

The Silent Scream

DNA testing was supposed to be the foolproof way to ID vast numbers of anonymous corpses in America. Instead, the system is a flop, and a crisis is growing, leaving a local family to fight for change

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The voices of 40,000 unidentified dead Americans lay silent in morgues across the country. If these dead had perished in a single terrorist attack, their memory would be seared into our national consciousness, and monuments would soar to the heavens with their names etched in marble.

Instead, during the past 50 years these lost souls were plucked out of murky swamps, scooped out of roadside ditches, and stumbled upon by hikers, and hunters, their bodies poorly concealed beneath gnarled branches and clumps of green moss.

The majority of these unidentified people were victims of homicide. Investigators refer to them as John, Jane or Baby, and they are adopted into the largest clan on earth - the Doe family. They trickle into morgues one at a time, and after police fail to identify them, the Does silently join the ranks of America's forgotten dead.

"The actual number is probably closer to 60,000," said Bill Hagmaier, the executive director of the International Homicide Investigators Association. "Most of these people are victims of murder, but these cases are not being counted as homicides."

Stab wounds and bullet holes are obvious clues of murder, but why are human remains found in the wilderness assumed to be victims of a violent crime?

"Human beings are not like elephants," Hagmaier said. "They don't go wandering into woods and swamps to find a place to die. Somebody brought them there."

Todd Matthews lives in the foothills of the Smoky Mountains in eastern Tennessee, and several years ago he helped launch the Doe Network, an all-volunteer internet organization devoted to assisting police in solving cold cases.

"The numbers are unreal," Matthews said, "I can't believe how many unidentified dead we have in this country. It is totally unacceptable. We have an entire missing

society and nobody wants to deal with this problem. Why don't more people in this country know about this?"

The unidentified human remains languishing in boxes and coolers are only a fraction of a grisly national crisis. The other side of the equation is the staggering number of Americans who have disappeared. They are the missing.

Consider these numbers. With a population of 110,000 people Waterbury is the fifth largest city in Connecticut. The city has a rich cultural tapestry woven together with people of all ages and ethnic backgrounds. Now imagine an invisible hand crashing down from the sky and tearing Waterbury from the earth. The entire city vanishing without a trace.

Statistically, that is exactly what has happened in America. According to the FBI there are currently 108,000 active missing person cases in the U.S., and experts around the country say there are tens of thousands more not reported. For the past three years Bill Hagmaier, from the Homicide Association, has been leading an effort to connect the missing to the unidentified human remains. "The missing aren't missing," he said. "Most of them are deceased. This is not a fairy tale where these people are going to magically walk back through the front door. In most cases someone has gotten away with murder."

In 2004 Hagmaier's organization received a three year federal grant from the U.S. Justice Department to tackle the issue. They developed an extensive training manual for law enforcement and medical examiners, they urged federal legislation mandating uniform procedures for both law enforcement officers and medical examiners, and they lobbied for the creation of a National Registry of Unidentified and Missing Persons.

Shockingly, just as the group was about to step forward with its initiative, the Justice Department cut funding in February 2007.

"I don't understand politics," Hagmaier said. "I don't appreciate that people are dying, we know how to fix a problem, and we aren't being allowed to do it."

And contrary to sensationalized media reports, not all missing people are attractive-young-blond-white females. The missing represent a cross section of America, young and old, male and female, rich and poor, black, white and Hispanic.

Dr. Henry Lee, a world renowned forensic expert, told the Observer in late February that "missing person cases are always a major problem in this country." He said the cases that do generate public awareness "always involve children, or a pretty lady. The media gives these cases lots of attention and makes law enforcement do work on the investigation. Getting police to work on missing adult cases is not easy."

Away from the media glare 100,000 missing person cases idle in detective bureaus around the nation. The key to solving many of these cases, Lee said, is initiative. "Somebody has to take an active role in the investigation," Dr. Lee said. "Not just put the file in a drawer. Officers are busy, but if a detective doesn't take personal interest in the case, nothing happens."

Several years ago Lee was invited to Kosovo to help identify 9000 bodies found in mass graves. The situation drew tremendous international attention. "Domestic victims here are equally important," Lee said. "But they don't get the same attention as war crimes."

The staggering number of missing and unidentified people in America is a national tragedy,

and according to several experts, it has been going on, largely unnoticed, for the past 50 years. The enormity of the problem – the sheer number of lives involved – torques the mind.

Picture Uncle Sam standing in a wheat field in Kansas. In his right hand he holds the unidentified remains of 40,000 Americans. In his left hand he holds the names of 110,000 missing people who vanished from cities and towns across the country.

How do we begin to solve this puzzle?

The answer is simple – DNA.

In the past 23 years modern science has made astounding leaps in DNA technology and it is routinely used to capture the guilty and exonerate the innocent. Any American who has reclined in their easy chair and watched episodes of CSI, or Cold Case, or New Detectives, is very aware of this phenomenon.

The mass media – television, movies and newspapers – broadcast the image to the American public that law enforcement is just a commercial break away from solving the case.

That's what Janice Smolinski thought when her 31-year-old son Billy disappeared from Waterbury in August 2004.

"My husband and I had faith in the system to investigate Billy's disappearance and find out what happened to him," Smolinski said. "We were wrong."

Unable to get the attention of either local or state law enforcement agencies, Janice Smolinski utilized the internet to try and find her son. "I couldn't get anyone to listen to us in Connecticut," she said. "But I began to find information on the internet from Las Vegas, from Florida, and from other families who were looking for their loved ones."

What Smolinski found shocked her. She hadn't realized the scope of the problem. She spent months learning about DNA and the local, state and national DNA data banks. The more she learned, the more problems she encountered. Janice was peeking into Pandora's Box, and inside the box was a tangled mess of training, funding and computer nightmares.

Smolinski is now leading a charge in Connecticut to get Connecticut's Legislature to pass a bill that mandates new police procedures in missing person cases. The proposed bill addresses many other issues, including the collection and processing of DNA samples.

"The system is broken," Smolinski said. "It's a terrible mess and it's time we did something about it."

THE DISCONNECT

The Observer stumbled into the debacle like a hunter stumbling over a decomposing body in the woods. It has been a jarring experience, completely unexpected and shocking. It was our ongoing coverage of the Smolinski case that led us into the fray, mostly being pulled along behind Janice Smolinski as she relentlessly plowed through all obstacles in an effort to find her son.

In the past month the Observer has interviewed federal law enforcement officials, medical examiners, federal funding agencies, Waterbury police, and DNA lab officials about the missing and unidentified. We agree with Smolinski, the system is broken. Here is what we found...

- *Police response to a missing person report varies wildly from town to town, and from state to state. There is no uniform response for police officers to handle missing person cases in the United States, and as*

a result precious time and evidence is often squandered. Most communities have an immediate response to the report of a missing child - the Amber Alert - but missing adult cases are not handled with the same intensity and purpose. Too often paperwork and case files are never started, and a description of the missing person is never reported to the National Crime Information Center (NCIC).

- *Despite major scientific breakthroughs in the use of DNA as an investigative tool, the information and training has not trickled down to local law enforcement agencies. As a result local police are often unaware of the proper way to collect DNA samples, and even if they do collect it, they don't know how to process it.*

- *Local police are often unaware of local, regional and national DNA data banks, and don't submit DNA samples into the networks.*

- *Medical examiners and coroners have 40,000 unidentified human remains in their possession and only 15% of these bodies have had DNA samples collected and entered into the national DNA data banks. Only a few states require medical examiners and coroners to collect DNA samples and enter them into CODIS(mp), the Combined DNA Index System for Missing Persons, a national DNA data base.*

- *Medical examiners and coroners around the country, especially in rural areas, bury or burn unidentified human remains without collecting DNA samples first. The situation was documented in "Buried Secrets," an article by Thomas Hargrove of the Scripps Howard News Service written in 2005. After disposing of the body, or remains, the coroner has effectively eliminated any possibility of ever knowing who that person was.*

- *Law enforcement agencies are required by law to report violent deaths, suicides and cremations to the medical examiners office. But the medical examiners do not share information about unidentified human remains in a uniform way with law enforcement. Information is a one way street. It goes in, but seldom comes back out.*

- *Medical examiners do not have access to upload information into the National Crime Information Center. Only law enforcement agencies can do that.*

- *Only three labs in the country are authorized to upload DNA information into the CODIS missing person and unidentified human remains data bank. And despite the cry for more samples to be sent to the labs, there is a six to nine month backlog for these labs to get the DNA samples online. The system is clogged.*

- *There is a shortage of trained research analysts that can handle DNA samples. Universities need to establish more comprehensive training programs. DNA use is going to grow exponentially and without qualified analysts the backlogs will swamp an already overburdened system.*

- *The four federal databases are unable to communicate with one another, creating a further disconnect between the information and the law enforcement agencies trying to solve a crime. The data bases are the Combined DNA Index System (CODIS), the Integrated Automated Fingerprint Identification System*

(IAFIS), the National Crime Information Center (NCIC), and the Violent Criminal Apprehension Program (ViCAP). These vital resources must be streamlined so they can share information.

- *President George W. Bush pledged \$1 billion to a Five-year DNA Initiative in 2003 that outlined a comprehensive plan on training and funding DNA research. Data shows that only a few states have tapped into the millions dollars of federal funding available. Many states seem unaware of opportunities to upgrade their forensic laboratories and train their law enforcement agencies. Questions linger about the will of Congress to continue DNA funding after Bush's initiative runs out.*

- *Despite the President's \$1 billion promise to fund the initiative, money is being redirected away from the program and into Homeland Security. The International Homicide Investigators Association (IHIA) lost its funding in February 2007 just as it was about to implement a National Registry for the Unidentified and the Missing.*

"Thousands of murder victims are crying out for justice from the grave," IHIA director Bill Hagmaier said. "We have 20,000 murderers running around free to kill, and many of them will kill again."

Hagmaier once called it "a silent crisis."

"We have to keep records on cars and guns," Hagmaier said. "But we don't have to keep records on unidentified people. We have a huge problem in this country."

A MOTHER'S ANGUISH

Janice Smolinski was frustrated.

It had been eighteen months since her son vanished from his Waterbury home on August 24th, 2004. The family was now convinced Billy was dead.

Janice knew that at the time of his disappearance, Billy was involved in a love triangle. Janice also knew that the day Billy vanished he had called and threatened his male rival, an elected official in Woodbridge. Detectives at the Waterbury Police Department have a recording of the last known phone call Billy Smolinski made. The message on his rival's answering machine warned the politician to "watch his back".

And then Billy, leaving his truck, wallet and keys behind, vanished off the face of the earth. The most troubling clue to those who loved him, Billy left his German shepherd, Harley, unattended.

"We knew right away something bad had happened," Janice said. 'Billy would never have left his dog like that."

In the next eighteen months the Smolinskis organized massive volunteer searches along the banks of the Naugatuck River, scoured Billy's haunts, plastered thousands of missing person flyers across Connecticut and implored the Waterbury police to beef up their investigation. Nothing worked. They called the state police, the attorney general and the FBI.

There were told it was a local matter.

Convinced that their son was a victim of foul play, the Smolinskis changed direction in January 2006 and began to narrow their search to morgues around the country. Billy had disappeared without his wallet, so if the Smolinskis' suspicions were correct, his body was either buried, or was in a morgue tagged as John Doe. The only way to identify Billy's body was through a DNA

match, or by photos and flyers that Janice planned to mail to every morgue and medical examiner in America.

"I needed to find thousands of addresses," Smolinski said. "So I turned to the internet for help."

While surfing through cyber-space she stumbled onto the name of John Fudenberg, the assistant coroner in Las Vegas, Nevada.

Janice sent Fudenberg an e-mail explaining her situation and asked if he might have access to the addresses she needed. Fudenberg responded immediately. He asked Janice to call him; he wanted to talk.

Fudenberg asked Janice if the local police had collected DNA samples during their investigation, and Janice told them they had.

Within six weeks of Billy's disappearance the Smolinskis had provided shavings from Billy's razor to the Waterbury Police Department. Janice and Billy's younger sister, Paula Bell, also provided blood and mouth swabs to Waterbury detectives.

A second batch of blood samples and mouth swabs were taken after the Smolinskis met with Waterbury Police Chief Neil O'Leary in the summer of 2005. The family was frustrated at the lack of progress in the investigation, and O'Leary assigned two new detectives to the case.

"We were excited that the police were finally taking notice," Janice said, "but no one could explain to us what happened to the first DNA samples. We didn't make a scene; things happen, so we provided the second samples."

Fudenberg asked Janice if the DNA samples had been entered into CODIS.

"I told him I wasn't sure," Janice said. "I had never heard of CODIS before. He told me that if Billy's DNA wasn't entered into CODIS that we might as well throw his DNA away, it wasn't going to do any good."

Fudenberg encouraged Janice to question the Waterbury police to see if they had entered the second DNA samples into CODIS. Repeated calls to Waterbury PD eventually got Janice referred to Cindy Lopes at the State Forensics Lab in Meriden. Lopes, a former Waterbury police officer, had taken the blood and mouth swab samples from the Smolinskis while she still worked in Waterbury.

"She was surprised I called her at her new job," Janice Smolinski said, "but we wanted answers."

The answer wasn't what Janice hoped to hear.

"She said the samples were not entered into CODIS and were frozen at Waterbury PD," Smolinski said. "I was crushed. So much time had elapsed. It seemed like they were telling us Billy wasn't worth the effort."

Appalled by the lackluster investigation, and astounded by the bumbling DNA procedures inside the Waterbury Police Department, the Smolinski family reached out to the media to stir the pot. The Observer was contacted in February 2006 in the hopes that publicity might spur Waterbury detectives to look more seriously into Billy's disappearance.

"We were disillusioned," Janice Smolinski said. "We were depending on a system that completely failed us. If this was happening to us, how many other people had put their faith in the authorities and believed evidence was being collected and processed? I felt like screaming."

During two interviews with Waterbury Deputy Police Chief Jimmy Egan, who had spearheaded the investigation into Billy Smolinski's disappearance, it became clear that he and

the two lead detectives on the case, lacked a basic grasp of DNA. Even more troubling, the three men responsible for investigating the mysterious circumstances surrounding Billy's disappearance had never heard of CODIS.

Egan, who no longer works for the Waterbury Police Department, told the Observer in March 2006 that Billy Smolinski "was probably having a beer over in Europe and would eventually come home."

Egan couldn't explain how Billy might have traveled to Europe with no passport, no identification and no money.

When Egan's comments were shared with Dr. Henry Lee, the famed forensic detective was surprised and troubled. "The man has been missing for two years," Lee said. "That's a lot of beer."

After the Observer published a six-page story in March 2006 on the bizarre circumstances surrounding the case, and the indifferent police response, the Smolinskis returned to headquarters in April to meet again with Chief Neil O'Leary.

"Chief O'Leary apologized for the way the investigation had been handled and asked us to provide a third DNA sample," Janice Smolinski said. "This time we were assured that our DNA would be entered into CODIS. Billy could be in a morgue out West and we won't be able to identify him until we got this information into the national DNA data bank."

No one ever explained to the Smolinskis what happened to the second DNA sample Waterbury police had collected nearly a year before. Officer Lopes said it had been frozen, but when we asked Deputy Chief Egan where the mouth swabs and blood samples were, he was unable to provide an answer.

Months passed and Janice was unable to get the police to confirm that the third DNA sample had been successfully entered into CODIS. Having lost confidence in the Waterbury Police Department, Janice called FBI headquarters in Virginia and asked a DNA specialist for help in getting Billy's DNA information into the national data bank. The agent encouraged Janice to try and get the Connecticut State Forensic Lab to enter Billy's DNA into the system, and if she had no success, to call the FBI back.

Janice called Dr. Michael Bourke at the Forensic Lab. "I spoke with him immediately and he asked a lot of questions and gathered information about the case," Smolinski said. "He told me he could only deal with the Waterbury PD directly and to call him back in the future."

Janice let some time elapse to allow Dr. Bourke time to contact Waterbury detectives, then she began to call the State Forensic Lab on a regular basis. She left several messages, but "the calls were never returned."

Relentless in her quest for answers, Janice continued to call the lab until she finally managed to get Dr. Bourke on the phone. "He gave me no definitive answer," Janice said. "So I told him I was going to contact the FBI. He told me to do what I had to do."

And she did.

Janice immediately dialed the number of the FBI agent in Virginia and within 24 hours she had an appointment to provide DNA samples in the bureau's New Haven office.

The FBI's DNA-collection procedure was different than any other she's been through. The feds took no blood samples, just three mouth swabs. And the FBI only collected samples from Janice.

'It was a painless procedure,' Smolinski said. "It only took a few minutes and each swab was

placed into an envelope, addressed, and sent to the FBI lab in Virginia.”

As they left, Janice was elated. “I felt like we were finally getting somewhere,” she said. “I felt confident that finally after two years of constant daily searching and phone calls for help, that the DNA was now entering into CODIS.”

In August 2006 the FBI took over the investigation into Billy’s disappearance, but that wasn’t the end of the Smolinskis’ frustration.

It took another seven months after the FBI collected the DNA before agents confirmed that Billy’s information was finally in CODIS.

“We were told that there was a six to nine month backlog in getting the data into the system,” Janice said. “There is a problem everywhere you turn for help.”

It would be one thing if the Smolinskis’ experience were an isolated incident. But the family’s frustration was just one local symptom of a larger national disease.

LOST IN AMERICA

On any given day there are 100,000 active missing person cases in the United States. That statistic was published in the January 2007 journal of the National Institute of Justice. The institute, according to its website, is the research, development and evaluation agency of the U.S. Department of Justice and its mission is to research crime control and justice issues.

In one of the journal’s articles, entitled “Missing Persons and Unidentified Remains: The Nation’s Silent Mass Disaster,” Nancy Ritter reported that “every year tens of thousands of people vanish under suspicious circumstances. Viewed over a 20 year period the number of missing persons can be estimated in the hundreds of thousands.”

Ritter also reported that 40,000 unidentified dead are being housed in morgues scattered around the country.

George Adams is the program manager at the Center for Human Identification, located at the University of North Texas Health Science Center, in Fort Worth, Texas. The lab is funded by the National Institute for Justice, and is one of three in the United States that is authorized to upload DNA information into the unidentified and missing person section of CODIS. Adams said the numbers of unidentified and missing reported are inaccurate. “I’ll tell you right now that the number of 40,000 unidentified bodies in the US is an extremely low number,” he said. “The number of missing should be much higher, too. These published numbers are very low estimates. The problem is huge.”

A majority of investigations involving unidentified and missing persons are now cold cases, Adams said, cases that could be active investigations if local police officers collected and processed DNA reference samples from family members of the missing.

“There should never be a cold case involving a missing person or unidentified remains,” Adams said. “If DNA and reference samples are collected and uploaded into CODIS the data base will search automatically until a match is made.”

That means continuous activity in the investigation.

“We need more reference samples from family members,” Adams said. “We need agencies to collect reference samples and send them to us. Thousands at a time.”

Adams is a former Fort Worth police officer and knows first hand the pressures and paperwork

that law-enforcement agents confront.

"They'll say they don't have the time to collect the samples and send them in," Adams said. "And they are absolutely right."

Instead, Adams recommends in police training seminars that the officer responding to a missing-person report leave his business card and ask the family to make an appointment to come down to headquarters and provide a DNA reference sample.

Free DNA sample kits are available to every law enforcement agency in the country, and the sample can be collected by either sworn or non-sworn officers, as long as the person works for the police department. Adams said there is no blood work involved. The officer takes three mouth swabs, seals them in protective envelopes, fills out the paperwork and sends them off to the labs.

"That's all it takes," Adams said. "The entire procedure takes five minutes. Police officers are stewards of the community and they must be held accountable. If they are not collecting the reference samples then they are not doing their job."

If a missing person is later found alive, Adams said police only have to send the lab an email saying the case has been resolved and the sample will be pulled from the system. "We want the information at the beginning of the case," Adams said. "Every officer in the United States needs to know what DNA is, how to collect it and how to process it. The key is getting this knowledge to the officer on the street. If they have the information, they will respond. We want them to collect the samples immediately and not wait for the pressures in the investigation to build up. This system, if used correctly, will save investigators tons of time and money, but they have to use it."

After an officer collects the reference sample he can choose which lab to send the material to. "The labs are not in competition with each other," Adams said. "We cooperate with one another and CODIS is the driving central force."

During an hour long interview with Adams the point he continued to hammer home was the need to get law enforcement officers to collect reference samples quickly, at the front end of an investigation.

"Our drive is to process the data as fast as we can," Adams said. "The information will help save lives and allow other families to say goodbye. That is the essence of what we do."

Given DNA's incredible potential to solve crimes, Adams hopes that every agency in the country will have a DNA resource officer who can help train fellow officers. But even if training and collection procedures improve, officers will be sending the data into a woefully inefficient system that is underfunded, backlogged, and struggling to overcome computer glitches that don't allow national data bases to communicate with one another.

The inability of the four federal data bases to communicate has created a further disconnect between information and law enforcement agencies trying to solve a crime. Experts say these vital resources of information must be centralized somehow so law enforcement agencies can share information to help resolve the unidentified and missing crisis in America.

We now possess the science and technology to identify a vast majority of the human remains laying in morgues across America.

"This is not a science problem," Janice Smolinski said, "this is a human problem."

DOE NETWORK

Eighteen-year-old Todd Matthews was sitting around a campfire in 1988 with his girlfriend's family when his future father-in-law, Wilbur Riddle, told the haunting story of the Tent Girl. Twenty years earlier Riddle had stumbled upon the decomposing body of a young woman wrapped in a burlap tent in Scott County, Kentucky. Efforts by Kentucky police and the FBI failed to identify her, and 20 years later this Jane Doe was still referred to as Tent Girl.

Matthews was spellbound by Riddle's story and asked for more details. Riddle handed Matthews an old copy of Master Detective magazine that contained a feature article about the Tent Girl case, and after reading it, Matthews was hooked.

During the next ten years Matthews was obsessed with solving the Tent Girl mystery.

"I knew somewhere a family was missing her," Matthews said. "I wanted to give her a name."

In the early 1990s Matthews logged into Internet chat rooms about the missing and stumbled upon a woman from Arkansas, Rosemary Westbrook, who was looking for her older sister, Barbara Ann, who had vanished in 1968. Westbrook sent photographs of Barbara Ann to Matthews, who forwarded them to a forensic medical examiner in Kentucky. A gap in her front teeth was similar to a gap in Tent Girl's teeth, and Tent Girl was exhumed for DNA testing.

Westbrook supplied a reference sample of DNA and in April 1998 it proved to be a match with Tent Girl's.

"Solving the mystery of Tent Girl was a wild experience," Matthews said. "At the time I started investigating I thought she was the only Jane Doe in the world. If I had known the odds against me finding her name, I never would have investigated."

The experience changed Matthews. Now he knew there were tens of thousands of John and Jane Does and he decided to do something about it. Matthews joined forces with Helene Wahlstrom and Jennifer Marra, the founders of the Doe Network, to help the all volunteer organization assist law enforcement agencies solve cold cases involving the unidentified and the missing.

"The internet brought like minded people together," Matthews said. "I can't stop global warming but this is something I can do, and I'll keep doing it as long as I can make a difference."

The Doe Network has thousands of images of the unidentified dead posted on its website. Some are photographs of the dead, some are clay reconstructions, and the majority of them are artist renditions of what someone might have looked like based on skull shape and age progressions.

The Doe Network has also posted thousands of photographs of missing people. Much of the networks effort goes into trying to research and match an individual from the doe files, to the missing.

"We discovered that there were other ways to look at the situation," Matthews said. "We thought 'how is another way to approach this problem?', and then we started using different technology, the internet."

Matthews is often referred to as an amateur sleuth, but he said what he does is "technology criminology".

"We advocate for the dead," he said. "They are somebody, and we want to try and give them their names back."

The work is time consuming. "We do a lot of the analysis manually," Matthews said. "This is not CSI or Cold Case. We can't solve cases as quickly as they do, and our work is not as glamorous."

Volunteers zero in on the oldest cold cases first, Matthews said, because these cases have had the least amount of technology applied. "People tell us the cases are unsolvable," Matthews said, "and that's not true. Each case is a puzzle and with enough effort it starts to come together."

The deeper Matthews plunges into the world of the unidentified and missing, the more troubled he becomes. "The entire DNA process is in chaos," he said. "There is a lack of training and the system is backlogged. They will eventually work out the problems with the DNA system, but we have to use NCIC (National Crime Information Center) right now, it isn't backlogged."

Matthews urges that every missing person be reported directly to the National Crime Information Center. It is an easy process, he said, and something every family should pursue. NCIC will process hard information like height, weight, scars and photographs. This information will assist investigators, and the Doe Network, in trying to match the missing to the unidentified dead.

By pestering police to enter information into NCIC quickly, Matthews said family members can avoid delay tactics by local law enforcement deeper into the investigation. "Imagine your mother has been missing for ten years," Matthews said. "Then you ask the cops to put her information on NCIC and they have to ask you how tall she was, how much did she weigh...and then you go 'What?' You didn't know that information? You've been looking for her for the past ten years, what have you been doing?"

It creates an awkward situation for local police, Matthews said. Rather than deal with the awkwardness, the police begin a game of avoidance. "The police need to enter the information into NCIC right away because there is always the possibility of an immediate match."

Matthews is awed by the pain that families endure while they search for answers. "Facing the end of the world would be easier than facing the disappearance of my two boys," Matthews said. "When you'd rather face annihilation than face a problem, you know that's a pretty big problem."

Matthews said families react to pain differently. "There is nothing in our systems to handle this pain," he said. "I don't know how people are able to walk, yet some people are out fighting to change the laws."

Matthews and the Doe Network have been profiled in the USA Today, Crime Magazine, People Magazine and this month will be featured on a BBC documentary about Tent Girl.

"People need to awaken to the reality of this terrible problem," Matthews said. "If a group of aliens landed on earth and looked at the famines, the wars, the missing people and the unidentified dead, they'd think the planet was in chaos."

FRUSTRATED IN DC

Bill Hagmaier was on the phone with the Observer when two phones started ringing in his office. "Excuse me" he said. "I need to get these calls."

Acting more like a circus juggler than the executive director of the International Association of Homicide Investigators, Hagmaier scrambled to answer the phones. "I'm sorry for the interruption," he said, when he came back to the phone, "but I had to let go of my entire staff last

week because we lost our funding. We're losing the office next week."

The association had received a three year federal grant to try and connect the dots between the unidentified and the missing. Hagmaier had brought together a powerful group of people to tackle the issue, including law enforcement, medical examiners, scientists, anthropologists, and families of the missing and dead.

After several brainstorming sessions the group decided to create a National Registry of Unidentified and Missing Persons. "We really thought that was the way to go," Hagmaier said. "There is a lot of information collected, but if we can't get the data bases to communicate with one another there is little chance of getting matches. We thought a national registry could solve the problem we have now, but we needed funding. At the moment science is ahead of procedure. We thought we'd found a way to glue the system together."

Creating an environment where everybody gets onboard, Hagmaier said, is a critical first step. "The four data banks are not being used like they should," Hagmaier said. "Coroners can't use parts of the system because they can only be accessed by police officers. We need national legislation so we can have everybody doing the same thing."

When his group pushed for federal legislation, Hagmaier said the Justice Department opted instead to create model state legislation, and let state legislatures across the country tackle the issue on their own. "We didn't think this was the way to go because it will take 30 years for all the states to pass individual legislation," Hagmaier said. "If the law went through Congress we could get this done in a few years."

Hagmaier's credentials are impressive. He graduated from Slippery Rock University in 1969 and became a member of the U.S. Army Military Police Corps. Afterwards he earned a master's degree in psychology and joined the FBI in 1978. Hagmaier worked on a joint task force with detectives in NYC and investigated bank robberies, homicides, extortion, kidnapping and terrorism.

In 1983 Hagmaier began teaching at the FBI's Behavioral Science Unit (made famous in the movie "Silence of the Lambs") and specialized in criminal personality profiling and interviewing techniques. He designed the FBI's Critical Incident Response Group, which facilitates the FBI's rapid response and management of crisis. After retiring from the FBI, Hagmaier became an international consultant and has worked on cases involving serial killers Ted Bundy, the Nightstalker and the Green River Killer.

"I have listened to confessions from serial killers," Hagmaier said.

Hagmaier has also dealt with bombings, arson, political corruption, sexual assault, organized crime, infant abductions, foreign counter-intelligence, UNABOM, and the JonBenet Ramsey case.

Currently Hagmaier is the executive director of the homicide association, which has 1600 members around the world. The group partnered with the Justice Department to study the national homicide clearance rate, which was at an all-time low, and address the problem of the unidentified and the missing. As Hagmaier and his group delved into the work they stumbled onto some startling statistics. They found only 6000 of the 40,000 cases of unidentified dead entered into the NCIC, and half of them had come from California.

"California had passed a law that mandated every medical examiner and coroner report an unidentified dead person to NCIC," Hagmaier said. "In other states that doesn't happen."

Hagmaier said many serial killers, and murderers, dump bodies in a rural areas knowing that

local authorities lack the expertise to solve the crime. A local coroner will pick up human bones and check to see if anyone is missing in the area. When no one is, the coroner will bury or burn the bones, and, Hagmaier said, "someone just got away with murder."

There are 17,000 law enforcement agencies in the United States, and according to Hagmaier, half of them have ten officers or less, and 2000 of the agencies have just one officer. "Predators drop bodies in places they know people won't know what to do," Hagmaier said. "Do you think these officers will know what CODIS is?"

Hagmaier told the story about a coroner on his board who joined to address the unidentified and missing problem. Hagmaier said during one of the first meetings there was a lot of talk about CODIS and how to get law enforcement and medical examiners to use the system more. During one of the breaks the coroner approached Hagmaier to ask about CODIS, which he had never heard of it before. Hagmaier explained the system to him and then the coroner asked about an unidentified woman who had been found dead nine years before. The coroner asked Hagmaier if there still might be evidence on the body after all these years. Hagmaier assured him it was possible.

"The coroner went back to Pennsylvania and found stains on the body," Hagmaier said. "They loaded the DNA sample into CODIS and got an immediate match to a registered sex offender."

Investigators still didn't know who the woman was, but now they knew who was with her when she died. The man was brought in for an interview, and investigators eventually learned that the woman was a mail-order-bride from Russia. Police contacted her family and after they collected DNA reference samples, and they matched, they charged the man with murder.

"Here's a prominent coroner on my board and he didn't know what CODIS was," Hagmaier said. "We really need to begin to solve this problem with training and education."

Three years of Hagmaier's work went into developing a training book for police and medical examiners. A copy now sits on his desk, unpublished, due to a lack of funding. "I'm looking for a major sponsor to help us print the book," Hagmaier said. "I can't afford to print it myself."

While obviously frustrated at having his funding cut, Hagmaier vowed to roam the halls of Congress in the weeks and months ahead to try and get his funding re-instated.

"I know we can make a difference," he said. "Coroners have bodies they don't know what to do with. It's a huge problem. We have an answer, but we can't get out of the batter's box right now."

PRESIDENTS INITIATIVE

Attorney General John Ashcroft stood before a bank of television cameras on March 11th, 2003 and announced President Bush's new initiative, "Advancing Justice Through DNA Technology."

The aggressive new program sought \$233 million in federal funding for the fiscal year 2004, and asked for a \$1 billion commitment over five years.

"Clearly DNA has the power to convict the guilty and protect the innocent in a way that will dramatically improve the efficiency of the justice system," Ashcroft said. "Under the President's initiative we will improve the use of DNA technology in the criminal justice system, especially in federal, state and local forensic laboratories by providing funds, training and assistance."

The number one goal of the initiative was to eliminate the unanalyzed DNA samples backlogged in the system. There are two types of DNA samples that enter into CODIS. Casework samples are collected from crime scenes, victims and suspects in criminal cases. When President

Bush launched his DNA initiative in 2003 the National Justice Institute estimated there were 350,000 unanalyzed DNA samples backlogged in cases of rape and homicide.

The other type of DNA sample is obtained from convicted offenders, and a majority of states require all convicted felons to provide a DNA sample. In 2003 the National Institute of Justice estimated there were 300,000 unanalyzed convicted offender DNA samples backlogged in the system, and that another 1,000,000 samples had yet to be collected.

Ashcroft told the gathering that he had met with President Bush earlier in the day. "The President has directed the Department of Justice to eliminate the backlogs completely within 5 years," Ashcroft said, " and we will do so."

Despite hundreds of millions of dollars in funding, the system is still clogged four years later.

George Adams manages one of the three U.S. labs that is authorized to upload DNA information into the missing and unidentified section of CODIS.

"We are backlogged and we will probably always be backlogged," Adams said, from his office at North Texas University. "Increased funding, and continuous funding, should help alleviate the problem."

Adams said backlogs exist at all three labs, with the biggest backup at the FBI's lab in Virginia.

Even so, Adams pleads for law enforcement agencies to collect and send DNA reference samples to his lab "thousands at a time." The key to breaking the logjam begins with every police officer in America being trained to collect and process DNA samples, Adams said. Only then will it become clear how many DNA analysts are needed to meet the demand, and advocates can pressure Congress and state legislatures to properly fund the program.

It seems a bit backward. Intuitively, it makes more sense to provide funding before the system gets overwhelmed, but the political process doesn't work that way. You only get money if you have a crisis on your hands.

One possible solution that the Texas lab is exploring is the use of robots to examine the DNA samples. "Instead of one sample at a time," Adams said, " The robots can process 40 at a time. The only limitation with using the robots is they can't testify in court."

The President's initiative also proposed that police;

- *analyze rape kits and other cold case evidence that has gone unexamined for years*
- *conduct DNA analysis of more offender samples*
- *solve more crimes through efficient and effective use of improved DNA technology*
- *identify missing persons through enhanced DNA testing methods*
- *help exonerate individuals wrongly accused or convicted of crimes*

"By providing our nation's law enforcement officials with training in the new ways DNA evidence may help solve crimes in their community," Ashcroft said, "we can work to ensure more crimes are solved."

But without mandated DNA training, cops on the street remain largely ignorant of the proper

way to collect and process DNA samples. Dr. Henry Lee said the problem may be in the way police officers conduct business.

"Police are reactive," Lee said. "They find a body and they respond. Not enough officers and not enough detectives take a personal interest in cases and give them extra time."

When Lee heard the argument that police officers are overburdened and don't have enough time to work on cold cases, he chuckled. "I work 16 hours a day, seven days a week," he said. "Many detectives have lost their work ethic. They have lost enthusiasm about their profession. With training we can bring values back. Being a detective is not a job, it is a career, a profession. They must be educated about DNA."

Training is the key, Lee said. "We have many training opportunities at UNH (University of New Haven) but we cannot force the police to come," he said. "They must have initiative."

Lee said federal funding has helped at the state forensic lab in Meriden where several additional DNA analysts were hired. "I don't know what will happen when the funding runs out," he said. "I'm not sure we can keep them."

Which leads to the 10,000 pound gorilla in the room. What happens when funding for the President's initiative runs out?

We posed that question to Susan Narveson, the chief of the Investigative and Forensic Science Division at the National Institute of Justice in Washington D.C.

"That's a very important question to ask," Narveson said. "And we're asking ourselves that right now. It's going to be up to Congress. The NIJ (National Institute of Justice) is the middle person. Congress sets the appropriations and we carry out the wishes of Congress, but we hope the funding will continue."

In Connecticut, Dr. Lee already sees the funds drying up. "All the dollars are no longer there," he said. "A lot of the money is being redirected to Homeland Security. The government asks, 'What's more important?' - Then they move the money around."

Last October, though, Lee won a \$500,000 federal grant to establish a National Cold Case Center at the University of New Haven where he has taught for the past 30 years. The new facility will provide free training to officers around the country. Lee will teach many of the classes himself at the center that will be located at the Henry C. Lee Institute of Forensic Science at UNH. He said many officers are unaware of new DNA technology and the 250 new methods for analyzing fingerprints.

Data mining, Lee said, is a new concept that will be taught at the National Cold Case Center. Data mining will teach investigators to use a variety of databases to uncover information potentially critical to an investigation. This is especially important because of the fact that the federal databases do not share information. Investigators have to separately search each database. Lee said there are individual state databanks that can be searched. He cited the example of a database in Connecticut. "Investigators find blood, but no body," Lee said. "They test the blood and get a DNA profile, but it's not entered into CODIS."

Lee said that information is loaded into non-suspect database that stays in Connecticut. "Investigators need to search here, too," he said.

The problems facing investigators and families in unidentified and missing person cases are complicated. Funding is needed at every level.

"We are training law enforcement how to investigate cold cases," Lee said. "The training is

starting to pay off. It's important that detectives take a second look at these cases. We must continue this education. Senators and congressman need to push for more cold case funding. Very important."

WATERBURY RESPONSE

Waterbury Police Chief Neil O'Leary was unaware of the massive number of missing and unidentified dead in America. "These statistics are troubling," he said. "What do they do with all these bodies? Where do they store them?"

O'Leary agreed there is a disconnect between science and procedure in law enforcement. "With all the new technology and science available we really haven't progressed very far," he said. "We need mandatory DNA training in Connecticut. That's what we need to do."

But O'Leary doesn't want to stop there. He said the most effective way to get all law enforcement officers across the country to get onboard is to pass a federal law that mandates DNA training.

"Officers need to know how to collect DNA, how to preserve it, and where to send it to," O'Leary said. "The only way this is going to happen is for the state and federal governments to make this mandatory."

While not making any excuses, O'Leary said when new training is developed it takes time to coordinate the system. "People like the Smolinskis are the ones who affect change," O'Leary said, "They live it. They force the system to come up with policy and procedure. I like what they are doing and I am very supportive of the bill they are trying to get passed in Hartford. We need a uniform system from top to bottom in this country. I have learned a lot from the Smolinski case."

CONNECTICUT LAW

One of the great reformists in American history was Frederick Douglass, a black leader who agitated for change 150 years ago. He confronted Abraham Lincoln, and famously said "If there is no struggle, there is no progress. Power concedes nothing without a demand."

And in that same spirit, a slight, middle aged homemaker from Cheshire is demanding changes in the way Connecticut investigates missing person cases.

A bill before the Connecticut State Legislature right now addresses many of the systemic flaws in the way local and state police handle unidentified and missing person cases. Smolinski is lobbying hard to have mandatory DNA training for every law enforcement agent in the state be included in the bill.

The legislation is being co-sponsored by legislators Vicki Nardello from Cheshire, Stephen Dargan from West Haven, and State Senator Anthony Guglielmo. The bill, which is still working its way through committee, lays down an exact protocol for officers to follow when responding to a report of a missing person. The bill, if passed, will eliminate the subjectivity police have used in responding to such cases, especially those involving an adult.

The uniform policy will mandate that...

- *Police accept any report of a missing person without delay*

- *No law enforcement officer may refuse to accept a missing person report because the missing person is an adult, there is no indication of foul play or the missing person has only been gone a short period of time.*
- *At the time of the report the police will gather specific details about the person: height, weight, hair color, age, blood type, photographs, etc...*
- *If a person is deemed to be a high risk missing person the police must notify the National Crime Information Center within two hours of taking the report. All other cases must be reported within 24 hours to NCIC*
- *If a person is deemed to be a high risk missing person, local or state police must notify the state police unit that investigates missing person cases. That unit must promptly notify all law enforcement agencies in Connecticut*
- *State police must enter collected information into federal data bases, including DNA samples*
- *Medical examiners must collect samples of DNA from all unidentified bodies and enter the information in CODIS, the national DNA data bank*
- *Unidentified human remains shall not be cremated*
- *Defacing or removing official missing person posters will become a crime*

When the working draft of the bill was emailed to Janice Smolinski on February 28th, she sat alone at her computer, at 5 AM, and cried. "It was everything that I had asked for," Smolinski said. "After two and a half years of learning things I wish I never had to learn, I have come to the realization that I need to make a difference."

Janice may never find her son Billy, but pushing forward with optimism, she has another bill in her life right now. While this bill won't give her a bear hug and call her "Mom", it has the power to affect the lives of the missing, and the families who love them. And that, more than anything else, gives Janice Smolinski hope.