

# COLD CASE TASK FORCE ANNUAL

To The Colorado House and Senate Judiciary Committees

(Section 24-22.5-109(8), C.R.

December 31, 2022

## TASK FORCE MEMBERSHIP

There are sixteen members of the Cold Case Task Force. 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 a 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).

### CURRENT MEMBERS:

**Laura Saxton**, (Family Representative); appointed by Senate President (first term 2015-2018, second term 2019-2022)

**Sean Gruno**, (Family Representative); appointed by Senate President (first term 2019-2022)

**Chief Douglas Stephens**, (Littleton Police Department); appointed by Senate President (first term 2015-2018, second term 2019-2022)

**Sheriff Steven Reams**, (Weld County Sheriff); appointed by Senate President (first full term 2019-2022)

**Stephany Booth**, (Family Representative); Appointment by Speaker of the House (first term 2019 – 2022)

**Rhonda Fields**, (Family Representative); Appointment by Speaker of the House (first term 2015 – 2018, second term 2019-2022)

**Sheriff Amy Reyes**, (Lake County Sheriff); Appointment by Speaker of the House (first term 2019-2022)

**Chief Dan McCasky**, (Lakewood Police Department), appointed by Speaker of the House (first term 2019-2022)

**Dr. Emily Russell**, (Forensic Pathologist); appointed by Governor (first full term 2019-2021, second term 2021-2024)

**John Kellner**, Elected District Attorney, 18<sup>th</sup> Judicial District – (*Representing Urban District Attorneys, appointed by Exec. Dir, CDAC*) serving an unexpired first term 2016-2019, first full term 2019-2021, second term 2021-2024)

**Ken Kupfner**, Assistant District Attorney, 20<sup>th</sup> Judicial District – (*Representing Suburban District Attorneys – appointed by Exec. Dir. CDAC*) (first full term 2021 – 2024)

**William Culver**, District Attorney, 16<sup>th</sup> Judicial District (*Representing Rural District Attorneys, appointed by Exec. Dir. CDAC*) (first term 2021-2024)

**Sarah Chaikin**, (*Statewide Victim Organization*); appointed by the Governor (first full term 2019-2022)

**Marciele Dennis**, (*Statewide Victim Organization -COVA*); appointed by the Governor (first full term 2019-2022)

**Janet Drake**, Deputy Attorney General (*Statutory position*)

**John Camper**, Director CBI (*Statutory position*)

### QUARTERLY MEETINGS

February 4, 2022

May 6, 2022

August 12, 2022

November 4, 2022

W r #w k h # l y l q j # z h #  
u h v s h f w / # e x w # w r # w k h # g h d g #  
z h # z h # q o | # w k h # w u x w k 1 #

£ Y R O W D L U H #

## COLD CASE DATABASE AND FORENSIC GENETIC GENEALOGY

The CBI continues to update the Cold Case Database. Each year, more cases become cold in Colorado. The CBI continues to consult with local law enforcement and a variety of open source and criminal justice databases to ensure all unresolved cases are included. To date the CBI database currently lists 1,862 cases (1,351 homicides; 422 Missing Persons, 86 Unidentified Remains, and 3 "Other" [pending determination by the law enforcement agency as to whether the case is a missing or a homicide victim]). Because of the possibility that individuals 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 Families of Homicide Victims and Missing Persons (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 suicide by the coroner.

This year the CBI began collecting information regarding offenders who have been recently convicted of a cold case homicide in Colorado are elsewhere across the country. We were specifically interested in those offenders that either resided in Colorado or had traveled to or through Colorado. We included demographic information about the offender as well as details around the MO of their crimes. Some of this information was provided through the FBI Violent and Criminal Apprehension Program (ViCAP). In turn, we then did some comparisons to the types of crimes these subjects had committed and other unsolved cases here in Colorado to see if there might be any overlap that may have been missed previously. We also reached out to local law enforcement in Colorado to see if there were others that we had not yet included. There are currently about 20 offenders on this list currently.

The CBI continues to receive requests from local agencies for assistance. In some cases, this is a direct result of a CODIS hit being received by the investigating agency. In other cases, agencies are embracing new technologies and exploring the possibility of the use of forensic genetic genealogy. This is a new and exciting technology providing hope to both surviving family members and law enforcement agencies. However, this new technology comes with a cost. \$3500 – \$7000 is what it will cost agencies to complete this 3<sup>rd</sup> party testing of just one item of evidence in a case. Several years ago, the CBI was able to purchase the equipment necessary to complete the testing now being outsourced to 3<sup>rd</sup> party vendors. It is the hope of the Bureau that in the future the CBI will be able to complete this testing in house with existing resources making the technology more widely available.

Last June, the CBI made a commitment to do more to further cold cases in Colorado. The CBI utilized existing resources and funds to conduct 3<sup>rd</sup> party testing in more than 10 cases. Cases were either brought to the attention of the CBI by a local investigator, by a scientist or by a member of investigations. In order to conduct forensic genetic genealogy in a case, a handful of requirements must be met; at least 20 nanograms of DNA must be available, it must be a single source profile, no mixtures, an Unknown DNA profile must be searching in CODIS with no hits, can only be used in certain crimes; homicide, sexual assault, aggravated assault, robbery and unidentified remains cases, and the agency must be willing to follow-up on the results. If all of these are met, then the case can move forward with 3<sup>rd</sup> party testing, which is the first step in forensic genetic genealogy. This type of testing is done by about 10 private labs across the country and includes about 10 to 15 hours of genealogy. Hopefully, in the future the CBI will be able to conduct this type of testing in house. Upon completion of the testing and the initial genealogy work done by the 3<sup>rd</sup> party vendor a report will be forwarded to the investigating agency for follow-up. If the agency needs assistance following up on the findings the CBI hired a Forensic Genealogist Analyst in August that can assist with these types of requests.

During the Cold Case Task Force meeting in August members from the 18<sup>th</sup> Judicial District provided a thorough presentation regarding DNA legislation in Colorado and the various drafted legislation around the collection of DNA from offenders arrested on misdemeanor charges. We know if we can increase the number of samples searching in CODIS we will see an increase in the number of CODIS hits that the system provides. This year we have seen a steady increase in the number of CODIS hits being reported each month. In the past on average, we would see about 100 CODIS hits per month. Even though the number of samples being profiled is still less that it was prior to COVID based on the samples that are being profiled and uploaded to the CODIS database we are still seeing more hits.

COVID 19 has had a dramatic human and financial impact in Colorado. We are grateful to be back meeting in person although we continue to make virtual attendance an option. The CBI continues to be innovative in its attempts to create additional resources for cold case investigation. We are hopeful the creation of a dedicated Cold Case Unit at the CBI will allow us to assist more cold case investigations and bring justice to those victims and answers to their grieving families.

## OFFICIAL COLD CASE UNIT

The Cold Case Unit was officially created in July 2022. The Cold Case Unit consists of 4 agents, 2 DNA scientists, 1 fingerprint analyst, 1 investigative analyst, 1 investigative analyst assigned to missing and murdered indigenous relatives (MMIR) and general missing person cases, 1 forensic genealogist, and 1 supervisory Agent in Charge. Since the Unit is new many staff are still wearing double hats until the backfill hiring process is complete. We hope this will be wrapped up by the end of the year.

The Unit has identified the first few cases they plan to assist local agencies with which include the following:

Maggie Long, 2017 Homicide, Park County Sheriff's Office

Jessica Bejarano, 2007 Homicide, Frederick Police Department

The Unit hopes to create a few more billboards featuring unsolved cases in rural Colorado in the future.

Additionally, the Unit would like to create a Deck 6 of the playing cards and/ reprint a couple of the existing decks.

## UNIDENTIFIED HUMAN REMAINS (UHR) CASES

We have been working on this project for the last couple of years and are starting to see some success. During our research of these cases, we have identified some additional steps that may help to bring resolution in these cases. Some of these steps include obtaining a DNA profile from the remains that can be entered into the CODIS database, reviewing the anthropology report and images of the remains to determine if a facial reconstruction could be done, entering the case into NamUs to include dental coding and fingerprints and entry into NCIC. When we first began working on this project, we had a total of 95 cases. Now we only have 86 cases.

We have been in contact with all the coroner's offices in the state of Colorado and are evaluating these cases to determine if Forensic Genetic Genealogy (FGG) is an option for them.

This is a coordinated effort between the local coroner offices, CBI and the local investigating agency. We currently have a partnership with Solved by DNA to assist with the FGG research in these cases. The genealogy research can take a considerable amount of time depending on the percentage of relatedness we have between distant family members and the remains. We hope this partnership will continue.

There are a couple cases that are still in the genealogy research phase. It is hard to determine how long it will take to resolve these cases. It all depends on what information is available through the various databases. In some cases, we have a tentative identification but those must ultimately be confirmed through DNA before the identity can be confirmed.

We have applied for 1 federal grant that would help fund the cost related to FGG for Unidentified Human Remains across the state of Colorado. Unfortunately, we were not successful in our application. We will continue to apply for this grant and others next year.

## COLD CASE REVIEW

The Cold Case Review Team continues to be a “best practice” providing a forum allowing experts to hear about the case and provide input. The participation of the team members who volunteer their time continues to be remarkable. The value of this effort comes from the knowledge and experience of the members. The experts include individuals from the CBI forensic laboratory and CBI investigations, the coroner’s association, detectives and investigators from police and sheriff departments, representatives from the attorney general’s office, Colorado Organization for Victim Assistance (COVA) as well as forensic pathologists and prosecutors. 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 that have presented to the team have been pleased with the process. Although the review team did not meet this year it is our hope that with the newly formed Cold Case Unit the CBI will be able to better assist agencies in bringing these cases forward for presentation and review.

## COMMUNITY OUTREACH

### COLORADO MISSING PERSON DAY - FEBRUARY 4, 2022

The Colorado Missing Person Day annual event was held in person this year at the Capital. Although only a small number of families were allowed into the Senate Gallery due to the continuing impacts of COVID19 all families were invited to participate in the ceremony held on the west steps of the capital. To honor those missing in Colorado and their families a list of names of those missing in Colorado was displayed on the CBI website. This year we created a slide for several missing persons located in the Cold Case Database from across the state.

### MISSING IN COLORADO EVENT – AUGUST 13, 2022

This annual event was held in person this year. The Event was held from 9:00 AM – 1:00 PM. Investigators, Analysts, and Victim Advocates were available at the event to provide guidance, direction and support to those families in attendance. Paul and Ramona Blee whose daughter has been missing since 1979 along with several victim advocates and members of Team Hope facilitated a family support group session. The Family Support Luncheon is only open to families and victim advocates. No Media or Law Enforcement personnel are allowed to attend.

## SUCCESS

The Combined DNA Index System (CODIS) continues to provide investigative leads. A 2012 case from the El Paso County Coroner’s was identified this year simply by uploading a DNA sample into CODIS.

However, the new emerging technology of Forensic Genetic Genealogy (FGG) is changing the way we investigate cold cases. Through determination and tenacity by local investigators, forensic scientists, and genealogists these cases are being solved. Below are examples of 3 cases where the use of FGG identified these victims’ providing answers for their families.

Preston Christensen, UHR Denver Medical Examiner’s Office 1999

Susan Hoppes, UHR Montrose County Sheriff’s Office 1994

Nora Castillo, UHR Baca County Coroner’s Office 1988

