



INVESTIGATIVE REVIEW

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Homicide Investigations: Leadership, Experience, and Emotional Issues for Success

By Dr. Ian Fimmimore



Homicide investigations present very specific and dynamic difficulties for homicide unit leaders, case detectives, forensic personnel, laboratory scientists, and legal counsel. Long hours, time away from families, and pressures to make arrests are only a few issues that can prove emotionally damaging for even the most seasoned detective. Reluctant witnesses, antiquated equipment, lack of proper resources, inadequate training, poor leadership, and inexperience have all been at the forefront of non-productive homicide investigations. The possible factors for decreasing solvability rates have been discussed at length by many experts. Most of the challenges in homicide investigations can be overcome by adherence to a set of norms. More specifically, although I sometimes despise the word, protocols need to be established. Strategies need to be developed and adhered to. Police administrators (police chiefs and high ranking officers) need to answer many

questions to include: What defined roles and responsibilities exist for investigations? What equipment and resources are needed both day to day and during complex cases? How are stress and fatigue recognized and handled? What personnel should be assigned to homicide units? How do we maintain the fluidity to change direction during an investigation? How do we separate fact versus opinion or theory? When are solvability factors recorded and cases transferred to a cold case unit? What basic and advanced training should be required of investigators?

Unfortunately, some supervisors tasked with administrative duties often lack experience, communications skills, training, and knowledge in homicide investigations to establish reliable working norms. This may occur due to organizational structure, organizational philosophy, manpower issues, or an incomplete understanding of the complexities of homicide investigations. Poor leadership in homicide investigative units may lead to increased stress, splintered investigations, and poor results. Some of the factors leading to poor investigations appear, at least on their surface, easy to remedy but still remain as impediments for case detectives. Other factors are more complex and need strong leadership, sharp cognitive skills, and expert communication skills to overcome.

Many hurdles, sand traps, land mines, and alligator pits prevent

effective homicide investigations. To help navigate these rough roads, I offer administrators, police officers, supervisors, counselors, and of course the homicide case detective some opinions and insights learned throughout my career.

Administrators

Police administrators need to host open discussions on protocol where critical thought from every level of the agency can express concerns. Too many police agencies label personal thought, passion, and opinion as detriments and obstacles to managing police agencies. Positive change and creative thought becomes nearly non-existent in organizations who place arbitrary ceilings over employees. Much can be gained by allowing those whose boots are on the ground to assist agencies in logical protocol development. Who would be in a better position to provide information regarding the challenges of homicide investigations more than those actually tasked with the investigation? Police administrators need to focus on choosing the most qualified staff members to lead homicide, death investigations, and cold case units. A focus should be placed on individuals experienced in homicide investigations, who have a strong understanding of leading people, and who have higher than average communication and cognitive skills. These leaders need to be entrusted

{Cold Hit}

By Lindsey Wade

The use of DNA technology to solve cold cases has been an invaluable tool for detectives for years. Using DNA collected from convicted sex offenders has been instrumental in solving long-dormant sexual assault and homicide cases. Despite nearly universal laws requiring convicted sex offenders to provide a DNA sample, the rules for how and when those samples are collected could be a significant roadblock for cold case detectives around the country.

CASE IN POINT

On the evening of April 23, 1980, 19-year-old Susan Lowe decided to spend the evening at home watching the Seattle Super Sonics basketball game on television. Susan was an outgoing young woman who worked at a local furniture store. Susan's roommate went out and was only gone for a few hours. When Susan's roommate returned home, she saw Susan in her bed and assumed she was asleep. It wasn't until the next morning that Susan's roommate discovered she was dead. Bellevue Police determined that an unknown assailant had entered the apartment and attacked Susan. She had been sexually assaulted and strangled with her own pantyhose. Since DNA technology did not exist in 1980, semen collected from Susan's vaginal vault during her autopsy went untested until 1999 when detectives sent the evidence to the crime lab. Forensic scientists were able to generate a male DNA profile, but there was no match in CODIS and the DNA profile did not match any of the men evaluated as potential suspects in the case. Susan's case remained cold until 2012.

Investigators rely on a belief that DNA can help solve cases ranging from burglary to rape to homicide. A DNA profile can be developed from evidence collected at a crime scene. That unknown profile can be compared to a known suspect if the investigator has obtained a sample of the suspect's DNA. The other way to identify an unknown DNA profile from crime scene evidence is to enter that profile into the Combined DNA Index System (CODIS). All 50 states have their own CODIS database.

There is also a National DNA Index System (NDIS) maintained by the FBI. DNA profiles contained within the individual state DNA databases are regularly uploaded to the national DNA database, which currently contains approximately 11 million DNA profiles. The National System allows for the comparison of Forensic samples with Offender samples in addition to other Forensic samples. It should be noted that not all Forensic samples can be uploaded into NDIS because the profile may not meet the requirements.¹

There are separate indexes within the National DNA Index System. These indexes include:

- Forensic (this database includes crime scene evidence and rape kits)
- Offenders (convicted offenders and in some jurisdictions, arrestees and detainees)
- Missing Persons
- Relatives of Missing Persons
- Unidentified Persons
- Legal

Since new samples are continuously added, the Forensic database and the Offender database are searched against each other once a week looking for potential matches. In addition, the profiles within the Forensic database will search against each other, helping to link multiple crimes even if a suspect has not been identified. When a match is made that provides an investigative lead, it is known as a "hit".

In June of 2011, during the investigation of a decade-old child abduction case, the author contacted the Washington State Department of Corrections (DOC) about potential suspects within the DOC system. This inquiry led to a conversation about the Special Commitment Center on McNeil Island.

The Special Commitment Center houses offenders who have been found to be Sexually Violent Predators (SVPs).² All offenders who have been civilly committed as SVPs have been previously convicted of at least one sexually violent offense. The SVPs have already served a prison sentence for their crime and have met the requirements for civil commitment. Instead of being released into the community after their prison sentence is complete, they are transferred to the Special Commitment Center where they are detained indefinitely. The SCC opened in 1990 and since then has housed approximately

400 of Washington State's Sexually Violent Predators.

It is not easy to prove a person is a Sexually Violent Predator. There is an enormous amount of research that goes into building an SVP case. These SVP candidates frequently have decades worth of sexually deviant criminal behavior in their histories that has to be meticulously documented in order to prove an SVP case.

During the DOC inquiry, the author asked about whether or not DNA samples had been collected from all of the Sexually Violent Predators at the Special Commitment Center (SCC). Although most of the offenders at the SCC already had a DNA sample collected by DOC prior to their release from DOC custody, there were 49 Sexually Violent Predators on the SCC roster who never had a DNA sample collected. Even more disturbing was the fact that nine of these offenders are now deceased and never had a DNA sample collected. The author also learned that the policy at the SCC for those who never had a DNA sample collected was to collect the sample upon release from the SCC, not at the time of entry. The logic behind this policy centered on the idea that once an offender was locked up, his ability to further offend was eliminated thus making his inclusion into the DNA database irrelevant. Such a policy only focuses on future offenses, but does not address the need to have DNA in CODIS for the invaluable purpose of solving old cases.

To remedy this problem, the author contacted Assistant Attorney General Brooke Burbank who is the Section Chief of the Sexually Violent Predator Unit at the Washington State Attorney General's Office. The inadequate DNA collection procedures at the SCC were reported to Burbank and she agreed to look into the problem. It took over two years and a lot of persistence, but now DNA samples have been collected from all residents at the SCC who are still there.

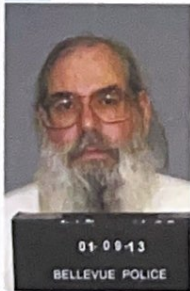
Washington State CODIS Administrator Jean Johnston conducted further research and identified that four of the offenders on the original list of 49 had DNA profiles collected from other states which were uploaded into the National DNA database. In total, 36 new samples were collected from offenders at the SCC.

As for the nine offenders who died prior to having a DNA sample collected,

that project is still underway. The author was able to obtain blood stain cards and tissue samples from autopsy for 4 of the deceased offenders which were submitted to the Washington State Patrol CODIS Crime Lab. DNA profiles were generated for all four deceased offenders and have been uploaded to the Offender Index in CODIS. During this research period, the author also learned that there were sexual offenders housed at state mental hospitals who are required to provide a DNA sample, but no sample had ever been collected. As of this writing, all but one hospital resident has provided a DNA sample. The collection process for the state hospital is still underway.

As a result of this project, the SCC changed their DNA collection policy and has begun collecting DNA upon entry into the facility. Not surprisingly, one offender refused to provide a sample and the Attorney General's Office obtained a court order to compel him to submit to DNA testing. All of the samples collected during this project were sent to the Washington State Patrol CODIS Crime Laboratory for processing and entry into CODIS

The successful dividends of the project became evident quickly. In May, 2012, the Bellevue, Washington Police Department was notified of a DNA match in CODIS linking a civilly committed sexually violent predator named Michael Halgren to the unsolved 1980 rape-homicide of Susan Lowe. Michael Halgren has a long history of sexual violence against women and had been committed at the Special Commitment Center since 2000. Michael Halgren grew up a few blocks from Susan Lowe's apartment and worked nearby. Halgren's name never came up in the original investigation and it appears that he had no connection to Susan Lowe.



"The trial court's findings that Halgren has a history of sexually assaultive behavior and that he is not amenable to treatment are also not clearly erroneous. In addition to his prior conviction for first degree rape, Halgren admitted to Dr. Brown that he had raped approximately 25 women in connection with abusing drugs and alcohol. Dr. Brown testified that Halgren had undergone two courses of treatment, neither of which he completed. He also testified that Halgren presents such a high risk that, in his view, it is virtually certain that Halgren will reoffend" (State of Washington v. Michael Allan Halgren, 87 Wash.App.525, Court of Appeals of Washington, Division 1, 1997).

Michael Halgren was one of the 35 SVPs who provided a DNA sample as a result of this project. On January 9th, 2013 he was arrested by Bellevue Police Detective Jerry Johnson at the SCC. Halgren has been charged with one count of Murder in the first degree by the King County Prosecutor's Office. As more law enforcement agencies around the state and country begin submitting cold case evidence to the crime lab for DNA analysis, the likelihood of more cold hits will increase.

Solving just one case is a monumental achievement. But how many states collect DNA when prisoners are released rather than when they are sentenced to prison? How many other states have civilly committed sexual offenders who were convicted years or decades ago, before DNA was routinely collected? Do other states have sexual offenders with no DNA on file, housed in mental hospitals with no likelihood of ever being released?

UNLESS SOMEONE
LIKE YOU CARES A WHOLE
AWFUL LOT, NOTHING IS GOING
TO GET BETTER. IT'S NOT.
-DR. SEUSS

The author would like to challenge law enforcement and CODIS administrators around the country to look into this process to find out if DNA has been collected from all civilly committed sex offenders and submitted to CODIS. There may be policy makers and administrators out there making the assumption that it isn't important to collect DNA from these people unless they are planning to be released.

The author hopes you will ask these same questions in your own state. Could it be possible that the unsolved case that has haunted your agency and community for countless years might be resolved by getting those DNA profiles collected and uploaded into CODIS?

Endnotes

- ¹ Not all evidence collected produces a complete and valid DNA profile.
"Partial profiles" may not be suitable to be entered into the National DNA database.
- ² In 1990, the Community Protection Act of 1990 was passed in Washington State. The Community Protection Act, as it was known, was enacted in 1990 in response to two violent sex crimes that sparked widespread public outrage and concern throughout Washington State. First, a young woman named Diane Ballasiotes was abducted and murdered in a downtown parking garage by a dangerous psychopath who had walked away from his work release bed. Not long thereafter, a seven-year old Tacoma boy riding a bicycle through his neighborhood was abducted, sexually assaulted and sexually mutilated by another sex offender, who had recently been released from prison. This man had a long history of sexually assaulting children, and many who had dealt with him in prison knew it was not a matter of "if" he would attack again, only "when." The Community Protection Act increased sentences for all sex offenses, implemented sex offender registration and community notification requirements, and developed the nation's first civil commitment laws for sexually violent predators. (King County Prosecutor's Office Website, 1/11/2010)

Detective Lindsey Wade is a 16 year veteran of the Tacoma Police Department in Tacoma, Washington.