

State of Hawaii

Department of the Attorney General



REPORT OF THE
INVESTIGATIONS DIVISION
COLD CASE SQUAD

For Fiscal Year 2005-2006
Pursuant to Section 75, Act 178, Session Laws of Hawaii 2005

Submitted to
The Twenty-Fourth State Legislature
Regular Session of 2007

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Section 75 of the General Appropriations Act of 2005, Act 178, Session Laws of Hawaii 2005, authorized the expenditure of \$67,761 for each fiscal year, 2005-2006 and 2006-2007, out of the general fund appropriation for legal services (ATG 100) to provide the twenty-five percent matching funds required by the Byrne Grant. Section 78 of Act 178 required a report "on the activities, progress, and expenditures of the cold case unit as required by the Byrne Grant" to be submitted to the State Legislature no later than twenty days prior to the convening of the 2006 and 2007 sessions. The report submitted before the regular session of 2006 covered the activities, progress and expenditures as of September 30, 2005. This report covers the period from October 1, 2005 to October 31, 2006.

BACKGROUND

Between 1975 (the first year for which data are readily available) and 2002, a total of 1,336 murders were reported in Hawaii. This translates to an average of 47.7 murders statewide each year. During the same period, 960 murders were cleared: a clearance rate of 71.9 percent. Thus, at the start of 2003, 376 of the murders reported between 1975 and 2002 – over 28 percent -- remained unsolved.

From 1977 to the end of 2002, there were approximately 285 unsolved murders on Oahu. In Kona, over the past fifteen years, four murders have remained unsolved. Additionally, in the past five years, three unsolved missing person cases are now suspected to be homicides. The Kona office of the Hawaii County Police Department, with the assistance of the Cold Case Squad, has developed positive leads in its investigation of a cold case. A second cold case has been submitted to the Department of the Attorney General and, together with the Hawaii County Prosecuting Attorney, charges may be filed in this case. The Hilo office of the Hawaii County Police Department cannot readily determine the exact number of its cold case files. Nonetheless, eight cold cases are presently assigned to detectives and, together with investigators of the Cold Case squad, interviews and evidence review relative to these cold cases have begun in an effort to identify and prosecute the culprit(s). Maui Police Department cannot readily determine the exact number of their cold case files. Nonetheless, two cases are presently under investigation and, with the assistance of the Cold Case Squad, suspects have been identified and efforts are under way for submission to the Maui County Prosecuting Attorney. On Kauai, fourteen murders remain unsolved since 1974. The Kauai Police Department has been reviewing two cold cases and, with the assistance a Special Agent of the Cold Case Squad, a detective will be interviewing a witness in Pahrump, Nevada.

Hawaii's county police departments are staffed with skilled detectives; however, no state or county law enforcement agency in Hawaii had an existing investigative unit dedicated exclusively to cold cases, and no structured forum existed for interagency exchange of information and assistance regarding cold cases. The Cold Case Squad was established by the Department of the Attorney General in response to the lack of resources and interagency coordination.

This project will serve all county police departments in Hawaii in the investigation of these cold cases as well as the training of the county investigators to investigate these cases. County police departments investigate the great majority of homicide cases in Hawaii, and almost all of Hawaii's cold cases are currently with these departments. The project will also serve the families of murder victims, and in a broader sense, all of the people of Hawaii, by bringing murderers to justice.

On October 1, 2005, the Byrne Grant was renewed for the State of Hawaii, Department of the Attorney General, in the amount of \$129,689 to continue the investigative efforts of the Cold Case Squad. The Department of the Attorney General has budgeted \$25,9381 in General funds as part of the 25% match required by the Byrne Grant. This squad is dedicated exclusively to the resolution of cold homicide cases.

GOALS AND OBJECTIVES

The goal of this project is to increase the number of cold homicide cases investigated and prosecuted in Hawaii through a cooperative effort with the county police departments. To achieve this goal, the Cold Case Squad has set the following objectives for its second year of operation:

1. To improve the capacity of Hawaii law enforcement officers to investigate and resolve cold case homicide cases through a Cold Case Squad consisting of two investigators with significant homicide experience, and expertise in current forensic technologies and methods.
2. To improve cooperation in investigating and resolving cold homicide cases through networking and establishing contacts with other law enforcement agencies throughout the mainland United States.
3. To increase the number of cold homicide cases investigated and resolved by refining of Cold Case Squad protocol for reviewing and evaluating cases based on discussions with participating agencies and the application of specialized cold case methodology.
4. To increase the number of cold homicide cases prosecuted through presentation of cases in which suspects have been identified and located to the county Prosecuting Attorney of the appropriate jurisdiction; and for those cases declined by Prosecuting Attorneys, review and prosecution by the Department of the Attorney General.
5. To set criteria for determining the disposition of a case once the case has been reviewed, investigated, and submitted for conferral.

6. To improve information sharing and coordinate efforts among cold case coalition members to move cold homicide investigations forward through regular meetings between the Cold Case Squad Investigators and the County Cold Case Squad designated liaison.
7. To provide technical assistance, upon request, to participating agencies conducting their own cold case homicide investigations.
8. To improve the investigative skills of coalition members through training in the areas of crime scene investigation, evidence handling, investigative technique, and scientific technology.

ACTIVITIES / PROGRESS

This renewed Byrne Grant provided for only two Special Agents to be assigned exclusively to the investigation of cold case homicides. Both investigators have extensive training and experience in the investigation of homicide cases.

The Cold Case Squad is presently utilizing established Memorandums of Understanding (MOU) with all the county police departments, prosecutors' offices as well as the U.S Attorney's Office, the U.S Joint Pacific Area Command - Central Identification Laboratory (JPAC-CIL) and the Naval Criminal Investigative Service (NCIS), and the Department of Public Safety.

The Cold Case Squad has also established network communication with several cold case units in California, Oregon, and Florida as well as the Naval Criminal Investigative Service's Cold Case Unit. Contact was also established with Florida International University to assist in forensic examinations involving a case presently under investigation. This examination of glass slides was critical in determining the relationship of the slides with this case.

Agents from California's Cold Case Unit requested assistance in a follow up of a cold homicide that they were investigating. Special Agents from Hawaii met with their California counterparts and provided them with the necessary documentation for them to proceed with their investigation.

A Cold Case Homicide Seminar was hosted in November of 2005, by the State of Hawaii Cold Case Squad. Instruction for this seminar was provided by the Naval Criminal Investigative Service's Cold Case Unit based out of Washington, D.C. This seminar was attended by over sixty law enforcement officers from federal, state and county agencies. This seminar enabled investigators from the various agencies to continue a networking approach to resolving cold homicide cases.

This statewide, multi-agency cooperative approach to cold case homicide investigations, has increased the effectiveness and efficiency of these investigations by improving communications among county law enforcement agencies through the scheduling of quarterly meetings to exchange ideas and share notes. This provides uniform training in cold case methodology and protocol techniques, designation of a cold case liaison officer for each county, setting agendas, keeping notes, and implementing agreed upon changes.

After the Cold Case Squad has made a determination, the investigators concentrate on possible suspects and focus on the suspect's background as well as their past and current activities. In cases where suspects have not been identified, the focus of the investigators is the forensic evidence recovered at the scene. This method of investigation differs from the normal "hot" case investigation where the first focus is the victim. In the cold case methodology, the first focus is the suspect or evidence, and the investigator works from there toward the victim.

The Cold Case Squad has received a total of fifteen (15) cases from the various counties with the majority of these cases having high solvability factors. Using the established methodology, the Cold Case Squad has closed three (3) cases and referred them to the Department of the Attorney General, Criminal Justice Division for prosecution. The Cold Case Squad, in conjunction with the county police departments, has developed evidence that identifies culpable suspects in at least three other cases, some utilizing the DNA process.

The Cold Case Squad was instrumental in the apprehension and arrest of Jenaro Torres. Torres, a former Pearl Harbor police officer, is alleged to have murdered Ruben Gallegos, a base cashier, in 1992. Gallegos was last seen leaving the Navy Exchange with Torres and \$80,000.00 cash. About 5 hours later, Torres was arrested after he attempted to get back onto the Pearl Harbor Naval Base. Investigators recovered \$78,000.00 of the cash which was found in the trunk of Torres's vehicle. Also recovered were the ID and other personal effects of Gallegos and a .38 caliber revolver.

On December 28, 2005, the Las Vegas Metro Police Department arrested Torres, who was indicted on December 7, 2005 for the 1992 murder of Gallegos. Working with information obtained from the Cold Case Squad, Las Vegas law enforcement authorities apprehended Torres in the gym at Nellis Air Force Base, located 10 miles north of Las Vegas. This arrest resulted from the coordinated efforts of the Cold Case Unit, the Naval Criminal Investigative Service, and the Las Vegas Metro Police. Torres is currently incarcerated without bail pending trial, which is scheduled for the week of January 16, 2007.

EXPENDITURE REPORT AS OF OCTOBER 31, 2006

<u>Expenditure Category</u>	<u>Approved Budget</u>	<u>Expenditures to Date</u>
Salaries & Wages	\$88,584.00	\$74,355.32
Fringe Benefits	3,464.00	3,706.33
Consultants/Training	2,895.00	2,800.98
Transportation/Subsistence	32,028.00	19,801.81
Office Supplies	162.00	103.93
Other Costs	<u>2,556.00</u>	<u>1971.17</u>
Total	129,689.00	102,739.54