



**COLORADO
DEPARTMENT
OF PUBLIC SAFETY**

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September 30, 2011

Senator Morgan Carroll
Chair, Senate Judiciary Committee
Representative Bob Gardner
Chair, House Judiciary Committee
Colorado State Capitol
Denver, CO 80203

Re: Annual Report, Colorado Cold Case Task Force (House Bill 07-1272,
Section 24-33.5-109(8), C.R.S.)

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

As Chair of the Cold Case Task Force, I am honored to submit this Annual Report, which provides the update and status of the past year's efforts of the Cold Case Task Force and the CBI Cold Case Homicide Team. As indicated in the report, this Type 2 Board resides in the Colorado Department of Public Safety and has a membership of fifteen designated positions. Much work has been done since the Task Force first met in August, 2007, but there is still a large (and growing) number of homicide cases within the state that are unsolved. The Task Force members and the large group of attendees at the quarterly meetings are committed to continuing their work to increase awareness and understanding of the issues, and to seek solutions. We are hoping for a favorable Sunset Review report that will recommend that the Task Force continue into the future.

If you, or members of your committees, have any questions, please do not hesitate to contact me or members of the Task Force. We welcome your interest in this important issue, and would be honored if you would like to attend one of our meetings.

Sincerely,

Kathy E. Sasak
Deputy Executive Director

cc: Senators Guzman, Giron, Steve King, Lundberg, Newell, Nicholson, Roberts and Scheffel; Representatives Barker, DelGrosso, Duran, Kagan, Lee, Levy, Nikkel, Ryden, Sonnenberg and Waller
Governor John Hickenlooper

John W. Hickenlooper
GOVERNOR

James H. Davis
EXECUTIVE DIRECTOR

Colorado State
Patrol

Colorado Bureau
of Investigation

Division of
Criminal Justice

Office of Preparedness,
Security, and Fire Safety



Annual Report – Cold Case Task Force

To the Colorado House and Senate Judiciary Committees (Section 24-33.5-109(8), C.R.S.)

October 1, 2011

Task Force Members

Kathy Sasak, Deputy Executive Director, Colorado Department of Public Safety (Chair) (*Statutory position*)

Michael Dougherty, Deputy Attorney General (*Statutory position*)

Charles Tingle, Chief Deputy District Attorney, 1st Judicial District (*Representing Urban District Attorneys, filling unexpired term 2010-2013; appointed by Executive Director of CDAC*)

Ryan Brackley, Assistant District Attorney, 20th Judicial District (*Representing Suburban District Attorneys, 2010-2013; appointed by Executive Director of CDAC*)

The Hon. Robert Watson, District Attorney, 13th Judicial District (*Representing Urban District Attorneys, filling unexpired term 2010-2013; appointed by Executive Director of CDAC*)

Sherry Burt, FOHVAMP (*pending reappointment to 2nd term by Governor, will serve 2010-2013 term of office*)

Ami Gerstner, COVA (*pending reappointment to 2nd term by Governor, will serve 2010-2013 term of office*)

Sheriff Kirk Taylor, Pueblo County (2009-2012 (2nd term); *appointed by Speaker of the House*)

Chief Dan Brennan, Wheat Ridge Police Department (2009-2012 (2nd term); *appointed by Speaker of the House*)

Sheriff Terry Maketa, El Paso County (2009-2012 (2nd term); *appointed by Senate President*)

Chief Jerry Whitman, Denver Police Department (2009-2012 (2nd term); *appointed by Senate President*)

June Menger, Family Representative (2009-2012 (2nd term); *appointed by Speaker of the House*)

Paul Blee, Family Representative (2009-2012 (2nd term); *appointed by Speaker of the House*)

Sean Gruno, Family Representative (2009-2012 (1st term); *appointed by Senate President*)

Celestina Terry, Family Representative (2009-2012; *appointed by Senate President [eligible to serve an additional 3 year term]*)

SUNSET REVIEW

The Cold Case Task Force is set to expire on July 1, 2012. The Task Force is currently undergoing a sunset review by the Department of Regulatory Agencies. A report is expected in October, 2011. Task Force members and other Task Force participants have provided information for the process. The Task Force members unanimously voted to recommend that the Cold Case Task Force be extended.

COLD CASE TASK FORCE MEETINGS

November 12, 2010 (10:00 am – noon)

February 11, 2011 (*Rescheduled*)

March 4, 2011 (10:00 a.m. - noon)

May 6, 2011 (1:00 p.m. – 3:00 p.m.)

August 5, 2011 (10:00 a.m. – noon)

November 4, 2011 (10:00 am – noon)

All meetings are held at 690 Kipling Street, Lakewood, CO

Value Added to Meetings

At the invitation of Mr. Howard Morton, FOHVAMP (and dedicated Task Force attendee), co-victim family members have been attending Task Force meetings during 2011. These family members share information about the lives of their loved ones and the circumstances of their tragic deaths. These presentations are welcomed, and have enhanced the understanding of all attendees.

NEXT COLD CASE TASK FORCE MEETING

Friday, Nov. 4, 2011, 10 am – noon, 690 Kipling St., Lakewood

Information is available at <http://cdpsweb.state.co.us/coldcase/>

Please join us – All are welcome!

TACKLING IMPORTANT TOPICS

A growing number of regular attendees have joined the dedicated Task Force members at the quarterly meetings. The open forum format of the meetings invites all attendees to share their thoughts and suggestions, thus limiting the distinction between Task Force members and guests. The discussions continue to be enhanced by the increased participation of Families of Homicide Victims and Missing Persons (FOHVAMP) members. Task Force members from law enforcement and local District Attorneys' offices continue to 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, while always enriching the mission of the group. Identifying additional resources to devote to cold case investigations is very difficult, and ideas for grants and utilizing volunteers are part of the regular discussions. In addition to the CBI Cold Case "team" of one employee (CBI Cold Case Analyst Audrey Simkins), the CBI has embraced the concept of augmenting resources with volunteers, and has added a volunteer intern to the criminal intelligence office working with missing person and cold homicide cases.

Requests for CBI Assistance

Pursuant to Section 24-33.5-425(3)(a) and (b), C.R.S., local law enforcement agencies (on their own initiative or at the request of family members) can request CBI investigative assistance with cold homicide cases. During this past year, CBI has received 28 requests for assistance with investigation, organization or review of cold cases. CBI provided the assistance in each case, as well as actual analytical and investigative assistance in five cases. This represents an increase over the prior year (25 requests for assistance; analytical and investigative assistance provided in 3 cases).

DATABASE - ENHANCEMENTS

Additional fields have been added to enhance database search capabilities (such as unique characteristics, time-frames and height/weights). While the first phase of the internet access focused on information sharing, the second phase will highlight investigative tools for law enforcement officials.

CBI DATABASE

Updating the database has been a priority. 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 submission of additional cases that have aged to three years. Just as it is critical that cases are added, agencies have also notified CBI when cases have been solved and arrests have been made. CBI has enhanced the information in the database by adding victim photographs and case narratives. The database currently contains 1,700 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 which includes homicides and sex crimes. The Denver Police Department unit started in 2004 with a single detective and has now grown to nine. Additional increases in cold case investigative resource allocation by other law enforcement agencies have been noted during the past year. Competition remains for limited resources, but the commitment continues to grow.

CBI maintains an electronic version of Cold Case Database (http://cbi.state.co.us/inv/ColdCase/Index_ColdCase.html). This site contained 1,714 cases when launched, and today hovers right around 1700 cases. This internet application provides a comprehensive list of all unresolved homicides, missing persons and unidentified remains whose cases fit statutory criteria. Cases before 1970 are included if the information is provided by law enforcement. 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 regarding 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.

Maximizing Data Analysis and Information Sharing

The cases contained in the Colorado CBI database continue to be reviewed by the CBI Forensic Services Division 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 the CBI for updates or additional forensic analysis. The law enforcement agency is advised and steps are taken to assist the agency with the resubmission process. Lastly, these cases continue to be entered into the Federal Bureau of Investigation (FBI) Violent Criminal Apprehension Program (ViCAP) and searched by the modus operandi and other elements of the crime in an attempt to link similar cases. 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 staff members (Forensic Services and Investigative) have participated in several, informal, cold case meetings at the request of the involved law enforcement officials. These meetings brought together representatives from multiple jurisdictions to look for similarities regarding modus operandi, victim selection and case evidence in several cold cases. Based upon the CBI's cold case responsibilities provided in HB07-1272, CBI served as the meeting facilitator. These meetings have been very successful and resulted in additional forensic and investigative steps being identified and completed in the hopes of solving the associated cold case(s).

COLD CASE REVIEW TEAM

The Cold Case Review Team, created as a "best practices" effort, assists local law enforcement by reviewing their agencies' cold homicide cases. Homicide investigation experts, including individuals from the CBI Forensic Laboratory and CBI Investigations, the Coroners' Association, detectives and investigators from police and sheriffs' departments, representatives from the Attorney General's office, forensic pathologists, prosecutors, Colorado Organization for Victim Assistance (COVA) and the FBI, have been selected to serve on this all-volunteer project. The team meets 2-4 times per year. When cases are presented for review, all who are involved in the case are encouraged to be present, including the current and past investigators, the district attorneys and any laboratory personnel. For cases which overlap more than one jurisdiction, detectives, investigators and prosecutors, from each area are encouraged to attend.

Currently, the Review Team will hear two or three cases during each meeting. After the agency concludes their presentation, the Review Team members are invited to ask questions and offer suggestions. At the conclusion, the presenting agency will be emailed an electronic account of the presentation along with questions and suggestions made by the Review Team. Each Review Team member is required to sign a confidentiality agreement providing assurances to each presenting agency that the information will be kept confidential within law enforcement.

The foundation of success for this review process is the generous sharing of knowledge and expertise by the members who represent the various disciplines. The Review Team members and their agencies are contributing many hours to these efforts. CBI and the Cold Case Task Force members continue to encourage agencies to take full advantage of this new resource available to cold case investigations. Agencies which have used the team have been very pleased with the process.

The Review Team met 3 times this year. The dates and presenting agencies

December 8, 2010

*Garfield County Sheriff's Office
Aurora Police Department*

March 23, 2011

*Arapahoe County Sheriff's Office
Wheat Ridge Police Department*

June 29, 2011

*Arapahoe County Sheriff's Office
Boulder Police Department
5th Judicial District DA's Office*

Cases Solved Through Collaboration

Working together and utilizing the best practices identified through the Cold Case Task Force's efforts, CBI has partnered with law enforcement to solve 42 cold homicide cases. *Highlights of significant successes include:*

- Holly Marie Andrews, murdered in Clear Creek County, December 1976; Harnish plead guilty in 2009
- Susannah Chase, murdered in Boulder in December, 1997; Alcalde convicted in 2008.
- Linda Ketchum-Benson and Kelly Benson, murdered in Grand Junction July 1975; Nemnich convicted in October 2010

P.O.S.T. GRANT – SURVEY

Funding to conduct another statewide survey of law enforcement agencies to update their cold case efforts and needs was included in the latest P.O.S.T. grant. The survey was distributed in August, 2011, and official results are expected during the first quarter of 2012. Dr. Prabha Unnithan, a sociology professor at CSU and FOHVAMP member, is assisting with the survey.



TRAINING UPDATE P.O.S.T. Board Grants

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, comprised of experts in curriculum development, adult-learning, and law enforcement cold case investigations. This group continues to provide statewide cold case training.

For 2010-2011, the CBI was awarded a P.O.S.T. Board Grant for \$28,490 allowing the CBI to provide additional cold case training throughout the state. The following classes were taught using the money awarded:

Colorado Springs, November 2010

Lakewood, April 2011

Fort Collins, May 2011

Denver, June 2011

*Colorado Organization for Victims Assistance (COVA)
(materials provided)*

The Colorado Bureau of Investigation was again awarded a 2011-2012 P.O.S.T. Grant in the amount of \$29,205 to fund 6 additional Cold Case Homicide Investigation Best Practices classes. The class schedule is below:

November 15-16, 2011 – Limon, CO

January 24-25, 2012 – Denver, CO

March 20-21, 2012 – Pueblo, CO

April 2012 (Exact Date TBD) - Sterling, CO

May 8-9, 2012 – Steamboat Springs, CO

June 19-20, 2012 – Montrose, CO

Average attendance at training sessions is 35-40; total number trained to date = 240

NAMUS & CURRICULUM IMPROVEMENTS

The National Missing and Unidentified System (NAMUS) allows law enforcement and coroners to enter missing and unidentified cases into this web-based database, which is accessible by law enforcement and the public. A Task Force presentation on NAMUS educated the attendees, and the availability of this important tool has been incorporated into the Cold Case Training curriculum. Also, a segment on how to use law enforcement victim advocates in the cold case investigation has been added. The training also provides suggestions for seeking help when agency resources are lacking.

The curriculum is being analyzed to obtain continuing legal education credit to enhance the interest of prosecutors. The same review is underway to extend the outreach to coroners. The Task Force goal is to extend the impact of the training across all disciplines.

2010-2011 Outreach and Accomplishments

- On September 13, 2011 a cold case homicide presentation specifically created for prosecutors was made at the Colorado District Attorney's Council's annual training conference in Snowmass. The presentation outlined a case that was prosecuted successfully resulting in a conviction. The remainder of the presentation outlined how district attorneys get started and what tools have been used successfully in the past. Cold case challenges were discussed, as were the opportunities to find needed additional resources. *Each elected District Attorney was given a list of cold cases in his/her judicial district.* The Cold Case Investigations training materials were provided and each attendee was encouraged to take a complete set with them. The presentation was well attended and plans are being made to present at next year's conference.
- Task Force Members will attend the Annual FOHVAMP Conference, Saturday, October 8, in Colorado Springs.

NIJ Grant Award

The CBI was awarded an NIJ (National Institute of Justice) "Solving Cold Cases Using DNA" in October, 2010 in the amount of \$687,250. The first priority was to apply these grant funds to cold cases that originated in the smaller and more rural areas of the state. Five Hundred Seventy Seven (577) cases were identified which were further reviewed to determine whether DNA evidence might be available for analysis. This grant will allow the CBI to fund overtime for DNA forensic scientists (30 hours per case and \$3,000/case for per diem and travel expenses). Outreach was made to agencies which had cases that fit the grant criteria asking for the agency to reexamine the case. The CBI then reviewed the cases that were selected by the agencies. To date, 51 cases are in the preparation process for submission to an Evidence Review Meeting. These will take place during the 1st and 2nd weeks of November; investigators will meet with forensic scientists to determine what items of evidence should be submitted for additional DNA testing. The grant is scheduled to expire in March, 2012. The CBI expects to fully expend these targeted grant funds.

DISCUSSION TOPICS; ON-GOING ISSUES

Much collaboration has been done to share issues and concerns among the Task Force participants. The members and attendees have had the opportunity to better understand the issues and perspectives of others; the co-victims, law enforcement and prosecutors. But there are still issues that are under discussion:

- Insufficient resources are available to solve the existing cold homicide cases, and new cases are "becoming cold" each year. Some believe that CBI should have a robust, statewide Cold Case Homicide Unit, to include sufficient investigators to review each of the cold cases. FOHVAMP submitted a petition, signed by each co-victim on the Task Force, requesting that CBI apply for federal grant funds to create such a unit. State resources are lacking, and philosophic differences exist regarding the utilization of limited CBI resources to meet all of CBI's statutory responsibilities. The CBI will continue to encourage law enforcement agencies to utilize the Cold Case Review Team, as well as assist in identifying volunteer resources, so that local agencies have additional opportunities to put toward their cases. Training will continue to be a priority for the CBI and for the Cold Case Task Force, so that law enforcement, prosecutors and coroners throughout the state will have better knowledge to help them solve cases.
- A concern was expressed that the Cold Case Task Force does not include enough minority representation, particularly those from the African American or Hispanic communities, and that more cold homicides impact these communities. Existing Task Force members belong to minority populations, but this is an issue that can certainly be addressed when current terms expire and representatives from these groups can be encouraged to apply. The efforts have been enhanced by the presentations at Task Force meetings by family members from these minority groups.