously worked as a detective inspector on a CAIU and claimed to have investigated 26 SUDC cases. The respondent MC3 confirmed that typically in those cases the “team” would have just consisted of themself plus one detective sergeant.

It is important at this point to note that of the two types of cases described, the adult case is identified as a homicide, whereas the child case is still to be determined as either natural death or a suspicious death. It could be argued therefore that the study is comparing apples with pears. In one sense, a SUDC is “just another” type of sudden death investigation; however, the position taken in this paper is that the sudden and unexpected death of a child should never be considered as a routine event. The police have traditionally attended any case of sudden death resulting from an unknown cause, and their duties can include the verification of death and the submission of a report to the coroner (Fox, 2007). Usually a single uniformed police officer would attend the report of a sudden death of an elderly person and they make only basic enquiries to check if any crime may have occurred. There would usually be no involvement by a specialist investigator because elderly people die as a matter of course and sudden death cases are a common occurrence. However, as discussed above, unexpected childhood death is relatively rare in England and Wales, and they should never be considered by the police as routine natural and inevitable events. Indeed, the College of Policing guidance on this subject is clear that “Healthy children are not meant to die, and when they do these children deserve the right to have the death fully investigated in order that a cause of death can be identified, and homicide excluded” (ACPO, 2014, p. 5).

It is clear from the empirical evidence in the current study that the police in England and Wales do not treat SUDC cases as “routine” sudden deaths, and all respondents confirmed that a detective inspector, rather than a uniformed constable, would investigate SUDC in their area. An important step was taken by ACPO (now the National Police Chiefs Council) to encourage chief constables to ensure that SUDC was resourced with at least a minimum number of investigators. The College of Policing Guidance (ACPO, 2014, p. 13) suggests, “The thorough investigation of an unexpected child death cannot be carried out by a single investigator. Even when there are no apparent suspicions, as a minimum it is suggested that a team of three investigators will be required to assess and manage scenes, carry out interviews and follow lines of enquiry”. This guidance perhaps helps to ensure that the sudden death of a child is investigated far more thoroughly than would be the case if the deceased was an elderly adult, and broadly this current research indicates that the sort of investigator resourcing expected in the guidance is being adhered to. However, an important thrust of the present paper is to contribute to a discussion as to whether, despite recent improvements, more could or should be done to detect when a SUDC case is, in fact, homicide.

It has already been established that for those SUDC cases that are in fact homicides but have not been identified as such, the resources deployed are likely to be far fewer, and consequently the depth of the investigation is likely to be far lower than as would be the case if an adult sudden death was identified as suspicious from the outset. This might seem an obvious statement but the significant factor is that it is far harder to kill an adult without leaving some fairly clear clues that a crime has taken place, so most adult homicides are identified as such from the outset and the necessary resources are then deployed, usually from a force MCT. By contrast, as pointed out above, it is entirely possible to kill a small child yet leave few, if any, clues. For this reason, the early investigation of a SUDC really needs to be well resourced and well managed. As Marshall (2012, p. 32) points out, “an incorrect [initial] assessment may lead to essential evidence being lost and justice denied for the parties affected”.

The challenge for the police therefore is to deploy sufficient resources and carry out sufficient investigative activity, in order to ensure that murders are not missed. Equally challenging is the fact that CAIU officers investigating a SUDC are expected to do their work with sensitivity and
discretion to avoid stigmatising innocent families (ACPO, 2014, p. 6). Because no serious crime has been identified, there are fewer legal powers available to them to access potential evidence. For example, they would be unable to obtain an authority under the Regulation of Investigatory Powers Act 2000 to examine telephone call data, and they would be unable to obtain a search warrant under the Police and Criminal Evidence Act 2004 to search the victim’s home and seize evidence. This is not to say that the home would not be visited, but to do so in a SUDC case would have to be with the agreement of the child’s parents at a time of their choosing which, if they had actually killed their child, is clearly problematic. Although the College of Policing Child Death Investigation Guidance (ACPO, 2014, p. 1) suggests that “Even when there are no apparent suspicious factors, the police contribution to the investigation must be detailed and thorough”, the evidence reported thus far is that CAIU lead investigators may not have sufficient resources to carry out all the investigative work necessary.

Furthermore, in respect of their training, it is unlikely that CAIU officers will be equipped with the same knowledge and theoretical grounding as their colleagues from MCT, and this will be briefly examined.

The Senior Investigating Officers Development Programme is the current programme provided by the College of Policing which allows senior homicide investigators to become accredited at what is known in policing circles as PIP Level 3. Although a CAIU detective inspector may, by chance, have undertaken this training and be accredited at PIP Level 3, it is not a requirement. The CAIU respondents in this, albeit small, study confirmed that none had received PIP Level 3 training.

Having established that those working on a SUDC may have fewer resources and less than optimum training to help them identify whether a SUDC is in fact a homicide, it will be useful to establish exactly what the potential investigative steps might be in straightforward domestic homicide cases.

It may be useful to first briefly look more generally at some expected elements of any police homicide investigation. Neyroud and Disley (2007, p. 552) pointed out that 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 known collectively as College of Policing Authorised Professional Practice, and in particular the “Murder Investigation Manual” (ACPO, 2006) and the “Major Incident Room Standardised Administrative Procedures” (Association of Chief Police Officers, 2005). The former document gives tactical advice and suggested investigative techniques and the latter document provides a bureaucratic system for setting up a major enquiry and dealing with the enormous amount of information which a murder enquiry can generate.

To gather some empirical data on this topic, two focus groups were created, each consisting of five senior detectives, none of whom were the main respondents for the study. These ten officers were not interviewed, but were simply asked to create a flipchart which would indicate what investigative activity they would expect to carry out if they were asked to investigate a child death case which, from the outset, was believed to be suspicious – in other words where there were clear criminally inflicted injuries. Table II is a representation of the result of their consideration.

<table>
<thead>
<tr>
<th>Table II</th>
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<tr>
<td>Resources</td>
<td>Early investigative activity</td>
</tr>
<tr>
<td>SIO (DCI)</td>
<td>Forensic recovery – suspect(s)</td>
</tr>
<tr>
<td>Deputy SIO (DI)</td>
<td>Secure death scene and full forensic search</td>
</tr>
<tr>
<td>Office Manager</td>
<td>Secure victim as a scene</td>
</tr>
<tr>
<td>Case Officer (DS)</td>
<td>Arrange forensic post-mortem</td>
</tr>
<tr>
<td>Indexers for HOLMES IT System</td>
<td>Interviews with suspects</td>
</tr>
<tr>
<td>Analyst</td>
<td>Capture passive data (CCTV, ANPR, etc.)</td>
</tr>
<tr>
<td>Crime Scene Manager</td>
<td>Seize electronic devices, digital media, phones</td>
</tr>
<tr>
<td>Intelligence Manager</td>
<td>House to house strategy</td>
</tr>
<tr>
<td>Family Liaison Officer</td>
<td>Full intelligence checks on suspect(s)</td>
</tr>
<tr>
<td>Search Advisor (POLSA)</td>
<td>Identify and interview witnesses</td>
</tr>
<tr>
<td>Interview Advisor</td>
<td>Community impact assessment</td>
</tr>
<tr>
<td>Outside Enquiry Team (DS plus eight DCs)</td>
<td>Media strategy</td>
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</table>
Childhood death investigative deficit

Homicide investigation is considered to be at the pinnacle of police work and the process by which it is carried out is highly systemised and methodical, and involves the coordination of a lot of people from different disciplines. By contrast, the initial investigation of a SUDC which, as indicated by Marshall (2012), may be the one chance to establish if it is in fact a homicide will, as the current research reveals, likely be led by a detective inspector or a detective sergeant from a CAIU, who has not been trained to PIP Level 3 standard, and who will typically have no more than two or three investigators working with them. When comparing this evidence with Table II, it seems clear that there is a huge disparity in terms of numbers of officers working on the case, and consequently with the amount of investigative activity that can reasonably be carried out.

As an example of how damaging this lack of resourcing can be, not only in respect of surviving or future siblings within the family, but also to the reputation of the force concerned and its investigators, the Independent Police Complaints Commission (IPCC – now known as IOPC) Report into the flawed investigation after the SUDC involving one-year-old Poppi Worthington (IPCC, 2014) concluded that the detective inspector from the CAIU who was initially in charge of the investigation failed to attend the scene, offered no direction of scene management and failed to secure important evidence. However, it is also clear from reading the report that “[…] she had not been trained as an SIO and she had only attended a detective inspector course many years previous” (IPCC, 2014, p. 25). Moreover, she had not been provided with any specialist training in child death investigation (IPCC, 2014, p. 26). It is also clear from the IPCC Report that this detective inspector had no “team” as such, and in the vital “Golden Hour” period (Cook and Tattersall, 2010) of this complex enquiry she was attempting to investigate with just two uniformed officers who had been earlier deployed by the Force Control Room. The “Golden Hour” is defined as, “[…] the principle that effective early action can result in the recovery of significant material which might otherwise be lost to the enquiry forever” (ACPO, 2006, p. 42). After his inquest into Poppi’s death, the coroner wrote in his findings, “There were numerous errors and failings in the first investigation […] it is relevant to note that many pieces of potentially relevant evidence were not gathered or obtained” (Roberts, 2018, p. 3, 4).

The initial investigation into the Poppi Worthington death was therefore considered by the coroner and the IPCC to be inadequate and the detective inspector in charge of the initial enquiry did not have sufficient experience training or resources, but the evidence provided by the respondents in the current research indicates that the experience of this detective inspector is not unique. One of the respondents who worked in the CAIU expressed the view that they are still trying to conduct their SUDC investigations with insufficient resources, and this means that the quality of the work conducted, and the lines of enquiry fulfilled are both compromised. The respondent gave a case example to illustrate that important evidence which might confirm homicide can be lost:

There was a case that happened in [my area] of a child who collapsed in co-sleeping circumstances. A child was asleep on dad’s chest. Dad allegedly falls asleep on the sofa watching a film, wakes up, child is not alive. We conducted our usual investigation just me and a DS. We found no cause for concern but we had done a cursory scene examination, all of it being under no powers. I don’t believe there was any forensic input into that process. So that was the response to it. Anyway, two or three days later the CT scan comes back – query bleed on the brain and retinal haemataging, and there were clear fractures in the ribs some of which radiologists were saying were suggestive of NAI [non-accidental injury]. So three days down the line, having not protected your scene, not done any kind of really intrusive inquiries that you would do on a major crime investigation around movements, behaviours, and all the rest of it, you suddenly are playing catch up with a murder investigation. So a bit of a mess that did not resolve in any prosecution and in the end we don’t really know whether that child was murdered. (MC3)

It is suggested here that there is an investigative deficit between a SUDC investigation and an identified child (or adult) homicide investigation because the SUDC investigation falls into a gap of uncertainty. It might be a homicide, but it probably is not and, put simply, the MCT may only investigate known homicide cases, yet sometimes the CAIU investigators have neither the resources nor training to adequately conduct a thorough enough investigation which may identify that it is, in fact, homicide. Hence, some child homicides forever remain unrecognised as such.

This point of view is supported by one of the forensic pathologists (FP2) contributing to the study. They explained that the pathological findings in child death cases, particularly in respect of
shaking injuries to a baby, are often challenged vigorously in criminal courts which makes pathologists very wary about giving an early opinion, even when they may be fairly sure that homicide is confirmed. This respondent also put forward the argument that in many child death cases, the only way to demonstrate that the death is probably natural is to confirm the absence of injury, and that the only way to do that is a thorough and open minded autopsy where one looks for injury. This may seem patently obvious, but the point may equally apply to the police investigation. If the absence of crime is not confirmed through a thorough and well-resourced investigation, the possibility that the child has been murdered remains.

From the evidence gathered during the current study, it has thus far been possible to draw an inference that in some SUDC cases CAIU investigators may not have the training or resources available to adequately rule out homicide or confirm it. It is also possible to draw an inference that MCTs have been subject to cuts in staff numbers of up to 30 per cent, yet the number of homicide cases they are expected to deal with has not gone down. The final theme for discussion therefore is whether, even in cases where the CAIU investigator has a suspicion that the case is homicide, the MCT will take the case over and run a properly resourced enquiry as indicated in Table II.

The transfer to MCT in suspicious cases

Evidence from the current respondents indicated that there are variations as to when a force or regional MCT may take over a child death case. In one area, every SUDC is “overseen” by a trained MCT SIO. Under this model, although they will not act as the lead investigator or provide resources, they do at least keep a “watching brief” on the case and they will act in an advisory capacity to the CAIU lead investigator. It was explained by the respondent (MC3) that this model is possible because the force has structured its investigators in such a way that CAIU and MCT teams all sit within the same wider department under a single detective superintendent. In other areas, however, there is absolutely no involvement by the MCT until a homicide has been confirmed. This is evidenced by a detective chief inspector from a MCT who was asked when, if at all, her team would feel that a child death would come within her team’s remit to take it over and she replied:

Not until a forensic post-mortem had given homicide as the cause of death. (MC5)

This position was broadly confirmed by all CAIU respondents, for example:

Only if clearly manslaughter or murder. Sus death likely to remain with CAIU. (CA3)

A suspicious death which isn’t confirmed is likely to [remain with CAIU] – depends on which SIO we ask! (CA2)

When asked if the staffing cuts in MCTs had made them more discerning about which cases they would take on, one respondent said:

Yes. Well it is mixed whether the MIT will take on child homicide if that’s what you mean. It can depend on the SIO who they speak to. Some may take a suspicious child death immediately but as we lose more and more staff there is a tendency to push back on jobs until it is clear that we are dealing with a murder. (MC3)

Other MCT respondents (MC2, MC3) said that in their team the trigger for MCT taking over a case would be if, and when, a pathologist-confirmed homicide.

The flaw in this proposition is that the pathology in a child death is largely a lengthy process of excluding natural causes until homicide is the only plausible explanation (Krous and Byard, 2005). It was confirmed by all the pathologists contributing to this study that even where there are initial suspicions, this takes a long time because various histology has to be carried out on tissue and internal organs. When asked how long this process would typically take, a forensic pathologist replied:

If, for example, the child dies and a thin bilateral subdural haemorrhage is found at PM, this is clearly very suspicious but to prove the retinal haemorrhages and examine the fixed brain will require specialist ophthalmic pathology and neuropathology, which typically takes months to complete. It follows that there may be a delay before the job is confirmed as definite homicide. Even if there is ante mortem evidence of trauma, specialist ophthalmic pathology and neuropathology will still be needed, as well as possibly bone pathology, so though it may be pretty clear the child/infant has been assaulted, a definitive statement will almost certainly take several months to complete. (FP1)
Another forensic pathologist (FP2) who carries out all their own histology rather than sending the organs to an external expert also confirmed that in child death cases it would often be five or six months before they were able to provide the police with a firm conclusion that homicide was the cause of death.

It follows then that if the initial police investigation is not properly resourced until homicide is identified then clearly, as in the Poppi Worthington case, much physical evidence could be lost, as well as opportunities for forensic recovery at the death scene, passive data recovery or digital media investigation (see Table II).

The other rather illogical position with a MCT not accepting the case until a forensic post-mortem has concluded homicide is that for any SUDC to even be subject to a forensic post-mortem examination there must have been sufficient suspicions to convince a coroner that this type of post-mortem examination is required. According to Peres (2017), a forensic post-mortem in England and Wales costs the police £4,000 in an average case and therefore one is only requested by police when the suspicions of crime are already fairly high. The MCT respondents in the current study confirmed that it is almost certainly the case that if an adult sudden death was felt to be suspicious enough to warrant a highly expensive forensic post-mortem, the force MCT would certainly be running the investigation from the outset, and they would not wait several weeks or months for formal confirmation of homicide before deploying their extensive resources and investigative services.

Finally, there is also evidence from some respondents in the current research (MC1, MC2, MC3, CA2) that in their forces it is not even certain that the dedicated MCT will take over an investigation even when homicide is confirmed. This could be because a long passage of time has elapsed until such confirmation and the CAIU simply keep the enquiry themselves because they have done a lot of the work they believe is required. This, in itself, does not necessarily mean a lower quality of investigation, but clearly in forces where that practice exists, they have created a two-tier system of homicide investigation, one for adults and one for children.

Conclusion and implications for police policy makers

Most infants who die suddenly and unexpectedly, die because of natural causes. In older children, where SIDS is not a factor, it is likely that any natural disease or genetic condition will be detected by medical science. However, unlike the killing of an adult, it is disturbingly possible to kill a child and leave few, if any, physical clues on the body. The overall investigation therefore has to be of high quality to identify any clues that have been left by the perpetrator at the scene or in other ways. Pathology alone will not necessarily be able to confirm homicide and therefore the medical input needs to be complemented by a thorough and searching police investigation, albeit an investigation sensitive to the probability that the carers are in fact innocent.

It could be argued that the “investigative deficit” in SUDC is no greater than with any adult sudden death investigation, but this paper takes the position that child death cases are different for three key reasons: children are not meant to die, the greater timescale to reach a conclusive medical determination and the vulnerability of any current or future siblings. Child death cases often present complex medical evidence and because the pathological findings may be controversial when aired in court, pathologists are often extra careful to ensure supporting findings from experts such as neuropathologists before confirming their conclusions. Because the complex pathology in child death can take several months to provide a definitive answer, some actual (but not yet clearly identified) child homicide cases are being managed by a very small team who are untrained in major crime investigation. Crucially, if there are other children within the household, they could be at risk for many months if left with a carer who is in fact a murderer.

It is evident that cuts to police service budgets since 2010 have affected all elements of policing, including homicide investigation. As a result, many police force MCTs have seen reductions in personnel of up to one-third, making it more likely that their demarcation lines for deciding which type of cases they take on are drawn tighter and become less flexible. Because SUDC investigations rarely offer certainty in the initial stages, in other words the early signs are often not clear enough to determine homicide, some MCT decision makers feel it is not within their remit to investigate, even perhaps where there are enough suspicions to justify a costly
Forensic post-mortem. Sometimes, the only way to identify whether or not a SUDC is a homicide is for extensive and robust enquiries to be undertaken, but the fact that the enquiry is conducted by an under-resourced and less than optimally trained team may mean that evidence remains undiscovered and homicide is never detected.

Even CAIU DIs who have clear suspicions about their SUDI case are sometimes experiencing “push-back” from MCTs, or in some cases the MCT will only provide some limited supplementary assistance whilst the case is retained by a DI from CAIU. Respondents agree that with far fewer resources than an MCT would routinely deploy for a clear straightforward adult homicide, it is likely that in SUDC investigations some important early lines of enquiry and actions are not being completed which can mean that actual homicide is not determined at all, or that the case is weaker when presented to the CPS for a charging decision. This paper does not suggest that every MCT has the same policy, but there is enough evidence from the current research to draw an inference that unlike an adult death, some MCTs will not take on a suspicious child death until and unless there is conclusive evidence that homicide is the cause. Normally, however, this can only be determined by a post-mortem process which takes several months, so consequently the “Golden Hours” are compromised due to a lack of robust investigation.

Police policy makers and senior leadership teams need to recognise the investigative deficit in SUDC investigation. The rhetoric from some police and crime commissioners (e.g. Police and Crime Commissioner Hampshire, 2017) is that despite any budget cuts their number one priority is protecting the vulnerable from harm. If a person in England and Wales is destined to become a victim of homicide, there is evidence that it is four times more likely to happen in their first year than at any other age (Brookman and Maguire, 2003, p.21). This makes infants by far the most vulnerable people in society, yet the apparently less than adequate police investigation into some SUDCs may leave the living or unborn siblings of child homicide victims at risk.

It may be impractical and in some ways undesirable for the MCT to take on the full investigation of all SUDC – indeed most of them are not crimes – however, the approach described above, whereby a trained MCT SIO at least maintains a “watching brief” over every SUDC, investigation may at least lessen the chances that a child homicide could remain unrecognised as such. The College of Policing Guidance (ACPO, 2014, p. 13) states, “Even when there are no apparent suspicions, as a minimum it is suggested that a team of three investigators will be required to assess and manage scenes, carry out interviews and follow lines of enquiry”. The present study has indicated that this guidance is not always being adhered to, and that even this modestly sized team is not available to some CAIU senior detectives investigating a SUDC. If an SIO has oversight of the case and has some level of accountability for its success, then at least the minimum level of resourcing might, in more cases, be deployed as a matter of routine.

In respect of training, the College of Policing (ACPO, 2014, p. 13) suggests that any officer deployed to investigate a SUDC should have undertaken the Investigation of Sudden Childhood Death Course. It is outside the scope of this study to determine whether all police forces in England and Wales are providing this training to officers, but certainly the evidence from the Poppi Worthington case would indicate that they are not. It may therefore be useful for the College of Policing to fund, or conduct further more detailed research to establish whether their own recommended training programme is available to all officers, and to consider further whether as with the PIP Level 3 system for SIOs, there should be some form of advanced accreditation for CAIU investigators who are expected to manage these difficult and complex investigations.

References


Further reading


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Reviewing the situation: practitioner perspectives on the use and effectiveness of 28-day homicide reviews

Stewart Hill and Martin O'Neill

Abstract

Purpose – The purpose of this paper is to report a study of practitioner views on the 28-day homicide review process.

Design/methodology/approach – The research draws upon primary data from interviews with senior investigating officers (SIOs) engaged in homicide investigations and review officers tasked with reviewing homicides unsolved after 28 days.

Findings – The review process was perceived to be meeting the needs of the organization but adding little, or no direct value to SIOs. Despite this, there was agreement as to the potential value and necessity of the homicide review process. Issues such as the purpose and process of reviews were considered, with recommendations providing impetus for the Metropolitan Police Service (MPS) to review the use of reviewers commensurate with their expertise, the training and development of reviewers, and the aims, format and timing of a review.

Research limitations/implications – The study involved the MPS, and its relevance to review processes elsewhere, whilst likely, is unproven. Further research could identify whether similar issues arise elsewhere, although the findings of this study could encourage other forces to undertake internal reviews of their own systems and processes to understand whether improvements could be made. Whilst over a third of the SIOs and Murder Investigation Team managers took part in the study, a fifth of the review officers were interviewed.

Practical implications – MPS should amend the objectives of a MCR to reflect the role they play in the prevention of miscarriages of justice. The MPS should conduct a skills analysis of existing staff. Reviewers should be appointed to cases within their sphere of expertise, and should all be qualified at Professionalising the Investigative Process (PIP) Level 3. The MPS should consider an arbitration process for contested review recommendations. The College of Policing should consider a PIP development programme for proactive SIOs. The College of Policing should review and support SIO continuing professional development opportunities within the MPS.

Originality/value – The findings are relevant to any police service currently undertaking 28-day reviews of unsolved homicide investigations.

Keywords Reviews, Policing, Crime, Homicide

Paper type Research paper

Introduction

Although many factors contribute to miscarriages of justice (MOJ) (Walker and Starmer, 1999; Poyser et al., 2018), it is the investigative process that is arguably the most significant and considered the “golden thread” in generating injustices (Savage and Milne, 2007, p. 613). The exposure of abuses of authority and power, particularly in high-profile cases has resulted in repeated criticism of the police (Tong, 2009, p.6) and has been the catalyst for criminal justice reform (Savage and Milne, 2007, p. 617).

The Yorkshire Ripper Investigation 1975–1981 (Byford, 1981) and the Stephen Lawrence Investigation 1993 (Macpherson, 1999) are two cases that attracted significant attention from campaigners and politicians alike (Roycroft et al., 2013). Although public attention had been...
drawn to the part police investigations played in MOJ as early as the Maxwell Confait investigation (1972), it was MOJs arising out of Irish terrorism in the late 1980s that drew attention to the relationship between both. Failed investigations such as these not only undermined public confidence and trust in police effectiveness, but also led to changes in police procedure (Stelfox, 2015).

According to Jones (2011), the most significant homicide “review” was the 1999 Macpherson report into the murder of Stephen Lawrence in 1993. The report revealed a series of failures from first attendance at the scene to the failed prosecution of identified suspects. The report placed the Metropolitan Police service (MPS) under the spotlight, impacting upon public confidence and police legitimacy. The Macpherson report made 70 recommendations, and recommendation 19 suggested that specific codes of practice for reviews of crime investigations be produced by ACPO to ensure openness, thoroughness and a consistent framework throughout policing (Macpherson, 1999). Whilst ACPO published guidance even before that recommendation (1989, according to Nicol et al., 2004), subsequent research found that the review process remained inconsistent across the UK (Nicol et al., 2004, p.45). The following paper reports modern practitioners’ views of the review process. First, a brief review of the existing literature will consider the context of the research, followed by a description of the methodological approach. The findings and discussion will be woven together and the paper will conclude with recommendations based upon the findings.

Brief literature review

This research focuses upon reviews at the 28-day stage, known in the MPS as progress reviews (PRs), a process intended to improve both the quality and outcomes of investigations (Nicol et al., 2004; Allsop, 2018). The PR is normally initiated if a homicide investigation remains undetected, following assessment by a Murder Investigation Team manager (MIT manager) (Sawers, 2008). The aim of the PR is to assist the senior investigating officer (SIO) by evaluating the investigation constructively and objectively, ensuring conformity with the guidelines and dissemination of learning (Allsop, 2018). Following a meeting between the SIO and review officer, terms of reference are agreed that determine whether or not the whole investigation will be reviewed (Jones et al., 2008). Typically, the PR will take six weeks and result in recommendations that highlight further lines of enquiry, a review of core investigative strategies, a review of the administration of the investigation through scrutiny of the Home Office Large Major Enquiry System (HOLMES) account, and the identification of good practice. The PR can therefore be described as both a bureaucratic, administrative endeavour and an opportunity to progress the investigation (Allsop, 2018).

The introduction of a formalized review process is arguably a significant innovation in criminal investigation (Gaylor, 2002). Nevertheless, the role of reviews within contemporary homicide investigation has received little academic attention (Nicol et al., 2004; Jones et al., 2010). Whilst this is surprising given the context of its genesis and the impact of failed investigations upon public confidence in the Criminal Justice System, it is less so when considering how empirical studies in policing have only until relatively recently moved towards investigative research (Brodeur, 2010).

It has been identified that a common theme in most MOJs is either case construction (McConville et al., 1991) or case denial (Savage and Milne, 2007). According to the latter authors, case construction not only involves the building of a case against a suspect but also the suppression of counter evidence (e.g. in MOJs concerning Irish Terrorism in the 1970s). Failure to acknowledge relevant evidence demonstrates a “closed mindset”, exemplified in the Maxwell Confait investigation (Fisher, 1977, p. 200). Case denial (involving a failure to identify and act on an issue that detrimentally affects the outcome of an investigation) is demonstrated in cases such as the Stephen Lawrence and Ricky Reel investigations, where investigators failed to acknowledge that the murders were racially motivated and therefore did not approach the investigations with this in mind (Savage and Milne, 2007).

In support of earlier research by the Royal Commission on Criminal Justice (1993), Rossmo (2016) argues that investigative decision making is a common theme underlying errors in police investigations, and it is poor decision making that is often exposed when there is a premature shift
or rush to judgment in the investigative process, from evidence-based to suspect-based investigations (see also Fahsing and Ask, 2013; O’Neill, 2018). Consequently, Rossmo (2016) argues that tunnel vision and confirmation bias are the most problematic thinking errors by detectives (Rossmo, 2016, p. 213). Tunnel vision is described as the restricted focus on a limited range of alternatives or the selection of the first alternative that is considered to fit (Rossmo, 2016, p. 216). Moreover, confirmation bias can result in investigators seeking to confirm one hypothesis whilst failing or refusing to acknowledge contradictory evidence (Stelfox and Pease, 2005). Confirmation bias can also be intensified by strong sub-cultures within organizations such as the police. An unwillingness to dispute dominant theories can result in “group think”, prevalent in cohesive teams making decisions under pressure. Within a major investigation context, this can support confirmation bias and protect unsound decisions (Rossmo, 2016 p. 218). Given that the UK introduced the Criminal Procedure and Investigations Act (CPIA) in 1996, mandating that investigators pursue reasonable lines of enquiry even if they suggest alternatives to those suspected, the need to ensure that bias and poor decision making is minimized in investigations is even greater in modern criminal investigations.

Explicit objectives of a review are to assist SIOs to detect a crime and to identify lessons learnt (ACPO, 2012). The “Murder Investigation Manual” (ACPO, 2012) stipulates that a review is not a reinvestigation, but a process to support the SIO in achieving a “successful conclusion”. This phrase is not expanded upon and is open to subjective interpretation (ACPO, 2012, p. 2). However, Jones (2011) argues that reviews are necessary in order to prevent MOJs. It is therefore surprising that the prevention of MOJs is not a stated objective for reviews.

In contrast, following a MOJ in the Netherlands linked to tunnel vision, the Dutch police introduced a “Contrarian” role in major crime investigations, with independent SIOs working with case SIOs aiming to avoid poor decision making and prevent MOJs (van Koppen, 2008; Salet and Terpstra, 2013). The argument for the contrarian role was that an independent view would be able to identify when an investigation had begun to suffer from tunnel vision or bias, and accordingly advise an SIO. Despite the fact that research on the contrarian system uncovered no standardised approach to the role by SIOs performing the function, and rare examples of SIOs acting as true contrarians (rather than going through the motions), Salet and Terpstra (2013) recommended expansion of the system to include serious crimes in addition to homicide. The contrarian role supports earlier research by Stubbsins and Stubbins (2009) who argued that the primary objective of any review should not be to convict offenders but to apprehend false or misleading conclusions. They assert that focus on the apprehension of a suspect is a recipe for disaster (Stubbsins and Stubbins, 2009, p. 127).

Guidance suggests that the timing of a review may be critical to the outcome of an investigation (Centrex, 2006). Arguably, there are few homicides that cannot be solved with the right response, right time and with an appropriate allocation of resources (JRSA, 1999), although there is some suggestion that government budget cuts have affected resources for major crime investigations as well as other policing provision (Brookman et al., 2018). Nicol et al. (2004) barely discussed the importance of timing, although they concluded that earlier reviews could be beneficial. They suggested that a review might not be able to rectify early errors in an investigation and recommended further research to establish the appropriateness of the 28-day starting point. In contrast, “contrarians” are deployed into homicide investigations within 48 h (Salet and Terpstra, 2013). The objective of avoiding tunnel vision and preventing MOJs appears to justify early deployment. This investment allows scrutiny of initial investigative strategies and evidence, which potentially offsets the need for a more resource intensive review if the investigation remains undetected. Additionally, early deployment means it is likely to perform a role in the majority of investigations rather than only those deemed “unsolved” after a fixed period of time.

Objectivity of reviewers has been problematic in past high-profile failings. For instance, an internal review of the Stephen Lawrence investigation concluded that it had been progressed satisfactorily and all lines of enquiry were being pursued (Barker, 1993). The review was criticized for being uncritical, anodyne, guilty of factual errors, flawed and indefensible (Macpherson, 1999), with the enquiry also concluding that it was inhibited by a reluctance of senior officers to undermine the confidence of officers (Macpherson, 1999, 28.19). The Shipman Inquiry similarly criticized a flawed internal review of the first police investigation into Shipman’s killings
(Smith, 2005, p. 14.21). Salet and Terpstra (2013) highlighted that there can be a strong drive for contrarians to actively participate in the investigation if they are “too close”. In so doing, they may cohere with the tunnel vision of the SIO. Consequently, it is argued, most “contrarians” choose a distance strategy, to maintain objectivity (Salet and Terpstra, 2013, p. 46).

This brief overview identifies existing research that acknowledges the potential benefits of the review process (Centrex, 2006; ACPO, 2012; Nicol et al., 2004) and the literature that argues that it is ineffective and resisted (Innes, 2003; Jones et al., 2010). However, the views of modern practitioners as to the purpose, practice, value and effectiveness of reviews has rarely been afforded a voice in the literature.

Methodology
The aim of the research was to explore practitioner views relating to homicide review, and collaboratively contribute towards positive organizational change. In order to achieve this, action research was the chosen theoretical framework that enabled understanding to grow and themes to develop. Action research is defined as a systematic enquiry to collect and analyze data for the purpose of taking action and making change through the generation of knowledge (Gillis and Jackson, 2002, p. 264). This involves the researcher and organization members seeking improvement in three specific aspects: practice, its understanding by practitioners and the situation in which it takes place (Robson and McCartan, 2016). Those collectively involved pool knowledge and experience to define and resolve a problem (Greenwood and Levin, 2007). During the research, the first author was a superintendent within the MPS engaged within the Homicide Command, and took a position of insider researcher, which can have both positive and negative benefits (Taylor, 2011; Roycroft et al., 2013; Greene, 2014; Chavez, 2008).

As a serving superintendent, the first author was conscious throughout that, whilst the research was sanctioned by the MPS, the ethical guidance for researchers was very important to maintain integrity of the research. It could be suggested that colleagues felt compelled to take part in the research where they were junior in rank to the researcher. This potential issue was allayed by stressing voluntary participation, confidentiality, anonymity, the right to withdraw at any time, and the systems and processes relating to data storage. Additionally, periodic requests were made by management to reveal data concerning individual roles and performance. The researcher managed this by maintaining his independent status, refusing requests and conforming to established research ethical principles. The insider researcher’s moral integrity is paramount both during and after research (Patton, 2002). Any compromise would not only breach ethical standards but also have dire consequences for this and further research. Interviews were conducted using semi-structured interviews. These consisted of several key questions, designed to explore respondents’ views concerning the review process, such as: what do you consider to be the purpose of the homicide review process? How should a homicide review be conducted? The nature of the semi-structured design allowed for any flexibility and deviation necessary to investigate new areas or obtain further detail should they arise (Gill et al., 2008; Flick, 2002). An interview schedule was created containing demographic questions and 13 further questions seeking practitioners’ views on the review process.

Primary data were obtained from interviews with 16 participants. A purposive sample allowed for a more representative sample of key respondents to be ascertained. Respondents were selected from three different roles associated with the review process, as they were considered able to provide valuable insight into current practice (Palys, 2008). Of those interviewed, all SIOs and MIT managers were detective chief inspector rank or above. Review officers were retired detective superintendents and formerly SIOs. At the time of the research, the MPS had 18 MITs, each led by a SIO. The participant sample represented 66 per cent (n = 12) of SIOs. There were three MIT managers supervising the MITs across London. The participant sample represented 66 per cent (n = 2) of MIT managers. There were ten review officers and the participant sample represented 20 per cent (n = 2).

The research cohort comprised 93 per cent (n = 15) males and 7 per cent (n = 1) female. There was only one female SIO at the time, who despite potential to be identified as a participant, was keen to engage in the research. The findings within this paper do not distinguish comments by
gender to the preserve confidentiality and anonymity of response. Mean length of service was 28 years. All respondents had at some point undertaken qualification to either Professionalising the Investigative Process (PIP) Level 3 or 4, to enable them to practice their role. SIOs had a mean length of time in role of just under seven years, MIT managers over seven years and the reviewers just under two years.

Interviews were audio recorded, and consent was obtained from participants. Confidentiality and anonymity were assured and a process of feedback was detailed, to align with ethical principles underpinning university ethical approval (King, 1994). Interviews were transcribed verbatim, and NVivo software (Version 12) was used to analyze the qualitative data. Thematic analysis was utilized (Braun and Clarke, 2006) and data were coded. An index of concepts was created and data fragmentation commenced, utilizing NVivo. Themes were generated from the data, creating categories using memos to record observations. The researcher then tested a hypothesis, to confirm the absence of deviant examples, drawing initial conclusions (Crow and Semmens, 2008). Respondents considered various aspects of the process beyond the questions asked. Issues such as the purpose, timing and nature of reviews were discussed, as were issues relating to the experience, training, positionality and disconnect of reviewers.

Selected research findings and discussion

Findings will be reported in relation to reviews, reviewers and finally a consideration of the overall value of reviews from respondents’ perspectives.

Reviews

Key areas considered by respondents within this section were related to purpose, MOJs, timing, nature and type of reviews, and what cases respondents felt should be reviewed.

Purpose. All participants agreed that the purpose of the review was to ensure that the investigation had been conducted thoroughly and nothing had been missed. Participants also generally agreed that the purpose of the review process was to assist the SIO and provide governance for the organization. Participant A said:

My view is that it’s a process that’s designed to check the quality of the investigation, making sure that all the bases are covered, all the core roles are covered and whether anything has been missed in the investigation [...].

Participant A reinforced this, by explaining shortcuts are often taken and a process is needed to ensure that the investigation is not compromised:

You can cut off certain corners but if you don’t solve that job and you’ve cut off those corners, you need someone to come in, and identify that [...].

Participant G explained the necessity for objectivity:

[...] you do get to a juncture in your investigation where it actually needs somebody with a fresh pair of eyes.

Participant I explained the importance of someone able to act as “devil’s advocate”. This coheres with the Dutch contrarian experience discussed later (Salet and Terpstra, 2013).

Participant B, in relation to the purpose of reviews, stated:

[...] we all know this organisation clearly needs to have some sort of mechanism in place where they can be satisfied that murder has been investigated properly[...] But also it does enable an SIO to tap into that wealth of experience [...].

Whilst participants agreed duality of benefit was necessary, they perceived benefit was currently skewed towards organizational risk management and was too focused upon bureaucratic and administrative aspects of the investigation. These competing objectives of auditing the investigation and supporting the SIO were difficult companions and were identified as creating tension (supporting Nicol et al., 2004). This tension manifested itself in the way SIOs perceived the credibility and value of review recommendations. Some placed little reliance upon review recommendations, whilst others ignored them. One reviewer commented that recommendations
were advisory and it did not matter if the SIO disagreed. Nicol et al. (2004) identified the duality issue and questioned whether two reviews (one to support the SIO and the other to provide organizational governance) could run in tandem. Where possible, respondents preferred two consecutive reviews: the first covering the investigation to assist SIOs, followed by an administrative review providing organizational governance and assurance.

Miscarriages of justice. Homicide investigation has been impacted by the challenges of modern day policing (Savage and Milne, 2007; Poyser et al., 2018; Brookman et al., 2018; Roach et al., 2018). Reduced resources, increasingly complex workload, tighter prosecution time limits and longer forensic examination turnaround were all issues raised by participants, creating what was referred to as a “perfect storm”, with potential to lead to modern MOJs. Due to these current pressures, it was acknowledged that mistakes in investigations were inevitable. Participant A observed that pressure to manage a greater number of investigations lead to shortcuts and mistakes, without time to review critical decisions. Seven respondents identified disclosure as a risk. Due to the complexity and volume of data generated in homicide investigations, unintentional mistakes leading to MOJs were again considered to be inevitable. Participant C stated:

> We get four, five weeks run on a job and if it’s not solved it goes on to the back burner [...] we are not getting the time to do some of these jobs.

Although disclosure was considered the main risk, Participant O commented:

> They’re under tremendous pressure, if you’re doing 16 jobs you’re always […] going from one to the other, spinning the plates.

Whilst that may be the case, benign mistakes and “compliance drift” may potentially lead to the same outcomes (Innes, 2003; Nicol et al., 2004), increasing the importance of robust review practices. The premature shift of an investigation to charge a suspect in order to manage organizational risk, confirmation bias and group think were also acknowledged during the research as being prevalent within investigations, and managed, to varying degrees, by SIOs where identified (Rossmo, 2016). Participant A stated:

> Tunnel Vision, I suppose you get on a one track approach, you have decided early on who the guilty person is and you work towards that person […] at the neglect of everything else around you […] ignoring the peripheral stuff, we do that.

Participant P stated:

> I think there’s a distinct possibility [of tunnel vision and confirmatory bias] and I’ll tell you why […] the volume of work is such now […] that sometimes they’re […] quickly getting to a conclusion and that conclusion has put them in the direction of ‘let’s charge that particular one.

The participant then went on to express concerns that this approach goes against pursuing reasonable lines of enquiry (as mandated by CPIA, 1996), but is a pragmatic response to higher volumes of work and less resources. They also indicated that this could inadvertently lead to a MOJ:

> I don’t know the answer to it because you know we went from a position of having […] 28 teams, now down to 18 (and) […] with the numbers on the Teams not really increasing dramatically if at all to what they were years gone by […] pressure of work will always be there and because of that there’s a fair […] prospect that you will get a (MOJ).

No participant identified the prevention of MOJs as a purpose of reviews. This may be because it is not included in ACPO guidelines as one of the aims of reviews and is absent in PIP3 accreditation and continuing professional development (CPD). This is surprising, given the origin of the review process from previous high-profile failings (Byford, 1981; Macpherson, 1999; Jones, 2011). This is in contrast to the Dutch “Contrarian” model, where its stated objective is preventing MOJs, rather than solving investigations (Salet and Terpstra, 2013).

Timing. All respondents argued for greater flexibility in the timing of reviews. A reviewer explained that although the instigation of a review is at 28 days, completion is likely to take three months. Participant P argued this was too late, as the SIO may have moved to other investigations and evidential opportunities will have often degraded due to the “time lag”. SIOs and MIT managers agreed that although milestones are necessary, current time periods are
regimented and greater flexibility was required. Participant J stated by the conclusion of the review that recommendations had often already been completed or identified in the interim by the investigative team.

One participant stated that a one size fits all approach to the timing of reviews is not appropriate for homicide investigations. Participant H suggested:

I think it should be flexible rather than just set by a date [...]. There has been some flexibility around that in the past, and I think that makes sense, but I think each case should be on its own merits [...].

Participant H added:

[...] being as busy as you are, I think you probably [...] see the Review as a bit of a distraction for the time being, because you’ve got so much of the work ongoing [...].

Nature and type. Participant A commented that the requirement for a full review is rare. A thematic review concentrating on specific strategies or core functions within an investigation was viewed as more useful (Nicol et al., 2004). Indeed, Participant F stated SIOs often do not need a full review at 28 days, but might need a thematic review earlier:

I think that’s something that’s perhaps now outdated. I think either they don’t come in until later or you get them earlier on, thematically.

Despite the respondents’ positive observations about the value of thematic reviews, analysis of data relating to the conduct of reviews by the SCRG over the last four years indicates an under use when compared to full PRs. There was an average of 21 PRs conducted over the four years, but only an average of two thematic reviews in the same period.

What to review? Whilst it was generally accepted that unsolved investigations must be reviewed, the question arose as to whether detected investigations should also be subject to review. Initial responses were cautious, concerning that it would assist defence cases and increase workloads during the limited time period of the prosecution phase. Participant C stated:

[...] there’s no reason to review if you’ve got somebody [...] for that job. You’ve got to be careful about reviewing it, the case is in the judicial process and that is problematic when you are saying you’ve got to go here and do this [...] it’s going to create an awful lot of work.

This reflects similar negativity toward post-charge activity and review in Allsop (2018). Respondents there felt that the reviews of charged crimes could undermine any subsequent case. On the contrary, any so called criticism might allow for the case to be capable of withstand robust examination at a later date and could be seen as an essential element of professional practice. One SIO suggested that post-charge reviews were effectively conducted by the CPS. It was argued that “ethically” whilst all investigations should be reviewed, it is not currently practicable. Participant L observed:

[...] in a perfect world, [if] we had the resources, time and finances we would review every investigation.

Some SIOs commented on the complexity of gang-related homicides and the reluctance of the CPS to prosecute joint enterprise investigations following recent case law limiting the scope of the offence (R v. Jogee, 2016). Participant A commented on the potential to assist an SIO in reviewing evidence in preparation for dialogue with the CPS when investigating multiple suspect homicides. Participant B stated that there is an argument for this support, as it is only “low hanging fruit” that is being identified and charged, whereas those “higher up” are out of reach due to resource constraints, availability of evidence and tight prosecution time limits. In response to this suggestion, Participant N (a MIT manager) agreed, observing:

[...] all they have time for at the moment is to get the person that either pulled the trigger or is holding the knife [...] it’s a huge risk.

Respondents identified two further benefits of post-charge review. The first of these was learning opportunities, identified by six respondents. Participant J stated learning from successful investigations is not captured.
A MIT manager reinforced this. Participant N commented on the absence of investigative debriefs and therefore the requirement to capture good practice from investigations that have resulted in successful outcomes.

The second benefit was disclosure (CPIA). This has been identified as an organizational risk following several recent high profile investigative failings (see for instance, *R v. Allan*, 2017). Participant K stated that in order to support the SIO and manage organizational risk, thematic reviews could be conducted of disclosure post-charge. Participant O agreed, highlighting the exceptional level of risk currently being managed by SIOs, and added that such post-charge thematic reviews of disclosure would assist SIOs to manage risk without overloading the MIT with further work.

**Reviewers**

This section discusses who respondents felt should perform the reviewer role, their positionality in relation to investigations and finally the perceived disconnect between reviewers and investigations.

*Who should conduct reviews?* The research reinforced the view that reviewers should have previously led homicide investigations (ACPO, 2012). A universal response was that they should be an experienced SIO. Participant B stated:

> I think being an SIO is invaluable because [...] you get complexities within investigations, you know what teams are capable of, what is realistic.

Experience was seen as necessary to establish credibility and confidence in the recommendations they made. Participant J stated:

> I need to have confidence [in] that person.

However, there was disagreement as to how recent that experience should be (Centrex, 2006). One reviewer suggested that “kudos” is maintained amongst SIOs for only three/four years. However, others were not convinced. After four years away from being an SIO, Participant K identified that investigative tactics move on, and stressed the importance of maintaining currency. Some SIOs suggested a “shelf life” of five years for reviewers, whilst others indicated longer terms, up to 15 years. Despite this, the experience of reviewers was considered invaluable, but only if it was supported by CPD to keep abreast of advances in investigation. In respect of bespoke training for reviewers, Participant I further added:

> Advances we’re having in technology [...] I think there has to be some sort of professional development for Reviewing Officers. They’ve got to keep abreast of the developments.

Whilst reviewers undergo PIP3 accreditation (ACPO, 2012), respondents felt bespoke training was required to develop specialist areas of investigation. SIOs suggested there was an imbalance of skills within the review teams that was weighted towards reactive rather than proactive experience. This was seen as problematic, because they indicated a shift in the way homicides were approached from mainly reactive to more proactive.

Participant G, for instance, stated:

> [...] [In] Homicide, we, we tend to bounce Homicide investigations as purely reactive and sometimes you do need a proactive element to it.

Participant D, whilst confident of experience and professionalism in many areas, expressed concerns around knowledge of the more proactive side of investigations:

> [...] So I’ve come in and I’ve just noticed the team are really experienced and professional in areas like CCTV, phone work and a lot of that is self-taught professionalism, expertise [...] But [...] a lot of the teams [...] don’t have knowledge of proactivity.

Participant H added:

> You’ve already done the rudiments around the statements and the witnesses and you’ve already got phone data and you’ve submitted exhibits. I think if you’ve got a group of people [...] to focus on, then proactivity is gonna be one [strategy].
That said, Participant H also appreciated that sometimes proactivity is required early in an investigation:

The [...] trouble with proactive is it’s got a shelf life. These people [the offenders] talk about something for a limited period of time, so you’ve got to get those triggers in place early to capture it.

A reactive bent is not surprising, as PIP was introduced in 2005, with particular focus upon reactive investigation and SIO development (James and Mills, 2012; Maher, 2014). As the MPS reviewers are retired SIOs, they would have undertaken that development pathway. It was therefore suggested that in order to meet current investigative challenges, consideration should be given to the introduction of a proactive SIO development programme for practitioners and ROs.

Positionality. The positionality of reviewers was discussed. Whilst all agreed “distance” was necessary to maintain independence, the degree was disputed. Being too close to an investigation can lead to a loss of objectivity, shared vision and lack of critical analysis (Drake, 2010), whereas too distant can result in a loss of insight and context (Salet and Terpstra, 2013). This issue is a fundamental dilemma for contrarians in the Dutch model where they invariably elect to implement a distance strategy. The factors that influence this are if the review starts late or the contrarian has other commitments, whereas if the review is being conducted in the same force area a closer strategy is preferred (Salet and Terpstra, 2013).

Participant I stated that independence was necessary to prevent any kind of “rub” between the SIO and reviewer. However, Participant B stated that they were too distant and therefore lacked an appreciation of the current realities and challenges facing SIOs:

I do think that perhaps they are slightly removed from what is going on at the moment within the organisation.

A MIT manager was satisfied that distance was appropriate to maintain independence, credibility and accountability. Participant N commented:

For it to have any [...] credibility to the outside world, if there has been a mistake within an investigation and you’re getting someone within that Command to mark that homework, they’ll less likely find fault with it because of those relationships.

The distance strategy provides independence and satisfies organizational requirements that reviews cannot be subject to the same criticism as previous reviews (i.e. Barker,1993). However, the position taken by reviewers is perceived by SIOs to be too distant to appropriately understand current context and add value to investigations. Contrary to the SIOs’ perceptions, reviewers stated they were acutely aware of the challenges faced and were empathetic. Despite their willingness and indeed the temptation to take a closer position, an understanding of clear lines of demarcation and the organizations stance prevented this (Nicol et al., 2004). If there is organizational desire to “re-connect” SIOs with the review process, closer working strategies will need to be considered. There is, however, a risk of a loss of independence and wider reassurance. In order to manage these risks, strategies offered to safeguard against the pitfalls of “insider researchers” should be considered to quality assure and protect the integrity of the process (Greene, 2014).

Disconnect. All respondents perceived there was disconnect between the needs of SIOs and review teams. This perception was based upon a number of factors: appreciation of current challenges, training and skills and the relevance of PR recommendations. Participant G commented on SIOs’ current volume of work and the practicalities of responding to recommendations:

They hear the noises; they know that we are really busy. What they won’t appreciate is we have gone from job to job and we are not suspending jobs, we’re just parking them.

Participant H added that review recommendations are often not realistic or practicable. In the context of a covert strategy the participant commented:

It wasn’t realistic; you give me something here that I know simply can’t be achieved. I know what can be achieved but we’ve not got the resources to do it.
OneRO remarked that review teams have the time to review each aspect of the investigation, something not afforded to the investigation teams, Participant P stated:

> We have the luxury [...] of actually spending a bit of time in each area and I know that’s not the case on MIT Teams with the pressures of volume of work, etc.

Respondents also questioned who arbitrates in the event of disagreement. Allsop (2018) identified this issue in observational research of a major crime review team, suggesting an undermining of the credibility of the review team and a devaluing of the process. Allsop (2018) recommended further support from senior officers and the implementation of an arbitration process (p. 185). The current research supports that assertion.

**Overall value of reviews**

SIOs unanimously agreed that in their experience, a review had never solved an investigation or provided the “golden nugget” leading to success. The value was therefore perceived to be very limited. Reviews were considered primarily focused upon administration. Participant D stated:

> They’ve not exactly been particularly helpful if I’m being perfectly honest. A lot of it is administrative.

Participant B added:

> […] a lot of recommendations were just nit picking. They didn’t really need to be made, it was a case of I’s were being dotted, T’s were being crossed.

Participant G stated:

> […] sometimes it feels like they are going through the motions […] it’s almost a tick list.

These observations provide a practitioner perspective on the issue since it was raised by Nicol et al. (2004). They suggested there was no proven link between reviews and outcome, although they did point out that 32 per cent of the reviews they studied went on to be cleared. By implication, this could point to the success of reviews, although practitioners here seem less positive about this aspect. Others were more critical. One respondent stated that there is still a perception of a blame culture where reviews are “trying to do your legs”. The participant also perceived PRs to be antagonistic. Participant E stated:

> DCs are on their knees and they don’t need somebody who’s basically come in to help us, and gives us the “A’ game” solution [...].

Despite this, examples of productive recommendations were also provided. Participant I commented on a line of enquiry identified by a reviewer that was missed by the investigation team. Whilst not contributing directly to solving the investigation, it did close off a line of enquiry.

This research identified a perceived disconnect between SIOs and reviews. Although the need for reviews was supported, its actual value did not meet the expectations of SIOs and arguably the aims of the process. However, the potential value of the process was acknowledged by SIOs who identified factors such as skills, timing of reviews and alternative options as being crucial to realign the process. Overall the essence of the findings was accurately captured by Participant H:

> [...] it’s got to be the right person coming at the right time for the right job.

**Conclusion**

Modern SIOs perceived the PR as adding little or no direct value to investigations. This perception was based upon actual benefit to SIOs, whereas indirectly the process had performed a valuable check and balance by providing reassurance or the identification of lines of enquiry needed to be finalized. However, it was clear during the research that the process was still administratively based and skewed towards organizational risk management, providing a sense of frustration for SIOs. The timing of PRs was considered by the SIOs and ROs as an opportunity to address this perceived imbalance. The 28-day inception period was considered too rigid and flexibility in either earlier or later deployment of the review process was called for. In view of this, full reviews were considered to be inefficient and in most circumstances unnecessary. The increased use of thematic reviews was seen as an option to provide more practical support to the SIO, saving
resources and adding value to the process. Participants did not identify the role homicide review can play in the prevention of MOJs. This is on the one hand surprising bearing in mind its genesis but unsurprising, considering it is not a stipulated objective, unlike in the Dutch contrarian process (Salet and Terpstra, 2013).

The review of detected investigations was debated. Initially, caution was expressed by the SIOs due to the initiation of the judicial process, concerns regarding resources and the likely outcome of further work. These were also arguments supporting why detected investigations should be reviewed. However, there were three dominant factors that influenced opinion on whether detected investigations should be reviewed. The first was multiple suspect homicides where one suspect had been charged. This was seen as an area of risk by SIOs. The concern expressed was that focus and resources shifted to building a case against the defendant, despite outstanding suspects remaining at large. All participants acknowledged this as a risk for both the SIO and organization, and one where valuable support could be provided by a review (Rossmo, 2016). The second factor was organizational learning. As the majority of homicides are detected early, reviews do not take place. Thus, good practice in successful investigations is not identified and learning shared. Consequently, reviews of undetected homicides were perceived negatively, fostering further SIO frustration. Finally, disclosure was seen as a risk for both the SIO and organization.

Respondents acknowledged reviewer expertise but also the requirement for experience to remain current and appropriate through a programme of CPD. The increased demand for proactivity within investigations made this issue even more important for both practitioner and reviewer development. The positionality of reviewers was identified as a difficult balancing act (Allsop, 2018). Closeness arguably sacrifices independence and distance can result in a perceived failure to appreciate context and the practical challenges of investigations.

Comparative research of the MPS review process and the Dutch “Contrarian” model would be beneficial, as would further research to discover the nature and process of 28-day PRs in the UK in the modern era. Are reviews consistent? Do other police forces utilize thematic reviews more regularly? What are the views of practitioners elsewhere?

This research made a number of recommendations. Much of Recommendation 2 has already been implemented by the MPS as a result of this study, and others are being reviewed. The recommendations may be relevant to all police services, and national policies and guidance:

1. The Home Office Working Group should amend the objectives of a MCR to reflect the role they should play in the prevention of MOJs.
2. The MPS should conduct a skills analysis of existing staff. Bespoke training should be provided to reflect current investigative demands and proactive and reactive expertise should be appropriately reflected within the review group. Reviewers should be appointed to cases within their sphere of expertise and should all be qualified at PIP Level 3.
3. The MPS should consider an arbitration process for contested review recommendations.
4. The College of Policing should consider a PIP development programme for proactive SIOs.
5. The College of Policing should review and support SIO CPD opportunities within the MPS.
6. The MPS should initiate a more flexible approach to the timing of PRs determined by operational need rather than milestones.
7. The MPS should utilize thematic reviews more often as a process to assist the SIO and add value to the investigation.
8. The MPS should consider a two-staged consecutive process when a full review is required. The first stage would be to assist the SIO by evaluating the investigation constructively and objectively, whilst the second would be to conduct an administrative review of the management of the investigation.
9. The MPS should consider the review of detected homicides to support SIOs with multiple suspect investigations, support high-risk roles such as disclosure and to capture and disseminate positive learning from successful investigations.
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Further reading


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Investigating homicide: back to the future

Cheryl Allsop and Sophie Pike

Abstract

Purpose – The purpose of this paper is to suggest two things: first, that the scientific and technological developments and increased regulation that have shaped homicide investigations in England and Wales over the last few decades have provided today’s investigators with opportunities not available to their predecessors, and play a key role in solving unsolved homicides. Second, however, the authors suggest that such developments have created new challenges for investigators, challenges that impede current investigations, potentially creating the future unsolved cases.

Design/methodology/approach – This paper draws on two qualitative studies that comprised over eight months of ethnographic research, observations, interviews with serving and retired homicide detectives and case file analysis.

Findings – The widespread changes to homicide investigations in England and Wales have been valuable in many respects, notably, they have allowed detectives to look back in time and bring longstanding unsolved cases to a close. However, change, although well intentioned, might actually be creating future cold cases as detectives endeavour to manage the volume of information now generated during investigations, fast evolving scientific and technological techniques and an increase in bureaucracy.

Practical implications – This study is helpful for: improving investigative practice; learning from change; reducing unsolved homicides vs a rise in new cold cases; and innovative and entrepreneurial investigators.

Originality/value – Utilising qualitative research, this paper contributes to the academic literature exploring homicide investigation in England and Wales, offering insight into the challenges facing detectives and the potential impact of these upon solving past and present homicide cases.

Keywords Qualitative research, Change, Cold case, Detective work, Homicide investigations, Unsolved homicide cases

Paper type Research paper

Introduction

Over the past few decades, homicide investigations have been subject to significant change. The origins of many developments can be traced back to the 1981 Byford Inquiry that followed the investigation into the crimes of Peter Sutcliffe, the Yorkshire Ripper. The inquiry established, among other things, the need to review investigations, ensure more effective management of information and enhance accountability. The inquiry’s extensive recommendations have “governed all major crime investigations since” (Brain, 2010, p. 36). This, however, was just the beginning and the years that have followed have seen continuous reform of homicide investigation, reforms that have also impacted upon the very nature of detective work itself, which has evolved from being considered a craft, learned on the job with detectives drawing on experience, intuition and hunches, to a professional and scientific mode of investigation (Tong and Bowling, 2006; Innes, 2010; James, 2013; O’Neill, 2018). Of course, the changes outlined below have taken place alongside a range of other major shifts including financial, organisational, political and cultural that have affected the police service as a whole, but which there is no space to discuss here. The focus here is on the impact of changes in science and technology, in combination with increased regulation, on the way investigations are conducted and to some extent on their outcomes.

One of the most influential developments that followed the Byford Inquiry was the introduction of the Home Office Large Major Enquiry System (HOLMES), a computerised system designed to hold and manage the information generated during major crime investigations (Stelfox, 2008).
Information coming in to an investigation had been held on an index card system making the sharing and managing of information difficult. This was shown during the Yorkshire Ripper investigation when several chances to identify the suspect were missed as a consequence of such issues. Since the introduction of HOLMES, we have seen an exponential growth in the use of science and technology in investigations, especially mobile phone analysis; automated number plate recognition; CCTV cameras and computer analysis. The introduction of the National DNA Database (NDNAD) in 1995, along with progressive developments in scientific techniques and technologies, enabling DNA profiles to be established from ever-smaller amounts of biological material, has increased opportunities for offenders to be identified, linked to and eliminated from, crimes. As Stelfox (2009, p. 35) notes, developments such as those outlined here, have gifted “investigators with sources of materials that their predecessors could only dream of”.

The early 1980s saw not only major technological development in major crime investigation, but also changes to its regulation. The introduction of the Police and Criminal Evidence Act (PACE) 1984, was the first significant development in legislation which endeavoured to provide the police with more powers, whilst affording suspects additional rights. This was a seismic change in legislation governing investigations designed to prevent miscarriages of justice caused by police malpractice. Further legislation followed with the introduction of the Criminal Procedures and Investigations Act (CPIA) 1996, the Regulation of Investigatory Powers Act 2000 and more recently the Investigatory Powers Act (2016) all designed to regulate investigative procedures. As Loftus (2009, p. 26) writes “contemporary police officers work in a substantially different legal context than previous generations”. Added to this, there has been a multiplication of guidance governing investigations, most notably the Major Incident Room Standard Administrative Procedures, the Murder Investigation Manual (MIM), the Core Investigative Doctrine and Approved Professional Practice, which were all designed to support detectives and standardise investigations. Investigations and investigative work has consequently changed from being a craft, learned on the job, where investigations held no special status and no specialist training was given (Stelfox, 2009) to a professional process with detectives being trained through the Professionalising Investigations Programme (PIP), designed to improve investigative practice and provide cradle to grave training for detectives (James, 2013; James and Mills, 2012).

Given the extent of change one might expect that all homicides are now solved, or at least the number of unsolved homicides declining. Yet, the number of homicide detections appears to have reduced (Brookman et al., 2018). While it is problematic to make comparisons between very recent homicide clear up rates with an older one, because clear up rates change as people are caught which can take up to a year or more, there does appear to have been a drop. Based on Freedom of Information requests The Guardian reports that in 2010/2011 83 per cent of homicides were solved whereas it had fallen to 67 per cent in 2017/2018 (Dodd, 2019). There are many and varied causes of homicide investigative failure and it is not our intention to reproduce the growing amounts of literature on this (see Rossmo, 2008; Innes, 2003; Nicol et al., 2004; Roycroft, 2008; Stelfox, 2009), rather, in the section that follows, we briefly summarise some of the literature, which indicate that change has posed new challenges for investigators.

**The impact of scientific and technological change**

The present literature reveals that the effectiveness of scientific and technological tools is open to debate (Williams, 2017). As early as Ericson and Shearing (1986) suggested the scientification of police work linked to the growing uses found for science and technology in investigations. Conversely, other studies suggest that DNA is rarely a factor in case clearance (Ericson, 1993; McCartney, 2006; Schroeder and White, 2009; Brodeur, 2010; Brown and Keppel, 2012). To illustrate, Schroeder and White (2009) focussing on the use of DNA in homicide investigations in Manhattan over a seven-year period, found that in just over half of the cases in their sample DNA evidence was not collected. Moreover, in only 40 cases, 6.7 per cent of their sample, was DNA evidence used in the homicide investigation prior to the arrest of a suspect (Schroeder and White, 2009, p. 326). On the other hand, Roycroft (2007) found that such evidence played a significant role in homicide investigations. In the majority of cases he examined, forensic material contributed to the solution in 38 per cent of cases, phone analysis in 25 per cent and CCTV in 21.7 per cent (Roycroft, 2007).
A possible over reliance on such techniques has also been recognised. McCartney (2006, p. 184) found that the police can be “blinded by their own science”, believing that when a case has forensic evidence it does not require a thorough investigation. However, exploring the reliance on science and detective skills in relation to the investigation of cold cases, Allsop (2018) found that the two worked hand in hand and that detective skills are necessary in ensuring the efficient use of science and technology. Alternatively, Brookman et al. (2018) found that with the progression of science and technology, traditional detective skills have diminished, with interviewees describing how shortcuts were sometimes taken because of advances in this field. Furthermore, published audits consistently highlight a poor knowledge of forensic science in the police service, including in homicide investigations (Fraser, 2007) and forensics has been identified as one of the main areas of failure in homicide reviews (Nicol et al., 2004).

One area in which there appears to be little dispute is that advances in science and technology generate masses of information that must now be managed. Innes (2003, p. 255) discussed the challenges of managing information during homicide investigations suggesting that this “may result in officers simply working to get the data on the system, rather than maintaining a critical eye and carefully assessing its value to the investigation”. Extensive developments in science and technology may exacerbate such issues. This is supported by Westera et al. (2016, p. 202) who identified managing information as a challenge: “detectives’ main concerns about analysing the large amounts of technology-generated information were that this process was time-consuming and prolonged the investigation and added to an already heavy workload”. Moreover, detectives in their study, felt that they needed persistent training to keep up with expansions in technology. Her Majesty’s Inspectorate of Constabulary (HMIC, 2017, p. 15) found that keeping up with advancing technology was becoming difficult for police services to exploit digital investigative opportunities when they do not have the capacity to do so. This has also been seen more recently with a number of cases collapsing because of a failure to adequately review and disclose digital data, in particular in allegations of sexual violence.

The impact of increased regulation

It is not just the proliferation of science and technology that has caused new challenges for those investigating homicide. Fox (2014, p. 13) suggests that the increase of legislation and guidance documents’ limits detective innovation and flair, finding that such guidance might create a “tick box” and risk adverse mentality. In 2017, the Police Federation observed that bureaucracy in policing is preventing them from performing effectively (Marsh, 2017). Westera et al. (2016) noted similarly that onerous bureaucracy is hindering investigations.

Added to this, the advent of new public management models of policing with increased accountability, performance targets and a focus on finding ways to improve clear up rates has led to what has been described as the “McDonaldisation” of policing, which has resulted in “an increase in bureaucracy, a reduction in police discretion and deskilling” (Heslop, 2011, p. 319). There is evidence of similar consequences in homicide investigations. Brookman and Innes (2013) contend that the drive for accountability has led to a raft of new policies and procedures, resulting in an increased importance being placed on procedural success during homicide investigations such that, regardless of the ultimate outcome, an investigation is considered successful if policies and procedures have been successfully managed.

Bringing together the growth in science, technology and regulation, and the problems these have created Ericson and Haggerty (1997) note how growing technological developments create further demands on police to manage the data this produces, such that much of their time is spent satisfying bureaucratic requirements. They contend that better technologies require greater expertise to manage the data produced but at the same time this is also stifling innovation (Ericson and Haggerty, 1997). What will become clear is that our participants reinforced these findings in relation to homicide investigations especially the opportunities and challenges science, technology and regulation poses.

Methodology

The data drawn on in this paper were originally collected for two separate doctoral studies conducted in England and Wales between 2009 and 2016. The cumulative data comprised eight
months’ ethnographic observations of one major crime review team; observations of investigator training; case file analysis of live and cold case investigations spanning five decades and 28-day reviews of homicide investigations.

Semi-structured interviews provided much of the data that emerged from both studies. In total, 37 semi-structured interviews were held with both serving and retired detectives (19 serving and 18 retired). The length of service ranged from one retired detective who joined in 1969 up to a serving detective who joined in 2002. Many of the retired detectives were working within the police service as civilians at the time the data were collected, enabling the researchers to obtain a past and present perspective on homicide investigations. In total, 10 of the interviewees were female and 27 were male, which reflects the fact that historically males predominantly held the role of detective. The ranks of those interviewed ranged from Detective Constable to Detective Chief Inspector. Additionally, seven police force areas were represented (four in England and three in Wales). Interviews were also conducted with forensic scientists, a regional advisor, a lawyer and a civilian review officer.

Anonymity for all participants and police forces was assured and, for the purposes of this paper, we have noted whether the respondents were retired or serving detectives to maintain anonymity whilst allowing the reader to understand the interviewee’s perspective. All interviews were recorded and transcribed verbatim, allowing the data to be thematically analysed and allow a “thick description” of the data to be developed (Braun and Clarke, 2006, p. 37). The data gleaned through observations and case file analysis were also analysed thematically.

While the data were collected for two distinct studies, cross-cutting themes emerged from both, especially the changing nature of homicide investigations and the opportunities and challenges these changes present. In the section that follows some of these findings are presented with a particular focus on science, technology and increased regulation.

Findings

With the backdrop now established, we suggest two things. First, that two of the main developments that have shaped homicide investigations over the last few decades, namely, scientific and technological innovations and increased regulation, provide detectives with new lines of enquiry to pursue and play a key role in helping to solve previously unsolved homicides. Second, we suggest that such innovations may actually encumber current investigations, potentially creating our unsolved cases of the future.

Science and technology: a growing toolkit

Historically, the scientific and technological tools that detectives could draw on during a homicide investigation were limited, however, this did not mean that these investigations were flawed. A review of an unsolved murder from the 1980s that was conducted in the early 2000s reported that:

The initial investigation itself was thorough and left no obvious lines of enquiry outstanding. (1980s Homicide Case File)

However, developments in this arena have been extensive and provide investigators with new opportunities as one of our serving detectives noted:

The introduction of DNA evidence and the massive impact that’s had, the use of CCTV evidence and the availability of that from a huge range of sources now, not just the cameras on the street, fire engines have got cameras, buses have got cameras on, everyone’s got a camera on their phone. The use of telephony evidence is massive for us as well; from every inquiry from the simplest domestic murder, telephony is a line of inquiry that an SIO would pursue. So, there’s lots there!

The introduction of DNA testing in particular was considered to have been especially influential and as one respondent said:

The possibilities became endless overnight.

Numerous examples of the opportunities that DNA and other technological advances have provided to investigators were identified, from being able to identify new lines of enquiry, to linking
crimes, proving and disproving alibis and being able to place a suspect at the crime scene. As one of our participants, a serving homicide detective, explained when considering the value of cell site analysis to investigations:

It was the first time we convicted somebody on cell site analysis […] he was already in custody for a no body murder […] a critical blow to him would have been if we could have linked him to that site 40 miles away in the middle of nowhere […] and we were able to show through cell site analysis that 24 hours before we found the body, he’d actually driven down exactly the deposition site.

The data also revealed that these changes have helped to secure safer convictions:

A lot of convictions in the past were based on confessions or false confessions or oppression whereas very often now the evidence now is far safer in terms of the technology that proves it. (Serving detective)

One of the ways in which these changes have proved to be invaluable is by looking back, with a fresh perspective at unsolved cases. That is cases which have gone undetected either because; an offender has not been detected or because there is insufficient evidence to connect the suspect to the crime. This also applies to miscarriages of justice, which result in the conviction being quashed and the investigation beginning again. A number of the developments previously outlined have enabled investigators to look again at these unsolved crimes. Most notably, advances in DNA profiling technologies have been pivotal to the success of cold case homicide investigations, especially in sexually motivated offences where the ability to create DNA profiles from items retained from the original investigation have helped to identify offenders and eliminate suspects (Alleop, 2018). Given the sheer volume of data collected during the original investigations this is considered necessary. As one serving detective noted:

DNA is the only way forward in cold cases, it is a double edged sword as you get to rely on it and forget about how to do good old fashioned policing, but in a review without it, it would be difficult to know where to start when you have crates and crates of evidence to go through. It would take a year to get everything on computer to cross reference things and to decide which way to take it; with forensics it gives you a starting point.

With each scientific advance smaller amounts of biological material and degraded samples can produce a DNA profile, providing new leads for investigators to follow as the following murder review case file notes highlight. At the time of the murder only blood grouping was available to potentially match or eliminate suspects to the crime but over 30 years later the offender was eventually identified through Familial DNA searching:

Swabs containing semen were taken from the victim’s mouth and vagina and semen on the hem of her trousers had been retained by the FSS. In 1996, an SGM profile was obtained from the semen; however, officers at that time were unable to confirm whether the semen found came from the same person. In 2003, a full DNA profile was obtained and placed on the NDNAD. During the subsequent review in 2009 the FSS advised that the swab taken from the victim’s mouth could now also be upgraded, as testing had advanced sufficiently to allow for tests to be carried out on ever smaller samples. This upgrade confirmed that both sexual acts were by the same man. The full DNA profile from the semen matched a partial profile from the blood and enabled detectives to establish that the person who had raped her had also stabbed her and been injured in the process. (Murder Case File Notes)

Familial DNA searching on the NDNAD has proved to be invaluable to live and cold case homicide detections. Familial DNA was first introduced by the then Forensic Science Service (FSS) and enables an unknown offender to be identified through a close relative whose DNA profile is on the database. This technique has been successfully used in a number of cold case homicide detections including that of Christopher Hampton for the 1985 murder of Melanie Road in 2017, and Robert Morley for the 1985 murder of Imraan Vohra. Though Morley was deceased identifying him as the murderer meant the family could be informed and the investigation closed.

**Science and technology: a silver bullet?**

However, a possible over-reliance on science and technology was identified. The potential repercussions of the over reliance on science becomes apparent from the following discussion with a serving detective when discussing a murder investigation that went cold:

The SIO from day one, you can look through his decision-making, always thought that the forensic evidence was going to come in because of the nature of the attack, and it never did, and suddenly finds himself six months down the line thinking “where do I go now?”
Further, when one retired detective, who still worked within the police service, was asked about developments in science and technology, he too suggested that it could be over relied on:

> What I think we may have lost is that SIOs very often rely on it when it’s not there. So, I probably class myself as a little bit of an old fashioned SIO in many ways, in as much as, that some of the mistakes that I see are that they don’t investigate it properly because they’re always looking for the easy route.

It was not just the over-reliance on science and technology that was identified as being potentially problematic, the impact created by the sheer volume of data science and technology can bring to investigations is summed up by this quote from a serving detective:

> There’s an awful lot of data management which is now becoming a fundamental part of a murder inquiry. (Serving detective)

The masses of data that CCTV yields were often mentioned. The case file of a homicide from the 1990s describes that the CCTV footage obtained was:

> 95 hours and it takes two days to view a four-hour tape. (1990s Homicide Case File)

Further, before this information can be examined, the participants explained that investigators must identify where the cameras are, obtain access to the footage and review them. Similarly, our participants highlighted the widespread use of mobile phones and the sophistication of handsets today, which also produce a large amount of data that must be handled as exemplified by the comments below from a serving homicide detective:

> Data storage is phenomenal, you have now on a phone what you’d have on a PC on your desk 30 years ago […] If you download somebody’s phone it could be 50,000 pages of A4 paper, so how do you get through all of that to extract the bits that you actually need, so there’s challenges in dealing with the volume of data that is now available to us.

Another one of our interviewees, a civilian officer, noted how technology could hinder investigations when the case goes to trial:

> Technology can be a disadvantage and, talking about one case in particular that I worked on which is a murder, which is, it was not detected but we’re not looking for anybody else in connection with the investigation. It was at the time when telephony was coming to the fore and a presentation was put together at court of all the telephony, and it completely and utterly bamboozled the jury and I think as, because they used all sorts of statistics, they had somebody there that was statistics, so well, yes actually that phone could be there, but just because he’s there and its pinging off that mast does not necessarily mean […] there was somebody within the jury who was some sort of, not an expert in it but he was some sort of, he had some specialism which, he was telling the others, it was on the balance of probabilities almost, he was saying by statistics, I think he was an expert on statistics, that that was not necessarily the case.

Although scientific and technological developments over the years have undoubtedly been significant, other changes may mean that future developments in this area are stalled. Our data suggest that the 2012 closure of the FSS and a lack of government funding have meant that England and Wales are no longer leading the way in developments in forensic science. It is feared that with the closure of the FSS innovations, such as those utilised in the cold case investigation mentioned in the previous section, may no longer occur, and the opportunity to detect cold cases reduced (Allsop, 2018; Atkin and Roach, 2015). Indeed, one scientist remarked that England and Wales have gone from:

> […] pioneer to nowhere near. (Fieldwork notes)

Additionally, several serving homicide detectives expressed that maintaining pace with scientific and technological developments had become a challenge for the police service:

> We need to be on top of our game and we are not because we are lagging behind and every force is the same, because it is changing all the time […] and we are lagging behind.

When detectives were asked about why this might be, budgetary constraints were identified as a concern. Despite the resources provided for homicide investigations, investigators must now make difficult decisions about what exhibits are sent for testing, as a serving detective explained:

> It’s not our inability to keep up with technology, it’s working in increasingly reducing budgets, I mean even now you’d think that the police would have at their disposal an endless pot of money around
forensic examinations, we can’t just submit, we have to prioritise and assess what we submit, when we submit forensically. And a crime should never be solved because you can’t afford it, but the sad reality probably is that, some stuff never gets submitted because of the cost implications.

Conversely the following discussion with a serving officer suggests why money will continue to be spent on cold case reviews. He was asked:

Do you think your work is going to change because of the budget cuts?

He responded:

They imply that it will but I’m not convinced of it, because whilst you do have to say yes – that we are not going to spend any more money – it’s a brave person that stands up in a murder investigation and says “that is it”, now they might stand up and say we are not going to do anymore because realistically we’re not going to get a result from it, but I do not think they’d stand up and say we’re not going to get any more because we’re not spending any money. We might say we will not spend the money because it does not justify the result, but if you thought that you were going to get a DNA profile from something for a murder that is going to lead you to the offender it’s a brave individual that says I’m not going to spend that £3k. It takes a lot of justifying if they then commit another crime […] If there is a justifiable need, and there really is quite a strong possibility, rather than a remote possibility, then I think the money could be found, if clearly it was going to solve a crime.

*Increased regulation and increased professionalisation*

Another area of change impacting investigations revealed by the data was the growth in legislation and guidance to regulate investigations. The introduction of the PACE (1984) was considered to have been particularly influential:

I think any investigation became more professional when PACE was introduced. (Retired detective)

Prior to its introduction, investigations were subject to minimal oversight with its predecessor, the Judges Rules, deemed inadequate:

Judges’ Rules meant to some degree that you had more, almost freelance in the way that you could do your own investigations. (Retired detective)

The CPIA (1996) and the MIM in particular were also considered to have been important developments. A retired homicide detective described how these have professionalised investigations:

Having the MIM as a national strategic document as opposed to a load of old Sherlock Holmes type of characters, I think that made a difference […] we started to take more of a strategic approach to investigation once the manual was put in place.

It was also reported that such developments have helped to ensure that the mistakes of the past may be avoided:

I think we have so many, the MIM, we’ve got our force policy, we’ve got so many laws that we didn’t have back then: PACE, CPIA, all of the laws that regulate us, that you’d be hard pressed to say there’d be something that we’d be doing that was fundamentally wrong again. (Retired detective)

Certainly, changes to the interview process as a result of PACE were said to have been an important shift in how these were conducted, an important point when we consider that several miscarriages of justice have been attributed to interview practices (Savage and Milne, 2007):

It’s probably a much more professionalised and scientific approach to the way in which we interview now as to years ago when you just said, “you did didn’t you? You did it didn’t you?” until they just said that they did. (Serving detective)

*Increased regulation and an increased workload*

The plethora of procedural guidance to be adhered to has, however, resulted in detectives seemingly becoming less entrepreneurial and innovative in their investigative thinking, losing the art of investigations and becoming risk adverse:

From first working on murders 17/18 years ago, I think we do too much, when you look at the amount of time and resources we put in and whether that’s the legacy and things, which are still on-going, but I do think we’ve become risk averse. (Serving detective)
A legal practitioner interviewed also described investigative procedures today, as “cumbersome, a bit bureaucratic” and that there are now “huge teams of people having to cover every eventuality with a paper trail that’s bogging them down”. Furthermore, there was also a suggestion that the influx of legislation and guidance, as well as risk aversion, has stifled creativity and innovation amongst homicide detectives, a finding which resonates with the work of Ericson and Haggerty (1997), McCartney (2006), Heslop (2011) and Fox (2014), as previously highlighted.

Changes in the law have also helped to facilitate renewed investigations of unsolved cases; especially changes to the law on double jeopardy following the 2003 Criminal Justice Act. Previously, once a suspect had been acquitted of a crime, they could not be prosecuted again for that crime. Now, if there is “new and compelling” evidence available that was not available at the time of the original trial a suspect can be prosecuted again and there have been a number of convictions of offenders who had previously been acquitted of the crime.

Where changes in the law can be particularly problematic is when looking at long-term unsolved cases progressing to trial. In a cold case, the law that applied at the time the murder took place applies when the case goes to trial, which becomes pertinent when we consider the changes to the rules of disclosure, as will be illustrated here with a murder from the 1980s, which subsequently went to trial in 2017. As a retired Senior Investigating Officer explained, because the crime had been committed in the 1980s and reviewed several times in the intervening years between then and the suspect being identified, as trial approached different rules of disclosure applied to the various investigations and reviews. The common law rules of disclosure applied to the original 1980s investigation and the disclosure rules introduced in the CPIA 1996, applied to the final investigation and intervening reviews. Moreover, under the CPIA, originally a primary and secondary disclosure regime was in place, but since the mid-2000s detectives have a continuing duty to disclose throughout the investigation. As the murder spanned all these changes different rules governed what must be disclosed for each investigation and review. Everything from the original investigation (a thorough and complex investigation at the time) followed the common law rules of disclosure and the new investigation, when the offender was finally identified and charged, and all the intervening reviews, were governed by the CPIA both the initial regime and the current one.

Despite the volume of information collected throughout the years, the decision was made to be prepared to disclose everything. In all this required a team of 12 disclosure officers to do this. In addition, all of the information amassed had to be input onto HOLMES, a task that took over a year to complete and was, in fact, still being completed as the start of the trial approached. So, while we have noted previously how HOLMES has been an invaluable tool in investigations, it can create problems. In this case it was the time taken to input the sheer volume of data from the original investigation on to it. Even in live investigations the volume of data gathered throughout an investigation can outstrip the information input on to HOLMES making it difficult to keep up with the investigation.

In thinking about detectives being able to keep up with, and adequately manage, their investigations, it is worth noting here that what became clear from the fieldwork is that cold case detectives are not constrained by the time pressures detectives are faced with in current cases. They do not have to worry about leaving cases behind while working on cold cases, nor are they under intense media pressure, or pressure from chief officers demanding quick results, or from families wanting an offender to be caught. This lack of immediacy in cold case investigations (at least until an offender is charged) frees up time to consider new and innovative ways of solving the crime. Aligned to that, the copious amounts of bureaucracy and investigative guidelines to be followed currently stifling innovation in current homicide investigations does not hamper cold case investigators, which again permits them to think innovatively about how to progress an investigation. As a retired SIO suggested, in a cold case review when a suspect has been identified but there is little evidence connecting them to the crime, given the time that has elapsed since the original offence the suspect, unaware they have been identified, might inadvertently reveal their guilt through the strategic use of covert operations and a well-timed media strategy, to draw out the offender.
Conclusion

It is clear that major crime investigations have improved immeasurably. Developments in science and technology allow investigators to identify suspects, link them to their crimes, prove or disprove alibis, elicit vital information from witnesses and suspects, pinpoint the movements of and establish networks between offenders. Increased regulation has served to professionalise the investigation of homicide. All of which have been pivotal to the success of live and cold case homicide investigations.

But while these changes are creating opportunities to successfully detect previously unsolved crimes and are a vast improvement on current homicide investigations, there are concerns that change has created problems both in current and cold cases, which could result in more unsolved cases in the future. Guidelines and legislation designed to regulate and improve efficiency are seemingly stifling innovation and curtailing the craft of investigations in current cases, echoing the findings of Innes (2003), McCartney (2006), Heslop (2011) and Fox (2014). Conversely, in cold cases we have seen that freed from these constraints, the craft of investigative work can be, and is, utilised, which suggests that there remains a place for such an approach to investigations. Developments in science and technology, which allow detectives to identify suspects, plot movements and networks between offenders, though beneficial create problems. Detectives are also faced with problems keeping up with the ever-changing demands of new technologies, the privatisation of forensic science providers and limited resources, as also found by Westera et al. (2016). The political landscape and the impact of austerity is also increasing these challenges, as is the difficulties of recruiting and retaining detectives, adding to the ever increasing workloads of detectives (HMIC, 2017). Whilst not in scope for this present paper, these findings will be explored further in future research.

Given these problems are tomorrow’s cold cases emerging now? In the past cases went cold when it became hard to identify suspects and link them evidentially to the crimes, and suspects were wrongly convicted because of improper practices. The question now is will our unsolved cases of the future be a consequence of a new kind of information overload, especially of digital information to be downloaded, processed and disclosed. We are already seeing allegations of sexual violence being thrown out because disclosure officers have failed to disclose pertinent information to the defence. It seems from our data that there might also be the risk of this happening in homicide investigations. Conversely, risk adverse detectives, drowning in bureaucracy and information overload, may be unable and unwilling to push the boundaries of investigative expertise to identify offenders. Coming full circle, the problems that are plaguing live homicide investigations may also plague future cold case investigations. Budget cuts, resourcing issues and the privatisation of forensic provisions will all affect the ability to carry out cold case reviews in the future.

References


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Homocide co-victims: confidence in the criminal justice system

Elaine Brown and Jonathan Crego

Abstract

Purpose – The purpose of this paper is to address the phenomenology of family members of homicide victims; known as “co-victims”. In particular, co-victims experiences of the criminal justice system (CJS) in England and Wales.

Design/methodology/approach – In 2018, 10 kV methodology facilitated an electronic-focus group. Anonymously, volunteers from families of homicide victims responded to key questions in a session entitled “a conversation which matters: confidence”. The thematic analysis presents the responses to three questions around “what works” and “what does not” in CJS practice.

Findings – The responses indicate four themes in relation to confidence building: communication and information; outcome; honesty and fairness; and family support. Responses indicate three themes in relation to what the CJS does well: family liaison officers, homicide detectives and court services. Responses indicate three themes in relation to what is not working: court proceedings, police budget cuts and preventative interventions.

Research limitations/implications – The research considers benefits and limitations of methodology and makes suggestions for how these facets could be addressed by future research.

Practical implications – The research findings reveal good practice and points for attention to support confidence building in the CJS. Amongst other considerations, the work advances CJS practical good practice principles from the perspective of co-victims: education, interpersonal relations, working together, communication and justice.

Originality/value – Findings are of value to CJS policy makers, training and education for co-victim support, police and academics.

Keywords – Homicide, Family, Confidence, Murder, Good practice, Criminal justice system, Attention points, Co-victims

Paper type Research paper

Introduction

It is difficult to understand how it must feel to open the door to a police officer who is there to tell you that your loved one has been killed at the hands of another. What we can try to understand, with the help of co-victims, is how the subsequent criminal justice system (CJS) investigation feels for those suffering in this way, and how the system can be improved to assist them in encountering processes. The crime of homicide is well established as a research focus, however consideration of co-victims has received comparatively less attention. Co-victims experience a “unique synergy” of loss and psychological trauma, often over extended periods of time engaged with the CJS. Co-victims are a population of victims who have been “hidden” from research focus for too long (Armour, 2002). A literature review will frame the context of co-victim research. This begins to highlight the limitations and ambiguity in the literature over exactly “what” and “who” co-victims are. The paper puts forward a paradigm for understanding “types” of co-victims as “primary” or “secondary”. By contextualising research conducted in the UK comparatively with that of American data, it becomes apparent that research at a global level is sparse. In contemporary England and Wales, instances of homicide have increased yearly, and as a consequence so have the number of co-victims. It is important that criminological research investigates the effectiveness of CJS interventions and policy from the perspective of co-victims.
(because the effect of interventions could either improve or worsen the situation for them). The methodology in this paper describes a novel approach to data gathering through 10 kV electronic debriefing. The analysis seeks to explore the experiences of co-victims’ perception of the CJS, the findings and discussion are presented concurrently. The aim is twofold: first, to give a voice to co-victims’ experiences of the CJS in England and Wales; and second, to highlight good practice and points for attention. The work will conclude with a summary of the key findings and recommendations for research, theory and practice.

**Brief literature review: co-victims of homicide**

The meaning of “co-victim” of homicide is ambiguous in the literature. There are two positions. The “traditional” approach suggests the label should be limited to family connections; “co-victims, also known as survivors of homicide, are individuals who have familial connections with the victim and are thus indirectly victimised, first by losing a loved one and afterward by the conditions attendant to the murder” (Connolly and Gordon, 2014, p. 494; MacVane et al., 2003). A “non-traditional” approach considers the title of “co-victim” applying to broader social relationships with the victim: “the number of victims, when co-victims are included rises exponentially depending on how many family members or close friends are affected” (Armour, 2002, p.109). This analysis will take the position of “traditional”, as the data presents perspectives of family members.

As co-victims are not included in crime statistics exact numbers are difficult to ascertain (Armour, 2002; Sprang et al., 1989). Estimates of co-victims vary, with an estimated seven to ten people traditional co-victims per homicide (Redmond, 1989). Other sources suggest 9.3 per cent of adults (Amick-McMullan et al., 1991), and 8 per cent of children identify as traditional or non-traditional co-victims (Turner et al., 2018). Demographics of traditional co-victims in England and Wales were attained through the Homicide Service, which provides support to bereaved families. From 292 homicide cases, co-victims totalled 732 individuals, within 520 households (Casey, 2011). The data also indicate “who” the co-victims are: the parents of the deceased represented the highest proportion (29 per cent), followed by children of the deceased (22 per cent), siblings (19 per cent) and partners/ex-partners (14 per cent) (Casey, 2011).

Literature on co-victims tends to focus on the psychological impact of coping with grief, trauma and bereavement from a clinical perspective. Other dynamics considered have been the social, occupational and familial effects of homicide on co-victims. A literature review revealed 40 articles addressing the effects of homicide on co-victims, although the data were predominantly gathered in the USA. Only two articles referred to England and Wales (Connolly and Gordon, 2014). Of the 40 articles identified globally, five considered the impact of the CJS on participants in America (Adkins, 2003; Kasha and Beard, 1999; Dannemiller, 2002; Thompson et al., 1996; King, 2004). It is important to recognise recent developments in America, which emphasises the significance of better understanding the co-victims and CJS (Englebrecht et al., 2014, 2016; Vincent et al., 2015; Mastrocinque et al., 2015; Reed et al., 2019).

Equally, data from England and Wales have produced recent contributions to understanding co-victims’ experiences of CJS (Casey, 2011; Gekoski et al., 2013; Alves-Costa et al., 2018). However, posthomicide remains an under researched area generally. As a consequence, there are limitations in our knowledge of “what works” for co-victims in CJS. Research has called for improved communication and promotion of understanding between co-victims and the CJS and supporting rights and understanding of the legal process (Gekoski et al., 2013). This work seeks to identify intervention processes which work, and those which do not, from the perspective of co-victims.

Homicide creates a distinctly different experience for co-victims, compared to coping with other forms of death caused by sickness, suicide or death without deliberate intent (Rando, 1996). Homicide is an extreme of violent crime, defined by criminal law as murder, manslaughter and infanticide. Homicide reported to police constabularies by regions in England and Wales indicates the prevalence rates geographically and illustrates that all regions suffer the impact of homicide on both CJS resources and the need for co-victim support (ONS, 2019b), Home Office data show...
Police recorded homicide offences in 2017/2018 have increased by 14 per cent from 649 to 739 (ONS, 2019a). It represents the highest reported number of homicides in England and Wales since 2007. A large proportion of these being carried out by a sharp instrument (House of Commons, 2018). The number of fatal stabings in England and Wales in 2017/2018 was the highest since records began in 1946 (ONS, 2019c). Contemporary statistics on homicide place the problem firmly in the minds of: the public, victims, CJS professionals and health care workers. Chief Constable Bill Skelly [National Police Chiefs’ Council] said crime statistics increases could be due to recording practices by police or increased reporting of offences by the public. However, he emphasised there are “real rises in serious crimes […] with a devastating impact on victims and families” (BBC, 2019). This means, there are more and more co-victims of homicide experiencing criminal justice procedures; and, increasing concerns over how to effectively build confidence in the CJS.

Design, method and analysis

Design

10 kV methodological design offers a rare and valuable opportunity for the views and experiences of co-victims of homicide to have their voice heard in the company of CJS, police and victim support personnel. 10kV is a design of the Hydra Foundation, which is a research community supporting 85 Hydra international centres worldwide. The foundation provides Hydra critical incident simulations and 10 kV methodology for Police, Social Care, Fire and other life-saving organisations and provides the methodologies to the UK Fire and Police free of charge.

10 kV was commissioned at the request of the Association of Chief Police Officers as a means of debriefing police or other public organisations in relation to critical incidents, so that agencies could learn from one another in relation to relatively rare “once-in-a-career” experiences. A critical incident is defined as “any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community.” (College of Policing, 2013). Early use of the technology included debriefs after the murders of Holly Wells and Jessica Chapman (in 2002), and the London bombings (2005). In practice, 10 kV functions like an electronic-focus group, where individuals in the debriefing discuss a particular topic (e.g. in this case participants respond to questions around “confidence in the CJS”). Each person inputs their statements in response anonymously and simultaneously and can respond in real time to other’s comments.

10 kV is a novel and important research design. The College of Policing have emphasised decision making and technology enhanced learning as a core focus in training and education for police. There are a number of benefits associated with an anonymous electronic debriefing methodology. For example, the method facilitates an open-ended approach to data gathering, the data gathering process is driven by the participants and not the researchers, the model allows participants discuss their experiences with others who are in the same position (typically, data gathering of such sensitive nature is attained through individual rather than group participation) and the electronic nature allows participants to build and develop on others narratives, and perhaps become aware of perspectives they may not have initially thought of. Alison and Crego (2008) also recognise broader benefits: participants can express their views without consequence, the effects of interpersonal differences are mitigated, the platform encourages introverted participants to express their “voice”, the design permits the generation of vast amounts of rich data in a short space of time and 10 kV removes the potential for deference in relation to power dynamics.

Researchers wishing to develop 10 kV based research should also be aware of the potential limitations of the method. Driven by a paradigm of pragmatism (rather than empiricism), the end goals precede over theory building. The purpose of the research is not “traditional” experimentation, but to explore challenges and potential solutions for subject populations. Therefore in terms of scientific rigour there are limitations. For example, Alison et al. (2013) have recognised: the intricate complexity of the data generated and difficulty with outcome measures, and the scientific rigour complications associated with confounding variables, reduced
experimental control, reliability and validity in relation to non-statistical findings. However, it has
been suggested that criticism related to scientific rigour can be overcome by maintaining four
operational principles: objectivity, reproducibility, plausibility and generalisability (Alison et al.,
2013). It has been argued that reliability and generalisability should not be the central concern of
qualitative researchers’, instead the precision and the integrity of their findings more significant.
The idea of discovering knowledge through measures of reliability and validity is replaced by the
idea of trustworthiness (Mishler, 2000), which is “defensible” (Johnson, 1997, p. 282). Furthermore, the potential for group think must be acknowledged in relation to the potential for conformity or compliance with dominant responses.

Participants
A large Metropolitan police force in England and Wales engaged with a court to gain agreement
for the 10 kV debriefing session to be delivered in the court building with six judges in attendance.
The session took place in the evening (19:00 to 22:00), in January 2018, with 32 families
participating. The participants were contacted by the police and volunteered anonymously. The
participants were notified that their input would be used for dissemination in order to develop
good practice and points for attention. Also, in attendance were: Senior Police Officers, Police
Family Liaison Officers (FLOs), Court Witness Support Services and the Victims’ Commissioner.
Only the co-victim participants entered data into the electronic-focus group.

Procedure
The evening was divided into two “sessions”. In the first, co-victims were asked to respond to the
question “what matters to me?” The “what matters” section is designed to ensure that the
discussion is driven by the delegates. The objective is to avoid research bias or the restriction of
issues important to the delegates. The second session asked co-victims specific questions
related to the topic “a conversation that matters: confidence”. Data gathered in the second
session is the focus of the current analysis, which considers responses in relation to confidence in
the CJS, what works and what could be improved.
The questions were designed to enable attendees to provide anonymous comments and
raise any number of issues that were important to them, reflecting on their own experiences
related to confidence in the CJS. Using 10 kV, all comments, once submitted, were displayed
to all participants electronically. This enabled participant to review what had been written by
others and add their perspective. The facilitator (author) “cross-examined” the comments
verbally, this allowed participants to add to the narrative electronically in relation the issues or
ambiguities point out by the facilitator. The objectives were to widen the debate around the
responses to ensure that no single interpretation or the significance of any issue was accepted
as universal.

Method of analysis
After the event, the electronic responses to eight questions were saved and printed out into paper
form. The responses were already categorised as responses to the questions. The total data set
for session two contains 5,933 words entered into 10 kV in 182 separate comments in response
to eight questions. As a result of space restrictions this analysis presents findings from three
questions (which received the highest number of responses). The total number of words included
in the current analysis is 3,016 in 98 separate comments.
Thematic content analysis was applied to the qualitative responses to each of the three questions
the following analysis will present. Thematic analysis allows representation of phenomenology of
the lived experience of individuals. Thematic analysis is beneficial, particularly here, as it is
independent of theory and epistemological position. This allows for the benefit of unanticipated
incites. Thematic analysis is also useful in the current context because it permits comparison
between participant’s phenomenology to gage how many people held the same views of the
significant of the themes which emerged. The method is flexible and can be utilised in order to
examine a broad array of subject issues. For a full discussion of thematic analysis as an analytical
approach see Braun and Clarke (2006).
Thematic analysis was achieved in line with the recommendations of Braun and Clarke (2006). There was an initial phase of familiarisation with data (as it related to each of the three questions), generating codes for comment and grouping the codes in line with what the participant expressed as significant (e.g., communication, justice, jurors, etc.). Comments which related to the broad themes which emerged from the data where then grouped together to present the findings, so there was a processes of revising and reviewing the themes. Finally, there was the naming of themes and their descriptive clusters. This allowed the presentation of the prevalence rate of themes (i.e., how many comments related to each of the themes). Themes are presented here as three or more participant comments which related to the grouping topic. This acts to increase the validity and reliability of consensus.

The findings are a descriptively, seeking to depict that which exists within a participant groups’ social reality. Descriptive studies do not strive to measure the effect of a variable; only to describe the phenomena, event or interaction. Description can be used to refer to behaviours, thoughts and observations of the participant’s experiences. “It is a process of finding out what others feel and think about their worlds” (Rubin and Rubin, 1995, p. 145).

Findings

Findings relating to three questions are reported below.

**What do we do that builds confidence? (24 comments in total)**

**Communication and information (9 comments).** Communication and information was central to perceived confidence building. The co-victims pointed to the importance of frequent updates and regular feedback:

- Keeping us in the loop, letting us know exactly what is going on.

Co-victims emphasised the key role of information particularly in relation to police interaction:

- Regular feedback is an essential tool for the police.

Communicating and educating on the challenges of the investigation and prosecuting the accused were considered significant. It was noted that information sharing with other agencies and authorities in order to avoid confusion or repetition builds confidence. The importance of communicating information about the investigative processes in a style that was transparent and translated into layman’s terms (as opposed to “legal jargon”), and increased understanding of court proceedings was emphasised.

**Honesty and fairness (5 comments).** Honesty and fairness built confidence for families, and absence of such was seen as damaging. Several comments emphasised integrity of information and guarding against making promises:

- Open and honest. It’s an emotional time but the one thing you want is honesty. Don’t give false hope.

Honesty was emphasised, along with listening to the concerns of co-victims, by some:

- Listening to our concerns. Not making promises that can’t be kept.

There was the perspective that honestly irrespective of whether the information is positive or negative is central to confidence building. Others commented on the necessity of impartiality and not victimising co-victims through judgemental approaches to interactions:

- To build confidence, the police need to be honest throughout investigations. Officers need to remain impartial and non-judgemental. A victim requires a fair trial in all instances.

**The outcome of CJS proceedings (6 comments).** The outcome of the CJS proceedings is central to perceived confidence. The comments here were relatively consistent in semantic meaning, emphasising justice being served, arresting and successfully convicting criminals. For example:

- The police provide a public service. Arresting and convicting criminals builds confidence in the police and criminal justice system as a whole.
Simply put:

Convict the convict.

Others emphasised the dedication of staff, but how resource restriction on the CJS prevents them from delivering the desired outcome at the trial, for example:

You have dedicated, committed staff that are driven by desire to get the right result but resources prevent this happening.

Support and protection (4 comments). Supporting the co-victims through interpersonal contact and protection was felt to be important to confidence building. Employing measures to ensure the safety of the family; and safety of the community to report crimes or act as witnesses in court was emphasised:

[...] person’s protection is needed from the police or the justice system; most individuals are afraid to come out by reporting crimes or given evidence in fear of their lives.

Where co-victims had prior contact with police before the murder, there can be the perception that the CJS has failed the family before the investigation has begun.

What do we do well? (31 comments in total)

Family liaison officers (17 comments). FLOs were the most commented on theme by co-victims. The families participating were extremely positive about the role of an FLO and the importance of the support. For example:

Family liaisons are a must; absolutely fantastic, keep it all together.

There was a perception of consensus on the positive role of an FLO:

Generally most families we speak with have a positive experience with police FLOs.

FLOs were explained to be helpful support assisted the difficulty of the investigation:

Experience with my FLO made the whole journey much easier for me.

The FLOs were recognised as central to assist information flow, as encapsulated by this comment:

A very priceless connection between victims and information.

In total, there were 17 positive comments made regarding FLOs. These covered a range of topics including: relationship building, ongoing empathy, compassion, sensitivity and acknowledgement of the difficult role FLO’s manage, etc.

The comments also discussed continued contact with the FLO after the trial, for example:

There for us during and after and we still have a good relationship with our officers. [...] we have not been forgotten.

Furthermore, co-victims expressed the desire for extended emotional support, “In future we want more support from them [FLOs].”

FLO’s and detectives (6 comments). Responses discussed both FLOs and homicide detectives on a number of occasions (6 comments). These comments acknowledged the hard work of both roles, but some recognised a difference in management style in relation to the co-victims:

There was a noticeable difference in the way we were treated by the SIO compared to the FLO. We felt that at times the SIO lost patience with a member of our family’s repeated questions which contributed to prevailing suspicion of the police.

While others emphasised an interpersonal link in relation to the detectives:

Being able to contact the Lead Investigating Officer during unsocial hours and the willingness to help with personal matters showing great support.

Detectives were discussed separately from the FLOs (5 comments). These comments emphasised the recognition of the difficult and complex role, as well as gratitude:

I cannot express my gratitude enough [...] going through hours and hours of CCTV, taking statements of potential witnesses, questioning witnesses, house raids, paperwork, phone calls, meetings with the
victim’s family, keeping the family up to date as soon as something happens and explaining everything in detail.

Court personnel and witness support (3 comments). The court clerks and witness support services were recognised as working well during and after the trial; particularly in directing co-victims to local support groups:

They picked me up when I crumbled as I was totally lost after the trial finished […] I was drawn to come back to the Court again to see them because I could be there not because I had to be there. They made me realise that I too was a victim of what this man had done […]

What is not working? (43 comments)

Court proceedings (29 comments). A number of dynamics surrounding court preceding’s were considered “not working”. Respondents considered the jury process (6 comments) unsuitable:

The jury system as a whole [is not working].

Others cited experiences of jurors who were unwilling to vote on murder for religious reasons, people who were unable to make a decision or those who did not understand the evidence. For example:

Some people clearly cannot cope with the responsibility of making a decision. Some don’t understand what is going on, some just don’t want to be there […]

Families also felt that the jury intimidated young witnesses and recommended they have their anonymity protected.

The accused were addressed in four comments in which they were considered to be treated preferentially until the jurors delivered a guilty verdict. Families offered examples of: anti-social behaviour in the courtroom, mental health records of the accused withheld from the family, in general the law is perceived to favour the accused over the victims’ families and the accused had too much protection.

Sentencing was addressed in nine comments, which was considered to be too lenient by families, a number of which believed that longer sentences would act as a deterrent:

Life should mean life.

The courtroom facilities were addressed in five comments, which were found to be variable between courts with a disparity in the opportunity to be appropriately separated from the accused families:

We then had the trial at [COURT] was not suitable. The layout was small and the public gallery was 10 seats. The other family were disruptive and constantly in and out of the court.

After the trial was mentioned in five comments, families were reported feeling on their own. Co-victims also reported that they received no notification of release dates of the convicted offenders, recommending that victim liaison should notify this.

Police resources and budget restraint (8 comments). Police budget cuts were reported as “not working” for the participants. Families reported feeling that budget cuts undermine their confidence in the police:

The public confidence in the police is not working due to the lack of police on the street. The government needs to wake up and realise the cuts they are making are having a detrimental effect to the police service and the public confidence.

The families suggested more resources for the police in order to: have more police on the streets to act preventatively; have more detectives to assist homicide investigations; improve communications between forces; and fund more CCTV facilities in their regions. The well-being of officers was also recognised in relation to the budget cuts for resources:

Lack of duty of care to officers who are expected to work long hours; they are only human and need their work/life balance to be at the correct level.
Preventative interventions (6 comments). Proactive and preventative interventions were reported as “not working”. The families felt that the education system was failing young people by lacking appropriate school intervention programmes, particularly, for example:

More needs to be done about knife crime.

Families felt greater awareness of the impact of carrying and using weapons should be a focus for educational establishments, suggesting statistics on knife crime convictions might act as a deterrent. There was also considered to be a role for stop and search in schools for knives.

Discussion

This research builds on a sparsely populated research agenda and offers analysis of homicide co-victims accounts of the CJS in England and Wales. Murder investigations are a quintessential critical incident, which places the victim, family and community at the centre of the CJS response. This research seeks to create a win-win for co-victims, researchers and practitioners. The work is demand-driven, embedded in research “users” rather than research “providers”, a central tenet of evidence based practice (Fyfe, 2013). The findings reveal on the one hand co-victims’ positive experiences and gratitude for CJ and police practice; on the other hand, participants expressed points for attention which they feel could have improved their experience of the criminal justice process. These considerations are addressed in turn and the discussion will then turn to limitations of the study, implications for research, practice and policy.

Good practice

Existing literature typically focuses on the negative dynamics of the CJS for co-victims. For example, exclusively presenting police and co-victims as a “tense relationship”, stating “these relationships are among the most mutually unwelcome and emotionally challenging that beset the criminal justice system” (Reed et al., 2019, p. 1). This may be true, however this research seeks to redress the balance by considering practices of the CJS which co-victims found valuable in coping with the investigation and bereavement process. Responses indicate themes in relation to confidence building which can be summarised to reveal good practices.

First, education, involving tutoring the co-victims through the challenges and technicalities of the investigation, court proceedings and what to expect through the process. Importantly, education should involve removing “legal speak” and focus on clarity for the co-victim. Malone (2007) points to comprehension of the legal “jargon” as a criticism of co-victims. Second, interpersonal skills and relationship building in managing co-victims were considered critical in different ways. Third, working together and demonstrating a unified approach between police forces, with communities, court personal and victim services. Fourth, communication which is frequent, consistent and honest, and the communication of information in a fair and non-victimising manner. Research suggests that insensitive communication and a lack of information stood out as two of the main sources of grievance about the CJS: “with very few exceptions, most participants described receiving a bureaucratic and unhelpful response from the criminal justice system in general” (Malone, 2007, p. 388; King, 2004; Adkins, 2003; Dannemiller, 2002). Fifth, a sense of justice, which is not restricted by limited police resources. Co-victims have high hopes for the trial, expecting justice. This research illustrates the courtroom can be an intensely disappointing experience, with the perception of unfair treatment.

Good practice principles for CJS in relation to co-victims should be embedded in: education, interpersonal relationships, working together, communication and justice. This research draws attention to FLOs, SIOs and court victim services who play a major role in the co-victim’s experience, sometimes positively and sometimes negatively. The results presented perhaps should not be surprising given 76 per cent of co-victims regarded the police and CJS as fairly or very supportive (Casey, 2011). However, this indicates 24 per cent of co-victims found CJS less than fairly supportive, so the discussion will now consider why that might be the case and potential resolutions.
Points for attention

In relation to the points for attention raised by co-victims is the importance of distinguishing between what is, and is not, achievable in terms of change to the CJS. Many of the interactions between CJS and co-victims could be determined by idiosyncratic traits or human factors. The investigation and courtroom is an emotional experience for victims and the accused. The rights of a suspect, or the nature of the jury trial, are unlikely to change. However, there could be consideration of the physical parameters of the court and policies in place to facilitate trials for the crime of homicide in a courtroom with segregation of the co-victims and the accused. As well as, sensitivity in the courtroom to behaviours of the accused, or family interactions which could significantly impact co-victims. Notification of parole hearings is a concern expressed by co-victims in this research which could be addressed. Rinear (1988) also reported that co-victims were not always made aware of parole hearings. The co-victims felt their experience could be improved by being notified of the impending release of the offender. This research echoes this concern.

Another balance which must be considered is the trial aftermath and involvement of the FLOs who have become a source of support and compassion. Some co-victims reported feeling lost and forgotten, as a point of attention. Others reported a long standing relationship with the FLO of their case, as good practice. While sustained longevity of the relationship between co-victims and police could act to increase perceptions of police legitimacy more broadly and in the long term; this must be balanced against the well-being of officers and demands on their time as they move into future cases. At the outset of the relationship between FLOs and co-victims the practicalities of the role and the “Exit” strategy must be clearly articulated. The development of a resource for co-victims which explains the whole process (from investigation to post trial) is likely to be of benefit to the co-victim.

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The data draw attention to differentiation between the roles, and styles, of FLOs and detectives. Reports in the literature reveal co-victims felt they were insensitively and unfairly treated by the CJ personnel (Thompson et al., 1996). While orientating different roles, both FLOs and detectives should be well versed in grief management communication and aware of the propensity to become desensitised to co-victims. Riches and Dawson (1998) draw attention to the importance of CJS personnel being trained in trauma and grief management.

In relation to preventative intervention co-victims particularly emphasised the role of the education department in preventative knife crime action (in conjunction with police). Co-victims suggested “stop and search” in schools and bag checks for knives. Again, there is a balance to be struck here too, while this could be a deterrent research suggests it could also more likely create divisive relations in the community and make the likelihood of young people approaching police or teachers about crime less likely. Prevent policing (an aspect of the national counter terrorism strategy) is evidence of a strategy which perhaps creates division where bridges are sought (Innes et al., 2011). Educational collaboration, interpersonal contact and not creating a “suspect community” is likely to be the best approach to addressing knife crime in schools, based on evidence.

Limitations of the current study

Anonymity of co-victims has benefits and limitations in relation to research design. First, this study does not consider sociological factors such as culture, gender, age, religion, ethnicity and the relationship these factors have with the perceptions of CJS. These factors are recognised to be key influencers in co-victims experience (Asaro and Clements, 2005; Casey, 2011).

The work does not illuminate the time frame in which the co-victims had been coping with the grieving process. It has been recognised that as a result of the criminal proceedings, co-victims often feel they must delay coping with the bereavement and anger until after the proceedings (Rock, 1998; Malone, 2007; Armour, 2002). It is reasonable that the longer participants had to cope the more likely they are to report positive experiences. If the duration between the trial and the data gathering process was limited, it is reasonable the perceptions would still be anchored in grief.
Qualitative data explain the “why” but not “what proportion” in relation to how representative and valid the perspectives presented here are of co-victims experiences of the CJS more broadly. The data were gathered in a public setting, in front of judges, police and criminal justice service workers and this could have had the effect of inhibiting the autonomy of responses, or integrity of them. Further, the data sampling could be skewed by volunteers who participated as a result of the perceived support they received, whereas those who felt dissatisfied with the assistance received may have felt reluctant, or unwilling, to attend the event.

Implications for research

Research efforts should continue to explore co-victims’ experiences of the CJS, and more broadly in relation to community engagement. A result of space restriction in the analysis presented is limited to three questions (of nine asked). Forthcoming work will consider: what does the exit strategy of the FLO look like? Do the public understand what we (CJS) are doing? If you were the police what would you do to build confidence? Are there gaps or missed opportunities with communities? And how could we communicate better beyond the family? The body of data presented only begins to scratch the surface of understandings of co-victims and their experiences. By exploring “what matters” to co-victims and listening to their “voices” research may be in a better position to offer: explanations and potential solutions to the increase in homicide rates; and effective support.

An area for future research is the distinction between “traditional” co-victims (i.e. direct family members: parents, siblings, grandparents) and “non-traditional” co-victims (e.g. partners, friends, schoolmates or colleagues). The relationship with the victim will determine the involvement the co-victims have in the CJS; consequently, this is likely to impact on their experience and the support made available to them (if any, for “non-traditional” co-victims, an area yet to be explored). This could be achieved by developing The National Crime Survey to pose questions to the general public in England and Wales in order to establish the number of “traditional” and “non-traditional” co-victims. Understanding the breadth and depth of those affected will assist in developing support programmes and intervention techniques.

Research would benefit from investigation into the relationship between sociocultural and socio-economic experiences of co-victims in England and Wales. There would also be advantage in specific investigation and clarity on the “sub-types” of incidents of homicide. (i.e. murder, manslaughter and infanticide). Many databases across Europe do not expand “homicides”. The experience of co-victimisation as a result of murder is likely to be a different phenomenological experience to that of loss as a result of manslaughter. The needs of these sub-groups are likely to be different in terms of social and psychological support as is perhaps their perceptions of CJS efficacy. These factors can better assist to support multi-agencies and the impact of the criminal justice process on co-victims who have different individual and social experiences.

Implications for policy

- Dissemination of practical good practice principles: education, interpersonal relations, working together, communication and justice.
- Increased public spending for police resources to address the limitations in preventative community engagement efforts and investigative capability.
- Increased initiatives for school programmes in co-operation with police engagement officers to develop educational preventative intervention programmes for knife crime.
- Consideration of policy in courtrooms for the geographical space and offender behaviours.
- The development of a resource for co-victims which explains the whole process (from investigation to post trial) is likely to be of benefit to the co-victim.
- Policy of parole notification for co-victims.
- Grief and trauma communication training programmes for detectives.
Conclusion

There is limited research which accounts for the phenomenology of co-victims of homicide, particularly in England and Wales. Given the evidence of increasing prevalence of violent crime and homicide, research is timely and contemporary. The work supports the view that it is important criminology turns to understand the efficacy of CJS interaction with co-victims, from their perspective. Despite the limitations, the current research adds valuable insight in contribution to this area, from co-victims in England and Wales. The work has highlighted several opportunities for research development in relation to homicide investigation. This work builds on existing literature, which has largely failed to acknowledge good practice and understating of “what works” during murder investigations, and by contributing support for points of attention, to assist recommendations for policy and practice. It is important to share and learn from the families “voice” and we hope this research offers useful understandings of the relationship with the CJS.

References


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Further reading


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