

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, 2013

Current Membership

House Bill 12-1206 increased the membership of the Cold Case Task Force to sixteen, with the addition of a forensic pathologist appointee. The Senate President and the Speaker of the House each appoint two family representatives, as well as one chief of police and one sheriff. The Executive Director of the Colorado District Attorneys' Council (CDAC) appoints three district attorneys (representing rural, suburban and urban offices). The Governor appoints two representatives of statewide victim advocacy organizations and the forensic pathologist. The appointees to these positions are limited to serving two consecutive terms. Two positions are filled by statutory designation (Executive Director of the Department of Public Safety, or his/her designee; and the Attorney General, or his/her designee). The current members of the Cold Case Task Force are:

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)

Dr. Michael Doberson (Arapahoe County Coroner); appointed by Governor (first term 2012-2015)

Urban District Attorney Representative – awaiting appointment

Ryan Brackley, Assistant District Attorney, 20th Judicial District (Representing Suburban District Attorneys, 2010-2013; 2013-2016; appointed by Exec. Dir., CDAC)

Rural District Attorney Representative – awaiting appointment

Statewide Victim Organizations - awaiting two appointments

Matthew Durkin, Deputy Attorney General (Statutory position)

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

COLD CASE TASK FORCE MEETINGS

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

November 2, 2012

February 1, 2013

May 3, 2013

August 2, 2013

November 1, 2013

February 7, 2014

Please join us – All are welcome!

VISIT THE NEW CDPS WEBSITE

FIND COLD CASE INFORMATION AT

<https://sites.google.com/a/state.co.us/cdps-prod/home/cold-case>

Requests for CBI Assistance

The statute (Section 24-33.5-425(3)(a) and (b), CRS), provides that 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 55 requests for assistance with investigation, analysis, 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.

Meeting Notes

While the statute designates that the Cold Case Task Force is made up of sixteen members, the success of the Task Force is built upon the participation of the members and the regular attendees and occasional visitors. Over the past couple of years, the meetings have been augmented by the presence of a co-victim, a family member who presents a loved one's story (when the homicide happened, the impact on the family in the ensuing years, and often, their interactions with law enforcement). These presentations help to remind the meeting attendees of one of the purposes behind the Cold Case Task Force – to find ways to improve investigations so that more cases may be solved, while treating family members with respect by providing as much information as possible. Often, the discussions include negative experiences the co-victim's family has had during the investigative process. The Task Force attendees offer suggestions that often help the co-victims identify successful strategies to interact with the investigators and to gain more information about the status of their cases. Having district attorneys, law enforcement officers, advocates, and other co-victims involved in the discussions provides a broad range of ideas.

Having established an agenda slot for co-victim presentations at each meeting, it became clear that the co-victims who are Task Force members had not been invited to share information about their loved one(s). This oversight was remedied at the May and August, 2013 meetings, with presentations from current Task Force members, and will continue to be a part of the Task Force meetings.

MINUTES from past meetings of the Cold Case Task Force may be found on the CDPS website: <https://sites.google.com/a/state.co.us/cdps-prod/home/cold-case>

LAW ENFORCEMENT – UPDATED SURVEY

One of the assignments in the original 2007 law was to conduct a survey of law enforcement agencies. The purpose was to identify their cold case resources, their efforts and their needs. An updated survey was done this past year to get a sense of how things may have changed, 5 years into the increased awareness and efforts to bring cold cases in Colorado to resolution. The Cold Case Task Force, via CBI Cold Case Analyst Audrey Simkins, partnered with Dr. Prabha Unnithan, CSU, to conduct another survey. (Dr. Unnithan has been a supporter of and participant in the Cold Case Task Force since it began.) The findings of this survey identified the need for continued training and the need for an increase in investigative and forensic resources at a state level. The survey also reminded us that just over 50% of the law enforcement agencies in Colorado do not have cold cases in their jurisdictions. The dedication of Dr. Unnithan and his students has truly provided valuable assistance to this effort. To this end we continue to offer the Cold Case Training classes throughout the state and through the task force discuss other ways to meet the needs of the local law enforcement agencies with limited resources.

NamUS & CURRICULUM IMPROVEMENTS

On May 16, 2013 the CBI hosted a one-day NamUS training class in Aurora, CO. The training was funded by the existing P.O.S.T. Grant and attended by more than 100 law enforcement professionals. For the last 5 years we have been working to raise awareness about cold case homicides. However, the potential connection between long-term missing persons and unidentified remains was not part of the equation. This training was a chance to get agencies familiar with NamUs (National Missing and Unidentified Persons System), with the goal of collecting DNA samples from family members in an attempt to identify many of the unidentified remains from across the country. Some recent Colorado NamUs success stories have re-enforced the need for agencies to embrace the NamUs database. These success stories helped connect previously unidentified remains to their family members, across states and countries. In other instances it allowed law enforcement to review an existing missing person case, and upon identifying and examining the remains, open a homicide investigation. The NamUs database provided the vehicle to resolve these cases. Due to these successes, CBI will use some of next year's P.O.S.T. Grant funding to provide additional NamUs training and another missing person investigator class. The value of connecting to the information in NamUs was clear from the experiences in other states. Colorado will continue to improve cold case homicide investigations with this additional tool. Extending the reach of these courses to coroners and medical examiners will be a natural progression and will, hopefully, yield additional successes.

COLD CASE REVIEW TEAM

The Cold Case Review Team continues to be a “best practices” effort. The participation of the team members (who volunteer their time) continues to be remarkable. The value of this effort comes from the breadth of knowledge and experience of the members. The experts include 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, Colorado Organization for Victim Assistance (COVA) and the FBI, as well as forensic pathologists, prosecutors. The team meets 2-4 times per year. When cases are presented for review by the investigating jurisdiction, it is important that the current and past investigators, the DAs, and any laboratory personnel attend. If the case has ties to more than one jurisdiction, investigators and prosecutors from each are encouraged to participate.

Currently, the Review Team typically hears two or three cases during each meeting. After the agency representatives conclude their presentation, the Review Team members are invited to ask questions and offer suggestions. Afterwards, the presenting agency receives (via email) an electronic account of the presentation along with questions and suggestions made by the Review Team. It is critical that the investigation remain confidential, and each Review Team member signs an agreement providing assurances to each presenting agency that the information will be kept confidential so that the investigation is not compromised.

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 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;

March 21, 2013

Longmont Police Department presented the 1999 homicide of Bernie Frost
Aurora Police Department presented the 2004 homicide of Oakey Kite

June 13, 2013

Jefferson County Sheriff’s Office presented the 1981 homicide of Jeannie Moore
Mesa County Sheriff’s Office presented the 1999 homicide of Philisia Bunting

September 12, 2013

Mesa County Sheriff’s Office presented the 2007 disappearance of Paige Birgfeld

2012-2013 Efforts and Outreach

- CBI personnel continue to participate in law enforcement training efforts when requested. The partnership with the Colorado Association of Property and Evidence Technicians that started in 2012 continues. Enhanced education and training will allow best practices for evidence collection, which will improve law enforcement’s capability to solve cases before they become “cold”. Sharing ideas with evidence technicians as to how to best examine and repackage evidence for submission on cold cases is also important. Cross-discipline efforts and trainings are critical.
- In August, 2013, FOHVAMP and Denver University presented a Case Study involving a cold domestic homicide that was successfully prosecuted. CBI and Cold Case Task Force members participated.
- The Annual FOHVAMP Conference will be held on Saturday, October 5, 2013 at the Marriott West in Golden. Cold Case Task Force members and law enforcement agencies will participate in workshops.

NIJ Grant Award UPDATE

In October, 2010, the CBI was awarded a grant from the NIJ (National Institute of Justice), titled “Solving Cold Cases Using DNA” in the amount of \$687,250. The coordination of this grant has been a huge undertaking as there are many moving parts; CBI Investigations, CBI Forensic Services, CBI Budget office, detectives and finance departments for local law enforcement agencies, and district attorneys just to name a few. The grant was scheduled to conclude on September 30, 2013. Within days, NIJ invited CBI to apply for a 12 month extension. The extension has been awarded and the grant is now scheduled to conclude on September 30, 2014. CBI will engage in conversations with law enforcement to effectively utilize these grant funds.

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

An on-going need identified by law enforcement agencies is for competent and specialized Cold Case Investigation training. The Cold Case Task Force has remained focused on this identified need, and supports the classes that have been presented across the state.

With the funds obtained from P.O.S.T. in 2012-2013, the CBI was able to provide the following Cold Case Homicide Investigation Best Practices classes:

September 17-18, 2012 – Lakewood, CO
November 19-20, 2012 – Colorado Springs, CO
March 27-28, 2013 – Vail, CO
May 29-30, 2013 – Grand Junction, CO
June 11-12, 2013 Arapahoe County, CO

CBI was again successful in obtaining P.O.S.T. Board training funds for 2013-2014, in the amount of \$18,040.00. These funds will continue to support training classes. Upcoming sessions are scheduled:

January 2014 – Denver, CO
March 2014 – Pueblo, CO
May 2014 – Grand Junction, CO
June 2014 – Fort Collins, CO

Training sessions continue to serve 25-35 participants

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 challenges and perspectives of others; the co-victims, law enforcement and prosecutors. But there are still issues that are under discussion:

- Although the economy has improved, law enforcement agencies, including the CBI, continue to experience resource challenges. A priority for CBI and for the Department of Public Safety continues to be to support the investigative efforts of all law enforcement agencies seeking resolution of cold homicide cases. Searching for justice for the victims and their family members, as well as the community as a whole, continues to be a goal and priority. Often there is more than one response to a problem. For Cold Cases, the CBI and the Department of Public Safety will continue to provide leadership to the Cold Case Review Team. CBI has also expanded capabilities through the use of interns and volunteers. Updating the Cold Case Training so that it is relevant and available throughout the state continues to be a priority so that law enforcement, prosecutors and coroners will have the best available knowledge to help them solve these cases.
- Fully funding the "Cold Case Unit" at CBI that was authorized in the 2007 legislation has never come to fruition. The Task Force will continue to examine best investigation practices, as well as successes in other states, so that the Task Force or its individual participants might provide information and recommendations to legislators.
- Advocacy isn't one dimensional. Joining together, listening to each other, sharing ideas and resources, and building commitment within agencies and systems are all results of the continued efforts of the Cold Case Task Force.

CBI DATABASE UPDATE

Updating the database has been a priority. Each year, more cases fall into the “at least three years old” criteria. The 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 the CBI when cases have been solved and arrests have been made.

Although the 2007 legislation defines “cold homicide cases” as those that occurred since 1970 and which are at least three years old, if law enforcement has provided CBI information on cases which happened before 1970, these are included in the CBI database.

With the support of the Cold Case Task Force, the CBI database was designed to be available to the public, with a separate access (sensitive case facts) available only to law enforcement. In August, 2010, the CBI launched an electronic version of the Database, available via the internet. (Found at: <https://colorado.gov/apps/coldcase/index.html>).

It is important that the database remain dynamic so that it provides the best available information. During the past year, improvements and additions were made, ensuring that as much detail as possible is available, with revisions to victim demographics and photographs, as well as augmentations to case narratives. In September of 2013, the database was upgraded, adding data fields and functionality, including more robust search capabilities. Security features which allowed better tracking of changes made to the database were also included.

The CBI database currently lists 1,580 cases (1,295 Homicides; 246 Missing Persons; 32 Unidentified Remains, and 4 “Other” [pending determination by the law enforcement agency as to whether the victim is missing or a victim]). Because of the possibility that individuals who are listed as “missing persons or “unidentified remains” may be victims of homicide, the Cold Case Task Force supported the addition of these categories to the CBI database. While FOHVAMP also maintains a database, there will always be a disparity between the two as CBI does not include out of state cases or ones that have been determined to be suicides by the coroner.

Continuing to Solve Cases Through Collaboration – Multiple Approaches

The CBI partners with law enforcement agencies to utilize best practices, to include shared resources and technology advancements, with the goal of bringing resolution to more cold cases. In 2007, the Colorado Legislature played a significant role in highlighting the need to review cold cases by passing HB07-1272. The requirement to compile a Cold Case Database was essential to defining the extent of the problem. The Cold Case Task Force has supported law enforcements’ efforts to obtain additional resources via grants, as well as the establishment of the Cold Case Review Team, Cold Case Training throughout the state, and the continued dialogue with law enforcement, prosecutors, coroners, co-victims and advocates. While these are the efforts that are mentioned in annual reports, there are practices that are becoming part of the new normal which have the significant potential for success. Although large numbers of cases have not been formally reviewed by the Cold Case Task Force, CBI staff members (Investigation Section and Forensic Laboratory), have consulted with law enforcement agencies on their cold cases in a variety of ways, including participating in evidence review meetings. Informal discussions on cases between investigators and laboratory scientists will provide additional avenues for case resolutions. The partnerships have been developed over the past six years will only improve outcomes. Establishing communication between law enforcement and co-victims is essential. Solving more cold cases is the goal. The Executive Director of FOHVAMP, Rob Wells, has borrowed and adopted the phrase “Resolution through Dialogue”. This captures the essence of the work that has taken place and that will continue into the future.