



The National Policing Homicide Working Group

JOURNAL OF HOMICIDE AND MAJOR INCIDENT INVESTIGATION

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About the Journal

The Journal of Homicide and Major Incident Investigation encourages practitioners and policy makers to share their professional knowledge and practice. The journal is published twice a year on behalf of the National Policing Homicide Working Group (HWG).

It contains papers on professional practice, procedure, legislation and developments which are relevant to those investigating homicide and major incidents.

All contributions have been approved by the Editorial Board of the HWG. Articles are based on the authors' operational experience or research. The views expressed are those of the authors and do not represent those of NPCC. Unless otherwise indicated they do not represent national policy. Readers should refer to relevant policies and practice advice before implementing any advice contained in this journal.

The Journal is edited by Peter Stelfox on behalf of the National Policing Homicide Working Group.

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About the National Policing Homicide Working Group

The National Policing Homicide Working Group (HWG) is part of the Violence Portfolio within National Policing Crime Business Area. It develops national policy and practice for the investigation of homicide, major incidents and other serious crimes.

The HWG also supports and promotes the training and professional development of practitioners and provides oversight of levels three and four of PIP. It encourages research into homicide and major incident investigation and fosters good working relations between practitioners, policy makers and academics in this field. Membership of the HWG is drawn widely from the Police Service and partner agencies. It comprises the following:

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Operation Lamesley: the investigation into the murder of Shaquan Sammy-Plummer

Jamie Piscopo, Detective Chief Inspector, Metropolitan Police.

Abstract

Most SIOs will be familiar with what is often called the 'wall of silence', where an incident has been witnessed by a number, sometimes a large number, of people, who for a variety of reasons choose not to provide a true account of what they have seen to the police. This is frustrating enough for investigators, but for the families of victims and the wider community to hear the name of the offender openly discussed and to see them walking around free when they know they could be brought to justice if only someone came forward, it is heart-breaking. Operation Lamesley was one such case. From the outset, we were fairly sure who the offender was but the 'wall of silence' meant that the predominantly circumstantial case we built was insufficient to charge him. We knew that there had been eye witnesses to the offence and what we needed was for one of them to come forward. This article describes how we reviewed the witnesses to identify who might be able to provide the evidence we needed and how we managed that individual to a successful conclusion.

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1. Initial Response

At 2133 hrs on 30th January 2015 the Metropolitan Police Service received a call from the occupant of a house in Berkley Gardens, London N21, to say that that there had been a disturbance outside his home during which a young man had been stabbed in the chest.

The Metropolitan Police Homicide and Major Crime Command deploys Homicide Assessment Teams (HAT) to respond to serious crime incidents and in addition to uniform patrol officers and the local CID, the HAT that covered that area was quickly in attendance. The ambulance service had also been called and the wounded man was taken to Royal London Hospital.

The first attenders preserved the immediate scene around where the victim had been found and identified him as Shaquan Sammy-Plummer who was 17 years old and lived in the Islington area of London. A large number of people were present but none of them claimed to have seen the incident in which Shaquan had been stabbed. Two of those at the scene were believed to be involved, but neither gave an account that explained their involvement and both were uncooperative to the extent that officers suspected that they may be responsible for the murder. They were both arrested and taken to Edmonton Police station.

Further enquiries at the scene, including the use of a blood dog which followed a trail from the scene where Shaquan was found, suggested that the incident was linked to a house at 83 Berkeley Gardens. Outside that address, there were signs of a disturbance, including a carrier bag with drinks in it. It was quickly established that there had been a party at the house at the time of the incident and that there had been an argument between the victim and someone from the house, but no one claimed to have seen the stabbing.

Intelligence linked the house to Jemal Williams who had previously been arrested for knife crime and had connections to 'Dem Africans' or 'DA' which is a prominent gang in the area. A search of the house failed to locate him, although enquiries suggested he had been there but had escaped through the back door

before the police entered. Those in the house were un-cooperative to the extent that suspicions were raised about their level of involvement in the incident itself or the assistance they provided to offenders afterwards and William's sister and his mother were both arrested.

Shaquan Sammy-Plummer was pronounced dead at the hospital at 2256 hrs that day.

2. The Investigation

I was the on call SIO for the area and had been dealing with another homicide during the night whilst the initial enquiries were being carried out at the scene of Shaquan's murder. I was briefed on what had been done that morning. Although no one at the scene was prepared to make a statement, it was clear from the verbal accounts that had been given to the first attenders that there had been a party at 83 Berkeley Gardens and that Jemal Williams had been there. At some point there had been an argument between him and Shaquan outside the house that had led to Shaquan being stabbed, but it was not clear what the argument had been about or who amongst those present had stabbed him.

An immediate line of enquiry was therefore to locate Williams and to view any CCTV in the area. House to house enquiries were also carried out to try and identify any witnesses.

A Tier 5 Interviewer was tasked with co-ordinating the interviews of those arrested during the night. This, together with other enquiries, later established that the two men arrested at the scene were friends of Shaquan and had been with him when he went to the party and had been present when the attack happened but they claimed not to have seen the attack or to know the identities of those involved. It seemed clear that whilst both were lying about what they had seen, they were unlikely to have been the ones who had stabbed Shaquan. Although further enquiries had to be made to confirm this, I decided that they should be released on police bail. Whilst the procedures to do this were being carried out one of them made a comment that indicated that he had seen more

than he was prepared to say. As there seemed to be nothing more we could do to progress this at that time, it was noted and both men were released.

William's sister and mother were interviewed and provided no further information. As there was no evidence of their level of involvement in the incident they too were released.

The whole of the area between the front of 83 Berkeley Gardens and the location where Shaquan had been found was treated as a crime scene and the house itself together with escape routes from the rear were searched. None of these enquiries produced anything of significance.

House to house enquiries were similarly fruitless but the CCTV work did produce some poor quality images of Shaquan leaving the immediate vicinity of the address after the stabbing. The actual stabbing was not captured on CCTV.

Enquiries with those who had been at 83 Berkeley Gardens immediately before the incident also brought a bit more clarity to what had been going on there. It appeared that what had originally been described as a party, was in fact two separate gatherings. Williams' sister had invited friends around and they were mainly in her bedroom, whilst Williams himself had a separate group of friends, many of whom were local gang members, in his bedroom. Their mother was at home as well. Both of these groups were interviewed and they provided a mixed bag of information. Some, mainly the sister's group, appeared genuinely to have seen nothing. They were aware that an argument had taken place outside the house but did not see anything of the stabbing. The group around Jemal Williams were difficult to locate, difficult to interview and provided little information. Many of them had offending histories which included violence and it could not be ruled out that one or more of them had been involved in the stabbing. They were all un-cooperative.

The picture that emerged from these interviews was that Shaquan and the two men who had been arrested at the scene had arrived at 83 Berkeley Gardens intending to join Williams' sisters group. Williams had answered the door to

them and denied Shaquan entry. This had resulted in an argument that spilled out onto the street where Shaquan had been stabbed. There was no one who claimed to have seen the stabbing, either on or off the record and so the exact circumstances of that remained unclear.

Nine days after the incident Williams handed himself in to the police and was arrested for the murder. He was in possession of a forensically clean phone and was interviewed over a period of several days during which he made no comment. I presented all of the evidence we had gathered to the CPS who concluded that, whilst the circumstantial case was strong and was supported by the CCTV, there was no forensic evidence linking Williams to the crime and none of the many witnesses who had been present for all or part of the time said that they saw him stab Shaquan, or even that he had a knife. As a consequence, he was released on police bail whilst we carried out further enquiries. This was an incredibly frustrating point in the case for the entire team as well as providing a difficult conversation with Shaquan's family. But as a result it made everyone's resolve to get our man even stronger.

The question was: what other enquiries could we carry out? Extensive forensic work had already been undertaken and there seemed to be little more that we could do in that area. House to house had proved negative and we were certain that there was no more CCTV that could be recovered. Phone work had also been started but it appeared unlikely this would provide much to progress the case in isolation.

The one area that appeared to offer some hope was witnesses. We had already interviewed everyone who we thought could provide evidence and it seemed clear that some at least, could provide more information than they had done so far. But we had hit what is often called the 'wall of silence', and that term was actually later used in court in this case. The situation is familiar to most SIOs, witnesses could help but choose not to do so from a variety of motives ranging from mistrust or dislike of the police through to fear of reprisals from offenders and their associates. Whatever the motive, it is frustrating for victims' families, the wider community and investigators, to know that there are people who could

help to bring offenders to justice but who choose not to. I was determined to do all I could to get through the wall of silence and so I carried out a review of the witnesses and their potential for further interview.

They fell into three main groups:

1. Those who were friends of Williams' sister. They had all been identified and interviewed and because they had mainly been in the house at the time of the stabbing, we were satisfied that they were unlikely to have actually witnessed it.
2. Jemal Williams friends. They had proved to be uncooperative so far and it was even possible that some of them were implicated in the stabbing or its aftermath. Some of this group could undoubtedly assist us if they wished, but it was hard to see how this was going to happen in the absence of new information.
3. The two men who had been with Shaquan at the time of the stabbing. They had been interviewed already as both witnesses and suspects and had provided no evidence, although it was clear that they could do so if they chose. One had a criminal history that suggested it would be difficult to get him to cooperate and this was confirmed by our contacts with him to date. The other man was a different prospect. Although he had been arrested several times he had no criminal convictions. He had stayed in contact with Shaquan's mother since the incident and appeared sympathetic to her efforts to bring the offender to justice. He was also the one who had commented that he knew more about the incident to the officer involved in his release from custody.

It seemed clear from the above that our best hope lay in persuading Shaquan's friend to provide us with the full evidence that he had, but that was not going to be quick or easy

3. Witness Management

The first thing to do was to decide formally whether he was a suspect or a witness. Officers had arrested him on the night of the incident because they

thought he might be involved and although he had denied it, he had never explained his presence at the scene. Other intelligence pointed strongly away from him and towards Jemal Williams, but in the absence of any definitive information it had always remained a possibility that he was involved in the stabbing. As a result he had remained on police bail. We now had to jump off the fence and decide if he was a witness or a suspect. The review I had carried out had clarified this and it seemed highly unlikely that he was anything other than a witness to the incident, albeit, one who was withholding evidence from us. His bail was therefore ended and I tasked one of my best officers with building a rapport with him, over however long it took, with the aim of giving him the confidence to provide the evidence that we knew he must have.

I gave very careful thought to the choice of the officer. I knew, from other comments that he had made at the time of his release that he was unhappy with the officers who had arrested him and some of those who he had come into contact with at the police station. Some of these were very experienced officers who in other circumstances I would have been confident would do a great job. But it seemed pointless to take the risk and so I gave the role to the officer in whom he had confided at the police station because it seemed to me that, however briefly they had interacted, the witness had felt enough confidence in the officer to make the comments.

A log was created to record all contact with him and the officer made sure that he found frequent opportunities to make contact without pressurising him to become a witness.

Fortunately, we were not alone in trying to provide this witness with the confidence to come forward. From the outset, a FLO had been assigned to Shaquan's family and had built a good relationship with them. Community intelligence had led them to conclude that Jemal Williams had stabbed Shaquan and they had openly encouraged anyone with information about the incident to help the police.

I had ensured that Shaquan's mother was kept fully up to date with developments and after Jemal Williams had been released and I had carried out my review of the evidence I personally went to see her to explain the position. I emphasised our commitment to bringing the offender to justice and, without specifically naming the witness, that our best chance lay in someone who had been there coming forward.

We knew that the witness was in contact with Shaquan's mother and although we had no specific knowledge of it, we were fairly confident from her dealings with the community in general, that she would be encouraging him to come forward and provide the evidence that was needed. This was reinforced by many others in the community who wanted to see justice done and so, although it sometimes felt like we might be clutching at straws, we were confident that Shaquan's family and a significant part of the community were also encouraging the witness to come forward. What we had to do, was to make that as easy for him as we could.

We fairly quickly started to get feedback from him that he had seen the stabbing and that he was willing to provide a statement about it but that the main obstacle was his fear for the safety of his family. By pure chance, they had already arranged to move to another area before the incident but were still waiting for that to be finalised. However, it was imminent and he said that once that had taken place he would be prepared to speak to us further. With his knowledge we provided the council with a letter explaining the situation in the hope that the process could be concluded as soon as possible. We made it clear to him and in the log that this was not an inducement, simply a statement of fact to the council.

Once his family moved, he did make a witness statement in which he said that Shaquan, the other male and himself had gone to the house to attend the party thrown by Williams' sister. He and Shaquan did not know the sister, but the other man did. They had taken some soft drinks and snacks, which were the ones recovered from the scene. Williams refused Shaquan entry to the house on the grounds that he did not know him. There was a little bit of back chat on the

doorstep but the three of them left to go somewhere else. Williams followed them and a more serious argument took place which resulted in Williams stabbing Shaquan in the chest before running off. The two friends stayed with Shaquan to help him before the police and ambulance arrived.

4. Re-arrest and Charge

We now had the eye witness account that supported the circumstantial case we had previously put to the CPS and Williams was re-arrested. In interview he provided no comment when the new evidence was put to him and following consultation with the CPS he was charged with murdering Shaquan, eight months after initially being arrested.

In preparing the evidence for court I was very conscious that everything depended on the credibility of our eye witness and the process by which we had managed him.

In terms of his credibility, extensive enquiries were made into his background and every officer who had ever dealt with him prior to the incident was interviewed to ensure that everything there was to know about him was available for disclosure and that there would be no surprises at court. We were also very open with him about the enquiries we had conducted in relation to him and why we had done them so that he was not taken by surprise by hearing something at court for the first time.

In relation to our management of him as a witness, the witness contact log was our main source of information and was fully disclosed. The level of detail was such that we anticipated there being very few areas where our conduct could be challenged. The importance of the log cannot be overstated. An example of its value is provided by the fact that between discussions about providing a statement once he thought it was safe to do so and him actually providing it, a reward of up to £20,000 was offered for information leading to the conviction of the offender in the case. This was a serious crime reward offered by the Metropolitan Police Service after being authorised at NPCC level, which is

standard practice in cases where witnesses are actively being sought and other avenues of enquiry are exhausted. This could have been highly damaging in any subsequent trial if the defence argued that he had only provided the evidence to obtain the money. However, we had it clearly documented that he had already agreed to provide a statement and was simply waiting for his family to move first. Without the log, this would have been difficult to evidence.

Despite our best efforts and meticulous preparation, this was never a case where we could go into court with a high degree of confidence. Everything depended on the witness and the credibility that the jury gave to his testimony.

This was reinforced when we received the defence statement which agreed the circumstances almost exactly as described by the witness with the exception that it was Shaquan who pulled the knife on Williams and the stabbing was an accident during the ensuing struggle. At court, everything would depend on which of the two versions the jury believed.

The witness gave evidence from behind a screen and related his account exactly as he had in the witness statement. Williams went into the box and described a similar scenario but with the difference that it was Shaquan who pulled the knife. However, under cross examination he admitted that it was normal for him to carry a knife and that he has a previous conviction for possession of a blade and armed robbery. When asked about carrying a knife he said, "Everyone does, we all carry knives".

The jury convicted him of murder and he was sentenced to life imprisonment with a minimum tariff of 24 years.

5. Lessons Learned

I guess that every SIO quickly learns that each case is different: strategies and tactics that work in one, may be wholly inappropriate in another. This means that there is always something to learn from each case. The main points I took away from the investigation into Shaquan Sammy-Plummer's murder were:

- Team work is essential. I always keep the whole of my team updated with the latest information on the case and my thinking about how we are going to move forward. I actively encourage them to share the information they have together with their views and opinions in briefings. In this case, that resulted in the throwaway remark of the witness whilst he was being released from custody being shared during a briefing and it being recorded. This later proved invaluable when assessing the potential witnesses and how they might be approached.
- Patience is a virtue. I had to make peace with the fact that obtaining the witness statement may have taken a month, a year or may never have happened at all. Nonetheless, I was determined that I would try but knew that we could not force it and potentially lose our best chance of a conviction.
- I think that the process to identify the potential of all of the witnesses worked really well. It enabled us to focus our efforts where they were likely to give us best results and in the end this payed off. It also concentrated my mind on who the best staff for that job would be and how I could support them to achieve a good outcome. The officer tasked with managing the witness, and the processes such as the log that he used, were absolutely essential to the success of the case.
- Old school is alive and well! In modern times we generally rely on science and technology quite heavily. This is natural given the wealth of forensic techniques, CCTV, phones, etc. that are available to us. But this case showed that when all of that is absent, good communication skills and a clear thought through plan of action, together with some patience, can still get a case home.

The Investigation Into the Death of Dean Owen Five Years After He Was Assaulted.

DCI Howard Millington, Greater Manchester Police

DS Graham Clare, Greater Manchester Police

Abstract

In 2007 Dean Owen was severely wounded in a stabbing incident at his home. The man he shared the house with, John Berry, was arrested at the scene and was subsequently sentenced to eight years imprisonment for Section 18 wounding. He was released on licence four years later.

As a result of the injuries sustained in the 2007 attack, Dean Owen underwent multiple surgical interventions, he had part of his bowel removed and was left with an open abdominal wound. He was unable to absorb nutrients and so required intravenous nutrition (TPN) through a catheter (Hickman line). This meant that he required ongoing medical attention and had to maintain high standards of hygiene to avoid infection. Following a fall at his home on 17th May 2012 he was admitted to hospital where he died two days later.

A Home Office pathologist found that his death was directly linked to the original stabbing incident five years earlier. This raised the question of the criminal responsibility of Berry for the death and some complex investigative problems about how that was to be proved some five years after the event.

This paper provides an overview of how those issues were addressed and how Berry was subsequently convicted and sentenced to life imprisonment for the murder of Dean Owen.

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1. Initial Investigation

As the result of a 999 call during the evening of 21st May 2007 the police were called to a flat in the Orrell area of Greater Manchester which was shared by the victim Dean Thomas Owen and the offender John Berry.

The first officers to arrive found Owen slumped at the foot of the stairs bleeding heavily from knife wounds to his abdomen. John Berry was present, he told the officers that he had stabbed Owen and the knife was recovered.

Subsequent interviews with the men showed that both had been drinking before the incident but provided conflicting accounts of the details of what had taken place. Owen said that he had fallen asleep after drinking some cider and sometime later awoke and walked to the top of the stairs. The lighting was poor but he saw someone who he didn't recognise walking up the stairs and kicked out at them three times. As the figure reached the top of the stairs he realised that it was John Berry and he stopped kicking him. Berry went into his bedroom and Owen returned to the living room from where he could hear Berry "messaging about with knives". Berry then came from his bedroom with a knife in each hand and without any words being said thrust a knife into Owen's stomach, the left hand side of his upper body and his shoulder. Dean Owen dialled 999 for an ambulance and during the call Berry can be heard in the background shouting for him to die.

Berry's account was that the two men had argued and that Dean Owen had punched him in the face, knocking off his glasses. He states that he threw Dean Owen down the stairs and had tried to kick him. When Owen picked up a dumb bell to use as a weapon he had retreated into his bedroom. He took out his knives and, holding them at arm's length, he told Dean Owen to stay back. Owen lunged at him and fell onto the knife. He describes the deceased returning to the living room saying "You caught me" and the police were then called.

John Berry was charged with an offence contrary to Section 18 of the Offences Against the Person Act 1861. During the trial he claimed he had acted in self-defence but he was convicted and sentenced to eight years imprisonment.

As a consequence of the assault, Dean Owen sustained significant injuries. A section of his bowel had to be removed and he was required to have a catheter fitted which provided nutrition (TPN) through a fine tube (Hickman line). As a result of the injuries he had to endure numerous surgical interventions, which affected him physically and mentally.

On 17th May 2012, Owen contacted the ambulance service following a fall at his home. He had sustained a head injury and was taken to the Royal Albert Edward Infirmary in Wigan, where, on 19th May 2012, he died.

2. Coroner's Referral and Post Mortem.

Initially a hospital post mortem was authorised, however, halfway through the pathologist stopped the procedure because he was of the opinion that the original knife wound and the treatment of it may have been linked to Dean Owen's death. He immediately notified HM Coroner of his findings.

HM Coroner referred the matter to Greater Manchester Police to investigate. DCI Howard Millington (SIO) and DS Graham Clare (OIC) commenced an investigation to establish any causal link between the original S18 assault and Mr Owen's death some five years later.

A Home Office Post Mortem was carried out by Dr Charles Wilson. He expressed a preliminary view that the clinical features and the pathological findings in the case were entirely consistent with a death from septicaemia. The septicaemia was a consequence of an infected Hickman line being used to treat chronic intestinal failure due to previous abdominal trauma and surgery.

He stated that, based on the information available, there was strong clinical and pathological evidence that the abdominal injuries sustained by Mr Owen in 2007 made a significant contribution to his death in 2012.

3. Investigative Priorities

The investigative challenge of proving an unlawful assault was clearly not an issue. Berry had been found guilty of the original assault in 2008 and had served half of his eight year sentence. He was now free to continue with his life. The challenge was to ensure that Dean Owen's family received the support and reassurance that a full investigation would be conducted and that all information would be analysed and tested appropriately.

This case revolved upon the nuances of law and the establishment of a causal link between the original assault and the death five years later. Due to the length of time there were numerous occasions for intervening acts to have occurred which could have broken the causal link.

A number of investigative priorities were identified:

- Supporting the victim's family
- Recovery of original prosecution file and unused material
- Recovery of original exhibits
- Suspect management
- Witness management
- Pathology and establishing a clear causal link
- Other expert advisers and witnesses
- Case law
- Trial

4. Family Support

The SIO, DCI Millington, quickly identified that Dean Owen's family would need support. There had been no contact with them by the police since the original

court case but they had had to support the victim through lengthy medical procedures and the ordeal of his life changing injuries. This needed extremely sensitive handling, particularly breaking the news that this was now a murder investigation. An experienced FLO, DC Pennington, was selected to conduct this crucial role. The family were also regularly updated by the OIC, DS Clare, having had an initial meeting with the SIO who explained the investigative process and support they could expect from the FLO and investigation team.

A number of witness statements were obtained from Dean Owen's parents and siblings, describing the effect of his injuries in the intervening years, in particular his mental state and coping mechanism, along with their own personal trauma. These statements were key during the later trial to demonstrate the wide and massive impact on the victim and his family.

5. Recovery of original prosecution file and unused material

One of the challenges of this case was the recovery of the original assault case file. Due to the passage of time and changes in technology the recovery of the file proved problematic. Both the police and CPS had changed their file management systems, with the CPS having moved offices on a couple of occasions. GMP had moved from a paper file system to one which was computer based (ICIS). The paper file was requested from deep storage and was found to be deficient of original statements, unused material and original exhibits.

Of particular importance was the CPS court file including the summing up in the original trial and certificates of conviction for the original offence.

6. Recovery of original exhibits

During the original assault in 2007 John Berry used two knives. These were shown during the original assault trial and, after conviction, a destruction order was issued. By the time the death was being investigated the knives had been destroyed. It was discovered that no photographs had been taken of the

weapons in 2007 and there was no description of them. However, once it was established that the original assault was not in question, the presence of weapons at trial became less important.

A key piece of evidence was the 999 call made by Dean Owen to the ambulance service. GMP no longer had possession of a copy of the call. North West Ambulance Service (NWAS) had changed their recording methods and it took some time to recover the call from archives.

7. The Case First Submitted to the CPS

For any case against Berry to be successful, the prosecution would need to show a causal link between the act or omission and the cause of death. In this case the act was the stabbing of Dean Owen by John Berry on 17th May 2007. John Berry's act was not the sole cause of death but must have contributed significantly to Dean Owen's death. Common law required that death ensued within a year and a day of the act or omission which caused the death. This continues to be the case in relation to cases where the act or omission took place before 16th June 1996. However the Law Reform (Year and a Day Rule) Act 1996 abolished the Common Law position for cases after this date. The Attorney General consent is required before such a case can be charged.

Previous case law supporting the case we put to the CPS were:-

R v HM Coroner for Inner Court ex parte Douglas [1999] 1 All ER 344

R v Holland [1841] 2 M. and Rob 351

R v Brintons Ltd v Turvey [1905] A.C. 230

R v Dyson [1908] 2 KB 454, 1 Cr App R 13

R v Smith [1959] 2 Q.B. 35, Cr App R 121

R v Blaue [1975] 1WLR 1411

R v Malcherek; R v Steel [1981] 73 Cr App R 173

R v Cheshire [1991] 93 Cr. App. R. 251

R v Gavin Thomas Mellor [1996] 2 Cr. App. R. 245

R v Dear [1996] Crim LR 595

R v Gowans [2003] EWCA Crim 3935, [2003] All ER 197,

For the case to succeed we needed a strong causal link between the original stabbing and Dean Owen's death and we felt that this was provided by the pathologist. He stated that based on the information available there was strong clinical and pathological evidence that the abdominal injuries sustained by Dean Owen in 2007 made a significant contribution to his death in 2012.

Dean Owen's medical history following the stabbing in 2007 had been long and complicated. The original injury in May 2007 was a potentially fatal penetrating injury to his abdomen requiring life-saving emergency surgery. He suffered intestinal failure, meaning he was unable to adequately absorb food. Had he not been given TPN directly into his bloodstream he would have starved to death. Medical records showed a well-documented history of repeated infections in his abdomen and latterly in his Hickman line. In April 2012 medical records show that he had developed an infection on the Hickman line.

When Dean Owen was admitted into hospital on 17th May 2012 following the fall at his home, he was showing signs of septicaemia. The head injury he sustained during that fall was confirmed not to be life threatening and he died on 19th May 2012, two days after being admitted.

A review of Mr Owen's medical records showed a documented history of alcohol abuse and non-compliance with medical treatment and advice. In the view of Dr Wilson there is no doubt that alcohol abuse and failure to comply with medical advice contributed to his terminal decline. Nevertheless, it is also quite clear that he would not have had to cope with the Hickman line, TPN and his trauma if he had not been stabbed by Berry.

Dr Wilson concluded that the stab wound was a major underlying cause of his death some five years later and that the cause of death of Dean Owen was septicaemia due to intestinal failure and infarction due to complications of penetrating abdominal injury and surgery.

8. Initial CPS advice and appeal process against NFA decision

Early consultation with local CPS lawyers had proved useful in explaining the complicated details of the case and to express the police's commitment to investigate and progress it. However, after a review that lasted many months the CPS decided that there was insufficient evidence to establish a causal link between the original assault and the death five years later and they decided to take no further action.

The investigation team didn't agree with this decision and made further representations to the lawyer concerned and the branch head but these were unsuccessful. As a result the SIO compiled a report which formed the basis of a formal appeal via Detective Superintendent Tonge to the Head of CPS. The appeal was successful and it was noted that due to the nature of this matter it should have been dealt with by the CPS Complex Case Unit from the outset and needed to be referred to the Attorney General for authority. Once the CCU became involved to decision making began to move very quickly and the Attorney Generals authority was granted.

9. Additional Expert advisers and witnesses

Following consultation with the CPS further expert opinion was obtained and is summarised below:

Dr Daniel Du Plessis, Consultant Neuropathologist, concluded that old or recent traumatic injury of the brain and its membranous coverings did not contribute substantially to Dean Owen's death. The neuropathology provided support to Dr Wilson's opinion that Dean Owen died from septicaemia as a consequence of an infected line which had been inserted to treat intestinal failure as a result of previous abdominal trauma and surgery.

Dr Paul Smith (WWL Trust) and Professor David George Jayne (University of Leeds) both provided reports setting out the medical history in relation to Dean Owen.

Dr Smith treated Dean Owen through the last two years of his life and noted numerous instances of his non-compliance with treatment and advice. Dr Smith was so concerned that he raised this case with the Trust's solicitor to ensure that the Trust had fully met their responsibilities to the patient.

Professor Jayne was totally independent from the enquiry or the Trust and was given clear terms of reference when instructed. The terms of reference were compiled in conjunction with CPS. Professor Jayne concluded that although there was a causal link between Dean Owen's death and his original injury in May 2007, in his opinion the predominant factor leading to his death was his non-compliance with medical care.

Dean Owen failed repeatedly to comply with medical advice, despite the clear warnings given to him by the health professionals treating him. Dr Smith cited 23 instances when he failed to cooperate with the medical profession including:

- Cutting the Hickman line with a pair of scissors.
- Refusing to be connected to the equipment that provided the intravenous nutrition.
- Disconnecting himself from the equipment that provided the intravenous nutrition, a task which should have been carried out by appropriately trained staff due to risks of infection.
- Refusing to be admitted to hospital for a blood transfusion.
- Repeated failures to attend hospital appointments.
- Threatening behaviour to medical staff resulting in withdrawal of services.
- Refusing to cooperate with medical treatment whilst an in-patient in hospital.
- Refusing entry to medical staff at his home address.
- Refusing to have blood tests.
- Refusing to cooperate with mental health assessments.

However, the causal link between the original stabbing and his death still stood despite these contributory factors. The bottom line was that had the original assault not occurred, he would not have had the subsequent health issues and treatment that led to his premature death.

10. Interviews and Key Evidence

In 2007 the suspect had been arrested at the scene, interviewed and gave an account claiming self-defence. This was later tested at court and he was convicted.

By the time of Dean Owen's death, Berry had been released from prison on licence after serving four years of his eight year sentence. Enquiries with Staffordshire probation service, who were managing him, identified that he was extremely unwell with kidney failure and was confined to a wheelchair. The SIO, in conjunction with the OIC and Tier Five adviser decided that although Berry could not provide any further account of the original assault, he should be interviewed as a suspect, informed of the death and asked to comment. The OIC, DS Clare, worked closely with Staffordshire probation service to co-ordinate the interview and management of Berry as a suspect and he was interviewed at Hanley police station. Consideration was given to arrest and release on police bail, however bail conditions would not assist the enquiry or protect the witnesses and it was anticipated that the enquiry would take over 12 months to complete. Instead, close liaison and the sharing of information with the probation service allowed management of the suspect whilst the enquiry progressed. This close working relationship ultimately led the probation service to revoke Berry's licence as information unconnected to our enquiry came to light and he was recalled to prison.

11. Witness management

The 2007 case involved a number of witnesses from the police service and health care setting, many of whom had moved on or retired. Each witness was

traced and asked to review any unused material that may be in their possession such as pocket note books, day books or medical notes and all were recovered.

12. Court process and conviction for murder

In July 2015, eight years after the assault and three years after Dean Owen's death the murder trial was heard at Liverpool Crown court and lasting two and a half days. Evidence was heard from Dr Wilson, Dr Smith and Professor Jayne, with the defence offered no witnesses. Berry was found guilty of murder with the jury only taking 13 minutes to reach their verdict. He was sentenced to life imprisonment to serve a minimum of 19 years, less six years and two months already served for the original assault.

13. Learning Points

The following are the key points that I learned from this case:

- Retention of exhibits – in this case key exhibits had been destroyed with no consideration given to photographing them in anticipation of future use,
- Consideration should be given to the potential death of victims after the conclusion of any prosecution for serious assault and documentation should be retained,
- When a victim dies more than 12 months after the assault early referral to the CPS CCU is advisable as all Year and a Day murder cases must be dealt with by them. Prosecutions can only commence with the consent of the Attorney General,
- Identify appropriate experts at an early stage to provide opinion on the initial injuries and whether they contributed to the death (in this instance we had a report from Professor Jayne prior to charge with no decision as to whether to rely on it. Had this been obtained earlier it would have been more helpful to the CPS and their considerations at an earlier stage). Any intervening acts need to be considered by all the experts in reaching their opinions and also by the CPS in deciding whether to prosecute,

- To assist in the above points it is necessary to obtain all relevant medical records, which must be provided to the expert to enable them to give a considered opinion. Similarly they need to be provided to the defence to assist their experts,
- Consider the possibility of a conferences with all experts prior to charge; Application of rule 19 Criminal Procedure Rules re: joint experts reports/identification of agreed/disputed issues. These rules advocate defence and prosecution experts meeting in advance of the trial so they can agree areas of common ground and any issue where they are in dispute. This aims to streamline proceedings and keep the subsequent trial more focused,
- It is important for both the police and CPS to liaise closely with the family of the deceased to manage expectations, particularly in respect of the time it is likely to take to obtain and review the evidence and to secure the Attorney General's consent for prosecution.

Homicide Research Group Update

Dr Michelle Wright, Manchester Metropolitan University

Ian Waterfield, Nottinghamshire Police

Work is ongoing through the HWG Professional Development Committee to collate published UK based homicide-related research and identify current and emerging topics that require research which has practical utility for Senior Investigating Officers.

Examples of recently completed research is detailed below.

The National Confidential Inquiry into Suicide and Homicide by People with Mental Illness. Making Mental Health Care Safer: Annual Report and 20-year Review. October 2016. University of Manchester.

Reports small rise since 2009 in the number of homicides committed by individuals with schizophrenia. Most patients who committed homicide had a history of alcohol and drug misuse. The report was published on the 6th October 2016 and is available at:

<http://research.bmh.manchester.ac.uk/cmhs/research/centreforsuicideprevention/nci>

A Descriptive Analysis of Intimate Partner Homicide in England and Wales 2011 to 2013 - DI Eamonn Bridger, Suffolk Constabulary

Research dissertation completed for Master's Degree in Applied Criminology and Police Management, University of Cambridge.

This study entailed a detailed review of investigative source material, police database information and the official independent author reviews of the 188 cases of Intimate Partner Homicide recorded in England and Wales between April 2011 and March 2013. DI Bridger was granted almost unique access to case files and sensitive PNC data not usually afforded to officers or academics in this context. This national level research established the socio-demographic

characteristics of victims and perpetrators, the motivating factors and other key characteristics of these 188 intimate partner homicides. The research established common findings and recommendations identified from the homicide reviews. The final results are of value to professionals involved in safeguarding, domestic abuse and homicide investigation and researchers alike.

The research is presented through descriptive analytical techniques and the cross-tabulation of the characteristics identified to establish a richer understanding of their association with each other. An emphasis is placed on the differences found between men and women as victims and perpetrators.

The findings established a landscape of intimate partner homicide on a national basis and highlighted that men and women kill in relationships for differing reasons. Of particular note was the number of homicides that did not feature precursor violence or antecedent offending by the perpetrator to the contrary of traditional theories. It was found that nearly 40% of all cases had no external indicators of abuse making current risk assessment methods redundant as a tool to have identified the imminent lethal violence. It was also identified that substance abuse, mental health diagnosis and suicidal ideation for offenders may carry greater significance than previously considered. These factors require a programme of further research to fully understand their relevance, allowing for review of current risk assessment methods and appropriate weighting of characteristics to provide greater prediction accuracy for professional use.

Experiences of Bereaved Family Members Contact with Greater Manchester Police during the Investigation into Homicide and Sudden Death – Dr Michelle Wright, Manchester Metropolitan University

This research was commissioned by Greater Manchester Police (GMP) in March 2015 to capture the views and experiences of family members bereaved by a violent or sudden death to assist the design and development of a Victim Focussed Training Programme for detectives.

Twenty family members were interviewed in relation to 12 investigations (8 homicides, 2 investigations into the sudden death of a child and 2 special

procedure investigations). Overall, the experiences reported were very positive. The service provided by GMP was described as “professional” and the investigation “thorough” and “prompt”. Family Liaison Officers (FLOs) were singled out for high praise with the family members interviewed detailing their invaluable role and support provided.

The initial stage of the investigation, particularly when, where and how family members are notified of a death were identified as areas for future training to focus on because this was the point at which bereaved family members reported some less positive experiences. Thirteen recommendations made by family members for future practice are detailed in the report. A copy of the report is [available via the National Police Library](#).

Homicide Law

On the 14 September 2016, The Justice Committee held a discussion session on the law of homicide and previous proposals to create a three-tier structure (first-degree murder, second-degree murder, manslaughter). Transcript of the discussion can be accessed here:

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/justice-committee/law-of-homicide/oral/38334.pdf>

Research Topics

If you are currently carrying out homicide-related research, or plan to in the near future please let us know so that your research can be included within the work of the Homicide Research Group.

We are also keen to hear from SIO’s who have ideas for areas in which research needs to be carried out which would assist their day-to-day work.

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Operation Kinross: The investigation of the murder of Sadie Hartley

Zoe Russo, Temporary Detective Inspector, Lancashire Constabulary.

Paul Withers, Detective Superintendent, Lancashire Constabulary.

Abstract

Gathering the material needed for the early identification and speedy arrest of a suspect is the aim in all murder investigations. In Operation Kinross, the investigation into the murder of Sadie Hartley in Helmshore, Lancashire, we had identified and arrested the suspect by the end of the first full day of investigation. Over the next few days, we gathered sufficient material to identify her accomplice and to charge both of them with the murder. But the sheer volume of the material, together with the very unusual circumstances surrounding the murder, led to months of painstaking work to put together a chain of evidence that could be presented to a court. This paper explains how the investigation unfolded and how we approached some of the issues raised.

Contents

1. Report and Initial Response
2. The Identification and Charge of Suspects
3. Case Building
4. Court
5. Lessons Learned

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1. Report and Initial Response

During the evening of Friday 15th January 2016, Lancashire Constabulary received a telephone call from an employee of Sadie Hartley to say that she was concerned for her welfare. She had been trying to contact her all day by phone and email without success. She had made enquiries with others who would normally be in contact with Sadie and they had not heard from her either. This was highly unusual and, as she knew that Sadie's partner was away from home, she believed that something untoward may have happened.

Officers attended at Sadie Hartley's home, which was a large detached house in Helmshore. They found the house to be secure but through the front door they could see a hand which suggested that someone lay on the floor in the hall. They forced an entry and found the body of a female who appeared to have been the victim of a severe attack. They immediately escalated the incident and the scene was sealed.

Initial enquiries showed that the house was secure and there was no apparent damage or evidence of disturbance. The victim was provisionally identified as Sadie Hartley, 60 years old, who lived at the house with her partner Ian Johnston. It was learned that he was abroad on a skiing holiday and that she was due to join him in a couple of days. He was contacted and made arrangements to return home as soon as possible. He knew of no reason for the attack but said that there had been a burglary at the house in August.

The scene was closed down for the night.

2. The Identification and Charge of the Suspects

The first briefing of the enquiry team was held first thing the following morning. At the time of the briefing we knew little more than had been learned during the first response. As usual, the first consideration was to secure as much material as we could and to get a better understanding of the victim, her relatives,

associates and lifestyle. This was the start of a hectic five days during which we identified the suspects and recovered the material that enabled them to be charged with the murder of Sadie Hartley. The main points of each day are set out below.

Day One

At the time of the first briefing there was no obvious motive for the killing, but the scene suggested that Sadie had answered the door to someone who had immediately attacked her.

Enquiries that day focussed on crime scene investigation, house to house enquiries, a CCTV trawl, media appeals for witnesses and a search of the scene and its vicinity together with enquiries into the victim's lifestyle, friends and associates.

By 1700 hrs the CCTV examination had revealed a Renault Clio driving along the road where Sadie lived and later someone walking in the street near to the house. Neither the car nor the person appeared to be associated with the neighbouring properties and, as it was thought possible that they could be connected to the incident, enquiries to trace them were commenced.

Sadie's partner, Ian Johnston, arrived home that day and revealed that there had been an unsolicited delivery of flowers by a person in baseball cap on the 6th January after he had left for his holiday. Text messages between Sadie and him were later recovered and confirmed Sadie's concerns about this:

Sadie: "(I) A woman has just this minute turned up at the door with a bunch of chrysanthemums but didn't know who they are from? Xxx "

"Not me" replied Ian Johnston,

Sadie: "She knew my name. That's a bit worrying when I'm here on my own... No label or anything on them and late at night! XXXX "

Sadie had also emailed a colleague to say that she was concerned about the suspicious nature of the flower delivery and one hypothesis was that they were a way of establishing who was at the house whilst Ian Johnston was away.

He also told the officers of an ex-partner of his, Sarah Williams, who he reported to be obsessive about his relationship with Sadie and who had tried to cause trouble between them in the past by contacted Sadie and disclosing details of their previous relationship.

Enquiries were commenced in respect of Sarah Williams, who lived some 50 miles away in the Chester area, and cell site analysis of a phone registered to her suggested that she had been in Helmshore at the time of the flower delivery on the 6th January.

Given the account of their relationship provided by Ian Johnstone, the known antagonism of Williams towards Sadie and the cell site material, it was decided to arrest her that day. With the help of Cheshire Constabulary she was arrested at her home address and the house was searched.

A post mortem examination confirmed that the cause of death was multiple stab and incised wounds. In total, there were 24 stab wounds, six to the head and neck, four to her right arm, five to the back, five to the front of the chest, two to the abdomen, and two to the right leg. There were seventeen incised wounds, one to the face, five to the left arm, nine to the right arm and two to the torso. There were also two puncture wounds to the right arm and the back. In addition, there were two marks to the left eyebrow area and the left cheek.

A metal prong or barb was found in the collar of her clothing which did not appear to be associated with any of the visible injuries. Its significance was not immediately apparent until it was later identified as part of a Taser type stun gun.

Day Two

The following day the suspect was transferred to Blackburn where she was interviewed. She denied having anything to do with the murder. She accepted that she had had a relationship with Ian Johnston but said that it had ended in a bad argument and although she had written a letter to Sadie Hartley telling her

about the affair, that was all over. On the night of the murder she was at home alone having come home from work early because she was ill.

The search of her house showed that it had recently been thoroughly cleaned using bleach but dilute blood was found in a sink and was recovered for analysis. Amongst other items found at the address were three mobile phones:

- An iPhone (166)
- An Alcatel phone (616)
- A Nokia with no SIM card in it (146). In her purse was a top up card from ASDA linked uniquely to this mobile number phone.

Day Three

At the time of her arrest, there was a silver Vauxhall Astra on the drive of her home which was registered to a woman called Katrina Walsh. She was identified as a friend of Sarah Williams who, as a consequence of alopecia, constantly wore a baseball cap. This was possibly significant because Sadie had told a colleague that the person delivering the flowers wore a baseball cap. Cell site analysis of Katrina Walsh's phone confirmed that she too was in Helmshore at the time the flowers were delivered. Furthermore, analysis of CCTV from a local Tesco, showed two women fitting the description of Williams and Walsh buying flowers immediately before the flower delivery to Sadie's home. A decision was made to arrest Katrina Walsh.

Sarah Williams was interviewed again and visits she made to Ian Johnston's previous house were put to her. She admitted that she had retained a key to his house in the Helmshore area and that she had had two other keys cut. She used to go up to his old house and sit outside. She also said that she had once gone to his old house and let herself in with his key but the alarm had gone off and she had left. The last time she went there was the 7th January.

Katrina Walsh was located and arrested. She gave the appearance of being confused and claimed to have short term memory problem which she overcame by keeping notes. When arrested, she said in the police car; *"I might have done something, I might have done something, I might have done something, I just*

don't remember". She also said that she needed to tell the police something and it was written in a diary on a loose piece of paper. She said she had written; *"If it all goes up say the stream by the south west of Zephyr's field and high above the saddle"*. To the custody sergeant she said that she was terrified of Sarah Williams and believed that if she had asked her to do something or destroy something she would have done it due to her terror of her. She later told a nurse that she had been scared of Sarah for a long time and described her as dangerous.

These and other disclosures led to a search of the farm where she worked as a horse riding instructor. The search area was large and complex, including different terrain and buildings and the search proved negative.

CCTV from near Sarah Williams' home showed her leaving with someone else who could have been Katrina Walsh at a time when she said she was ill at home. The timing of this was consistent with her being away from home at the time of the murder and completely undermined her alibi. CCTV also showed that she was in the street where Sadie lived when the flowers were delivered.

In a fourth interview with Sarah Williams, the evidence of her buying the flowers, delivering them and of leaving home when she said she was in all night were put to her, together with the evidence from Walsh's interview and she made no comment.

Analysis of the phone found under a bed at Sarah Williams' home led to evidence of her buying a Renault Clio, which was the same type of car captured on CCTV outside Sadie Hartley's house on the evening of the murder. That vehicle had still not been located and had not shown up on any ANPR. Once the identity of the car she bought was known it was quickly located 55 miles from the scene, which also coincided with a cell site hit of William's phone in the same area. The vehicle was recovered for forensic examination. It was then realised that a 3 had been changed to an 8 on the vehicle registration by the use of a piece of tape, which is why it had not been picked up on ANPR.

Day Four

Despite claims of confusion and memory loss, Katrina Walsh was deemed fit to be interviewed. She said that she was petrified of Williams but that she never believed she would carry out the murder. She had not been present at the killing. She said she was a "patsy" for Sarah and when shown a picture of Sadie's house she remembered delivering flowers there to a Mrs Hartley. Sarah had a manic fascination for Ian Johnston and would do anything to get him back. She had put a tracker on Ian Johnstone's car and had tracked him to the new address. They had travelled to Germany and bought the stun gun. After the murder, she hid the stun gun, the knife, the boots and a diary. She said that she enjoyed a TV programme called Hunted, in which people tried to avoid detection from trackers, suggesting that she thought that was the game she and Sarah were playing. But she also said that Williams may have said; *"Take the bitch out of this world to free Ian"* and she demonstrated dramatic knife actions. She also said that Williams had told her to get a "robust" knife.

That day, we got confirmation that what was thought to be diluted blood found at Williams' house contained DNA matching Sadie.

In a final interview all of the evidence gathered so far, including Sadie's DNA found in her home was put to Williams but she made no comment.

Day Five

On Day Five of the investigation the CPS authorise Williams to be charged with the murder of Sadie Hartley.

The same day Katrina Walsh was taken to the farm where she disposed of the material given to her by Williams and she indicated where she had hidden it. The stun gun with a missing prong, car keys, pepper spray and the murder weapon were all recovered. Walsh was also charged with the murder later that day.

The icing on the cake was news that a considerable amount of blood had been found in the Renault Clio and was being analysed for DNA matches.

3. Case Building

The pace of the investigation had been hectic from the outset. The main suspect had been in custody from day one and in the five days since the discovery of Sadie's body we had gathered a vast amount of material that pointed to Williams' guilt, as well as the involvement of Katrina Walsh. But we were very aware that we had only skimmed the surface. We had identified enough to charge them both, but the hard work of researching all of the material and preparing it for court lay ahead. As all SIOs know, the period from charge to court is often the most testing and usually has to be done with reduced resources as staff are inevitably deployed to other cases.

Based on the answers both women had given in interview we anticipated that they would plead not guilty and time-scales were very tight. What emerged from this work was evidence of a long and, so they thought, meticulously planned murder of Sadie in order for Williams to win back the affections of Ian Johnston. The fact that neither of them was criminally experienced and that much of what they did was inept did not lessen the amount of work involved in untangling their conspiracy. In some ways it made the task harder by leaving so much material to work through. A summary of the main material is given below.

Katrina Walsh's Diary

Katrina Walsh kept a meticulous diary, which included a large number of references to the planned murder of Sadie, which it was clear had been going on for about eighteen months. Examples of entries are:

"Sarah came round so got caught up in endless murder plots for Ian's other half".

"We're also seriously talking of getting rid of her opponent. I agree is probably a good play.... she does seem to be a totally evil bitch...."

"Just buzzing too much over the end of Hunted and all the planning after. Sarah has ordered a GPS tracker on my credit card to be delivered here and will give me cash for it. That's fine as I'm not going to be involved at the sharp end".

"Wow, I may get to be instrumental in helping to remove the awful woman! This may happen! Wow. Am unexpectedly excited by it! Was so buzzing so much I needed a Southern Comfort to wind down a bit"

"I'm going to be involved now, heaven help me"

"I have no moral qualms, just a serious don't let us get caught twinge"

"Sarah turned up. Caught Hunted then discussed the plans to off the cunt"

There were many more such entries which clearly tied Katrina Walsh into the plan to murder Sadie.

CCTV

CCTV was recovered from private houses in the road where Sadie Hartley lived. This showed the cars Williams used in keeping surveillance on the victim; the flower delivery and the arrival of Sarah Williams on the night of the murder.

On the night of the murder, one of the CCTV cameras showed Sarah Williams 40 yards away from the front door of her victim and her return to the same spot four minutes and 40 seconds later. It was assumed that this was the period during which the attack took place.

CCTV images were also recovered from houses in the street where Sarah Williams lived. One camera picked up part of her back garden and another showed the roadway to the left of her house which is en-route to a car-park where she kept her Volvo and the Clio in the period leading up to the murder. The main value of these cameras was showing that her alibi was false and that Walsh was at her home on the night of the murder.

CCTV cameras from various shops where they had bought items relating to the murder and the flowers delivered to Sadie were also valuable.

Some of the CCTV images did not enable a positive identification of the subjects but expert evidence linked the images through clothing and other features to them.

Tracking Device

Financial investigations into Katrina Walsh showed that she had bought two tracking devices from a company in Brentwood, Essex. The company had the tracking records for both devices for a two month period right up to the day of the murder. These records showed that the women had been using the devices to track the movements of Ian Johnston's car and had periodically changed them to charge the batteries. What they clearly did not realise was that once a device was removed from his car and placed in Williams Volvo, it continued to record their movements at the company's headquarters. This revealed numerous visits to the road where the murder took place as well as to the Tesco store when the flowers were bought.

The tracker data was cross referenced with mobile phone data and CCTV images and these gave a very clear indication of where Williams was over a long period of time.

The data showed that on Tuesday 5th January Sarah Williams travelled to Helmshore and retrieved the tracker from Ian Johnston's car. The next day, Ian Johnston travelled to his ski holiday and Sarah Williams was tracked to Knutsford, very close to the Sadie's place of work, where she remained for two hours.

Later that afternoon she sent a text to Katrina Walsh. "*What are you doing work-wise tomorrow pm?*". Katrina Walsh replied "*Just one client 3.30 - 4pm at Sandycroft. Anything in mind?*"

Within minutes of this text, Williams was looking on her phone at “Binoculars” from Argos. The tracker placed her in Bury on the same street as an Argos and a PC world, where she bought some binoculars using her own cash card. The tracker then showed her travelling to the road where Sadie lived where she remained for about 30 minutes.

On 7th January, the tracker placed William’s vehicle in the road where Sadie lived and then at a local Tesco’s store, where CCTV showed them buying the flowers, then back at Sadie’s house at the time they were delivered to her by Katrina Walsh.

Cell siting

From the outset, cell site analysis proved invaluable in this case. On day one, it provided the first indication that Sarah Williams was involved in the murder, and once we had recovered other phones from her home it provided a wealth of material that triangulated with other data to paint a comprehensive picture of both the planning and the commission of the offence.

One of the phones, the iphone (166) was her usual phone which she used for everyday transactions. She had it with her at significant times and it provided some useful material. The (616) phone was registered to a man she was having a relationship with and she used it exclusively to contact him. The (146) phone appeared to have been bought specifically for the purpose of planning the murder and first appeared at the time she was trying to recruit Kevin Walsh (see below).

Katrina Walsh also had a phone (332) which was given to her by Williams. It was activated the day before the murder and within five minutes it communicated with Sarah Williams (146) number. Both numbers were using the same mast and it is thought that the women were together and were ensuring that they had the numbers stored in each other’s phone because from then on all communication relating to the murder was through those phones.

Significantly, the locations of the 146 on the night of the murders coincided with the known locations of the Clio as it made its way from the scene to where it was abandoned in Ellesmere Port.

ANPR

Once the correct registration number of the Renault Clio was known, ANPR helped to locate it and also provided material on relevant movements of both William's and Walsh's vehicles.

The Attempted Recruitment of Kevin Walsh

In August 2015, Sarah Williams tried to recruit Katrina Walsh's ex-husband to assist in the murder. He provided evidence that he agreed to meet Williams but once he realised that she was planning something 'dodgy' he pulled out and the plan went no further. But it did lead to an entry in Walsh's diary:

"A lot of texts from Sarah, Kev not going for the idea of being a hitman after all, scuppering that idea. Plan B will be needed."

The Renault Clio

Telephone analysis led to the man who had sold Sarah Williams the Renault Clio. Both women had arrived to view the car in Katrina Walsh's Astra and they paid £430 in cash. This was the vehicle that was subsequently recovered for forensic examination and in which blood from the victim was found in a footwell.

The Knife

A text from Williams to Walsh on 4th January 2016 said; *"Don't forget to crack on with your shopping.... suddenly it's time"*. The following day, 5th January, CCTV from a Tesco store showed Katrina Walsh buying a knife and using her own club card. The receipt from Tesco matched the knife that was recovered from the farm. Although there was no DNA recovered from it, it gave a positive test for blood and the pathologist identified it as a match for the injuries inflicted on Sadie Hartley.

Buying the Tasar

On 9th December, Williams and Walsh travelled by ferry to Darmstadt in Germany and bought a stun gun. This proved to be the origin of the prong which was found in Sadie's collar. The stun gun was later buried by Walsh and recovered by the police.

An entry in Katrina Walsh's diary explains why they bought the stun gun;
"I said no matter what her way of testing the bitch, then she could do with that zapper or she risks being injured herself."

Clothing and boots

On Tuesday, 12th January, two days before the murder, the tracker and the mobile phone data placed Williams at Cheshire Oaks retail park where she bought clothes and took cash out with her bank card. She also bought a pair of size 10 boots. Footwear marks found at the scene matched these boots, which were recovered from the farm where Katrina Walsh had disposed of them after the murder. Walsh told officers that Williams thought it was a clever idea to wear shoes that were too big for her as it would divert suspicion from her.

Petrol

A combination of CCTV, ANPR and cell site analysis showed the women at filling stations buying fuel for the cars used in the murder.

The day of the murder Thursday 14th January 2016.

Taken together the evidence showed the following movements on the day of the murder.

Sarah Williams went to work as usual but shortly after 1500 hrs, she telephoned a male friend on the 616 phone and told him she wasn't feeling well and was going home. It was assumed that this was to prepare an alibi that she was at home ill in bed at the time of the murder. He visited her at home just before 1600 hrs then left a short time later.

At 1739 hrs Katrina Walsh arrived at Williams' home in her Astra

There was then another interchange between the 146 and the 332 phones both of which were cell-sited together neat Williams' home.

At 1758, Sarah Williams sent a text to her male friend *"Just had another cup of tea. Going to switch light off and have a nap now. Will ring when I wake up as long as not late xxxxxxxx"*

18 minutes later, she was captured on CCTV walking to the back garden gate, which showed the features of the clothes she was wearing.

Two minutes later, two figures are seen going from her house towards the car-park where Katrina Walsh's Astra and the Clio were parked. The Clio sets off and Katrina Walsh is seen returning to Williams' house.

At 1915 hrs the Clio hit an ANPR camera on the M6, which would be consistent with it travelling to Helmshore.

A short time later the Clio is seen in the road where Sadie lives and a short time after that Sarah Williams is seen in the road walking towards Sadie's house.

A few minutes later, after the murder, Williams is seen walking away from the house towards where the Clio had been left.

At 2148 hrs, the 146 phone rang Katrina Walsh's 332. The call lasted 55 seconds. Six minutes later, Katrina Walsh is seen walking from Williams' house to the car-park to collect the Astra.

At 2034 hrs, the 332 phone contacted the 146 and was cell-sited not far from the car-park in Ellesmere Port where the Clio was eventually found.

At 2251 hrs the Clio entered the car-park at Elsmere Port.

At 2301 hrs the Clio was joined by the Astra.

At 2301hrs a figure got out of the Clio and went to the Astra. There was some toing and froing before both figures, one with something looking like a bag, got into the Astra and drove away leaving the Clio in the position in which it was later found by the police.

At 2329 hrs the Astra arrived back at Williams home. Two figures walk from the car to the house and within a minute a figure is seen with a dog approaching the back gate.

A few minutes later, Sarah Williams texted her male friend to say that she was just up and was about to make a drink and would ring him in a minute.

At 1155 hrs, Katrina Walsh is seen leaving the house carrying something.

Summary of the forensic evidence

The key features of the forensic evidence were:

- At the scene, there were a number of boot prints in blood. These matched the boots recovered from Collinge Farm where Katrina Walsh had hidden them. Those size 10 boots match the pattern of the soles of a pair of boots bought by Sarah William;
- The driver's foot well of the Clio had traces of Sadie Hartley's blood,
- The Clio had tape on the registration plates to change from a 3 to an 8, as part of the planned subterfuge;
- The bath at Sarah Williams, home was examined and the swab taken from it contained Sadie Hartley's DNA.
- A pair of glasses were found in Sarah Williams' Volvo. On the outer lens was Sadie Hartley's blood.
- Some burnt fabric was recovered amongst the material hidden by Walsh and it contained the deceased's DNA.
- The 332 phone had Walsh's DNA on it.

4. Court

We believed that we had built a comprehensive case against both women, but both pleaded not guilty and we presented the evidence during a six week trial. The case presented at court was that when Sadie Hartley answered the door, Sarah Williams immediately lunged at her with the stun gun and incapacitated her. Then she attacked her with a knife causing at least 40 knife injuries in total. She walked back to the Clio which was later abandoned in Elsmere Port. It was a premeditated, planned assassination and Katrina Walsh helped her every step of the way. Williams did this because she was obsessed with Ian Johnston and had come to believe that he would return to her if Sadie Hartley was killed.

On the 17th August both were convicted and sentenced to life imprisonment, with a minimum tariff for Williams of 30 years and 25 years for Walsh.

5. Lessons learned

1. A TV production company, Raw Cut TV, was filming work in Lancashire Constabulary when the case was first reported and were allowed to film the whole investigation. Although a contract with them was in place, it did not address disclosure. This caused issues down the line when all of the footage they had filmed had to be reviewed by already busy disclosure officers.
2. There were not enough exhibit officers. The investigation was rich in evidence and we only had one exhibit officer, which meant that exhibits were not always reviewed appropriately. As a consequence, the significance of some material was not recognised until much later than it could have been.
3. When Walsh was taken to the farm to point out the murder items the audio record was of poor quality. Better equipment was required for this.
4. Family visit to the incident room and briefings was very good and focussed the minds of the enquiry team.
5. There was nervousness around the complexity of the case and the ability of the jury to take everything in. The use of a story book and SOE was very useful in keeping the jury on track. The SOE contained the full chronology

that the prosecuting QC took the jury through, whilst the story book contained salient events highlighted in CCTV stills, pictures, text messages etc.

Operation Alston

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Abstract

Operation Alston was the investigation by Durham Constabulary into a series of offences committed by Andrew Miller against a female neighbour, which included putting drugs in her milk bottles during burglaries of her home. The case study has been used in the force and more widely to educate staff in how to avoid the missed opportunities that occurred during this case and also to highlight the role that personal initiative can play in rectifying mistakes and achieving successful outcomes for victims of crime.

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5. Lessons Learned

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1. Introduction

At the time of these incidents, the victim (hereafter referred to as Alison) lived alone in a semi-detached three bedroomed house which she had shared with her husband until his death in 2009. Following his death, she had some building work done, which included changing all of the locks to the house. The only people who had keys to the property were her sister and her nephew and there was a spare set kept in the house.

In July 2014 Alison started to become tired in the morning after breakfast, sometimes falling asleep for hours before waking in the late afternoon. She had noted a strange taste to her milk, and changed her supplier on a number of occasions. When she did this, the milk would be fine for a day then it would have the same 'odd' metallic taste again. She saw her GP and had blood tests but nothing was found and the problem continued.

Later in the year she noticed her door would sometimes be unlocked despite the fact she thought she had locked it. This became more regular and in January 2015 she started to keep records of when this happened.

These notes showed the following sequence of events:

- On Wednesday 7th January 2015 Alison got up and went to the back door to put some rubbish out. The door was unlocked. She was convinced she had locked the door the evening before but made a mental note to be more careful. That evening she made sure every door was locked before going to bed.
- On Thursday 8th January 2015 she found that the back door was unlocked again. At 11am that day she went out but left a folded piece of paper in the door jamb of the front porch door. On returning at 5pm the front door and the internal porch door were both locked but the piece of folded paper was on the floor, indicating that the door had been unlocked and opened. She found that the back door was unlocked.
- That evening she went out and again placed the folded paper in the porch door jamb. When she returned the paper was once again on the floor. The

back door was locked, but the patio doors, which she was certain were locked when she left, were now unlocked.

- On Sunday 11th January 2015 she went to the shops in her car. When she returned and had just parked the car, she heard a noise from the back of the house as if someone had jumped or landed. She found that the front door and the inner porch door were unlocked. The patio door key on the inside had been turned from horizontal to vertical and the back door was unlocked with the key on the inside still swinging. She searched the house but there was no-one there.

2. Initial Police Involvement

The following day, Monday 12th January, Alison went to her local police station and asked to speak with a crime prevention officer. There was no one available to speak with her but she left her contact details and was told that someone would contact her. No one did.

On Tuesday 13th January 2015 she went out, again locking all of the doors and leaving the paper in the door jamb. On her return the front door and inner door were locked but the paper was on the floor. The keys in the patio doors had been moved and the back door was unlocked.

She again contacted the police and was given an appointment for the following day. She attended the police station on the 14th January and related the account of events given above.

She also told the police that she had started to suspect that her neighbour, Andrew Miller, who lived nearby with his mother, may have been responsible, although she had no evidence to support this belief. She also told the officer that she thought he had mental health problems because he attended West Park Hospital. The officer replied something to the effect that "*If he's in and out of West Park he won't have the mental capacity to be doing what you're encountering*". She later told investigating officers that the first officer she spoke

to "... *never even took his pen out of his pocket or asked me who my neighbour was*".

She was given crime prevention advice and told to change her locks.

When Alison arrived home from the police station, the paper from the door jamb was on the floor and the back door was unlocked. She had her door locks changed that same day.

Nothing else happened until about 3am on Monday 26th January 2015. She was in bed and something woke her up. When she looked out of her landing window she saw Andrew Miller climbing over the fence from her garden into an adjoining one. As he did so, he turned, saw her and waved. The following day she moved her bins and chairs and other garden furniture so they could not be used to get over the fence.

She heard sounds outside during the following night and in the morning saw that all of her bins had been moved. This happened again on the 8th February.

During the evening of Thursday 12th February 2015 she was driving home alone from an exercise class in a nearby village when she started to suspect that there was a car following her. It kept slowing down and disappearing but would then reappear. She came to a road diversion which had not been there earlier and which took her along a very narrow country lane. By this time it was dark. She then came to another road closure which prevented her going any further. She quickly got her mobile telephone from the boot, then got back in to the car and turned it around so it was facing back the way she had come and towards the main road. At this point another car was travelling towards her on the lane and blocking her exit. She dialled 999, told the call handler that she was trapped and gave them the registration number of the other car. She suspected that the car might belong to Miller because it looked the same as one she had seen him in on previous occasions, but she wasn't sure. Her suspicions were confirmed when she overheard information being passed to the call handler to the effect that he was the person who had insured the vehicle. After some minutes, the

other car reversed back up the lane. She dialled 999 again to update the police and then drove back the way she had come along the lane. Although the other car was gone, the diversion signs had been moved so that her exit from the lane was blocked. She waited in her car for the police who arrived a short time later and escorted her home.

The officers who had escorted her home called at Miller's house but there was no reply and the vehicle was not there. They felt that the incident was a dispute between neighbours and left a message for the beat officer to make contact with Alison.

That message was sent to the wrong beat officer and, because it did not involve the area he covered, he deleted it without passing it on.

By the afternoon of Friday 13th February 2015, Alison had heard nothing from the police and so she once again made contact herself and spoke to a PCSO in the beat office. PC Coxon, who was the beat officer for the area where Alison lived and who should have received the email from the evening before, overheard this conversation and was concerned about what she heard and the fact that Alison was obviously getting upset. She took over the call and arranged to go and see Alison. When she did so, Alison related the full circumstances outlined above. PC Coxon immediately felt that Alison was a credible witness and although it was not at all clear what Miller's motives or intentions were, her instincts told her that this was a serious situation which needed immediate action. She therefore decided to arrest Andrew Miller and search his home.

3. Millers Arrest and the Investigation

When PC Coxon went to Miller house he answered the door and it's fair to say that she was shocked. He was not at all what she was expecting and her first thought was that it must be his son who Alison was talking about. He looked like an old man who was not in good health and had a beard which made him resemble an elderly Santa. He allowed her into the house and did not react to the fact that he was being arrested. His elderly mother was sat on the sofa and

appeared to be in complete shock and kept saying "Andrew, what's all this about?" He told her he didn't know. He appeared frail and complained about pain in his feet, legs and back as he was booked into custody. This was not what Pc Coxon was expecting from a man who was said to have been jumping over fences and she did wonder whether she had made a mistake in arresting him.

She was soon reassured when the search of his house led to the discovery of a number of items which had been stolen from Alison. These included:

- underwear,
- identification cards,
- house keys for her old locks.

There were also written plans of how Andrew Miller intended to kill Alison, a suicide note and a note confessing that he had murdered her and then killed himself.

In his car outside was a crossbow, razor tipped crossbow bolts, an axe, a kitchen knife, cable ties, plastic sheeting, gaffa tape, barrier tape and a blow up doll. A van parked further up the street was later linked to Andrew Miller and contained road signage used for the road block.

Between the 13th and 14th February 201, Miller was interviewed three times. On the first occasion the interviewers did not have the results of the house search and so it was very much a case of putting the allegation made by Alison to him and giving him an opportunity of providing an account. He was amiable and lucid but denied any involvement in the incidents she described. During the second interview, the items recovered from his home were put to him incrementally. He was again happy to talk and explained each item as being something he had found or bought as presents for others. Although he got more uncomfortable as time went on, he none the less sought to provide an innocent explanation for his possession of each item. Finally the officers produced the house keys. When she had changed locks, Alison had kept the old lock barrels and so it could be shown conclusively that the keys were those to her house. He had no answer to this and simply said. "I think I need a solicitor." A solicitor was arranged for him and

full disclosure was made before the next interview, during which he made no comment.

On 14th February Alison was ABE interviewed.

On the 15th Miller was charged with five offences of burglary dwelling and stalking. During his first appearance at Peterlee Magistrates Court the following day he pleaded guilty to all offences and was remanded in custody to the Crown Court.

On the 17th the officers took stock of where they were up to and realized that although there was enough evidence to charge Miller with the burglaries and stalking offences they did not reflect the severity of his behaviour. He had clearly been planning to murder Alison, but discussions with the CPS confirmed that the material found in his house fell short of that needed to prove an attempt murder.

The main line of enquiry at this stage was to see if a link could be established between Miller and the interference with the milk Alison had been drinking. Swabs were taken from the fridge but conflicting advice was received on the possibility of using Alison's hair as a way of establishing if any poison had been administered. One forensic supplier in the UK said it couldn't be done because she had used hair dye whilst a laboratory in France said they could do it. A chance was taken on the French lab and they were sent a large sample of Alison's hair. They identified the presence of three drugs in the sample, two anti-depressants and one sleeping medication. The two anti-depressants were of a type which had been prescribed to Miller but no source for the sleeping medication could be found. However, enquiries with his family revealed that his sister had given it to him to help him sleep.

Throughout these enquiries the CPS had been on board as had a barrister who they had appointed to the case. As a result, when the above material was obtained they were able to make a quick decision that Miller should be

additionally charged with aggravated burglary and administering noxious substances.

4. Court

At court Miller was considered fit to enter a plea and pleaded not guilty to all of the charges. His defence did not contest the evidence, all of which was simply read out by the prosecution without calling any witnesses. Miller did not give evidence himself and did not call any witnesses, but his defence barrister said that his client wished to say that he didn't commit the offences.

He was convicted and on 24th February 2016, the judge made a Section 37/41 Hospital Order without limit for him to be detained in Ridgeway Medium Secure Unit at Roseberry Park Hospital.

5. Lessons Learned

This case raised a series of issues about how the force responded to Alison's various contacts and the adequacy of the action taken by a number of people. These were taken on board and the following is a summary of the lessons learned:

- Issue were identified with regards to the classification of reports, for example, Alison contacted the force to report that someone was entering her property, which was opened as 'Suspicious Circumstances' when it should have been opened as a burglary, which could then have been downgraded if needs be. There were also problems in grading the seriousness of the incident being reported. When Alison was trapped in the country lane she was given a 'priority' response meaning an officer would attend within one hour. Given the severity of the report, this should have been graded as immediate because the offender was on scene and Alison had no means of escape.
- A number of individuals failed to take effective action at various points in this story and Alison made a number of specific complaints against them, all of which have been resolved to her satisfaction. The main lesson here is the

importance of following up on contacts from the public, listening sympathetically to complainants, taking their concerns seriously and ensuring that appropriate action is taken to investigate crime and safeguard people.

- All reports of dwelling burglaries should be brought to the attention of a Detective Sergeant. Obviously had Alison's original reports been classified correctly the appropriate action would have been taken sooner and the incident of the 13th February would never have happened.
- The force has taken all of these issues seriously and has provided additional training and support to staff, including promoting a case study of this incident to raise awareness of the issues. The learning from this case study has also been shared regionally and nationally and it is now being used by some forces as stalking and harassment training material.

At the personal level the main lesson the author takes away from this case is the importance of gut instinct and personal initiative. Officers are sometimes afraid of acting on their gut instinct and unfortunately due to things like necessity testing etc. it is not always easy to justify acting on gut instinct alone. However, if it doesn't feel right then the chances are it isn't and effort should be put into getting through the many hoops in our way. This is one of the reasons why it's so important to work well with colleagues and other departments. Our experience is that you should have the conversation with CID, or the custody officer because when you tell them your feelings the chances are that their gut instinct is the same and appropriate action can be taken.

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