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COLORADO COLD CASE UNITS

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Cold case units have received a significant amount of attention in the popular media recently, due in part to the success of the CBS television drama *Cold Case*, which chronicles the investigations of a fictional police division that handles unsolved crimes. A cold case generally refers to a violent or other major felony crime that remains unsolved after some period of time. Unsolved crimes that are subject to a statute of limitations are not usually considered cold cases.

New investigative techniques and scientific methods of testing evidence can help to create new leads in previously stale cases. For instance, advancements in DNA analysis, along with computer technology and the Combined DNA Index System (CODIS), create a powerful tool for law enforcement officials to use in the identification of suspects.¹

Cold Cases in Colorado

Families of Homicide Victims and Missing Persons, Inc. (FOHVAMP) is a Colorado nonprofit organization that supports families of victims of unsolved murders and long-term disappearances. FOHVAMP estimates that there have been 1,200 unsolved killings in Colorado since 1970. The data used by FOHVAMP was collected by students at the University of Colorado at Boulder in 2002. The

students were each assigned one or more law enforcement jurisdictions to contact and ask for data on unsolved killings going back to 1974. Information requested included name, date of birth, date of death, location of the crime, weapon used, and contact information for the lead investigator.

Some police departments refused to provide data to the students. Others had to look through hard copies of archived files for the information. The result of the study was a database with over 1,000 names in it, each representing an unsolved homicide. The cases go back to 1970, although not all jurisdictions have completed the search. One department, Arvada, reported no unsolved killings since 1970. The database does not include long-term disappearances where no body or physical evidence of a crime was ever found. It is maintained by FOHVAMP and funded by a grant from the state of Colorado.

Cold Case Units

Most Colorado law enforcement agencies do not have the resources to devote to investigating cold cases on a full-time basis. Two departments, however, have dedicated time and resources to working unsolved cases.

The Jefferson County Sheriff's office has a cold case unit with two investigators who investigate unsolved homicides and sex crimes. Additionally,

¹ CODIS is a computer network that connects forensic DNA laboratories at local, state, and national levels.

Jefferson County has a dedicated DNA analyst who shares laboratory facilities at the Colorado Bureau of Investigation (CBI). The unit cleared 11 of 50 cases between 2005 and 2007, through a combination of administrative cleanup (i.e., clerical errors or cases filed in the wrong jurisdiction) and investigative work.

The Denver DNA Cold Case Project is a collaborative effort between the Denver Police Department and the Denver District Attorney's Office with grant funding from the National Institute of Justice. The project had approximately 400 cases under active investigation in 2007, and 10 cases have resulted in criminal charges being filed.

Cold Case Unit Legislation in 2007

House Bill 07-1272. Representative Joe Rice sponsored *House Bill 07-1272*, which was adopted by the General Assembly and establishes a cold case team within CBI. The team is required to develop a database containing information about open homicide cases in Colorado jurisdictions that remain unsolved for more than three years after the commission of the crime. All of the crimes must have been committed since 1970.

Every law enforcement agency in the state is required to provide information on such cases to the team. Individual law enforcement agencies will maintain custody of physical evidence and case files, unless otherwise agreed by the agency and CBI.

Law enforcement agencies may request assistance on homicide investigations, and the team may choose whether to provide such assistance. A refusal to provide assistance must be accompanied by a written explanation, which could include a lack of resources. The explanation will be entered into the database. Additionally, family members of homicide victims may ask the local law enforcement agency investigating a homicide to request assistance from the team. The local law enforcement agency may choose to contact the team or not. Again, a written explanation as to why a request is made or not made must be entered into the database.

The bill also establishes a 15-member cold case task force within the Colorado Department of Public Safety (CDPS). The purpose of the task force is to review cold case investigation strategies and practices and make recommendations on best practices. The members of the task force include representatives of CDPS, the Attorney General, district attorneys, a statewide victims advocacy organization, sheriffs, police chiefs, and victims' families.

In FY 2007-08, CDPS will receive \$67,822 to hire 1.0 FTE in order to implement the cold case team and to pay the expenses of the task force.

House Bill 07-1094. Representative Paul Weissmann sponsored *House Bill 07-1094*, which would have created a cold case unit within CBI consisting of seven agents and support staff dedicated to analyzing available evidence and investigating leads in old homicide cases. Law enforcement agencies and family members would have been permitted to request assistance from the cold case unit on Colorado homicide cases that have been open for more than one year after the commission of the crime.

The bill would have abolished the death penalty as a sentencing option for Class 1 felonies in Colorado and used the savings generated to fund the new unit. The bill was amended by the House Appropriations Committee to remove the death penalty repeal, but ultimately lost in the House.

Cold Case Units Nationally

Most states have a web site that lists unsolved homicide cases and/or missing persons cases. Such web sites are generally established and maintained by a state agency, but some are affiliated with private crime stoppers organizations. The goal of such web sites is to publicize the details of unsolved cases in the hope that an individual with knowledge of a specific case might come forward with crucial information. Although many local police departments across the country have dedicated personnel working on cold cases, less than a third of the states have a centralized unit devoted to clearing cold cases.