

HOMICIDE
COLD CASE INVESTIGATIONS

A GUIDE FOR VICTIMS AND THEIR FAMILIES



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INTRODUCTION

Cold Case is a term used to describe unresolved cases. This happens when all leads have been exhausted and have resulted in no suspects. With the recent developments in DNA technology, detectives are able to reevaluate past cases and discover new leads.

You have just been contacted by a police detective telling you that they have new information regarding your unsolved homicide case. With these new developments on your case, the old feelings of anger, guilt and shock may surface again. Questions may arise such as: What happens now? Do I tell my family members close to me? Do I follow through with the new investigation?

This booklet has been designed to help you find answers to these and many more questions that you might have. **REMEMBER, YOU ARE NOT ALONE.** The cold case Victim Specialist from the Denver Police Department will be available to support you through this process and help you cope with your concerns about the criminal justice system. The Victim Specialist will help guide you through the emotions that may surface, and may offer referrals to appropriate community resources.

Here are some helpful things to do when your case becomes active again:

1. Start gathering a support system around you. Strong emotions may surface. You may feel the need to express these emotions and talk about how you feel. It is important to have friends and family around who can listen to you and share memories.
2. Have a support person start notifying the people who need to know if you are not up to it.
3. Identify those in your support system who will be responsible for protecting your privacy with the media. (This situation may or may not arise)
4. Always pay attention to your health and take care of your self by getting regular exercise, eating well and getting plenty of rest. You may want to meet with a grief counselor or someone that helped you after the initial event.
5. As the investigation progresses, plan for future needs such as time off work if the case goes to trial.
6. Stay in communication with the detective and your cold case Victim Specialist.

ROLE DESCRIPTIONS

The Detective: The role of a detective is to investigate a crime through the supervision of the collection of physical evidence at the crime scene, interviews with witnesses, family members and suspects involved with the case. They evaluate all of the facts of the case and present them to the district attorney to determine if the case can go forward to trial.

In a cold case investigation the detective that contacts you may not be the original detective that you communicated with when your case was originally investigated. A new detective may be assigned once the facts of the case have been reevaluated. In general, the progression of a cold case investigation will be as follows:

- Detective gets a “hit” on the case. That is to say that new information has come to their attention from such sources as witnesses and or family members, a DNA match or an anonymous tip. Once the detective determines the validity of the new information and has solid evidence, the investigation will then be re-opened.
- The Denver Police Department Victim Specialist and the detective will then contact the victim and/or family with the new information. As much information as possible will be provided without compromising the investigation.
- The Victim Specialist will act as a liaison between the victim and/or their family and the detective. The Victim Specialist will also supply the victim and/or family with referrals and community resources.
- Once the case goes to court, the District Attorney Victim Advocate will contact the victim and/or family. The Victim Specialist will still be available to the victim and/or family if they wish to continue contact.

In cases where a DNA match occurs, the detective will follow a course of action to identify the suspect. Once the suspect is located, the detective will obtain another DNA sample to corroborate the original match. As the detective collects new evidence, a case is being developed to present to the district attorney.

Cold Case Victim Specialist: The Cold Case Victim Specialist acts as an agent of the Denver Police Department to provide advocacy, crisis intervention, and referral information to victims of crime and their family members, whose cases have been re-opened for investigation. Together with the detective the Cold Case Victim Specialist will make the initial contact with the victim and/or family. At this meeting, the Cold Case Victim Specialist will address any issues that the victim and/or family may bring up as well as any emotional responses the victim and/or family may have to the renewed activity on their case. The Cold Case Victim Specialist will be available to answer questions and concerns and speak to the experiences that the victim and/or family may have. It is also during these interactions that the Cold Case Victim Specialist will give the victim and/or family specific referrals to deal with any issues that may come up during the investigation. The Cold Case Victim Specialist, at the request of the victim and/or family, can be present during photo line-ups to address the reactions and emotions that the victim and/or family may experience.

District Attorney: The Denver District Attorney's office prosecutes thousands of criminal cases each year. As the chief law enforcement officer in the City and County of Denver, the District Attorney is responsible for prosecuting all of the felonies, misdemeanors, and serious traffic offenses committed in Denver. It is the mandate of the District Attorney's office to seek justice.

It is the responsibility of the District Attorney to review information and evidence obtained through investigation to determine whether criminal charges will be filed against a suspect. The District Attorney also determines the type of charges to be filed. In addition, the District Attorney brings criminal cases to court and handles the various legal proceedings through the disposition and sentencing of a case. The District Attorney acts on behalf of the people of the State of Colorado and does not represent an individual.

District Attorney Victim's Advocate: The District Attorney is also responsible for ensuring the mandates of the Victim Rights Amendment are observed from the time the case is filed through the sentencing phase of the case. The attorney, Victim Advocate and investigator of the District Attorney's office will communicate with victims and witnesses during various stages of the prosecution.

After the case is filed, the victim and/or family's primary contact will be the Victim Advocate. The general communication of the advocate with the victim and/or family will be as follows:

- The Victim Advocate will notify the victim and/or family of all critical stages of the case and serve as a guide throughout the prosecution phase of the judicial system.
- The Victim Advocate will be present in meetings with the assigned attorney and investigator.
- The Victim Advocate will be present if the victim, family or witnesses are subpoenaed to testify and will assist with the preparation of victim impact information if the victim and/or family requests assistance.
- The Victim Advocate can help victims, families and witnesses anticipate what to expect and are able to refer to various community agencies that support crime victims.

If a case has been filed based on DNA markers and the identity of the suspect is not yet known, a Victim Advocate from the District Attorney's Office will be assigned to that case as soon as it is filed. The Victim Advocate will maintain contact with the victim and/or family and provide updates as they are available over as long a period of time as necessary.

When a suspect is apprehended, the Victim Advocate will provide the services listed above.

DNA: UNLOCKING THE MYSTERY

DNA, or deoxyribonucleic acid, is the building block for the human body; virtually every cell contains DNA. The DNA found in a person's body is the same in their blood as it is in their saliva, hair, skin tissue, and bone. The DNA does not change throughout a person's life, which is what makes it such a valuable tool in identification.

Although DNA determines physical characteristics such as eye color and height, in crime investigations it is not used to give us a physical description of the suspect. Rather the profile that is developed from a DNA analysis uses identifiers that are less likely to be shared by a large percentage of the population. These identifiers are taken from specific areas, called Loci, on the DNA strand. The particular analysis most often used is called STR (short tandem repeat). The same exact thirteen regions are highlighted by every lab so that uniform DNA databases are created all over the country. By using these thirteen loci, there is less than a one in a billion chance that two people (except identical twins) will generate the same profile. However, if even one of these loci is different from that of the suspect, then it will be determined that the sample did not come from that suspect.

There are two kinds of DNA in the body that can be used for identification purposes: Nuclear DNA and Mitochondrial DNA. Nuclear DNA is found in the nucleus of the cell. This is what is used primarily in investigations. However, if for some reason the nuclear DNA is damaged, the second type, mitochondrial (mtDNA) can be used. It can be retrieved from small and damaged samples. This may be necessary in crime scenes that are old, such as when a victim is found days or even years later.

While DNA technology has existed for many years, it is only in recent years that it has been refined to where it is useful in criminal investigations. This is because the first type of analysis used RFLP (restriction fragment length polymorphism) required a relatively large sample to test, therefore not a lot of samples were sent to the lab for testing. Also, if the sample was degraded or tainted this type of analysis was not always successful.

Currently the PCR (polymerase chain reaction) technique is used. This type of analysis requires only a few cells to create a profile. To give you an idea of the difference in sample sizes needed, RFLP would need a sample about the size of a quarter where PCR only needs (as stated above) a few cells, evidence invisible to the naked eye. The way that it works is that the PCR technique makes exact copies of the DNA, much like a copy machine, without changing the original. This enables the lab to create a profile and compare samples. Once these profiles are created they are fed into the Combined DNA Index System (CODIS).

It may also be important to an investigation for the detective to collect what is called an elimination sample. This is done to either account for other DNA that is present (i.e. in a sex assault, a consensual partner) or to determine the innocence, or rule out, of a person who may have been believed to have been at the crime scene.

What Exactly Is CODIS?

CODIS (Combined DNA Index System) is a computer software program that operates local, state, and national databases. These databases are comprised of indexes that contain the DNA profiles of convicted criminals, crime scene evidence (forensic) and missing persons. (For this booklet, we will focus on the forensic and convicted criminal indexes.) By cross matching the forensic and criminal profiles, matches can produce the identity of a suspect. If this match, or offender hit, is obtained, very often the information can be used as probable cause (see terms section of this booklet) to get a new DNA sample from the suspect so that a positive connection can be confirmed by the crime lab before an arrest can be made.

Another match that can be made is a forensic match, which links evidence from one crime scene to another. This is useful in possibly identifying serial offenders. With the data that these forensic hits yield, police in other jurisdictions and or states can share and compare information that may lead to identifying a suspect. This is in part why CODIS operates on three levels, local, state, and national:

- The first, Local (LDIS), is operated by police departments or sheriff's offices. This is where DNA from local investigations is sent out to the other two levels for comparison.
- The second, State (SDIS), level is where all the local DNA samples for that state can be compared. This is also the area where local DNA profiles can then be sent to the national level.
- The third, National (NDIS), level is maintained by the FBI. This is where the state DNA profiles can be compared to one another.

RELIVING THE TRAUMA.

LONG TERM TRAUMA:

We all use the word “trauma” in every day language in terms of a highly stressful event. The key to understanding traumatic events is that it refers to extreme stress that can overwhelm a person’s ability to cope. It is important to remember that it is an individual’s subjective experience that determines whether an event is or is not traumatic. Therefore this general and fairly broad definition of trauma will be used:

“A traumatic event or situation creates psychological trauma when it overwhelms the individual’s perceived ability to cope, and leaves that person fearing death, annihilation, or mutilation. The individual feels emotionally, cognitively, spiritually and physically overwhelmed. The circumstances of the event commonly include abuse of power, betrayal of trust, entrapment, helplessness, pain, confusion, and/or loss.”

This definition intentionally does not allow for people, in general, determining whether a particular event is traumatic; the response is specific to each individual co-victim. This definition serves as a guideline to help gain a better understanding of your own experience of the events and conditions of your life. By defining your own trauma, rather than being told, you will be able to regain some sense of control.

In the aftermath of a homicide, a co-victim must deal not only with the physical and emotional anxiety of the event, but also, with the sense of helplessness, powerlessness, and loss of control. These feelings may have continued even after a long period of time. You may find that you have been re-experiencing these “crisis reactions” in response to events or places that remind you of the assault. It is also possible that once the detective has contacted you, these responses may increase for the duration of the case. However, they will decrease over time, particularly when your case finally comes to an end.

GRIEF:

Grief is a complex process involving the four major components of your life: physical, emotional, intellectual and spiritual. However, we do not always recognize grief in all of its forms. In the aftermath of a homicide, grieving may present itself as depression or even as a physical symptom. Some of the physical presentations of this unaddressed grief can be chronic headaches, fatigue, sleep disturbance, recurrent nausea and eating disorders.

No one can give an exact set of steps for you to follow, and no one can, or should tell you how to properly address issues of grief. It is personal and something that you experience for yourself. It will be different for everyone depending on the situation, on the personalities involved, and on the amount and kind of support you receive during the process.

Now that there has been new progress on your case, you may find that it is difficult to keep up with personal and professional demands placed upon you. You may be pulled in

many directions and, through it all, you may have to learn to deal with the constant undercurrent of your grief and frustration. This, coupled with the criminal justice proceedings, can highlight the meaninglessness of your attack and increase your anger and frustration.

It is very likely that hidden emotions may reemerge with the new activity on your case. One version of the five major descriptive responses, or stages, which are often identified with the grief of a traumatic event are included here to help you understand what is happening to you *if* they occur. Take what seems to apply to you and leave the rest.

- Shock: To hear the details again. You may be transported back to the moment of the rape.
- Disbelief or Denial: That this is real, that there may be an end in sight. The fear of allowing yourself to believe and then being disappointed again if the case remains unsolved.
- Anger: At the one responsible, at the system for taking so long, and at the idea that this seemingly will never be over.
- Guilt: This may resurface in the form of “What if...” questions or “I should have...” thoughts. Self blame is dominant in this phase.
- Acknowledgement or Acceptance: Belief that this will finally bring an end to the case and the guilty person(s) will be brought to justice.

In order to work through any of the grief stages that you may be experiencing, it is important to understand that as a co-victim of a homicide you are also dealing with trauma. It is therefore critical that you work through this trauma before you can begin to deal with your grief. Don't be afraid to ask for help from a professional. In the back of this booklet, you will find some referrals that can be of help. Also, your Victim Specialist is always available to help you sort through the referrals and find those that are best for you.

Because everyone is an individual, you may or may not experience some of the physical and emotional effects of grief and anxiety highlighted in this section. It can help you to understand the changes you may go through and how broadly grief and shock can affect you. The following is a partial list of symptoms you and your family members may experience:

- Physical Response: Shock, lack of coordination, disorientation, numbness, fight-or-flight, sweating/chills, dizzy spells, increased heart rate, tightness in throat/chest, hyperventilation, excessive activity, hyper-vigilance, exhaustion and headaches.
- Emotional Response: Mood swings, disbelief/denial, anger/rage, frustration, guilt or self blame, anxiety, insecurities, shame and humiliation, thoughts of “if only”, outbursts of crying, fear/panic attacks, withdrawal.
- Cognitive Response: Confusion/disorientation, lack of concentration, difficulty making decisions, sense of unreality, detachment. Loss of control, regrets, slowed thinking/speech, reliving the event, the need to exert more control over the environment.

PTSD:

Post Traumatic Stress Disorder (PTSD) is a term that you may have heard in many different circumstances; for example, referring to soldiers returning from missions, refugees from war torn countries or survivors of catastrophic natural disasters. No matter the circumstance, you may think that this is something that could not possibly apply to your situation, but it could. It is an anxiety disorder that can develop after being exposed to a terrifying event or ordeal where a person is harmed, threatened or witnesses the threat and/or harm of another or believes that they are in danger of being harmed. If you have been through a traumatic situation or have witnessed one, this does **not** mean that you do suffer from PTSD, this only means that it is possible.

According to the American Psychological Association, PTSD is “characterized by the re-experiencing of an extremely traumatic event accompanied by symptoms of increased arousal and by avoidance of stimuli associated with the trauma.” In other words, as a co-victim of a homicide, you may avoid watching the news, avoid the area or similar areas of where the homicide took place, or avoid activities similar to what you were doing when you found out about the death of your loved one. You may find yourself staying away from anything that reminds you of the death of your loved one. You may feel angry and you may distance yourself from your family and friends. In more extreme cases you may have recurring nightmares or feel that you must always be on the lookout because you fear for your own life.

The symptoms of PTSD can be broken down into three types or categories:

1. Intrusion: Re-experiencing the trauma in nightmares, day time flash backs, unwanted memories, thoughts, images or sensations.
2. Avoidance: Staying away from thoughts, feelings, activities, places and people associated with the trauma.
3. Arousal: Being constantly on guard, insomnia, irritability, outbursts of anger, difficulty concentrating or being easily startled. You may also suffer from panic attacks.

It has been found that homicide co-victims may experience these symptoms for five or more years following the incident. Because of this long period of time, it may have become to you, a normal way of functioning. With every significant personal event or holiday that has passed you may have found new ways of dealing with the memories. With the new activity on your case, these ways of coping may begin to fall apart. The death of your loved one may seem as if it just happened and all of the symptoms could come to the surface again. For example, nightmares that have begun to subside may suddenly reemerge.

When you endure a traumatic event, you often experience long term trauma. There may also be long term crisis reactions that are triggered by places and events that remind you of the incident. Sometimes these reactions can be so problematic that you will need outside help. Do not be afraid to ask. You are not alone.

Your Rights as a Victim of Crime

As a victim of a homicide, you have the right to be informed and to participate in all critical stages of the criminal justice process guaranteed by the Colorado Constitution. This section gives an outline of your rights so that you may better exercise these rights. If the victim is deceased or incapacitated, the following rights are guaranteed to the victim's spouse, parent, child, sibling, grandparent, significant other, or other lawful representative.

As a victim of a homicide you have the right to:

- Treatment with fairness, respect, and dignity.
- Information on all charges filed and assurance of swift and fair resolution of the proceeding.
- Input into decisions regarding plea bargains and to be present and have input at sentencing and parole hearings.
- Information regarding restitution or civil remedies.
- Release of property within five (5) days after the case is settled and the property is no longer needed as evidence. (This may or may not apply in cold case investigations)).
- Be informed about what steps can be taken if he or she is subjected to intimidation or harassment.
- Assistance with employment problems resulting from being the victim of a crime.
- Notification of all case dispositions, including appeals.
- Timely notification of all court dates.
- Secured waiting area when available.
- Information regarding community resources and other information that will assist recovery.
- Notification of any change in the status or the release from custody of the accused.

As a victim of a homicide you may also be entitled to the following services:

- Intervention by the Victim Specialist and follow up support.
- Special services for juvenile, elderly or persons -at -risk.
- Referrals to individuals and organizations that provide:
 1. Mental health and social services
 2. Translation services
 3. Intervention with creditors, landlords and employers
 4. Legal resources
 5. Rehabilitative services
 6. Transportation and child care services
 7. Information about obtaining public records, including police reports.
 8. Information about protective orders
 9. Other support services

After a person is convicted of a crime against a victim and upon the written request of that victim, state or local correctional authorities will notify the victim of:

- The institution where the person is incarcerated or otherwise being held.
- The projected release date of the person.
- Any release of the person, including furlough, work release, or community corrections in advance of release.
- Date and location of scheduled parole hearings
- Any escape of the person from a correctional facility or program.
- Any release or discharge from confinement of the person and conditions of that release.
- The death of the person while in a correctional facility or program.

In addition, upon request of the victim, correctional officials will keep confidential addresses, phone numbers, places of employment, or other personal information of the victim's or the victim's immediate family.

If all efforts to exercise your rights have failed, you may request assistance from the Governor's Victim's Coordinating Committee by contacting:

Division of Criminal Justice
Office for Victim's Programs (OVP)
700 Kipling Street, Suite 1000
Denver, Co 80215
(303) 239-4442 (Phone)
(303) 239-4491 (Fax)
1-888-282-1080 (Outside Metro Area)
<http://dcj.state.co.us/ovp/>

The following is a list of terms commonly used throughout the criminal justice system:

Acquittal: The judgment of the court, based on a verdict of a jury or a judicial officer, that the defendant is not guilty of the offense(s) for which s/he has been tried.

Adjudication: The process by which a court arrives at a decision regarding a case; also, the resultant decision.

Arraignment: A hearing where the suspect appears before a judge, is formally advised of the charges, and enters a plea.

Attendant Circumstances: The facts surrounding an event.

Ballistics: The analysis of firearms, ammunition, projectiles, bombs and explosions.

Circumstantial Evidence: Evidence that is not conclusive.

Closing Argument: The final summary of the case by each side.

CODIS: Combined DNA Index System. (See the DNA section in this book for details).

Continuance: Officially postponing or delaying a court hearing.

Conviction: Finding the defendant guilty of the crime.

Criminalist: The term applied to police crime scene analysts and laboratory personnel versed in criminalistics.

C.R.S.: Colorado Revised Statutes refer to the laws enacted by the Colorado General Assembly, in this case, defining crimes and criminal penalties.

Culpability: Blameworthiness; responsibility in some sense for an event or situation deserving of moral blame; a state of mind on the part of one who is committing an act, which makes him or her potentially subject to prosecution for that act.

Dismissal: A decision of the court to dismiss the charges against the defendant.

DNA Profiling: The use of biological residue found at the scene of a crime for genetic comparisons in aiding the identification of criminal suspects.

Evidence: Anything useful to a judge or jury in deciding the facts of a case. Evidence may take the form of witness testimony, written documents, videotapes, magnetic media, photographs, physical objects and so on.

Expert Witness: A person who has special knowledge recognized by the court as relevant to the determination of guilt or innocence. Expert witnesses may express opinions or draw conclusions in their testimony, unlike lay witnesses.

Felony: A criminal offense punishable by death (rarely), incarceration in a prison facility or a sentence to probation.

Grand Jury: A group of citizens convened in a criminal case to consider the prosecutor's evidence and determine whether probable cause exists to prosecute a suspect for a felony.

Hearsay: A statement based on information heard from another.

Hung Jury: A jury that after long deliberation is so irreconcilably divided in opinion that it is unable to reach a unanimous verdict. When there is a hung jury, the case ends in a mistrial.

Indictment: The formal written accusation of the suspect presented by the Grand Jury after deciding that the case has merit.

Mistrial: Ending the trial if something happens to jeopardize a fair trial or makes the trial unable to continue.

Motion: A request by either attorney that the judge make a decision on a point of law.

Preliminary Hearing: A hearing before a judge in which the prosecution puts on evidence sufficient to show probable cause.

Probable Cause: Facts that lead one to reasonably believe that the accused actually committed the crime.

Speedy Trial: The right of a defendant to demand a trial within a short period of time that is defined by law. The defendant can waive this right in order to prepare for a hearing.

Subpoena: A written order to appear in court. It can also be continued verbally by the court.

Victim Impact Statement: The in-court use of victim-or survivor- supplied information by sentencing authorities wishing to make an informed sentencing decision. This document will be given to the defense.

V.R.A.: Victim Rights Amendment is an amendment to the Colorado Constitution ensuring specific rights to victims of crime, specifically, that they are treated with fairness, respect, and dignity.

AGENCY REFFERAL LIST:

There may be a number of local, state and/or national resources available to assist victims and/or family members cope with and understand the dynamics involved in a homicide. If you are interested in receiving information or referrals about any of these agencies, please contact the VAU Cold Case Victim Specialist:

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