

# 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, 2012

## Membership Changes

The statutes provide that members of the Cold Case Task Force serve no more than two consecutive terms, in addition to partial terms. Positions appointed by the Speaker of the House and President of the Senate served initial terms of two years. The other thirteen appointees served for three years during their first terms. All subsequent terms are for three years.

While there have been a number of designated positions on the Task Force that have turned over one or more times since the beginning of the Task Force, five members completed their full terms of office. We express our sincere gratitude for their time, energy and commitment to the following members: Chief Dan Brennan (Wheat Ridge PD); Paul Blee (Family Representative); June Menger (Family Representative); Sheriff Kirk Taylor (Pueblo); and Sheriff Terry Maketa (El Paso County).

We welcome new members, as well as reappointed members: **Tina Terry** (Family Representative); reappointed by Senate President (second full term 2012-2015)

**Sean Gruno** (Family Representative); appointed by Senate President (first full term 2012-2015)

**Chief Robert White** (Denver Police Department); appointed by Senate President (first full term 2012-2015)

**Sheriff Joe Pelle** (Boulder County); appointed by Senate President (first term 2012-2015)

**Ramona Blee** (Family Representative); appointed by Speaker of the House (first term 2012-2015)

**Jim Menger** (Family Representative); appointed by Speaker of the House (first term 2012-2015)

**Sheriff Dave Weaver** (Douglas County); appointed by Speaker of the House (first term 2012-2015)

**Chief Roy Lane** (Cortez Police Department); appointed by Speaker of the House (first term 2012-2015)

**Forensic Pathologist** – awaiting formal appointment by Governor (first term 2012-2015)

## RETURNING 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, 20<sup>th</sup> Judicial District (*Representing Suburban District Attorneys, 2010-2013; appointed by Exec. Dir., CDAC*)

**The Hon. Robert Watson**, District Attorney, 13<sup>th</sup> Judicial District (*Representing Rural District Attorneys, filling unexpired term 2010-2013; appointed by Exec. Dir., CDAC*)

**Sherry Burt**, FOHVAMP (*reappointment to 2<sup>nd</sup> term by Governor, serving 2010-2013 term of office*)

**Ami Gerstner**, COVA (*reappointment to 2<sup>nd</sup> term by Governor, serving 2010-2013 term of office*)

## COLD CASE TASK FORCE REAUTHORIZED

Thanks to Sen. Morse and Rep. Acree, along with members of the General Assembly and Governor Hickenlooper, House Bill 12-1206 was signed into law. The Cold Case Task Force will add a new member (a forensic pathologist, appointed by the Governor). The Task Force has the statutory authority to continue its work until July 1, 2019.

## COLD CASE TASK FORCE MEETINGS

(10 am-noon; 690 Kipling St. Lakewood, CO)

November 4, 2011

March 2, 2012

May 11, 2012

August 10, 2012

November 2, 2012

February 1, 2013

**Please join us – All are welcome!**

## FIND INFORMATION AT

<http://cdpsweb.state.co.us/coldcase/index.html>

## Meeting Notes

The important work of the task force continues, and the faithful regular attendees join with task force members to augment the discussions. Each meeting throughout the past year has included a presentation by one or more co-victims (family members who have lost a cherished loved one to homicide). The courage of these co-victims has enhanced the work of the Task Force, for they provide a tangible reminder of why the work is so important.

An initial project of the Task Force was to survey all law enforcement agencies in the state to determine their resources, needs and efforts relative to the investigation of cold homicide cases. As presented in prior annual reports, the need for training was identified through these surveys, and the Cold Case Training continues to be offered throughout the state (see separate article.) It was determined that an updated survey of law enforcement agencies would provide helpful information, and on behalf of the Cold Case Task Force, CBI Cold Case Analyst Audrey Simkins has partnered with Dr. Prabha Unnithan, CSU, to conduct another survey. Preliminary results are being compiled with the help of graduate students at CSU, and final information will be available at an upcoming Task Force meeting. The dedication of Dr. Unnithan and his students has truly provided valuable assistance to this effort.

### 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 106 requests for assistance with investigation, analytical, case organization, and forensic evidence 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 from 28 cases.

### DATABASE – ENHANCEMENTS

*The CBI is in the testing process for a variety of system enhancements to the Cold Case Database. These enhancements will include a broader search capability for all users. These additional search features should allow law enforcement nationwide to search Colorado records in an attempt to identify similar cases at their fingertips. In addition, the look of the database will change slightly to increase the ease of use navigation through the site. Some additional fields will also be added to the administrative application in order to more adequately capture statistical information. Target implementation - the end of 2012.*

### CBI DATABASE UPDATE

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 1,620 victims (more than 700 of these cases originate in the City and County of Denver). The Denver Police Department and others have noticed a change in allocated resources during the past year. Many departments who had previously been able to allocate resources and personnel dedicated to the investigation of cold cases have had to scale back. However, the desire to work these cases remains strong.

CBI maintains an electronic version of Cold Case Database ([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 when launched, and today hovers right around 1600 cases. This internet application provides a comprehensive list of all unresolved homicides, missing persons, and unidentified remains cases that 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 for statewide access 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.

The CBI has also made strides this year to update the existing cases contained in the database with victim demographic information and photograph as well as case narratives. To that end, Analyst Simkins reached out to the Department of Motor Vehicle (DMV) and was able to obtain just over 400 victim photographs not previously available. These photographs were posted to the CBI website and then also shared with the local agencies to assist in populating their local websites.

### ***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, Analyst Simkins assists the law enforcement agency to achieve that objective.

During this past year the CBI has also increased its participation in the National Missing Unidentified System (NamUs) <http://namus.gov/>. NamUs is a national centralized repository and resource center for missing persons and unidentified decedent records. NamUs is available through the internet and can be searched by medical examiners, coroners, law enforcement officials and the general public from all over the country in hopes of resolving these cases. Just this past week, the Pitkin County Sheriff's Office was able to positively identify a homicide victim from 1979. Now that the victim has been identified, investigators can focus on specific facts to help determine the perpetrator of this horrific crime.

### ***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 team. The team meets 2-4 times per year. When cases are presented for review by the investigating jurisdiction, all who are involved are encouraged to be at the presentation, including the current and past investigators, the district attorneys and any laboratory personnel. For cases which occur in 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 receives via email 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 so that the integrity of the case investigation might be maintained.

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 are below;

#### **October 12, 2011 – 2 Cases**

Thornton Police Department presented the 1977 homicide of George Hardy

5<sup>th</sup> Judicial District Attorney's Office presented the 1982 homicides of Bobbie Jo Oberholtzer and Annette Schnee

#### **March 7, 2012 – 3 Cases**

Castle Rock Police Department presented the 1996 homicide of Stephanie Fladgard

Littleton Police Department presented the 1983 homicide of Melissa Chase

Colorado Springs Police Department presented the 2005 homicide of Thomas Kinslow

#### **August 22, 2012 – 4 Cases**

Westminster/Thornton Police Departments presented the 1999 triple homicide of Paul and Sarah Skiba/Lorenzo Chivers

Larimer County Sheriff's Office presented the 1979 homicide of Morten Rosenfeld

Littleton Police Department presented the 1985 homicide of Beverly Ross

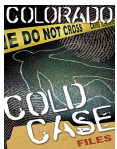
Alamosa Police Department presented the 2011 disappearance of Angelica Esparanza

### 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 and been able to bring resolution in a number of cases.

*Highlights of significant successes include:*

- ***Sharon Sklavos, murdered in Colorado Springs in 1994; A suspect has been arrested and is in custody awaiting prosecution***
- ***Vicki Dexter, murdered in Pagosa Springs in 1988; A suspect has been arrested and is in custody awaiting prosecution.***



### 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 update and improve the curriculum and provide statewide cold case training.

For 2011-2012, the CBI was awarded a P.O.S.T. Board Grant for \$29,205 allowing the CBI to provide additional cold case training throughout the state. The following classes were taught using the money awarded:

November 17-18, 2011 – Limon, CO  
 January 24-25, 2012 – Denver, CO  
 March 21-22, 2012 – Pueblo, CO  
 April 26-27, 2012 – Logan County, CO  
 June 13-14, 2012 – Montrose, CO

The Colorado Bureau of Investigation was again awarded a 2012-2013 P.O.S.T. Grant in the amount of \$30,249 will fund 6 additional Cold Case Homicide Investigation Best Practices classes. The class schedule is below:

September 17-18, 2012 – Lakewood, CO  
 November 19-20, 2012 – Colorado Springs, CO  
 March 20-21, 2013 – Vail, CO  
 May 26-27, 2013 – Grand Junction, CO  
 June 20-21, 2013 Arapahoe County, CO

### 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. This year we also began the development of a more detailed prosecutor's section. This new section will be implemented during our November 2012 training in Colorado Springs. During this training we will have a local prosecutor available to share his/her experience and preferences. The prosecutor will also be available to engage in question and answers after the presentation.

The curriculum is being analyzed to obtain continuing legal and professional education credits to enhance the interest of prosecutors and coroners/medical examiners. A goal of the Cold Case Task Force is to extend the impact of the training across all disciplines.

### ***2010-2011 Outreach and Accomplishments***

- On September 13, 2012 Ms. Simkins and Missy Woods, CBI Forensic Analyst presented to the annual conference for the Colorado Association of Property and Evidence Technicians. During this 8 hour training, attendees were provided with information regarding the new CBI Evidence submission guidelines for all disciplines. A little more time was then allocated to the discussion of Cold Case submissions regarding what things to look for in reviewing these cases and how and when the repackaging of evidence is necessary. As the day continued, attendees were provided with a somewhat modified version of the traditional 2 day cold case training. The curriculum was tailored to property and evidence technicians with some overlap regarding the needs and thought processes dedicated to investigating the cases. Often times it seems we focus too much on what is important to only our discipline and a lot can be gained by sharing information regarding the needs of all the moving parts. The Cold Case Investigations training materials were provided and each attendee was encouraged to take a complete set with them.
- Task Force Members will attend the Annual FOHVAMP Conference, Saturday, October 13, 2012 in Denver.

### **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. These meetings continue to take place as cases are brought to our attention. Local investigators meet with forensic scientists to determine what items of evidence should be submitted for additional DNA testing. The grant was originally scheduled to expire in March 2012 but has been extended through March 2013. The CBI expects to fully expend these targeted grant funds and has already reviewed more cases than were originally required through the

### **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. Renewed pleas for funding of a robust cold case investigative unit within CBI have been made. At the August 2012 meeting of The Society for the Study of Social Problems ("The Society") meeting, Dr. Michael Radelet, CU Boulder, presented a resolution on behalf of Families of Homicide and Missing Persons (FOHVAMP), which endorsed the full funding of a CBI investigative team. The resolution was passed, and per the advisement provided via letter signed by Dr. Hector Delgado, The Society will provide copies to the Colorado House, Senate and the Governor.
- CBI continues to support the investigative efforts of Colorado law enforcement agencies in seeking resolution to cold cases and in finding justice for the families. Because state resources are limited, and CBI continues to be stretched to meet the outstanding requests for resources, CBI and the Department of Public Safety will continue to provide leadership to the Cold Case Review Team. CBI will also expand capabilities through the use of interns and volunteers. Updating the Cold Case Training so that it is relevant and available throughout the state will continue to be a priority so that law enforcement, prosecutors and coroners will have the best available knowledge to help them solve these cases.

