

ANNUAL REPORT

**To the Colorado House and Senate Judiciary Committees
Section 24-33.5-109(8), Colorado Revised Statutes**

COLORADO COLD CASE TASK FORCE

October 1, 2009



**COLORADO
DEPARTMENT
OF PUBLIC SAFETY**

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October 1, 2009

Chair, Senate Judiciary Committee
Representative Claire Levy
Chair, House Judiciary Committee
Colorado State Capitol
Denver, CO 80203

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

Dear Senate Judiciary Chair, Representative Levy, 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). This report will include an update regarding the work in each of these areas over the past year (October 1, 2008 to September 30, 2009).

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 specifies the representation on the Task Force and the terms of service. For each of the members appointed by the Speaker of the House or the President of the Senate, terms of office are expiring. The committed Task Force members who are in this category have graciously agreed to continue their service, and their reappointment has been requested. Much hard work has been done over the past two years, and for continuity and consistency, the Task Force members support favorable consideration of these reappointment requests. The Task Force's fifteen members are:

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



Name	Position Represented; Term	Appointed By
Kathy Sasak, Deputy Executive Director (Task Force Chair)	Designee of Executive Director, Department of Public Safety	Statutorily mandated
Tom Raynes, Esq., Deputy Attorney General	Designee of Attorney General	Statutorily mandated
Diana May, Chief Deputy District Attorney, 4 th Judicial District	Urban Judicial District Task Force appointment begins September, 2009.	Executive Director, CDAC
Gordon Coombes, Investigator 20 th Judicial District DA's Office Ryan Brackley, Assistant District Attorney, 20 th Judicial District DA's Office	Suburban Judicial District (2008-2010)	Executive Director, CDAC (Mr. Brackley will replace Inv. Coombes, beginning November, 2009.)
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) <i>Eligible to serve an additional full 2-year term</i>	House Speaker (<i>Request reappointment</i>)
Chief Dan Brennan, Wheat Ridge Police Department	Chief of Police (2008-2009) <i>Eligible to serve an additional full 2-year term</i>	House Speaker (<i>Request reappointment</i>)
Sheriff Terry Maketa, El Paso County	Sheriff (2008-2009) <i>Eligible to serve an additional full 2-year term</i>	Senate President (<i>Request reappointment</i>)
Chief Gerald Whitman, Denver Police Department	Chief of Police (2008-2009) <i>Eligible to serve an additional full 2-year term</i>	Senate President (<i>Request reappointment</i>)
June Menger (Longmont, CO)	Victim's Family Representative (2008-2009) <i>Eligible to serve an additional full 2-year term</i>	House Speaker (<i>Request reappointment</i>)

Paul Blee, (Grand Junction, CO)	Victim's Family Representative (2008-2009) <i>Eligible to serve an additional full 2-year term</i>	House Speaker <i>(Request reappointment)</i>
Linda Gruno, (Westminster, CO)	Victim's Family Representative (2008-2009) <i>Eligible to serve an additional full 2-year term</i>	Senate President <i>(Request reappointment)</i>
Celestina Terry (Colorado Springs, CO)	Victim's Family Representative (2008-2009) <i>Replaced Misha Chivers; Eligible to serve two additional 2-year terms</i>	Senate President <i>(Request reappointment)</i>

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)).

2008-2009 Task Force Meetings

(All meetings have been held at 690 Kipling Street, Lakewood, 10:00 am to 12:00 pm)

- October 24, 2008
- January 23, 2009
- April 24, 2009
- August 14, 2009

The open forum format employed during the first year of the Task Force’s existence has continued to be utilized for all meetings. In addition to the dedicated Task Force members, there are many other regular attendees who remain committed to the group’s efforts. During this reporting period, a number of additional participants have joined the meetings to share thoughts, concerns and ideas.

The diversity of background, experience, and vocation among the attendees (Task Force members and other participants) provides opportunities for victims’ representatives and law enforcement to share concerns, challenges and ideas for improvement. The participation by 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), has provided faces and voices for the unsolved homicide cases that are the basis of the Task Force’s efforts. The dynamics of the group continue to evolve, providing opportunities for serious discussions, respectful disagreements, and a

continuing development of mutual respect. We express our gratitude to all who have participated.

Along with the creation of the Cold Case Task Force, HB 07-1272 required the creation of a cold case team within the Colorado Bureau of Investigation. The statutory appropriation to CBI for FY 2008-09 was \$64,817. The original 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 (CBI Cold Case Analyst) continues to hold this position, since her assignment in October, 2007. Although Ms. Simkins is a “team” of only one person, the over-all accomplishments of the past year far exceed what might be expected of a one-person unit.

Requests for CBI Assistance to Investigate Cold Cases

Under the language of House Bill 07-1272, the CBI continues to assist with cold cases brought to the Bureau’s attention by local law enforcement. During this past year, the CBI has received requests for review and consultation on 23 cold cases. CBI provided assistance in each of these cases, and has been able to provide actual analytical and investigative assistance in eight cases. (This is an increase over the prior year – 17 requests for assistance; thorough review in each plus actual investigative assistance in five cases).

Task Force Priorities

Two statutory requirements were addressed as Task Force priorities: 1) development within CBI of a database of unsolved (“cold”) homicide cases (*Database Development and Update section*); and 2) review of cold case homicide investigation strategies and practices; recommend best practices (*Best Practices Recommendations section*).

Database Development and Update

During this past year, CBI Analyst Audrey Simkins has continued to work diligently incorporating new cases into the database. As of this report, the CBI has received initial information regarding the cold cases for all Colorado agencies. Ms. Simkins notifies each agency annually as a reminder that with the calendar year change, there may be additional cases to submit which meet the database criteria (1970 to the present, and more than three years old). Agencies have also notified the CBI when cases have been solved and arrests have been made, so that the database might remain current.

Additional analysis is conducted by obtaining lists from the National Crime Information Center (NCIC) and the Colorado Crime Information Center (CCIC) in attempt to account for all missing person cases and unidentified remains cases which have been in the system for more than 3 years. The CBI database currently contains 1,350 victims. (Approximately one-half of these cases originate in the City and County of Denver. The Denver Police Department has maintained a comparatively robust cold case investigations unit [homicides and sex crimes] since 2006, beginning with a single detective in 2004 and expanding to current staffing of nine detectives as of 2008.) Additional increases in cold case investigative resource allocation by local law

enforcement have been noted during the past year. Competition remains for these limited resources, but the commitment to cold cases continues.

In addition, Ms. Simkins has worked closely with the Families for Homicides and Missing Persons (FOHVAMP) organization in an attempt to compare and reconcile the two databases (CBI and FOHVAMP). There are 1,430 cases on FOHVAMP's most recent list. The eighty-case disparity between the CBI database and FOHVAMP's database continues to be reviewed and some answers have been identified. For example, FOHVAMP includes out-of-state victims as well as those victims in which the Coroner or medical examiner determined the manner of death to be suicide. Those cases are not captured in the CBI database. In addition, all missing person cases three years or older have been included in the CBI database, without regard for the circumstances of why the person is missing. FOHVAMP's information only includes missing person cases with apparent suspicious circumstances. The collaborative work between CBI and FOHVAMP has been beneficial, as it has served as a double check and a way to follow-up on additional cases. However, since the CBI database is comprised of information solely obtained from a law enforcement source, all information obtained from FOHVAMP is reviewed by the local law enforcement agency before it is included in the CBI database to maintain the integrity of CBI's information.

Ms. Simkins is working to make the database available via the Internet in limited form. Early on, the Task Force determined certain fields contained in the database would be available to the public. The first release of the Internet database will provide this limited information to the public. Law enforcement will also be able to search this database. Providing search access will allow members of the public and law enforcement to access information on specific cases or on cases that may be of interest within the state. The second phase of internet access (subject to availability of resources) contemplates allowing law enforcement access to all information contained in the database, in a searchable form.

Ms. Simkins' primary duties will continue to be data collection and modification of the CBI database. The Internet based system is being designed simply for ease in the sharing of information which has proved to be critical in many of these cases.

Additional CBI Efforts to Maximize Data Analysis and Information Sharing

The cases contained in the CBI database have also been reviewed by CBI Laboratory personnel to determine if a profile exists in the Combined DNA Index System (CODIS). Also, a review is undertaken to ascertain if the items of evidence related to the cold case require a resubmission to CBI for updated forensic analysis. The investigating agency is then advised and steps are taken to assist the agency with the resubmission process. Lastly, these cases are being searched against the Violent Criminal Apprehension Program (ViCAP). This nationwide database allows law enforcement agencies to search by the modus operandi and other elements of the crime to determine if similar cases exist. If the case has not yet been entered into ViCAP, Ms. Simkins will also assist the law enforcement agency to achieve that objective.

Best Practices Recommendations

During the Task Force’s first year, a resource and needs survey was provided to law enforcement agencies. The information received was discussed at Task Force meetings and at meetings of a subcommittee comprised mainly of law enforcement officers. An initial draft of “Best Practices” was included in the 2008 Annual Report. Cold Case investigative training for law enforcement officers was identified as a critical need. As reported last year, Arapahoe County Sheriff Grayson Robinson committed \$15,000 from his department’s asset forfeiture fund to promote the training efforts.

The law enforcement subcommittee from the first year transitioned into a Cold Case Curriculum Development Committee, made up of experts in curriculum development, adult-learning, and law enforcement cold case investigations. The table below lists the major contributors to the training curriculum development:

Cold Case Curriculum Development Committee (2008-2009)

Name	Agency
Agent in Charge, Ronald Arndt	Colorado Bureau of Investigation
Sgt. Creighton Bates	Lakewood Police Department
Investigator Paul Goodman	Colorado Office of the Attorney General
Investigator Bruce Isaacson	Arapahoe County Sheriffs Office
Andrea Stephen, Supervising Criminalist	Arapahoe County Sheriff’s Office
Sgt. Anthony Parisi	Denver Police Department
Lt. Jonathyn Priest	Denver Police Department
Kyndol Virden	Colorado Bureau of Investigation
Dr. N. Prabha Unnithan	Colorado State University
Audrey Simkins	Colorado Bureau of Investigation
Sandy Sayre	Division of Criminal Justice, Colorado Department of Public Safety
Ann Terry	Colorado Department of Public Safety

The Curriculum Development Subcommittee met ten times since August, 2008 (August 5, 2008, September 24, 2008, October 24, 2008, November 21, 2008, January 23, 2009, February 13, 2009, July 8, 2009, July 23, 2009, August 7, 2009, and September 9, 2009). On August 21, 2009, a draft curriculum was distributed to the members for their review and feedback. This curriculum will serve as the basis for a sixteen hour (2-day) law enforcement training course.

Topics to be covered during the course include: Why Cases Go Cold?; Homicide Investigation Basics; Cold Case Squads; Case Selection; Case Review Process; Co-Victim Services; Case Resolution; and Case Scenarios.

The first class will be held at the National Environmental Training Institute (NETI) in Lakewood on November 18 and 19, 2009. Three additional locations will be identified throughout the state for presentation of this course during 2010. The course will be Colorado POST (Peace Officer Standards and Training) approved, and officers attending will receive POST credit.

Cold Case Review Team

The CBI is in the process of developing the Cold Case Review Team. Law enforcement agencies wishing to have their cold cases reviewed will be provided a standard case presentation format. Based upon the complexity of an individual case, the team will schedule a block of time for the lead law enforcement officers (and the District Attorney's representative(s), if available), to present the case to the Review Team. The experts on the team will discuss the case and provide feedback and suggestions for investigative steps that might help in solving the case. Research was undertaken to identify what other states were doing in the area of cold case investigations, and the review team concept seemed to be the next logical step in Colorado's efforts to solve cold cases.

This team will be comprised of experts within Colorado with representation from Colorado Association of Chiefs of Police, County Sheriffs of Colorado, as well as victim advocates, coroners/medical examiners, retired law enforcement volunteers, district attorneys and investigators, laboratory and forensic personnel, and members of the local FBI field office. While FOHVAMP representatives will not participate directly in the Case Reviews, CBI will provide updates at the Cold Case Task Force meetings and will serve as the information conduit between the Review Team and FOVHAMP, sharing the number of cases reviewed and the composition of the Review Team.

The initial drafts of the protocols and application form were forwarded by CBI to local law enforcement and district attorneys for review and suggestions. A formal meeting was held on July 28, 2009, attended by representatives from the following agencies: Alamosa, Aurora, Colorado Springs, Delta, Denver, Durango, Grand Junction, Police Departments; District Attorney's Offices from the 5th, 7th, 9th, 10th, 13th and 17th Judicial Districts; County Sheriffs from Alamosa, Arapahoe, Chaffee, Douglas, El Paso, Grand, Jefferson and Montrose Counties; the Attorney General's Office, FBI Special Agents, CBI; and the Arapahoe County Coroner's Office and the Denver Medical Examiner's Office. Senator John Morse and Representative Steve King have also participated. There is widespread support and commitment from law enforcement agencies to devote resources to this process. After additional review and feedback, the documents are now in the final phase of development and implementation of the Cold Case Review Team process is expected in early 2010.

2008-2009 Outreach and Accomplishments

At the October 4, 2008 FOHVAMP Annual Meeting, Cold Case Task Force Chair, Kathy Sasak, and State Representative Joe Rice were invited to serve on a panel discussion. Other Task Force members, along with Task Force attendees, law enforcement investigators, district attorneys and CBI personnel, attended and participated in this annual meeting. The increased involvement by law enforcement officers and criminal justice professionals demonstrates the collaboration that continues to grow between the system personnel and the victims' representatives.

At the end of 2008, the Virginia Center for Policing Innovation announced regional Cold Homicide Investigation training opportunities. The course was designed for law enforcement investigators and analysts, and prosecutors. To be selected to attend this all-expense paid event, applicants were encouraged to form multi-disciplinary teams. Two teams comprised of Colorado Cold Case Task Force members and participants were invited to attend. The first team traveled to Chicago, Illinois in July 2009. The second traveled to Portland, Oregon in August 2009. Several different experts in the field of cold case investigation presented during the two day course. They discussed how to determine which cases to work, how to work with your laboratory personnel to determine if biological evidence is available and what additional testing, if any, can be done. In addition, they discussed how the media can assist with cold case investigations and some pitfalls of which to be aware. The Orlando Police Department presented one of their actual cold cases during the training. This allowed each attendee to see what other states and agencies are experiencing and offer suggestions and ideas. Those suggestions and ideas could also be applied to cold cases in Colorado. Overall, the training was a very beneficial to all attendees.

A Panel presentation, titled "Cold Homicide Cases – Efforts that Will Make a Difference in Colorado", was offered at the CDAC (Colorado District Attorneys' Council) Annual Training Conference, Keystone, Colorado, on September 15, 2009. The panel was comprised of Task Force Chair Kathy Sasak, District Attorney Martin Beeson (Task Force Member), CBI Analyst Audrey Simkins and CBI Assistant Director Steven Johnson. The presentation was one of the afternoon conference break-out sessions, and was attended by prosecutors and District Attorneys' investigators. The purpose was to inform this system segment of the work being done on cold (homicide) cases in Colorado, the existence of the law enforcement database, and the upcoming training opportunity, along with the design and availability of the Cold Case Review Team.

A problem identified in Task Force discussions is the lack of resources for law enforcement agencies. Cold cases often fall from priority as new cases occur. Grant funds can often be used to make up for resources that are otherwise unavailable. The Colorado Springs Police Department (represented by Sgt. Jeff Jensen, Task Force Attendee and subcommittee member) recently announced that CSPD received notice in mid-September, 2009, that the U.S. Department of Justice awarded a \$460,000 grant to be used for the investigation and forensic review of the department's approximately 90 cold homicide cases, along with the approximately 650 unsolved sex crime cases. Best practices throughout the nation have demonstrated that efforts that are focused on both

sex crimes and homicide cases often result in better “clearance rates”. At the next Cold Case Task Force meeting, Sgt. Jensen will make a presentation regarding the grant process and the department’s success in obtaining these funds.

Cold Case Task Force Efforts, 2009-10

The Task Force will meet at 690 Kipling, 1st Floor Conference Room, on Friday, November 13, 2009, from 10:00 am to 12:00 pm. Information about past and future meetings (including agendas and meeting minutes, along with relevant links), is available on the Colorado Department of Public Safety website - <http://cdpsweb.state.co.us/coldcase/>.

Respectfully submitted this 1st day of October, 2009.



Kathy E. Sasak, Task Force Chair
Deputy Executive Director,
Colorado Department of Public Safety

cc: Senator Brandon Shaffer, President
Representative John Morse, Speaker
Governor Bill Ritter, Jr.