

Just Identifying Gacy's Victims Part 1

Introduction [00:00:05] Now this is recording RTI International Center for Forensic Science Presents Just Science.

Voiceover [00:00:19] Welcome to Just Science, a podcast for justice professionals and anyone interested in learning more about forensic science, innovative technology, current research, and actionable strategies to improve the criminal justice system. In episode two of our Case Studies Part 2: mini season Just Science sat down with Jason Moran, commander of police at the Cook County Sheriff's Office, to discuss how he and his colleagues set out to identify the remaining victims of John Wayne Gacy, decades after their bodies were found. Technological limitations can sometimes make it very challenging to identify decomposed human remains. In the case of serial killer John Wayne Gacy, eight of his 33 victims remained unidentified for more than 30 years. Listen along, as Commander Moran discusses how the Forensic Services Initiative Team reopens cold cases, utilizes modern DNA analysis for human identification, and began the journey to give Gacy's victims their names back. This episode is funded by the National Institute of Justice's Forensic Technology Center of Excellence. Some content in this podcast may be considered sensitive and may evoke emotional responses or may not be appropriate for younger audiences. Here's your host, Jaclynn McKay.

Jaclynn McKay [00:01:23] Hello and welcome to Just Science. I'm your host, Jaclynn McKay, with the Forensic Technology Center of Excellence, a program of the National Institute of Justice. On today's episode, we are discussing the identification of a homicide victim from the 1970s. Here to guide us in our discussion is Commander Jason Moran. Thank you so much for being here today and it's great to talk to you.

Jason Moran [00:01:44] Hi, Jaclynn. Yeah, thanks for having me.

Jaclynn McKay [00:01:46] Well, let's give our listeners a little bit of background on who you are and what you've done so far in your professional career.

Jason Moran [00:01:53] I'm a commander with the Cook County Sheriff's Police. Chicago is in Cook County. I'm in my 24th year with the sheriff's office. Right now, I lead a couple different units. One is the Special Victim's Unit, which is primarily a sex trafficking unit, and then I also lead the Forensic Services Initiative. And the Forensic Services Initiative is a cold case unit. So we do old murders, old missing persons, human identification, complex deaths. As you may or may not know, not all deaths are created equally, so to speak, and some require additional forensic services. Those cases come to me for review.

Jaclynn McKay [00:02:35] Jason, you said that you work for the Cook County Sheriff's Office, which encompasses the city of Chicago. And when thinking about cold cases, the story of John Wayne Gacy, the serial killer, often comes to mind. Were you ever involved in his case?

Jason Moran [00:02:52] When Gacy was killing, I was only a boy. I was born and raised in Chicago. And I - obviously being a boy growing up in Chicago, this case stuck with you. You know, Gacy's victims were all boys or young men, and he operated in the Chicagoland area. Because his victims were all boys or young men and just because of the really bizarre and circumstances surrounding his murders, it's something that always sort of stayed with me growing up in the area. My involvement in Sheriff Dart, my boss, his involvement was we decided to reopen the case to identify his unidentified victims. So we

know that Gacy had at least 33 victims. He killed from 1972 to his arrest, which was December 21st, 1978. My predecessors located 33 victims, so that's in a six-year period, 33 victims. One geographical location being the Chicagoland area. Unfortunately, eight of the 33 victims were never identified. In regards to the Gacy case, you know, people ask, well, why does it sort of stick with us? Is it the amount of victims or other circumstances? And it's sort of both. I mean, for a serial killer, Gacy is at the upper end of the amount of victims that he was able to acquire, being the 33 that we know of. But beyond that, it was just the other ways he operated and some of the other circumstances is why people continue to talk about it. But one being that he wasn't the ghoul that people expected from a serial killer. Overwhelmingly John Gacy was well-liked by his community. He was a democratic ward committeeman, where he would knock on doors of his neighbors and say, hey, could you vote for my candidate? He's a good guy. He was a business owner. It was called PDM contracting. It was a painting, decorating and maintenance. So he would work in the community doing remodeling jobs and painting and concrete work and those types of things. And then, most notoriously, he dressed up like a clown and he would entertain children at block parties and birthday parties and things of that nature. And then one of the other parts was that he concealed the majority of his victims in his residence. He buried them in the crawlspace of his house. And then three of the other victims were buried in other parts of the house; under concrete in the garage, in the backyard underneath a barbecue grill, and then in a part of the house that he remodeled. So just because of those circumstances, retaining the victims in his own house and entertaining children as a clown and just not being that ghoul, it's just sort of, you know, stayed with us not only in the Chicago area, but across the country because of those bizarre circumstances. So getting back to your original question, the reason why I was involved was because those victims that were concealed in his house, which was 29, there was 29 concealed at the house, eight of them were never identified. They were either markedly decomposed or completely skeletal. And my predecessors, meaning the detectives from my department and the Cook County Medical Examiner's Office, they did everything they could at the time to identify all of the victims, but unfortunately fell short. So a few years back, the sheriff and I sort of started talking about cold cases and human identification and learned, we didn't really know this going in, that Gacy had eight unidentified victims. But once we did learn, we talked about should we reopen the case to identify the remaining eight? And that's what we did.

Jaclynn McKay [00:07:02] Would you mind walking our listeners through some of the considerations that your agency weighed in regards to whether or not this case should be reopened and whether any ethical ramifications were thought of?

Jason Moran [00:07:15] At the time we were discussing this, the Gacy case was about 35 years old. And the point of reopening any cold case, not just the Gacy case, but any one, one thing that we try to do is to apply contemporary investigative methods to an old case. So, in other words, to employ methods that were not available to our predecessors. But in the Gacy case specifically, DNA was not available to aid in identifying Gacy's unidentified victims. It was primarily done through the review of dental records, both antemortem records, dental records from before death to postmortem records. I mean, there was other ways to identify these bodies to, you know, some forensic radiology and some other items. But the main way was through dental comparison, forensic dentistry. So we wanted to use DNA in this case. So that was one thing we had to take into consideration. To start the case, to use DNA to identify these victims, we'd have to have DNA from the remains of the eight victims. So we had to learn. Where are those? Are there above ground samples? Are there below ground samples? Where are we going to obtain these DNA profiles? We talked about who would hear our message. Is there families out there that are still looking

for their missing loved ones? Obviously, these eight murder victims most likely had someone somewhere that was searching for them or wondering about them. And then we talked about the ethical part that you had asked about it, and it was really about doing more harm than good. You don't ever want to cause more harm than the good that you're trying to do. You know, if we reopen the case to identify the unidentified victims that those images of Gacy, and you know, the clown image and, you know, my predecessor, you know, bringing bodies out of the house one after another after another, that those were going to resurface. You know, at the time we reopen the case, 25 of Gacy's victims had been identified. Those victims all had family and friends that were still living. And that now, you know, after 35 years, you know, they were going to start seeing this again. And we thought to ourselves, is this going to be, you know, hurtful to them? Is it going to be harmful? Are we bringing this case back up and that we won't succeed in identifying any of the victims, and therefore, it would just be, you know, harmful to the hundreds, if not thousands of people who are still haunted by Gacy's crimes. So there was a lot to take into consideration as there is with any cold case.

Jaclynn McKay [00:10:03] It sounds like you guys really took the time to do a holistic approach as to weighing all the pros and cons and making sure that by going into this, you were doing more good than any harm. So you said that you lead the Special Victims Unit at your sheriff's office. Did the objective of trying to identify the remaining eight victims fall on your plate because of your position? Or did you kind of have a something that drove you to this mission?

Jason Moran [00:10:32] Well, it was two parts. One part, the sheriff, Sheriff Dart, at the time, just prior to reopening this case, was trying to learn about our history with cold cases. It was part of an overall cold case initiative where the sheriff was trying to learn how many open cases do we have, how many open murder cases, how many long-term missing person cases? How many human identification cases? How many open criminal sexual assault cases? And to sort of organize and sort of start looking at these cases again. But it also corresponded with a case I was working as a detective when I was a general case detective. It was an early 2000 death investigation where an individual walking in a set of our forest preserves came across human skeletal remains. And the detectives assigned to the case and the evidence technicians assigned to the case did their best to identify and locate all of the remains and any other evidence associated with the individual's death. But unfortunately, they were unable to identify this individual, and the case went cold because if you cannot identify a victim in a death investigation, homicide or otherwise, you really can't work the case in any considerable way. So the case almost immediately went cold, and my sergeant at the time had said, hey, what do you think about trying to use DNA to identify this individual, the skeleton? Because we were just starting to use DNA in criminal cases where, you know, a burglar cuts his hand on a piece of glass breaking into someone's house and you collect the blood and you send it in for DNA testing. But we had not yet used DNA for human identification. So I started looking back into that case, and I submitted a bone from the victim to the FBI lab and had them work a nuclear and mitochondrial DNA profile, or a STR profile and it and a mitochondrial DNA profile. It took a long time, but I eventually got results back and the DNA from the remains were identical to a convicted felony offender in Illinois. An individual had gone to the penitentiary. His sample was collected according to law here, and now in most states, with convicted felony offenders. And I now knew, based on that DNA testing who the victim was, and now we could really start that death investigation. And I was able to learn how the individual came to be in that woods, the circumstances surrounding his death, and was able to tell his next of kin, who was his minor children at the time, who thought because of his lifestyle, his children thought that he abandoned them again based on his lifestyle. But I was able to tell

his children that, no, your father did not abandon you, that he passed away, and that's why he has not had contact. And that was our first human ID case involving DNA. So when I brought this case to the sheriff, the closure of this death investigation in combination with his overall efforts to organize our cold cases, that's what he had asked me. How many other human ID cases do we have in the cold case file? How many unidentified sets of human remains do we have in the cold case files? And I didn't know. So I'd gone to our cold case room. I saw a file cabinet that was marked with Gacy 1978, and just out of curiosity, I opened it. But by doing that, I learned that eight of Gacy's 33 victims were never identified. And that's when I brought that information back to the sheriff. And I said, did you know that eight of Gacy's 33 victims were never identified and he wasn't aware of that either.

Jaclynn McKay [00:14:24] Did you ever end up getting an answer for how many of your cold cases were actually unidentified humans?

Jason Moran [00:14:32] Yes, it was tough because at the time, just based on the culture of the police department, some of the files were separated in different places and it wasn't all in one place. We moved everything into one place and we were able to count how many unresolved murder cases there were, how many unidentified human remain cases there were. Things of that nature. So, yes, we did eventually get count of how many.

Jaclynn McKay [00:14:55] Could you also explain what would be your definition of a cold case or what are the circumstances surrounding a case in which it goes cold?

Jason Moran [00:15:04] I've done some work on that in the past, especially with some teaching and lecturers. And, you know, people ask about that, the definition of a cold case and it's really kind of hard to nail down. There really isn't. You know, there is opinions on it. You know, most people sort of define a cold case as one where all leads have been followed up, all loose ends have been tied up, and the case just remains unresolved some way. Other people give it a like a sort of a time period, like after a year, if a case isn't resolve, it's sort of cold. Some describe a cold case as when it's not actively being worked, it's sitting in other words. There really isn't one definition. One thing that I disagree with is some people refer to cold cases only as unresolved murders. I don't think a cold case is just an unresolved murder. I think a cold case could be a long-term missing person. Unidentified human remains. Sexual assault cases could be considered cold and, you know, undetermined deaths, in my opinion, are cold cases. So that's how I define it for the most part.

Jaclynn McKay [00:16:15] It seems like you definitely take an approach that encompasses a wide variety of different situations and investigation types.

Jason Moran [00:16:24] Yeah and well, another part of that too now that I'm thinking about it you know, I often get called out to work on, you know, what is the complex death part of it. You know, maybe a scattered skeletal human remains case or maybe a buried body, say. While it's a new case, because it's new to law enforcement, it's new to the public, you're already kind of starting it cold because these individuals may have been murdered or died a long time ago. So, you know, that's also part of the the forensic services initiative; providing these types of forensic services as it pertains to, you know, archeology or anthropology or other advanced or contemporary investigative methods.

Jaclynn McKay [00:17:05] So did the Forensic Services Initiative kind of develop out of the knowledge that there are so many unidentified individuals in your cold cases?

Jason Moran [00:17:15] Yeah, sort of. Just didn't want to limit it, you know, I didn't want to call it a cold case unit, which is obviously sort of a cool term for these types of cases. I just didn't want to limit it because some people, like I said before, think about cold cases only as unresolved murders, whereas I think cold cases are much larger than that.

Jaclynn McKay [00:17:34] So after you found out that there are eight remaining unidentified victims, what was the next step in that process and where did you start, especially when you had eight victims? How did you choose which one to start with or what kind of leads did you try to start tracking down from that point?

Jason Moran [00:17:55] The Gacy case had so much to it being a large serial killer case, but one of the first things we try to do in any court case is to review the available documents and evidence. Was there tips or clues as to the identity of the unidentified victims already in the files? And I had to learn how Gacy acquired his victims because I knew eventually I was going to be listening to the circumstance of these missing kids disappearance. And I had to know if the circumstances surrounding their disappearance fit the victim profile in the Gacy case. Because if you review the Gacy case, you could see that there was a fairly clear profile as to who Gacy was acquiring and killing. You know, and this was a sexually motivated crime. Gacy was homosexual and these boys were sexually assaulted prior to their death. So, you know, Gacy was picking a particular type of victim and he acquired them in certain ways. So I knew that I was going to be listening to a lot of missing person cases once we announced to the public that we had reopened it and I needed to know these things. So one of the first things we did was try to get all of the documents and evidence and photographs into one place and to start reviewing them. One part of that was to learn where are these victims? Where are their bodies? You know, are there aboveground biological samples suitable for DNA testing or are they all buried in the grave? Or did someone, God forbid, did they cremate them? So we learned that the maxilla and mandible bone, or upper and lower jaw bone containing teeth of each unidentified victim, was removed. The maxilla was resected from the skull and the mandible obviously is loose, especially in a decomposed body, and they were kept. They were retained by the medical examiner's office for purposes of future dental identification. But so I went to the medical examiner's office to ask for these bones. But unfortunately, the medical examiner's office had buried them about a year before I needed them. I was trying to save time and resources by obtaining these aboveground samples but unfortunately, they had been buried in an unmarked potter's field. So I knew I would have to perform an exhumation. So I obtained the necessary orders, court orders to perform the exhumation, got the resources together, and we were able to get back to the unidentified victim's remains. Then it was time for DNA test. I took the remains to a lab and they began testing each bone of the eight victims for a good STR and mitochondrial DNA profile. Through that, that testing was partially successful, but unfortunately, some of the remains did not produce a suitable DNA profile for comparison. So the lab asked me if there was other remains available for four of the eight victims, and I knew from the research that their bodies were buried in separate cemeteries. So I went to the grave of four of the victims and obtained skeletal material from those bodies and conducted a second round of DNA testing. And that gave me about what I needed to compare to family members of missing persons. So it was time to announce to the public that we were going to reopen the case.

Jaclynn McKay [00:21:35] Jason, that was a great lead up to everything that you guys did for these victims and - but circling back really quick - at John Wayne Gacy's house, was there any evidence of co-mingling between the remains that you found or were they all pretty much kept to themselves as far as where they were found?

Jason Moran [00:21:57] So Gacy's crawl space was - it was sort of a mix of a single graves and multiple death graves, I guess you could call them, or multiple victims graves. And in those multiple death graves or where there was more than one victim buried within the graves space, there was some co-mingling, only because when you're excavating a clandestine grave with multiple victims within the Graves space, it's sort of difficult sometimes to keep evidence or remains separate. But the way that was resolved was we had some really great anthropologists at the time, one being an old friend of mine, Dr. Clyde Snow, who was thoroughly examining these remains for the issue of commingling; making sure there was not remains that were duplicating themselves with a body, as an example, to left femurs and also for morphology or, you know, the size and the shape of the bones, you know, that they were sort of matching up with a single victim and not a femur bone that's an inch longer than another femur bone. Obviously, that's not coming from the same individual under most circumstances. So while some graves were separate and the body and the evidence within was intact, with some of the graves that had more than one victim in it, they carefully excavated and then had the anthropologists come behind them and make sure that there was no mixing or co-mingling or inconsistencies with the bodies.

Jaclynn McKay [00:23:40] And then were the jaw bones that were removed, were they labeled efficiently enough to be able to, once you dug those up, you were able to trace those back to exactly the individual they were from?

Jason Moran [00:23:53] Yes. Thankfully, the odontology team, or the forensic dentistry team, that was led by another friend of mine, Dr. Edward Pavlik, did a real nice job in keeping the remains separate. The upper and lower jaw bones contain teeth. They were put in separate containers, but beyond that, the bone was also labeled with a permanent mark for each victim. So each victim had two numbers. They had the victim number, which was assigned by my police department. So as they were locating remains in the crawlspace or in Gacy's house, they would give the victim a number; one, two, three, four all the way to 33, because immediately upon discovering these remains in the crawl space or in the house, they didn't know who they were. And then when the body remains went to the medical examiner's office, they were given a medical examiner's case number. So each victim had two numbers and those numbers were written directly on the bone. So if not for those markings, I wouldn't have known who was who and what was what and that's not how investigations are worked.

Jaclynn McKay [00:25:00] So I'm sure that really helped moving forward as far as the DNA analysis is concerned.

Jason Moran [00:25:06] Yes, there was - this case was very important to my predecessors, obviously. Not many people have been involved in a serial killer case of this magnitude, so. And a lot of people had, you know, another part of reopening the Gacy case, besides going through all the evidence and documents, was we interviewed every individual that was involved in the original investigation. And these unidentified victims were really, you could tell by talking with them it was something that was unfinished business.

Jaclynn McKay [00:25:37] I think that's a testament to the type of people that end up getting into this type of work is, at the end of the day, we're out there just trying to help people and give people their names back. This, of course, is, like you said, a case that will definitely stick with you for a long time. After you announced to the public that you were

reopening the case and you submitted samples from all of the eight remaining victims for DNA analysis, can you walk through essentially what happened next?

Jason Moran [00:26:10] Yeah, so the sheriff had a press conference. Basically announced to the country and to the world, really, because we were getting leads from Canada and England and everything else, but announced to the world that we had reopened the case to identify the eight unidentified victims, and that if you had a family member who went missing during this time period to come forward and that we would collect their DNA sample through the form of buccal swab, and we would directly compare the DNA from the families or a family reference sample to the unidentified victim's DNA profile and learn what we learned. I'll tell you, it was overwhelming because, you know, there could only be eight family members looking for these eight missing kids in the form of unidentified murder victim. But right away, we started receiving phone calls and emails, dozens and dozens and dozens of phone calls and emails from people all over the country looking for their missing loved one. Some were even duplicates. Sometimes a family member and a friend of a missing person would call about the same missing individual. So it was very overwhelming. Right away I could tell that this was going to take a considerable amount of time.

Jaclynn McKay [00:27:26] Did you have a team to essentially help you with this at all, or was - did all that fall on your shoulders, essentially?

Jason Moran [00:27:35] Well, I had a small team at the beginning. One, just to basically help me intake these cases. Because now I was becoming a repository for missing boys from the seventies. Very quickly, I recognize that this was much bigger, but you know, what missing individual most closely fits the victim profile in the Gacy case? It was yeah, it was very overwhelming. It was right off the bat had a lot of work. But unfortunately, as you'll see with cold case units throughout the country, they're not always well-staffed and well-funded. And we could talk about, you know, forming a cold case unit and unit expectations and things of that nature, but, you know, the rapes, robberies and murders of today take precedence over the murder or disappearance of someone 30 years ago. Now, I don't necessarily agree with that, but the rapes, robberies and murders of today sort of - they demand immediate attention because we don't want them to go cold. You know, we try to nip it in the bud from the beginning. So all the resources go towards those cases, which they should, we need to.

Jaclynn McKay [00:28:43] And I'm sure in a place that encompasses Chicago, I'm sure that's a very hard dilemma to try to balance with the amount of crime Chicago has.

Jason Moran [00:28:53] Yeah, absolutely. I mean, that's the big - that's the management, you know, managing these issues. Now personally, and I think for the sheriff and I, you know, a person that was murdered 20 years ago or an individual that goes missing 25 years ago is no less important than a person that was murdered or goes missing today. So and that's the philosophical part of forming a cold case unit. Do you believe that? You know, actually at the press conference when we reopened the Gacy case, the sheriff was asked that by a reporter and it sort of kind of gave you that, you know, a little bit of a sick feeling. But the reporter asked why these victims? Don't you have enough to do in Chicago, Cook County, Illinois? Don't you have enough murders and missing persons that are occurring today and you're going to put resources towards these eight murder victims from 35 years ago? Now, some people may say that sounds reasonable. The sheriff, Sheriff Dart, answered it perfectly. You know, he says, well, why don't you tell me as law enforcement when we stop caring? When is the cut off? When law enforcement and

community stop caring about a murder victim or a missing person? Is it five years? Is it 15 years? Tell me what the cut off is for pursuing justice. And the reporter just sort of sat there with a silly look on his face, like, okay, you got me. I can't answer it. And the reason why he couldn't answer it was because there is no answer. The answer is we never stop. You know, a murder victim from four years ago is no less important than a murder victim from today. The pursuit of justice does not have an expiration. Restoring dignity does not have an expiration.

Jaclynn McKay [00:30:39] With all of the influx of all the information and collection of familial reference samples, did that inadvertently help solve other cases that were unaffiliated with the John Wayne Gacy victims?

Jason Moran [00:30:52] My goal was to identify the unidentified. That was the assignment I was given. But as I'm listening to the circumstances surrounding all of these kids disappearance from the seventies, a lot of them fit the victim profile in the Gacy case. Now, again, there could only be eight, but there was dozens of missing boys and young men where the circumstances surrounding their disappearance fit the victim profile in the Gacy case. So I had to pursue them. I couldn't exclude them as a potential Gacy victim. So I would talk with the family members and friends of the missing, or I would try to gather reports from other law enforcement agencies and do background on these missing persons, looking for proof of life or proof of death. And then I would collect family reference samples, send them to the lab, and have them directly compare to the unidentified victims. And I began to receive DNA reports back and other documents and evidence. The first thing I would learn from the lab is that this - the missing person related to these families were not a victim of John Gacy. So I was able to exclude that. Based on the DNA from the families, there was no genetic association with any of the unidentified Gacy victims. So the first thing I'd be able to report to the families was, your loved one is not a Gacy victim. But then I started receiving information based on the DNA and other investigation that they were an unidentified deceased person from another place and that they were either killed by other men or died of other causes. Also, I was able to locate five of the missing persons alive. So these families would come to me and report their missing loved ones. They fit the victim profile in the Gacy case. But through investigation, I was able to learn that they were alive and out there still after 35 or 38 years or 40 years. And all five of those individuals, I gave them the option during the investigation to reunite with family members after all this time. And, you know, they all agreed. I found some individuals with proof of death that they died with a death certificate in their name, but they were unclaimed. Their family - their next of kin was not aware of their passing. It really has been remarkable in that sense. I think I've been able to close 13 cold cases that were unrelated to the Gacy case in any way. And that was really a nice unintended consequence, you know. And that's what I've always said about this, you know when people talk, you know, because everything is about the killer, the killer, the killer, I don't like talking about the killer. In fact, in my own correspondence, I don't even refer to him as Gacy. I do here for the purposes of your audience. But in my own correspondence, I refer to him as J. W. G., because I don't want to bring attention to the killer. For me, this is about missing and unidentified persons. Now, if inadvertently, I bring attention to the missing and unidentified person problem in this country through this serial killer, I'll take it. But for me, it's not about the killer. That killer is long gone.

Jaclynn McKay [00:33:49] Commander Moran, thank you so much for your insight today. I'm really excited to continue this conversation on next week's episode. It was great having you.

Jason Moran [00:33:58] I appreciate you having me. It was great.

Jaclynn McKay [00:34:00] If you enjoyed today's episode, be sure to like and follow Just Science on your platform of choice. For more information on today's topic and resources in the forensics field, visit ForensicCOE.org. I'm Jaclynn McKay and this has been another episode of Just Science.

Voiceover [00:34:19] Next week Just Science sits down again with Commander Moran to discuss the results of his investigation. Opinions or points of views expressed in this podcast represent a consensus of the authors and do not necessarily represent the official position or policies of its funding.