



December 1, 2010

Governor John Lynch
Office of the Governor

Speaker William L. O'Brien
New Hampshire House of Representatives

President Peter E. Bragdon
New Hampshire Senate
107 North Main Street
State House
Concord, NH 03301

State Librarian Michael York
20 Park Street
Concord, NH 03301

Dear Sirs:

It is our honor to present to you this report as required by N.H. Laws 269:1, III (2009), regarding the activities of the Cold Case Unit. The Cold Case Unit was created by an Act of the General Court and signed into law by the Governor on July 29, 2009. This legislation established for the first time in this State a dedicated investigation and prosecution team to help resolve unsolved homicide cases. Homicide cases leave a lasting toll on the family members of the victims. The fact that more than 100 homicide cases remain unsolved in this State means that many killers have not been brought to justice.

As detailed in the attached report, in the short time that the Unit has been in existence it has made tremendous progress toward the resolution of these important cases. It is our hope that the Unit can continue operating until all of these cases have been resolved, so that the family members of the victims can have answers, for which they have waited so long.

John Barthelmas
Commissioner
N.H. Department of Safety



Michael A. Delaney
Attorney General
N.H. Department of Justice



New Hampshire Cold Case Unit

Status Report

December 1, 2010



NEW HAMPSHIRE
Department of Justice
Office of the Attorney General



Table of Contents

Executive Summary	1
The Need for a Dedicated Unit to Investigate Unsolved Homicide Cases	3
Creation of the Cold Case Unit	8
Funding the Unit	8
Staffing of the Unit	10
Defining a "Cold Case"	12
Compiling a List of Unsolved Homicides	13
Establishing Protocols for the Unit	14
Response of the Office of Victim/Witness Assistance to Unsolved Homicide Cases	15
Activities of the Unit Since Its Inception	16
Establishing the Website and Launching the Unit	16

Table of Contents

Media Exposure	17
Tips and Other Contacts	19
Arrest of David McLeod for the 1989 Murder of Hina Family in Keene	20
Other Investigative Activities of the Unit	21
Work of the Unit to Assist Local Municipalities	26
Conclusion	26

EXECUTIVE SUMMARY

On July 29, 2009, Governor John Lynch signed HB 690 into law, creating the first Cold Case Unit in New Hampshire’s history specifically designed to investigate and prosecute unsolved homicide



cases. See 2009 N.H. Laws 269:1. That law requires the N.H. Attorney General’s Office and the Department of Safety to issue a joint report to the governor, the speaker of the house of representatives, the president of the senate, and the state librarian “on the activities and results of the cold case unit” no later than December 1, 2010. See 2009 N.H. Laws 269:1, III. This report provides a background of the Cold Case Unit and the activities of the unit since the legislation was enacted. In the 18 months since HB 690 went into law several significant developments have occurred:

- The Attorney General and Commissioner of the Department of Safety selected an experienced prosecutor and experienced detectives to operate the Unit. The Unit also hired a retired homicide detective from Manchester, as well as a volunteer research assistant to organize and index investigative files.
- The Unit began investigating a suspicious house fire in Keene, NH that resulted in the deaths of a family of four in 1989. That investigation culminated in the arrest of David B. McLeod on June 30, 2010, on four counts of second degree murder for recklessly causing the death of Carl Hina, his wife Lori Hina, their four-month-old baby Lillian Hina, and Carl’s twelve-year-old daughter Sara Hina. The charges allege that McLeod started a fire in a multi-family apartment building at 88 High Street in Keene on January 14, 1989, which caused the deaths of the Hina family members. That case

New Hampshire Cold Case Status Report

is currently awaiting trial.

- The Unit compiled the first comprehensive, state-wide list of unsolved homicides, suspicious deaths, and missing persons cases, which are suspected to be homicides, which includes approximately 120 victims.
- The Unit established protocols for screening and prioritizing cases in order to focus the resources of the unit.
- The Unit has reviewed, screened, and prioritized cases based on the solvability factors established by the protocols.
- The Unit established a website listing all unsolved cases, with a description of each case, a picture of the victim where available, and information about how to contact the Cold Case Unit to provide a tip.
- Since the creation of the website, the Unit has received approximately 300 tips by email, telephone, and mail.
- The Unit identified, selected, and implemented a case management system for keeping track of the cases and tips.
- The Unit has continued to investigate cases with high solvability factors.

THE NEED FOR A DEDICATED UNIT TO INVESTIGATE UNSOLVED HOMICIDE CASES

The investigation and prosecution of homicides in New Hampshire have a different priority than most other crimes. This public policy is embodied in a number of legislative enactments, including the fact that murder is one of only a very few crimes which carry a life sentence. The fact that murder is a crime of a different



nature from other offenses is also recognized by the fact that murder is the only crime in New Hampshire which does not have a statute of limitations. This means that until a person is arrested and convicted of murder, the case is ruled to be a justified homicide, or the offender has died, the homicide remains an open case. The legislature has determined that murder

is a crime of such significant magnitude that a person may be prosecuted even decades after the killing. HB 690 is the Legislature's most recent acknowledgment that the resolution of murder cases is an important public policy.

The Cold Case Unit was established based on a proven need to approach the investigation and prosecution of unsolved homicides in a different manner than has been done historically in this state. In the last fifteen years, only four cold cases have resulted in the arrest and prosecution of a perpetrator. See State v. James Whittey (convicted in 2002 for the 1981 murder of Yvonne Fine); State v. Lucille Sanchez, (convicted 2003 for the 1989 murder of Lucienne Lemaire); State v. State v. George Knickerbocker, (convicted in 2004 for the 1981 homicide of Adam Robbins); State v. Eric Windhurst (convicted in 2006 for the 1985 murder of Daniel Paquette). Two of those cases were solved based on specific new developments that prompted a renewed investigative effort. See State v. Sanchez, 152 N.H. 625, 627 (2005) (2002

New Hampshire Cold Case Status Report

arrest of murderer in Texas on unrelated charges prompted confession and implication of co-defendant); State v. Whittey, 149 N.H. 463, 464 (2003) (development of



DNA profile in 1999 from semen on victim's pajamas identified the defendant as the perpetrator). Thus, only two cases were solved based on a renewed investigation of the case. This is not intended to disparage the efforts of those investigators which have worked on cold cases over the

years, but to acknowledge that the approach to resolving these cases before the creation of the Cold Case Unit was not effective.

There are several reasons for this historically low rate of resolution of cold cases. Cold cases, defined as any homicide which has not been investigated actively for more than twelve months (see below for further discussion of this definition), are more difficult to investigate than recent homicides in both tangible and intangible ways. The predominant reason why cold cases have had a low success rate is that unsolved homicides were typically investigated as detectives had time to work on the cases between their active criminal case loads. It should be noted that detectives in both the N.H. State Police Major Crime Unit and the major cities do not work exclusively on homicides but have a case load consisting of many different types of serious crimes that they are responsible for solving. Depending on what crime is occurring at any given point in time, a detective might get sidetracked from investigating a cold case for weeks, months, or even years. It is worth noting that at the time of the drafting of this report, the state has experienced six homicides in less than 4 weeks time. If a dedicated Cold Case Unit did not exist, the investigators and prosecutor would have been diverted to these cases for an unknown length of time, fur-

New Hampshire Cold Case Status Report

ther delaying the resolution of the unsolved cases. This approach results in unsolved homicide cases being investigated in fits and starts unless some significant lead prompts the investigation to move forward in a more concerted manner. See, e.g., Sanchez, 152 N.H. at 627 (arrest of perpetrator, who was an illegal alien, on unrelated charges in Texas).

Active homicide investigations are reactive in nature. Investigators collect evidence and process crime scenes, respond to developing leads, apply for search warrants in reaction to developments which occur during the ongoing investigation. In contrast, cold case investigations are proactive. They require investigators to take the initiative to move the investigation forward. A specific example of how cold cases are different from recent homicides is that in many cold case witnesses are no longer readily available to be interviewed. In an active homicide, witnesses are often at the crime scene, have called 911, live in area, or have had recent contact with the victim and suspect. In contrast, in cold cases many witnesses have moved, gotten married, changed their name, or even died. This is obviously more true the older the case is. It takes a significant investigative effort to identify and locate witnesses and obtain contact information for these individuals. Once a witness has been located, detectives often have to travel substantial distances to interview the person. This may even involve the expenditure of resources to travel out of state to interview crucial witnesses. If a detective is sidetracked on active investigations for several weeks or even months, the momentum of locating witnesses is lost. Moreover, contact information may no longer be valid when the detective begins to work on the cold case again, requiring reinvestigation of the same witness.

Another reason for the low solvability rate is that the investigation on some cases has been fragmented between different law enforcement agencies. In New Hampshire, the Attorney General's Office has exclusive jurisdiction over the prosecution of all murder cases which occur anywhere within the state. RSA 7:6 (Supp. 2009). As the chief law enforcement officer for the state, the Attorney General also

New Hampshire Cold Case Status Report

can supervise and direct the investigation of homicide cases. Historically, most homicide cases have been investigated by the N.H. State Police, with the exception of murders occurring in the larger municipalities such as Concord, Dover, Keene, Manchester, Nashua, and Portsmouth. In those cities, the municipal police departments have investigated the cases occurring within their own jurisdiction.

A review of the investigative files of unsolved homicide cases establishes that there have been many exceptions to these general principles. In many cases, the State Police, a sheriff's office, and one or more local police departments were at times actively involved in certain investigations. For a variety of reasons investiga-



tion of a case was shared between different law enforcement agencies.¹ If an arrest was not made within a reasonable period of time, the primary investigative agency may have stopped working on the case in order to focus on more current crimes. The sheriff's office or the local police department, however, often continued to work on the case intermittently

over the intervening years. In some cases, both the state police and the local agency each worked on the case independently without the knowledge of the other. In many instances, the investigative reports of the different agencies were not gathered together, synthesized, and analyzed collectively to understand the full scope of the investigation that had been conducted. Important clues may have been overlooked as a result of this fragmented approach to the cases.¹

¹ There are many legitimate reasons for this fractured approach to the investigation. For example, a homicide may have occurred in one town, the body was dumped in another town, and different events connected to the case may have occurred in other locations. The initial connection between those events may not have been immediately clear as the different aspects of the case were investigated by each agency independently. In addition, a local law enforcement agency or the sheriff's office may have had prior experience and contacts with witnesses or suspects that made that agency's involvement helpful to the investigation. Finally, in some instances the need for additional manpower may have prompted the reliance on different agencies.

New Hampshire Cold Case Status Report

Another factor which likely prevented more cases being solved was that there was no uniform or consistent approach to evaluating which cases had the highest likelihood of making an arrest. This resulted in cases being investigated as detectives had an interest in the case or some new tip caused the case to be reexamined. Neither of these approaches were the most efficient or effective method for resolving cold cases. This ad hoc approach did not focus limited investigative resources on cases that had the highest probability of being solved.

A more intangible aspect of these cases that hindered the resolution was the fact that often the detectives who worked on a case after it went cold were not the original investigators who handled the case. When a detective works an active homicide, he or she builds a memory and knowledge of the facts and witnesses involved as the case develops. In contrast, detectives working on a cold case from scratch have to learn about the case from reading the reports because they were not part of the original dynamic of the case. At times it is not immediately clear how decisions were made, how a case focused on a particular suspect or identified a particular witness. Those kinds of “facts” were simply part of the dynamic which occurred in real time when the case was actively investigated. These kinds of details would have been known inherently to the original investigators because they were the people involved in the process when the case was active. For a detective investigating a cold case, those kinds of connections, details, and events must be culled from the reports as best as possible. The reports are often compiled in a way that does not facilitate a clear and logical understanding of the case. Tackling a cold case is slower and takes significantly more time, organization, and effort than the investigation of an active homicide case. Moreover, when a detective is pulled off of a cold case to work active crimes for weeks or even months, the investigator can lose the continuity. This results in a substantial learning curve each time the detective returns to the case after working on other matters.

Finally, the sense of urgency surrounding an active homicide does not accom-

pany a cold case. As a result, it is more difficult to coordinate interviews with witnesses in as quick and an efficient a manner as occurs in an active homicide investigation. Consequently, it takes more time, effort, and persistence to interview witnesses many years after the crime has occurred.

Having a team of investigators and prosecutors to work exclusively on unsolved homicides overcomes some of the impediments which existed under the system prior to HB 690. The cold case unit can identify the most solvable cases and focus limited resources on those cases so that the homicide is investigated until either someone is arrested or the investigation is exhausted without being able to charge someone. The unit can also gather, collate, organize, and analyze all of the investigative reports from different agencies to ensure that no evidence or lead is overlooked. Finally, a dedicated cold case unit avoids the pitfalls discussed above which occur when detectives are sidetracked and distracted by other active cases. For these reasons, HB 690 is a valuable piece of legislation which hopefully will improve the rate of resolution of unsolved homicides.

CREATION OF THE COLD CASE UNIT

Funding the Unit

The identification of funding for a Cold Case Unit in New Hampshire had been tasked to the N.H. Department of Justice Grants Management Unit several years before the creation of the current Cold Case Unit. Several funding possibilities had been explored, however, it was not until the advent of the 2009 American Recovery and Reinvestment Act (ARRA), the stimulus bill, that New Hampshire had a source of funding that both allowed for this purpose and did not require the elimination of support to other vital criminal justice and victim service grant programs. In the area of criminal justice funding, the stimulus bill included funding that supplemented a number of existing federal grant programs. Each of those federal grant programs al-

New Hampshire Cold Case Status Report

ready supports a host of law enforcement and victim service related sub-grant programs and each of those sub-programs fills a vital need in the law enforcement or victim service community.

With the stimulus funding came the opportunity to both support existing criminal justice and victim service programs and to consider new possibilities. The economic crisis had directly impacted most our sub-grant funded programs. Organizations like the N.H. Coalition Against Domestic and Sexual Violence were deeply impacted by the economic crisis. With ARRA funding we were able to allocation portions of that funding to help preserve those organizations and to prevent the elimination of jobs. While the stimulus bill had largely been introduced for this purpose, it as also an opportunity to help support efforts that we had been working on for some time, such as the Cold Case Unit.

With this in mind, we began to develop a funding plan that would help maintain our existing programs and to allow us to develop a Cold Case Unit. It was during this planning process that HB 690 was introduced. The funding that would support the new Cold Case Unit was Byrne Justice Assistance Grant (JAG) funding. The Byrne JAG program is a formula grant program that supports justice related activities at both the state and local level.

Working within the confines of available funding, we began to develop the outline for the Cold Case Unit and its staffing. The Byrne JAG program is awarded annually, however each award allows for a multi-year expenditure period. In this way, we were able to allocate funding from the stimulus bill over a multi-year period, which would allow us to create and maintain the Cold Case Unit over an approximately three (3) year time period. Several staffing combinations were explored, however the structure described below allowed us to support the core function of the unit for the longest time period. An amount of approximately \$1.2 million was set aside to support the Cold Case Unit. Of that amount, approximately \$685,000 was awarded to the N.H. Department of Safety and \$514,000 was main-

New Hampshire Cold Case Status Report

tained for the N.H. Department of Justice. The bulk of that funding is dedicated towards staffing. That \$1.2 million allocation represented approximately 19% of our overall stimulus Byrne JAG award.

Staffing of the Unit

HB 690 established the Cold Case Unit as a joint effort between the N.H. Attorney General's Office and the Department of Safety. See 2009 N.H. Laws 269:1, I. The funding for the Cold Case Unit permitted the unit to be staffed with a prosecutor from the Attorney General's Office, two full-time detectives from the N.H. State Police, and a part-time investigator hired by the Attorney General's Office. Cf. 2009 N.H. Laws 269:2 (funding to be determined by available grants). Following passage of the legislation, the Attorney General's Office selected N. William Delker as the prosecutor to oversee the unit. As a Senior Assistant Attorney General, Mr. Delker is one of the most experienced prosecutors in the Attorney General's Office. He has prosecuted many complicated cases, including more than 20 homicide cases in his 12 years at the office. N.H. State Police also selected experienced homicide detectives to investigate the unsolved cases. Sergeant Scott Gilbert was assigned as the supervisor of the unit. He has more than 18 years of experience in law enforcement, including approximately 7 years investigating homicide cases with the Major Crime Unit. Trooper Michael Kokoski, who has been involved as a detective in a number of active and unsolved homicide cases, has also been assigned to the Unit.



The Attorney General's Office and State Police advertised and received 19 applications and interviewed 5 individuals for the part-time investigator position. Among the candidates considered for the position were several highly experienced investigators. Robert Freitas, a veteran detective who recently retired from the

New Hampshire Cold Case Status Report

Manchester Police Department after 27 years, was hired to fill the part-time investigator position. Investigator Freitas investigated many homicides during his career and was assigned to work on cold cases at the Manchester Police Department before his retirement.

HB 690 established that administrative support to the unit would be provided jointly by the Attorney General's Office and the State Police. See 2009 N.H. Laws 269:1, II. The grant funding for the Unit did not include money to hire a paralegal or equivalent support staff to assist the Unit in compiling, organizing, or indexing cases. As discussed in further detail below, the investigation of a cold case involves a significant volume of work to locate files, organizing those files, and index the reports, and scan documents so that they are available in electronic format. If these tasks were performed by the investigators, it would take away the time the detectives have to actually investigate the cases by interviewing witnesses and gathering evidence. Paralegals at both the Attorney General's Office and the Department of Safety have a full case load and were not available to invest the substantial amount of time necessary to organize the case files.

After the public announcement of the establishment of the Cold Case Unit in December 2009, the Unit received a number of unsolicited offers from volunteers



willing to assist the Unit. The Unit interviewed a number of individuals with relevant experience and selected Milli Knudsen, a retired school teacher who had been working as a volunteer at the N.H. State Archives indexing documents. Ms. Knudsen joined the Unit in January 2010 and has volunteered her time to organize the cases, as discussed in more de-

tail below. Ms. Knudsen has averaged approximately 30 hours per week since January 2010. Beginning in November 2010, the Department of Safety provided Ms. Knudsen a small stipend of approximately \$50/week to off-set the cost of gas she was us-

ing to commute from her home to Concord to volunteer on these cases.

Finally, the Unit established contact with the N.H. State Police Forensic Laboratory. The lab assigned Criminalist Katie Swango as the point of contact for the Unit to direct all questions and requests for forensic analysis on unsolved homicide cases.

Defining A “Cold Case”

The work of the Cold Case Unit began with a very fundamental question of what even qualified as a cold case. HB 690 did not define what a cold case was and no statute, law, or regulation offers guidance on that question. Thus the Unit researched the procedures, methodology, and guidelines used by other cold case units around the country. The Unit gathered a number of different protocols from various units to evaluate how other agencies defined cold cases and how they approached the investigation of those cases. In the end, the Unit settled on the following definition of a cold case in New Hampshire:

The following are the elements of a cold homicide case in New Hampshire:

1. The case involves a homicide (or suspected homicide in which the cause of death is undetermined but is suspected to be homicide or the victim is missing and suspected to be murdered).
2. The case is “unsolved,” meaning in general that no one has been charged and convicted for killing the victim. However, a case may not qualify as “unsolved” even though no one has been convicted of the homicide for a number of reasons.
 - a. A case is not considered “unsolved” if there is evidence establishing the guilt of the suspect beyond a reasonable doubt (such as a confession, eyewitness identification, DNA, or other forensic evidence) but the suspect could not be brought to trial because he or she died.

New Hampshire Cold Case Status Report

- b. A case does not qualify as “unsolved” if there was compelling evidence of guilt but the original suspect was tried and acquitted or could not be prosecuted for technical reasons. For example, a suspect may have been acquitted, or not prosecuted, because the killing was self-defense, or otherwise justified, or a confession or other conclusive evidence of guilt was excluded from the trial.
3. The original investigation did not result in an arrest, and the case remained inactive for more than one year due to a lack of viable or unexplored leads. A cold case may have been reactivated periodically over the course of time because new leads emerged. If the case was dormant for one consecutive year during any period of time prior to September 1, 2009, without any active investigation, the case will be considered a cold case. However, cold cases do not include all cases that have been dormant for more than 1 year. For example, the suspect may be incarcerated on other charges and for strategic reasons the police or prosecutors decided not to lodge criminal charges while the suspect was incarcerated.

Compiling A List of Unsolved Homicides

After defining what a cold case is, the Unit began to compile a list of cold cases. Prior to the passage of HB 690, the State of New Hampshire had no uniform list of unsolved homicide cases. The Attorney General’s Office maintained a list of cases, the State Police maintained a list of cases, the State Fire Marshall’s Office had a list of unresolved arson homicides, some municipalities kept track of unsolved homicides, the *Union Leader* published an extensive list of open homicide cases dating back to 1970, and several private websites tracked unsolved homicides in the state. Those various lists had significant overlap but they were not entirely consistent with each other.

New Hampshire Cold Case Status Report

From these various sources, the Unit reviewed files to determine whether the cases listed were, in fact, cold cases as defined above. The Unit compiled a list of 119 victims, consisting of 104 separate cases.²

After the Unit was established and the list was made public, as discussed in more detail below, the Unit received a number of contacts from interested members of the public. Among those inquiries were questions about why certain names were not included on the list of unsolved homicides.

The Unit researched each of those inquiries. In some instances the case did not fit the definition of unsolved homicide pursuant to the Unit's protocols, as described above. However, members of the public brought four unsolved homicides to the Unit's attention, which were not included on any of the lists reviewed by the Unit. The Unit is in the process of adding the names of those victims to the website.



Establishing Protocols For The Unit

After compiling the list of cold cases, the Unit then turned to the task of determining how to select which of the more than 100 open cases to begin investigating. The Unit considered various protocols used by other agencies to guide the selection of cases for investigation. Agencies used a variety of methods to rank cases to determine how solvable a case is. After evaluating different procedures utilized around the country, the Unit established written protocols to guide the review and selection of cases for investigation. Those protocols establish a number of factors to consider in ranking whether a case has a high, medium, or low probability of being solved based on existing information.

² In several instances it is obvious from the facts that more than one person was killed by the same perpetrator(s), so those homicides have been grouped together as a single case.

Among the factors to be considered is whether the victim has been identified and located, whether the victim's death was ruled a homicide or undetermined, whether there is a clearly defined suspect, and whether evidence can be tested using new forensic methods, or whether unexplored leads exist in the file which could be pursued to further the investigation.

RESPONSE OF THE OFFICE OF VICTIM/WITNESS ASSISTANCE TO UNSOLVED HOMICIDE CASES

The trauma of losing a loved one to homicide can have a profound and life-long impact on family members (co-victims) and the impact of such trauma is often underestimated and misunderstood. When a case remains unsolved, co-victims often seem less able to move past the initial grief or the grief process is much slower.



The Attorney General's Office of Victim/Witness Assistance (OVWA) was created legislatively in 1987 to provide 24-hour on call response to all of the state's homicide cases, from delivering the death notifications to providing services and support to family members of homicide victims (co-victims) throughout the criminal justice system. Before OVWA was created, family members of homicide victims were not even considered to be victims, and despite the intense trauma they were experiencing, they were given no rights or services within the system. When a case is reactivated by the Cold Case Unit, the co-victims often experience a resurgence of intense grief, similar to what they felt at the time of the homicide. For co-victims who felt that they had "worked through" their grief, they may be unsettled by the intensity of their reactions. The

news may open up “old wounds” and bring up new issues and questions for them. Their hope for solving the case is renewed and often the start and stop nature of these types of investigations can result in a wide range of emotions. Recognizing the impact on co-victims, the OVWA has committed a Victim/Witness Homicide Advocate to work with the Cold Case Unit and to reach out to co-victims, serve as their liaison to the investigation, and to provide them information and the support and services they may need during this difficult time.

The complicated grief and intense emotions may require cold case co-victims to seek out mental health counseling to assist them in processing the psychological effects of the process. The N.H. Victim’s Compensation Program, which compensates victims for costs and services such as mental health counseling, medical and funeral bills, and other out of pocket expenses, went into effect in 1991. When the Cold Case Unit was created, any cases that occurred before that date were not eligible for compensation. As a result, OVWA supported legislation which was passed during the 2010 legislative session that expanded eligibility for victim compensation to include any person who is a co-victim of a case under investigation by the Cold Case Unit, regardless of when the crime occurred. See 2010 N.H. Laws 154:1. Co-victims are now eligible for compensation for mental health counseling and any expenses associated with the court process. The Cold Case Unit and OVWA are committed to ensuring that co-victims of cold cases are treated with dignity and respect and the trauma they experience is minimized through services and support.

ACTIVITIES OF THE UNIT SINCE ITS INCEPTION

Establishing The Website And Launching The Unit

After the Unit members were selected, the list of cases was compiled, and protocols established, the Unit worked with the Department of Information Technol-

New Hampshire Cold Case Status Report

ogy to create a website containing public information about the Unit. The website was intended to establish a public interface to allow individuals with information about unresolved cases to learn some information about those cases and to provide contact information for individuals who want to contribute a tip on a cold case.

It is easy to envision any number of scenarios where a person with information about a cold case may be searching the internet for updates. As discussed above, often witnesses or others with knowledge about cold cases have moved and no longer



have access to local media coverage about events occurring in New Hampshire. For example, a former resident of New Hampshire who now lives on the west coast of the United States may watch a television program on cold case investigations, which are often featured on TV. This person may have known a victim or suspect of an unsolved

homicide. The TV show may then prompt that person to search the internet to determine whether the homicide was ever solved. The existence of an official website for the Cold Case Unit enables that person to learn that the case is still unresolved. This, in turn, may then prompt the person to contact the Unit with information about the case.

In light of this dynamic, members of the Unit felt that it was important to provide persons with information or an interest in cold cases a means of contacting the Unit through the internet. In fact, as discussed below, the Unit has received contacts through the website from many individuals from across the country with knowledge of unsolved homicides listed on the website.

Media Exposure

On December 7, 2009, the Cold Case Unit officially started its work at a press

New Hampshire Cold Case Status Report

conference during which the website and list of unsolved cases was released to the public. Attorney General Michael Delaney and Commissioner John Barthelmes announced the formation of the Unit and introduced the members of the Unit to the public. Governor Lynch and a number of family members of homicide victims from unsolved cases attended the press conference. Family members of cold cases which had been solved talked about the meaning of that process to them. For example, Denise Robbins,



whose five-week-old son Adam was killed in 1981 waited 20 years before George Knickerbocker was arrested and prosecuted for the homicide. Ms. Robbins said that family members need to “be persistent and pray. You can’t ever give up. It was a long battle but it was worth it.” Family members of victims in still unsolved cases also spoke about the continued impact of the unresolved case on their lives. “People say, ‘Why don’t you move on,’ and you do,” said Karen Beaudin, Kathy Gloddy’s sister. “You do what you need to live your life, but you never forget.” Kathy was raped and murdered in 1971 in Franklin, N.H. No one has ever been arrested for her murder. The press conference was well-attended by media from around the state.

Over the 12 months after the December 7, 2009 press conference, the Unit has continued to work with state and local media outlets to publicize cold cases in order to generate attention on unsolved homicides. Stories about various cold cases have appeared in the *Union Leader*, the *Concord Monitor*, the *Keene Sentinel*, the *Eagle Tribune*, the *Laconia Sun*, the *Citizen*, *Foster’s Daily Democrat*, the *Nashua Telegraph*, and other publications. In addition, the Unit has been featured on WMUR television and public radio programs in both New Hampshire and Massachusetts. By focusing periodically on different cases, the Unit hopes to generate useful and valid investigative leads.

In addition to the media exposure, the Unit has engaged in outreach to educate the public about the work of the Cold Case Unit, including meeting with Parents of Murdered Children, Inc., New England College, the criminal justice program at Hesser College, and other interested community organizations. The hope is that by bringing attention to the unsolved cases, it will encourage people with helpful information to come forward to cooperate with the case.

Tips And Other Contacts

After the launch of the website, the Unit began to receive communications from a variety of sources, primarily in the form of email and telephone calls. These contacts came from family members of victims, persons with knowledge of cold cases, and interested members of the public. In the 12 months since the public announcement that the Cold Case Unit was beginning work and the launch of the website, the Unit has received approximately 300 tips on 74 unsolved cases by email and telephone. Some of those tips have provided very specific information about cases. Because release of information on open, unsolved cases could jeopardize the resolution of those cases, it would be inappropriate to provide more specific information about the nature or content of those tips in this report. Tips, however, can provide a very important source of new information to give direction to an unsolved homicide case.

In light of the volume of tips, the Unit realized that it needed to find a way to effectively manage the information received by the Unit. In order to assess the validity and priority of information contained in a tip, it is important to have detailed information about a case readily available to compare to the information provided by the tipster. As discussed in more detail below, many of the unsolved cases are hundreds or even thousands of pages long. That information is found in paper reports. In many situations those reports have not been effectively indexed. Therefore, when the Unit began its work there was no effective way to evaluate the validity of

a tip without spending considerable time reading the case file.

Faced with this problem, the Unit researched a number of case management systems. That research identified eSolve software, which was specifically designed to aid law enforcement agencies, both in managing case-related data and also in analyzing that data. The eSolve software has the capacity to link names, addresses, phone numbers, and other case-related information in order to make connections between different individuals and locations within the case or even across all of the cases. This capability enables the Unit to make connections between data that is difficult, if not impossible, using manual methods of data management.



Before the Unit began, tips were often forwarded to an investigator to determine whether the information should be pursued. The tip was filed with the case materials. There was no effective means of keeping track of the validity of the tips, whether the tip had been explored, or even whether the same or similar tip had been previously received. The eSolve software enables the Unit to overcome these problems by keeping track of action taken on tips, assigning those tips to investigators, and providing readily accessible information about the status of any follow-up investigation on the tips.

Arrest of David McLeod For 1989 Murder Of Hina Family In Keene

For the first month, the Unit reviewed many of the 100+ cases to determine which of the cases had the highest probability of being solved based on the factors outlined in the protocols. One of the first unsolved cases the Unit focused on in January 2010, was the 1989 deaths of the Hina family in Keene. Carl Hina, his wife Lori Hina, their 4 month old baby Lillian Hina, and Carl's 12-year-old daughter Sara Hina perished in a fire at 88 High Street on January 14, 1989. The Hinas lived in a

New Hampshire Cold Case Status Report

multi-family apartment building which burned in the early morning hours that day. The Hinas died as a result of smoke inhalation. Because this case is currently the subject of an ongoing criminal prosecution, it would be inappropriate to elaborate outside the court process on the investigative steps or reasons the Unit focused on this case.

However, after investigating the case for nearly seven months, the Unit applied to District Court Judge Gerard Boyle for arrest warrants, charging David B. McLeod with four counts of Second Degree Murder. The Unit members traveled to West Sacramento, California where Mr. McLeod was residing. Mr. McLeod was arrested and he waived extradition and returned to New Hampshire for trial. Mr. McLeod was subsequently indicted by the Cheshire County Grand Jury. Mr. McLeod is currently being held in the Cheshire County House of Corrections without bail. No trial date has been set as of this report, but the trial is anticipated in mid-to-late 2011.

Other Investigative Activities Of The Unit

In addition to the investigation of the murder of the Hina family, the Cold Case Unit is currently actively investigating approximately 5 cases. In addition to these active investigations, the Unit has worked on 25 cases over the last 12 months, at various levels. These efforts vary from the review of the case file to determine the validity of a tip, working with local law enforcement agencies which are investigating cold cases, and responding to inquiries from family members of victims. Because of the sensitive nature of these investigative efforts, it is not appropriate to discuss the particulars of those investigations in more details. However, some general information can illustrate the nature of the investigative work the Unit has been working on over the last 12 months.

For example, one of the cases that the Unit pursued over the last year was the

New Hampshire Cold Case Status Report

missing person case of Curtis Pishon. Mr. Pishon, who was a former Concord Police Officer, disappeared on July 4, 2000, during the middle of his shift as a security guard for a company in Seabrook. Circumstances of that case strongly suggest that Mr. Pishon's disappearance was a result of foul play. In April 2010, the Unit received information indicating that Curtis Pishon might be buried underneath concrete in the backyard of a home in Seabrook.



The information initially came to the Unit in the form of a confidential informant. That information was corroborated by information in the investigative file. The Unit then explored the circumstances of the location where the informant indicated that Mr. Pishon might be buried. Ground penetrating radar and a N.H. State Police cadaver dog further confirmed the information from the informant. The Unit then obtained assistance from Seabrook Police Department and the Highway Department to excavate the location. Unfortunately, the excavation did not locate Mr. Pishon's body. Nonetheless, the case illustrates how detailed and specific investigative information requires a concerted effort to determine the validity of the information. The Cold Case Unit was able to conduct this investigation without any payment of state resources beyond the manpower to do the investigation. The Seabrook Highway Department donated the heavy equipment and manpower to do the excavation. Local businesses donated the cement saw and other necessary equipment. The company which manufactures the ground penetrating radar donated the equipment and manpower to operate the equipment. Finally, the Concord Area Crimeline donated \$2000 to repair the damage to the concrete caused by the excavation. This effort

New Hampshire Cold Case Status Report

illustrates how the Cold Case Unit can be used effectively to leverage resources to accomplish a complex investigation without significant outlay of state resources. This investigative effort also demonstrates how resource-intensive cold cases are, why they are time-consuming, and why they require dedicated personnel to investigate them and follow-up on leads.

The Pishon investigation also illustrates why it is important to investigate tips in a timely manner, even if that information does not resolve the case. The results of this kind of work help refocus the investigation. It also provides investigators with information to evaluate future leads and to discount potential leads before conducting additional investigation. In the event that a case is eventually solved, following up on these kinds of substantial leads also helps rebut a future defense regarding alternate perpetrators or that the original investigation was shoddy and useful information or evidence was lost because the information was not pursued in a timely manner.

As mentioned above, cold cases require a significant investment of organizational effort. Many of these cases have substantial investigative files. Many of these



files are not well-organized. Many of them are also not indexed. None of the cases were available in electronic format, which could be searched by computer. An effective investigation of cold cases requires that the cold case investigators understand what interviews have been completed in the past.

Moreover, the investigators need to be able to access that information in order to determine whether new information received by the Unit is consistent or inconsistent with other details in the investigation. In a case with thousands of pages of investigative files, a computer program is an essential tool to organize and retrieve data.

As mentioned above, the grant which funded the Cold Case Unit did not provide any resources to hire a paralegal or secretary to input this data. Given the vol-

New Hampshire Cold Case Status Report

ume of documentation, using investigators to enter this information into a computer database would have substantially reduced the time available for the investigators to conduct interviews and gather evidence in the case. Accordingly, the Unit considered how it could obtain assistance to process this data. After the press conference in December 2009 announcing the start of the Cold Case Unit, the Unit received a number of unsolicited offers for volunteers to assist the Unit. The Unit interviewed a number of applicants and selected Milli Knudsen to work with the Unit as a volunteer research assistant. Ms. Knudsen had specific prior experience organizing and indexing historical data. Accordingly, she brought a rare skill set with a willingness to assist the Unit. Ms. Knudsen's work has been invaluable to the Unit's ability to investigate cases. Ms. Knudsen has organized, scanned, and indexed tens-of-thousands of pages of investigative reports in order to ensure that investigators have those reports readily available when they go out to interview witnesses.

Ms. Knudsen continues to digitize investigative files on cold cases. She is also involved in scanning, indexing, and organizing new investigative reports generated by the detectives as they actively investigate the cold cases. In addition to Ms. Knudsen's efforts, the Unit has also engaged master-level criminal justice students as interns to assist in various tasks to aid the Unit.

The Unit has also been involved in reviewing evidence in unsolved cases and meeting regularly with the liaison from the N.H. State Police Forensic Laboratory. Significant developments have occurred in the area of forensic science since many of the cases on the list were originally investigated. DNA technology has advanced substantially since its first use in New Hampshire in the late 1980s. Today less biological material is required for successful DNA results. The development of the Combined DNA Index System ("CODIS") and other DNA databases can help identify perpetrators who have left behind DNA at the crime scene. In 2010, the Legislature enacted legislation expanding the database by requiring the collection of DNA from all felons and all registered sex offenders so that these profiles can be added to CODIS. See

New Hampshire Cold Case Status Report

2010 N.H. Laws 208:1. This new law only recently took effect, so it has not yet had a direct impact on the work of the Cold Case Unit. Nonetheless, the potential for this new legislation on cold cases is tremendous.

A pending case in Alaska with links to New Hampshire illustrates this. Kenneth Dion is currently being prosecuted for the 1994 rape and murder of a college student named Bonnie Craig. Mr. Dion was linked to that murder when he was incarcerated in N.H. State Prison, prison officials collected his DNA, and the lab entered his DNA profile into CODIS. A subsequent search of CODIS by cold case investigators in Alaska found a match between Mr. Dion's DNA and evidence at the crime scene. That case is currently scheduled for trial in Fairbanks, Alaska in February 2011.

In addition to the direct use of DNA to identify the perpetrator, the FBI and other organizations have developed DNA databases to help link unidentified bodies with missing person cases. Investigators can collect biological samples from unidentified remains and have those samples analyzed and entered into the missing persons database. The investigators can then also collect DNA samples from family members of persons reported missing. Those DNA profiles are also entered into the database. Because these databases are nation-wide, unidentified remains in one state can be linked to a missing person case in another state. The forensic lab cross-references the unidentified DNA with families who have reported a loved one missing in order to try to link the remains to a missing person case. The cold case list currently has six victims whose remains have not been identified. The Unit is in the process of collecting DNA samples from those cases, working with the state lab to develop a DNA profile, and then entering that information into the database. In addition, the Unit is in the process of collecting DNA samples from family members in these missing person cases.



Work Of The Unit To Assist Local Municipalities

As mentioned above, historically the larger municipalities, including Concord, Dover, Keene, Manchester, Nashua, and Portsmouth have been responsible for investigating homicides occurring within their jurisdiction. SAAG Delker met with the police chiefs in each of these jurisdictions about the foundation of the Cold Case Unit to discuss how the Unit could work cooperatively with the local departments to resolve the cold cases in their cities. The police chiefs in each of the municipalities were receptive to a cooperative investigative effort between the police department and the Cold Case Unit on unresolved homicide cases.

Over the course of the last 12 months, detectives in all six of these municipalities have actively worked on unsolved homicide cases in their cities. In some instances, the Cold Case Unit has conducted the primary investigation, as in the case of the 1989 arson case in Keene, with the support of the local department. In other instances, the local department has conducted the primary investigation with the Cold Case Unit acting in a support role. For example, SAAG Delker is currently consulting with and advising the police departments in Concord, Nashua, and Portsmouth on unsolved homicide cases, which those departments are actively investigating. That work includes grand jury investigation, consultation regarding legal issues relating to the search and seizure of evidence, and review of the physical evidence for the purpose of forensic testing. This is another example of how the establishment of the Cold Case Unit has been able to leverage limited investigative resources to maximize the potential for resolving cold cases.

CONCLUSION

HB 690 is an important piece of legislation for the investigation and prosecution of unsolved homicide cases. Unsolved homicide cases are complex and time-consuming to investigate and prosecute. It is unlikely that the Cold Case Unit will be

New Hampshire Cold Case Status Report

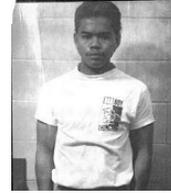
able to bring charges in more than a handful of cases within the three-year term established by HB 690. Nonetheless, the Unit hopes for a substantial improvement in the rate of resolution over the system in place before the existence of a dedicated Cold Case Unit. The resolution of these cases will bring answers for families who have lived for years with the knowledge that the person who killed their loved ones is at liberty in the world. Moreover, the dedicated effort to resolve cold cases also brings accountability for offenders who have committed the most serious crime in New Hampshire's Criminal Code. The fact that these cases are not simply forgotten may also deter future murders by sending the message that no matter how carefully planned and executed a murder is, the State will continue to pursue the murderer until someone is brought to justice.

The first 18 months of the Cold Case Unit has involved a substantial effort to create, staff, and organize the investigation of unsolved homicides. The Unit intends to focus its resources for the next 18 months on the investigation and prosecution of unsolved homicide cases. While there are no guarantees that the Unit will be able to develop sufficient evidence to charge anyone over that time, the members of the Unit are cautiously optimistic that its current investigative efforts will result in the resolution of additional cases within that time.

New Hampshire Cold Case Victims



New Hampshire Cold Case Victims



New Hampshire Cold Case Victims



New Hampshire Cold Case Victims



New Hampshire Cold Case Victims

Baumann, Diethelm
Bean, Russell
Belanger, Tammy
Blakeslee, Luella
Blanchette, Ray
Bois, Dorothy Ann
Bolton, Stella
Braley, David
Breault, Raymond
Byron, Richard
Carreau, David
Carreau, Deborah
Chaput, Louise
Chavez, Domingo
Compagna, Diana
Conrad, Thomas
Courtemanche, Bernice
Crane, Chelsea
Crawford, John
Critchley, Mary Elizabeth
Crouse, Madlyn
Davis, Dominique
Dockham, Sharon
Dobens, William
Dow, Janet
Dow, Stephen
Fried, Ellen
Furando, Joseph
Giguere, Maurice
Giles, Terry
Gloddy, Kathy Lynn
Gray, Sylvia
Harrison, Mary
Hazleton, Angel
Heckbert, Robert
Herlihy, Paul
Hill, Steven
Hina, Carl Robert

Hina, Lillan Marie
Hina, Lori Michelle
Hina, Sara Jean
Holmes, Sheila
Horn, Debra
Jablonski, Casmiro
Jache, Kenneth
Jimenez, Megan
Jodoin, George
Kaldaras, Christopher
Keljikian, Michael
Kempton, Laura
Kierstead, Michael
Lane, Craig
LeFevre, Gregory
Lei, Hai Bo (Paul)
Little, Tammy
Longfellow, David
Lord, Judy
Lyman, Walter
Lyons, Omar
McGuire, Michael "J.T."
Marku, Lorenc
McBride, Shirley Ann "Tippy"
Miller, Pauline
Miller, Rosalie
Millican, Catherine
Moore, James
Moore, Sonya
Morgan, Douglas
Morse, Eva
Moss, Carrie
Murray, Maura
Norman, Ronald
O'Brien, James P.
O'Connell, Daniel
O'Sullivan, Jerome
Olsen, Paul

Page, Walter
Penna, Douglas
Pickett, David
Pineau, Allen
Pishon, Curtis
Place, Betty
Plummer, Linda
Pond, John Sr.
Poulin, Joseph
Psaradelis, Anne
Ramsey, John IV
Randall, Kathleen
Reed, Theresa
Riley, Jerry
Roth, Shari
Roy, Rita
Segall, Eddy
Sidoti, Francis "Frank" J.
Sinclair, Bethany
Sinclair, Tina
Snyder, Jaclynne
Snyder, Lisa K.
Stankiewicz, Melodie
Sterling, John
Teta, James
Travers, Henry Jr.
Trudeau, Jeffrey Jr.
Unidentified Female/3 Children
Unidentified Female
Unidentified Male
Valdes, Domingo
Webb, Pamela
West, Mindy
Whitney, Judith
Wilkinson, Ellen
Wilkinson, Maurice
Wright, Lisa
Zsigray, Michael