



**COLORADO
DEPARTMENT
OF PUBLIC SAFETY**

Office of the Executive Director
700 Kipling St.
Suite 1000
Denver, CO 80215-5865
(303) 239-4398
FAX (303) 239-4670

October 1, 2008

Senator Brandon Shaffer
Chair, Senate Judiciary Committee
Representative Terrance Carroll
Chair, House Judiciary Committee
Colorado State Capitol
Denver, CO 80203

Re: Annual Report, House Bill 07-1272 (Cold Case Homicide Investigations)

Dear Senator Shaffer, Representative Carroll, and Members of the Judiciary Committees:

Please accept this document as the annual report of the Cold Case Task Force, created by HB 07-1272, codified in Section 24-33.5-109, C.R.S.

To address the issues surrounding the investigation of unsolved homicide cases in the state of Colorado, HB 07-1272 requires two main initiatives: 1) Creation of a Cold Case Task Force; and 2) establishment of a Cold Case Homicide Team within the Colorado Bureau of Investigation (CBI). Each of these will be discussed, in detail, in this report.

Creation of the Cold Case Task Force

The Cold Case Task Force is a Type 2 Board, created in the Department of Public Safety. House Bill 07-1272 set out the representation on the Task Force and the terms of service. The fifteen members are as follows:

Name	Position Represented; Term	Appointed By
Kathy Sasak, Deputy Executive Director (Task Force Chair)	Designee of Executive Director, Department of Public Safety	
Tom Raynes, Esq., Deputy Attorney General	Designee of Attorney General	
The Hon. Carol Chambers, District Attorney 18 th Judicial District	Urban Judicial District (2008-2010)	Executive Director,

Bill Ritter, Jr.
GOVERNOR

Peter A. Weir
EXECUTIVE DIRECTOR

Colorado State
Patrol

Colorado Bureau
of Investigation

Division of
Criminal Justice

Office of Preparedness,
Security, and Fire Safety



		CDAC
Gordon Coombes, Investigator 20 th Judicial District DA's Office	Suburban Judicial District (2008-2010)	Executive Director, CDAC
The Hon. Martin Beeson, District Attorney, 9 th Judicial District	Rural Judicial District (2008- 2010)	Executive Director, CDAC
Sherry Burt, FOHVAMP (Families of Homicide Victims and Missing Persons)	Statewide Victims Advocacy Organization (2008-2010)	Governor
Ami Gerstner, COVA (Colorado Organization for Victim Assistance)	Statewide Victims Advocacy Organization (2008-2010)	Governor
Sheriff Kirk Taylor, Pueblo County	Sheriff (2008-2009)	House Speaker
Chief Dan Brennan, Wheat Ridge Police Department	Chief of Police (2008-2009)	Speaker of House
Sheriff Terry Maketa, El Paso County	Sheriff (2008-2009)	Senate President
Chief Gerald Whitman, Denver Police Department	Chief of Police (2008-2009)	Senate President
June Menger (Longmont, CO)	Victim's Family Representative (2008-2009)	Speaker of House
Paul Blee, (Grand Junction, CO)	Victim's Family Representative (2008-2009)	Speaker of House
Linda Gruno, (Westminster, CO)	Victim's Family Representative (2008-2009)	Senate President
Celestina Terry (Colorado Springs, CO)	Victim's Family Representative (2008-2009)	Senate President

The Task Force is charged with meeting at least four times per year to review “general cold case homicide investigation tactics and practices”. (C.R.S. §24-33.5-109(1)(a)). In addition to reviewing the strategies and practices, the Task Force is to make “recommendations on best practices.” (C.R.S. §24-33.5-109(6)).

The Task Force determined it to be helpful to appoint a subcommittee to assist with the requirement to recommend best practices reference cold case homicide investigations. The following subject-matter experts have served on this subcommittee:

NAME	AGENCY
Derek Regensburger	Everest College
Dr. Prabbha Unnithan	Colorado State University
Inv. Tom Bennett	District Attorney's Office, 1st JD

Inv. Russ Boatright	District Attorney's Office - 1st JD
Linda Gruno	FOHVAMP and Regis University
Dep. Director Pete Mang,	
Division Director Steve	
Johnson, Agent-in-Charge	
Mark Wilson, Analyst Audrey	
Simkins	CBI
Inv. Bruce Isaacson, Criminalist	
Andrea McDonald	Arapahoe County Sheriffs Office
Inv. Paul Goodman	Colorado Attorney General's Office
Div. Chief Dave Fisher, Capt.	
Anthony Parisi, Lt. Jon Priest	Denver PD
Sgt. Creighton Bates, Det. Alex	
Jamison (ret'd)	Lakewood PD
Det. Mike Lynch	Westminster PD
Lt. Kevin Flynn	Aurora PD
Sgt. Jeff Jensen	Colorado Springs PD
Det. Derek Graham	Colorado Springs PD
Lt. Mark Cooney, Sgt. Lila	
Cohen, Det. Mark Slavsky	Wheat Ridge PD
Sandy Sayre, Ann Terry	CDPS
Ami Gerstner	COVA
Howard Morton	FOHVAMP

In addition to the actual members on the Cold Case Task Force, other interested and dedicated individuals have given their time to attend the Task Force meetings to share their ideas and concerns. All meetings have utilized an open forum process so that input is received from all attendees. As noted in the Subcommittee membership, members of the Task Force and regular attendees have also invested in these important efforts serving on the Subcommittee. We have also been honored to have Representative Joe Rice and Senator John Morse, sponsors of HB 07-1272, attend a Task Force meeting. We express our gratitude to all who have participated.

Task Force Meetings (All meetings have been held at 690 Kipling Street, Lakewood, 10:00 am until 12:00 pm)

Task Force Meetings: August 15, 2007; October 18, 2007; December 13, 2007; February 22, 2008. (A fifth meeting was set for April 18, 2008, but was cancelled to allow the subcommittee to work on the law enforcement training development.)

Subcommittee meetings: 9/7/07; 11/9/07; 3/21/08

Cold Case Task Force Course Curriculum Development Committee meetings: 8/5/08; 9/24/08

Thanks to the diversity of the Task Force membership, augmented by the actual attendees at

the meetings, there have been many opportunities for victim's representatives and law enforcement to share concerns, challenges and ideas for improvement. The participation by so many people who are associated with FOHVAMP (Families of Homicide Victims and Missing Persons), especially those who are co-victims (family members of someone who has been murdered and whose case has been unsolved or unresolved), provided faces and voices for the unsolved homicide cases that are the basis of the Task Force's efforts. The victim's family members have helped others understand that there can be a difference between "resolution" and "closure". The law enforcement representatives from the Colorado Bureau of Investigation and local law enforcement agencies have had an opportunity to share the police/sheriffs' challenges with the co-victims and others from FOHVAMP. The law enforcement representatives have shared that while a homicide case may remain unsolved, the investigators remain committed to searching for new leads that may identify a perpetrator so that justice may be sought. The victims' advocates have expressed the importance of regular updates on the investigation. Through these candid discussions, the Task Force process has been able to build bridges of understanding and appreciation, often through a healthy measure of challenging disagreement and discussion.

Task Force Priorities

Two statutory requirements were addressed as Task Force priorities: 1) development within CBI of a database of unsolved ("cold") homicide cases; and 2) review of cold case homicide investigation strategies and practices and make recommendations on best practices.

The legislation appropriated \$67,822 in FY 2007-08, and \$64,817 in FY 2008-09. The accompanying fiscal note provided authorization for CBI to hire an FTE to provide analytical support for local cold case investigations, as well as to research and analyze violent crime patterns. Ms. Audrey Simkins filled this position (CBI Cold Case Analyst) in October, 2007.

At the direction of the Task Force, and under the supervision and signature of then-CBI Director Robert Cantwell, on October 26, 2007, Ms. Simkins mailed a letter to each of the 254 law enforcement agencies in Colorado. The objective of this correspondence was 1) to gather information regarding each law enforcement agency's current practices and resources assigned to cold case homicide investigations; and 2) to obtain specific information on cold case investigations so that the state's database could be developed. (Please see Appendices for copies of the correspondence.)

Much of the time at the first two meetings of the Task Force was spent discussing the exact data that would be documented for each case. After determining the data points to gather, the Task Force discussed which data would be available for public dissemination and what might be identified as only provided to law enforcement officials. (Please see Appendices for copies of documents referenced.) As to information designated with an asterisk on the Data Collection Form, the Task Force members agreed that this information could be provided to the public. To maintain the integrity of the investigation, the law enforcement agency was given the responsibility of determining whether case-specific information in any of the other fields could be released to the public. (Once the completed database is reviewed and verified, the data fields that are designated as "public" will be provided on the CBI's

website.)

Database Development Update

As of the date of this report, thirty-nine law enforcement agencies have yet to respond to the request for information about cold case investigations in those jurisdictions. Data collection sheets with information on individual cases are still being received from some jurisdictions. Multiple attempts have been made to obtain the Cold Case Surveys as well as the Data Collection Sheets since the initial mailing on October 26, 2007. Since that date, follow-up contacts via e-mail were sent to the non-responding agencies: 12/13/2007; 4/1/2008; 5/21/2008; 06/12/2008; 07/21/2008; 08/04/2008; 08/20/2008; 09/19/2008. Phone calls to those agencies were made in March, 2008, and most recently, on September 19, 2008. At its next meeting, the Task Force will discuss steps to assist non-responding agencies to comply with the information request so that the state's database might be completed.

Through the extraordinary efforts of their organization, FOHVAMP has accumulated information on the number of unsolved homicide and missing persons cases in Colorado. The Task Force requested, and FOHVAMP agreed, to share the FOHVAMP data with CBI so that cases could be cross-referenced for purposes of having an accurate, comprehensive database for the state of Colorado.

Comparing the victim names which have been entered into the CBI database to the FOHVAMP database began on August 26, 2008. During the review it was determined that the CBI database contained approximately 200 fewer names than the database created by FOHVAMP. The two databases were examined and each name was compared between the databases, a process that began on September 2, 2008 and concluded on September 4, 2008. On September 15, 2008, CBI Analyst Simkins worked with FOHVAMP Research Coordinator Ms. Becky Guerriero to review the discrepancies in the data, so that CBI's database might contain the most accurate information possible. This process of review and communication between CBI and FOHVAMP continues today. The information currently available indicates that the total number of unsolved cases in Colorado is approximately 1,300 (When HB 07-1272 was signed by the Governor on June 1, 2007, it was anticipated that there were about 1,100 cases in Colorado.) The best estimate of the actual number of cases in Colorado has been possible due to the extensive work by the local police and sheriffs to identify their cases that fall within the statutory definition of "cold case", and the data collection and comparisons by CBI and FOHVAMP.

Review of Investigation Strategies and Practices

CBI Cold Case Analyst Simkins continues to work with agencies to also obtain complete survey information. As of this Annual Report a survey results sheet has been compiled including both positive and negative comments regarding Cold Case Investigations in Colorado. The document in its entirety has been provided in the Appendices.

Preliminary information from surveys has been discussed at Task Force meetings. One objective of the survey was to gather information about current practices and resources, so that the Task Force might frame issues so that best practices might be identified and gaps

could be analyzed.

The surveys have identified that law enforcement agencies are willing to work together. The smaller jurisdictions in many cases already reach out for assistance to their local agencies as well as to their regional CBI Office. Their requests include crime scene investigation, polygraph, evidence collection, and laboratory analysis. In most agencies it appears funding is a stumbling block in the form of updated equipment as well as agency personnel. Based on the response from the surveys it appears the allocated resources dedicated to the investigation of homicides and more specifically cold cases differs greatly around the state. Some jurisdictions such as the Denver, Aurora, Colorado Springs and Lakewood Police Departments (among others) have created specialized Cold Case Units. Other agencies have assigned specific investigators or detectives to investigate cold homicide cases. This specialization, however, is not the norm. Many jurisdictions are fortunate to have units assigned to investigate homicides or crimes against persons. Small agencies may not have sufficient resources to have any detectives.

Most large jurisdictions have successfully documented their unsolved homicide cases. Small agencies may not have formal documentation, but because of the size of the agency and the importance of these cases, there is widespread knowledge of the unsolved cases within those agencies. It came as no surprise to the Task Force that resource allocation varied among law enforcement agencies. Law enforcement's continued communication with the victim's family members also varied. To assist in bridging this communication gap, the Denver Police Department's protocol addressing on-going family communication was shared with the Task Force members. The importance of continuing to update family members regarding the progress (or lack of progress) in an investigation, especially if the case remains unsolved, was identified as a category to include in the recommended "best practices".

Current CBI Efforts to Address Cold Cases:

Through the Data Collection Sheets, information regarding available DNA evidence was provided on individual cases. On February 26, 2008, CBI Analyst Simkins began working with Ms. Pam Schaner, Colorado Combined DNA Index System (CODIS) Administrator in the CBI Laboratory regarding DNA for the cases contained in the CBI database as of that date. Their objective was to determine if DNA evidence existed in these cases or if the technology had changed enough that a review of the evidence might provide a DNA profile. This review process continues.

Another data field collected asks whether the case information has been entered into ViCAP (Violent Criminal Apprehension Program, a database maintained by the Federal Bureau of Investigation. This database is comprised of homicides, missing person, sexual assaults and unidentified remains entered by law enforcement nationwide. Once the cases have been entered, analysts nationwide can conduct queries of cases with similar modus operandi and link those cases together, thus bringing the investigating agencies in contact with one another.) Because this has the potential for being a powerful law enforcement tool, once all the victim names have been collected, the CBI will determine which cases have not yet been entered into the ViCAP, and ensure that each one has been made a part of this national database.

Ms. Simkins will continue to have the primary responsibility for coordinating the Colorado Cold Case database with the ViCAP database. There have been many changes to ViCAP since she began her duties in October 2007. The Federal Bureau of Investigation (FBI) is in the process of implementing a new version of ViCAP, which will be available via the web on the law enforcement on-line network (LEO). The details of the implementation of the ViCAP Web have been relayed to all users via the following methods: ViCAP Advisory Board meetings, ViCAP email notification, ViCAP Newsletter, and the Colorado Crime Information Center (CCIC) System. Ms. Simkins will continue to keep all Colorado users informed of the status of the ViCAP Web and will provide hands-on training once the application is available and ready for use.

Requests for CBI Assistance to Investigate Cold Cases

House Bill 07-1287 also provides for a Cold Case Homicide Team in CBI. As indicated previously, based upon the appropriation and the fiscal note designation, Analyst Simkins was added to CBI's staff. Her activities have been described herein.

CBI has the statutory responsibilities to assist local law enforcement agencies with investigations of crimes and to provide forensic laboratory testing. Although there has been no additional appropriation to add resources for investigation of unsolved homicide cases, CBI is committed to assisting law enforcement agencies by utilizing existing resources to the maximum extent possible.

The legislation provides that local law enforcement may initiate a request to CBI to provide homicide investigation assistance. It also allows the family members of a homicide victim to request that the local law enforcement agency ask CBI for assistance. To date, there have been 17 such requests made to CBI. CBI has provided a thorough review of each of these cases, and has been able to provide actual investigative assistance in five cases.

Best Practices Recommendations

Based upon the discussions at the Task Force and Subcommittee meetings, an initial draft of "Best Practices" has been prepared and is included as Appendix F. These recommendations will be updated as the Task Force continues to discuss these important issues.

Training for investigators has been identified as a critical need, both through the law enforcement surveys and through Task Force and Subcommittee discussions. Sheriff Grayson Robinson, Arapahoe County, has pledged \$15,000 from his department's asset forfeiture fund to initiate and promote this much needed training effort. A curriculum working group has met twice (8/5/08; 9/24/08), and has drafted a training outline (See Appendix G). The development of the curriculum for the topics listed on the outline has been assigned to individual members of the working group. The intended outcome is to produce a sixteen hour training module that will be ready for delivery at a pilot site in January, 2009. Once the course is evaluated, training will be provided to other trainers so that the course may be available throughout Colorado.

Additional Outreach and Connections

On January 9, 2008, Task Force member, Chief Dan Brennan (Wheat Ridge Police Department), CBI Analyst Audrey Simkins and Task Force Chair Kathy Sasak (Deputy Executive Director, Colorado Department of Public Safety), made a presentation at a joint meeting of the Colorado Association of Chiefs of Police and County Sheriffs of Colorado. The purpose of the presentation was to outreach to the chiefs and sheriffs regarding the efforts of the Cold Case Task Force, and the statutory requirement to provide data on unsolved homicide cases. The law enforcement executives present at the meeting offered their support for these critical efforts.

In June 2008, the FOHVAMP began touring the state with their "Vengeance for Justice" Forums. CBI employees have attended all but one of these forums to gain insight from the victim families in regards to Cold Case investigations.

On October 4, 2008, FOHVAMP will hold its annual meeting. Members of the Task Force and other Task Force participants will attend and participate in this meeting.

Cold Case Task Force Efforts, 2008-09

The Task Force will meet at 690 Kipling, 1st Floor Conference Room, on Friday, October 24, 2008, from 10:00 am to 12:00 pm. Preliminary agenda topics will include an update on the Training Curriculum Subcommittee's efforts; an update on the information received from law enforcement agencies reference cold case data and existing information gaps; and a discussion about how to keep the database updated in the future.

If there are questions about any of the efforts of the Cold Case Task Force, or the future direction, please do not hesitate to contact any members. All meetings are open to the public, and the invitation to attend any future meetings is extended. (Contact Ms. Adrienne Loye, Colorado Department of Public Safety, 303-239-4398 for updates and schedules.) Your continued support is greatly appreciated.

Respectfully submitted this 1st day of October, 2008.



Kathy E. Sasak
Chair