
Key investigation challenges of investigating historic crimes

Natalie Quinn Walker, *University of Wolverhampton*

Historical crime investigations can be a challenging process due to many factors which will be explored in this assessment. Difficulties investigating these cases include fading memories of witnesses and victims, limited physical evidence, public interest or engagement, and deceased individuals impacting the case's credibility (Shead, 2014). A historical crime occurred over 28 days ago, also known as non-recent. However, the term is often used when examining issues over several years or decades ago.

Limited physical evidence

A key challenge for historical case investigations is the limited retrievable physical evidence, resulting in a forensic evidence hole, impacting the ability to establish whether a criminal offence occurred. Not only a lack of bodily fluids but surveillance and investigation tools available at the time significantly affect the case structure. However, the National Police Chiefs Council (NPCC) recognised that although evidence may have been obtained and stored, there needed to be more consistency in the standardisation across the country, impacting whether these historical cases could be prosecuted (Forensic Capability Network, 2021). As some evidence was not stored appropriately, the chain of custody was broken, making the evidence inadmissible in court. The Forensic Capability Network (2021) explained that in some cases evidence has been completely lost or thrown away, resulting in missed opportunities to address criminal behaviours.

In some historical cold cases, enough physical evidence has been stored for future testing as technology advances. As hailed by the Home Office (2003), the development of forensic testing of DNA is the 21st-century crime-fighting tool, profiling individuals using their unique genetic stamp. The introduction of this process resulted in several historical cases being solved. Eric McKenna was sentenced to 23 years in prison following DNA evidence solving rapes occurring in the 1980s. Eric had been arrested for harassment and urinating in his neighbour's garden, resulting in his DNA being obtained. Although a person may have been convicted, new advances in technology have resulted in the dismissal or discovery of wrongful convictions, such as Andrew Malkinson, who was sentenced to prison in 2003 for rape, however in 2023, his conviction was quashed as DNA evidence linked another man to the crime.

Several large operations have been undertaken by the Metropolitan Police, such as Operation Yewtree, Operation Fairbank and Operation Midland (House of Lords, 2016). House of Lords (2016) explains that Operation Midland, which was to investigate child abuse ring operations in the 1970s – 1980s, cost over £2 million and closed in 2016, with no suspects charged, due

to the lack of available physical evidence. There are challenges in sourcing admissible evidence in historical child abuse cases, whereby the focal point of the evidence is the victim's testimony. Reports have shown that victims of childhood abuse are more likely to experience further violence, such as domestic abuse, increased risk of depression / PTSD and increased risk of addiction (Hailes et al., 2019).

Eyewitnesses and memory

As Benton et al. (2006) warn, the public holds confidence in the accuracy of their memories yet is unaware of cross-race bias, resulting in reduced accuracy concerning those from a different ethnic background. Similar impediments have been noted regarding time, as memories can become hazy. Declarative memories are encoded, stored, and retrieved if needed, and Albright (2017) recognises that this process may not recall all the information from a particular event. For instance, when police request information, they question whether people recall specific details of a certain date and location. However, this may not prompt someone's memory, as details that may not feel important at the time may not be stored, impacting the ability to retrieve them (Albright, 2017). In addition, pleas for information may not reach target audiences; potential witnesses may have relocated, or key eyewitnesses may remain unaware of the investigation.

Another challenge when re-investigating a historical case is locating potential witnesses or if they have experienced threats. Furthermore, Otgaar et al. (2022) raise the risk of false memories, which explains the negative impact on cases, whereby individuals may come forward believing they are assisting in a case yet hinder its development. Individuals may not recall the same experience, and the expectation of consistent information could place pressure upon potential witnesses, resulting in them not coming forward.

The Ministry of Justice (2011) recommends that interviews be video recorded, and questions be repetitively asked to ensure accurate information. However, in historical cases, these technological advances were not available. La Rooy et al. (2009) explain that it was not typical practice to revisit or repeat interviews, particularly those focused on sexual abuse, due to the potential for exacerbating the victim's distress. However, La Rooy et al. (2009) explain that actively repeating an interview improves retrieval. However, having vast delays of even six months between repeated interviews can reduce the accuracy to an average of 56%, causing further implications for historical cases.

Fading memories is a significant concern when investigating historical cases; therefore, capturing witnesses' testimonies at the time of the event assists in strengthening the case. Sourcing information at the initial investigation can prompt leads and further study, even at a later date when technology advances may be able to assist the criminal investigation further. When re-opening a historical case, police should revisit eyewitness accounts and review previous information obtained. With today's active social media and broadcasting, awareness prompts could be raised, and eyewitnesses who have relocated may be found. Interviews which have been delayed even by days, let alone years, can result in other information being retrieved (La Rooy et al. 2009).

A significant challenge of investigating a historical case is the risk of memory loss of critical witnesses, victims or perpetrators. Potential witnesses naturally would have aged since the

event; with this, a significant change of cognitive ability will occur with the ageing, resulting in a gradually declining memory and potential risk of diseases such as Alzheimer's (Harada et al., 2013). In 2015, The Crown Prosecution Service decided that although an investigation was launched into allegations made against Lord Janner of Braunstone, due to the severity of his dementia, he was deemed unfit to stand trial (House of Lords, 2016).

A re-enactment can occur by clearly documenting a crime scene, which may not produce additional physical evidence. Crimewatch UK is a prime example of reconstructing events to solve crime. Crimewatch showed a reconstruction of Lin Russell and her daughter Megan's murder and assault of her other daughter Josie in Kent in 1996, with an e-fit of the perpetrator. Crimewatch received over 600 calls, with one prompting the arrest and conviction of Michael Stone for the murders, demonstrating the impact of a visual aid walkthrough of a crime. However, it is recognised that not all have been successful, with many of the offences displayed, such as the murder of Jill Dando, remaining unsolved.

Public Interest and Resources

One of the advantages of re-investigating a historical case is the public interest, as crime documentaries are well-watched globally, and there is gauging interest in solving crime. However, not all instances draw as much attention, as many resources are needed to reconstruct and investigate a historical crime. Therefore, a consideration of the cost-effectiveness is required. As noted earlier on the cost of Operation Midland, the House of Lords (2016) explained that authorised professional practice (APP) guidance states there need to be intelligence-led investigations and not a trawling for witnesses. The APP guidance provides up-to-date information on policing practices and guides the evaluation of investigations.

Establishing cost evaluation on historical cases is considered quite challenging, as the Metropolitan Police (2022) explain that a wide range of specialists are needed across the country. An example of the costing of a historical case is Madeline McCann, who went missing in 2007 in Portugal; Operation Grange has cost £13 million since 2011. It was reported in the Express by Beckford (2020) that historical crimes cost the UK taxpayers £236 million, with 88 cases deemed not recent being focused on by police and other experts nationwide. Police Chief Constable Matt Jukes stated there was a value in bringing justice to victims in society (Beckford, 2020).

Public interest can assist in historical cases, as referred to the re-enactment, but further victims of perpetrators may come forward. With public interest, there was a drive for the #MeToo movement, encouraging sexual abuse victims to come forward, regardless of the length of time. As Mark Kelly KC (2023) explains, in England and Wales, there is no time limit on the prosecution of sexual offences, and there is active encouragement by the police for victims to come forward as it is deemed public interest by the Crown Prosecution Service to investigate such matters. High-profile cases in the UK and globally, such as Hollywood producer Harvey Weinstein's arrest for historic rapes, demonstrate that with awareness and victims feeling encouraged to report, perpetrators can be prosecuted.

Conclusion

In conclusion, there are several challenges which police investigations need to overcome when addressing historical cases. As noted, a core difficulty of investigating historical circumstances is the need for physical or vital evidence, resulting in a focal point on testimonies. Thus, there is a need for thorough investigations at the time of the incident, with detailed recordings of eyewitness statements, available physical evidence, and testimony of the victim, which can be revisited later if needed.

PhD research focusing on male victims of domestic abuse and their disclosure to family and friends. One core aspect which I'll be delving into is the impact of historical abuse in a domestic abuse setting and how it impacts their disclosure. Reviewing whether male victims feel empowered to report their abuse will provide insight into their needs and the barriers they experience.

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