

Forum: The International Criminal Police Organization (INTERPOL)

Issue: Pursuing Justice in Unsolved Criminal Cold Cases: Strengthening Investigations and Legal Frameworks

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Introduction:

“I’m not saying I’m gonna change the world, but I guarantee that I will spark the brain that will change the world.” - Tupac Shakur. On September seventh, 1996, renowned rapper and artist Tupac Shakur, also known as 2Pac, was shot four times by an unknown individual who drove past him. Although the case of his murder was investigated thoroughly, primarily due to public, and media outrage, the formal trial for the man suspected to be his murderer was delayed almost thirty years, having only commenced in September of 2023. His case is one of many cases internationally that remain unsolved for extended periods of time, perhaps indefinitely, classified as ‘cold cases’. In many situations, there will not be enough evidence or leads for a police or justice department to continue with the investigation of a case. According to the Houston Police Department, “A case becomes “Cold” when all probative investigative leads available to the primary investigators are exhausted and the case remains open and unsolved after a period of three years.” In the United States itself, nearly 340,000 cases of homicide and manslaughter were left unsolved from 1965 to 2021. Cold cases can include murder, homicide, manslaughter and missing persons who have not been found for extended periods of time. The issue of cold cases remains increasingly prevalent internationally and although may not seem internationally relevant, many families and communities remain increasingly affected by the loss of a loved one, and the increased number of cold cases simply works to increase the distress felt by these people. Furthermore, safety is often challenged as many dangerous individuals are not reprimanded as they should be if a case goes unsolved. It remains the duty of the

INTERPOL to work together with national police organisations, and governments, to prevent such issues from arising or persisting.

Definition of Key Terms:

1. **Cold Case:** an unsolved criminal investigation which remains open pending the discovery of new evidence
2. **Forensic Science:** the application of scientific principles and techniques to matters of criminal justice especially as relating to the collection, examination, and analysis of physical evidence
3. **DNA Testing:** a test that examines DNA and that is used to identify someone or to show that people are relatives
4. **Recidivism:** the tendency of a person to relapse into criminal behaviour, particularly after having been previously convicted and served a sentence for a criminal offense
5. **Clearance Rate:** in criminal justice, clearance rate is calculated by dividing the number of crimes that are "cleared" by the total number of crimes recorded
6. **Witness:** a person who sees an event, typically a crime or accident, take place.

Background Information

Cold cases have been a phenomenon since the creation of the justice system, it is nearly impossible to account for every individual crime or case brought to police forces. Historically, clearance rates were much lower than what they are now, internationally. With the ongoing development of forensic science, and increased transnational transparency, investigative forces have been able to improve and speed up their work identifying and prosecuting criminals, leaving less of a chance for a case to remain unsolved, or lack evidence for long periods of time.

Causes

There are many reasons as to why a case will remain unsolved, to fully understand this issue, we must first address the root causes of this issue. One of the main causes is the lack of concrete evidence. In order for detectives or investigators to prosecute criminals, they must have enough evidence for such criminals to be tried in court and only then, will a sentence be provided for these convicts. As cases remain unsolved, physical evidence may deteriorate, and witnesses may remember fewer details about the issue. Furthermore, as time spent on cases increases, police and criminal departments may have to reevaluate their priorities at a certain time; for example, if a more pressing case occurs, investigators may have to redirect their attention, and resources to that new case. Witnesses are crucial parts of any case or investigation, they provide clear, first-hand evidence. Yet, often, witnesses may be uncooperative or have lapses in memory surrounding the crime. Lastly, forensic technology in some countries remains incredibly limited. As the main way to identify criminals based on DNA or other imprints, forensic science is an incredibly important field to ensure that criminal cases are completed efficiently, yet with a lack of access to such technologies, countries may fall behind.

Importance of Resolving Cold Cases

Cold cases can cause extreme distress to families, and communities of the victims in such cases. In a situation in which a case remains unsolved for long periods of time, family members and other loved ones do not receive a sense of closure. Strengthening justice systems to prevent unsolved cases from occurring will allow those affected by such crimes to receive just payment for their hardships, and strengthen their trust in legal and justice systems. In many cold cases, perpetrators, and other dangerous persons remain unpunished for their actions, thus continuing to provide a threat to a community, or nation. This may lead to further crimes in the future, increasing the crime rate, and reducing safety in a nation. Many police forces in less stable nations are already doubted, a continued investigation, or an unsolved one, will weaken trust in such security forces. Many people already criticise military or judicial organisations, thus

reducing dependability, perhaps leading to citizens attempting to take matters into their own hands.

Current Situation

Forensic Technologies

Forensic technologies are tools used by law enforcement and detective agencies to investigate and analyse criminal activity. In recent times, many nations have increased investment in research and development in the field of forensic science. A good example of this is in the Netherlands Forensic Institute, a state-of-the-art forensic laboratory which works to improve current DNA analysis techniques and other, scientific methods to identify individuals. These technologies, more specifically, DNA analysing, were used in the Lucas County Jane Doe case in 2020 to discover the identity of an unknown homicide victim from 1981. Many less developed nations still remain unable to access more advanced technologies, thus unable to identify individuals efficiently.

Policy Reforms

Governments around the world have begun working with police departments to consider reforming legislation surrounding law enforcement and unsolved cases. Some examples of policy reforms are increasing time period of a case before it is left 'unsolved'; Ensuring that sufficient resources are allocated to each and every case regardless of the socioeconomic status of the victims; ensuring that officers have significant evidence to hold suspected perpetrators to prevent misunderstanding; allowing for increased accountability from detectives and investigators to ensure that all cases are completed to a thorough and just standard. Recently, in the United States, the Washington Initiative was passed to increase police accountability by using de-escalation training for officers and modifying the justification of using deadly force.

Major Parties Involved and Their Views

The United States of America

The USA has some of the most famous unsolved cases in the world, such as Jack the Ripper and the Zodiac Killings. As of 2020, the clearance rate dropped to slightly below 50% and some cities, such as Chicago have seen drops to below 30%. Some reasons for these worryingly low clearance rates are as follows: many communities in the US are impacted by gun violence and this citizen feel a sense of safety amongst themselves, without the need for police forces, thus sometimes attempt to take matters into their own hands; Furthermore, after certain events involving police forces and certain racial groups, many citizens feel extreme distrust in police departments in the US, thus are unwilling to cooperate if they happen to be witnesses for a case.

The Netherlands

The Netherlands is known to be one of the leading countries in DNA analysing and forensic technologies, also well known for its cold case-specific teams and departments, the Netherlands has a clearance rate of around 77% in homicide cases.

The Netherlands Forensic Institute (NTI)

The NTI is a world-class forensic laboratory in the Netherlands which was established in 1999. As an institution, the NTI is known for its research into DNA sequencing and analysis. These technologies are crucial in investigating cold cases as they allow for more concrete evidence to be found.

Landelijk Team Cold Cases (LTCC)

The LTCC, otherwise known as the National Cold Case Team is a specialised operation that works with local police units to address unsolved cases. Furthermore, the LTCC collaborates with international entities such as the INTERPOL to resolve international cold cases through information exchange and coordination.

International Center for Criminal Law Reform and Criminal Justice Policy (ICCLR)

The ICCLR is an international organisation that works to evaluate and improve international law and legislation relating to criminal actions. Although the ICCLR provides no direct action to prevent cold cases or increase clearance rates, many precious actions to strengthen legislation and serve justice. This includes working with governments to reevaluate current legal frameworks and researching more effective and efficient methods of victim and suspect identification.

UN Involvement, Relevant Resolutions, Treaties and Events

Taking into consideration that the issue of legality and case investigations is more relevant to individual governments and police forces, the United Nations has not been known to involve itself in the mitigation of unsolved cases internationally. Although this is the case, the UN and INTERPOL continue to work with governments to strengthen their legal frameworks and improve their ability to uphold international, and national law. Given below are some examples of past action, which pertains mostly to the formation of specialised groups, or organisations, taken by the UN to help prevent cold cases and strengthen legal frameworks.

- Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, 24th September 2012, (A/67/L.1)
 - Although this resolution provides many adequate measures to strengthen frameworks, there are few actionable solutions provided, and no measures to ensure that these solutions are implemented effectively.
- Formation of the Commission on Crime Prevention and Criminal Justice (CCPCJ), 1992
 - This commission was created by the Economic and Social Council with a goal to address issues related to crime and justice internationally. They

have not implemented any specific legislation or actions to prevent cases from going unsolved.

- Formation of the International Center for Criminal Law Reform and Criminal Justice Policy, 1992
 - The ICCLR is an organisation dedicated to improving criminal justice systems. They work with international organisations and governments yet have not completed any action of note to prevent cold cases.

Possible Solutions

Encourage private firms to begin research and development into forensic and DNA tracking technologies to allow for the identification of suspects with increased accuracy. This can help reduce the time taken to determine perpetrators, thus reducing the chances of a case going cold. This could be done through financial initiatives, such as subsidies which will reduce costs for firms, thus encouraging them to continue or further research and development into these technologies.

Allow for increased education amongst individuals in a community to report any suspicious or questionable activities or persons to the nearest official police station. This will ensure that police forces are made aware of possible threats or crimes earlier on, thus allowing them to conduct enhanced investigations, reducing the chances of cases going unsolved. This can be done by perhaps allowing for apps to be created to allow citizens to easily report possible threats through their mobile phones. Furthermore, police officers can address schools, and offices to further inform people about the benefits of reporting suspicious behaviour.

Collaborating with governments to reevaluate the effectiveness of current legislation and laws pertaining to cold cases, and perhaps more severe crimes. This may pertain to allowing cases to continue on after extended periods of time, if resources allow or ensuring that legislation prioritises those victimised by crimes, to make sure they remain supported throughout the process of justice. Although governments are

required to make decisions surrounding legislation by themselves, the INTERPOL can still help to facilitate and guide such changes by communicating with police forces to ensure regulations are effective.

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