

Unsolved but not Forgotten

**SUPPORTING SURVIVORS
OF HOMICIDE VICTIMS**

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This report is dedicated to the survivors of unsolved homicides.

* This survivor prefers to remain anonymous and will be referred to as "Ms. Justice."

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INTRODUCTION

WHO WE ARE

Northeastern University School of Law gives first-year students the opportunity to work with nonprofit organizations as part of the Legal Skills in Social Context (“LSSC”) course. LSSC is a full-year course in which students develop practical lawyering skills as they perform legal research and writing for community organizations. Law students are assigned to groups of approximately fifteen, and these groups are called “law offices.” Each law office collaborates with a nonprofit organization throughout the year to research and write about an issue of interest to the organization.

This year, our law office partnered with the Louis D. Brown Peace Institute (“Peace Institute”). The Peace Institute, founded by Chaplain Clementina Chéry, is a center for healing, teaching and learning for families impacted by murder, trauma and loss. Located in Dorchester, the Peace Institute offers coordinated support services for those who have lost loved ones to homicide. Chaplain Chéry connected our law office with the Unsolved Homicide Ambassadors, a group of survivors who represent the Peace Institute in advocating for homicide survivors’ rights in the Boston area and across the country.

For the people left behind after a homicide, the pain of losing their loved one is unimaginable. For those whose loved one's cases remain unsolved, the pain only compounds. Informed by the experiences of survivors whose loved ones’ cases have gone unsolved, we researched the Boston Police Department’s policies surrounding

long-term unsolved homicides, known as “cold cases.” This report details the Boston Police Department’s current approach to investigating “cold cases” and communicating with survivors, and provides recommendations for improving case solvability, transparency, and communication.

EXECUTIVE SUMMARY

The City of Boston has received national acclaim for its efforts to prevent homicide.¹ In 2024, Boston recorded its lowest homicide rate since 1957.² However, the City’s backlog of unsolved homicides remains high: the Boston Police Department (“BPD”) estimates that its backlog ranges between 1,700 and 1,800.³ The survivors of long-term unsolved homicides endure daily pain and uncertainty. Their pain is compounded by an incomplete, inconsistent network of official support.

This report highlights major issues that contribute to the fraught relationship between BPD and unsolved homicide survivors. BPD is less likely to make an arrest when a homicide occurs in Dorchester, Roxbury, or Mattapan – three of Boston’s historically Black neighborhoods.⁴ BPD reports that solving homicides in these neighborhoods often depends on “witness cooperation,” rather than forensic evidence.⁵ Typically, when a homicide has gone unsolved for ten years, BPD designates the case

¹ Elizabeth Allen, *Boston’s Homicide Rate Reaches a Historic Low*, VERA INST. (Sept. 17, 2024), <https://www.vera.org/news/bostons-homicide-rate-reaches-a-historic-low>.

² Molly Farrar, ‘The City has Never Been Safer:’ Boston Records Lowest Murder Rate Since 1957, *Officials Announce*, BOSTON.COM (DEC. 9, 2024), <https://www.boston.com/news/crime/2024/12/29/the-city-has-never-been-safer-boston-records-lowest-murder-rate-since-1957-officials-announce>.

³ Interview by Andrew Haile with Daniel Duff, Lieutenant Detective, Bos. Police Dep’t, in Bos., Mass. (Jan. 20, 2025).

⁴ Wesley Lowery et al., *Where Killings Go Unsolved*, WASH. POST (June 6, 2008), <https://www.washingtonpost.com/graphics/2018/investigations/unsolved-homicide-database/?city=boston>.

⁵ Cheryl Fiandaca, *I-Team: The Problem Behind Boston’s Unsolved Murders*, CBS NEWS (June 29, 2022), <https://www.cbsnews.com/boston/news/unsolved-murder-rates-boston-homicide-clearance/>.

as “cold” and transfers it from the original detective to the Unsolved Case Squad (“UCS”).⁶ The UCS, facing a massive backlog, prioritizes cases that it has the best chance of solving.⁷ In practice, this means prioritizing cases that have DNA evidence available.⁸

The UCS does not have a standardized protocol for communicating with survivors of unsolved homicides.⁹ Detectives generally do not contact survivors unless an arrest has been made, or the likely perpetrator has passed away.¹⁰ Many survivors report years of unanswered phone calls to the UCS.¹¹ As a result, they feel that they – and their loved one’s case – have been disregarded.¹²

The Commonwealth does provide some statutory protections for survivors of crime, but these laws do not adequately protect survivors of *unsolved* crimes.¹³ The Massachusetts Victims’ Bill of Rights, while providing robust protections for survivors during a trial, does not create a right to be informed during the investigation of an unsolved crime.¹⁴ The Victims’ Bill of Rights does provide survivors with the right to a Victim Witness Advocate (“VWA”).¹⁵ Absent communication from USC detectives, survivors frequently turn to VWAs for substantive updates on the status of their loved one’s case. However, VWAs are not well positioned to give survivors the information

⁶ Interview with Nick Moore, Sergeant Detective, Bos. Police Dep’t, in Bos., Mass. (Feb. 26, 2025).

⁷ *Id.*

⁸ *Id.*

⁹ E-mail from City of Bos., to Kelly Bentsdahl, Student at Ne. Univ. Sch. of L. (Jan. 27, 2025, 05:51 EST) (on file with author).

¹⁰ Interview with Nick Moore, *supra* note 6.

¹¹ Interview with Lisa Randolph, Survivor, Louis D. Brown Peace Inst., in Bos., Mass. (Oct. 23, 2024).

¹² *Id.*

¹³ *Victim Rights*, MIDDLESEX CNTY. DIST. ATT’Y’S OFF., <https://www.middlesexda.com/victim-services/pages/victim-rights> (last visited Jan. 26, 2025).

¹⁴ MASS. GEN. LAWS ch. 258B, § 3 (1984).

¹⁵ *Victim & Witness Assistance*, MASS.GOV, <https://www.mass.gov/victim-witness-assistance> (last visited Jan. 26, 2025).

they seek.¹⁶ Survivors note that their experiences with VWAs vary, but many desire more consistent communication.¹⁷

The Suffolk County District Attorney's Office ("SCDAO") also plays a role in investigating homicides and communicating with survivors. Under Massachusetts law, local district attorneys have the authority to "direct and control" homicide investigations.¹⁸ SCDAO also maintained the Project for Unsolved Suffolk Homicides ("PUSH") from 2019 to 2022.¹⁹ Through PUSH, SCDAO conducted an internal administrative review of 250 unsolved homicide case files.²⁰ However, PUSH offered no mechanism for survivors of unsolved homicide to request that their loved one's case be reviewed.²¹

Without clear protocols for communication between law enforcement and survivors, and without official channels for survivors to request an update or a review of their loved one's case, many survivors are left in the dark. We therefore conclude with a series of recommendations for the Boston Police Department, the City of Boston, and the Massachusetts Legislature. First, we recommend that BPD (1) streamline the UCS' responsibilities, (2) create a clear protocol for when to transfer a case to the UCS, (3) implement an investigative checklist, (4) initiate university partnerships to alleviate the UCS' administrative workload, (5) establish a clear schedule of communication with

¹⁶ Interview with Kara Hayes, Chief of Victim Witness Assistance Program, Suffolk Cnty. Dist. Att'y's Off., in Bos., Mass. (Feb. 4, 2025).

¹⁷ Interview with Lisa Randolph, *supra* note 11; Interview with Mahogany Payne, Survivor, Louis D. Brown Peace Inst., in Bos., Mass. (Oct. 23, 2024).

¹⁸ MASS. GEN. LAWS ch. 258B, § 4.

¹⁹ *Suffolk DA Rachael Rollins Continues Work on Unsolved Homicides*, SUFFOLK CNTY. DIST. ATT'Y'S OFF. (Dec. 18, 2025), <https://www.suffolkdistrictattorney.com/press-releases/items/push>.

²⁰ *Id.*

²¹ Zoom Interview with Donna Patalano, Former Gen. Couns., Suffolk Cnty. Dist. Att'y's Off., in Bos., Mass. (Jan. 21, 2025).

survivors, (6) create a “Frequently Asked Questions” webpage, (7) publish an unsolved homicides database, and (8) release an annual homicide clearance report. These recommendations will streamline processes and improve communication and transparency between BPD, survivors and the public.

We also recommend that the Massachusetts legislature take two steps to bring additional resources to unsolved homicide investigations and improve protections for survivors. First, we recommend passing “An Act Establishing an Office of Unsolved Homicides,” introduced by State Senator Liz Miranda and State Representative Russell Holmes in January 2025.²² We also propose amending the Victim’s Bill of Rights to add a right “to be informed” throughout the homicide investigation, and a mechanism for enforcing survivors’ enumerated rights when they have been violated. Finally, we encourage the City of Boston to provide needed resources and accountability to the UCS by establishing a civilian oversight board to review proposed funding increases. By making these recommendations, we hope to alleviate some of the immense frustration experienced by both homicide investigators and survivors.

METHODOLOGY

Our partnership with Chaplain Clementina Chéry and the Peace Institute began in September 2024. Chaplain Chéry tasked us with resolving three main issues: (1) understanding BPD’s approach to investigating unsolved homicides, (2) investigating BPD’s policies concerning communication with survivors, and (3) researching the systems that influence the racial disparities in unsolved homicides cases.²³

²² S. 1138, 2025-26 Leg., 194th Sess. (Mass. 2025).

²³ Lowery et al., *supra* note 4.

Members of our law office visited the Peace Institute in October to conduct interviews several of the Unsolved Homicide Ambassadors. These survivors shared their experiences with BPD amidst the ongoing investigation of their loved ones' cases. Since the initial interviews, we have remained in touch with the Unsolved Homicide Ambassadors through phone calls and written questionnaires. We have also interviewed members of law enforcement, including representatives from the Boston Police Department, the Middlesex County District Attorney's Office, and the Suffolk County District Attorney's Office.²⁴ We also surveyed current policies in Massachusetts and other jurisdictions that detail the protocols for "cold cases." Our research culminates in legislative and procedural solutions proposed in collaboration with the Peace Institute. We intend for these solutions to foster a closer and more transparent relationship between BPD and homicide survivors.

TERMINOLOGY

Many of the people quoted in this report prefer the term "survivor" rather than "victim" to describe their relationship to homicide. In this report, "survivor" refers to a person who has lost a loved one to homicide. On the other hand, the Massachusetts legislature defines "victim" to include the direct target of the crime, and their family members.²⁵ Survivors are not a monolithic group, and we aim to honor each person's experience and words as accurately as possible.

²⁴ BPD: Sergeant Detective Nicholas Moore; Sergeant Detective Amy Erlandson; Lieutenant Detective Daniel Duff

SCDAO: Rachael Rollins, former District Attorney; Donna Patalano, Former General Counsel; John Verner, Assistant District Attorney; Kara Hayes, Chief of Victim Witness Assistance Program, Survivor Middlesex County; David Solet, Chief of Middlesex County District Attorney's Office Cold Case Unit

²⁵ MASS. GEN. LAWS ch. 258B, § 1.

This report also includes a variety of terms for unsolved homicides, including “cold cases.” Although many police departments now refrain from using the term, “cold case” remains the “established terminology in the law enforcement field.”²⁶ BPD and the Suffolk County District Attorney’s Office (“SCDAO”) refer to all unsolved cases, no matter how old they are, as “unsolved” rather than “cold.”²⁷ However, BPD colloquially refers to its Unsolved Crime Squad as the “cold case squad.”²⁸ Representatives from SCDAO shared that they avoid using the phrase “cold case” because of its negative connotation.²⁹ Mahogany, a survivor of an unsolved homicide, explained “I like ‘unsolved homicide’ better because to me ‘cold case’ just sounds like something that will always be a cold case and will never get solved. It just seems like [the case will] be all the way buried.”³⁰

In sections of this report, where a distinction between homicides that are unsolved in the short term and homicides that remain unsolved for many years is relevant, we use “cold case” to refer to long-term unsolved homicides. Additionally, to accurately represent our source materials, which include quotes from academic articles and reports, as well as interviews with survivors, law enforcement, and journalists, we use the source’s terminology and quote directly whenever possible.

²⁶ *Serving Survivors of Homicide Victims During Cold Case Investigations: A Guide for Developing a Law Enforcement Protocol*, 7 (2011), <https://www.sheriffs.org/sites/default/files/uploads/guidefordevelopinglawenforcementprotocolaugust172011.pdf>.

²⁷ Interview with Kara Hayes, *supra* note 16.

²⁸ *Homicide Unit*, BOS. POLICE DEP’T., <https://police.boston.gov/homicide-unit/> (last visited Mar. 13, 2025).

²⁹ Interview with Kara Hayes, *supra* note 16.

³⁰ Interview with Mahogany Payne, *supra* note 17.

"All I can say to [Darrion] is, 'Mommy's still trying. Mommy's still working hard to get you justice.'" – Tasha Carrington³¹

This project begins and ends with the stories of survivors. These stories have been fact checked and lightly edited. Survivors have been quoted directly wherever possible. We spoke with Tasha Carrington, Mahogany Payne, Lisa Randolph, Juanita Batchelor, Nicole Bell, and Ms. Justice.³² To foreground the experiences of survivors, we have chosen to embed their stories throughout this report. We begin with Tasha Carrington's story.

TASHA'S STORY

At 10:30 p.m. on the night of January 7, 2008 — three months shy of his nineteenth birthday — Darrion L.J. Carrington called his mother, Tasha Carrington, to let her know he was headed home from his grandfather's house. "That was the last time I heard his voice," Tasha said.³³

Sometime after midnight, Tasha received a call from a nurse in the Boston Medical Center's emergency room, delivering the news that Darrion had been shot and "was not doing too good." A friend came with her husband to pick up Tasha and they rushed to the hospital. As they drove down the end of Tasha's street toward Dorchester Ave, Tasha looked to her left and saw yellow tape and a fire truck blocking part of the road in front of a small Chinese takeout restaurant. "At the time, I did not realize this was the scene of my son's murder."

When Tasha arrived at the hospital, her stepmother was already waiting at the entrance of the emergency room. "The look on her face as she approached me said it

³¹ Bob Ward, *New England's Unsolved: Who Shot and Killed Darrion Carrington?*, Bos. 25 NEWS (Sept. 26, 2024), <https://www.boston25news.com/news/local/new-englands-unsolved-who-shot-killed-darrion-carrington/5KZVGMAUVVAPFA5HOJKPFLPRME>.

³² This survivor, who prefers to remain anonymous, will be referred to as "Ms. Justice."

³³ Interview with Tasha Carrington, Survivor, Louis D. Brown Peace Inst., in Bos., Mass. (Jan. 30, 2025). Unless otherwise indicated, all of the information within this section is from this interview.

all: Darrion was gone. He succumbed to his wounds on January 8, 2008.” The shock was so intense that it caused Tasha to collapse to the ground screaming. Shortly after, the staff escorted Tasha in a wheelchair to see Darrion’s body. She remained at the hospital for a couple of hours accompanied by her family and friends. “I walked out of that hospital feeling empty-handed and scared.”

On his way home that night Darrion stopped at the Canton House restaurant on Dorchester Avenue to pick up something to eat.³⁴ Darrion was on his phone with a friend while he waited for his order when a gunman walked into the restaurant and opened fire.³⁵ Darrion was shot three times at close range.³⁶ The bullets came from a .45 caliber gun.³⁷ Darrion was pronounced dead at Boston Medical Center at 12:19 a.m.³⁸

“I did not hear from the police until the next day,” Tasha explained. She was at Darrion’s godmother’s house the following day when two detectives arrived at the door, asking about Darrion: who he was and what he was like. “It wasn’t a conversation to get to know me, nor to show concern about what happened to Darrion,” Tasha explained. “They didn’t even communicate next steps regarding the investigation process. They gave me nothing.”

After about two weeks of silence, BPD Homicide detectives contacted her again—not with answers, but to return some of Darrion’s personal belongings to her at work. There was no discussion of the investigation. Tasha took the initiative to hand the

³⁴ Ward, *supra* note 31.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

detectives the cell records, hoping to find leads on who had been speaking with him at the time of the shooting.

After that brief meeting, Tasha “did not see or hear from anyone for another 10 years.”

“I kept calling, but no one was returning my calls. I had no conversation or communication with anybody.”

In 2018, after nearly a decade of silence from the BPD Homicide detectives, Tasha took matters into her own hands. She attended a community meeting called #weneedtoknow at the old Grove Hall Library facilitated by James Hills. The event featured a panel that included Boston’s Neighborhood Trauma Team and Marcus Eddings, the head of BPD’s Criminal Investigation Division.³⁹ During the meeting, Tasha stood before Supt. Eddings to tell Darrion’s story — calling out the lack of communication from BPD Homicide detectives.⁴⁰ A reporter from *The Boston Globe* interviewed Tasha there, picked up her story, and published it the following day in the Sunday Edition.⁴¹ That Monday morning, Tasha received a call from BPD’s Homicide Department requesting her to meet with two detectives. They agreed to meet at Tasha’s house three days later.

“This was the first time in 10 years someone had come to my home to talk to me about my son’s case.” The detectives did not provide any new information. “I waited all these years just for them to tell me nothing. It felt like a punch in the gut.” To this day, Tasha has not received any updates.

³⁹ Laura Crimbaldi, *Those Left in the Wake of Violence*, BOS. GLOBE, Feb. 11, 2018, at B3.

⁴⁰ *Id.*

⁴¹ *Id.*

In the absence of justice, Tasha has found purpose. She shares her story at community events, and within the Faith Community, raising awareness about Darrion's case. Tasha serves as an Unsolved Homicide Ambassador with the Louis D. Brown Peace Institute where she supports families who have lost loved ones to homicide, particularly those whose cases have remained unsolved for over 10 years, which are now considered cold cases. Tasha helps survivors navigate the emotional, legal, and procedural challenges that come with losing someone to violence. More recently, she became a Community Support Case Manager at Whittier Street Health Center in Roxbury under the leadership of the Community Healing Response Network where she connects victims of violence and their families to mental health services, and other resources, helping them cope with their trauma and to begin the healing process.

"All I can say to [Darrion] is, Mommy is still trying. Mommy's working hard to get you justice." ⁴²

⁴² Ward, *supra* note 31.

THE BOSTON POLICE DEPARTMENT'S HOMICIDE INVESTIGATIONS

"When our children get shot on the streets...no one investigates the murders, and it ends up unsolved." – Mahogany, Survivor⁴³

"You die on the street, and it's like you are piece of crap. Nobody cares." – Lisa, Survivor⁴⁴

"You also owe it to the victims and their families — we promised." – Det. Sgt. William Doogan (Ret.), Boston Police Department⁴⁵

Tasha describes two critical issues: (1) inadequate investigation into homicides, and (2) inadequate communication and transparency with survivors. While each survivor's story is unique, these two issues emerged universally. In this section we outline BPD's approach to investigating homicides and communicating with survivors. We begin – guided by survivor experiences – with the history of BPD's approach to homicide.

HISTORY AND INTRODUCTION: THE "BOSTON MIRACLE" AND THE UNSOLVED CASE SQUAD

Two legacies shape BPD's history of homicide investigations. First, BPD has often received national recognition for its violence reduction efforts.⁴⁶ By building lasting partnerships, BPD has brought violent crime to an historic low.⁴⁷ In 2024, the City of

⁴³ Interview with Mahogany Payne, *supra* note 17.

⁴⁴ Interview with Lisa Randolph, *supra* note 11.

⁴⁵ Hanna Barcus, Charles Heurich, Dawn Elizabeth Schwarting, *National Best Practices for Implementing and Sustaining a Cold Case Investigation Unit*, 1 (2015), <https://www.ojp.gov/pdffiles1/nij/252016.pdf>.

⁴⁶ *Boston's Homicide Rate Reaches a Historic Low*, *supra* note 1.

⁴⁷ Deborah Becker, *Why Boston's Homicide Rate Dropped to a Historic Low*, NPR (Aug. 9, 2024), <https://www.npr.org/2024/08/09/nx-s1-5056325/why-bostons-homicide-rate-dropped-to-a-historic-low>.

Boston recorded only 24 homicides – its lowest homicide rate since 1957, and a number significantly lower than peer cities.⁴⁸ Second, BPD’s homicide clearance rate – the percentage of cases in which at least one suspect is arrested – has often lagged behind.⁴⁹ As a result, BPD currently faces a significant backlog of unsolved homicides.⁵⁰

Over the last forty years, BPD has transformed its violence-reduction model. In the late 1980s, BPD faced “constant and vehement criticism by both the local press and community activists.”⁵¹ The Department had adopted a “search on sight” policy, instructing officers in Roxbury to subject anyone allegedly “associated with a gang” to “humiliating searches.”⁵² These tactics did not produce results: BPD’s homicide clearance rate ranked 28th out of 30 major U.S. cities.⁵³ Then, between 1989 and 1990, Boston experienced the highest number of homicides in its history.⁵⁴ The overwhelming majority of homicides (127 out of 152) occurred in Dorchester, Mattapan and Roxbury – three of Boston’s historically Black neighborhoods.⁵⁵ Anthony Braga, a Senior Researcher at the Harvard Kennedy School for Government, reports that BPD was ill

⁴⁸ Farrar, *supra* note 2.

⁴⁹ Toni Locy, *Poor Police Work Hampers Investigations*, THE BOS. GLOBE, APR. 7, 1991, at A1; Anthony Braga & Desiree Dusseault, *Boston Massachusetts, Strategies for Policing Innovation II*, 6 (2017), https://www.smart-policing.com/sites/default/files/spotlights/Boston_SPI_Spotlight_%282017%29_FINAL.pdf; Fiandaca, *supra* note 5.

⁵⁰ Interview with Daniel Duff, *supra* note 3; Interview with Nick Moore, *supra* note 6.

⁵¹ Christopher Winship, “Accidental Discovery and the Pragmatist Theory of Action: The Emergence of a Boston Police and Black Ministers Partnership,” in *The New Pragmatist Sociology: Inquiry, Agency, and Democracy* 307, 308 (Neil Gross, Isaac Ariail Reed, and Christopher Winship eds. 2022).

⁵² ACLU Found. of Mass., *Black, Brown, and Targeted: A Report on Police Department Street Encounters from 2007-2010*, 3 (2014), <https://www.aclum.org/sites/default/files/wp-content/uploads/2015/06/reports-black-brown-and-targeted.pdf>.

⁵³ Toni Locy, *Poor Police Work Hampers Investigations*, BOS. GLOBE, Apr. 7, 1991, at A1.

⁵⁴ Jenny Berrien, Christopher Winship, *Lessons Learned from Boston’s Police – Community Collaboration*, 25, 26 (1999) https://www.uscourts.gov/sites/default/files/63_2_5_0.pdf.

⁵⁵ John P. O’Brien, *1992 Year End Statistical Report*, 58 (1992), <https://www.ojp.gov/pdffiles1/Digitization/144378NCJRS.pdf>.

equipped to deal with the sudden increase in violence, and descended upon those neighborhoods with “highly aggressive and often impudent policing tactics.”⁵⁶

In response to widespread concerns, Mayor Ray Flynn established the St. Clair Commission, an independent committee charged with investigating the policies and practices of BPD.⁵⁷ In 1992, the Commission reported that rampant corruption, a lack of coherent policies, and ineffective management called for extensive reform.⁵⁸ BPD took decisive action: it replaced top personnel, redefined its mission, and overhauled its tactics.⁵⁹ Around this time, BPD also introduced two new programs to address the twin problems of a high homicide rate and a low clearance rate: the Unsolved Case Squad (“UCS”) and Operation Ceasefire. Both were highly successful.

First, in 1993, BPD founded the Unsolved Case Squad (“UCS”) in order to address its backlog of 837 unsolved homicide cases.⁶⁰ The UCS was originally staffed by two detectives and the closed forty unsolved cases in two and a half years.⁶¹ Lt. Det. Stephen Murphy, a member of the UCS, reported that in many cases, the passage of time was an asset, rather than an impediment.⁶² “We use time as an ally,” said Lt. Detective Murphy.⁶³ “Right after a homicide, a lot of times it is tough to get witnesses to

⁵⁶ Anthony Braga et al., *Losing Faith? Police, Black Churches, and the Resurgence of Youth Violence in Boston*, 2 (2008), https://scholar.harvard.edu/files/cwinship/files/losing_faith.pdf?fbclid=IwAR3Cc4FnxHE_Je4rl5jWhAN7ZvdvrVDDiYGDp6IW4LIsNeSeMP_yC11KLr4/.

⁵⁷ Braga, et al., *supra* note 56.

⁵⁸ James D. St Clair, *Report of the Boston Police Department Management Review Committee* (1992), <https://embed.documentcloud.org/documents/7041359-St-Clair-Commission-Report/?embed=1#document/p14/>.

⁵⁹ Braga, et al., *supra* note 56.

⁶⁰ O’Ryan Johnson, *Cold Case Squad Making a Comeback*, BOS. HERALD (Mar. 15, 2008), <https://www.bostonherald.com/2008/03/15/cold-case-squad-making-comeback/>; E-mail from City of Bos., to Kelly Bentsdahl, Student at Ne. Univ. Sch. of L. (Feb. 19, 2025, 12:33 PM EST) (on file with author).

⁶¹ Johnson, *supra* note 60.

⁶² Brian McGrory, *Special Squad in Hot Pursuit of Cold Cases*, BOS. GLOBE, Feb. 25, 1994, at 8.

⁶³ *Id.*

cooperate. With a cold case squad, we are using time...Neighbors are no longer afraid...We are able to convince people that they are able to do the right thing” by talking to law enforcement.⁶⁴ During investigations, UCS detectives kept in “constant touch” with the victims’ families.⁶⁵ Their hard work restored some residents’ trust in the Department: “I never thought anything would happen,” said Patricia Carlson, whose brother’s murder was solved by the UCS.⁶⁶ “I had really lost faith in the Boston Police.”⁶⁷ Her brother had been killed in 1967.⁶⁸ Despite its initial successes, the UCS was quietly disbanded in 2005 due to “scant resources, a lack of manpower and budget constraints.”⁶⁹

Second, in 1996 BPD established Operation Ceasefire to address youth gang violence.⁷⁰ Operation Ceasefire – an interagency working group of law enforcement, youth workers, and the Ten Point Coalition of Black clergy – convened regularly to respond to outbreaks of violence.⁷¹ The inclusion of community leaders in the Operation was crucial: by creating a mechanism for transparency and accountability, BPD built trust and “solidified a functional working relationship” with residents of Boston’s historically Black neighborhoods.⁷² When Boston’s youth homicide rate fell by 63% in

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ John Ellement & Victoria Benning, ‘67 Murder Suspect Uncovered, Arrested, BOS. GLOBE, Oct. 29, 1992, at 10.

⁶⁹ Johnson, *supra* note 60.

⁷⁰ Anthony Braga et al., *Partnership, Accountability and Innovation: Clarifying Boston’s Experience with Focused Deterrence*, 227, 231 (2019), https://scholar.harvard.edu/files/cwinship/files/pulling_levers_skeptic_-_second_edition_update.pdf.

⁷¹ *Id.* at 232.

⁷² *Id.* at 244.

three years, Operation Ceasefire became known as the “Boston Miracle.”⁷³ The Ceasefire program remained in place until 2000.⁷⁴

By the mid-2000s, BPD faced renewed challenges. There was a sharp increase in violent crime.⁷⁵ Between 2004 and 2006, the homicide rate rose by 23%.⁷⁶ The majority of homicides occurred in Dorchester, Mattapan and Roxbury.⁷⁷ BPD’s homicide clearance rate remained low: it solved 44% of homicides annually, compared to the national average of 63%.⁷⁸ One in four Boston residents reported that they did not have faith in their city’s police.⁷⁹

In response to community concerns about low clearance rates, BPD bolstered its homicide unit and re-formed the UCS in 2008.⁸⁰ The re-formed UCS was initially staffed by a single detective.⁸¹ The following year, then-Police Commissioner Edward F. Davis assigned two more detectives to the team.⁸² In 2009, the UCS received a large grant from the United States Department of Justice (“DOJ”) to increase DNA testing for unsolved homicides.⁸³ Most homicides solved at the time were either (a) cases where the victim and suspect had a close relationship, or (b) cases where forensic evidence

⁷³ Sandra Johansson, *Boston’s Miracle: How America Stopped Young Men Killing Each Other*, GUARDIAN (Dec. 6, 2018), <https://www.theguardian.com/cities/2018/dec/06/bostons-miracle-how-free-nappies-and-a-little-mentoring-are-curbing>.

⁷⁴ Braga, et al., *supra* note 56.

⁷⁵ Anthony Braga et al., *Boston Massachusetts Smart Policing Initiative: Evaluating a Place-Based Intervention to Reduce Violent Crime*, 2-3 (2012), <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/bostonspi.pdf>.

⁷⁶ *Id.*

⁷⁷ Marjorie C. Bernandeau-Alexandre et al., *2008 Crime Summary Report*, 7 (2008), https://www.cityofboston.gov/images_documents/2008Crime%20Summary_tcm3-8952.pdf.

⁷⁸ Braga & Dusseault, *supra* note 49 at 6-8.

⁷⁹ Braga et al., *supra* note 75 at 4.

⁸⁰ Johnson, *supra* note 60; Maria Cramer, *Hub Police Show No Gain in Solving Homicides*, BOS. GLOBE, Jan. 19, 2009, at A1.

⁸¹ Cramer, *supra* note 80 at A8.

⁸² *Id.*

⁸³ Philip Bulman, *Solving Cold Cases With DNA: The Boston Strangler Case*, 273 Nat’l Inst. of Just. 48, 49 (2014), <http://www.nij.gov/journals/273/pages/boston-strangler.aspx>.

(e.g. DNA, ballistics) was available.⁸⁴ Yet, BPD “remained stymied by gang-related homicides.”⁸⁵ “Those are not forensic cases,” said Lt. Robert Merner, former head of the BPD Homicide Unit.⁸⁶ “Those are the cases that require witnesses to step up.”⁸⁷ Commissioner Davis therefore instructed the three UCS detectives to “meet regularly with the victim’s families so that they could build relationships that might result in leads.”⁸⁸ At the time, BPD faced a backlog of 1,350 unsolved homicides.⁸⁹

In 2012, BPD implemented a series of reforms to improve its homicide investigations.⁹⁰ It standardized investigative protocols, increased the number of detectives assigned to each case, increased the number of witness interviews, and more frequently deployed forensic group specialists to crime scenes.⁹¹ By 2017, BPD’s homicide clearance rate had risen from 47% to 56%.⁹² The benefits of these improvements were not felt equally: BPD was twice as likely to make an arrest when the victim of a homicide was white, and the highest concentration of homicides with no arrest were in Dorchester, Mattapan and Roxbury.⁹³

Over 70% of Boston homicides over the last ten years have occurred in these neighborhoods.⁹⁴ These homicides are more likely to take place outdoors, rather than within a home, which makes the crime scene harder to manage and the list of potential

⁸⁴ Cramer, *supra* note 80.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ Johnson, *supra* note 60.

⁹⁰ Braga et al., *supra* note 78 at 6.

⁹¹ *Id.* at 4-6.

⁹² Braga & Dusseault, *supra* note 49 at 10.

⁹³ Lowery et al., *supra* note 4.

⁹⁴ *Boston Homicides*, BOS. PD CRIME HUB (Dec. 31, 2023), <https://boston-pd-crime-hub-boston.hub.arcgis.com/datasets/boston::boston-homicides/explore>.

assailants larger.⁹⁵ “It all comes down to witness cooperation,” reported Lt. Det. Duff, who currently leads the UCS.⁹⁶ The UCS depends on “people being willing to work with us and bring us information we need.”⁹⁷ Yet, many Black Bostonians report a deep distrust towards law enforcement.⁹⁸ Black Bostonians experience a disproportionately high number of traffic stops, pedestrian stops, and searches.⁹⁹ Even after controlling for crime, BPD officers are more likely to initiate police encounters in Black neighborhoods and to initiate encounters with Black people citywide.¹⁰⁰ Consequently, Black Bostonians are significantly more likely to report feeling that BPD does not “take complaints of people of [their] racial group seriously.”¹⁰¹ Thus, the nature of BPD’s presence in Black neighborhoods may undermine the work of the UCS.

In recent years, the City of Boston has reduced funding for homicide investigations. The budget for the Bureau of Investigative Services – which houses the Homicide Unit – has dropped.¹⁰² In 2023, the UCS was awarded half a million dollars by the DOJ to reopen fifty unsolved homicide cases that had DNA evidence on file.¹⁰³ However, BPD’s overall external grant funding has declined: BPD’s total external funding has decreased from approximately \$16.3 million (6% of their total budget) in

⁹⁵ Interview with Rachael Rollins, Former Dist. Att’y, Suffolk Cnty. Dist. Att’y’s Off., in Bos., Mass. (Jan. 24, 2025).

⁹⁶ Fiandaca, *supra* note 5.

⁹⁷ *Id.*

⁹⁸ Sandra Susan Smith, *Bias, Distrust and Trauma*, MALCOLM WIENER CTR. FOR SOCIAL POLICY (May 30, 2024), <https://www.hks.harvard.edu/centers/wiener/programs/criminaljustice/research-publications/dispatches/bpd-racial-bias>.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Operating Budget Fiscal Year 2024*, 1,002 (2023), <https://content.boston.gov/sites/default/files/file/2023/06/FY24%20Full%20Budget%20Document.pdf>.

¹⁰³ *Boston Police Department FY 23 Prosecuting Cold Cases Using DNA*, BUREAU OF JUST. ASSISTANCE (Sept. 14, 2023), <https://bja.ojp.gov/user/login?destination=/funding/awards/15pbja-23-gg-02279-dnax>.

2010 to approximately \$11.2 million (2.4% of their total budget) in 2025.¹⁰⁴ This significant reduction in funding directly impacts BPD's capacity to investigate unsolved homicides.

Today, Boston has one of the lowest homicide rates among major cities.¹⁰⁵ This decline is the hard-won result of years of collaboration between government agencies, public health institutions, community organizations, and law enforcement.¹⁰⁶ However, BPD's homicide clearance rate remains uneven: over the last five years it has ranged from 35% to 92%.¹⁰⁷ Consequently, the total number of *unsolved* homicides in Boston continues to rise.¹⁰⁸

Currently, BPD has a backlog of between 1,700 and 1,800 unsolved homicides.¹⁰⁹ The UCS is now staffed by six detectives, two sergeants, and one lieutenant.¹¹⁰ The lieutenant role – technically vacant – is currently filled by Lt. Det. Duff, who also serves as chief of the Homicide Unit.¹¹¹ When the UCS is fully staffed, the lieutenant's role is to supervise investigations and apply for grant funding.¹¹² In addition to investigating unsolved crimes, UCS detectives are also responsible for parole board

¹⁰⁴ *Boston Police Department's Budget Undermines Community Relations, Accountability and Oversight: Data and Analysis from 2010-Present*, 11 (2021), <https://lawyersforcivilrights.org/wp-content/uploads/2021/02/BPD-Budget-Analysis-2010-Present-FINAL-Feb.-25-2021.pdf>; *Operating Budget Fiscal Year 2024*, *supra* note 102 at 1,011.

¹⁰⁵ Dan Glaun et al., *Boston on Track For Fewest Homicides Since 1957 in 'an All-Hands-on-Deck Effort,' Officials Say*, BOS. GLOBE (Dec. 27, 2024), <https://www.bostonglobe.com/2024/12/27/metro/boston-low-homicides-record/>.

¹⁰⁶ *Boston's Homicide Rate Reaches a Historic Low*, *supra* note 1.

¹⁰⁷ *BPD Homicide Clearance Rate*, CITY OF BOS., <https://app.powerbigov.us/view?r=eyJrIjoib2RmZTZmNzgtYjc0OS00ZTBhLWFiMzAtZDdmNDg1ZGYxNGQ2liwidCI6Ijg1NTI4ODdjLWNiYzMtNGVINS05ZmQzLWVhMjE3ZTMwMjZmYyJ9> (last visited Mar. 13, 2025).

¹⁰⁸ E-mail from City of Bos., to Kelly Bentdahl, Student at Ne. Univ. Sch. of L. (Feb. 19, 2025, 12:33 PM EST) (on file with author). (837 unsolved homicides in 1993); Johnson, *supra* note 60 (1,350 unsolved homicides in 2008); Interview with Daniel Duff, *supra* note 3 (1,700 unsolved homicides in 2025).

¹⁰⁹ Interview with Daniel Duff, *supra* note 3; Interview with Nick Moore, *supra* note 6.

¹¹⁰ Interview with Daniel Duff, *supra* note 3.

¹¹¹ *Id.*

¹¹² Interview with Nick Moore, *supra* note 6.

review, responding to Freedom of Information Act requests, conviction integrity review, and investigations into officer-involved shootings.¹¹³ Since its re-formation in 2008, the UCS has solved twenty-eight homicides.¹¹⁴

This survey of BPD's history reveals three conclusions of particular relevance to this report. First, BPD has a proven history of improving their practices and performance. Second, BPD detectives value community trust and partnership, and maintaining that community cooperation is essential to solving homicides. Finally, despite major gains in violence-reduction, BPD's relationship with Black Bostonians remains fraught. Survivor testimonies, shared throughout this report, echo this enduring distrust. BPD can take steps to rebuild trust by directly confronting its past shortcomings and better supporting survivors of unsolved homicides.

MAHOGANY'S STORY

Mahogany Payne lost both of her sons to gun violence. "The memories, they are great. I have really good, cherished memories," Mahogany said. "What we created, it definitely keeps my spirit alive today."¹¹⁵

Lloyd Payne, Mahogany's youngest son, was a bubbly, friendly, and funny young man. "Lloyd had my personality. [He] didn't know how to stop playing. When he walked into a room, his energy just sparked up the show. I loved his personality and sense of humor." Rashod Payne, her older son, was "more laid back and serious," Mahogany recalled. "Whenever I would try to get a laugh out of him or crack jokes, he would go,

¹¹³ Interview with Daniel Duff, *supra* note 3.

¹¹⁴ E-mail from City of Bos., to Kelly Bentdahl, Student at Ne. Univ. Sch. of L. (Jan. 21, 2025, 1:43 PM EST) (on file with author).

¹¹⁵ Interview with Mahogany Payne, *supra* note 17. Unless otherwise indicated, all of the information within this section is from this interview.

‘Mooom that's not funny.’ He wanted to laugh, but he was too cool for tv. Just laid back and cool. I love them and I miss them.”

In 2006, Rashod was shot on Geneva Avenue in Dorchester and died in 2008 from his injuries at just 22 years old. Two years later, her son Lloyd, only 18, was shot in the heart while in his car on Mallon Road in Dorchester. Neither murder has been solved.

Over the last sixteen years, Mahogany has only met with BPD detectives once to discuss her sons’ cases. Mahogany’s communication with the police has been primarily one-sided and initiated by her. She has repeatedly reached out to BPD and requested that her sons’ belongings be returned to her after all these years. To this day, Mahogany has yet to receive either of her sons’ property.

Mahogany sees a stark disparity in how homicide cases are handled based on the race of the victim: “when it comes to our children, you know just being of color... plays a major role in the investigation,” she explained. “For instance...when a police officer gets shot you know they are knocking down every door, they have dogs, they have helicopters, they have every single thing. But, when our children get shot on the streets...no one investigates the murders and it ends up unsolved.”

Throughout her sons’ investigations, she learned that routine investigative steps appear to have been overlooked. Rashod had his cellphone on him the day he was shot, but law enforcement never checked his phone for his final calls.

“They leave us feeling like they don't care.” Mahogany said. “When our children’s blood is being shed here on the streets, it [doesn’t] matter. A life is a life...and if your blood is shed on the streets, it shouldn’t matter if it’s your child or my child. It’s just

terrible the way that we get treated with this unsolved murder situation. I'm still very upset about my kids' murders still being unsolved."

The weight of pursuing justice for her sons has become too heavy to bear. "I've kind of gave up on wanting closure on their cases," Mahogany admits. "When I start digging about wanting to learn about their unsolved murders, it reveals so much pain. And...I feel just by myself, and it brings me down, my energy feels low again." She has found some healing through her work in restorative justice and the community she has found at the Peace Institute, but the wounds of losing her sons – and their cases remaining unsolved all these years later– remain deep.

LISA'S STORY

A phone call on the evening of September 12, 1991, shattered Lisa Randolph's world forever. Her sister's terrified voice delivered the news that their 20-year-old brother Torraine Randolph had been shot on the platform of the fire station on Dudley Street with multiple witnesses present, including their sister and Torraine's friend, who watched helplessly as he died in his sister's arms.¹¹⁶

The initial response from the authorities set a devastating precedent for how the case would be handled. When Torraine's friend spotted the shooter fleeing the scene and alerted the nearby firefighters, they refused to provide critical life-saving support or contact the police, saying they "had to wait for backup" – despite the police station being a mere block away. "I felt like that was a slap in the face because they could've gotten

¹¹⁶ Interview with Lisa Randolph, *supra* note 11. Unless otherwise indicated, all of the information within this section is from this interview.

on the radio and said these guys are going down such and such street... they had a description of [him].”

Despite having two eyewitnesses, clear descriptions of the suspects (one in a trench coat, the other wearing a distinctive neighborhood jacket), and what appeared to be a calculated murder rather than a random act of violence, the case grew cold. When Lisa tried to engage with detectives over the years, she was met with the same dismissive response: “There's nothing. No one is talking.”

“The most devastating thing to ever happen in my life is losing my brother,” Lisa said. Torraine was a beloved, hardworking man who loved to make people laugh. “Everybody loved him. He always had a smile on his face.” Lisa reminisced. “He was just one of those bright lights, since he was a baby. He was always just a special kid, everyone was drawn to and loved. All the girls loved him. He had a sweet heart. He was a mama’s boy. He was a very good person.”

For 33 years, Lisa has carried the burden of her own investigation by gathering information and following new leads. “I’ve been doing my own investigation. It’s a sister’s love. You’re not going to just sit there and do nothing. My brother and I were so tight. I’m his big sister. I am still fighting for him.”¹¹⁷

Her friend, and fellow survivor, Mary Franklin, one of the most passionate and outspoken advocates for survivors of homicide in Boston and founder of The Women Survivors of Homicide Movement (WSOHM), was instrumental in supporting Lisa in her fight for justice.¹¹⁸ Mary advocated for and worked with survivors to navigate

¹¹⁷ Telephone Interview with Lisa Randolph, Survivor (Mar. 12, 2025).

¹¹⁸ Brandon Drain, *MSU Researcher Examines Grassroots Solutions for Black Homicide Survivors*, Mich. State Univ. (Jan. 10, 2025), <https://socialwork.msu.edu/news/grassroots-homicide->

communication with law enforcement for 26 years. She helped Lisa set up a meeting with BPD to go over the information she had painstakingly gathered over the years.¹¹⁹

“God put me in Mary’s space to continue this fight. I was the last survivor she worked with. The fight was still there... the fire was still there.”¹²⁰

“When I had my meeting with the detectives, I was spilling my guts and dropping names based on my hard research and the detective said that he knew the guy and [that] he was a troublemaker,” Lisa recalled. And, despite providing potentially crucial information to investigators, including details about potential suspects and motives, no arrests have been made.

“I don’t think they did anything with [my research], I think they just sat on it,” she added. “Even giving them information, they are still not doing anything.”¹²¹ The last time Lisa reached out to BPD was at the annual Homicide Survivors Breakfast, where she told the detective on Torraine’s case that she had new information concerning the man who had accompanied her brother’s killer. The detective contacted Lisa on August 6, 2024, and informed her that he was on medical leave and wrote “I’ll reach out to my [Sergeant] and see if he can have a detective meet with you.”¹²² Lisa has not heard from BPD since.

[support.html#:~:text=The%20WSOHM%20was%20founded%20in,1996%2C%20in%20Dorchester%2C%20MA.](#)

¹¹⁹ Jonathan Hall, *Championing for Change: The Mary Franklin Story*, WHDH NEWS (Jan. 23, 2023), <https://whdh.com/news/championing-for-change-the-mary-franklin-story/>.

¹²⁰ Telephone Interview with Lisa Randolph, *supra* note 117.

¹²¹ Email Interview with Lisa Randolph, Survivor (Feb. 10, 2025).

¹²² *Id.*

“I’m here doing the work just for them to do nothing,” Lisa said. “Who is the criminal here? The ones who killed our loved ones or the system? Where did the information go? What are the investigators really doing to solve this case?”¹²³

Lisa and her family are frustrated by how BPD has handled Torraine’s case: “I can’t even tell you what they are doing. We are just discouraged. We don’t feel like there is enough help out there to help us figure this out. Everything’s just turned over...What about getting out there and finding out what is going on? Rather than having us just do all the work.” Lisa explained, “It is very stressful. It has been stressful all these years. 33 years is too long... Imagine all that time.”

The weight of this unsolved murder continues to weigh heavily on the family, especially Lisa’s mother, who still hopes to see justice in her lifetime. “I hope she is alive to see justice...We are all hurt because of this,” Lisa said. “We are doing all this fighting, and we are running out of steam. It’s like we are all on this big train together and we are headed toward a brick wall, and we are trying to stop it before we hit it.”

When Mary passed away, things felt stagnant, but Lisa was able to find community with fellow survivors at the Peace Institute, where she could channel her grief into advocacy. Despite the decades of disappointment, Lisa persists in her fight for justice for Torraine and fulfilling the legacy of her friend Mary Franklin. “Mary didn’t get justice. I’m not going to sit down. That’s the kind of person I am. I’m coming back like a raging tornado.”¹²⁴

¹²³ Telephone Interview with Lisa Randolph, *supra* note 117.

¹²⁴ *Id.*

BPD'S CURRENT UNSOLVED HOMICIDE PROCEDURES

INVESTIGATIONS

The BPD Homicide Unit is staffed by forty detectives, divided into eight squads.¹²⁵ The squads are assigned on a rotating schedule to investigate a homicide.¹²⁶ Each squad is staffed by a sergeant detective and two or three detectives.¹²⁷ The Homicide Unit also houses the UCS and the Fatal Collision Investigation Team.¹²⁸ To facilitate collaboration, all squads share an office space.¹²⁹ In general, the Unit prioritizes its most recent cases; the UCS is generally the lowest priority, both for staffing and fiscal resources.¹³⁰

A “critical measure” of a Homicide Unit’s performance is its “clearance rate.”¹³¹ BPD, like most police departments, considers a case “cleared” when an arrest is made.¹³² In most U.S. jurisdictions, the decision to arrest a suspect for homicide is in the hands of the local police department.¹³³ If police have “probable cause,” they can make an arrest and “clear” the case.¹³⁴ “Probable cause” requires more than a hunch, but it is less demanding than a prosecutor’s task at trial: to establish guilt “beyond a reasonable doubt.”¹³⁵

¹²⁵ Interview with Nick Moore, *supra* note 6.

¹²⁶ *Homicide Unit*, *supra* note 28.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Interview with Nick Moore, *supra* note 6.

¹³⁰ *Id.*

¹³¹ Braga et al., *supra* note 78 at 6.

¹³² Cramer, *supra* note 80.

¹³³ Interview with John Verner, Assistant Dist. Att’y, Suffolk Cnty., in Bos., Mass. (Feb. 4, 2025).

¹³⁴ *Id.*

¹³⁵ *Illinois v. Gates*, 462 U.S. 213, 232 (1983).

Massachusetts, on the other hand, places the decision to arrest a suspect for homicide in the hands of the local district attorney's office.¹³⁶ In the Commonwealth, homicide detectives bring evidence to the local prosecutor, who then decides whether to recommend the case to a grand jury.¹³⁷ If the grand jury indicts the suspect, the prosecutor will then issue an arrest warrant.¹³⁸ BPD only considers a case "cleared" after the suspect is indicted by a grand jury and a warrant is issued.¹³⁹

Prosecutors use the grand jury process to ensure a suspect is only arrested and charged when it is highly likely that they will be convicted at trial.¹⁴⁰ While BPD measures its performance by "clearance rate," the Suffolk County District Attorney's Office ("SCDAO") measures its performance by "conviction rate."¹⁴¹ Thus, prosecutors are unlikely to present a homicide suspect to a grand jury unless they are confident that BPD has collected enough evidence to prove "guilt beyond a reasonable doubt."¹⁴² To protect their own credibility, BPD detectives are reluctant to present a suspect to SCDAO unless they are confident that they have gathered enough evidence.¹⁴³ Lt. Det. Darrin Greeley, former head of the Homicide Unit, reports that BPD detectives work diligently to ensure that they have collected enough evidence to produce an indictment, and later, a conviction.¹⁴⁴ What's worse," asked Lt. Merner, "having your case unsolved or watching that person who is responsible walk out the court room because the

¹³⁶ Braga et al., *supra* note 78 at 6.

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ Interview with John Verner, *supra* note 133.

¹⁴¹ Braga et al., *supra* note 78 at 6.

¹⁴² Interview with John Verner, *supra* note 133.

¹⁴³ Interview with Nick Moore, *supra* note 6.

¹⁴⁴ Braga et al., *supra* note 78 at 6.

investigation is hurried or rushed?”¹⁴⁵ Such a high threshold reduces the possibility of acquittals and prevents miscarriages of justice.¹⁴⁶ It also makes it more difficult for police to “clear” homicides in Massachusetts than in other states.¹⁴⁷

Typically, when a case has gone unsolved for ten years, it is transferred from the original squad to the UCS.¹⁴⁸ This policy is unwritten, and the decision to transfer is made on a case-by-case basis.¹⁴⁹ If the Homicide Unit is overwhelmed, it will sometimes transfer a case to the UCS early.¹⁵⁰ BPD’s ten-year threshold is unusual – many municipalities, both elsewhere in the Commonwealth and nationwide, designate an unsolved case as “cold” much sooner.¹⁵¹ The Homicide Unit has adopted this longer threshold for two reasons. First, by allowing the same detective to remain “married” to a case for ten years, the Unit can avoid the time-consuming process of familiarizing a new detective with the case.¹⁵² Second, the Homicide Unit uses the ten-year designation

¹⁴⁵ Cramer, *supra* note 80.

¹⁴⁶ Braga et al., *supra* note 78 at 6.

¹⁴⁷ *Id.*

¹⁴⁸ Interview with John Verner, *supra* note 133.

¹⁴⁹ Interview with Nick Moore, *supra* note 6.

¹⁵⁰ *Id.*

¹⁵¹ The Middlesex County District Attorney’s Office designates a case as “cold” six years after the homicide if no charges have been brought. Interview with Dave Solet, Chief of Cold Case Unit, Middlesex Cnty. Dist. Att’y’s Off., in Bos., Mass. (Feb. 4, 2025). The National Institute of Justice defines a “cold case” as “a case, such as a violent crime, missing person, or unidentified person, that has remained unsolved for at least three years and has the potential to be solved through newly acquired information or advanced technologies to analyze evidence.” Barcus et al., *supra* note 45 at 83. Other states define “cold case” by statute. Under Arizona Revised Statute, § 13-4271(F), a “cold case” means a “homicide or felony sexual offense that remains unsolved for 1 year or more after being reported to a law enforcement agency and that has no viable and unexplored investigative leads.” ARIZ. REV. STAT. § 13-4271(F) (LexisNexis 2024). Under Colorado Revised Statute § 24-4.1-302(1.2), a “cold case” is “a felony crime reported to law enforcement that has remained unsolved for over 1 year after the crime was initially reported to law enforcement and for which the applicable statute of limitations has not expired.” COLO. REV. STAT. § 24-4.1-303 (1993). The definition of “cold case” can be based on time passed or on the number of leads. For example, some police departments across the country may determine a case is cold if all leads have been exhausted, all victims/witnesses have been interviewed, or all evidence was tested for DNA. *Serving Survivors of Homicide Victims During Cold Case Investigations*, *supra* note 293.

¹⁵² Interview with Nick Moore, *supra* note 6.

because it accurately reflects the amount of time it takes the Unit to exhaust all investigative leads.¹⁵³

The UCS' backlog of unsolved homicides can be divided into two broad categories: those with DNA evidence available, and those without. The UCS prioritizes the cases that have the highest likelihood of being solved.¹⁵⁴ In general, this means prioritizing cases that have DNA evidence on file.¹⁵⁵ Typically, DNA evidence is more likely to be recovered from crime scenes where there was person-to-person contact between the perpetrator and victim.¹⁵⁶ For gun-related homicides, the UCS prioritizes cases where officers have recovered the firearm and can pull DNA evidence from it.¹⁵⁷

Cases with DNA evidence show great promise. DNA testing is improving rapidly, making it increasingly likely that cases with forensic evidence – however old – can be solved.¹⁵⁸ The UCS uploads available DNA profiles to CODIS, an FBI database that allows investigators to search the DNA profile for matches uploaded by other agencies at the local, state, and national levels.¹⁵⁹ If the CODIS search does not yield results, the UCS can then apply for Department of Justice funding to use Forensic Genetic Genealogy, an “emerging investigative technique” that combines “technological advancements in DNA analysis and searching with traditional genealogy research.”¹⁶⁰

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ Kathryn M. Turman, *Understanding DNA Evidence: A Guide for Victim Service Providers*, <https://www.ojp.gov/pdffiles1/nij/bc000657.pdf>.

¹⁵⁷ Interview with Nick Moore, *supra* note 6.

¹⁵⁸ Charles Heurich, *Cold Cases: Resources for Agencies, Resolution for Families*, NAT'L INST. OF JUST. (July 14, 2008), <https://nij.ojp.gov/topics/articles/cold-cases-resources-agencies-resolution-families>.

¹⁵⁹ *Id.*

¹⁶⁰ *Department of Justice Announces Interim Policy on Emerging Method to Generate Leads for Unsolved Violent Crimes*, U.S. DEP'T OF JUST. (Sept. 19, 2019), <https://www.justice.gov/archives/opa/pr/departments-justice-announces-interim-policy-emerging-method-generate-leads-unsolved-violent>.

The DOJ requires that law enforcement demonstrate they have exhausted all investigative leads before gaining access to this option.¹⁶¹

However, the availability of DNA evidence to be tested depends on both the circumstances of the homicide and thoroughness of the initial investigation: if no DNA evidence was gathered, there is nothing to test. To address its backlog of cases without DNA evidence, the UCS is also in the process of digitizing their files.¹⁶² By creating a database where detectives can search by weapon type, details about a suspect's appearance or vehicle, and other relevant information, the UCS hopes to improve case solvability and investigate cases more efficiently.¹⁶³ Because a "guilty" verdict is more likely in a case with living witnesses, the UCS is prioritizing its most recent cases for digitization.¹⁶⁴

COMMUNICATION

When a homicide occurs, BPD is required to notify the deceased's next-of-kin in person and interview them about the deceased's medical history.¹⁶⁵ BPD requires that officers "make every effort to notify the family" within 24 hours of their loved one's death.¹⁶⁶ From this point on, each detective is free to "use judgment" and determine how often to communicate with survivors.¹⁶⁷ Detectives "cannot always answer

¹⁶¹ Leighton D'Antoni, *Investigative Genetic Genealogy (IGG): A Guide for Prosecutors*, TEX. DIST. & CNTY. ATT'Y'S ASS'N (Oct. 2024), <https://www.tdcaa.com/journal/investigative-genetic-genealogy-igg-a-guide-for-prosecutors/>.

¹⁶² Interview with Nick Moore, *supra* note 6.

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Homicide Case Procedure*, BOS. POLICE DEP'T., <https://police.boston.gov/homicide-case-procedure/> (last visited Mar. 9, 2025).

¹⁶⁷ *Rules & Procedures*, BOS. POLICE DEP'T., <https://police.boston.gov/rules-procedures/> (last visited Mar. 9, 2025).

questions without compromising the investigation,” and seek to avoid the “premature release of information” that could have “an adverse impact on the case.”¹⁶⁸ Indeed, law enforcement’s greatest advantage in homicide investigations is often that suspects do not have access to the detective’s leads and evidence.¹⁶⁹ However, detectives are encouraged to notify survivors when “a case is transferred to new detectives, major developments occur, and/or arrests are made.”¹⁷⁰

The UCS does not have any written policies or procedures for communicating with survivors.¹⁷¹ Survivors describe inconsistent communication: “they never update me. I always must call and ask.” Lisa explains. “[And] when we do sit down with them, they don’t tell us anything. We do more reaching out to them than them reaching out to us.”¹⁷² “I kept calling, but no one was returning my calls,” said Tasha.¹⁷³ Mahogany contends that “investigators should be obligated to tell [survivors] or at least call [them] twice a year and say, ‘What is it that we can do for you? What is it that you need? We haven’t been able to come to a conclusion about the murder, but we want you to know we haven’t forgotten about you...’ Just leaving us hanging makes us feel alone.”¹⁷⁴ The UCS has also received requests to contact survivors annually on the anniversary of their loved one’s death, or on their loved one’s birthday, but has not adopted this practice.¹⁷⁵

¹⁶⁸ *Id.*; *Support Services for Families & Witnesses*, BOS. POLICE DEP’T., <https://police.boston.gov/support-services-for-families-witnesses/> (last visited Mar. 9, 2025).

¹⁶⁹ Interview with Dave Solet, *supra* note 151.

¹⁷⁰ *Homicide Case Procedure*, *supra* note 166.

¹⁷¹ E-mail from City of Bos., to Kelly Bentdahl, Student at Ne. Univ. Sch. of L. (Jan. 27, 2025, 05:51 EST) (on file with author).

¹⁷² Email Interview with Lisa Randolph, Survivor, Louis D. Brown Peace Inst. (Feb. 9, 2024).

¹⁷³ Interview with Tasha Carrington, *supra* note 33.

¹⁷⁴ Interview with Mahogany Payne, *supra* note 17.

¹⁷⁵ Interview with Rachael Rollins, *supra* note 95.

The UCS will typically only reach out to family members with “major updates” — if a suspect has been charged, or if the likely perpetrator has passed away.¹⁷⁶ The UCS is reluctant to publicize — even to immediate family members — any details about an ongoing investigation for three reasons. First, because contacting family members might “bring up old wounds.”¹⁷⁷ Second, because circulating information before a suspect is charged could harm prosecutors’ chances of getting a “guilty” verdict at trial.¹⁷⁸ Third, because a no-communication policy reduces the possibility that a person accused of a different crime will hear about an unsolved homicide, pretend to have information, and leverage it to strike a deal with prosecutors.¹⁷⁹

The Homicide Unit has also added a Victim-Witness Resource Office.¹⁸⁰ Victim-Witness Resource Officers “help grieving families by connecting families to funeral and burial resources and making referrals to public and non-profit counseling and trauma services.”¹⁸¹ When a homicide occurs, survivors should expect to hear from a Victim-Witness Resource Officer “within a few days” who will offer “helpful resources and support.”¹⁸² Officers also organize “meetings, forums, initiatives and other community events” to facilitate “positive communication” between detectives and survivors.¹⁸³ Resource Officers are primarily focused on leading events and large-scale gatherings with survivors to commemorate their loved ones.¹⁸⁴

¹⁷⁶ Interview with Nick Moore, *supra* note 6.

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Support Services for Families & Witnesses*, *supra* note 168.

¹⁸¹ *Id.*

¹⁸² *Homicide Case Procedure*, *supra* note 166.

¹⁸³ *Support Services for Families & Witnesses*, *supra* note 168.

¹⁸⁴ Interview with Kara Hayes, *supra* note 16.

Mahogany finds these gatherings uncomfortable and disingenuous.¹⁸⁵ “You get invited to this space, but [the survivors] should be the ones saying what we want. Everyone wants to come to this table with all this food and say this is what we do, this is how we treat survivors, when it's not like that,” she said.¹⁸⁶ “I don’t feel okay with showing up anymore because I feel like... I’m being disloyal to my children.... because when you go to the event it’s kind of like complementing [the police] and the great job they do.”¹⁸⁷

TRANSPARENCY

The Homicide Unit believes that its “greatest resource in solving homicide cases is information from witnesses, friends, family and the community.”¹⁸⁸ However, their public-facing information on homicides is incomplete. From 2011 to 2019, the Homicide Unit published an annual list of unsolved homicides, encouraging anyone with information to reach out.¹⁸⁹ The lists from 2011 to 2014 are compiled on one page; the lists from 2015 to 2019 are each on a separate page.¹⁹⁰ The Homicide Unit resumed publishing an annual list in 2021 and continued the practice until 2023.¹⁹¹ Unlike prior

¹⁸⁵ Interview with Mahogany Payne, *supra* note 30.

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *Boston Police Department*, BOS. POLICE DEP’T., <https://police.boston.gov> (last visited Mar. 9, 2025).

¹⁸⁹ *Previous Years Homicide Cases*, BOS. POLICE DEP’T., <https://police.boston.gov/cases/> (last visited Mar. 9, 2025).

¹⁹⁰ *Id.*; *Unsolved Homicides 2015*, BOS. POLICE DEP’T., <https://police.boston.gov/2015-unsolved-homicides/> (last visited Mar. 9, 2025); *Unsolved Homicides 2016*, BOS. POLICE DEP’T., <https://police.boston.gov/2016-unsolved-homicides/> (last visited Mar. 9, 2025); *Unsolved Homicides 2017*, BOS. POLICE DEP’T., <https://police.boston.gov/2017-unsolved-homicides/> (last visited Mar. 9, 2025); *Unsolved Homicides 2018*, BOS. POLICE DEP’T., <https://police.boston.gov/2018-unsolved-homicides/> (last visited Mar. 9, 2025); *Unsolved Homicides 2019*, BOS. POLICE DEP’T., <https://police.boston.gov/2019-unsolved-homicides/> (last visited Mar. 9, 2025).

¹⁹¹ *2021 Homicides*, BOS. POLICE DEP’T., <https://police.boston.gov/2021-homicides/> (last visited Mar. 9, 2025); *2022 Homicides*, BOS. POLICE DEP’T., <https://police.boston.gov/2022-homicides/> (last visited Mar. 9, 2025); *2023 Homicides*, BOS. POLICE DEP’T., <https://police.boston.gov/2023-homicides/> (last visited Mar. 9, 2025).

lists, these show a photograph of each victim and marks each case as “solved” or “unsolved.”¹⁹² There is also a list titled “Unsolved Homicide Cases 1985 to 2009.”¹⁹³ However, the page only displays nine names.¹⁹⁴

The Homicide Unit also publishes incomplete information on its own performance. There are links to “Homicide Year End Reports” from 2015-2018, but the links lead to pages that are no longer active.¹⁹⁵ In an effort to comply with their commitment to “accountability and transparency,” the Homicide Unit also published a “Homicide Clearance Rate Dashboard.”¹⁹⁶ Yet, on February 16, 2025, the Dashboard only displayed BPD’s clearance rates from 2015 to 2020.¹⁹⁷ As of March 2025, the Dashboard has been updated to include data from 2015 through 2024.¹⁹⁸

NICHOLE’S STORY

Nichole Bell’s brother, Amin Bell, was murdered on July 21st, 1995.¹⁹⁹ He was 18 years old.²⁰⁰ Nichole recalled his dream of pursuing a music career in California and described Amin as a talented rapper who “could have made something [of himself]” in the music industry. She remembers

¹⁹² *Id.*

¹⁹³ *Unsolved Homicide Cases 1985-2013*, BOS. POLICE DEP’T., <https://police.boston.gov/unsolved-cases-1996-2012/> (last visited Mar. 9, 2025).

¹⁹⁴ *Id.*

¹⁹⁵ *Homicide Unit*, *supra* note 28.

¹⁹⁶ *Data on Boston Police Department*, CITY OF BOS., <https://www.boston.gov/departments/analytics-team/data-boston-police-department> (last visited Mar. 9, 2025).

¹⁹⁷ *Homicide Clearance Rate*, CITY OF BOS., https://data.boston.gov/dataset/homicide-clearance-rate/resource/7943c05a-e0d3-4f0b-b403-5cb5fab11a1f?inner_span=True (last visited Mar. 9, 2025).

¹⁹⁸ *BPD Homicide Clearance Rate*, *supra* note 107.

¹⁹⁹ Interview with Nichole Bell, Survivor, Louis D. Brown Peace Inst., in Bos., Mass. (Oct. 23, 2024). Unless otherwise indicated, all of the information within this section is from this interview.

²⁰⁰ BPD Media Relations, *BPD’s Search for Justice Video Series: Amin Bell*, YouTube (Apr. 26, 2018), <https://www.youtube.com/watch?v=PhITsRIqbc8>.

him as a generous person – the type who “would give you the shirt off his back. He was a sweet, sweet person... He was my best friend.”

Nichole and Amin spoke on the phone every day, and she would often see him at her mom’s house. The day Amin died, they talked about her children, and about the size of Nichole’s son’s bed. Amin planned to bring his own bed to Nichole’s house, because he was going to start living with her. He said that if he could get a ride, he would come by her house later.²⁰¹ The next phone call Nichole received was from her sister, with devastating news: Amin had been shot.

In one of Nichole’s meetings with BPD, an officer showed her the case file for her brother’s case and showed her the faces of suspects. This level of detail made Nichole feel “so distraught.” After this incident, Nichole did not hear from BPD for months. Nichole sought out more meetings with BPD after she became connected with Mary Franklin, an advocate from the community.²⁰² Nichole spoke highly of Mary, calling her “a really strong person.”

Nichole is also frustrated by BPD’s lack of action, especially after BPD showed her Amin’s file and identified their top suspect to her. This information only frustrated her further, because she did not understand why the police would not act when they had a strong lead. Despite following up with BPD about this suspect, they have refused to act. Nichole’s perception of their current plan is that they are “waiting for [the suspect] to slip up.”

Most of the support Nichole has received has come from her community and organizations like the Peace Institute. She used to take advantage of other programs for

²⁰¹ Interview with Nichole Bell, Survivor, Louis D. Brown Peace Inst., in Bos., Mass. (Feb. 27, 2025).

²⁰² Hall, *supra* note 119.

survivors, but eventually, many of them stopped running. One organization, Roxbury Comprehensive Community Health Center (“Rox Comp”), provided a range of services that included therapy and support groups, but shut down in 2013.²⁰³ Nichole recalled, “I used to go to... Rox Comp, they used to have a living after murder program. And... you could get therapy... When they took that away, it was like... wow.”

Now, she finds community at the Peace Institute as a member of the Unsolved Homicide Ambassadors. Nichole said that without support from her community, she would “be lost.”

²⁰³ Adrian Walker, *Roxbury Health Center Closes Its Doors Forever*, BOS. GLOBE (Mar. 25, 2013), <https://www.bostonglobe.com/metro/2013/03/24/roxcomp-closes-its-doors-forever-but-questions-about-its-failure-still-demand-answers/BGIct515nYLIYoVFX6C7iL/story.html>.

THE BROADER LANDSCAPE: POLICY, SCDAO AND COMMUNITY ORGANIZATIONS

“The victim sometimes becomes victimized by the system itself.” – *John Kerry, Former Lieutenant Governor of Massachusetts*²⁰⁴

“What are these laws? What are these roadblocks blocking us from what we need?” – *Lisa, Survivor*²⁰⁵

“I want us to be able to look into the eyes of a father or mother who lost their son and tell them that we remember him and are still looking for justice” – *Rachael Rollins, former Suffolk County District Attorney*²⁰⁶

BPD does not operate in a vacuum. The Suffolk County District Attorney’s Office also investigates unsolved homicides and communicates with survivors. The Massachusetts Legislature has enumerated specific rights for victims and survivors. This section explores the feelings of disconnect between SCDAO and survivors and discusses the inadequacies of the Victim’s Bill of Rights as it applies to survivors of unsolved homicides.

POLICY: THE VICTIM’S BILL OF RIGHTS

In March 1984, the Massachusetts Victims Bill of Rights (“VBOR”)

(Massachusetts General Laws Chapter B) was signed into law by Governor Michael

²⁰⁴ STATE HOUSE ROUNDUP; VICTIM RIGHTS BILL ADVANCES., PROQUEST, October 6, 1983, <https://link.ezproxy.neu.edu/login?url=https://www.proquest.com/newspapers/state-house-roundup-victim-rights-bill-advances/docview/294277173/se-2?accountid=12826>.

²⁰⁵ Interview with Lisa Randolph, *supra* note 11.

²⁰⁶ “We Remember”: District Attorney Rollins Unveils PUSH – Project for Unsolved Suffolk Homicides, SUFFOLK CNTY. DIST. ATT’Y’S OFF. (Sept. 27, 2019), <https://www.suffolkdistrictattorney.com/press-releases/items/2019/9/27/we-remember-district-attorney-rollins-unveils-push-project-for-unsolved-suffolk-homicides>.

Dukakis.²⁰⁷ The VBOR enumerates twenty-three rights for victims of crime, witnesses, and – in cases of homicide – the family members of the deceased.²⁰⁸ Broadly, these include: the right to be present at trial, the right to be heard, and *the right to be informed*.²⁰⁹ (emphasis added). More specifically, Section 12 of the VBOR mandates that the communication to survivors is “timely,” and addresses “significant changes.”²¹⁰

The VBOR purports to support “*all* victims and survivors of crime across the commonwealth.” (emphasis added).²¹¹ However, the VBOR’s overwhelming focus is on the rights of survivors during the prosecution process – and therefore on survivors of crimes already “cleared” by the police.²¹² While section seven specifies that “the district attorney, local law enforcement agencies, local social service agencies, and court shall cooperate to afford victims [their rights]” only four out of the twenty-three rights enumerated in the bill reference law enforcement at all.²¹³ These rights include protection from retribution, the non-disclosure of confidential information and the return of personal property.²¹⁴ Notably, none of the nine rights comprising the “right to be informed” pertain to law enforcement.²¹⁵ While prosecutors must provide survivors with information once a suspect is charged, there is no guarantee of communication for

²⁰⁷ David Lauter, *Crime Issue Becoming Election Battleground: Dukakis Camp Determined to Counter Bush’s Attack on Death-Penalty, Prison-Furlough Stands*, L.A. TIMES (June 13, 1988), <https://www.latimes.com/archives/la-xpm-1988-06-13-mn-3252-story.html>; *History of Victim Rights in Mass.*, MASS. OFF. OF VICTIMS’ ASSISTANCE, <https://www.mass.gov/doc/history-of-victim-rights-in-massachusetts/download#:~:text=The%20Massachusetts%20Victim%20Bill%20of,decade%20prior%20to%20its%20enactment> (last visited Jan. 20, 2025).

²⁰⁸ MASS. GEN. LAWS ch. 258B, § 3.

²⁰⁹ *Victim Rights*, *supra* note 13.

²¹⁰ MASS. GEN. LAWS ch. 258B, § 12.

²¹¹ *Mass. Office of Victims’ Assistance*, MASS.GOV, <https://www.mass.gov/orgs/massachusetts-office-for-victim-assistance> (last visited Mar. 13, 2025).

²¹² MASS. GEN. LAWS ch. 258B, § 12.

²¹³ MASS. GEN. LAWS ch. 258B, § 7.

²¹⁴ MASS. GEN. LAWS ch. 258B, § 3.

²¹⁵ *Id.*

survivors whose loved one's case remains unsolved.²¹⁶ Therefore, survivors of unsolved crimes are vulnerable to communication breakdowns because they lack an enumerated right to communication from police officers.²¹⁷

The VBOR also creates an infrastructure for informing victims and survivors of their rights and ensuring their protection.²¹⁸ This includes the Victim Witness Advocate Board ("VWAB") and the Massachusetts Office of Victims Assistance ("MOVA").²¹⁹ The VWAB is led by the Attorney General and includes survivors from the community.²²⁰ The VWAB is tasked with overseeing MOVA, "the country's first independent state victim assistance agency."²²¹ MOVA, in turn, tasks on-the-ground implementation of the VBOR to Victim Witness Advocates, who "ensure that crime victims, their family members and witnesses are fully informed of their rights as mandated by The Victim Bill of Rights."²²²

The VBOR contains processes to inform survivors of their rights, but it fails to outline a clear accountability process for when survivors' rights go unprotected. The VBOR does not create a legal cause of action, but it does allow survivors to "request assistance" from the VWAB, the district attorney, or the attorney general, should they feel that their rights have been denied.²²³ The VBOR offers no further guidance for survivors seeking to enforce their rights under the bill. Furthermore, enforcement of rights is complicated by vague terms. With no statutory definition section, key terms like

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ MASS. GEN. LAWS ch. 258B, § 4.

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ *History of Victims' Rights in Mass.*, *supra* note 207.

²²² *Victim & Witness Assistance*, *supra* note 15.

²²³ *Id.*

“timely” and “significant updates” are left unspecified.²²⁴ Survivors seeking to enforce their rights are left unsure of precisely what communication they are entitled to.

Because the VBOR does not include a right to be informed by police, and lacks a detailed plan to guarantee enforcement of survivors’ rights, it is an insufficient remedy for the needs of survivors of unsolved homicides.

SCDAO: INVESTIGATION AND COMMUNICATION

INVESTIGATION THE ROLE OF HOMICIDE PROSECUTORS

Massachusetts law gives district attorneys the authority to “direct and control” homicide investigations.²²⁵ In practice, homicide prosecutors may suggest that detectives interview certain witnesses or follow up on leads that they find promising.²²⁶ Prosecutors generally do not interview witnesses directly, although they can order testing of forensic evidence and collect documentation (e.g., criminal history) on a suspect.²²⁷ Prosecutors may, if they choose, direct a SCDAO civil investigator to track down a potential witness.²²⁸ Ultimately, prosecutors must assess the evidence gathered by detectives to determine whether the case is ready for a grand jury.²²⁹ If detectives have not gathered enough evidence, prosecutors can direct them to keep investigating.²³⁰ However, prosecutors do not have statutory authority to discipline

²²⁴ MASS. GEN. LAWS ch. 258B, § 12.

²²⁵ MASS. GEN. LAWS ch. 258B, § 3.

²²⁶ Telephone Interview with Donna Patalano, Former Gen. Couns., Suffolk Cnty. Dist. Att’y’s Off., in Bos., Mass. (Feb. 25, 2025).

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ *Id.*

²³⁰ Zoom Interview with Donna Patalano, *supra* note 21.

officers who fail to follow upon on leads, even when instructed by a prosecutor to do so.²³¹

THE PROJECT FOR UNSOLVED SUFFOLK HOMICIDES

In 2018, Rachael Rollins was campaigning for the role of Suffolk County District Attorney. On the campaign trail, Rollins was approached by many Boston residents, all with the same story: that a loved one had been killed, and that they haven't heard from SCDAO or BPD since.²³² When Rollins took office in 2019, she established the Project for Unsolved Suffolk Homicides ("PUSH").²³³ "The people of Suffolk County deserve to hear us say 'we remember your loved one,'" said Rollins.²³⁴ "They are not just a case file. We will work to get you answers."²³⁵

SCDAO, like BPD, maintains files for unsolved homicides dating back to the 1960s.²³⁶ The files were disorganized: many were incomplete, damaged, mislabeled or poorly organized.²³⁷ Several were in a box labeled "stuff."²³⁸ Through PUSH, prosecutors and non-legal staff reviewed SCDAO's unsolved homicide files in "waves" of 50 cases.²³⁹ SCDAO staff decided internally which cases to include in a given "wave."²⁴⁰ Each "wave" began with non-legal staff members conducting a preliminary administrative review of each case file.²⁴¹ They cleaned and clearly marked each file,

²³¹ *Id.*

²³² Interview with Rachael Rollins, *supra* note 95.

²³³ "We Remember": District Attorney Rollins Unveils PUSH – Project for Unsolved Suffolk Homicides, *supra* note 206.

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ *Suffolk DA Rachael Rollins Continues Work on Unsolved Homicides*, *supra* note 19.

²³⁷ Interview with Rachael Rollins, *supra* note 95.

²³⁸ *Id.*

²³⁹ *Suffolk DA Rachael Rollins Continues Work on Unsolved Homicides*, *supra* note 19.

²⁴⁰ Zoom Interview with Donna Patalano, *supra* note 21.

²⁴¹ "We Remember": District Attorney Rollins Unveils PUSH – Project for Unsolved Suffolk Homicides, *supra* note 206.

summarized the contents and evidence, identified witnesses and potential suspects, and conducted additional research.²⁴² After the administrative review, the case was handed to a PUSH Assessment Committee.²⁴³ The Committee, comprised of several prosecutors and other SCDAO staff, determined whether to continue investigating the case.²⁴⁴ If so, they either assigned a senior member of the legal staff to continue the investigation or made recommendations directly to BPD or the Massachusetts State Police.²⁴⁵

Rollins felt that it was important for SCDAO to “clean up [its] house” before reaching out to families about the status of their loved one’s case.²⁴⁶ Thus, SCDAO prosecutors would only contact survivors if there were “meaningful updates.”²⁴⁷ Consequently, many survivors only heard about the program through media coverage, which may have created “false hope” for some.²⁴⁸ The program did not include a mechanism for survivors to request that their loved one’s case be reviewed.²⁴⁹

Through PUSH, the office completed five “waves,” reviewing and investigating approximately 250 unsolved homicides.²⁵⁰ “This administrative review means something,” said Rollins.²⁵¹ “Each of these files, many left without any review for decades, represents a person. We are hopefully showing survivors that we care and

²⁴² Interview with Rachael Rollins, *supra* note 95.

²⁴³ *Suffolk DA Rachael Rollins Continues Work on Unsolved Homicides*, *supra* note 19.

²⁴⁴ *Id.*

²⁴⁵ *Id.*

²⁴⁶ Interview with Rachael Rollins, *supra* note 95.

²⁴⁷ *Id.*

²⁴⁸ Interview with Kara Hayes, *supra* note 16.

²⁴⁹ Zoom Interview with Donna Patalano, *supra* note 21.

²⁵⁰ *Suffolk DA Rachael Rollins Continues Work on Unsolved Homicides*, *supra* note 19.

²⁵¹ “We Remember”: District Attorney Rollins Unveils PUSH – Project for Unsolved Suffolk Homicides, *supra* note 206.

that we will relentlessly pursue justice and accountability for their loved ones.”²⁵² The PUSH program led to indictments in three cases, including two unsolved homicides from 1988 and 1995.²⁵³

In 2022, Rollins departed SCDAO and was succeeded by Kevin Hayden, who initially served as interim District Attorney.²⁵⁴ While running for election in 2022, District Attorney Hayden praised PUSH: “Unsolved shootings can drive cycles of violence real quick, and a greater solve rate of unsolved shootings can help control violence as well. So, [PUSH] is something that we continue to be dedicated to.”²⁵⁵ However, it appears that PUSH is no longer active, and District Attorney Hayden has not announced a sixth “wave” of case review.²⁵⁶ SCDAO still uses the filing system developed during PUSH, and the office reports that they continue to investigate unsolved homicides.²⁵⁷

COMMUNICATION

THE VICTIM WITNESS ADVOCATES

Each survivor of homicide is assigned a Victim Witness Advocate (“VWA”) through SCDAO.²⁵⁸ VWAs “work with survivors from the earliest moments of the investigation” to connect survivors with resources and “keep families updated as an

²⁵² *Id.*

²⁵³ *Suffolk DA Rachael Rollins Continues Work on Unsolved Homicides*, *supra* note 19.

²⁵⁴ Yawu Miller, *Kevin Hayden Appointed Suffolk County District Attorney*, BAY STATE BANNER (Jan. 7, 2022), <https://baystatebanner.com/2022/01/07/kevin-hayden-appointed-suffolk-county-district-attorney/>.

²⁵⁵ Christopher Gavin & Zipporah Osei, *Interim Suffolk D.A. Kevin Hayden: The Boston.com interview*, BOSTON.COM (Aug. 30, 2022), <https://www.boston.com/news/politics/2022/08/30/interim-suffolk-d-a-kevin-hayden-the-boston-com-interview/>.

²⁵⁶ Interview with John Verner, *supra* note 133.

²⁵⁷ *Id.*

²⁵⁸ *Victim Services: Survivors of Homicide*, SUFFOLK CNTY. DIST. ATT’Y’S OFF. 6 (2019), <https://www.suffolkdistrictattorney.com/victim-services/homicide>.

investigation proceeds.”²⁵⁹ If an arrest is made, VWAs notify survivors of court dates and accompany them to hearings and trial.²⁶⁰

VWAs follow a model of “survivor-led” communication to avoid retraumatizing the survivors they work with.²⁶¹ Kara Hayes, Chief of SCDAB’s Victim Witness Assistance Program, described the VWA’s plan of communication. First, they reach out quickly after the death to offer condolences and resources to the survivor.²⁶² Later on, they informally ask survivors how frequently they would prefer to be contacted.²⁶³

In practice, this model can be isolating for survivors because it places the burden of communication on those grieving the loss of their loved ones. Lisa reports that her communication with her VWA was primarily one-sided: “I have only had a few replies after reaching out to [my VWA] [and] it is always the same ‘Sorry, sorry, and sorry.’”²⁶⁴ She once told me that there was going to be an arrangement to meet with our Detectives but that never happened,” Lisa recalled.²⁶⁵ “I call [her] every year at the anniversary [of my brother’s death] and she just says that she’s sorry but does not communicate.”²⁶⁶ Ms. Justice’s request is simple: “Stop being ‘MIA.’”²⁶⁷

A VWA’s work is complicated by a variety of factors: the emotional toll of working with victims and survivors of violent crimes, high caseloads, strict confidentiality rules and a general lack of respect given to their work.²⁶⁸ For example, the starting salary for

²⁵⁹ *Id.*

²⁶⁰ *Id.*

²⁶¹ Interview with Kara Hayes, *supra* note 16.

²⁶² *Id.*

²⁶³ *Id.*

²⁶⁴ Interview with Lisa Randolph, *supra* note 11.

²⁶⁵ *Id.*

²⁶⁶ *Id.*

²⁶⁷ Email Interview with Ms. Justice, Survivor, Louis D. Brown Peace Inst. (Mar. 11, 2024).

²⁶⁸ Interview with Kara Hayes, *supra* note 16.

a VWA with the SCDAO is a paltry \$45,500.²⁶⁹ A Suffolk County advocate believes that the lack of respect given to VWAs is directly linked to the lack of agency given to survivors: since there is no formal role for victims and survivors in criminal prosecutions, the role of VWAs in the criminal legal system is also undervalued.²⁷⁰

JUANITA'S STORY

In addition to survivors affiliated with the Peace Institute, we also spoke with Juanita Batchelor, the founder of The Darrell Lee Jenkins Jr. Resource Center (DLJ) in Springfield, Massachusetts, about her experience navigating the criminal justice system while seeking justice for her son Darrell's murder and advocating for other families in her community impacted by gun violence.²⁷¹ "We're dealing with [gun violence] so much down here in Springfield, and we do not have the resources that are there in Boston.²⁷² We've had so many families here [whose] cases are just thrown to the side and there's no one telling us anything. The advocates are not reaching out. Do we still have advocates?"

Darrell Lee Jenkins Jr. was a devoted father of two, a personal care assistant, musician, and foodie. He is remembered as a caring and generous young man. "He was always a person who looked out for his friends and family. If his friends didn't have food, he was always like, come to my mom's house, she'll cook. Or if they didn't have

²⁶⁹ *Employment with the Suffolk DA's Office*, SUFFOLK CNTY. DIST. ATT'Y'S OFF., <https://www.suffolkdistrictattorney.com/jobs-and-internships/open-positions> (last visited Mar. 13, 2025).

²⁷⁰ Interview with Kara Hayes, *supra* note 16.

²⁷¹ Zoom interview with Juanita Batchelor, survivor, Darrell Lee Jenkins Jr. Resource Ctr., (Feb. 12, 2025). Unless otherwise indicated, all the information within this section is from this interview.

²⁷² Dan Gluan, *Big Cities Have Seen Drop in Homicides. Not Springfield.*, BOS. GLOBE (July 8, 2024), <https://www.bostonglobe.com/2024/07/08/metro/springfield-homicides-police-relations/>.

nowhere to stay, he would take them by giving them somewhere to stay. He was just an amazing kid,” his mother Juanita Batchelor recalls. “[His grandmother] called him superman, her superman.” A mother’s love radiates from her voice as she shares memories of her son. “He loved being around family. He loved family events, cookouts...family, music, and food, that’s what [he] was about.”

On June 4th, 2014, Darrell was shot outside his family home in Springfield, Massachusetts mere hours before the start of his great-grandmother’s funeral. Family and loved ones had gathered at his mother’s home in preparation for the funeral. As those gathered parted ways for the night, a shooter drove by and fired into the crowd, killing Darrell and injuring another person.

She recalls her first meeting with the Hampden County District Attorney’s Office and her VWA: “They were all on one side of the room, and then I was on the other side by myself. I felt like even though the advocates are supposed to be for us, they really work for the DA because that’s who they’re with.” Prior to her survivor advocacy work, she was unaware of the level of support VWAs should provide. “Those advocates do not call. We must call them. But if you’re depressed, you’re not really going to call. We feel like that’s where they get by to just throw our cases to the side...But [their] job is actually to call us. This is stuff I didn’t know 10 years ago.”

In the ten years since her son’s murder, Juanita has had to fiercely advocate for her son at every turn. “To have no empathy from the system, the police or the DA’s office, the advocates. You really don’t feel like no one’s on your side.” In 2020, while seeking clarification on unsolved homicide procedures, Juanita learned her son’s case

was not assigned to any detective. “How is anybody looking for him, looking for justice for him if there's no detective on the case?”

Navigating the criminal justice system while mourning is challenging enough, but when the only avenues of justice available seem to abandon you, the trauma of survivorship is amplified. Juanita has channeled her grief and frustrations with the system into her community and survivor advocacy work. “I heal myself by trying to help others...going through the exact same thing.”

OUR RECOMMENDATIONS

“At the end of the day, we are still traumatized – not for the sake of our murdered loved ones, but for the fact that this will haunt us for years to come.” – Lisa, Survivor ²⁷³

“I know the powers that be will one day bring me justice, so I will fight until I can’t fight anymore.” – Ms. Justice, Survivor ²⁷⁴

“You know the department has, from time to time, failed...we’ve made change happen before and we’ll do it again.” – Michael Cox, Police Commissioner and Chief of the Boston Police Department²⁷⁵

We recommend that the Boston Police Department, the Massachusetts Legislature, and the City of Boston take several steps to improve unsolved homicide investigations, create clear protocols for communicating with survivors of unsolved homicides, and embrace transparency.

FOR THE BOSTON POLICE DEPARTMENT IMPROVING UCS INVESTIGATIONS

1: STREAMLINE THE UCS’ RESPONSIBILITIES

Currently, UCS detectives have several responsibilities unrelated to solving homicides, including parole board review, responding to Freedom of Information Act requests, conviction integrity review, and investigations into officer-involved shootings.²⁷⁶ This hampers the work of a unit already facing a backlog of at least 1,700 homicide cases.²⁷⁷ BPD can improve its homicide clearance rate by reassigning many of the UCS’s administrative responsibilities. In past years, the Homicide Unit has

²⁷³ Interview with Lisa Randolph, *supra* note 11.

²⁷⁴ Interview with Ms. Justice, Survivor, Louis D. Brown Peace Inst., in Bos., Mass. (Oct. 23, 2024). This survivor, who prefers to remain anonymous, will be referred to as “Ms. Justice.”

²⁷⁵ Forbes Breaking News, *New Boston Police Commissioner Vows to Put Equity, Inclusion at Heart of Boston Police Department*, YouTube (Aug. 15, 2022), <https://www.youtube.com/watch?v=u8Xmu90pwYc>.

²⁷⁶ Interview with Daniel Duff, *supra* note 3.

²⁷⁷ Interview with Nick Moore, *supra* note 6.

successfully raised its' clearance rate by increasing the number of investigators assigned to each case.²⁷⁸ BPD can achieve similar success by alleviating UCS detectives' additional responsibilities, allowing them to focus solely on investigating unsolved cases.

2: CREATE A CLEAR PROTOCOL FOR WHEN TO TRANSFER A CASE TO THE UCS

Typically, when a homicide has gone unsolved for ten years, BPD designates the case as “cold” and transfers the case to the UCS.²⁷⁹ However, there is “no bright line,” and the policy is not formalized in writing.²⁸⁰ The Homicide Unit should instead create a clear protocol for when a case becomes “cold” and is transferred to the UCS. A clear protocol fosters a common understanding between detectives and survivors, and would allow survivors to more easily track cases through the investigatory process.²⁸¹

The current ten-year rule is unusually long.²⁸² It also likely hinders UCS detectives in cases that lack robust forensic evidence. When case solvability depends entirely on witness accounts, waiting ten years to review a case file may be futile: witnesses might have moved or passed away, and may not recall with as much accuracy what they saw.

As a general policy, an unsolved homicide should be transferred to the UCS either (1) after six years, or (2) when all known leads have been exhausted, whichever comes earlier. In exceptional circumstances (e.g., where the original investigator has personally built lines of communication and trust to a reluctant witness), the case may

²⁷⁸ Braga et al., *supra* note 78 at 6.

²⁷⁹ Interview with Nick Moore, *supra* note 6.

²⁸⁰ E-mail from City of Bos., to Kelly Bentdahl, Student at Ne. Univ. Sch. of L. (Feb. 27, 2025, 11:15 AM EST) (on file with author).

²⁸¹ *Serving Survivors of Homicide Victims During Cold Case Investigations*, *supra* note 26 at 4.

²⁸² *Supra* note 151.

stay with the original detective past the six-year mark. However, the decision not to transfer the case should be reviewed and re-justified annually.

A shorter, flexible designation is preferable for three reasons. First, it creates a predictable schedule for both detectives and survivors. Second, it places fresh eyes on these cases sooner, making it more likely that unexplored leads (e.g., un-interviewed witnesses) will still be viable.²⁸³ Third, it aligns with Middlesex County's definition of a "cold case," creating procedural consistency across the counties.²⁸⁴

3: STANDARDIZE FILE REVIEW: IMPLEMENT AN INVESTIGATIVE CHECKLIST

"Cold case" detectives commence their investigation of unsolved homicides by reviewing original case files.²⁸⁵ Many unsolved homicide cases benefit from a "fresh pair of eyes," making this initial step invaluable.²⁸⁶ To optimize their preliminary review, detectives should inventory the case file against a standardized, investigative checklist.²⁸⁷ An investigative checklist provides two benefits. First, by itemizing available evidence – first responder reports, neighborhood canvass reports, victimology, lab results, and so on – detectives can easily locate existing information on the case. Second, by conducting an objective review of the evidence, detectives can identify gaps: was a witness never interviewed, was all forensic evidence uploaded to the FBI's National DNA Index System, and so on.²⁸⁸ By completing a standardized review, UCS detectives can identify initial leads for investigation and improve case solvability.²⁸⁹

²⁸³ Barcus et al., *supra* note 45 at 18.

²⁸⁴ Interview with Dave Solet, *supra* note 151.

²⁸⁵ Jason Moran, *Cold Case Investigative Checklist*, 1 (2022), <https://centerforimprovinginvestigations.org/wp-content/uploads/2020/08/Cold-Case-Checklist.pdf>.

²⁸⁶ *Serving Survivors of Homicide Victims During Cold Case Investigations: A Guide for Developing a Law Enforcement Protocol*, *supra* note 26 at 8.

²⁸⁷ Moran, *supra* note 285.

²⁸⁸ Barcus et al., *supra* note 45 at 55-56.

²⁸⁹ Moran, *supra* note 285.

4: INITIATE UNIVERSITY PARTNERSHIPS

The UCS should initiate partnerships with Boston University and Northeastern University's Master of Science in Criminal Justice ("MSCJ") programs to obtain additional resources for investigation.²⁹⁰ MSCJ students can assist the UCS by completing an administrative review similar to the one created through PUSH. This review process should task students with preliminary, administrative assignments: initial review of case files, completion of the investigative checklist, and creation of a brief narrative summary of each case. Delegating the administrative review will allow UCS detectives to focus solely on investigative work, such as interviewing witnesses and submitting forensic evidence for testing.

IMPROVING COMMUNICATION AND TRANSPARENCY

1: ESTABLISH A FIRM SCHEDULE OF COMMUNICATION

Survivors are not a monolith – each person has their own preferences for speaking with law enforcement.²⁹¹ Yet, many survivors expressed similar frustrations: they often felt ignored and struggled to reach the detectives assigned to their loved ones' cases.²⁹² Absent consistent, predictable communication from detectives, survivors often turned to their VWAs. VWAs are unable to provide substantive case updates which can leave survivors with the impression that their loved ones' case is not

²⁹⁰ *MS in Criminology and Criminal Justice*, NE. UNIV., <https://publicaffairs.northeastern.edu/ms-in-criminology-and-criminal-justice/#:~:text=Northeastern%20University's%20School%20of%20Criminology,%2C%20outreach%2C%20and%20law%20enforcement> (last visited Jan. 26, 2025); *Why Get a Master of Science in Criminal Justice at BU MET?*, BOS. UNIV. METRO. COLL., <https://www.bu.edu/met/programs/criminal-justice/why-get-mscj-at-bu-met/#:~:text=Our%20experienced%20criminal%20justice%20faculty,the%20field%2C%E2%80%9D%20he%20says> (last visited Jan. 26, 2025).

²⁹¹ Interview with Kara Hayes, *supra* note 16.

²⁹² Interview with Tasha Carrington, *supra* note 33; Interview with Mahogany Payne, *supra* note 17; Interview with Lisa Randolph, *supra* note 11.

important or has been neglected by law enforcement, even if the case is actively being worked on.

Therefore, the Homicide Unit should establish a formal procedure for communicating with survivors. Under this standardized procedure, detectives are responsible for reaching out to each survivor and establishing a regular schedule of contact.²⁹³ Rather than following a “one-size-fits-all” approach, detectives should offer each survivor options for frequency of contact: once every six months, once a year, only when there are major updates, or only when an arrest has been made.²⁹⁴ Survivors should also be given the choice to receive case updates from the detective or from a BPD Victim-Witness Resource Officer. Once a schedule has been established, detectives and officers should make every effort to keep their appointments with survivors.²⁹⁵ A sample form and script for the initial call can be found in Appendix 1.

When a case is transferred from its original Homicide Squad to the UCS, the original detective – who already has an established relationship with the survivor – should notify them of the transfer. During this call, detectives should explain what the UCS is, why the case is being transferred, and which UCS detective will work on the case going forward. If the original detective has opted to keep the case, the detective should notify survivors of the decision and explain the rationale. If the case is later reassigned to the UCS, detectives should promptly notify survivors of the change and provide them with the new detective’s contact information.

²⁹³ *Serving Survivors of Homicide Victims During Cold Case Investigations: A Guide for Developing a Law Enforcement Protocol*, *supra* note 26 at 22.

²⁹⁴ See appendix for call script.

²⁹⁵ *Serving Survivors of Homicide Victims During Cold Case Investigations*, *supra* note 26 at 22.

According to trauma expert Raul Almazar, predictable communication is essential because it prevents re-traumatization during updates.²⁹⁶ Scheduled communication creates routine for survivors and provides them with some consistent expectations amidst uncertainty around their loved one's unsolved case. By making a communication plan with each survivor, detectives can also remove undue burdens on survivors to repeatedly initiate contact. This approach will demonstrate respect for survivors' time and emotional well-being, while eliminating officers' guesswork on what information to share and when.

2: CREATE A "FREQUENTLY ASKED QUESTIONS" PAGE

Currently, the UCS offers little information about their investigations to survivors. This lack of transparency deepens mistrust, and gives many survivors the impression that their loved one's case has simply not been investigated.²⁹⁷ In addition to establishing a schedule of individualized communication, the UCS should add a "Frequently Asked Questions" page to the BPD website.²⁹⁸ This page should include a brief description of the UCS, and answer the following questions: (1) when and why is a case transferred from the original squad to the UCS, (2) when and how survivors can expect to hear from UCS detectives (3) how cases get assigned and reviewed, (4) how a case is "cleared" by the UCS, (5) what resources are available for survivors, (6) what a survivor's rights are when their loved one's case is unsolved, and (7) what survivors can do if a detective has not reached out to establish a schedule of contact. Answers to

²⁹⁶ Zoom Interview with Raul Almazar, Senior Consultant, SAMHSA Nat'l Ctr. for Trauma Informed Care (Jan. 30, 2025).

²⁹⁷ Interview with Lisa Randolph, *supra* note 11.

²⁹⁸ See *Frequently Asked Questions*, CITY OF PHX. <https://www.phoenix.gov/police/investigations/cold-case/homicide/faqs> (last visited Mar. 13, 2025).

these basic questions would clarify for survivors what the current investigatory process is for their loved one's case, assure survivors that someone is handling their case, and create shared expectations between survivors and detectives.

3: PUBLISH AN UNSOLVED HOMICIDES DATABASE

The Homicide Unit should also publish a complete database of unsolved Boston homicides since 1960. This list should be on a single web page, organized by year, and include at minimum the victim's name. Wherever possible, the victim's photograph, the location of the death, and other relevant information should also be listed. The Washington D.C. Metropolitan Police's "Unsolved Homicides" page and the Colorado Bureau of Investigation's "Cold Case Files" are both useful models.²⁹⁹ Like the BPD Homicide Unit's existing "Unsolved Homicide Cases" webpages, the database should include the anonymous CrimeStoppers contact information. Unlike BPD's existing webpages, the database should be featured on the Homicide Unit's main webpage.³⁰⁰

The community is a valuable resource for solving homicides.³⁰¹ Accurate and available information about unsolved homicides increases public awareness of these cases, which may result in new leads. Additionally, this database would bolster victim humanization by ensuring each victim is known as more than a statistic.

²⁹⁹ *Unsolved Homicides*, D.C. METRO. POLICE DEPT., <https://mpdc.dc.gov/page/unsolved-> (last visited Mar. 13, 2025); *Colorado Bureau of Investigation (CBI): COLD CASE FILES*, COLORADO.GOV, <https://apps.colorado.gov/apps/coldcase/index.html;jsessionid=zLv3NESBkJ1ER8xGwuOu4TBhnwCChU4fhx3uih44.cenp-eap7-1> (last visited Mar. 13, 2025).

³⁰⁰ The list of unsolved homicides from 2022, but no other year, is currently featured on the Homicide Unit's main webpage. *Homicide Unit*, *supra* note 28.

³⁰¹ Cramer, *supra* note 80; Fiandaca, *supra* note 5.

4. PUBLISH AN ANNUAL HOMICIDE CLEARANCE REPORT

BPD should resume its practice of publishing an annual homicide clearance report. From 2015 to 2018, BPD published an annual “Homicide Year End Report.” These reports provided “an annual review of the Boston Police Homicide Unit’s incidents, responses and effectiveness.”³⁰² To improve transparency, future reports should (1) describe the homicides “cleared” that year, (2) provide a brief description of the methods used to solve the case (3) list the Homicide Unit’s clearance rate for that year, and (4) provide an update on the total number of unsolved Boston Homicides. Clearance rate and the total number of unsolved homicides should be listed by neighborhood to highlight disparities in clearance rates for homicides in Boston’s historically Black neighborhoods. Transparency is the bedrock of trust. Clear and concise data detailing BPD’s annual performance will improve accountability and build public confidence in law enforcement.

FOR THE MASSACHUSETTS LEGISLATURE

INVESTIGATION: PASS “AN ACT ESTABLISHING AN OFFICE OF UNSOLVED HOMICIDES”

In January 2025, State Senator Liz Miranda and State Representative Russell Holmes introduced “An Act Establishing an Office of Unsolved Homicides” (“Unsolved Homicides Act”).³⁰³ This bill, drafted in partnership with Peace Institute lobbyist Dan Delaney, is modeled on the federal Homicide Victims’ Families’ Rights Act of 2021 (“HVFRA”).³⁰⁴ The HVFRA applies to unsolved cases that were originally investigated

³⁰² *Homicide Unit*, *supra* note 28.

³⁰³ S. 1138, 2025-26 Leg., 194th Sess. (Mass. 2025).

³⁰⁴ H.R. 3359, 117th Cong. (2022).

by a federal agency.³⁰⁵ If the case has gone unsolved for three years or more, survivors have the right to request an additional review of their loved one's case.³⁰⁶ Upon the survivor's request, the federal agency must review the case to determine whether a full reinvestigation is likely to reveal new leads.³⁰⁷ If the reviewer determines that potential leads were previously missed, or if the case would benefit from modern forensic testing or investigative standards, then the agency proceeds with "full reinvestigation" and analyzes all evidence.³⁰⁸ The HVFRA requires agencies to "provide [survivors] with periodic updates," and to "meet with survivors once the review is complete and explain the decision to reinvestigate or not."³⁰⁹

Similarly, Senator Miranda and Representative Holmes' proposed bill establishes an "Unsolved Homicide Department" within the Massachusetts Office of the Attorney General ("AGO").³¹⁰ Under the Unsolved Homicides Act, survivors whose loved one's case has gone unsolved for three or more years can petition for the Unsolved Homicide Department to review the case.³¹¹ The Unsolved Homicide Department would review each application to determine whether a full reinvestigation would result in viable investigative leads, or a likely perpetrator.³¹² The Department would analyze the original investigation to determine whether investigative steps were missed, whether witnesses or physical evidence should be reexamined, and whether current investigative

³⁰⁵ *Id.*

³⁰⁶ *Id.*

³⁰⁷ *Id.*

³⁰⁸ *Id.*

³⁰⁹ *Id.*

³¹⁰ S. 1138, 2025-26 Leg., 194th Sess. § 1 (Mass. 2025).

³¹¹ *Id.*

³¹² *Id.*

standards would help develop possible leads.³¹³ The Department would then be required to report back to the survivor within 90 days.³¹⁴

The Unsolved Homicides Act also establishes a statewide “Unsolved Homicides Fund.”³¹⁵ The Fund is financed through federal grants, private donations and funds appropriated by the general court.³¹⁶ Additionally, an annual 15% payment of all asset forfeiture funds from each district attorney is added to the Fund.³¹⁷ The attorney general will serve as the trustee of the fund and the AGO will be responsible for applying for federal grants and submitting annual reports to the governor and other members of the Massachusetts legislature.³¹⁸ The annual report will publicize the “amount and source of revenues deposited into the fund; [and] the amount and purpose of expenditures made from the fund.”³¹⁹

The Unsolved Homicides Act also creates a statewide “Unsolved Homicide Task Force.”³²⁰ The Task Force will include, among others, the attorney general, the colonel of state police, the commissioners of the Boston, Worcester and Springfield police departments, and three representatives of the *survivor community*.³²¹ The task force would meet quarterly to share best practices, coordinate interagency cooperation, and identify policy changes that would improve unsolved homicide investigations.³²²

³¹³ *Id.*

³¹⁴ *Id.*

³¹⁵ *Id.*

³¹⁶ *Id.*

³¹⁷ *Id.*

³¹⁸ *Id.*

³¹⁹ *Id.*

³²⁰ *Id.*

³²¹ *Id.*

³²² *Id.*

Finally, the Unsolved Homicides Act establishes a statewide database for unsolved homicides.³²³ The database will include: identifying characteristics of the victim, the time and manner of death, the status and history of the investigation, physical evidence, forensic analysis, DNA profiles, any suspects, witnesses or informants.³²⁴ The Act also advocates for the attorney general to deliver an annual report to the governor's office on the investigatory progress of unsolved homicides in Massachusetts.³²⁵

This bill is an important step towards giving survivors a meaningful voice in the investigation of unsolved homicides. It creates a mechanism for individual survivors to request review of their loved ones case, and get answers about why the case remains unsolved. It also gives survivors a role in shaping the Commonwealth's homicide investigations. At the same time, it will alleviate some of the strain on law enforcement by adding another layer of case review and giving police departments a standing channel of communication to the legislature.

COMMUNICATION: AMEND THE VICTIM'S BILL OF RIGHTS

In its current form, the VBOR does not fully address the needs of survivors whose loved one's case is unsolved. Most of the VBOR's protections for survivors do not come into effect until a suspect has been charged and the case goes to trial.³²⁶ This overlooks the survivors of unsolved homicides. Further, the VBOR does not establish a

³²³ *Id.*

³²⁴ *Id.*

³²⁵ *Id.*

³²⁶ MASS. GEN. LAWS ch. 258B, § 3 (1984).

clear enforcement mechanism for the rights it enshrines.³²⁷ The Massachusetts Legislature should therefore amend the VBOR to include two new provisions.

First, the Legislature should add a “right to be informed” for survivors of unsolved homicides, requiring detectives to communicate regularly with survivors. The Colorado Crime Victims Act is a useful model.³²⁸ Under the Colorado law, police are required to provide “information concerning any change in the status of the case,” both upon request and as part of an annual update.³²⁹ We endorse adopting similar language, with two additional provisions. First, we recommend defining “change in status” to include personnel changes generally, and transfer to the UCS specifically. Second-- in response to concerns over unwanted communication expressed by trauma experts and BPD alike—we recommend statutory language allowing a survivor to waive their right to an annual update.³³⁰ Incorporating these provisions will benefit survivors of unsolved crime by unambiguously mandating predictable and proactive communication from law enforcement. In combination with the non-binding recommendations to police outlined above, this amendment will create a legislative baseline without crystalizing a specific approach to communication.

Second, the Legislature should amend the VBOR to create a clear mechanism for enforcing survivors’ rights. Again, the Colorado Crime Victim’s Act provides a model by establishing a legally enforceable complaint process.³³¹ Under Colorado’s law, the Attorney General is empowered to “file suit to enforce compliance with [this legislation],”

³²⁷ *Id.*

³²⁸ Colo. REV. STAT. § 24-4.1-303 (1993).

³²⁹ *Id.*

³³⁰ Interview with Raul Almazar, *supra* note 296; Interview with Nick Moore, *supra* note 6.

³³¹ *Id.*

with the blessing of the board, and the Governor.³³² Because the Victim Witness Advocacy Board (MOVA) includes the Attorney General, we recommend empowering the board itself, without outside approval, to make an independent determination to file suit to enforce compliance.³³³ Additionally, because the VWAB includes three survivor representatives, this system will incorporate the survivor perspective into the grievance process.³³⁴ Finally, we recommend adopting language requiring a written response to all complaints within 30 days of their filing to encourage ongoing communication.³³⁵ These recommendations will help reduce survivors' frustrations with communication procedures and provide them with an avenue for enforcement when their rights have not been respected.

FOR THE CITY OF BOSTON

ESTABLISH A COMMUNITY OVERSIGHT COMMITTEE

The UCS' small team faces an enormous task. Transferring unsolved homicide cases to the UCS after six years, rather than ten, will dramatically increase their workload. The City of Boston should therefore allocate additional funds to the Bureau of Investigative Services and earmark these funds specifically for the Homicide Unit. Indeed, past initiatives have demonstrated that investments in personnel and investigation resources significantly improve BPD's ability to solve homicide cases.³³⁶

³³² *Id.*

³³³ MASS. GEN. LAWS ch. 258B, § 3 (1984).

³³⁴ *Id.*

³³⁵ Zoom Interview with Dan Delaney, CEO, Delaney Policy Grp. (Jan. 28, 2025).

³³⁶ In 2012, BPD increased their homicide clearance rate by 10-18% through targeted investments in personnel, training, and forensic tools, funded in part by a U.S. Bureau of Justice Assistance ("BJA") grant. Braga et al., *supra* note 78 at 5. This initiative increased the homicide unit's size by 35.7% and

To provide a crucial measure of accountability, the City should also establish a community oversight committee, comprised of survivors and public safety experts, to review and approve the Homicide Unit's annual budget. Any increases in funding should be contingent on the Homicide Unit's compliance with the communication and transparency recommendations outlined in this report. This process will ensure that the UCS has the resources and accountability necessary to effectively investigate unsolved homicide cases.

MS. JUSTICE'S STORY

Ms. Justice³³⁷ and her family have lived in Dorchester, Massachusetts for over forty years.³³⁸ Ms. Justice's son, Debo,³³⁹ was 19 years old. He was a father to an almost one-year old girl, and a beloved brother and son. During our interview at the Peace Institute, Ms. Justice prepared to tell her story by prefacing, "I keep my eyes closed when I tell the story so I can only see darkness. Because that is how I feel – that I'm in the dark."

Debo was shot on July 22, 2001, and passed away the next day from his wounds. On Ms. Justice's last night with her son, he dropped her off at home and headed to see his grandmother around 10:40 p.m. Right before he left, Ms. Justice told

added a second VWA to "improve relationships between detectives and homicide victims' families and witnesses." *Id.* Every measured category (such as the number of detectives investigating each case, and the deployment of forensic group specialists to improve the evidence collection) showed improvement. *Id.* at 8

³³⁷ This survivor, who prefers to remain anonymous, will be referred to as "Ms. Justice."

³³⁸ Interview with Ms. Justice, *supra* note 274. Unless otherwise indicated, all of the information within this section is from this interview.

³³⁹ Ms. Justice would like her son's name to remain anonymous. For this report, he will be referred to as "Debo."

Debo that she would need \$70 to assist in planning the first birthday party for Debo's daughter. He promised to get it to her as soon as possible.

About 10 minutes later, a neighbor of Debo's grandmother phoned Ms. Justice to say that Debo had been shot right outside his grandmother's house. Debo was outside the house with some friends when the shooting occurred. The friends reported to BPD that another group drove up and started shooting, fatally wounding Debo while the remaining friends disbursed.

Ms. Justice expressed "I don't feel the Boston Police have really done anything... anything." To Ms. Justice's knowledge, in the almost 24 years since her son was killed, "they never questioned Uncle... who found [Debo.] They never questioned Grandmother... [when] he was killed in front of her door. They never questioned Grandfather... who lived in front of where [Debo] was murdered. They never questioned Neighbor, who is the girl who called me to tell me that my son was on the ground, dying." All Debo's relatives who were present that day have since passed.

In the years following Debo's death, Ms. Justice reached out to the detective on Debo's case countless times for updates. She called every month for the first two years, hoping to schedule a meeting to discuss Debo's case. However, the detective would only meet with her every six to eight months. During one of Ms. Justice's rare meetings with the detective, they declared in front of her, "Why is she calling me every month? It's not like we're going to solve the crime that quickly." BPD reported that they did not have any updates, but did possess a large folder filled with statements from witnesses. Yet, to the best of Ms. Justice's knowledge, they never contacted Debo's grandparents or uncle who were prime witnesses to the event. Debo's case remains unresolved. While

Debo's murderer remains at large, Ms. Justice declared, "You, Boston Police and City of Boston, hold fifty percent liability because I know what you didn't do."

When Debo passed away on July 23, 2001, Ms. Justice received a bag containing Debo's belongings. Debo's wallet was inside, and in it contained exactly \$70 in cash, the amount Ms. Justice requested the night before for her granddaughter's birthday.

SHONDELL'S STORY

Shondell Davis lost her beloved son, Johnny Davis, to gun violence. "People need to know that he came from a family."³⁴⁰ He was "a stellar athlete, math whiz and loving son and brother trying to get his life back on track after his father's death."³⁴¹

Johnny Davis was remembered as a "big teddy bear" who loved basketball and video games.³⁴² He was a "very athletic" young man who had over 23 trophies," Shondell recalled proudly.³⁴³ Shondell also shared a lighthearted memory about Johnny's love for the Victoria's Secret lotion. "He always kept coming into my room [to] put on the Victoria's Secret Love Spell on," Shondell said.

On the morning of April 24th, 2009, Shondell was returning home after taking her daughter Josephina to a medical appointment when she saw Johnny standing on the corner near their home. She stepped into a nearby store, bought a ginger ale, and

³⁴⁰ Ira Kantor, *Slain Teen Was Athlete, Loving Son*, BOS. HERALD (Apr. 29, 2009), <https://www.bostonherald.com/2009/04/29/slain-teen-was-athlete-loving-son/>.

³⁴¹ *Id.*

³⁴² Marie Szaniszlo, *Cops Say Murder of Teen Tied to Gangs*, BOS. HERALD (April 25, 2009), <https://www.bostonherald.com/2009/04/25/cops-say-murder-of-teen-tied-to-gangs/>.

³⁴³ Interview with Shondell Davis, Survivor, Louis D. Brown Peace Inst., in Bos. Mass. (Oct. 23, 2024). Unless otherwise indicated, all of the information within this section is from this interview.

handed it to Johnny with a simple instruction to bring it back home. “I’ll see you later,” Shondell told her son — unaware it would be the last time they spoke.

Shondell went back home briefly before heading back out to work at Brigham and Women’s Hospital. Shortly after 11:30 a.m., eighteen-year-old Johnny Davis was fatally shot in broad daylight outside 76 Homestead Street in Roxbury.³⁴⁴ The gunman fled the scene and was never publicly identified.³⁴⁵

Still unaware of what had occurred, Shondell arrived at work and parked her car when she received the devastating phone call: “Mom, Johnny is dead.” In a state of shock, Shondell entered her workplace in tears, overwhelmed by the support of coworkers and the barrage of phone calls that followed. *Her coworkers, seeing her distress and learning what had happened, immediately stepped in to help. They brought Shondell into the emergency room to check if Johnny had been transferred there. At the same time, friends and neighbors were calling other local hospitals, hoping for answers. At this point, neither the police nor the detectives contacted her to confirm Johnny’s passing.*

“Everyone was running around looking for him,” Shondell said, “but he [had been] lying on the ground for over 45 minutes,” and was likely not at any of the hospitals yet.

The image Shondell described of Johnny’s body lying still on the pavement was not just a memory. The following day, Shondell saw that the Boston Herald published a photograph of that very scene in an article that referred to Johnny as someone who was

³⁴⁴ Szaniszlo, *supra* note 3.

³⁴⁵ *Id.*

“known to police.”³⁴⁶ “My daughters immediately called The Herald to retract the story.” The article remains published today.³⁴⁷ Later that day, Shondell received a call from Boston Police detectives.

“When they called on the phone I just hung up because I could not understand how it was [already] in the papers, and [they had] not notified me yet.” The detectives eventually came to Shondell’s house to speak with her. At first, she was in a state of disbelief. It was not until one of them asked if her son “had on a female fragrance,” that Johnny’s death became a reality.

“When [the detective] said that that’s when it really hit me that my son was really gone,” Shondell explained, recalling her son’s love for her Victoria’s Secret lotion. “I didn’t know what to do. I felt like I wasn’t equipped to deal with it.” The police continued to give different hypotheses and scenarios for Johnny’s death. At one point, the police asked about a person of interest who went to school with Johnny. “My thought was if you know the name then why are you not picking him up. That boy was eventually killed.”

As time went on, Shondell remained resilient. She persistently stayed in contact with the detectives assigned to her case. “The detectives were involved because I was calling them every day. I felt like I gained a relationship.” The original detectives even notified Shondell when they were both leaving and transferring her case. “The updates were basically the same information each time, nothing exciting or new.” Once her son’s

³⁴⁶ *Id.*

³⁴⁷ *Id.*

case became a “cold case,” Shondell explained she would reach out to detectives every six months or so.

“I wasn’t one of the people who was fixated on who killed him. The only thing I wanted was for [the detectives] to tell me was that I could have my son back. They were doing the best they could, but they couldn’t give me the answer I wanted,” Shondell recalled.

In the days immediately following Johnny’s passing, Shondell was in contact with a Victim Advocate and Homicide Advocate from Suffolk County District Attorney’s Office. She reached out to the Homicide Advocate daily for updates. At this time, however, she believes she is assigned a Victim Witness Advocate but has not heard from them and would appreciate being contacted to establish some sort of communication.

Shondell has found some healing at the Peace Institute, but the wound of losing her son remains profound.

“We used to always laugh, and [Johnny] never liked to see me sad... he was mommy’s kid.”

FINAL THOUGHTS

Our research revealed irreconcilable differences of experience. We spoke with BPD homicide detectives, who described an understaffed, overstretched unit. We spoke with prosecutors, who insisted that each unsolved homicide is given careful attention. And we spoke with survivors, who feel that their voices – and their loved ones' cases – have been ignored for years. Each conversation evinced a deep, common frustration: the way things are now isn't working for anyone. Our hope is that this report will open new lines of communication between survivors, law enforcement and policy makers to address the systemic failures described herein. If law enforcement and legislators are willing, they can work together with community partners to bring much-needed transparency and resources to unsolved homicide investigations.

APPENDIX

UNSOLVED HOMICIDE FAMILY OUTREACH

Victim Name: _____ Case Number: _____

SURVIVOR POINT OF CONTACT

First Name: _____ Last Name: _____

Relation to Deceased: _____

Address: _____

Cell Phone: _____

OFFICER CALL SCRIPT

Hello, is this [Ms./Mr.Mx Last Name]? My name is [Officer Name]. This is not an emergency. I am part of the team investigating [Name of Deceased]'s case. How are you today?

I'm calling because I'd like to make a plan with you for how you'll receive updates about our investigation. To protect the investigation, we may not be able to provide you with details, but it's important to me that you have a voice in this process. We can reach out to update you on our progress either once every six months, once a year, only if there's a major update, or only if an arrest is made. What would you prefer?

☐ **Every 6 Months** ☐ **Annually** ☐ **Major updates only** ☐ **Only if an arrest is made**

Would you like to receive updates from a detective, or would you prefer that a victim-witness resource officer reach out to you?

☐ **Detective** ☐ **Victim-Witness Resource Officer**

Do you have any questions that I can answer now?

Is there anything else you'd like us to know?

Thank you very much for your time, [Ms./Mr.Mx Last Name]. We are going to do everything we can to get justice for [Name of Deceased]. It may take a long time, and we might never find answers, but I want you to know that we haven't forgotten [Name of Deceased]. I hope you have a good day.

VOICEMAIL SCRIPT

Hello [Ms./Mr./Mx. Last Name], my name is [Officer Name]. This is not an emergency. I am the detective assigned to investigate [Name of Deceased]'s case. I am calling because we would like to make a plan with you for how our team will update you on the investigation. My number is [phone number], and you can leave a message if I do not pick up your call. Thank you for your time.

OFFICER NOTES:

Officer Signature

Date