



D8 Case Controls: Law Enforcement's Best Kept Secret - Tools Used for Validating Information From Cold Cases

Alan Price, MA*, Southern Institute of Forensic Science, Regional Field Service Office, PO Box 336433, Greeley, CO 80633

After attending this presentation, attendees will be able to establish and maintain case controls under specific guidelines for solving major cold cases. This presentation will demonstrate how the principles of using case controls has been used by law enforcement, in an ad hoc method for many years, yet has gone formally undefined in the literature. This concept is passed from one detective to another without any formal guidelines being drafted and presented to standardize this important principle. This presentation provides both an explanation of describing case controls as well as outlining guidelines for the long-term management of case controls.

This presentation formally introduces the term "case controls"—sometimes referred to as "case keys" or "hold-back information"—into law enforcement and forensic literature, and provides guidelines for establishing and maintaining case controls as a means of validating information in cold cases. When a case has been inactive for months or years, it is imperative for investigators to be certain that a suspect or witness is admitting to the actual facts of a case. This is accomplished by the establishment of case controls early during the initial crime scene evaluation and review by investigators. Case controls should be discreet actions or behavior performed by the perpetrator (i.e., not newsworthy), yet these actions be obvious enough to be observed by a witness. The actions must be non-evidentiary in nature so that defense counsel cannot claim that law enforcement withheld pertinent information in the case. Although not readily available to on-scene investigators, evidence discovered through more technical forensic laboratory techniques can contribute to establishing case controls. For case controls to remain legally effective they must be kept from the media and other noninvolved law enforcement personnel outside of the case investigation. The disclosure of case controls by an individual will immediately implicate the disclosing person of having first-hand knowledge of the crime and/or crime scene.

Law enforcement entities around the country use case control methodology in an *ad hoc* fashion, and although they have been used for years to validate information in homicides and other major crimes, the literature neither mentions the term, nor does it provide a specific definition of the principle. Case controls may be in place for years until either a suspect or a knowledgeable witness presents them. A means of evaluating and validating new case information is essential, particularly in long-term investigations where investigators may have been rotated to another assignment, retire, or leave their careers.

The suspect's signature:

The outdated study of the investigative process by the Rand Corporation is one of the most comprehensive studies of its type, yet it failed to address the use of case controls in solving major crimes. Current investigative text books also fail to mention the utility of case controls. It is imperative to demonstrate that case controls are not the *modus operandi* (MO) of the crime, and a sharp distinction should be made between the MO and the signature of a suspect. A perpetrator's signature left at a crime scene can be used as a very significant case control. John Douglas et al., define a suspect's signature as being, "a repetitive ritualistic behavior by the serial offender, usually displayed at every crime scene and having nothing to do with the perpetration of the crime." Obviously, if the actions of the perpetrator are specific to his crime these actions can become a means of verifying a suspect's admissions or a witness' observations. This presentation encourages the retention of any discreet actions or behavior performed by a perpetrator, including signatures, as major case control.

Case Control Management:

The management of case controls is crucial to assure their use as a validation tool in solving a cold case.

The following steps in managing these case controls are suggested:

1. The controls must be recorded in writing.
2. Controls should be placed in a sealed envelope and attached to the investigator's working copy of the case.
3. Access to the controls must be solely limited to the detectives that are responsible for investigating the case.

Case controls are never disclosed to the media. Divulging them eliminates their utility. The establishment of multiple case controls in each major case is recommended.

Elements used as case controls may include:

1. Specific actions of the perpetrator(s) that can be documented subsequent to the commission of the crime.
2. Instrumentalities used to commit the crime.
3. Specific elements in the immediate environment where the crime may have occurred.
4. Identified "souvenirs", "trophies," or "things of value" that may have been taken by the suspect.



General Section – 2006

It is suggested that investigators and crime scene technicians consult with their prosecutor's office to establish how the prosecuting authority wants the case controls to be maintained in criminal investigations. Since case controls are imperative in solving cold cases and validating information from suspects and witnesses, it is hoped that investigating agencies will draft and implement guidelines for their contribution in solving crimes.

Case Controls, Suspect's Signature, Modus Operandi