

State of Hawaii

Department of the Attorney General



REPORT OF THE
INVESTIGATIONS DIVISION
COLD CASE SQUAD

For Fiscal Year 2004-2005
Pursuant to Section 75, Act 178, Session Laws of Hawaii 2005

Submitted to
The Twenty-Third State Legislature
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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 because all viable leads had been exhausted.

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 is investigating one cold case. A second cold case has been submitted to the Department of the Attorney General. The Hilo office of the Hawaii County Police Department cannot readily determine the exact number of its cold case files. Eight cold cases are presently assigned to detectives, but the detectives are not actively pursuing these investigations because of time and resource limitations. Maui Police Department cannot readily determine the exact number of its cold case files. Two are under investigation. On Kauai, fourteen murders remain unsolved since 1974. The Kauai Police Department does not pursue cold cases because of a lack of resources. Hawaii's county police departments are staffed with skilled detectives; however, no state or county law enforcement agency in Hawaii has an existing investigative unit dedicated exclusively to cold cases, and no structured forum exists 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 county police departments in Hawaii. 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.

INTRODUCTION

On October 1, 2004, the Department of the Attorney General was awarded a Byrne Grant in the amount of \$203,282 to establish a Cold Case Squad, which is dedicated exclusively to the resolution of cold homicide cases.

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 (ATG100) to provide the twenty-five percent matching funds required by the Byrne Grant. Section 75 of Act 178 requires a report "on the activities, progress, and expenditures of the cold case unit as required by the Byrne Grant."

GOALS AND OBJECTIVES

The goal of this project is to increase the number of cold homicide cases investigated and prosecuted in Hawaii. To achieve this goal, the Cold Case Squad has set the following objectives for its first year of operation:

1. To hire special agents with significant experience in homicide investigations to investigate cold homicide cases.
2. To develop a coalition of county, state, and federal law enforcement agencies to exchange information and coordinate efforts regarding cold case homicide investigations.
3. To establish memorandums of understanding with participating agencies.
4. To establish a review procedure for cases received from participating agencies, to determine whether sufficient solvability factors are present to warrant an investigation.
5. To establish a methodology for the investigation of cold homicide cases received from participating agencies.
6. To review cold homicide cases received from participating agencies, applying the established cold case solvability factors review procedure.
7. To investigate the cold homicide cases selected for investigation, applying the established cold case investigation methodology.
8. To present to the county prosecuting attorney of appropriate jurisdiction all cases in which suspects have been identified and located.
9. To have a deputy attorney general review all cases declined by county prosecuting attorneys to determine whether the cases are suitable for prosecution.
10. To have a deputy attorney general prosecute all cases that are declined by county prosecuting attorneys and determined by the designated deputy attorney general to be suitable for prosecution.
11. To provide technical assistance, upon request, to participating agencies conducting their own cold case homicide investigations.
12. To provide specialized training, upon request, to participating agencies conducting their own cold case homicide investigations.

13. In cooperation with the Naval Criminal Investigative Service (NCIS), to plan and carry out a workshop in cold case methodology for Cold Case Squad special agents as well as investigators and prosecutors from participating county agencies.

ACTIVITIES/PROGRESS

Since its inception in October 2004, the Cold Case Squad has hired three retired homicide investigators from the Honolulu Police Department with extensive training and experience in homicide investigations. The three special agents assigned to the Cold Case Squad have twenty-seven years of combined experience in handling homicide investigations.

The Cold Case Squad has established memorandums of understanding with all county police departments and prosecuting attorneys, the U.S. Attorney for the District of Hawaii, the U.S. Joint Pacific Area Command - Central Identification Laboratory, the NCIS, and the Department of Public Safety.

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 information, providing 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.

The Cold Case Squad has established a methodology for the investigation of these cold homicide cases and developed policies and best practices based on the Northern Florida Cold Case Squad, an established, successful cold case investigative unit. Because of limited resources, the Cold Case Squad has developed procedures to review and prioritize cases forwarded from participating agencies. Participating agency investigators meet with the Cold Case Squad members and provide an oral synopsis of the case, go over the evidence recovered from the crime scene, and review the statements taken from witnesses as well as potential suspects. After the information relevant to the case has been reviewed, the Cold Case Squad applies solvability factors to determine whether the case should be pursued.

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

The Department of the Attorney General and the NCIS sponsored a seminar in Cold Case Methodology and Protocol Techniques from November 8-10, 2004. There

were more than 100 attendees from county, state, and federal agencies. The seminar was well received by attendees. It established a means for the special agents assigned to the Cold Case Squad to network with agencies not formally participating in the coalition and establish contacts with agencies that may be able to provide information that could be relevant to witnesses and suspects in these cold homicide cases.

In April 2005, members of the Cold Case Squad attended a seminar on Cold Case Homicide Investigations, Methodology and Protocol hosted by the San Diego Police Department and the NCIS. The information obtained and the new contacts established with those in attendance have broadened the special agents' abilities to resolve cold homicide cases. The information was also presented to the county police departments.

The Cold Case Squad has received a total of thirteen 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 cases and referred them to the 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. Because of confidentiality issues involved in criminal investigations, the specific details of cases that have been referred to the Cold Case Squad cannot be described in this report.

The project administrator's monitoring report states that the Cold Case Squad has met all of the goals and objectives for the first year.

EXPENDITURE REPORT AS OF SEPTEMBER 30, 2005

<u>Expenditure Category</u>	<u>Approved Budget</u>	<u>Expenditures to Date</u>
Salaries & Wages	\$129,185.00	\$97, 598.74
Fringe Benefits	3,319.00	2,568.67
Consultants/Training	17,014.00	17,013.84
Transportation/Subsistence	34,641.00	20,396.14
Office Supplies	1,605.00	155.46
Other Costs	<u>85,279.00</u>	<u>31,672.50</u>
Total	271,043.00	169,405.35

The expenditures to date do not include unpaid obligations totaling approximately \$57,000. In addition, the grant started late and was extended for one month.

In October 2005, the Governor's Committee on Crime approved \$103,282 in federal funding, through the U.S. Department of Justice's Justice Assistance Grant program, to fund the Cold Case Squad for a second year. This is a reduced amount of federal funding because the total amount of available funds has been reduced. This will not impede the Cold Case Squad from diligently continuing its work.