

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, 2014

Task Force Membership

Members of the Task Force are designated by statute, with fourteen of the appointments being made by the Senate President, the Speaker of the House, the Governor or the Executive Director of the Colorado District Attorneys' Council (CDAC). The remaining two positions are identified by position (the Attorney General, or his/her designee; and the Executive Director of the Colorado Department of Public Safety, or his/her designee). Members are appointed to serve three-year terms, with a two term limitation (partial terms do not count against the limitation.) The current members of the Cold Case Task Force are:

Tina Terry (Family Representative); reappointed by Senate President (second term 2012-2015)
Sean Gruno (Family Representative); appointed by Senate President (first term 2012-2015)
Chief Robert White (Denver Police Department); appointed by Senate President (first 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 Tony Spurlock (Douglas County); appointed by Speaker of the House (filling unexpired term 2012-2015)
Chief Roy Lane (Cortez Police Department); appointed by Speaker of the House (first term 2012-2015)
Forensic Pathologist (vacant); to be appointed by Governor
Mark Hurlbert, Assistant District Attorney, 18th Judicial District (Representing Urban District Attorneys) appointed by Executive Director, CDAC (first term 2013-2016)
Ryan Brackley, Assistant District Attorney, 20th Judicial District (Representing Suburban District Attorneys); appointed by Executive Director, CDAC (second term 2013-2016)
James Bullock, District Attorney, 16th Judicial District (Representing Rural District Attorneys); appointed by Executive Director, CDAC (first term 2013-2016)
Sterling Harris, COVA; **Robert M. Wells**, FOHVAMP (Two representatives of Statewide Victim Organizations, first terms 2013-2016, appointed by Governor)
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

(quarterly, 1st Friday of the month)

10 am-noon (*1:30-3:30)
 690 Kipling St. Lakewood

November 1, 2013

February 7, 2014

May 2, 2014*

August 1, 2014

November 7, 2014

February 6, 2015

Please join us – All are welcome!

Requests for CBI Assistance

The statute (CRS Section 24-33.5-425(3)(a) and (b)), provides that local law enforcement agencies (on their own initiative or at the request of family members) can ask for CBI investigative assistance with cold homicide cases. During this past year, CBI has received 64 requests for assistance with investigation, case 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 four cases. This decrease in requests from prior years is attributed to the availability of grant funds to local law enforcement (NIJ Cold Case grant). Funds were used in-house by agencies for case review and organization, and for travel/per diem/OT to collect DNA for processing by CBI's Forensic Services Section. The grant will end on Sept. 30, 2014, with the expectation that requests for CBI's assistance will increase when the federal funds are no longer available.

Task Force Meeting Notes

The success of the Task Force continues to be based upon the dedication of the Task Force members, as well as the participation of regular attendees and occasional guests. Meetings typically consist of presentations, activity updates, and roundtable discussions. 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, the regular attendees and the visitors (meeting attendance is generally between 20 and 30, with a mix of members and others). For the past several years, the agenda for each meeting has included a presentation by a co-victim (a family member of the homicide victim), who presents their loved one's story - when the homicide happened, the impact on the family in the ensuing years, and often, their interaction 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 sharing as much information as possible. Often, the discussions include negative experiences that the co-victim's family has had during the investigative process. The Task Force attendees offer suggestions that often help the co-victims to gain more information from the investigators assigned to their cases. Having diverse membership (district attorneys, law enforcement officers, advocates, and other co-victims) involved in the discussions provides a broad range of ideas.

During the November, 2013 meeting, one current Task Force family member shared the stories of two loved ones whose homicides are unsolved. During the next three meetings, Task Force co-victims presented their cases to the group.

MINUTES from Task Force meetings may be found by clicking the “Meetings” button on the CDPS website: <https://sites.google.com/a/state.co.us/cdps-prod/home/cold-case>

COLD CASE REVIEW TEAM

The Cold Case Review Team continues to be a “best practices” effort. The participation of the team remains very strong. The value of this effort comes from the breadth of knowledge and experience of the members. The experts who have been selected to serve on this all-volunteer team include individuals from the CBI Forensic Laboratory and CBI Investigations sections, the Coroners' Association, detectives and investigators from police and sheriffs' departments, representatives from the Attorney General's office, the Colorado Organization for Victim Assistance (COVA), the FBI, and forensic pathologists and prosecutors. The team meets 2 to 4 times per year. When cases are presented by the investigating jurisdiction for review by the team, all who have a role in the investigation 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 generally hear two or three cases during each meeting. Sometimes, due to the complexity, only one case will be heard. After the presentation is concluded, the Review Team members are invited to ask questions and offer suggestions. 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 will not be 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 available resource. Agencies which have used the team have been very pleased with the process.

The Review Team met 2 times this year. The dates and presenting agencies are below;

January 30, 2014 Cherry Hills Village Police Department presented the 1981 homicide of Sylvia Quayle
September 24, 2014 Greeley Police Department presented the 2010 homicide of Kayleah Wilson

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. The CBI Cold Case Analyst continues to review and update the curriculum as needed to ensure the course aligns with the best practices and the constant changes in technology regarding the testing of crime scene evidence

With the funds obtained from P.O.S.T. for 2013-2014, the CBI was able to provide the following Training classes:

- Cold Case Training, Grand Junction, CO
May 28-29, 2014
- Cold Case Training , Arapahoe County, CO
June 3-4, 2014
- NamUs Aurora, CO June 17, 2014

CBI was again successful in obtaining P.O.S.T. Board training funds for 2014-2015, in the amount of \$18,600.00. These funds will continue to support training classes. Upcoming sessions are scheduled:

Cold Case Training, January 7-8, 2015 –
Lakewood, CO

Cold Case Training, June 2-3, 2015 – Douglas
County, CO

In addition, a missing person and a NamUs course will also be taught in the Spring of 2015.

**Attendance at each training session has been
between 25 and 35 students.**

NAMUS & CURRICULUM IMPROVEMENTS

On June 17, 2014 the CBI hosted a one-day NamUs Training class in Aurora, CO. (NamUs is a US Dept. of Justice program – see www.namus.gov). The training was funded by the existing P.O.S.T. Grant and attended by about 50 law enforcement professionals. This was the second year in a row we have been able to bring this type of training to Colorado. We continue to explore the possible connections between our long-term missing person and unidentified remains cases. Just a few months ago we were able to coordinate with NamUs and take a data extract of the long-term missing and unidentified remains cases that exist in our Cold Case Database and have them loaded into NamUs. We are working through that process at this time to review the cases and approve them to make them part of the NamUs Database. In addition, once the records have all been entered, NamUs will provide a report of all the cases for Colorado that exist in the NamUs Database but require additional Family Reference Samples. Once that report is received we will begin working with local law enforcement to coordinate the collection and submission of those DNA samples.

This connection is a natural next step in providing information for families who desperately need information about loved ones.

The curriculum is being reviewed and updated as needed 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.



COLD CASE PLAYING CARDS

Seventeen other states had established programs to use playing cards which include cold case information and photos of victims. The cards were widely distributed, to include use in detention facilities, hoping for possible leads. In those states, 40 cold case homicides were solved based upon tips attributed to the playing cards. With the Cold Case Task Force's support, the CBI assembled the first Colorado deck of cards. The first 5,000 decks have been printed and are in the process of being distributed to the Colorado Department of Corrections (DOC) and the more densely populated local detention facilities. Two additional editions featuring another 104 cases will be produced and should be available in early 2015. The decks were funded by CBI using public nuisance/seizure funds. Hopefully, new information will come from these cards to assist investigators in solving these cases. In the future we hope to make the cold case playing cards available for purchase at the local commissary within the detention facilities.

Continuing to Solve Cases Through Collaboration

The CBI continues to partner with law enforcement agencies, utilizing best practices, to include shared resources and technology advancements, to bring resolution to a number of cold cases. This year's highlights include:

- Arrest and conviction in the 1976 homicide of Janet Conrad,
- Identifying John and Jane Doe located in the San Juan River. We can now move forward with their homicide and recognize them as Stewart Eric Simmons and Margaret Ann Walden.
- The conviction of Mike Medina and justice for Kimberly Green-Medina.
- The creation and distribution of the Cold Case Playing cards (See article above).

2013-2014 Efforts and Outreach

- The Cold Case Task Force (members and attendees), along with other CBI staff and law enforcement officers from agencies across the state, participated in the Annual FOHVAMP Conference, Saturday, October 5, 2013 at the Marriott West in Golden.
- The 2014 FOHVAMP Conference will be held on October 4th at The Brittany Hill in Thornton. CDPS and CBI will present a one-hour session.
- Derek Regensburger, Esq., has been a regular attendee at Cold Case Task Force meetings. Please read Derek's cold case article that was published in the Sept. 2014 edition of Police Chief Magazine:
http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=3275&issue_id=32014

VISIT THE COLD CASE TASK FORCE PAGE on the UPDATED CDPS WEBSITE FOR MORE INFORMATION:

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

CBI DATABASE UPDATE

Updating the database has been a priority. Each year, more cases move into 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 1,649 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 which 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). This site contained 1,714 cases when launched, and today is right around 1650 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. There have even been inquiries from out of state law enforcement looking to substantiate information provided during their investigations. 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. These photographs were posted to the CBI website and then also shared with the local agencies to assist in populating their local websites. In addition, a monthly report has been created regarding missing person entries to alert the Cold Case Analyst when missing person records are removed from the NCIC, the National Crime Information Center. This is just a double check to ensure that we maintain accurate records in the Cold Case Database.

In September 2013, the database was updated to allow for greater functionality, especially if the exact details are unknown. The database can now be searched based on a range of years for the date of death, as well as the height and weight of the victim. In addition, a critical piece of information that had been lacking was the judicial district. Now not only can law enforcement agencies see the cases listed for their agencies, but the District Attorneys also have the ability to search based on judicial district to see how many unsolved cases are listed within their jurisdictions. The hope has always been that this database provides "one stop shopping" for law enforcement (information is available if the case is entered into the various law enforcement databases to include; NCIC /NamUs/NCMEC/ViCAP/CODIS). The corresponding number fields have been added and updated in the case profile. Other documentation collected on these cases has also been attached to each case and appropriately placed in the newly created design allowing for easy search and review. In addition, newspaper articles and magazine stories were added to each case where that information had been previously obtained.

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. Adjusting to the needs of the law enforcement agencies, funds are provided to grantees to review their cold cases and obtain reimbursement for investigative costs.

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NIJ Grant Award UPDATE (continued from page 5)

Grants funds are also used for CBI DNA Scientist overtime and additional investigator time to review and reassess old homicide cases for which CBI had provided past assistance. If items of evidence are still available which may yield biological evidence, these items are submitted for processing. Through this grant, local agencies have brought forward 248 cases that involve long-term missing persons, unidentified remains and unresolved homicides and cold case sexual assaults.

Additional case review has been done in each of these cases and in most, items of evidence have been submitted and processed by the CBI Forensic Laboratory. In addition, since the initial award of the grant in October of 2010 the CBI has developed a protocol to conduct familial searching.

In December, 2013 – January, 2014, the Cold Case Analyst and a Forensic Scientist specializing in DNA reviewed all of the cases previously submitted as part of the Cold Case Grant. This included both homicide cases as well as sexual assault cases in which an update in technology was necessary. And, during the grant period, all CBI laboratory records were reviewed to determine which cases had an unknown profile in the CODIS database. CBI also looked for any CODIS “hits” that had been generated regarding these cases, as well as whether confirmatory samples had been submitted.

During this review, 19 cases were identified as being eligible for familial searching: 5 Homicides and 14 Sexual Assaults cases.

In Memoriam

Three very special Cold Case partners have died before they could witness the killers of their loved ones brought to justice. **Sherry Burt** (Cold Case Task Force member for two full terms, 2007-10; 2010-13, appointed by the Governor) passed away in July, 2013. Sherry’s daughter, Marilee, was 15 when she disappeared on February 26, 1970. Marilee, dressed in her cheerleading outfit, was walking home after a basketball game. She was last seen talking to someone in a pickup truck about halfway to her house. Her nude body was discovered the next day by a road crew in a neighboring county. Marilee had been raped, beaten and strangled. From that day in 1970 until her death 43 years later, Sherry never stopped pursuing her daughter’s murderer.

Linda Gruno, a Task Force member from 2007 until she was replaced by her son, Sean, in 2011, was the victim of an apparent homicide in August, 2013. Linda’s sister, Polly Sullivan, was the manager of a Denver homeless transitional housing project. Polly was discovered on Christmas Day, 1998, stabbed to death in one of the transitional housing buildings. Linda was zealous in her efforts to find her sister’s murderer. Linda’s family was victimized a second time with Linda’s murder fifteen years after Polly was killed.

June Menger was also a two-term member of the Cold Case Task Force (2007-2009; 2009-2012). June’s son, Sid, was a 22-year old CU student. On August 1, 1983, he was found shot to death in his condo. A roommate was the suspect, but it wasn’t until 2011 that a warrant was obtained for the roommate’s arrest. Unfortunately, although the suspect in her son’s murder was identified, June died before the suspect was apprehended.

Each of these remarkable women turned unthinkable tragedies and loss into their life’s work, and we are so grateful for their contributions to the Cold Case Task Force. May they rest peacefully, reunited with their loved ones. Their deaths highlight the urgency associated with solving cold cases.