

Detective Barbara Wimmer - Denver P.D.

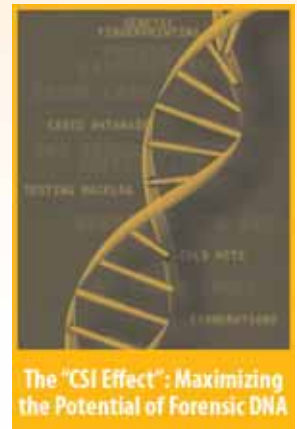
A Detective's Perspective:

# Innovations in Law Enforcement Use of DNA



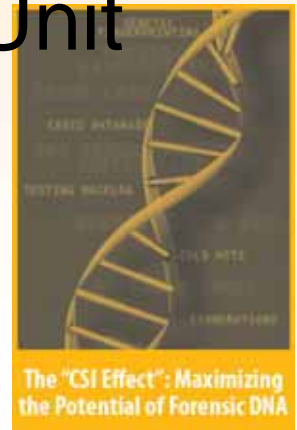
# Cold Case Sex Assault Investigations

- Began with change in statute in 2001 regarding sexual assault cases
  - Previously the statute of limitations was 10 years on sexual assault cases
- No statute of limitations in sexual assault cases with biological evidence



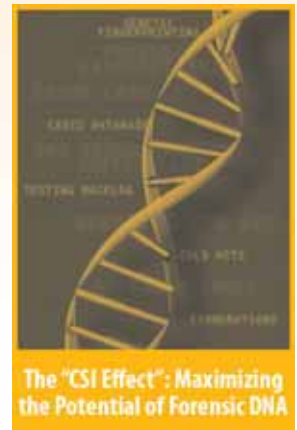
# Formation of Denver Cold Case Unit

- Sexual Assault cases with biological evidence were entered into CODIS
- Numerous hits resulted
- Too many cases for the Sex Crimes Unit to handle with their daily case load



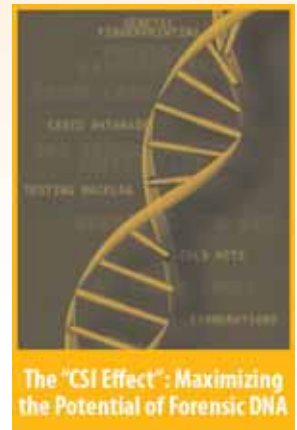
# Formation of Denver Cold Case Unit

- Hundreds of unsolved homicide cases were also reviewed
- Cases were evaluated and lab requests submitted for DNA testing



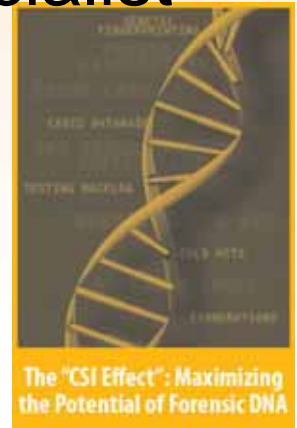
# Formation of Denver Cold Case Unit

- One detective was working old homicide cases
- Homicide Cold Case and Sex Crimes Cold case were combine to form one unit
  - Cases frequently over lap



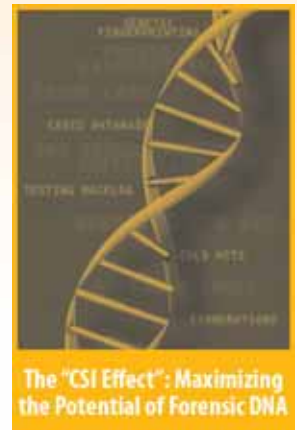
# Denver's Cold Case Unit

- Currently the Denver Cold Case Unit is comprised of:
  - Nine Detectives
  - One Sergeant
  - One Cold Case Victims Assistance Specialist



# Denver's Cold Case Unit

- Cold Case Sexual Assault Cases
  - Unsolved with new information and original assigned Detective is no longer working in the Sex Crimes Unit
- Cold Case Homicides
  - Unsolved and assigned detective is no longer in the homicide unit



# Cold Sex Crimes Cases

- Not the usual sex crimes
  - Primarily stranger cases (as opposed to acquaintance rape cases)
  - Often burglary - sexual assault cases – frequently the burglary was not charged under a John Doe warrant and cannot be charged now.



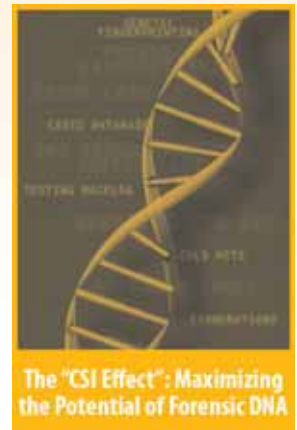
# Cold Homicide Cases

- A DNA hit usually only produces one more lead
- In most cases additional sources are needed to clear your case



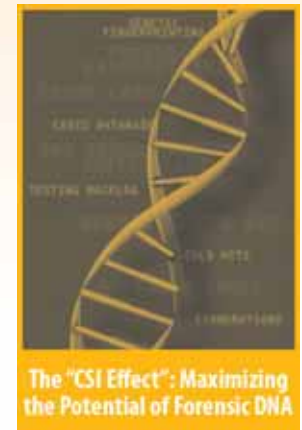
# Cold Sexual Assault Cases DNA Hit – Known Offender

- Read and evaluate the case
  - Good case?
  - DNA from an intimate source? Is the profile complete? Is it a mixture? – will your numbers be good?
  - Check the evidence
    - Is it all still there?



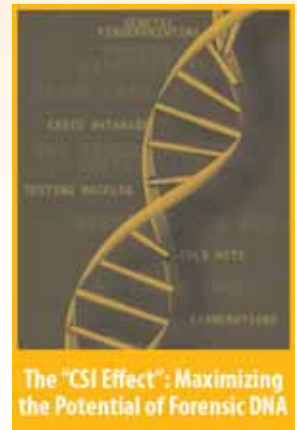
# Cold Sexual Assault Cases DNA Hit – Known Offender

- Find the victim / Arrange to meet her
  - Use victim assistance for initial contact if possible – is she still willing to prosecute?
- Review her original statement
- Will the DNA ID the suspect or will you need to show a photo?
  - Single photo or photo array



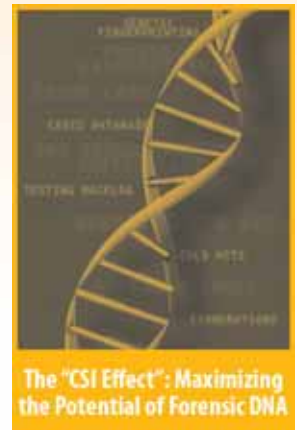
# DNA HIT – Known Offender

- Suspect Location
  - In or out of custody?
- Prior cases?
  - Pull copies and read them prior to any suspect interview



# Cold Case Suspect Interview – Suspect in Prison

Make arrangements with  
someone trusted NOT to tell the  
suspect you are coming



# Bring to the Interview

- Miranda Advisement
- Order to obtain saliva from suspect & saliva collection kit
- Photographs
  - Of victim
  - Location of crime
  - prior addresses of suspect
  - Associates

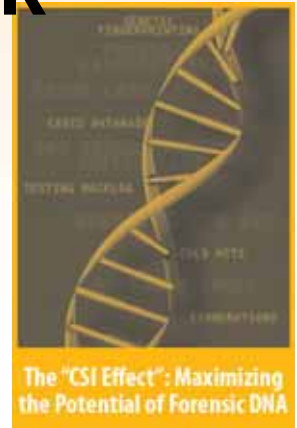
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# Bring to the interview

- Maps
  - Area of offense
  - Routes Used
  - Other locations

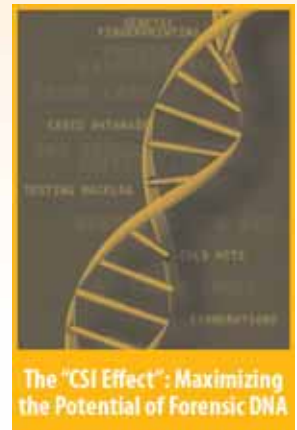
**Bring any other visual aids you think will keep the guy interested and talking to you!!!**



# Selling Miranda!!

You need to approach the Miranda warning in a way that doesn't scare them

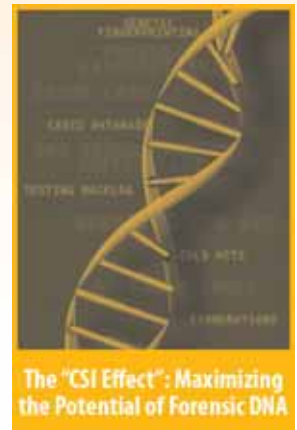
Approach the waiver by letting them know this is in their control and they can stop the interview at any time



# Talk General History First

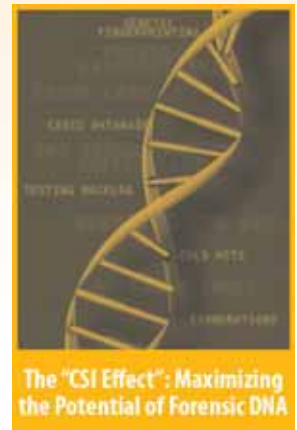
This part of the conversation should feel rather benign to the suspect but can give you a lot of useful information

- What was he doing in the given year?
- Where did he work – live – hang out?
- What did he drive?



# Did They Mention Family Members?

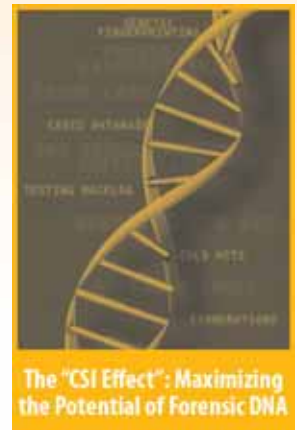
- By now your suspect may have mentioned his family (i.e. *I used to live with my sister over on Osage St*)
- Ask about other siblings and especially whether or not the suspect is a TWIN



# A Good Time to Present the Photos

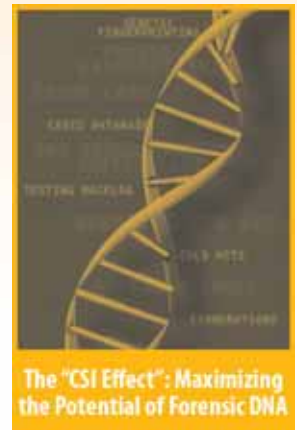
- When the time is right for you, present the photos of your victim
  - Do you know this woman?
  - Have you ever seen her before?
  - Have you ever had sex with her?

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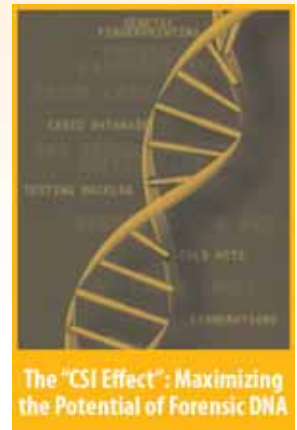
# Dropping the DNA Bomb

DNA doesn't lie  
and there is only one way semen  
gets into a woman's vagina



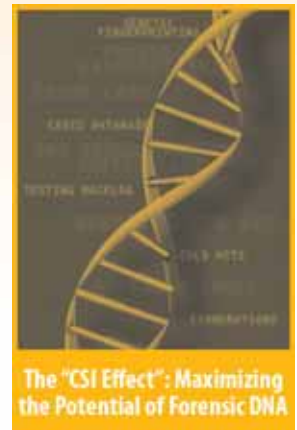
# Executing the Order for Saliva

- Make a clean and clear ending to your interview
- Tell the suspect you will not be discussing the case with him any further and present him with your court order.



# 1992 LC Jackson Case

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# Case Background

- Occurred 08/30/1992 – 0320 hours
- Mother and 4 children asleep in their home.
- Mother hears a noise in the hallway; believes it's her 16 year old daughter coming home after curfew.
- Mother opens her bedroom door and is confronted by an unknown male, armed with a knife.



# Case Specifics

- Sexually assaults the mother vaginally and orally
- Forces mother to the basement
  - Tied, gagged – pillow case over her head
  - Robbed
  - Left in the basement



# Case Specifics

- Mother is left in the basement
  - Tries to free herself
- Suspect leaves the basement and goes back upstairs to the 9 year old's room where he sexually assaults the nine year old
  - Suspect asks for 16 year old sister by name



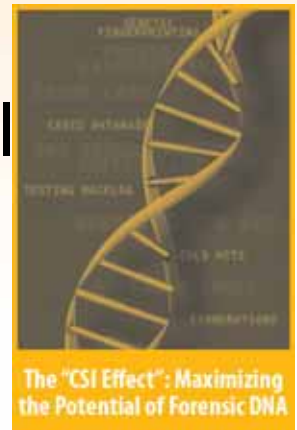
# Case Specifics

- Mother frees herself
  - Runs upstairs to her bedroom
  - Locks door
  - Calls police
- 9 year old knocks on mom's door
  - Says “come out, it's an emergency”
  - Mother too afraid to open the door



# Investigation 1992

- Police arrive
- Suspect gone
- Victims are interviewed / taken to the hospital
- Crime Scene evidence is collected
  - Blood on 9 year old's bedding/nightgown
  - Bedding collected from Mother – purse contents found in basement
  - Bindings located
- Evidence collected from victim's at hospital



# Investigation 1992

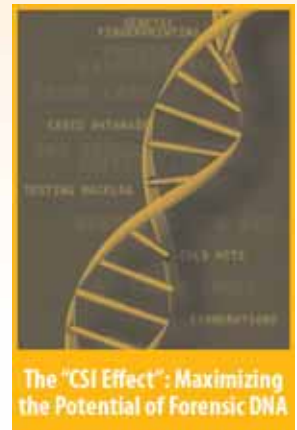
- Labs are submitted
  - Semen identified on vaginal swabs from Mother and the pillow case
  - No semen located on slides from 9 year old, her clothing or bedding
- Fingerprint recovered from window submitted to AFIS – no match reported
- **CASE INACTIVE, NOT CLEARED**



# Cold Case Review

- Case reviewed 09/07/2004
- Evidence located
- Lab requested submitted for DNA

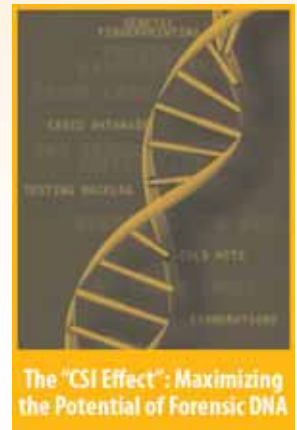
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# Investigation 2006

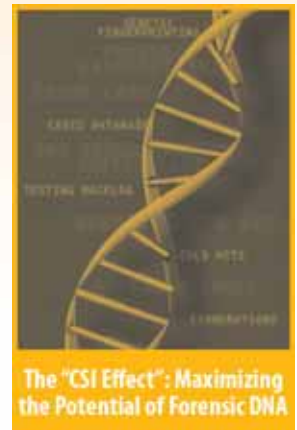
- CODIS hit matches offender LC Jackson to vaginal swabs from the mother

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# Investigation 2006 – victim interviews

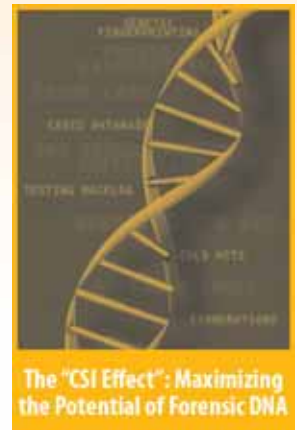
- 1992 interviews had been recorded
- Meet with mother victim
  - Interview goes as expected
  - Emotions run the mix of shock and relief
  - Case details are confirmed
  - Procedures are explained



# Child victim 2006

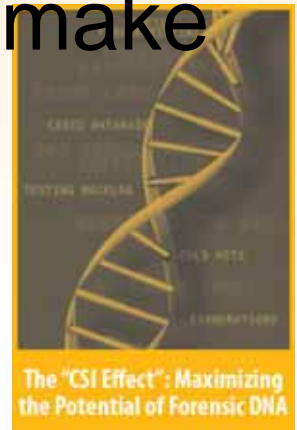
- Now a senior in college
- Initially refuses to meet with me
- Upset about providing a DNA sample
- Won't talk to VAU

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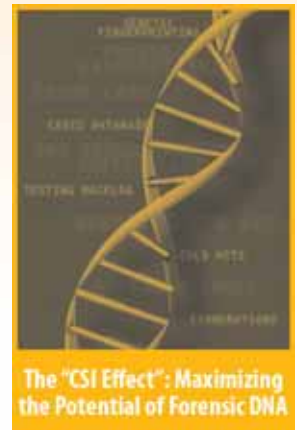
# Child Victim 2006

- Finally agrees to meet with me
- Describes not being let into mother's bedroom
- Describes a hysterical mother
- Feels ignored at the scene
- Hospital remarks about intact hymen make her feel disbelieved.



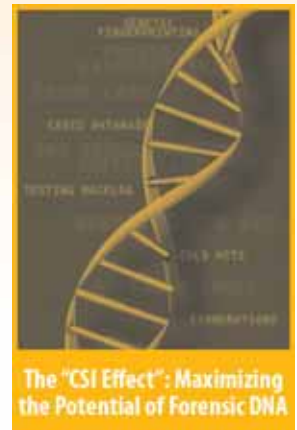
# Child Victim 2006

- Swears there was penetration, describes horrific pain and bleeding
- Does not believe the police did any investigation
  - Sites the fingerprint
- Minimal counseling
- Has refused to talk with mom or allow mom to talk about the event since it occurred



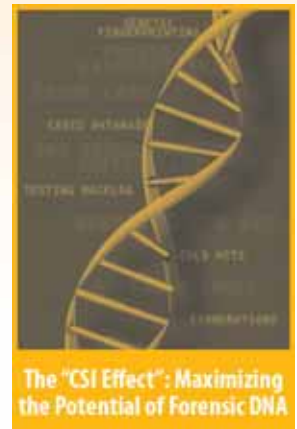
# Child Victim 2006

- Has not been able to have a sexual relationship
- Has fear of pain during sex
- Envisions suspect as a “monster” in a child like way and is worried about seeing a human face on the suspect.



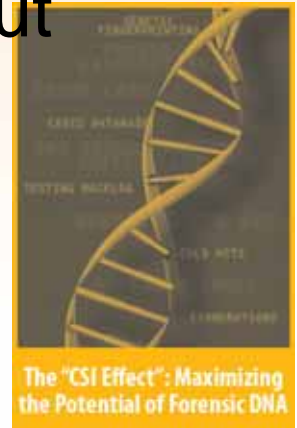
# Investigation 2006

- Fingerprint is run through AFIS again
  - Match to maintenance man – did not belong to suspect
- Request for further lab testing on evidence from the 9 year old
  - Results in an incomplete profile from child's underwear that matches LC Jackson
  - No blood



# Interview with LC Jackson

- Denies events
- Denies knowing the 16 year old daughter
- Confirms he was out of prison (absconded from parole) at the time of this case and had a girlfriend in those apartments named Lovette Harper
- Can't offer any explanation of his DNA - but knows he didn't rape anyone.



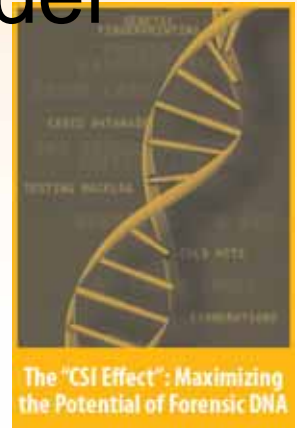
# LC Jackson August 2007

- Convicted by a jury and sentenced to:
- 50 years for 1<sup>st</sup> degree sexual assault (Mother)
- 35 years (consecutive) for kidnapping
- 50 years (consecutive) sex assault (9 year old)
- 50 years (concurrent) for sexual assault on a child (9 year old)



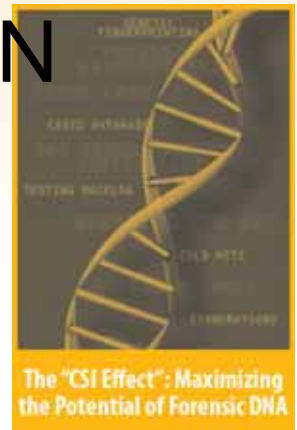
# James Nathan Scott - History

- Convicted in Denver and Boulder on 4 sexual assault cases involving 5 victims additional charges of kidnap & attempt murder. In Colorado DOC until 1994 on that conviction.
- Note in case file about 1978 s/a murder
- Marries upon release from DOC and moves to NYC



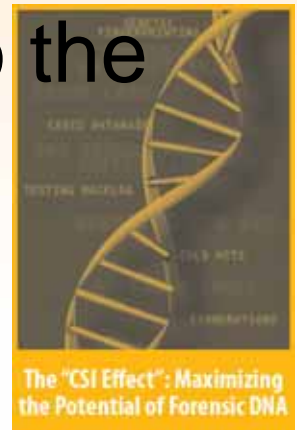
# James Nathan Scott Investigation

- Victim on board with investigation
- Detectives travel to New York, met with ex-wife – she puts him in Denver at the time of the 1995 sexual assault
- Attempted interview with suspect – **ON SEX CASE ONLY** - asks for a lawyer



# James Nathan Scott

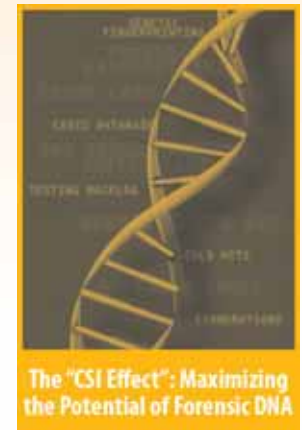
- Warrant issued in the 1995 sexual assault case.
- Suspect brought in from NY
- Questioned about the homicide – he confesses - additionally confesses to the 1995 sexual assault



# 1992

## John Allen Ricks

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# John Allen Ricks

- My first DNA Cold Case hit
- 16 year old victim (in 1992)
- Assaulted – sexually assaulted outside in foliage alongside creek
- Very little initial investigation – detective did not believe this victim



# John Allen Ricks

- Ricks out of custody
- Could not locate initially locate the victim
  - Name had changed
  - Found her mom and mom knew her married name but had no address/no contact with daughter – thought she a



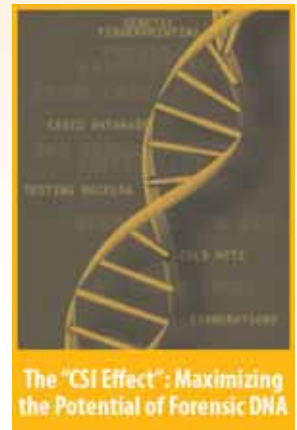
# John Allen Ricks

- Cannot find victim address in Ohio
- Called the local police – victim had worked at a Taco Bell and reported a fight once – leaving a home telephone number
- From that number I was able to obtain a current address and get a statement from the victim



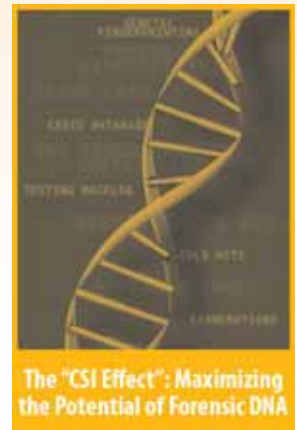
# John Allen Ricks - Interview

- First Cold Case Interview
  - Didn't know to ask about having a twin
  - Brought up in court
- Some things in the interview went very well and they continue to be used as best practices in our cold case suspect interviews



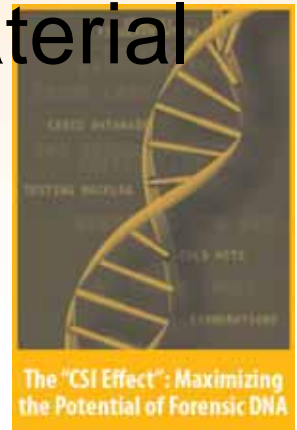
# 1999 Tracy Recardo Horrell Case

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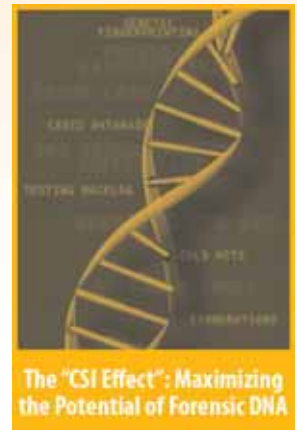
# Tracy Horrell – Case Details

- Victim a dancer
  - Carried signed passes - stolen
- Attacked in parking garage
  - Suspect attacked from behind saying “Hi Sheri”
- Violent beating and sexual assault
- Only one hair recovered – no root material



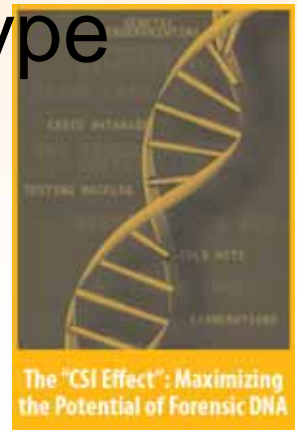
# Tracy Horrell - Case Details

- Attempts to use passes two weeks after assault
- Contacted – DNA sample collected
- Mitochondrial DNA test too expensive
- Victim can't ID suspect
- Case inactive – not cleared



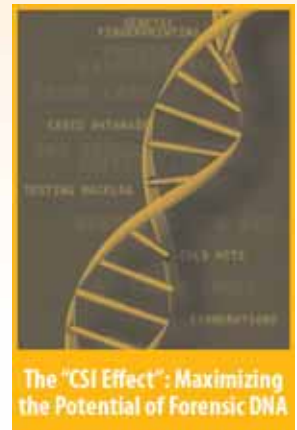
# Tracy Horrell - Case Details

- DPD gets press over a serial rapist
- Victim calls
- Report is pulled
- Case sent out for mtDNA – Horrell has this mtDNA type and 99.74% of the African American population would *not* be expected to have this exact mtDNA type



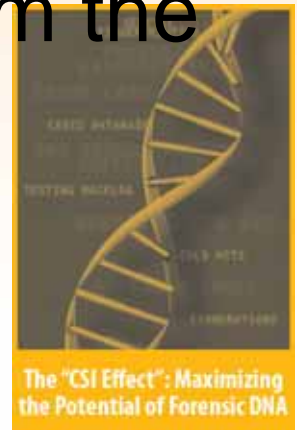
# Tracy Horrell - Case Details

- Lab testing continues
  - Skin cell DNA from victim's pants, along the torn area is a mixture and includes Tracy Horrell's DNA (probability is 1 in 150,000)
  - Skin cell DNA from the torn area of the victim's top is also a mixture but includes Tracy Horrell's DNA (probability is 1 in 540,000)



# Tracy Horrell - Case Details

- None of the DNA in this case identified Tracy Horrell by a “reasonable degree of scientific certainty”
- The amount of DNA and surrounding circumstances was overwhelming
- Tracy Horrell pled guilty in a plea agreement - no trial no testimony from the victim



# Contact Information

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