

Cold Case Task Force Annual Report – To the Colorado House and Senate Judiciary Committees (section 24-33.5-109(8), C.R.S.) October 7, 2019

Current 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). We are in the process of filling all vacant positions at this time and hope to have them filled before our next meeting scheduled November 1, 2019.

Current members:

Laura Saxton, (Family Representative); appointed by Senate President (first term 2015-2018, second term 2019-2021)

Sean Gruno, (Family Representative); (first term 2019-2021)

Chief Douglas Stephens, (Littleton Police Department); appointed by Senate President (first term 2015-2018, second term 2019-2021)

Sheriff Steven Reams, (Sheriff appointment); appointed by Senate President (first full term 2019-2021)

Vacant (Family Representative); awaiting appointment by Speaker of the House

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Sheriff Bill Masters (San Miguel County); awaiting re-appointment by Speaker of the House (first term 2015-2018)

Vacant (Chief appointment), appointed by Speaker of the House

Emily Russell, (Forensic Pathologist); appointed by Governor (first full term 2019-2021)

John Kellner, Assistant District Attorney, 18th Judicial District – (*Representing Urban District Attorneys, appointed by Exec. Dir, CDAC) serving an unexpired first term 2016-2019) (first full term 2019-2021)*

Matt Durkin, (*Representing Suburban District Attorneys – appointed by Exec. Dir. CDAC) (first full term 2019 – 2021)*

Jim Bullock, District Attorney, 16th Judicial District (*Representing Rural District Attorneys, appointed by Exec. Dir. CDAC) (first term 2016-2019, second term 2019-2021)*

Vacant Position, (*Statewide Victim Organization*) – awaiting appointment by Governor

Rob Wells, (*Statewide Victim Organization*) – (first full term 2016-2019) awaiting re-appointment by Governor

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

John Camper, Director CBI (*Statutory position*)

Quarterly Meeting Schedule

November 2, 2018 February 4, 2019

May 3, 2019 August 2, 2019

*To the living we owe respect, but to
the dead we owe only the truth. "*

~Voltaire

2018 – 2019 Community Outreach Efforts

Colorado Missing Person Day February 4, 2019

The event was held at the state capital. The Resolution was read in the Senate and then the event culminated on the west steps of the capital. The ceremony began with a prayer read by Chaplain Babcock from the CSP. Family members present then began reading the names of those missing in Colorado. There were nearly 500 names read at the event. The event concluded with a bubble release to remember those loved ones who have not yet returned home. Each family member present was provided with a bright yellow daisy to remember their loved one.



Missing in Colorado – August 3, 2019

This is an annual event where family members of those persons missing in Colorado are invited to attend and meet with investigators, provide medical and dental records as well as photographs. Family members are also encouraged to provide a family reference sample which will be loaded into the national combined DNA index system (CODIS) in hopes to matching missing person cases with unidentified remains cases across the country. Family members are then invited to a support group luncheon which is facilitated by family members and victim advocates. This is a place for family members to talk about their experiences, gain support from others in similar situations and remember their loved ones. This year Olive Garden donated lunch all the volunteers that made this day possible as well as the food for the family luncheon. This community support makes a huge difference and we appreciate and value their partnership.



National Day of Remembrance

On September 25, 2019 members of the CBI attended the National Day of Remembrance celebration to remember those victims lost to homicide and support their surviving family members.



FOHVAMP Annual Conference

In November, members of the CBI as well as other task force members plan to attend and participate in the Families of Homicide Victims and Missing Persons (FOHVAMP) annual conference. The conference will be held in Denver this year. The CBI will present information previously provided during the quarterly Cold Case Task Force Meetings. Those in attendance will have an opportunity to ask questions regarding the meeting and anything else that might be on their minds.

COLD CASE Playing Cards

The Cold Case Playing Card Program has been active in Colorado since October 2014. In 2018-2019, the CBI again was able to continue distributing the remaining 10,000 decks of playing cards to replenish the existing playing card program. There are currently four different decks of Cold Case Playing Cards in circulation. We were hoping to produce a Deck 5 over this past year but encountered some unexpected bumps. It is our hope that next year we will be able to publish Deck 5. The cases have been identified and we are just working through the details with the new printing company.

The decks of playing cards continue to be distributed to both the Colorado Department of Corrections (DOC) and nearly all local detention facilities across the state. The CBI continues to receive tips through the tip-line on a weekly basis. We are hopeful that as these cards continue to circulate through state and local detention facilities information will be obtained to aide in resolving these cases.

In the last year, an additional 4 cases have been solved that were previously featured in the playing card program. This does not account for all of the solved cold cases in Colorado for the last year as many were not featured in the playing card program. Although, these cases were not solved with tips directly obtained through the playing card program it does illustrate that these cases continue to be solved.



COLD CASE Training

This is the first year the POST funds were not used to fund the annual Cold Case Training class. One class was held this year March 5 and 6, 2019 at the CSP Motor Carrier Safety offices in Golden. The course was attended by nearly 20 law enforcement personnel.

We have been teaching these courses for nearly 10 years. We decided this year a curriculum review was in order. The CBI analyst attended several courses and conferences this year to keep a pulse on cold case investigation across the country. We learned we are in line with the rest of the country but did decide to modify a couple of keep pieces of our curriculum.

1. We plan to create a section dedicated to the process and review of forensic evidence in Colorado. This new sections will include topics like familial searching and genealogy. We want to discuss how to determine if genealogy is possible in your case, and how samples are prepared for genealogy and who can do this.
2. We plan to increase the instruction provided regarding interview and interrogation. We have learned this skill continues to be increasingly important as we move forward in the investigation of cold cases. In some cases, DNA will identify the suspect however, in many more cases we are dependent on the relationships changing and the Detectives asking the right questions.
3. We plan to create a Missing and Unidentified Remains section. This section will include instruction on the NAMUS database but will also touch on record keeping and the collection of both dental records and familial reference samples to be used for comparison against unidentified remains across the country.



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. In the past year, the CBI has received 68 requests for assistance with the investigation, analysis, case organization, and forensic evidence review of cold cases.

Successes

Over the last year several investigative leads have been provided by the Combined DNA Index System (CODIS). The increase in the use of genealogy is changing the way cold cases are being investigated. This new technology has aided in some recent success. These cases would still be unresolved today if it were not for the hard work and dedication of both investigators and forensic scientist from across the country. This year we remember Kelsie Schelling and Jonelle Matthews. Although these cases are still under investigation, the amount of tireless work and collaboration that has taken place in these cases is a success regardless of the outcome.

Sunset Review

A significant amount of collaboration has taken place over the last 10 years where both members of law enforcement and co-victims have met to share issues, concerns and ideas regarding cold case investigations. The Task Force meetings have provided the setting for this exchange of information and ideas. Over the last year members of both the Task Force and the CBI have participated in the Sunset Review process. After review of the Sunset Review report legislation was drafted which would continue the Cold Case Task Force for the next 13 years. The legislation was unanimously approved. However, the Task Force is scheduled to sunset again in 2032 in just 7 years.

Fully funding the “Cold Case Unit” at CBI that was authorized in the 2007 legislation has never come to fruition. Since then we have seen a dramatic change in the allocation of resources dedicated to cold case efforts in our state. The Task Force will continue to examine best investigative practices, as well as successes in other states, so the Task Force or its individual participants might provide information and recommendations to legislators regarding the need for additional resources at the state level.

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 and prosecutors.

The team meets 2-4 times per year. When cases are presented for review by the investigating jurisdiction, it is important that both 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 jurisdiction are encouraged to participate. 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 that have presented to the team have been very pleased with the process

The Review Team met two times this year. The dates and presenting agencies are listed below:

June 5, 2018
Beverly England
Chaffee County Sheriff’s Office

March 19, 2018
Marie Blee
Routt County Sheriff’s Office/14th Judicial District Attorney’s Office

CBI Database and General Updates

Updating the Cold Case 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 the 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.

The CBI database currently lists 1,712 cases (1,357 Homicides; 320 Missing Persons; 32 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 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 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.

Over the last year the CBI has seen an increase in the number of requests from local agencies. In many cases this is a direct result of a CODIS hit being received by the investigating agency. Still in other cases agencies are embracing new technologies and exploring the possibilities of the use of genealogy. Although, this is a new and exciting technology that provides hope to both surviving family members and law enforcement agencies. Like with any new technology there is a cost. The cost to have one item tested for genealogy can range from \$3500 – \$7000. Many local agencies do not have access to these funds. Therefore, the CBI applied for a Department of Justice (DOJ) grant this year which would provide another full time analyst and enough funds to test nearly 30 samples for genealogy. We are hoping to hear the status of the grant in December 2019.

In May 2019, the CBI Victim Assistance Program was expanded to include services for families of cold case homicides and long-term missing person cases in Colorado. The Victim Assistance Program was originally created to offer support to victims of Identity Theft and Fraud. The advocates can now help these families with locating support groups, serve as liaison to law enforcement and other resources in the area. This grant also provided funds to hire an investigative analyst that will work to assist victims of Identity Theft and Fraud as well as those families that have experienced the loss of a loved one. This analyst assists with the updating of records contained in the cold case database as well as other criminal justice databases. This analyst also assists in collecting additional information from those families with missing loved ones. We hope the collection of the dental records for the missing person and the collection of family reference can be for comparison purposes to unidentified remains located across the country. The collection and processing of these items as well as the entry into the National Missing and Unidentified Person System (NamUs) we hope may allow these families to bring their loved ones’ home.

We continue to utilize interns in our office to assist in the updating of cases in the cold case database and the entry of cases into the FBI Violent Criminal and Apprehension Program (ViCAP). We hope the more visible these cases are the better chance we have to bring resolution to these cases and the victims’ families.

As with any state agency, we know resources are scarce. Over the past 12 years the CBI has been innovative in its attempts to create additional resources for cold case investigation. For example, in 2010, we obtained an NIJ grant to develop and implement Cold Case Training, the Cold Case Review Team, and Cold Case playing cards. That said, cold cases will continue to increase and go unsolved, highlighting the need to finally realize the originally intended goal of the legislature to create a state Cold Case Team within the Colorado Bureau of Investigation. Additional funding is being sought to develop such a team in order to help identify the suspects in these cases and bring justice to the families of victims. There are more than 1700 cases that fall into this category and more cases are added every year.