

# **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, 2010**



**COLORADO  
DEPARTMENT  
OF PUBLIC SAFETY**

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October 1, 2010

Senator Morgan Carroll  
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 Senator Carroll, 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.

The 2007 legislation set forth two main initiatives relative to unsolved homicide  
cases in our state: 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 provide an update and status of these efforts for the period of  
October 1, 2009 through September 30, 2010.

**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. 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, Executive Director (Task Force Chair)	Department of Public Safety (Executive Director)	Statutorily mandated
Tom Raynes, Deputy Attorney General	Designee of Attorney General	Statutorily mandated
Diana May, Chief Deputy District Attorney, 4 <sup>th</sup> Judicial District	Urban District Attorney Task Force appointment began September, 2009. (Serving unexpired portion of 2007-2010 term) *Reappointed to new 3-yr. term, 2011 through 2013 <sup>‡</sup>	Executive Director, CDAC
Ryan Brackley, Assistant District Attorney 20 <sup>th</sup> Judicial District	Suburban District Attorney Appointment began November, 2009 (Serving unexpired portion of 2007- 2010 term) *Reappointed to new 3-yr. term, 2011 through 2013 <sup>‡</sup>	Executive Director, CDAC
The Hon. Myrl Serra, District Attorney, 7 <sup>th</sup> Judicial District	Rural District Attorney Appointment began March, 2010 (Serving unexpired portion of 2007-2010 term) *Reappointed to new 3-yr. term, 2011 through 2013 <sup>‡</sup>	Executive Director, CDAC
Sherry Burt, FOHVAMP (Families of Homicide Victims and Missing Persons)	Statewide Victims Advocacy Organization (2007-2010) Reappointment process underway	Governor
Ami Gerstner, COVA (Colorado Organization for Victim Assistance)	Statewide Victims Advocacy Organization (2007-2010) Reappointment process underway	Governor
Sheriff Kirk Taylor, Pueblo County	Sheriff (2009 through 2011) (original appointee)	House Speaker
Chief Dan Brennan, Wheat Ridge Police Department	Chief of Police (2009 through 2011) (original appointee)	House Speaker
Sheriff Terry Maketa, El Paso County	Sheriff (2009 through 2011) (original appointee)	Senate President
Chief Gerald Whitman, Denver Police Department	Chief of Police (2009 through 2011) (original appointee)	Senate President

June Menger (Longmont, CO)	Victim's Family Representative (2009 through 2011) (original appointee)	House Speaker
Paul Blee, (Grand Junction, CO)	Victim's Family Representative (2009 through 2011) (original appointee)	House Speaker
Linda Gruno, (Westminster, CO)	Victim's Family Representative (2009 through 2011) (original appointee)	Senate President
Celestina Terry (Colorado Springs, CO)	Victim's Family Representative (2009 through 2011) <i>Replaced Misha Chivers; Eligible to serve an additional 3-year term</i>	Senate President

‡After some initial two years terms, all reappointments are designated in statute to be three years. However, absent legislative action, the statutory provisions creating the Cold Case Task Force (C.R.S. Section 24-33.5-109), will repeal, effective July 1, 2012.

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)).

### **2009-2010 Task Force Meetings**

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

- December 18, 2009
- February 19, 2010
- May 14, 2010 (Held at the Jefferson County Courts and Administration Building)
- August 13, 2010

Joining the dedicated Task Force members at the meetings is a growing number of regular attendees. Because of the open forum format to the meetings, there is little distinction between the Task Force members and the attendees, as all are invited to share their thoughts and suggestions.

The discussions continue to be enhanced by the participation of many members of FOHVAMP (Families of Homicide Victims and Missing Persons). Task Force members from law enforcement and from District Attorneys’ offices discuss obstacles and opportunities with the co-victim representatives. The family representatives educate law enforcement and prosecutors on the importance of maintaining regular communication

with the co-victims. The conversations sometimes challenge thought processes, but they always enrich the mission of the group. Identifying additional resources to devote to cold case investigations is always a challenge, and ideas for grants and utilizing volunteers are part of the regular discussions. We express our gratitude to all who continue to participate.

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 original assignment in October, 2007. Although Ms. Simkins is a “team” of only one person, she continues to develop her knowledge, external and internal relationships, and her expertise. She is a valued asset to CBI, CDPS and to the state.

### **Requests for CBI Assistance to Investigate Cold Cases**

House Bill 07-1272 requires CBI authorities to assist with Cold Cases brought to their attention by local law enforcement. During this reporting year, the CBI has received 25 requests for assistance regarding the investigation, organization, and review of cold cases. CBI provided assistance in each of these cases, and has been able to provide actual analytical and investigative assistance in five cases. (This is an increase over the prior year – 23 requests for assistance; thorough review in each plus actual investigative assistance in three cases).

### **Task Force Priorities**

The Task Force continues to work on the two requirements set forth in statute: 1) development within CBI of a database of unsolved (“cold”) homicide cases (*please see Database Development and Update section*); and 2) review of cold case homicide investigation strategies and practices; recommend best practices (*please see Best Practices Recommendations-Training Update section*).

### **Database Development and Update**

During this past year the CBI Analyst, Audrey Simkins, has worked hard to ensure that the database is updated with additional cases that meet the statutory criteria (cases dating back to 1970 and that are at least three years old). Each year, more cases fit the “at least three years old” criteria. CBI has created a procedure that provides calendar year-end contact with all Colorado law enforcement agencies, requesting that they submit all additional cases that have now become three years old. Just as it is critical that cases are added, agencies have also notified CBI when cases have been solved and arrests have been made. Also, lists have been obtained 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 for inclusion into the CBI database.

The database currently contains 1,714 victims. (Nearly 700 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]. The

Denver Police Department unit started in 2004 with a single detective. The team grew in 2006 with the addition of five detectives, and in 2008, three more were added, bringing the current staffing level to nine detectives. Additional increases in cold case investigative resource allocation by other local law enforcement agencies have been noted during the past year. Competition remains for limited resources, but the commitment to cold case investigations continues to grow.

On Wednesday August 11, 2010 the CBI launched the electronic version of CBI's Cold Case Database (web address: [http://cbi.state.co.us/inv/ColdCase/Index\\_ColdCase.html](http://cbi.state.co.us/inv/ColdCase/Index_ColdCase.html)). This site contained 1,714 cases the day of the launch. This internet application provides a comprehensive list of all unresolved homicides, missing persons and unidentified remains whose cases fit statutory criteria. You may see cases that precede the 1970 date if it was known to the CBI or the local jurisdiction. The data fields contained in this database were identified early on by the Cold Case Task Force as items that might generate new information, but without including case-sensitive data that might hinder the chances of future, successful, prosecution. This database is a tool not only for the public to review and offer tips, but also for Colorado law enforcement officers to access statewide information on specific cases or on cases that may be of general interest. Although, this database will continue to be a work in progress, it is very comprehensive and contains all available victim names. Additional efforts will be made to increase the amount of information posted regarding these cases, i.e. case narratives and victim photographs. The second phase of internet access (subject to availability of resources) contemplates allowing law enforcement access to all criminal justice information contained in the database, in a searchable form. This form of the statewide internet database would provide law enforcement search capabilities, possibly linking cases with common features manners of death.

Ms. Simkins' primary duties will continue to be the data collection and modification of the CBI database. The first phase of the Internet-based system is for the ease in the sharing of information which has proved to be critical in many of these cases. The second phase will provide additional tools to investigators.

#### **Additional CBI Efforts to Maximize Data Analysis and Information Sharing**

The cases contained in the Colorado database have also been reviewed by CBI Laboratory personnel to determine if a profile exists in the Combined DNA Index System (CODIS), or if there are items of evidence that require a resubmission to CBI for updated or additional forensic analysis. The agency is then advised and steps are taken to assist the agency with the resubmission process. Lastly, these cases are being searched against the FBI's 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 assists the law enforcement agency to achieve that objective.

Additionally, during the last year the CBI, both Forensic Services and Investigative divisions, have coordinated and participated in several, informal, cold case round table meetings. These meetings reviewed several cold cases involving multiple jurisdictions, looking for similarities regarding modus operandi, victim selection, and case evidence.

In each of these instances the CBI was asked to be the facilitator, based on the creation of the Cold Case Team within CBI mandated by HB07-1272, and CBI's role as the state laboratory whose mission is the processing of crime scenes and case evidence. These meetings have been very successful and resulted in additional forensic and investigative steps being identified and completed.

**Best Practices Recommendations-Training Update**

From the beginning, the Cold Case Task Force has focused on the identified need for cold case investigations training for law enforcement officers. As previously reported, a Cold Case Curriculum Development Committee was formed, 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 Sheriff's 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: 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, September 9, 2009. A curriculum was developed that serves as the basis for a sixteen hour (2-day) law enforcement training course. Topics covered 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 was held at the National Enforcement Training Institute (NETI) in Lakewood on November 18 and 19, 2009. Three additional training courses were taught this year:

- March 3- 4, 2010 in Pueblo, Colorado
- May 4-5, 2010 in Greeley; and
- September 14-15, 2010 in Grand Junction, Colorado.

The course has been approved by the Colorado POST (Peace Officer Standards and Training), and all attendees receive 16 hours of POST credit.

This year the CBI was awarded a POST Grant for \$28,490 allowing the CBI to provide this training 6 additional times throughout the state of Colorado during FY 2010 – 2011. The first training is scheduled to take place November 17-18, 2010 in Colorado Springs, Colorado. The additional trainings dates and locations are still to be determined.

Additionally, the Grant will provide the funds to conduct another statewide survey of cold case efforts in Colorado at the end of FY 2010-11, to ensure the trainings and the programs the CBI has provided are meeting the needs of the state, and to identify new gaps and needs for the future. It is anticipated that to continue these trainings, CBI will apply annually for the POST funds.

### **Cold Case Review Team**

This year the CBI put the finishing touches on the Cold Case Review Team. This twenty-seven member team has been comprised of experts within Colorado with representation from Colorado Association of Chiefs of Police, County Sheriffs of Colorado, as well as coroners/medical examiners, retired law enforcement volunteers, district attorneys and investigators, laboratory and forensic personnel, members of the local FBI field office and a representative from the Colorado Organization for Victim Assistance (COVA). The Cold Case Review Team convened on June 2, 2010 and held their first meeting. The team reviewed two cold cases brought forward by Colorado law enforcement. The setting allowed for the jurisdiction bringing the case to present their case as a team. The teams contained both current and past detectives as well as the prosecutors. Each agency provided a PowerPoint presentation of their case to the Review Team. The Review Team was then allowed a period of time to ask questions and review the case specifics, to include crime scene photographs, suspect and victim timelines, autopsy reports, and case details. Each presenting agency was then provided with an electronic copy of the day's events for their review and follow-up. The feedback received from each presenting agency was very positive. Both agencies' presenters and investigative/prosecution teams were very open to the comments from the Review Team. The Team plans to meet again the first week of December 2010. CBI, along with the Cold Case Task Force law enforcement members, will continue to outreach to agencies so that additional cold cases might be identified for review.

### **2009-2010 Outreach and Accomplishments**

At the October 10, 2009 FOHVAMP Annual Meeting, Assistant Director Steve Johnson was 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.

The CBI also applied for a National Institute of Justice (NIJ) Grant titled "Solving Cold Cases using DNA" in March 2010. Last year, this same grant (in the amount of \$460,000) was awarded by the NIJ, (within the U.S. Department of Justice), to the Colorado Springs Police Department, to be used for the investigation and forensic review of that department's 90 cold homicide cases, along with the approximately 650 unsolved sex crime cases. Through this grant, the CBI seeks funding to review the Cold Cases from the smaller, more rural areas of Colorado. By determining whether there is existing evidence in these cases that might yield DNA evidence, suspects may be identified through matches to the information in the CODIS database. During this grant application process, the CBI identified nearly 700 cases which could be reviewed and possibly retested for DNA evidence. Grant funding for overtime and investigative hours at the local law enforcement agency allows the agency with the cold case to continue to provide the institutional knowledge to that case.

The application was well-received by the federal authorities. On Friday September 17, 2010 CBI was notified of the Statement of Grant Award for the National Institute of Justice Grant, "Solving Cold Cases Using DNA," in the amount of \$687,250. The grant period begins October 1, 2010 and runs through March 31, 2012.

#### **Cold Case Task Force Efforts, 2009-10**

The Task Force will meet at 690 Kipling, 1<sup>st</sup> Floor Conference Room, on Friday, November 12, 2010, 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/>.

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 additional updates and schedules.) Your continued support is greatly appreciated.

Respectfully submitted this 1<sup>st</sup> day of October, 2010.



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

cc: Senator Brandon Shaffer, President  
Representative Terrance Carroll, Speaker  
Governor Bill Ritter, Jr.