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# CRIME CLASSIFICATION MANUAL

SECOND EDITION

A STANDARD SYSTEM  
FOR INVESTIGATING AND CLASSIFYING  
VIOLENT CRIMES

JOHN E. DOUGLAS,  
ANN W. BURGESS, ALLEN G. BURGESS,  
*and* ROBERT K. RESSLER

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*To the victims of violent crimes and the  
men and women who work tirelessly seeking  
justice for them. This book is dedicated to them  
with respect, with humility, and with compassion.*



# Preface to the Second Edition

This is the second edition of the *Crime Classification Manual* (CCM-II). The development of this manual over the years has received notice from FBI investigative profilers, law enforcement officers, corrections and parole staff, mental health staff, and students in forensic studies and criminal justice studies.

The purpose of this manual is fourfold:

1. To standardize terminology within the criminal justice field
2. To facilitate communication within the criminal justice field and between criminal justice and mental health
3. To educate the criminal justice system and the public at large to the types of crimes being committed
4. To develop a database for investigative research

This book is about classifying crime. Professions develop and advance their science as they are able to organize and classify their work. The nature of science began when organisms began to generalize, to see similarities between themselves and members of their own species or to see differences and other similarities between other species and themselves. Thus, the nature of science requires that one first observe and then attempt to categorize, compare, and classify observations. Classification is a process in data collection and analysis in which data are grouped according to previously determined characteristics.

The past three decades have witnessed the major advancement in investigative science. A series of FBI studies conducted in the 1980s on sexual murderers, rapists, child molesters and abductors, and arsonists described and identified critical characteristics of these crimes. These characteristics were initially used for profiling techniques. An additional use of the research findings has now been compiled into a crime classification manual. The advances in technology and forensic science have also strengthened the investigative skills for solving crime.

In the development of this manual, a decision was made to base the classification on the primary intent of the criminal: (1) criminal enterprise, (2) personal cause, (3) sexual intent, and (4) group cause.

## TASK FORCE

Task force groups chaired by supervisory special agents at the FBI's National Center for the Analysis of Violent Crime worked on refining the crime categories for the first edition. The preliminary draft of the manual was presented to an advisory committee, which provided additional comments and suggestions for refinement of the manual.

This second edition of the CCM contains three new classifications contributed by experts in their field. Michael Welner contributed the classification of Religion-Extremist Murder and Neonaticide, Mark Safarik contributed the Elder Female Sexual Homicide classification, and Allen G. Burgess classified Computer Crimes. In addition to these classifications, we have added chapters on nonlethal crimes and cybercrimes.

## DEFINITIONS

For the purposes of this book, the crime definitions are as follows:

- *Murder* is the willful (nonnegligent) killing of one human being by another. The classification of this offense, as for all other Crime Index offenses, is based solely on police investigation as opposed to the determination of a court, medical examiner, coroner, jury, or other judicial body. Not included in this classification are deaths caused by negligence, suicide, or accident; justifiable homicides; and attempts to murder or assaults to murder, which are scored as aggravated assaults.

- *Sexual assault* includes forcible rape, as defined by the FBI's *Crime in the United States: Uniform Crime Reports (UCR)*: the carnal knowledge of a female forcibly and against her will. In addition, assaults and attempts to commit rape by force or threat of force are included, as well as crimes of noncontact, commonly called *nuisance offenses*. Crimes against children such as fondling and molestation are included.

- *Arson*, as defined by UCR, is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another. Bombing has been added to the classification.

- *Computer crimes* include crimes whereby the computer is the target or the mechanism for committing the crime or the computer user is the target. It also includes crimes committed over the Internet or whereby the Internet plays a role in the commission of the crime.

- *Nonlethal crimes* include crimes such as burglary, robbery, and assault in which death does not occur. These crimes may be precursors to crimes of rape and murder.

## ORGANIZATION OF THE MANUAL

This second edition of the *Crime Classification Manual* is divided into four major parts.

Part One focuses on crime analysis and practice and presents a review of the study of crime and the key concepts in the decision process for classifying a crime; modus operandi and the signature aspects of violent crime; the detection of staging, undoing, and personation at the crime scene; prescriptive interviewing; and classifying crimes by severity and the FBI Academy's Violent Criminal Apprehension Program to assist law enforcement in unsolved crimes.

Part Two contains the classification categories of Homicide, Arson/Bombing, Rape and Sexual Assault, Nonlethal Crimes, and Computer Crimes. It also includes new chapters on cybercrimes and Internet child sex offenders.

The chapters in Part Three address the topics of mass, spree, and serial homicide; homicidal poisoning; and the use of biological agents as weapons.

Part Four contains chapters on wrongful convictions and criminal confessions.

Our results have implications not only for law enforcement personnel who are responsible for the investigation of a crime, but for professionals in other disciplines who address the crime problem: criminal justice professionals directly involved with the legal aspects of crime; correction institution administrators and staff personnel, who not only have custody of criminals but also are responsible for decisions regarding these individuals' return to society; mental health professionals, both those involved with offender treatment and those assisting victims and families affected by these crimes; social service personnel working with juveniles, as they detect early signs and characteristics of violent individuals and seek to divert these individuals from criminal activity; criminologists who study the problem of

violent crime; and public policymakers who address the problem through their decisions. It is our hope that this book will advance the knowledge base of these professionals as they seek increased understanding of the nature of crime and of the individuals who commit such crime.

## **ACKNOWLEDGMENTS**

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# Introduction

Violent crime is of increasing concern in our society. Murder, arson, and sexual assault represent serious interpersonal violent behaviors, and law enforcement officials feel public pressure to apprehend the perpetrators as quickly as possible.

## THE SCOPE OF THE PROBLEM

### Murder

The total number of murders in the United States during 2003 was estimated at 16,503, or 1.2 percent of the violent crimes reported. More persons were murdered in July, 9.3 percent, of that year than during any other month, while the fewest were killed during February, 6.9 percent.

Geographically, the South, the most populous region, accounted for 43.6 percent of the murders. The West reported 22.9 percent; the Midwest, 19.5 percent; and the Northeast, 14 percent.

The murder volume increased 1.7 percent nationwide in 2003 over 2002. The nation's cities overall experienced an increase of 2.7 percent, with upward trends recorded in all but two city population groupings. Of the cities, those with populations of 250,000 or more registered the highest increase: 13.2 percent. Suburban counties recorded a rate of 4 murders per 100,000 inhabitants, and rural counties registered 3.4 murders.

With the exception of the Midwest, each of the U.S. regions experienced more murders during 2003 than during 2002. The number of murders was up

3 percent in the South, 4.6 percent in the Northeast, and 1.4 percent in the West.

In terms of weapon choice, firearms accounted for the largest proportion of weapons used during murder, at a reported rate of 70.9 percent of homicides. In 13.4 percent of murders, a cutting instrument was used; 7 percent involved personal weapons; 4.8 percent involved a blunt object; and other weapons, including arson and poison, accounted for 4 percent.

The largest group of murder victims, 77.6 percent, were males, and 90.6 percent were persons eighteen years of age or older. Of victims, 45.7 percent were between ages twenty and thirty-four. Of victims for whom race was known, 48.7 percent were white, 48.5 percent were black, and 2.8 percent were persons of other races.

In murder cases where there was a known offender, it is reported that 90.1 percent of murderers were males and 92.0 percent were over the age of eighteen. In terms of race 51.3 percent were black, 41.9 percent were white, and 2.8 percent were of other races,

In 77.6 percent of these cases, the offender had a previous relationship with the victim. Among these cases, 70.9 percent were acquainted with the victim, and 29.1 percent were related to them. Husbands and boyfriends accounted for 32.3 percent of murders against female victims.

The clearance rates for murder continued to be higher than for any other crime index offense. Law enforcement agencies nationwide, as well as in the cities, were successful in clearing 62.4 percent of the murders occurring in their jurisdictions during 2003. Of all murder arrestees in 2003, 48.9 percent were under twenty-five years of age. The eighteen-to-twenty-four-year age group accounted for 27.2 percent of the total. Of those arrested, 89.7 percent were males and 10.3 percent were females. Blacks constituted 48.5 percent of the total arrestees for murder in 2003. Whites made up 49.1 percent, and the remainder were of other races.

## **Arson**

A total of 64,043 arson offenses were reported in 2003 by 12,776 law enforcement agencies across the country. The number of arson offenses reported nationally declined 6.3 percent in 2003 as compared to the 2002 total. Counts for the nation's cities and metropolitan counties dropped 9.1 percent and 6.1 percent, respectively, and rural counties registered an 11.8 percent drop, the largest decline.

The 2003 clearance rate was 16.7 percent. The estimated number of arrests for arson during 2003 totaled 16,163. Of the estimated actual arson arrests for 2003, 50.8 percent were under eighteen years of age, and 30.2 percent were under age fifteen. Males were 84.4 percent of all arson

arrestees. Of those arrested, 77.5 percent were white, 20.9 percent were black, and the remainder were of other races.

## Rape

During 2003 there were an estimated 93,433 forcible rapes of women in the United States. Rape offenses made up 6.8 percent of the total violent crimes. Geographically, the southern states, the region with the largest population, accounted for 37.6 percent of the forcible rapes reported to law enforcement. Following were the Midwest, with 25 percent; the West, with 24 percent; and the Northeast, with 18.7 percent. Compared to the previous year, the 2003 forcible rape volume increased 1.9 percent nationwide.

Nationwide and in the cities, 44 percent of the forcible rapes reported to law enforcement were cleared by arrest in 2003. Of the forcible rape arrestees in 2003, 45.9 percent were persons under the age of twenty-five, with 30.9 percent of the total being in the eighteen-to-twenty-four-year age group. Of those arrested, 64.1 percent were white, 33.3 percent were black, and the remainder was other races.

## HISTORICAL PERSPECTIVE

Understanding behavior and methodology has been a challenge to the civilized world. The term *dangerous classes* has been used throughout history to describe individuals who are deemed a threat to law and order. Initially the term described the environment in which one lived or was found to be living in versus the type of crime being committed. An example of this occurred in England at the end of the Hundred Years' War with France. The demobilization of thousands of soldiers, coupled with the changing economic trade market, saw the homeless population increase nationwide with the displacement of farmers (Rennie, 1977). During the reign of England's Henry VIII, seventy-two thousand major and minor thieves were hanged. Under his daughter, Elizabeth I, vagabonds were strung up in rows, as many as three and four hundred at a time (Rennie, 1977).

Categorizing these individuals began to change in 1838 when the winning entry at the French Académie des Sciences Morales et Politiques, the highly competitive academic society, was titled, "The Dangerous Classes of the Population in the Great Cities, and the Means of Making Them Better" (Rennie, 1977). The term *dangerous class* was then used to describe individuals who were criminals or had such potential. Initially these were the poor, homeless, and unemployed in the large cities.

Classification of offenders began with the work of statistics. This early work permitted a comparison of the incidence of crime with factors, such as

race, age, sex, education, and geography (Rennie, 1977). Cesare Lombroso, the famed Italian physician, is generally credited with launching the scientific era in criminology. In 1872 he differentiated five types of criminals—the born criminal, the insane criminal, the criminal by passion, the habitual criminal, and the occasional criminal (Lindesmith & Dunham 1941)—based on Darwin’s theory of evolution. The operational definitions for the five groups that were developed allowed subsequent investigators to test Lombroso’s formulations empirically. A majority of his hypotheses and theories proved to be invalid, but the fact that they were testable was an advancement for the science (Megargee & Bohn, 1979).

Englishman Charles Goring refuted the Lombrosian theory of the degenerate “criminal man” in 1913, concluding, “The one vital mental constitutional factor in the etiology of crime is defective intelligence” (p. 369). This concept persisted for several decades. Henry Goodard, who did his early work on feeble-mindedness in 1914, reported that 50 percent of all offenders were defective (Goodard, 1914). V. V. Anderson reported 28 to 50 percent defective in 1919.

As psychometric techniques improved, the finding of mental deficiency changed. Murchison in 1928 concluded that those in “the criminal group are superior in intelligence to the white draft group of WWI” (Bromberg, 1965). As studies progressed, it became obvious that a disordered personality organization (including psychoses, neuroses, and personality problems) was a more significant factor in crime than feeble-mindedness.

With increasing rapidity, from the late 1930s to the World War II years to the present, interest has shifted away from insanity and mental defectiveness to personality disturbances in analyzing the genesis of crime. In the decades before the report of Bernard Glueck from Sing Sing Prison in New York State (1918), the focus in crime study was on subnormal mentality.

In 1932 the Psychiatric Clinic of the Court of General Sessions in New York began to classify each offender according to a personality evaluation, thus combining the insights of psychoanalysis, descriptive psychiatry, and behavioral phenomenology. Each convicted offender presented was analyzed in relation to four categories: (1) presence or absence of psychosis, (2) intellectual level, (3) presence of psychopathic or neurotic features and/or personality diagnosis, and (4) physical condition.

Typologies of crime traditionally have been developed addressing the criminal offense. The psychiatric perspective to understanding crime has used two approaches: scrutiny of the inner (mental and moral) world of the criminal offender and examination of the external (social) world in which he lives (Bromberg, 1965).

A project at the Bellevue Psychiatric Hospital in New York City, spanning 1932 to 1965 (Bromberg, 1965), found that the personality patterns of crim-

inals far outshadowed the significance of psychotic or defective diagnoses in terms of analyzing criminal behavior and in assisting the court and probation department in estimating the potential or deficits of the individual offender. Fifteen personality diagnoses were established by this project.

The investigation of the psychological motivations and social stresses that underlie crime has proved that the behavior patterns involved in criminal acts are not far removed from those of normal behavior. Studies indicate that criminal behavior, as is true of all other behavior, is responsive to inner and outer stresses. The external realities of mental life—social pressures, cultural emphases, physical needs, subcultural patterns of life—precipitate criminal action. The inner realities of behavior—neurotic reactions, impulses, unconscious motivations, preconscious striving, eruption of infantile aggressions—represent a precondition to criminal acts. Criminal behavior is suggested to derive from three behavioral areas: (1) the aggressive tendency, both destructive and acquisitive; (2) passive, or subverted, aggression; and (3) psychological needs (Bromberg, 1965).

Several research-based classification typologies for offenders have been developed. Julian Roebuck in 1967 provided rules to classify offenders based on the frequency and recency of their offenses during their criminal career. According to this system, an offender can be classified into a single offense pattern. The function of his typology was in terms of explanatory theory rather than in terms of diagnostic systems used in treatment. Investigation into the offender's arrest history, regardless of length, was the primary tool used in developing a classification system. The total of known arrests, included with behavior, allowed for the observance of a pattern, if one existed. One basic assumption used was that the arrest pattern would indicate a pattern of behavior or criminal career. The most frequent charge or charges in the history was the basis for classification (Roebuck, 1967). An obvious weakness is that not all criminals have accurate arrest histories.

Classification of criminal offenders has been and is an important component in correctional facilities throughout the United States. In 1973 the National Advisory Commission called for criminal classification programs to be initiated throughout the criminal justice system (Megargee & Bohn, 1979). This has not been an easy task. The correctional system is a complex, expanding, expensive operation that has accountability to society, individual communities, correctional staff, and the inmates themselves. The current trend within the correctional system has been growth of the inmate population with a modest growth in facilities. As the population within the system is faced with economic and now medical issues (such as AIDS), classification is a cost-effective and efficient management and treatment tool. It provides common language for the various professional groups to communicate among themselves.

Megargee and Bohn (1979) found during their research project that a comprehensive classification system must take into account many different components of the criminal population. They stressed that an important element in any such system is the personality and behavioral pattern of the individual offender.

In the 1980s, a research team at the Massachusetts Treatment Center in Bridgewater, Massachusetts, began a research program to classify sexual offenders (Knight, Rosenberg, & Schneider, 1985). Their application of a programmatic approach to typology construction and validation has produced taxonomic systems for both child molesters and rapists. The classification for child molesters has demonstrated reasonable reliability and consistent ties to distinctive developmental antecedents. In addition, preliminary results of a twenty-five-year recidivism study of child molesters indicate that aspects of the model have important prognostic implications (Knight & Prentky, 1990).

### **Crime Characteristics and Crime Classification Today**

The National Crime Survey (NCS) program is based on findings from a continuous survey of a representative sample of housing units across the United States. Approximately forty-six thousand housing units, inhabited by about ninety-three thousand individuals age twelve or older, take part in the survey. The participation rate for 1987 was 96 percent of all eligible housing units (*Criminal Victimization in the United States*, 1988).

The NCS focuses on certain criminal offenses, completed or attempted, that are of major concern to the general public and law enforcement authorities. These are the personal crimes of rape, robbery, assault, and larceny and the household crimes of burglary, larceny, and motor vehicle theft. Definitions of the measured crimes generally are compatible with conventional use and with the definitions used by the FBI in its annual publication, *Crime in the United States: Uniform Crime Reports*. The NCS reports on characteristics of personal crime victims, victim-offender relationships, offender characteristics in personal crimes of violence, and crime characteristics.

The work of investigative analysts at the FBI Academy with the large number of cases seen weekly has led to an expansion of these traditional crime categories. The *Crime Classification Manual (CCM)* makes explicit crime categories that have been used informally.

### **CRIME CLASSIFICATION: THE DECISION PROCESS**

To classify a crime using the CCM, an investigator needs to ask questions about the victim, the crime scene, and the nature of the victim-offender exchange. The answers to these questions will guide the investigator toward

making a decision on how best to classify the offense. However, the optimum use of this manual depends on the quality of information the investigator has concerning the crime.

### **Defining Characteristics**

The defining characteristics of each offense need to be as comprehensive and complete as possible. Victimology is an essential step in arriving at a possible motive. An investigator who fails to obtain complete victim histories may be overlooking information that could quickly direct the investigation to a motive and suspects.

As one looks through the classification sections in this book, it becomes apparent a blend of motivations inspires many violent crimes. This is especially true when multiple offenders are involved. There may be as many different reasons for the crime as there are offenders.

The approach taken in the CCM for multiple motives is to classify the offense according to the predominant motive. Consider a case in which a husband kills his wife for insurance money. He then attempts to cover the murder with a fire. In addition, he was having an affair, and his wife would not give him a divorce. This homicide has criminal enterprise (financial gain) and personal cause (domestic) motives. It also can be classified as crime concealment under the arson section. The financial considerations should be the primary criteria for classifying this crime. The other applicable categories would be subclassifications. So once classified, this homicide would appear as follows. For example, the number 107 refers to the category “insurance-related death”; the subcategory of 107.01 refers to “individual profit motive.” The number 122 refers to “domestic murder” and the 122.02 refers to “staged domestic homicide.” The number 231 refers to the category “crime concealment, murder.”

- 107.01 Individual profit motive
- 122.02 Staged domestic homicide
- 231.00 Crime concealment, murder

The investigator will now be able to consult the investigative considerations and search warrant suggestions for each of these categories for possible guidance. Prosecutors will also benefit from having all aspects of the crime detailed. Later, other investigators working cases with one or more elements of this offense can use this case or any others with the applicable heading for reference.

The main rule when several of the categories apply (for example, murder and sexual assault, or sexual assault and arson) is to lead with the crime of



highest lethality. Homicide takes precedence. Next comes arson/bombing and then sexual assault, if applicable.

The following sections describe each of the key elements in categorizing a crime: victimology, crime scene indicators frequently noted, staging, common forensic findings, and investigative considerations.

## **Victimology**

Victimology is the complete history of the victim. (If the crime is arson, then victimology includes targeted property.) It is often one of the most beneficial investigative tools in classifying and solving a violent crime. It is also a crucial part of crime analysis. Through it, the investigator tries to evaluate why this particular person was targeted for a violent crime. Often, just answering this question will lead the investigator to the motive, which will lead to the offender.

Was the victim known to the offender? What were the victim's chances of becoming a target for violent crime? What risk did the offender take in perpetrating this crime? These are some of the important questions investigators should keep in mind as they analyze the crime.

One of the most important aspects of classifying an offense and determining the motive is a thorough understanding of all offender activity with the victim (or targeted property). With sexual assault, this exchange between the victim and offender includes verbal interchange as well as physical and sexual activity.

The tone of the exchange between an offender and a victim of sexual assault is extremely helpful in directing the investigator to an appropriate classification. Excessively vulgar or abusive language, scripting, or apologetic language is common to a certain type of rapist.

A comprehensive victimology should include as much as possible of the information on the victim listed in Exhibit I.1, the sample worksheet that appears near the end of this Introduction.

## **Crime Scene Indicators**

Of the many elements that constitute the crime scene, not all will be present or recognizable with every offense. The following sections describe the major points investigators should consider when looking at the crime scene, especially as it pertains to crime classification. The modus operandi as it relates to the crime scene and forensics is covered in Chapter One.

***How Many Crime Scenes?*** How many crime scenes are involved with the offense? There may be one site, as in group excitement homicide. In con-

trast, the product tamperer may taint the product at one location and then put it on shelves in several stores. The victim may consume the product in one location but die in another location. In this case, there are at least four crime scenes.

The use of several locales during the commission of an offense frequently gives the investigator significant insight into the nature of the offender. One example is the disorganized sexual killer who may confront, assault, kill, and leave the body all in the same location. In contrast, the organized killer may abduct, assault, kill, and dispose of the victim using separate locations for each event.

***Environment, Place, and Time.*** The environment of a crime scene refers to the conditions or circumstances in which the offense occurs. Is it indoors or outside? Was it during daylight hours or in the middle of the night? Did it happen on a busy street or a deserted country road? Answering these questions not only assists in defining the classification of an offense but also provides an assessment of the offender risk. Gauging these risk factors usually offers insight into an offender's motivations and behavioral patterns.

With some offenses, location may have more obvious bearing on the motive and classification than others. An example is street gang murder, in which the homicide is commonly a so-called drive-by in an area of known gang conflict. In other offenses, like arson for excitement, the investigator may not know that the typical location of this crime scene is residential property as opposed to vandalism arson, which usually involves educational facilities. Adding this information to other characteristics of the arson will often lead the investigator to the classification and, most important, possible motives.

How long did the offender stay at the scene? Generally the amount of time the offender spends at the scene is proportional to the degree of comfort he feels committing the offense at that particular location. Evidence of a lingering offender will often assist the investigation by directing it toward a subject who lives or works near the crime scene, knows the neighborhood, and consequently feels at ease there.

***How Many Offenders?*** The answer to this question will help the investigator determine whether to place the offense into the criminal enterprise category or the group cause category. The motive in criminal enterprise murders is for profit. The motive in group cause is based on ideology. The offenses included in both groupings involve multiple offenders.

***Organized or Disorganized, Physical Evidence, and Weapon.*** The general condition of the crime scene is important in classifying a crime. Is it like

a group excitement killing: spontaneous and disarrayed with a great deal of physical evidence at the scene? Or does the crime scene reflect a methodical, well-organized subject who did not leave a single print or piece of physical evidence behind? The latter may be seen with an organized crime hit, as in the criminal competition category.

The amount of organization or disorganization at the crime scene will tell much about the offender's level of criminal sophistication. It will also demonstrate how well the offender was able to control the victim and how much premeditation was involved with the crime. It should be emphasized that the crime scene will rarely be completely organized or disorganized. It is more likely to be somewhere on a continuum between the two extremes of the orderly, neat crime scene and the disarrayed, sloppy one.

Another aspect of crime scene examination concerns the weapon. Questions the investigator needs to answer about the weapon include the following: Was it a weapon of choice, brought to the crime scene by the offender? Or was it a weapon of opportunity acquired at the scene? (With arson, did the fire start from materials at hand, or did the offender bring accelerants to the scene?) Is the weapon absent from the crime scene, or has it been left behind? Was there evidence of multiple weapons and ammunition? Multiple weaponry does not always signify multiple offenders. Authority killing and nonspecific motive killing are examples of offenses that often involve the use of multiple firearms and ammunition by a lone offender.

***Body Disposition.*** Was the body openly displayed or otherwise placed in a deliberate manner to ensure discovery? Or was the body concealed or buried to prevent discovery? Did the offender seem to have no concern as to whether the body would be discovered? These are some questions whose answers will aid the classification of a homicide. Certain homicides (disorganized sexual homicide, for example) may involve the intentional arranging of the body in an unnatural or unusual position. In some homicides, like cult murder or drug murder, the body may be left in a degrading position or in a location to convey a message.

***Items Left or Missing.*** The addition or absence of items at the crime scene often assists the investigator in classifying the offense. The presence of unusual artifacts, drawings, graffiti, or other items may be seen with offenses such as extremist murder or street gang murder. Offender communication (such as a ransom demand or extortion note) frequently is associated with the crime scene of a kidnap murder or product tampering.

Items taken from the scene as a crime scene indicator is found in felony murder, breaking and entering, arson for crime concealment, and felony sexual assault. A victim's personal belongings may be taken from the scene of

a sexual homicide. These so-called souvenirs (photos, a driver's license, or costume jewelry, for example, all belonging to victim) often may not be monetarily valuable.

***Other Crime Scene Indicators.*** There are other crime scene indicators common to certain offenses that help investigators classify crimes and motives. Examples are wounded victims, no escape plan, and the probability of witnesses. The nature of the confrontation between the victim and offender is also important in determining the motive and classification. How did the offender control the victim? Are restraints present at the scene, or did the offender immediately blitz and incapacitate the victim?

### **Staging**

Staging is the purposeful alteration of a crime scene. For example, clothing on a victim may be arranged to make it appear to be a sexual assault. The detection and characteristics of staging are covered in Chapter Two.

### **Forensic Findings**

Forensic findings are the analysis of physical evidence pertaining to a crime, evidence that is used toward legal proof that a crime occurred. This evidence is often called a *silent witness*, offering objective facts specific to the commission of a crime. The primary sources of physical evidence are the victim, the suspect, and the crime scene. Secondary sources include the home or work environment of a suspect; however, search warrants are necessary for the collection of such evidence (Moreau, 1987).

Medical reports provide important evidence. These reports include toxicological results, X-ray films, and autopsy findings. In homicide cases, the forensic pathologist identifies and documents the postmortem findings present and interprets the findings within the context of the circumstances of death (Luke, 1988).

***Cause of Death.*** The mechanism of death is often a determining factor when attempting to classify a homicide. The victim of a street gang murder almost always dies from gunshot wounds. Explosive trauma is a frequent forensic finding with many criminal competition and extremist murders. Strangulation is common to the more personal crimes such as domestic murder and sexual homicide.

***Trauma.*** The type, extent, and focus of injury sustained by the victim are additional critical factors the investigator uses when classifying a crime.

Overkill, facial battery, torture, bite marks, and mutilation are examples of forensic findings that will often lead the investigator to a specific homicide category and, thus, a possible motive for the offense.

***Sexual Assault.*** Evidence of assault to the victim's sexual organs or body cavities has great bearing on motive and classification. The type and sequence of the assault is important as well as the timing of the assault (before, during, or after death).

The investigator should remember that the apparent absence of penetration with the penis does not mean the victim was not sexually assaulted. Sexual assault also includes insertion of foreign objects, regressive necrophilia, and many activities that target the breasts, buttocks, and genitals.

### **Investigative Considerations and Search Warrant Suggestions**

Once the investigator has classified the offense (and thus the motive), the investigative considerations and search warrant suggestions can be used to give direction and assistance to the investigation. It should be emphasized that the considerations examined here are general suggestions and not absolutes that apply in every case.

There are ten basic steps to a crime scene search:

1. Approach the scene.
2. Secure and protect the scene.
3. Conduct a preliminary survey.
4. Narratively describe the scene.
5. Photograph the scene.
6. Sketch the scene.
7. Evaluate latent fingerprint evidence and other forms of evidence.
8. Conduct a detailed search for evidence, and collect, preserve, document the evidence.
9. Make the final survey.
10. Release the scene.

The forensic analysis of physical evidence of hair and fibers, blood, semen, and saliva can provide the basis for critical testimony in court (Moreau, 1987).

### **CLASSIFICATION BY TYPE, STYLE, AND NUMBER OF VICTIMS**

Crimes may be classified by type, style, and number of victims. Using the homicide classification as an example, a single homicide is one victim and

one homicidal event. A double homicide is two victims, one event, and in one location. A triple homicide has three victims in one location during one event. Anything beyond three victims is classified as a mass murder—that is, a homicide involving four or more victims in one location and within one event.

Two additional types of multiple murders are spree murder and serial murder. A spree murder involves killing at two or more locations with no emotional cooling-off period between murders. The killings are all the result of a single event, which can be of short or long duration. Serial murders are involved in three or more separate events with an emotional cooling-off period between homicides. At a 2005 FBI conference on serial murder, discussion focused on whether to classify a serial crime with two or more separate events.

Exhibit I.1 is a worksheet that outlines the defining characteristics of each of the categories. Under each characteristic are some of the aspects that will assist investigators in classifying the offense.

## **CRIME CLASSIFICATION NUMBERING SYSTEM**

The numbering system for classifying crimes uses three digits, with the first digit representing the major crime category. All possible codes are not currently assigned in anticipation of future editions. There are five major crime categories in this edition: homicide, arson/bombing, rape and sexual assault, nonlethal crimes, and computer crime, with the last two new to this edition. The homicide category is identified by the number 1 (codes 100 to 199), arson/bombing by the number 2 (codes 200 to 299), rape and sexual assault by the number 3 (codes 300 to 399), nonlethal crimes by the number 4 (400–499), and computer crimes by the number 5 (codes 500–599). As other major crimes categories are classified, they will be assigned appropriate identification codes.

The second digit of the code represents further grouping of the major crimes. Homicides are divided into four groups: criminal enterprise (100 to 109), personal cause (120 to 129), sexual (130 to 139), and group cause (140 to 149). There are unassigned numbers that allow for future editions within specific categories and additional groups within a major category. The third digit of the code represents specific classifications within these groups.

Individual classifications within these groups are further divided into subgroups using two additional digits following a decimal point after the code. The division into subgroups occurs when there are unique characteristics within a factor that clearly identify a major difference with the group. For example, domestic homicide (code 122) has two subgroups: spontaneous domestic homicide (122.01) and staged domestic homicide (122.02).

**Exhibit I.1. Crime Classification Worksheet**

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- I. Victimology: Why did this person become the victim of a violent crime?
  - A. About the victim
    - Lifestyle
    - Employment
    - Personality
    - Friends (type, number)
    - Income (amount, source)
    - Family
    - Alcohol/drug use or abuse
    - Normal dress
    - Handicaps
    - Transportation used
    - Reputation, habits, fears
    - Marital status
    - Dating habits
    - Leisure activities
    - Criminal history
    - Assertiveness
    - Likes and dislikes
    - Significant events prior to the crime
    - Activities prior to the crime
  - B. Sexual Assault: Verbal Interaction
    - Excessively vulgar or abusive
    - Scripting
    - Apologetic
  - C. Arson and bombing: targeted property
    - Residential
    - Commercial
    - Educational
    - Mobile, vehicle
    - Forest, fields
- II. Crime Scene
  - How many?
  - Environment, time, place
  - How many offenders?
  - Organized, disorganized
  - Physical evidence
  - Weapon

- 
- Body disposition
  - Items left/missing
  - Other (for example, witnesses, escape plan, wounded victims)
  - III. Staging
    - Natural death
    - Accidental
    - Suicide
    - Criminal activity (i.e., robbery, rape/homicide)
  - IV. Forensic Findings
    - A. Forensic analysis
      - Hair/fibers
      - Blood
      - Semen
      - Saliva
      - Other
    - B. Autopsy results
      - Cause of death
      - Trauma (type, extent, location on body)
      - Overkill
      - Torture
      - Facial battery (depersonalization)
      - Bite marks
      - Mutilation
      - Sexual assault (when, sequence, to where, insertion, insertional necrophilia)
      - Toxiological results
  - V. Investigative considerations
    - A. Search warrants
      - Home
      - Work
      - Car
      - Other
    - B. Locating and interviewing witnesses



Additional codes are added after the subgroup to identify crimes by the type of victim (child, adolescent, adult ages twenty to fifty-nine, and elder adults ages sixty and over) if there are unique characteristics associated with the age of victims.

PART ONE

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# **Crime Analysis and Investigation**



## CHAPTER

# 1

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# Modus Operandi and the Signature Aspects of Violent Crime

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In September 1989, a Shreveport, Louisiana, man named Nathaniel Code Jr. stood trial for murder. The jury determined Code had murdered eight people between 1984 and 1987. These eight homicides took place during three different events: one murder in 1984, four in 1985, and three in 1987. There were several disparities in modus operandi (actions taken by an offender during the perpetration of a crime in order to perpetrate that crime) and victimology (characteristics of the victims) among the three crime scenes.

Could one man be linked to the murders at all three scenes? With differences in modus operandi (MO) and victimology, what could link Code with each of these eight homicides? MO and victimology are important factors in an investigation, but they are often somewhat generalized and offer less about the subtle details about personality and, ultimately, identity that are often necessary to track down an offender. However, personation, that is, the offender's *signature*, or his "calling card," is an individualized set of indicators that can point specifically to an offender's personality. (See Chapter Two for more information on personation.) In the case of multiple crimes committed by the same (or serial) offender, there is often repeated personation. This was true in the case of Nathaniel Code. He left his signature—gags, duct tape, and bodies with gunshot wounds and slashed throats—at each of the three crime scenes. This linked Code with all eight murders.

No one in contemporary law enforcement would dispute that our society has far too many Nathaniel Codes. The increase of violent crime has compelled law enforcement to develop new measures to address it. One important step is the recognition of the serial offender who often crosses jurisdictional boundaries. Any effective effort among local, state, and federal agencies depends on early recognition of a serial offender as such; different jurisdictions looking for the same offender need to recognize that they are after the same person and cooperate with one another. But the common crossing of multiple jurisdictional lines by offenders makes this a great challenge. Comprehensive analysis of victimology, crime scene, and forensics, as well as the careful interview and examination of any living victims to gather information about the offender's verbal and nonverbal behavior, can help an agency discover a serial offender within its own jurisdiction or among several others.

The MO has great significance when investigators attempt to link cases. An appropriate step of crime analysis and correlation is to connect cases due to similarities in MO. However, an investigator who rejects an offense as the work of a serial offender solely on the basis of disparities in MO (as in the Code cases) has made a mistake. What causes an offender to use a certain MO? What influences shape it? Is it static or dynamic? The answers to these questions help investigators avoid the error of attributing too much significance to MO when linking crimes.

## **THE MODUS OPERANDI**

Actions taken by an offender during the perpetration of a crime in order to perpetrate that crime form the MO. MO is a learned set of behaviors that the offender develops and sticks with it because it works, but it is dynamic and malleable. In any criminal career, no matter what the circumstances, the MO will evolve with the criminal. Every criminal makes mistakes, but most learn from them and try to get better with time, as the following example shows.

Late one night, a novice prowler prepared to enter a house through a basement window to burglarize it. The window was closed and locked, so the prowler shattered the window to gain access to the house. He had to rush his search for valuables because he feared the breaking window had awakened the residents of the home. For his next late-night residential burglary, he brought tools to force the lock and keep the noise to a minimum. This allowed him more time to commit the crime and obtain a more profitable haul. However, he was still nervous about the prospect of waking the residents of his target home, so he began targeting unoccupied homes and switched to midmorning break-ins. This also allowed him better light by which to see the valuables he was after, an added advantage.

This offender's original MO was to break and enter through the window of a residence at night, then stealing valuables and escaping. Through experience, his MO evolved to forcing the lock on windows in unoccupied homes during the day. He refined his breaking and entering techniques to lower his risk of apprehension and increase his profit. This is very common among offenders who repeatedly commit property crimes. He saw challenges to his enterprise, figured out how to overcome them, and incorporated the techniques into his MO. He might have found another way to avoid the noise of a broken window; for example, he might have watched for the location of a hidden door key and used that to gain entrance or begun targeting unguarded and unoccupied offices at night instead of residences.

The offender learns from challenges that trip him up as well. Had that original broken window resulted in his arrest and incarceration, he would have tried not to repeat that mistake if he chose to return to burglary after his release.

In violent crimes, victims' responses can significantly influence the evolution of an offender's MO. If a rapist has problems controlling a victim, he will modify his MO to accommodate and overcome resistance. He may bring duct tape or other ligatures, he may use a weapon, or he may blitz-attack the victim and immediately incapacitate her. If such measures are ineffective, he may resort to greater violence, including killing the victim.

## **THE SIGNATURE ASPECT**

The violent serial offender often exhibits another element of criminal behavior during an offense: his signature, or calling card. This criminal conduct goes beyond the actions necessary to perpetrate the crime—the MO—and points to the unique personality of the offender.

Unlike MO, a serial offender's signature will never change at its core. Certain details may be refined over time (for example, the lust murderer who performs greater postmortem mutilation as he progresses from crime to crime), but the basis of the signature will remain the same (performing postmortem mutilations, in this example).

What makes up this signature? Surviving victims or witnesses sometimes attest to the behavioral elements of the signature. For example, a rapist may demonstrate part of his signature by engaging in acts of domination, manipulation, or control during the verbal, physical, or sexual phase of the assault. Exceptionally vulgar or abusive language or scripting is a verbal signature. When the offender scripts a victim, he demands a particular verbal response from her (for example, "Tell me how much you enjoy sex with me" or "Tell me how good I am"). A rapist might also stick to his own sort of script by engaging in phases or types of sexual activities in a set order with different victims.

The crime scene can include aspects of an offender's signature in, for instance, evidence of excessive force. A large amount of blood ranging around the home in which a violent crime occurred might demonstrate that the victim was moved or dragged around the area as the offender used more force than necessary to subdue (in the case of rape) or kill (in the case of murder).

The signature is not necessarily evident in each of a serial offender's crimes. Contingencies can arise, such as interruptions or unexpected victim responses, that cause the offender to abandon these unnecessary steps. In such instances, the offender will be much less satisfied or gratified by his offense.

Why is this? Violent crimes often originate with offender fantasies. This is particularly true for serial offenders. As they brood and daydream, they develop a more and more compelling need to express their violent fantasies. When they finally act out, some aspects of the crime will demonstrate their unique personal expression based on these fantasies. This is personation. As an offender acts out again (and again), this personation will be repeated and is his signature. The elements that comprise signature are the most specific manifestations of his fantasies; they are therefore the most meaningful to him.

Another reason for the absence of signature elements in some crimes committed by serial offenders is that the investigator does not always have a surviving victim or even a crime scene to work with. Violent offenses often involve high-risk victims, which may mean no one reports them missing, so there is no search for them or their bodies. Many offenders dump bodies outside, away from the scene of the crime and in an isolated spot. This may result in a great deal of decomposition, which obscures signs of signature on the victim's body and clothing. And if the body has been dumped, the actual crime scene is somewhere else, along with most of the indicators of signature.

Nevertheless, although detecting a signature or calling card is a challenge, it can be the biggest piece of the puzzle in identifying a serial offender. It is an unfortunate truth that the more victims there are, the more indicators of signature there are. Investigators want to stop violent serial offenders, but it often takes evidence gathered from multiple victims, crime scenes, dump sites, witnesses, and so on to identify signature elements that will link the crimes to a serial offender.

## **MODUS OPERANDI OR SIGNATURE?**

A rapist entered a residence and captured a woman and her husband. The offender ordered the husband to lie on his stomach on the floor. He then placed a cup and saucer on the husband's back. "If I hear that cup move or

hit the floor, your wife dies,” he told the husband. He forced the wife into the next room and raped her. In another situation, a rapist entered a house and ordered the woman to phone her husband and use some ploy to get him home. Once the husband arrived, the offender tied him to a chair and forced him to witness the rape of his wife.

The rapist who used the cup and saucer had developed an effective MO to control the husband: he had dealt with the obstacle that stood between him and his goal. The second rapist went beyond this. The full satisfaction of his fantasies required not only raping the wife, but also finding, summoning home, humiliating, and dominating the husband. The first rapist dealt with the husband because he was there; he kept him from witnessing or interfering with the rape. The second rapist needed the husband to be there and, furthermore, needed him to witness the rape. His personal needs compelled him to perform this signature aspect of crime.

In Michigan, a bank robber made the tellers undress during a robbery. In Texas, another bank robber also forced the bank employees to undress; in addition, he made them pose in sexually provocative positions as he took photographs. Do both crimes demonstrate a signature aspect?

The Michigan robber used a very effective means to increase the odds of his escape. He probably guessed or knew that the tellers would get dressed before calling the police. When interviewed, these employees offered vague, meager descriptions because their embarrassment had prevented eye contact with the perpetrator. This subject had developed a clever MO. The Texas robber, however, went beyond the required actions to perpetrate his crime. The act of robbing the bank did not gratify his psychosexual needs. He felt compelled to enact the ritual of posing the tellers and taking pictures, leaving his signature on the crime.

## **LINKING CASES**

When investigators attempt to link cases, MO plays an important role. However, MO should not be the only criterion used to connect crimes, especially with repeat offenders who alter the MO through experience and learning. The first offenses may differ considerably from later ones; nevertheless, the signature aspect remains the same, whether it is the first offense or one committed ten years later. The ritual may evolve, but the theme persists.

The signature aspect also should usually receive greater consideration than victimology (this should not be discounted, however) when investigators attempt to link cases to one another or to a specific serial offender. For instance, physical similarities among victims may not be significant indicators when crimes are motivated by anger; in such cases, the signature will tell investigators much more about the offender than victimology will.



## CASES LINKED BY OFFENDER SIGNATURE

### **Ronnie Shelton: Serial Rapist**

During the 1980s, Cleveland, Ohio, was terrorized by a man who became known as the West Side Rapist. When he was finally caught, Ronnie Shelton was found guilty of forty-nine rapes, twenty-nine aggravated burglaries, eighteen felonious assaults, sixty counts of gross sexual imposition, twelve kidnappings, nineteen counts of intimidation, three counts of cutting telephone lines, two thefts, and twenty-seven aggravated robberies. He was convicted on 220 counts of the indictment. The judge gave him 3,198 years, the longest sentence in Ohio history.

Shelton's MO included entering the victim's dwelling through a window or patio facing a wooded area or bushes offering concealment. He wore a ski mask, stocking, or scarf. He was initially violent, threatening the victim, throwing the victim to the floor, or holding a knife to her throat. But he would then calm her down by convincing her he was not there to rape but to rob her, saying, "I just want money," or something similar. When he had the victim under control, he would return to the violent mode. Shelton would use such phrases as, "Keep your eyes down," "Cover your eyes," or "Don't look at me and I won't kill you [or hurt your kids]." Before he left, he would verbally intimidate the victim with warnings such as, "Don't call the police or I'll come back and kill you."

It was in his verbal approach and the nature of his sexual assaults that Shelton's signature was evident. He was verbally degrading and exceptionally vulgar. He also would say such things as, "I have seen you with your boyfriend," "I've seen you around," or "You know who I am." He would rape the victim vaginally, withdraw, and ejaculate on the victim's stomach or breasts. He would then frequently masturbate over the victim or between her breasts. He often used the victim's clothing to wipe off his ejaculate. Shelton forced many of his victims to perform oral sex on him and then insisted they swallow the ejaculate. He would also force them to masturbate him manually. A combination of these acts was Shelton's signature.

One puzzling element of the assaults was that the rapist's earlier victims described a bump on the rapist's penis, while later victims did not. Shelton's signature linked him with all the assaults, despite the difference in descriptions. Had his signature not been recognized, he might not have been punished for many of his crimes.

As it turned out, there was a simple explanation for the difference in physical descriptions: Shelton had undergone a procedure to remove genital warts, so the "bump" had been removed before the later victims were assaulted.

## **Serial Arson**

Just as the serial killer or rapist develops an MO, so does the serial arsonist. An arsonist's MO may involve targeting structures of a certain type that offer easy access and escape. The use of certain accelerants and incendiary devices is a component of the MO, as is the selection of a specific site to set the fire, for example, inside, outside, in a toolshed, or near a furnace.

The signature aspects of an arsonist may include evidence of bizarre behavior at the crime scene. He may take certain items from the crime scene, like women's undergarments or cheap costume jewelry—items that are not valuable monetarily but are meaningful to him. He may leave something at the crime scene. One fire setter would draw pictures on the walls before setting fires. He may defecate or urinate at the scene. In addition, specific incendiary mixtures and accelerants, such as the unusual combination of kerosene and gasoline, may be indicative of a signature.

An investigator should apply the same principles used in detecting the signature aspect of a sexual assault or homicide to arson. The crime scene must be analyzed for any offender activity that appears unusual or unnecessary for the successful perpetration of the arson.

## **Ted Kaczynski, the Unabomber: Serial Bomber**

In May 1998 Theodore J. "Ted" Kaczynski was found guilty and sentenced to life in prison for a series of sixteen bombings that claimed three lives and injured twenty-three other people, two of them seriously. Kaczynski either mailed or hand-placed all of the bombs between May 1978 and April 1995. He initially targeted individuals associated with universities and the airline industry—thus, the FBI code "Unabom" and, later, "Unabomber."

The Unabomber case is an excellent example of an MO that evolves with repeated offenses and increased skill. Most of the earliest bombs were pipe bombs constructed with such untraceable common materials as match heads and batteries. The third bomb, which was planted in a package in the cargo hold of American Airlines flight 444, featured a detonator controlled by an altimeter. Despite the fact that the bomb only caught fire and failed to explode, this detonation system indicated a new level of complexity in the Unabomber's MO. The sixth bomb, sent to Vanderbilt University, contained smokeless powder. The eighth bomb, left in a computer lab at the University of California-Berkeley, was the most powerful yet. It contained ammonium nitrate and aluminum powder. On December 11, 1985, the Unabomber planted a bomb outside a computer store in Sacramento, California. This bomb, the eleventh, had a gravity trigger and a backup system, and it was

filled with nails to make the blast more harmful. It exploded as soon as it was touched and caused his first fatal bombing.

Kaczynski had a distinctive signature. From the beginning of the bombings, he showed a fascination with wood. One of his victims, president of United Airlines at the time, was named Percy A. Wood. Wood received the bomb hidden inside a book published by Arbor House. Another intended victim was named LeRoy Wood Bearnson. Perhaps most intriguing, in June 1995, Kaczynski sent a letter to the *San Francisco Chronicle* bearing the return address of Frederick Benjamin Isaac (which, interestingly, would be abbreviated FBI) Wood of 549 Wood Street in Woodlake, California. His final target was the headquarters of the California Forestry Association.

His obsessions carried over into the ritualistic details found in the handiwork of his bombs. He built many of the electrical and switching mechanisms in them from scratch, even though these components are available at most hardware stores for relatively little cost. He constructed elaborate wooden housings for many of the bombs. By the time Kaczynski was apprehended on April 3, 1996, it was estimated that more than one hundred hours of work would have gone into the construction of one of his bombs. It was evidently a point of pride for him; in a letter to the *Washington Post*, Kaczynski boasted about the precision and care with which he assembled his bombs. Some of his correspondence, which he signed as a member of the "Freedom Club," points to another (literally) signature element of his crimes: the letters "F.C." were found on the remnants of several of the bombs.

When investigators and prosecutors face a situation as convoluted and confusing as the Unabomber case, the recognition of the offender's signature is of paramount importance. Broad geographical range and initially baffling victim selection can make it very difficult to establish motive. In such an information vacuum, the various facets of the signature become increasingly important in linking an offender to his crimes.

## **SERIAL KILLERS AND SIGNATURE CRIME**

### **Steven Pennel**

Steven Pennel was a sexual sadist who murdered at least three victims. His MO involved using duct tape and ligatures to control his victims while he tortured them. He used hammer blows to kill them (Douglas, 1989).

Pennel's signature could be seen in the nature of the wounds inflicted on his victims. He targeted the buttocks and breasts, beating and pinching them with tools, including a hammer and pliers. The victims were kept alive during these assaults because Pennel derived sexual gratification from their response to torture. Autopsy results confirmed that none of the victims had been sexually assaulted.

The victims also had ligature marks around their necks, although the blunt-force trauma to the head was the cause of death. Pennel enjoyed tightening the ligature to the point of near strangulation. Because he required his victims to be alive and conscious during torture, he did not kill them this way. Strangulation was part of his signature, not the MO. It was a method to cause extreme suffering in order to fulfill his sadistic fantasy.

Body disposal was similar for the victims. Pennel left their bodies in full view, dumped with cold indifference by roadsides. The absence of remorse demonstrated by Pennel's body disposal methods can be considered another aspect of his calling card.

The violence escalated as Pennel's ritual matured and his fantasies seasoned. The last victim suffered the greatest amount of antemortem trauma and postmortem mutilation. Again Pennel targeted the breasts. But in this victim's case, there was postmortem mutilation to the breasts rather than antemortem mutilation, as had been evident with his other victims. This caused some to debate whether this victim bore Pennel's signature and whether she had in fact been killed by him.

There were two reasons that this case could be linked to Pennel. His signature was still evident with this victim. First, he had inflicted a great deal of injury to the victim's buttocks while she was alive. Therefore, the signature aspect of torturing a live victim was present, but it was evolving. With each victim, the torture became more brutal. As stated above, interference with the ritual due to contingencies arising will alter an offender's ritual. This victim probably died before Pennel completed his ritual mutilations, so the signature appeared to be somewhat different but actually was the same. Second, victimology strengthened the connection between these victims and Pennel. The victims were all high risk: they were prostitutes or had a history of drug abuse, or both. They disappeared from the same area, a state highway, and police recovered the bodies within a few miles of each other.

### **Nathaniel Code**

Nathaniel Code, the offender referred to earlier in this chapter, killed eight times on three separate occasions. The first homicide, a twenty-five-year-old black female, occurred August 8, 1984. Code stabbed her nine times in the chest and slashed her throat. Approximately one year later, on July 19, 1985, Code struck again, this time claiming four victims: a fifteen-year-old girl, her mother, and two male friends. Code nearly severed the girl's head from her body. Her mother died from asphyxiation and was draped over the side of the bathtub. Code shot one of the males in the head, leaving him in a middle bedroom. The other male was found in the front bedroom, shot twice in the chest and with his throat slashed. The last killing took place on

August 5, 1987. The victims were Code's grandfather and his two young nephews, ages eight and twelve. The boys died of ligature strangulation. Code stabbed his grandfather five times in the chest and seven times in the back.

All three cases involved single-family dwellings. The air conditioners or TVs, or both, were on, drowning out the noise of the intruder as he entered through a door or window. Code quickly gained and maintained control of the multiple victims by separating them into different rooms.

But there were changes in Code's MO exhibited from case to case, which offer another excellent example of the refinement of an MO. With the first murder, a gag had been fashioned from material at the scene. The next time, Code had come prepared, bringing duct tape with him. It is evident that he engaged in some type of surveillance activity to obtain information about the victims, especially with the second homicides. He brought a gun to dispose quickly of the greatest threats, the males. The last victims, an elderly man and two children, posed little threat to someone of Code's large physical stature, so he did not use the gun.

Code had a very distinctive calling card. The overkill injuries suffered by the victims demonstrated one aspect of his signature. Code employed a very bloody method of attack and overkill. He could have simply murdered each of these victims with a single gunshot wound, a clean kill involving very little mess. Instead, he slaughtered his victims, slashing their throats with a sawing motion, causing deep neck wounds. Although brutal, the attack did not satisfy Code's ritual; all the victims who sustained neck wounds, with the exception of the fifteen-year-old girl, also suffered additional injury. One male victim sustained gunshot wounds to the chest and another multiple stab wounds to the chest. Code wounded nearly all of the victims far beyond what was necessary to cause death.

This physical violence and bloody overkill satisfied Code's need for domination, control, and manipulation. He positioned all of his victims face down, more evidence of this theme of domination. Forensics revealed the daughter's blood on the mother's dress, indicating that Code forced the mother to witness her daughter's death.

The last signature aspect of Code's crimes probably best illustrated this unique calling card: the ligature. Code used an unusual configuration and material. In all three cases, the victims were bound with electrical appliance or telephone cords acquired at the scene. Code could have brought rope or used his duct tape, but the use of these cords satisfied some personal need. He used a handcuff-style configuration, with a loop around each wrist. He also bound the ankles handcuff style and connected them to the wrists by a lead going through the legs.

The dissimilarities of these cases involve the MO, not the signature aspect. The use of a gun with threatening males revealed an adaptive offender.

At the time of the grandfather's homicide, additional financial stressors affected Code, as evidenced by the theft of money from the grandfather's residence. Three years of living reshaped this offender's behavior at each of the crime scenes. The MO reflected this change, but the signature did not.

## CONCLUSION

Understanding and recognizing the signature aspects of crime has obvious importance. It is often vital to the recognition, apprehension, and prosecution of the serial offender.

In 1984 David Vasquez pleaded guilty to the murder of a thirty-two-year-old Arlington, Virginia, woman. The woman had been sexually assaulted and died of ligature strangulation. The killer left her lying face down with her hands tied behind her back. He had used unique knots and excessive binding with the ligatures, and a lead came from the wrists to the neck over the left shoulder. The body was openly displayed so that discovery would offer significant shock value.

The offender had spent an excessive amount of time at the crime scene. He had made extensive preparations to bind the victim, allowing him to control her easily. His needs dictated that he move her around the house, exerting total domination of her. It appeared he had even taken her into the bathroom and had made her brush her teeth. None of this behavior was necessary to perpetrate the crime; the offender had felt compelled to act out this ritual.

Vasquez had a very low IQ. His lawyers felt this would make it difficult to prove his innocence, so they convinced him he would probably receive the death sentence if he went to trial. Afraid for his life, Vasquez opted for life imprisonment and pleaded guilty.

In 1987, police discovered the body of a forty-four-year-old woman, nude and face down on her bed, with a rope binding her wrists behind her back. The ligature strand tightly encircled the neck, with a slip knot at the back, continued over her left shoulder down her back, and then wrapped three times around each wrist. Forensics revealed she had died of ligature strangulation and had been sexually assaulted. The offender left the body exposed and openly displayed. He appeared to have spent a considerable amount of time at the scene. This homicide occurred four blocks from the 1984 murder.

Vasquez had been imprisoned for several years when the 1987 murder occurred. The National Center for the Analysis of Violent Crime conducted an exhaustive analysis of these homicides, a series of sexual assaults, and several other killings that had happened between 1984 and 1987. Eventually it linked these offenses, through analogous signature aspects, to an Arlington, Virginia, subject. Physical evidence later corroborated this connection.

Vasquez was exonerated and released.

This example illustrates the importance of recognizing the signature aspects of a violent crime. These signature aspects can serve justice and society not only by curtailing a serial criminal's violent career, but also by preventing the arrest or punishment of the wrong person.

## The Detection of Staging, Undoing, and Personation at the Crime Scene

JOHN E. DOUGLAS

LAUREN K. DOUGLAS

Chuck and Carol Stuart were on their way home from a prenatal birthing class when, according to Chuck, a five foot five inch black man weighing 150 to 165 pounds abducted the couple, forcing them to drive to Mission Hill, a racially mixed Boston neighborhood where drug abuse and crime are common. After robbing the couple, said Stuart, the perpetrator shot Carol in the head and then shot Chuck in the stomach. Carol died that night in the hospital; their infant, who was delivered by cesarean section, died seventeen days later. The story was covered heavily by the media, with commentators pronouncing how fortunate Chuck was to be alive.

As part of the investigation, police began to stop black men randomly on the streets in the hope of eventually finding the killer. A few days after the shooting, police arrested William Bennett for a video store robbery. Bennett soon became the prime suspect in Carol Stuart's murder. Chuck even identified Bennett as the perpetrator in a police line-up.

As investigators began to explore Chuck's background, however, rumors flew that he was having money troubles, had a girlfriend, and had taken out a life insurance policy on his wife. Investigators became suspicious of Chuck's recount of the abduction and murder. Chuck had told the police that the perpetrator had shot him and his wife from the back seat of his car. Investigators were curious how the offender was able to shoot Chuck in the stomach from such an odd angle. The question was also raised as to why Chuck chose to call 911 first before attempting to help his dying pregnant wife.



Chuck's brother would later identify Chuck as the actual killer. Chuck had shot his pregnant wife and then himself, staging the crime scene to look as though a third party was responsible. Chuck Stuart ended up committing suicide, and William Bennett was a free man.

Behavior reflects personality. Everything observed at a crime scene tells a story and reflects something about the unknown subject (UNSUB) who committed the crime. The crime scene and forensic evidence contain messages that will lead to the answers the investigators need to solve the crime. By studying crimes and talking to perpetrators who have committed violent crimes, investigators can learn to apply and solve the equation of Why + How = Who. During this process, investigators attempt to interpret clues left by the UNSUB at the scene, similar to a doctor who evaluates symptoms to diagnose a particular disease or condition. As a doctor begins forming a diagnosis and treatment plan based on his or her experience, an investigator correspondingly conducts crime analysis when he or she sees patterns emerge. Based on the analysis, leads and tactics can be developed to help investigators identify the UNSUB.

A major part of the process of crime scene analysis depends on the analyst's insight into the dynamics of human behavior. Speech patterns, writing styles, verbal and nonverbal gestures, and other traits and patterns compose human behavior. This combination causes every individual to act, react, function, or perform in a unique and specific way. This individualistic behavior usually remains consistent, whether it concerns keeping house, selecting a wardrobe, or raping and murdering.

The commission of a violent crime involves all the same dynamics of normal human behavior. The same forces that influence normal everyday conduct also influence the offender's actions during an offense. The crime scene usually reflects these behavior patterns or gestures. Learning to recognize the crime scene manifestations of this behavior enables an investigator to discover much about the offender. Due to the personalized nature of this behavior, the investigator also has a means to distinguish among different offenders committing the same offense.

There are three manifestations of offender behavior at a crime scene: *modus operandi* (MO), personation (the signature), and staging. This chapter discusses personation and staging and illustrates them by case example.

## **THE ASSESSMENT**

One aspect of interpreting the behavior patterns of an offense depends on attention to details. These details often escape notice during the initial phase of protecting and preserving the crime scene. A violent crime may not only emotionally detach the investigator from the offense, but it may also desen-

sitize that investigator to minute clues offered by the crime scene. Another pitfall that obscures these important details is the inability of the investigator to achieve a comfortable distance from the crime. Identification with the victim, perhaps relating the victim to a family member, prevents detachment from the crime, and judgment may become clouded by emotion. By taking quality crime scene photographs, investigators will be in a better position to detach themselves from a highly emotional situation.

The assessment phase of crime analysis attempts to answer several questions. What was the sequence of events? Was the victim sexually assaulted before or after death? Was mutilation before or after death? Observations like this can offer important insights into an offender's personality. How did the encounter between the offender and victim occur? Did the offender blitz-attack the victim, or did he use verbal means (the con) to capture her? Did the offender use ligatures to control the victim? Finally, any items added to or taken from the crime scene require careful analysis.

As the investigator makes these assessments of the crime scene, puzzling elements may arise that may obscure the underlying motive of the crime. The crime scene also may contain peculiarities that serve no apparent purpose in the perpetration of the crime. The latter of these crime scene characteristics, personation, is discussed first.

## **PERSONATION**

Most violent crime careers have a quiet, isolated beginning within the offender's imagination. The subject fantasizes about raping, torturing, killing, building bombs, setting fires, or any combination of these violent acts. When the offender translates these fantasies into action, his emotional needs compel him to exhibit violent behavior during the commission of a crime.

One of the first cases brought to the National Center for the Analysis of Violent Crime (NCAVC) was a 1979 homicide of a twenty-six-year-old white female on the roof of her apartment in New York City. The cause of death was ligature strangulation. The UNSUB left the victim's body face up and positioned her body to resemble a Jewish religious medal. He carefully removed her earrings and placed them on either side of her head. He cut her nipples off and placed them on her chest. The offender also inserted her umbrella into the vagina and placed her comb into the pubic hair. He then placed the victim's nylons around her wrists and ankles. He scrawled a derogatory message to police on her body using her pen. Finally, he left a pile of his feces, covered with her clothing, a few feet from the body. The NCAVC assessed all of this activity as being postmortem. A few inexpensive articles of jewelry were missing, including the Jewish religious medal that resembled the body's positioning.

This crime scene displayed some unusual input by this offender. The perpetration of this crime did not require the positioning of the body, the post-mortem mutilation, insertion and removal of items, and use of postmortem ligatures. The significance of this behavior was not readily apparent to the investigator. The act of sexual assault and murder had little to do with most of this offender's behavior at the crime scene. His behavior went far beyond the actions necessary to carry out this offense (the MO) because assault and murder alone would not satisfy his needs.

*Personation* is unusual behavior by an offender, beyond that necessary to commit the crime. The offender invests intimate meaning into the crime scene (for example, by posing the victim, mutilation, items removed or left, or other symbolic gestures involving the crime scene). Only the offender knows the meaning of these acts. *Signature* is when a serial offender demonstrates repetitive ritualistic behavior from crime to crime. The signature aspect of a crime is simply repetitive personation.

*Undoing* represents a form of personation with more obvious meaning. Undoing frequently occurs at the crime scene when there is a close association between the offender and the victim or when the victim represents someone of significance to the offender.

The following case exemplifies undoing. A son stabbed his mother to death during a fierce argument. After calming down, the son realized the full impact of his actions. First, he changed the victim's bloodied shirt and then placed her body on the couch with her head on a pillow. He covered her with a blanket and folded her hands over her chest so she appeared to be sleeping peacefully. This behavior indicated his remorse by attempting to emotionally undo the murder. Other forms of undoing may include the offender's washing up, cleaning the body, covering the victim's face, or completely covering the body. The offender engages in these activities not because he is attempting to hide the victim but because he may be feeling some degree of remorse.

## **STAGING**

*Staging* is when someone purposely alters the crime scene prior to the arrival of police. There are two reasons that someone employs staging: to redirect the investigation away from the most logical suspect or to protect the victim or victim's family.

When a crime is staged, the responsible person is not someone who just happens upon the victim. It is usually someone who had some kind of association or relationship with the victim. This offender will further attempt to steer the investigation away from him by his conduct when in contact with

law enforcement. Thus, investigators should never eliminate a suspect solely on the grounds of that person's overly cooperative or distraught behavior.

A double homicide case that received national publicity involved Susan Smith, the mother of Alex and Michael, who purposely let her car, with her two small sons inside, roll into John D. Long Lake in Union, South Carolina. Smith first went to a nearby home where she banged on the door, screaming, "He's got my kids and he's got my car. A black man has got my kids and my car." The home owners called 911. Smith told police that she was stopped at a red light when a black man jumped in her car and told her to drive. Eventually Smith said the man told her to get out of the car and he proceeded to drive off with her children.

Smith attempted to steer the investigation away from her by creating a false scenario to detract police. She was interviewed on many occasions, and police began to catch the inconsistencies in her story. In addition, the manner in which she spoke of her children's disappearances made police question her as a potential suspect. During numerous interviews, Smith spoke about her sons in the past tense; at one point she said, "No man would ever make me hurt my children." This statement told police that she believed her children were not alive. Police began to focus the investigation on Smith, who ultimately confessed during an interview with an investigator.

A landmark case for the NCAVC in the use of signature analysis was the 1991 trial of George Russell Jr., charged with the bludgeoning and strangulation murder of three women in Seattle. Each victim was blitz-attacked, with all three killings happening over a seven-week period. All three women were left naked and posed provocatively and degradingly. The sexual content of the posed scene escalated from one victim to the next. The first victim was posed with hands clasped and legs crossed at the ankles and left near a sewer grate and trash dumpster. The second victim was posed on a bed with a pillow over her head, her legs bent out to each side, a rifle inserted into her vagina, and red high heels on her feet. The final victim was posed on her bed with her legs spread, with a dildo in her mouth, and a copy of *The Joy of Sex* placed under her left arm.

The blitz attacks were necessary to kill these women; the degrading posing was not. One of the chapter authors (J.E.D.) would testify at the hearing advising jurors of the fact that there are not many cases of posing, that is, when the offender treats the victim like a prop to leave a specific message. These crimes are usually crimes of anger and of power. It is the thrill of the hunt, the thrill of the kill, and the thrill afterward of how the offender leaves the victim that makes the offender feel as though he has beat the system. Douglas, relying on the signature aspects of the crimes, believed that whoever killed one of these victims killed all three. A jury ultimately found

Russell guilty of one count of first-degree murder and two counts of aggravated first-degree murder. He was sentenced to life in prison without possibility of parole.

Increasing numbers of anti-Semitic hate crimes show staging. In March 2004, Kerri Dunn, a professor at Claremont McKenna College, reported her car had been vandalized in the campus parking lot. The police report confirmed her car windows had been broken, the tires slashed, and a swastika, "Kike Whore," and "Nigger Lover," painted on the doors and hood of the vehicle. The Jewish community was understandably upset by the incident and demanded that the college administration take some action to prevent this type of behavior from occurring in the future. The upheaval ended when two students told investigators they witnessed Dunn vandalizing her own car. It was known that Dunn was in the process of converting from Catholicism to Judaism, which may be one of the reasons that she committed the act. There was also speculation that perhaps it was a mandatory initiation rite. A jury ultimately found Dunn guilty of staging the anti-Semitic hate crime.

Another reason for staging is to protect the victim or victim's family and is employed most frequently with rape-murder crimes or autoerotic fatalities. The offender of a sexual homicide frequently leaves the victim in a degrading position. One can hardly fault a family member's protective staging behavior, but the investigator needs to obtain an accurate description of the body's condition when found and exactly what that person did to alter the crime scene.

This type of staging is also prevalent with autoerotic fatalities. The victim may be removed from the apparatus that caused death (for example, cut down from a noose or device suspending the body). In many cases, the victim wears a mask or costume. The costume often involves cross-dressing, so not only does the person discovering the body have to endure the shock of finding the victim dead, but also the shock of finding the victim in female dress. To prevent further damage to the victim's or family's reputation or to protect other family members, the person discovering the body may redress the victim in men's clothing or dress the nude body. He or she will often stage the accident to look like a suicide, perhaps writing a suicide note. This person may even go as far as staging the scene to appear as a homicide. Nevertheless, scrutiny of forensics, crime scene dynamics, and victimology probably will reveal the true circumstances surrounding death. Evidence of previous autoerotic activities (bondage literature, adult "toys," eyebolts in the ceiling, worn spots from rope on beams) in the victim's home also will help determine if an autoerotic activity caused death.

Finally, the investigator should discern whether a crime scene is truly disorganized or whether the offender staged it to appear careless and haphaz-

ard. This determination not only helps direct the analysis to the underlying motive, but also helps to shape the offender profile. However, the recognition of staging, especially with a shrewd offender, can be difficult. The investigator must scrutinize all factors of the crime if there is reason to believe it has been staged. Forensics, victimology, and minute crime scene details become critical to the detection of staging.

### **Crime Scene Red Flags**

An offender who stages a crime scene usually makes mistakes because he stages it to look the way he thinks a crime scene should look. While doing this, the offender experiences a great deal of stress and does not have time to fit all the pieces together logically. Inconsistencies thus begin appearing at the crime scene, the forensics, and with the overall picture of the offense. These contradictions often serve as the red flags of staging and prevent misguidance of the investigation.

These red flags often occur in the form of crime scene inconsistencies. The investigator should scrutinize all crime scene indicators individually and then view them in the context of the whole picture. Several important questions need to be asked during crime scene analysis. First, did the subject take inappropriate items from the crime scene if burglary appears to be the motive?

In one case submitted to the NCVAC, a man returning home from work interrupted a burglary in progress. The startled burglars killed the man as he attempted to flee. A later inventory revealed the offenders had not stolen anything, but it appeared they had begun taking apart a large stereo and TV unit for removal. Analysis of the crime scene indicated the offenders passed over smaller items, including jewelry and coin collections, of greater worth. With further investigation, police discovered that the victim's wife had paid the offenders to stage the burglary and kill her husband. She was having an affair with one of the offenders.

Second, did the point of entry make sense? For example, an offender enters a house by a second-story window despite the presence of easier, less conspicuous entry points.

Third, did the perpetration of this crime pose a high risk to the offender? In other words, did it happen during daylight hours, in a populated area, with obvious signs of occupation at the house (lights on, vehicles in the driveway), or involving highly visible entry points? The following case illustrates some of these points.

In a small northeastern city, an unknown intruder attacked a man and his wife one Saturday morning. The offender had placed a ladder against the house, climbed up to a second-story window, and entered after removing

the screen. This all occurred in a residential area during a time when the neighbors were awake. The husband had peered outside his bedroom door and saw a figure going downstairs; he then followed with a gun. He claimed the offender struck him on the head after a struggle and then returned upstairs and killed his wife by manual strangulation. The victim's body was found with her nightgown pulled up around her waist, implying she had been sexually assaulted.

As the detectives processed the crime scene, they noted that the offender's weight on the ladder had left no impressions in the ground. However, when the police investigator placed one foot on the bottom rung, the ladder left an impression. In addition, the offender had positioned the ladder backward, with the rungs going in the wrong direction. Many of the rotted rungs could never have supported even fifty pounds of weight. It was observed the offender neither left foot impressions nor was debris transferred from the rungs to the roof, where he supposedly gained entrance through a second story window.

Why didn't the offender choose an entrance through a first-story window? This would have decreased the chance of detection from both the occupants and the neighbor. Why burglarize on a Saturday morning in an area full of potential witnesses? Why choose a house obviously occupied, with several vehicles in the driveway? If the criminal intent was homicide, why didn't the intruder seek his intended victims immediately? Instead, he went downstairs first. If he intended to murder, why didn't he come equipped to kill? Why did the person posing the greatest threat to the intruder receive only minor injuries? When an investigator analyzes a crime scene demonstrating a great deal of offender activity and no clear motive for this activity, the statements of the victim or witness should be questioned. In this case, the victim's husband was charged and convicted of homicide.

Another red flag apparent with many staged domestic murders is the fatal assault of the wife or children, or both, by an intruder while the husband escapes without injury or with nonfatal injury. This was seen in the Stuart case at the beginning of the chapter. If the offender does not initially target the person posing the greatest threat or if that person suffers the least amount of injury, the police investigator should reexamine all other crime scene indicators. In addition, the investigator should scrutinize forensics and victimology (for example, were there any recent insurance policies on victim?) with particular attention.

### **Forensic Red Flags**

Do the injuries fit the crime? Forensic results that do not fit the crime should cause the investigator to think about staging. The presence of a personal-type



assault using a weapon of opportunity when the initial motive for the offense appears to be for material gain should raise suspicion. This type of assault also includes manual or ligature strangulation, facial beating (depersonalization), and excessive trauma beyond that necessary to cause death (overkill). Generally, the more evidence there is of overkill, the closer the relationship is between the victim and the offender.

Sexual and domestic homicides demonstrate forensic findings of this type: a close-range, personalized assault. The victim (not money or goods) is the primary focus on the offender. This type of offender often attempts to stage a sexual or domestic homicide to appear motivated by criminal enterprise. This does not imply that personal-type assaults never happen during the commission of a property crime, but usually the criminal enterprise offender prefers a quick, clean kill that reduces time at the scene. Any forensic red flags should be placed in context with victimology and crime scene information after careful analysis.

Other discrepancies may arise when the account of a witness or survivor conflicts with forensic findings. In one case, an estranged wife found her husband, a professional golfer, dead in the bathroom tub with the water running. Initially it appeared as if the golfer had slipped in the tub, struck his head on the bathroom fixture, and drowned. However, the autopsy began to raise suspicion. Toxicology reports revealed a high level of Valium in the victim's bloodstream at the time of death. The autopsy also revealed several concentrated areas of injury or impact points on the head, as if the victim had struck his head more than once. Later, investigators learned the wife had been with him the night of his death. The wife later confessed that she had made dinner for her husband and had laced his salad with Valium. After her husband passed out, she let three men she hired into the house to kill him and make the death look accidental.

Investigators often find forensic discrepancies when a subject stages a rape murder. The offender frequently positions the victim to imply sexual assault has occurred. An offender who has a close relationship with the victim will often only partially remove the victim's clothing (for example, pants pulled down, shirt or dress pulled up). He rarely leaves the victim totally nude. Despite the body's positioning and the partial removal of clothes, the forensic examination demonstrates a lack of sexual assault. The investigator should remember that sexual assault can take many forms, including exploratory probing, regressive necrophilia, and insertion of objects. With a staged sexual assault, there is usually no evidence of any sexual activity and an absence of seminal fluids in the body orifices.

An investigator who suspects a staged crime scene should look for other signs of close offender association with the victim, such as washing up or any other indications of undoing. In addition, when an offender stages a



domestic homicide, he frequently plans and maneuvers a third-party discovery of the victim. The case that involved the husband staging his wife's murder to appear as the work of an intruder illustrates this point. Instead of going upstairs to check on his wife and daughter, he called his brother, who lived across the street. The husband stayed downstairs in the kitchen while the brother ran upstairs and discovered the victim. Offenders often manipulate the victim's discovery by a neighbor or family member or will be conveniently elsewhere when the victim is discovered.

### **Staging in Arson**

Most of the same red flags of staging that apply to a staged homicide also apply to a staged arson. Arson investigation warrants the same attention to crime scene information, targeted property and/or victimology, and forensic findings as a homicide investigation.

***Crime Concealment.*** When it is suspected that arson has been used for crime concealment, especially a murder, one of the first questions asked should be, "Does the forensic evidence fit the crime?" One example, a California case began when a passing motorist saw a mobile home engulfed in flames. He honked his horn to get the neighbors' attention as he pulled in front of the burning home. Face down in the yard, apparently unconscious, was a thirty-four-year-old white male, a resident of the burning home. Upon hearing a female voice calling for help, the motorist and a neighbor attempted to enter the structure, but the heat was too intense. When firefighters and police arrived, the man who had been unconscious in the yard began to cry out, "My wife is in there. She's asleep in the bedroom!" He attempted to enter the trailer but was held back by firefighters.

The husband told investigators he had fallen asleep in the living room while watching TV when he was suddenly awakened by fire coming from the bedroom where his wife was sleeping. He had no memory of anything except jumping out the window to escape the burning trailer.

The first inconsistency of his story became evident after his wife's autopsy. She had sustained numerous head wounds, including a skull fracture running from the left cheek to the top of her head. One wound was described as a large, gaping hole that seemed to have torn the scalp loose from the skull. Physical evidence within the home could not account for these injuries, the extent of which could have been fatal. The immediate cause of death was asphyxiation and extensive thermal burns over 90 percent of the body, with a secondary cause of compound head injuries.

The crime scene also offered many red flags. The victim's body was found in the living room, not the bedroom. A large amount of blood was found on

the living room floor close to where the husband had been sitting. Bloodstains also were observed on the husband's shirt, pants, and shoes. The most extensive damage by the fire occurred in the living room area, particularly around the husband's chair, and not in the back bedroom, where his wife allegedly had been sleeping and the fire supposedly had originated. The husband offered no explanation of his wife's brutal beating. He denied hearing or seeing anything related to the incident. Closer observation of the crime scene made it apparent the fire had been set to conceal the struggle and homicide that had occurred that night. The husband was subsequently convicted of both arson and second-degree murder and was sentenced to fifteen years to life.

***Insurance Fraud.*** Arson is often employed for the purposes of insurance fraud. The fire may be staged to appear accidental or committed by some party unknown to the apparent victim. The detection of staging often depends heavily on investigation beyond the crime scene indicators. The following example illustrates the investigative leads that uncovered the staging of a crime made to appear as if the offenders were victims of arson.

A couple in their mid-sixties were summoned from a short shopping trip with the news that there had been a fire in their \$850,000 home. The fire had done minimal damage to all but the second floor and a stairway leading to the third floor, where a gasoline container was found. There were some flammable-liquid burn patterns in the master bedroom, where the most extensive damage was done. The firefighters had noticed an unusual lack of furniture and personal effects in the spacious home. The couple reported that many items were missing from their home and filed a burglary report. It appeared the arson was intended to cover the tracks of a burglar.

Three days later, firefighters were again summoned to the couple's home. This time, the house was unoccupied, and the fire was set in the living room. The investigation began to focus on the couple, although they seemed unlikely criminals. (The wife was active in community organizations, and neither husband nor wife had any criminal record other than a few traffic violations.) However, the missing items were not typical articles targeted by theft. The list included photographs, personal items, paintings of family members, a dresser, and a three-foot safe.

Upon checking the furnishings and clothing still in the house, investigators noted the furniture appeared to be of poor quality, and much of the clothing looked secondhand. A real estate agent who had recently listed the house told investigators that the residence previously had contained some nice furnishings, including some expensive-looking china.

The case became more solid as investigators began checking local rental truck and storage businesses. They found the suspects had rented a truck

several times to move furniture from their home to a storage unit, a newly rented house, and the out-of-state home of the suspects' son. The storage unit and the rented home were both rented under aliases. The house rent was paid in cash, and the suspects unsuccessfully had tried to convince the landlord to turn on the utilities under his name. In addition, a phone call was made by the suspects' daughter at 11:38 A.M. on the morning of the fire to inform a friend that some of his belongings had been destroyed in a fire at her parents' home. However, fire department records showed the first fire call concerning that residence was made at 2:08 P.M. Finally, most of the items reported missing or destroyed in the fire were found at either the storage unit, the rented house, or the son's home. The couple was charged and convicted of arson and insurance fraud.

As these cases illustrate, the detection of staging at the arson crime scene often depends on the careful investigation of factors outside the crime scene. These factors include forensics and the alleged victim's background (especially financial status).

## **COURTROOM IMPLICATIONS**

It is imperative in any case analysis to remain objective and not be placed in a position whereby one may be influenced by investigators working the case. This is particularly important if the analysis may possibly be used not just as an investigative tool in a case, but in courtroom testimony when an expert is called on for an opinion. The only way to remain objective at the onset of the analysis is with an UNSUB case. If investigators have already identified a suspect, this fact should not be made available during crime scene analysis. The only information furnished for crime scene analysis should be a synopsis of the crime and a description of the crime scene, including, if applicable, weather conditions; political and social environment; a complete background of the victim; forensic information to include autopsy and toxicology and serology reports, autopsy photographs, and photographs of the cleansed wounds; crime scene sketches showing distances, directions, and scale; and maps of the area.

Until the analysis of the crime is complete, having suspect information will directly prejudice the analyst's conclusions and may even consciously or subconsciously cause one to tailor an analysis that steers the investigation toward the investigator's primary suspect. Strict adherence to this procedural rule must be followed. Crime analysis is not a substitute for a thorough and well-planned investigation. Over the years, it has proven to be a viable investigative tool when the standards for analysis have been carefully followed and the crime scene analyst's opinions have not been contaminated by having prejudicial information.

## **CONCLUSION**

Behavior reflects personality, and to understand the criminal, the investigator must be able to detach himself or herself emotionally from the violent offense. There is a fine line between being detached versus being observant and sensitive to minute forensic details left by the UNSUB at the scene. Investigators should recognize offender behavioral patterns such as MO, personation, undoing, and staging. If investigators approach each crime scene with an awareness of these factors they will improve their abilities to solve the equation, Why + How = Who, and win the war against violent crime.



# Prescriptive Interviewing

## *Interfacing the Interview and Interrogation with Crime Classification*

GREGORY M. COOPER

*The defendant's own confession is probably the most  
probative and damaging evidence that can be admitted against him.*

Justice Byron White, *Bruton v. United States* (1968)

**I**n determining and isolating the guilt of an offender, there is no evidence more incriminating, damning, and conclusive than a voluntary confession. Although the underlying thrust of an interrogation is to explore and resolve issues, the successful interview of a culpable offender culminates when the truth is surrendered in a confession.

All of the physical evidence and eyewitness testimony combined is never worth as much as the criminal's own self-incriminating words: "I did it." The admissible confession proves guilt independently. It requires no authentication, no chain of custody, no scientific examination, no opinion testimony, no inferences, and no interpretation.

### THE PROSECUTION'S ARSENAL

#### The Eyewitness

Eyewitness testimony is undeniably vital to a successful prosecution; however, it is often characterized by weakness. The witness may have problems seeing or hearing and describing what occurred. In addition, the witness may have a subtle reason to maliciously misrepresent the facts or alter them by unintentional or even targeted prejudice. The witness may be afraid to get involved and consequently becomes reluctant. Inconveniently before trial,

witnesses may alter their account or become forgetful, or move out of the state, or even die.

It is well known that two eyewitness accounts of the same incident can differ significantly. Research has substantially illustrated this effect:

The data of experimental psychology now establishes quite securely that no two individuals observe any complex occurrence in quite the same manner; that the ability of different individuals to retain and recall observations differ; that the elements which are retained and recalled are influenced by past experience and attitudes; and that the ability of various individuals to express what they have observed, retained, and recall vary greatly. There is no wholly reliable witness since the observations of all witnesses are faulty in some degree and some situations [Loevinger, 1980].

Although an eyewitness account greatly authenticates an occurrence, it should not be overestimated. The effects of time, the limits of human perception, and recollection, bias, prejudice, greed, and all human emotions influence perception.

### **Physical Evidence**

Physical evidence is also imperfect. Questions can be raised about the method of collection, preservation, analysis, and introduction of evidence. All too often, strong cases have been jeopardized and lost due to evidentiary error. Still an integral part of the effective prosecution, the strength of physical evidence is enhanced when combined with the complete prosecutorial arsenal.

### **Plea Bargaining**

In some cases, law enforcement officers may take offense even at the suggestion of associating an efficiency and value factor to the application of justice. Nevertheless, plea bargaining must be unconditionally accepted as a negotiable leverage, especially considering the monumental costs of the American justice system and effective use of tax dollars.

At a seminar on trial advocacy, a distinguished federal judge stated, "Law is not a search for truth. The whole objective is to achieve the highest quality of justice in the least amount of time at the lowest possible cost" (Kestler, 1982, p. 4). The following legal professional opinions support this philosophy while stating that "the ultimate strategic objective of questioning techniques is not to win at trial, rather it is to force an early settlement of the case

on favorable terms.” Furthermore, “a favorable settlement is more desirable than trial despite the strengths and righteousness of the cause, because it eliminates the uncertainties and vicissitudes as well as the expense of litigation. In the vast majority of cases, the successful advocate is not the one who ultimately prevails at the appellate level, or perhaps the Supreme Court of the United States, but rather is the advocate who quickly demonstrates to an opponent that further costly resistance is unreasonable and that a just result for both parties can best be achieved at the settlement table” (p. 6).

Plea bargaining a settlement between first- or second-degree homicide, for example, is an extremely difficult approach for the prosecution to accept. Even worse is a descent to manslaughter, especially when the investigation suggests a more serious charge. Some prosecutorial weakness effectively targeted by the defense may release the offender from being prosecuted to the full extent of the law; worse, he may escape any form of judicial justice whatsoever. Nevertheless, a plea-bargaining agreement can and should be sustained as an effective antidote when there is insufficient evidence to support the maximum charge and accompanying penalties.

### **The Confession: The Best Weapon**

*Admissions of guilt are essential to society's compelling interest in finding, convicting, and punishing those who violate the laws.—Moran v. Burbine (1986)*

Surpassing all other forms of evidence and reinforcing their support of the truth, the confession remains unique. Unquestionably, the confession will prompt immediate deliberation of both advantages and disadvantages of a trial or plea-bargaining alternative. If a trial is warranted, a voluntary, admissible confession is undeniably paramount in considering the totality of the evidentiary presentation. The admissible confession will strengthen the integrity of both the eyewitness account and the physical evidence while fueling the synergistic effect of the prosecutorial arsenal.

A legal description of a confession is contained in the following case proceedings: “An accused person knowingly makes an acknowledgement that he or she committed or participated in the commission of the criminal act. This acknowledgement must be broad enough to comprehend every essential element necessary to make a case against the defendant” (*James v. State*, 1952). According to this legal description, a confession should consist of (1) an acknowledgment of the commission of or participation in a criminal act that (2) must be sufficiently comprehensive to include every element of the criminal act as defined by statute.



To fully understand and implement the confession as described earlier, a review of burden of proof and the criminal act requirements and their implications is warranted.

### **Burden of Proof**

Criminal investigators assume the prosecution's responsibility to prove guilt beyond a reasonable doubt. This includes the requirement of proving each element of the offense for which the accused is charged. There is no prosecution without the presentation of proof. And the proof is initially discovered, organized, assessed, and finally presented to the prosecution by the investigator. A successful prosecution, which secures a conviction, is the fruit of a productive, meticulous, and intensive investigation. If the prosecution fails to prove all of the elements of a crime beyond a reasonable doubt, the verdict dictates the accused guilty of a lesser crime. Failure of the prosecution to gather and introduce sufficient evidence to meet this burden will result in an acquittal or, at least, the reduction of a more serious crime to a less serious one (Klotter, 1990).

### **Criminal Act Requirements**

There are several factors that need to be addressed to determine whether in fact what happened was a crime. These are termed *criminal act requirements*.

**Actus Reus.** Before a person may be convicted and punished for a crime, the prosecution must present evidence that the person (acting as a principal, accessory, or accomplice) committed a criminal act as defined by statute. Each element of the crime prescribed by law must be present in the offender's actions to duly constitute a criminal offense. This principle is referred to as *actus reus*. It is the first condition required to label an act a crime.

**Mens Rea.** The formula for committing a crime is incomplete without the evidence of criminal intent. The actus reus must be combined with the criminal state of mind (*mens rea*) to constitute a crime. If the defense can show that the defendant's mind was innocent, a crime has not been committed.

Criminal intent must accompany the criminal act except as otherwise provided by statute. Criminal intent can also be satisfied if the act is accompanied by such negligent and reckless conduct as to be regarded by the law as the equivalent to criminal intent (Klotter, 1990).

This concept may be expressed in the following formula:

$$\text{Criminal act (actus reus) + criminal intent (mens rea) = Criminal conviction}$$

**Causation.** The criminal conviction formula incorporates through logically deductive reasoning the existence of a causal relationship between conduct and results. In other words, for “one to be guilty of a crime, his act or omission must have been the proximate cause thereof” (Klotter, 1990). There is usually little or no difficulty in showing causal relationship.

In summation, the prosecution must show the following:

- A specific party or parties participated.
- Criminal acts as constituted by law were committed.
- There was the presence of a criminal state of mind.
- The conduct was the proximate cause of the crime.

What does the criminal act requirement (actus reus, mens rea, and causation) have to do with the confession? What is the relationship between the confession and the prosecution’s burden of proof responsibility?

Recall the previous legal description of the confession: that it requires acknowledgment and comprehensive culpability of each required element to constitute a crime.

Regretfully, interviews are concluded prematurely for many reasons, sometimes unknowingly. While devoting a concentrated effort to the first criterion (participation in the criminal act), the interviewer mistakenly overlooks the pivotal third criteria (criminal intent). Although the offender’s acknowledgments may satisfy the actus reus and causation provisions of the criminal act requirements, the admission alone is insufficient to expose every essential element necessary to make a case against the defendant.

The offender’s admission may reveal his participation in a criminal act (actus reus) and that his conduct was the direct cause of the crime (causation). The act, although interrelated, is only a reflection of his character. However, it does not fully reveal his character or criminal state of mind, and it is imperative that this be displayed. The interview provides the investigator a chance to extract and unravel his thought process, and reveal his criminal state of mind.

### **Criminal Intent**

To comprehensively understand the act, the criminal mind must be unraveled. This issue is especially significant when a crime is classified by various degrees of seriousness depending on the defendant’s state of mind. Not only must the confession reflect that the defendant did something “bad,” but also it must show that he had a “bad” intent. This distinction is especially useful for the prosecution when it is essential to determine the level of seriousness of the crime and its associated degree of punishment. Moreover, it

may also be considered when assessing the predictability of the defendant's propensity toward violence and potential for recidivism.

The confession provides the psychological environment for the offender to reenact the crime. It sets the stage for him to relive his behavioral role (*actus reus*) and display his psychological role (*mens rea*). The well-prepared interviewer can write the script for the final scene as the offender recounts each phase of the crime. The interviewer can preview the offense by allowing the offender to escort him through every scene until the full panorama of events is related. The interviewer assumes the role of a scribe while he urges the offender to mentally return to the crime and dictate his every act, precipitating thoughts, emotions, and feelings. The defendant's own explanation of his *mens rea* (state of mind) will uncover his criminal intent.

Criminal intent can effectively be articulated and demonstrated by building the *mens rea* portion of the confession from the foundation of three basic questions:

1. Did the offender premeditate?
2. Did the offender deliberate?
3. Did the offender harbor malice aforethought?

These three questions provide the framework to formulate queries that solicit the defendant's thoughts, behavior (including habits), and feelings he experienced before, during, and after the crime. The interviewer should not restrict his review of the defendant's history but should probe as far back as possible. Furthermore, if the content of the confession clearly illustrates the defendant's willful misconduct, it will reject an alleged impaired understanding of his criminal behavior. This renders the diminished capacity or insanity defense implausible.

There is no short-cut approach to producing an all-inclusive confession. But when considering the consequences of failing to solve a capital crime, expediency should never be an issue.

### **Preparing for the Prescriptive Interview**

*I have no data yet. It is a capital mistake to theorize before one has data. Insensibly one begins to twist facts to suit theories, instead of theories to suit facts.*—Arthur Conan Doyle, *A Scandal in Bohemia*

Prescriptive interviewing is a tool to supplement law enforcement efforts in achieving successful results during the interview. It will also serve to elevate the interviewer's awareness of steps that can be applied to increase interview effectiveness. Enhanced interview skills and techniques are especially fitting

in the light of the Supreme Court's decision in the case *Minnick v. Mississippi* (1990), when it ruled six to two precluding law enforcement officials from reengaging a suspect after the suspect had requested an attorney. The Court stated that "when counsel is requested, interrogation must cease, and officials may not re-initiate interrogation without counsel present, whether or not the accused has consulted with his attorney." Consequently, it is best to assume that law enforcement has one opportunity to interview a defendant. Therefore, the interviewer will serve the public's best interest with an exhaustive preparation. If the interview does not terminate with the confession, neither will it be unresolved with a burden of regrets.

The vital link to a successful interview is preparation, which establishes the foundation to developing a successful approach in the interview setting. Preparation has four steps:

1. **Data collection.** Comprehensive and meticulous data collection system must be implemented to reconstruct each phase of a capital crime. Each criminal offense consists of fundamental elements that must be present to conform to specific criminal code requirements. Data collection is a principal factor in determining that those requirements have been met as prescribed by law.

2. **Assessment.** Assessing the relevancy of the data to the crime is required. It is necessary to objectively judge the value of the data collected to determine if they apply to the elements of the crime, that is, whether the information contributes to the criminal act requirements.

3. **Analysis.** Analysis of the data is imperative to complete the preparatory process. Law enforcement must do more than merely see that each criminal element is intact. Professionalism requires organizing and dissecting the information, thereby observing the complex web of interrelated components of the crime. For example, I may "see" a set of stairs before me; however, I "observe" that there are exactly sixteen steps covered with a distinctive color and quality of carpet. In addition, the carpet is soiled and cluttered with specific toys and items of clothing, suggesting the presence of children of corresponding ages. The condition of the carpet and disarray of clothing and toys may also suggest the house-cleaning habits of the owners and even imply an economic and social stratum. It is during this phase of preparation that meaning and substance are assigned to the (criminal) act and the actor. Armed with this enhanced understanding, the fourth step is applied.

4. **Theorizing.** Theorizing assumes the challenges of identifying the motivation underlying the criminal thought process and reconstructing the crime. It attempts to mentally crystallize the interwoven thread or current of thought that the criminal mind uses to justify his crime and general behavior.

This sometimes laborious preparatory process will elevate the interviewer's ability to empathize with the offender's state of mind and prompt a better understanding of his thoughts and rationalization.

The preparatory phase of the interview is preeminent in conducting a successful interview. There is no substitute for this principle, and it should never be sacrificed for convenience or expediency. Granted, depending on the grievous nature of the crime, varying degrees of effort will be applied. However, especially with capital crimes, success will be tantamount to preparation.

## **CRIME CLASSIFICATION**

Crime classification integrates all preparatory steps of the interview. It is the precursor to humanizing the offender and revealing his thought process. It includes the accumulation and assimilation of data compiled during the investigative phase for the purpose of conducting a criminal investigative analysis. To formulate a profile of the criminal personality, a criminal investigative analyst will review and analyze area photos, maps, sketches, crime scene photos, victimology, and all incident-related reports. The analyst also examines autopsy and forensic findings, initial and follow-up reports, and newspaper clippings. A microscopic examination of this information will begin to reveal behavioral characteristics of the offender, thereby exposing major personality traits.

The process applied by a criminal investigative analyst in developing an offender's personality characteristics is similar to a forensic pathologist. The forensic pathologist identifies the elements surrounding the cause and method of death by closely examining the physical evidence through an autopsy. The criminal investigative analyst examines all referred reports and documents and conducts a behavioral autopsy. This process may suggest the cause or motive of the crime and offer implications of the offender personality as suggested by the method selected to commit the crime. An assessment of the offender's behavioral patterns can unmask an undercurrent of emotional deficiencies and needs manifested by the offender. An improved understanding of or insight into these emotional deficiencies and needs can provide a solid foundation for the interviewer. This foundation will support the strategic construction of tailored approaches and appeals to prevail upon the offender.

Consider, for example, the advantage an interviewer would have when he has in his possession the following personality characteristics of the suspect extracted from a criminal analysis generated from the analysis of a disorganized lust murder:

- Of average intelligence and a high school or college dropout
- Probably unemployed or blue-collar, unskilled occupation
- Financially dependent on a domineering female
- A previous criminal record of assault-related offense
- Probable voyeuristic activities
- Probable pornography interest and collection
- Alcohol or drugs exhibited in his behavior
- Keen sense of fantasy
- Inability to carry out preplanned activities
- Difficulty in maintaining personal relationships with a female for an extended time
- A need to dominate and control relationships
- Sexually inexperienced
- Sexually inadequate
- Never married or a brief, combative marital relationship
- Sadistic tendencies
- Controlled aggression but rage or hatred
- Confused thought process
- Feels justified in his behavior while feeling no remorse or guilt
- Defiant of authority
- Low self-esteem
- Frustration from lack of direction or control of life
- Combustive temper
- Impulsive
- Deep anxiety

While considering these characteristics in concert with investigative activities confirming some of the biographical and descriptive information provided, an interviewer can begin to observe this offender. The interviewer may recognize and exploit certain personality characteristics and associated emotional deficiencies. In pondering the offender's behavior, thought processes, and aligned emotions, the interviewer is now better prepared to design various approaches to conform to the offender's personality.

Although traditional and canned approaches have worked in the past, they must not be overestimated. Abraham Maslow said, "He who is good with a hammer tends to think everything is a nail." Square pegs will not fit in round holes. This process assists the interviewer in stepping out of his world and into the foreign territory of his adversary. If the offender decides to cooperate, it will be because he can justify his decision from his perspective. There is only one frame of reference that is important in the offender decision-making process: his own. And if the interviewer successfully influences the

offender to conform, it is because an alliance was forged in the offender territory. The offender must be able to visualize the personal advantage in complying. The interviewer must develop the ability to speak the same language to extract the best evidence: the confession.

The criminal investigative analysis process permits the diagnosis of offender emotional strengths and weakness and general behavioral characteristics. Having been briefed with this information, the interviewer is better prepared to prescribe effective interview approaches that are customized to the offender's perspective. Such prescriptions may indicate

- Identifying who should conduct the interview
- Where the interview should take place
- What type of environment is best suited for the particular approach or approaches used
- How the approach or appeal should be constructed
- What emotional appeals are most likely to be effective

Before a tracker begins a journey into unknown territory to apprehend an enemy, he enlists all possible resources to familiarize himself with the known terrain, climate, and environment. This permits him to identify the type of survival tools and skills needed to accomplish the task. Remember that the offender has been preparing his responses to conceal his guilt from the moment he committed the crime, and probably before. He will use every tactic available to counter and dismantle every offensive attack. To know your enemy is the best strategy. It takes time, commitment, and grueling effort. Lord Byron stated the principle well: "Knowledge is power."

Preceding the morning of his date of execution, the notorious serial killer Ted Bundy told FBI special agent Bill Hagmaier of the NCAVC: "If you want to catch the big fish you must be willing to go under and into the deep water to catch them." Bundy proceeded to tell Hagmaier that he would "take him under with him."

Although prescriptive interviewing is not a panacea for the challenges in obtaining confessions, it is still one more precision instrument to be used in swaying the balance of justice in society's favor. A prescriptive interview will enhance law enforcement's efforts to persuade serious capital offenders to escort us under the water into the caverns of their torrential minds, surrender their secrets, and expose their culpability. It is hoped that the successful use of this method will both promote the cause of justice and deter effects of recidivism.

# Classifying Crimes by Severity

## *From Aggravators to Depravity*

MICHAEL WELNER

Crime classification, indeed this manual, underlines the often overlooked reality that each murder, rape, arson, and other criminal act distinguishes itself. Contract killing is quite obviously different from sexual homicide, for example.

Crime-solving considerations force investigators to appreciate the differences between offenses according to the perpetrator's background, crime scene evidence, victimology, and forensic findings. Distinguishing subtypes of crime enables various organs of law enforcement to effect justice.

To be involved in the justice system is to be humbled by one's lilliputian role in a process that extends well beyond a suspect's arrest. Is justice served merely when a suspect is taken into custody? What if a manslaughterer is charged as a murderer? What if a cold-blooded killer is prosecuted as a battered woman? Is that justice? Obviously not.

Nor is it justice to presume that even among all types of offenders, each is as blameworthy as the next. Each of us who imparts our experiences in this book viscerally recognizes that crimes distinguish themselves for their severity as well. Experience in murder, sexual assault, even property crimes imbues one with an appreciation that some crimes separate themselves from others as the worst of the worst.

The final leg of the justice system is punishment. Totalitarian societies and fascist theocracies need not concern themselves with nuances of justice. They have the luxury of applying absolute state power and the word



of “God” that has less to do with justice and more to do with who is deciding another’s fate. Crime classification for them retains relevance only long enough until an apprehended offender can be marched out to receive his or her stoning. The insensitivity of such backward ideologies reflects in the limitations of accountability for their police work. They do not value life as precious and do not value individual liberties, so no one cares if unsystematic and unscientific crime investigation leads to penalizing the wrong person.

Likewise, court systems modeled on rehabilitating offenders need not concern themselves with practical considerations like applying punishment for its deterrent effect and therapeutic consolation to victims and their families. Those societies, typically afflicted with boundless rationalizations for predatory elements, relegate those invested in prosocial and law-abiding behavior in the pursuit of utopian visions of universal compassion. Justice for them is closely linked to presumed forgiveness. Such court systems also are inherently compromised. At the expense of stark accountability for war criminals and other unthinkable offenders nevertheless nurtured in their midst, the courts of such countries opt to cover their eyes so as to preserve the delusions of their society’s pacifism.

While American justice and law enforcement are closely scrutinized for their imperfections and criticized for them, their openness to growth and evolution is the embodiment of justice. The utility of and need for punishment carves out a coexistence with compassion and rehabilitative goals.

Numerous factors diminish punishment, or the severity of sentencing, in American courts. An offender’s previous history, social disadvantage, presence of mental illness or possibility of coinciding intoxication, lesser role in a crime, stature in the community, and negative impact of the punishment on others are examples of qualities that mitigate punishment. When these factors distinguish an individual, American courts may choose to mete out a less severe sentence to a convicted offender. Mitigating factors primarily relate to context, such as who the offender is and why the crime was committed.

Factors that aggravate punishment in criminal courts have been distinguished as well. Some of these nearly sixty aggravating factors, like mitigators, relate to who an offender is. Many, however, focus attention on the crime itself—what the person did.

### **Aggravators Relating to the Crime Itself**

Of all the themes of aggravating factors, aggravators linked to what a person did in the course of carrying out a crime most protect the justice system from bias, prejudice, privilege, and other unintended inequalities in sentencing. The subjectivity of assessment of future dangerousness, for example,

parallels the subjectivity of an assessment of future docility. Nothing speaks for a crime like the crime itself.

Each state, along with the federal system, has its own criminal codes and sentencing guidelines. These codes, enacted by legislative initiative and interpreted by courts, contribute to distinct applications of justice. This decentralization also means that identical crimes, prosecuted in different jurisdictions, are punished based on different factors. Depending on the level of judicial initiative in giving jury instructions, even more distinct outcomes are possible for each case.

State and federal criminal sentencing guidelines enumerate a host of aggravators relating to the specifics of a crime, as listed in Table 4.1. Aggravators arise from the perpetrator's intent, the perpetrator's actions, and attitudes about the crime, including behavior after the fact. Victimology also provides a basis for aggravating factors.

While most aggravating factors are easy to define, one aggravator—that a crime was “heinous, atrocious, and cruel”—means many things to many people. What is a “horribly inhuman,” “vile,” “depraved” crime—basically, the worst of the worst? The answer has bedeviled many courts.

### **Distinguishing Severity: Its Relationship to Constitutionality**

Use of terms such as *heinous*, *atrocious*, *cruel*, *wanton*, and other analogues of these has withstood repeated court challenge. In *Gregg v. Georgia* (1976), the Court upheld the Georgia aggravator of “heinous, “atrocious,” and “cruel” as constitutional, but noted that a jury would have difficulty deciding this issue. Writing for the majority, Justice Potter Stewart noted:

Sentencing authorities are apprised of any information relevant to the imposition of the sentence and *provided with standards to guide* the use of the information. . . . [T]he problem of jury inexperience in sentencing is alleviated if the *jury is given guidance regarding the factors about the crime and the defendant* that the state, representing *organized society*, *deems particularly relevant* to the *sentencing decision* [emphasis added; p. 192].

In another relevant decision fourteen years later, the Court, in *Walton v. Arizona* (1990), clarified that aggravating factors needed to be identified through objective circumstances.

Despite those allowances, inconsistency in defining the worst of crimes has afflicted numerous cases. The Supreme Court in *Godfrey v. Georgia* (1980), for example, reversed a capital sentence, stating, “There is nothing in these few words, standing alone, that implies any inherent restraint on the arbitrary and capricious infliction of the death sentence.” Any sensible person

**Table 4.1. Criminal Sentencing Aggravators Categorized by Intent, Actions, Attitudes, and Victimology**

<i>Aggravator</i>	<i>Intent</i>	<i>Actions</i>	<i>Attitudes</i>	<i>Victimology</i>
Created grave risk to others or many persons		X		
Capital crime in conjunction with rape, robbery, kidnapping, and other crimes		X		
Preventing arrest or escaping custody	X			
Pecuniary gain or ransom	X			
Disrupt the government or enforcement of law	X			
Heinous, atrocious, cruel, depraved, wanton, vile, outrageous	X	X	X	X
Contract killing or hiring of a contract killer		X		
Age of victim — old, or young				X
Vulnerable victim — non-age (for example, handicapped, mentally ill)				X
Death of multiple victims		X		
Use of deadly weapon or dangerous instrument		X		
Presence of an accomplice or defendant as leader		X		
Property damage		X		
Physical, emotional, or financial torture to victim or victim's family		X		X
Death of unborn child or victim was pregnant				X
Hate crime: race, sexual orientation, religion, nationality, other				X
Lying in wait for the victim; ambushing victim		X		
Act committed in presence of child or family member		X		
Retaliating against a former witness or judicial or enforcement officer	X			X

Killing a witness to obstruct testimony	X	X	
Impersonating a peace officer		X	
Destructive device, bomb, explosive		X	
Victim was a peace officer, law enforcement/ judge, or other			X
Murder by poison		X	
Murder by firearm out of motor vehicle		X	
Murder against someone used as shield or hostage		X	
Act required substantial planning, high sophistication	X		X
Exploiting a position of trust to commit act	X		X
Inducing minor to commit criminal act		X	
Act resulted in victim's obtaining a sexually transmitted disease or becoming pregnant		X	X
Committed in cold, calculating manner without moral justification		X	
Defendant demonstrated utter disregard for human life		X	X
Murder committed as result of hijacking of plane, bus, train, or ship, for example		X	
Murder committed in conjunction with an act of terrorism	X	X	X
Defendant dismembered body or caused permanent debilitation, disfigurement		X	
Administered sedation drug to victim before act		X	X
Murder committed to avoid detection of crime	X		
Offense committed with intent to obstruct human or animal health care or agricultural or forestry research or commercial production			
Wearing a disguise during commission of crime			X

could “fairly characterize almost every murder as outrageously or wantonly vile, horrible and inhuman.” Jury instructions in *Godfrey*, ruled the Court, gave no guidance or explanation concerning the meaning of that aggravating factor, leading to what the Court called “the *standardless* and unchanneled imposition of the death sentences” (p. 429).

### **Heinous, Atrocious, and Cruel: Challenges**

While courts have upheld the distinction of crimes for their severity, several challenges confound justice in this endeavor.

Any killing, one might argue, is emotionally painful to the victim. Or consider cases that reflect overkill; perhaps they involve an assailant naive to how quickly lethal blows kill. Not a medical examiner, this killer may leave a crime scene that by virtue of overkill suggests an “evil” crime, heinous when compared to other killings.

In current approaches to labeling crimes as heinous, courts place heavy emphasis on actions and victimology, and lesser consideration of actions and attitudes. This reflects the paucity of evidence presented to courts to reflect on intent and attitudes. Clearly, however, both of the latter qualities distinguish crimes from one another. Moreover, courts have upheld findings that a given crime was evil when striking evidence relating to intent and attitude was available to the court.

Furthermore, unless one can estimate the sequence leading to death, it is especially challenging to presume the nature of the suffering of a victim. My own review of court decisions upholding findings of heinous crimes also found that killing using instruments other than guns was heavily represented (Welner, 2003). But do such trials explore whether killers who use knives and hammers choose them because there are no other weapons available?

Ambiguity is present even in some killings of children. Was the small victim nevertheless a witness to another crime and eliminated for crime concealment, as opposed to the handiwork of a predator victimizing a child by design?

A lack of clarification to law enforcement and defense investigators as to what evidence is relevant to depravity means that much less factual information about a crime is available to a jury. Without guidance, the jury may be forced to make an uninformed decision, not only for lack of definition but for lack of evidence demonstrating or refuting depraved intents, actions, victimology, or attitudes. With no guidance, as the U.S. Supreme Court has noted, distinguishing the worst of crimes is arbitrary. Arguments readily play to the fact finder’s emotions, seducing them to unremarkable aspects of a case and risking the overamplification of select detail or wholesale dismissal of many pertinent pieces of factual evidence.

By now, we have all come to appreciate the role of the press in setting the tone for a case through its coverage and interest. The theater of competitive news coverage creates the risk of a person, not the person's acts, as the issue. High-profile cases particularly fuel such dynamics for distortion.

Finally, consideration of the worst of crimes most frequently attaches itself to murder. Yet there are kidnappings that distinguish themselves as the worst of their ilk, just as there are robberies or even property crimes that may be particularly heinous relative to other property crimes.

Legislatures have thus codified that evil crimes exist. But without guidance, jurors struggle to distinguish qualities of a heinous crime. The inspiration for establishing standards for the worst of crimes, and guidance to jurors therefore confronts the issues of what crimes are depraved and what it is about those crimes that makes them depraved.

### **A Framework for Defining the Worst of Crimes**

Many of the aggravators noted denote behavior that distinguishes a particularly unusual criminal at work. As such, perpetrators who meet such aggravators earn membership in a narrowed class of defendants. Other aggravators, however, speak more to the goals of society than the exceptional nature of the crime. A police officer is armed, for example, and engages with criminals and in hazardous duty. Society has an interest in protecting law enforcement. Yet when a perpetrator kills a police officer in attempting to escape, that clearly does not reflect an unusual criminal mentality or ensure that such a crime was anything more than a spontaneous, if dramatic, choice. In other words, some aggravators, such as killing in the course of committing a felony, attach themselves to deterrence issues, while others distinguish what are truly unusual, and the worst of the worst crimes.

### **TOWARD A DEPRAVITY STANDARD FOR CRIMINAL SENTENCING**

The Depravity Standard research, which I initiated in 1998 ([www.depravityscale.org](http://www.depravityscale.org)) and is supported by the Forensic Panel, has embarked on a series of protocols designed to create a standardized methodology for distinguishing the worst of crimes in any given category. The research aimed to identify features that would distinguish crimes in which those items were present as depraved, heinous, and the worst of the worst.

Given this challenge, the Depravity Standard methodology committed to accomplish the following in order to establish a standard that would unfailingly contribute to justice:

- Can the Depravity Standard be inclusive, to be applicable to the range of all possible crimes?
- Can the Standard emphasize evidence over impressionism?
- Can its items ensure that such determinations are color, diagnosis, race, religion, nationality, and socioeconomically blind?
- Can its items control for cultural distinctions?
- Can the Standard be neither pro-prosecution nor pro-defense?
- Can its items incorporate the range of values of a free society?
- Can items bridge society's judgments with psychiatry's?
- Can the items incorporate established diagnostic understandings of the worst of behavior?
- Can this be done in a way that does not disproportionately target those labeled undesirable?
- Can the standard ensure fairness rather than arbitrariness?
- Can science contribute to the standard without stifling the law?
- Can the standard be measurable in order to enable comparison?
- Can it be applied in a way that is not cumbersome?
- Can it distinguish a narrow class of offenders within categories of offenses?
- Can it be protected from abuse?
- Can it assist jurors without replacing their decision making?
- Can it be used in a way that ensures consistent application to justice?

The research began by identifying numerous examples of intent, actions, and attitudes that appellate courts have upheld as reflecting heinous, atrocious, cruel, vile, inhuman, wanton, or horrible crimes (Welner, 1998). This included a victimology of the worst of crimes as well.

In order to distinguish depraved features from those items earning aggravator status to serve the aims of public policy—but that do not uniformly distinguish a heinous or evil act (examples include using a deadly weapon, ambushing, killing a witness to disrupt testimony, and preventing arrest or escaping custody)—the intents, actions, attitudes, and victimologies of those upheld appellate cases were distilled and organized under headings shaped by psychiatric diagnoses associated with the most pernicious behavior (see Table 4.2).

Thus, a given fact pattern might relate very much to sadism and would be condensed under the heading of “actions that cause a victim emotional suffering.” Or a perpetrator who enlists followers into active criminality may be, according to the construct of antisocial by proxy, represented well by “involving another person in the crime in order to maximize destructiveness.”

After expanding the list of potential intents, actions, and attitudes to encompass the range of imagination for potential crimes, the Depravity Stan-

**Table 4.2. Diagnoses Associated with Criminally Depraved Acts**

<i>Diagnosis (source)</i>	<i>Characteristics</i>
Antisocial Personality Disorder	History of Conduct Disorder in youth; adult pattern of irresponsibility and rule breaking; exploitativeness for money, sex, and other primitive needs
Conduct Disorder	Childhood/adolescence of truancy, lying, fighting, destruction of property, fire setting, impulsivity, and cruelty to animals
Narcissistic Personality Disorder	Grandiosity, entitlement, haughtiness, envy, intense anger
Psychopathy	Brazenness, manipulative, callous, self-centered, grandiose personality, plus antisocial behavior
Sexual Sadism	Sexual arousal through coercion and control, including through the infliction of pain
Sadism	The desire to inflict pain regardless of sexual satisfaction
Necrophilia	Infatuation with death and decay
Malignant Narcissism	Antisocial behavior, sadism, paranoia, more ideological and more likely to attach to groups; experience others as threatening enemies rather than merely objects to be exploited
Antisocial Personality by Proxy	Predator; physically or materially unable to carry out an antisocial impulse, so manipulates a vulnerable and less inhibited person to do so

dard research project identified twenty-six items for closer study by April 2001 (Welner, 2001). These items focus on the depravity of a crime: that is, *what* is depraved. The items are event, history, and fact driven. Questions of *who* is depraved, or evil, are more diagnostic and addressed through the psychiatric diagnoses or theological sources. Questions of *why*, or context, are well addressed in mitigation evidence and its rebuttal; the Depravity Standard does not replace these elements of a case, as it confines itself to the circumstances of the crime.



In addition, the Depravity Standard items were developed in such a way as to apply with equal relevance to murder as to robbery or other crimes. “Intent to maximize damage,” for example, is as applicable to the planting of a computer virus as it is to a mass casualty terror plot. Moreover, items were worded in order to ensure the instrument would be blind to race, religion, politics, or socioeconomic status. At the same time, “intent to terrorize” works with defined terrorism, something many societies refuse to do for fear of self-incrimination.

The Depravity Standard items were constructed in such a way as to distance themselves from anything that might suggest a perpetrator’s diagnosis or prognosis, so as to avoid prejudices inspired by a particular individual. These approaches aimed to develop a Depravity Standard that emphasizes fairness over arbitrariness.

In order that the research yield results that reflect societal attitudes, in keeping with U.S. Supreme Court directives, the next phases of the research explored which of the twenty-six intents, victimologies, actions, and attitudes would draw a consensus of support from the general public as representative of a depraved crime, regardless of a person’s demographic or background.

This phase of the research was set up on the World Wide Web in order to survey the general public randomly in a secure, confidential, and identical manner. The Depravity Scale research, as it was known at the time, was the first systematic academic effort to engage citizen input to shape a future sentencing instrument for legislatures and courts.

Data from this survey have contributed to establishing the intents, victimology, actions, and attitudes to be included in the Depravity Standard. Data collection at this Web site continues, for societal attitudes evolve. The methodology enables the standard to reflect updated societal attitudes, even many years after a valid scale began to be used as an instrument of justice.

Almost all of the studied items, in research involving thousands of participants to date, have drawn an overwhelming endorsement for being especially or somewhat representative of depravity. There is, notwithstanding differences among the cultures of different states, remarkable consistency of data across American states.

Some distinctions have emerged in data comparison between American respondents and residents of Great Britain and other countries. Nevertheless, this phase of the research has demonstrated that no matter what the differences are among us personally, ethnically, or spiritually, consensus can be achieved as to what intents, victimology, actions, and attitudes distinguish a heinous or depraved crime.

## **Defining the Depravity Standard Items: Implications for Investigators**

Items of the Depravity Standard have been carefully defined in order to inspire evidence-based determinations of whether an item is present. What denotes, for example, “actions that cause grotesque suffering”? Given the ramifications of a jury finding that such actions were a feature of the crime, determination of this item must be evidence driven. In order to reduce risk of arbitrariness in decision making, description of this and all other items must ensure consistent examination in court cases everywhere. A description of the item “actions that cause unusual quality of suffering” is seen in Exhibit 4.1.

Detailed descriptions of items are important guidelines to law enforcement and investigators. Those who investigate crimes have the greatest proximity to evidence that reflects on the required evidence for items such as “disrespect for the victim after the fact,” or evidence that such an item is not present.

Evidence for the depravity of the crime may be derived from numerous sources of information available to the investigator. Examples of these appear in Table 4.3.

Criminal profiling and even many forensic science methodologies do not reliably guarantee that the same conclusions will be generated by qualified professionals conducting a given examination. This lack of interrater reliability, which has limited the potential for evidence’s admissibility, is carefully addressed in the definitions and thresholds of items of the Depravity Standard. A qualified, trained professional who adheres to the guidelines of the Depravity Standard is therefore likely to arrive at the same determination about a crime (low, medium, or high depravity) as another colleague following those same protocols (Welner, 2005).

The descriptions of items also aim to preserve a narrowed class of individuals who truly meet criteria of a Depravity Standard item. These specific parameters preserve the constitutionality of the Standard. One item was ultimately dropped from consideration despite the overwhelming support of participants that it was representative of depravity: our research team concluded that evidence for this item would be too difficult to distinguish consistently and scientifically.

## **The Depravity Standard in Court**

Newman, Rayz, and Friedman (2004) coined the notion of “super-aggravators”: those aggravators that, when present, were more likely to result in a death sentence in a capital-eligible case in Pennsylvania:

### Exhibit 4.1. Example of Item Description: Actions That Cause Unusual Quality of Suffering

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**Unusual quality of suffering of the victim; victim demonstrated panic, terror, and helplessness.**

**Key Distinctions:** Victim terror

**Description:** The key ingredient of this item is the level of emotional suffering endured by the victim during the crime. The presence of post-traumatic stress disorder or acute stress disorder validates the degree of suffering during the crime. However, the absence of these diagnoses in the victim does not necessarily mean that this item is not present.

Alternatively, if it is clear from the available evidence that the deceased victim endured a realistic consideration that he or she would die, or threat to body integrity amidst a period of helplessness, criteria for this item are met. The assessment of this item is more reliant upon history if the aforementioned diagnoses are not later present.

**Eligible crimes:** Assault, Kidnapping, Murder, Rape, Reckless Endangerment

**Sources of information:** Victim, perpetrator, and witness statements; victim medical, psychological treatment, and autopsy records; witness psychological treatment records; writings in diaries, e-mails, message boards, chats, and letters; weapon choices, ligatures and other restraints; crime scene evidence; video or audiotapes.

**Examples:**

*Qualifying Exemplars:*

Rape and less frequently attempted rape traumatize victims and are particularly likely to meet the criteria for this item. Assault victims may also experience indelible emotional impact, which is heightened when such attacks occur in places where the experience of powerlessness and helplessness is more acute to the victim (e.g. prison). Victims of assaults by multiple attackers may also experience a heightened sense of helplessness, and such crimes may manifest this item.

Murders meet the criteria of this item if evidence demonstrates that the victim was helpless and recognized death as destiny. Such cases arise more often in stabbings, where death is not instantaneous. However, there are gun homicides in which the victim clearly experienced terror, helplessness, and anticipation of impending death or serious injury. To that end, stranglings and drownings invariably meet criteria for this item, as do deaths that follow periods of restraint or torture.

Attacks which occur in the course of a person being overwhelmed, restrained, and forced to anticipate death meet criteria for this item.

Arson and terror attacks may expose many to carnage and their own vulnerability to instant death. Such reactions in survivors, and in the dead who do not pass away quickly, satisfy criteria for this item.

Perverse cases inspire emotional trauma and terror and may also reflect this item. An HIV-positive person who knowingly has unprotected sex with unsuspecting partners causes significant emotional impact to those individuals when they learn of their seroconversion. Whether seroconversion happens or not is irrelevant; this item's criteria are met. Additionally, a person left to die in a desert, begging for his or her life, endures terror and emotional trauma in fearing that he or she will starve. Even if the victim survives, the perpetrators meet criteria for this item.

Coerced victims reflect terror in their willingness to submit to even bizarre or humiliating exercises in order to stave off their execution. Victims who are told to dig their own graves (even if they survive the ordeal), to unwillingly take part in the torture and beating of others, to engage in exercises that may later cause them considerable torment, or to watch their loved ones being victimized are all crimes where this item's criteria are met.

*Disqualifying Exemplars:*

This item's criteria are not met when individuals discover the bodies of their loved ones. This unfortunately common occurrence cannot necessarily be attributed to the crime itself, and does not reflect an exceptional event.

Killings where blunt trauma renders a person quickly unconscious do not meet criteria for this item.

Property crimes may create tremendous stress, but do not directly traumatize to the end of satisfying criteria for this item.

**Table 4.3. Information Sources for Depravity Standard Items**

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Victim's statements
Victim's medical and psychiatric records
Autopsy records
Witness statements
Defendant's statements
Marks on victim's body
Wounds reflecting time of death
Sequence of infliction of wounds
Writings in diaries
Chatrooms and computer documents
E-mails, letters
Telephone records
Videotapes or audiotapes
Materials from crime scene
Blood spatter
Choice of weapons
Ligatures

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- The victim was a prosecution witness to a crime committed by the defendant and was killed to prevent his or her testimony
- Torture
- Significant history of felony convictions for acts of violence
- Prior convictions for which sentences of life imprisonment or death were impossible
- Prior murder convictions

The findings are consistent with our findings of relative severity of even the most severe qualities of a crime. Still, Newman et al. were not able to determine that other aggravators were not charged in some cases where their super-aggravator factors were present. Moreover, because prosecutors may have selected defendants for capital prosecution because of these aggravators, the findings may say more about prosecutors than jurors or a fair, unbiased system.

Litigation very much uses tried and true experiences; it is also possible that since prosecutors in Newman and colleagues' sample found any of these factors to have been successful in capital prosecution, they chose future capital prosecution solely because of the presence of any of these super-aggravators in the case history. The research does not demonstrate, however, any aggravators that prosecutors selected that were not often associated with a death penalty. Without accounting for selection bias by prosecutors, therefore, conclusions that can be made about jurors and the general public are therefore limited.

Findings that reflected particularly strong endorsement of some items as "especially" depraved point to the conclusion that even among heinous qualities of a crime, some elements are even more heinous than others.

The study is being followed up by another protocol, also located at [www.depravityscale.org](http://www.depravityscale.org), that aims to ascertain societal standards for how individual items should be weighed when present in a crime (see Table 4.4). Establishing weight of a given feature will enable any crime to be distinguished according to the evidence unique to it. Such distinctions will assist courts to understand the level of depravity of any crime, relative to other crimes, thus compensating the lack of juror exposure to crime.

### **Using the Depravity Standard**

What an offender did can be notable for being unremarkable, just as a crime can distinguish itself as unforgettable. Once formulas are calculated to account for the weights of items, the Depravity Standard will be available for use in courts, parole, and tribunals engaging all crimes across the spectrum.

**Table 4.4. Items Under Study in the Depravity Standard**

<i>Item</i>	<i>Aspect of the Crime Reflected</i>	<i>Disrespect for the Victim After-the-Fact Diagnostic Correlate</i>
Intent to emotionally traumatize the victim, maximizing terror, through humiliation, or to create an indelible emotional memory of the event	Intent	Sadism
Intent to maximize damage or destruction, by numbers or amount if more than one person is victimized, or by suffering and degree if only one person is victimized	Intent	Psychopathy, malignant narcissism, necrophilia
Intent to cause permanent physical disfigurement	Intent	Sadism
Intent to carry out a crime for excitement of the act alone	Intent	Psychopathy
Carrying out crime in order to gain social acceptance or attention or to show off	Intent	Psychopathy
Carrying out a crime in order to terrorize others	Intent, victimology	Sadism
Intentionally targeting victims based on prejudice	Victimology	Malignant narcissism
Targeting victims who are not merely physically vulnerable but helpless	Victimology	
Carrying out a crime in spite of a close and trusting relationship to the victim	Victimology	Antisocial personality disorder, psychopathy
Extreme response to a trivial irritant; actions disproportionate to the perceived provocation	Actions	Antisocial personality disorder, psychopathy
Carrying out attack when in unnecessarily close physical contact	Actions	
Indulgence of actions, inconsistent with the social context	Actions	Psychopathy
Unusual quality of suffering of the victim; victim demonstrated panic, terror, and helplessness	Actions	Sadism

*Continued on next page*

**Table 4.4. Items Under Study in the Depravity Standard, *continued***

<i>Item</i>	<i>Aspect of the Crime Reflected</i>	<i>Disrespect for the Victim After-the-Fact Diagnostic Correlate</i>
Prolonging the duration of a victim's physical suffering	Actions	Sadism
Unrelenting physical and emotional attack; amount of attacking	Actions	Sadism, malignant narcissism
Exceptional degree of physical harm; amount of damage	Actions	Sadism
Influencing criminality in others to avoid prosecution or penalty	Actions	Antisocial personality by proxy
Influencing depravity in others in order to destroy more	Actions	Antisocial personality by proxy
Falsely implicating others, knowingly exposing them to wrongful penalty and the stress of prosecution	Attitudes	Psychopathy, antisocial personality
Disregard for the victim's feelings or consequences of the crime on the victim	Attitudes	Psychopathy
Satisfaction or pleasure in response to the actions and their impact	Attitudes	Sadism, necrophilia
Projecting responsibility onto the victim; feeling entitlement to carry out the action	Attitudes	Narcissistic personality
Disrespect for the victim after the fact	Attitudes	Sadism
Indifference to the actions and their impact	Attitudes	Psychopathy, antisocial personality

The Depravity Standard is meant only to guide, not to replace, a trier of fact. In order to protect the responsibility of the jurors, crimes will, according to the weights of items present, be classified relative to other such crimes as “low depravity,” “medium depravity,” or “high depravity,” rather than presenting to the court a numerical threshold of “depraved” or “not depraved.”

With a validated and reliable Depravity Standard, prosecuting authorities will be required to distinguish a basis for charging a crime as depraved, heinous, or evil. If the evidence collected by investigators points to “exploiting an emotionally vulnerable or trusting relationship,” only then can depravity be considered. The defense will have an opportunity to present its

own evidence that, for example, “exploiting an emotionally vulnerable or trusting relationship” did not distinguish that crime and therefore depravity is not present.

The availability of substantive evidence to be considered by a sentencing authority weighing depravity is paramount. If no evidence is available with which to assert the presence of an item of the Depravity Standard, then a claim that a crime was evil, heinous, vile, or the like cannot be made in a just system.

Investigators of the depravity of a crime must be mindful of a number of key subtleties. Determination of intent has always been the most elusive aspect of crime. Examination of possible depraved intent must rely on evidence, not presumption. This challenge compels the investigator to use evidence available from diverse forensic sciences, from forensic pathology to forensic anthropology, to forensic psychiatry. Forensic psychiatric interviewing of defendants and other witnesses may provide particularly key evidence relating to depraved, heinous, atrocious, or horribly inhuman intent items.

Furthermore, several areas of the Depravity Standard potentially overlap:

- Actions that cause physical damage and actions that cause grotesque suffering
- Targeting victims who are physically or emotionally vulnerable
- Intent to terrorize and cause emotional pain

Evidence suggesting one such item must carefully be distinguished from evidence for the other item, that the item is not present, or that both items are present.

With respect to Depravity Standard actions, forensic pathology, emergency medicine, radiology, anthropology, dentistry, and criminalistics are particularly important contributors. Not surprisingly, analysis of actions in a crime must control for a prolonged confrontation in which damage and injuries multiply while a struggle occurs, as opposed to an unopposed sequence of attack. These forensic sciences contribute to understanding what weapon was used, how it was used, and how often it was used.

Typically crime investigation focuses least on the attitudes of a criminal about his crime. Commonly, the absconding offender is not witnessed or communicating his attitudes. Postcrime communications, which police and forensic psychiatric investigation may elicit from interviewing skills, are often the most useful evidence with which to consider attitude items.

Investigation of attitude about the crime focuses on the offense’s aftermath. The Depravity Standard investigation uses a model of the life cycle of a crime (that is, before, during, and after the crime) to ascertain evidence relating to intents, victimology, actions, and attitudes.



The refinement of the Depravity Standard will merge the potentials for evidence-based science with a fundamental need in justice. The higher scrutiny prompted by the standard's use in sentencing enables a closer scrutiny of crimes and further protects against key evidence being overlooked.

The more fairly courts distinguish the worst of crimes, the more readily they balance the aims of punishment with sensitivity and understanding. Once again, classification serves the interest of justice at every stage.

## CHAPTER

# 5

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## VICAP

### *The Violent Criminal Apprehension Program Unit*

ERIC W. WITZIG

May 29, 2005, was the twentieth anniversary of the Violent Criminal Apprehension Program (VICAP; Howlett, Hanfland, & Ressler, 1986). During its twenty-year lifetime, an entire generation of police officers has been sworn in—and retired. Although *VICAP* is a much more common term in the squad room now rather than then, the origins of VICAP are less well known.

#### ORIGINS OF VICAP

Although VICAP is a program funded, staffed, and supported by the Critical Incident Response Group (CIRG) of the Federal Bureau of Investigation (FBI), the initiating concept of VICAP was the idea of a sworn officer in local law enforcement: Detective Pierce Brooks, of the Los Angeles Police Department's Robbery-Homicide Squad (Keefer, 1998; Egger, 1990; Taylor, 1998; see this chapter's Appendix).

Brooks conceived of VICAP while working the case of serial killer Harvey Glatman. In the early 1950s, Glatman moved to Los Angeles from New York State, where he had served time for robbery (Newton, 1990). He opened a television repair service and made a house call at the home of his first murder victim, Judy Dull, then only nineteen years of age. Photography was Glatman's hobby, and he convinced Dull to come to his home for a photo shoot. On August 1, 1957, after taking a few detective magazine-style

photographs, he bound Dull and raped her. Later he took her to the desert outside Los Angeles, where he took a few more pictures of her and then strangled her to death. He left her in a shallow grave (Newton, 1990).

Glatman's second victim was Shirley Bridgeford. He met her through a lonely hearts club and convinced her to pose for a few photographs. In March 1958 she too was taken to the desert, bound, photographed, raped, and strangled to death (Newton, 1990).

The third victim was Ruth Mercado. On July 23, 1958, she came to Glatman's apartment, where photographs were taken and she was raped. She was taken to the desert and strangled.

Brooks became involved in the cases of Dull and Bridgeford (P. R. Brooks, interview with the author, April 1992). He examined both cases and observed that the victims were bound with excessive amounts of rope, far more than would be needed to restrain them. Moreover, the bindings were neatly arranged, with the coils of rope resting tightly against each other.

Brooks noted that the neatly applied, excessive bindings on the first two victims suggested strongly that these were not the killer's first victims or his last. He thought that finding other victims of one killer would be easier if information about all of the city's homicides and homicides from other jurisdictions could be stored in one place. Perhaps a new machine that the federal government used to tally the 1950 census would be useful: a computer. He investigated buying a computer for the city but found that it would be half as large as city hall and cost half as much (Brooks interview, 1992; Taylor, 1998).

Brooks employed an elementary form of VICAP in order to solve his problem. For a year and a half, he went to the central library in Los Angeles on his days off and began to read out-of-town newspapers. He found a newspaper reporting a homicide remarkably similar to the two he was investigating. Brooks contacted the police department handling the out-of-town case and, combining their investigative information with the information gleaned from his own cases, three murders were closed with the arrest of Harvey Glatman (Witzig, 1995).

In 1981, Brooks wrote a plan for VICAP that was submitted to the Law Enforcement Assistance Administration:

VI-CAP [the hyphen was dropped in 1984], a product of ICAP (the Integrated Criminal Apprehension Program), is a program designed to integrate and analyze, on a nationwide basis, all aspects of the investigation of a series of similar pattern deaths by violence, regardless of the location or number of police agencies involved. The overall goal of the VI-CAP is the expeditious identification and apprehension of the

criminal offender, or offenders, involved in multiple murders [cited in Egger, 1990, p. 191].

In 1981 and 1982, the Law Enforcement Assistance Administration (LEAA) funded a series of VI-CAP planning meetings. In 1983, a series of meetings were held at the Sam Houston State University to plan for an entity to be called the National Center for the Analysis of Violent Crime (NCAVC), which would be located at the FBI's Training Division in Quantico, Virginia. Planning included VI-CAP as part of NCAVC (Egger, 1990). In 1983, Brooks testified before Congress and presented his theory of VICAP. Two years later, in 1985, the director of the FBI, William Webster, credited Brooks for his assistance in the creation of the NCAVC (Keefer, 1998; Taylor, 1998).

VICAP went online May 29, 1985, with Pierce Brooks at the keyboard of a terminal linking the NCAVC to the FBI's mainframe computer located in the J. Edgar Hoover headquarters building in Washington, D.C. Brooks was VICAP's first program manager. His presence ensured that VICAP, as implemented, matched his vision, now twenty-eight-years old.

## **VICAP'S MISSION**

When VICAP began in 1985, its purpose was to

collect data for analyses which will lead to the identification of patterns of violent crime throughout the country. Although the completion of the [VICAP] Report and the submission of cases is voluntary, the importance of doing so cannot be over emphasized. A single report received and analyzed by the VICAP staff could initiate a coordinated effort among law enforcement agencies hundreds or even thousands of miles apart and expedite the apprehension of a violent serial offender [Brooks, Devine, Green, Hart, & Moore, 1988, p. 2].

Brooks wrote that VICAP's purpose was to serve as a "nationwide clearinghouse . . . to provide all law enforcement agencies reporting similar pattern violent crimes with the information necessary to initiate a coordinated multi-agency investigation" (quoted in Egger, 1990, p. 193).

In the mid-1990s the VICAP mission statement was streamlined: "VICAP's mission is to facilitate communication, cooperation, and coordination between law enforcement agencies and provide support in their efforts to investigate, identify, track, apprehend, and prosecute violent serial and repeat offenders" (VICAP, 2002, p. 2).

## VICAP CASE TYPES

The types and kinds of cases accepted, and sought, by VICAP since its beginning have changed little. VICAP works well for the following kinds of cases:

- Solved or unsolved homicides or attempts, especially those that involve an abduction; are apparently random, motiveless, or sexually oriented; or are known or suspected to be part of a series
- Missing persons, where the circumstances indicate a strong possibility of foul play and the victim is still missing
- Unidentified dead bodies where the manner of death is known or suspected to be homicide (Howlett et al., 1986)
- Abductions of children or attempts
- Solved or unsolved sexual assaults or attempts

### Homicide or Attempts

After twenty years of VICAP operation, confusion remains in the law enforcement community about the types and kinds of cases that can, and should, be forwarded to the national VICAP database. There is a popular misconception that VICAP is interested only in unsolved, recent homicides. Those cases should be entered, of course, but so too should older homicides because the value of information in the case never diminishes.

For example, one eastern state police agency sent in the solved murder of an eight-year-old girl. The defendant had been convicted and was incarcerated. When the case was sent to the VICAP database, almost forty-five years had passed since the murder. Nonetheless, the case was entered. A year or two later, a state police agency in the Midwest forwarded an unsolved murder of a seven-year-old girl. A VICAP crime analyst compared the two cases in terms of victimology and offender modus operandi (MO). The analyst noted that the two cases presented with similarities and notified investigators. Reopening their cold case, state investigators developed probable cause to believe that the incarcerated offender had committed the murder in their state. After forty-five years, the child's parents, now in their sixties, could be told that the police had solved their daughter's murder. Clearly, older homicides, those solved and those unsolved, should be included in the database.

Death investigators typically think that solved cases are of little interest to their colleagues. In fact, in addition to providing object lessons for the solution of murder, solved cases provide information about offenders, victims, and MO—all invaluable when contrasting and comparing cases in an effort to seek possible matches between or among cases. Once an offender is iden-

tified and it is determined or believed that he killed more than once, a database search for other, unsolved (or possibly cases where an arrest was made or an indictment handed up, causing authorities to believe the case was solved) cases can be accomplished with information about the offender, his victim, and his MO.

Reporting of attempted homicides is important for two reasons. First, attempted homicides can be instrumental to the solution of a series of murders, and a record of the attempts should be forwarded to the VICAP database. Harris, Thomas, Fisher, and Hirsch (2002) noted that medicine is more successful than ever before in treating victims of violent crime and saving their lives. They wrote that between 1960 and 1999, the fraction of criminal assaults resulting in death dropped by 70 percent. In other words, it is not that the offender did not try hard enough to kill the victim; it is simply that the victim would not die or that medical attention saved him or her.

Second, the reporting of attempted homicides is important because not everyone who comes into the sphere of control of a killer is killed. Survivors of a serial killer can provide police with invaluable information that can be used to cut short the killer's violent career. For police, the difficulty comes in associating the correct attempted murder, out of a set of many possible attempted murders, with the correct series of homicides. In retrospect, connecting cases is not always easy; the art of analysis and case matching is in knowing which facets of the case are to be connected, how to make those facets pop out of the background noise of all of the facts, or even if all of the facts are present.

For example, the late Theodore Bundy did not kill all potential victims. Robert D. Keppel (1995) wrote that in mid-July 1974, Bundy was hunting for victims around Lake Sammamish near Seattle, Washington. Bundy, wearing a cast on his left arm, approached a young woman and asked her to help him load something into his car. She walked with him to his car, but declined to get in and walked away from Bundy. Later, witnesses placed Bundy with another woman, Janice Ott, who was never again seen alive. Still later in the day, Bundy was seen chatting with several women. In the end he met young Denise Naslund. She too was never seen again alive.

Robert Yates of Spokane, Washington, is another example. He pleaded guilty in October 2000 to the murders of thirteen women in and around Spokane but was not always successful when he tried to kill a woman (Fuhrman, 2001). Yates patronized prostitutes on Spokane's East Sprague Street and murdered some of them. In August 1998, he picked up Christine Smith. Both were in the back of Yates's van when she received a tremendous blow to the head. She fled from Yates and the van and received medical attention. A year later, an X-ray taken of her head during the course of medical treatment revealed that what Smith thought was a blow to the head from

Yates was actually a gunshot wound. Subsequently, the police searched a van that Yates owned and found a .25 caliber shell casing and an expended bullet (Fuhrman, 2001). Smith was able to provide authorities with information concerning her assailant, who turned out to be Yates.

Subsequent to his guilty pleas in Spokane County, Pierce County, Washington, brought Yates to trial for two murders: Melinda Mercer, whose body was found December 7, 1997, and Connie LaFontaine Ellis, whose body was found October 13, 1998. Yates was found guilty of the murders, and the jury sentenced him to death.

### **Missing Persons and Abductions**

Among the difficult decisions that law enforcement officers and officials face is the handling of missing persons matters. One of the many considerations in these cases is the age and vulnerability of the missing person to be a victim of abduction and become the target of sexual or homicidal assault. The Child Abduction Response Plan makes this clear:

Often the most challenging task at hand upon receipt of a missing child complaint is determining whether it is an actual abduction, runaway child, lost child, thrown away child, or fictitious report to cover up the death of the child or other family problem. This crucial assessment of the initial facts will dictate what actions the responding law enforcement agency will perform [U.S. Department of Justice, 1998, p. 1].

Once an assessment of the missing person is completed and the appropriate law enforcement responses have been made, if the person, juvenile or adult, has not been located, then a report should be forwarded to VICAP for inclusion in the database. In 1985, Detective David Reichert of the King County, Washington, Sheriff's Office and a member of the Green River Task Force said that once the offender's victim selection preferences were identified, the task force paid particular attention to other missing persons with the same characteristics. The task force assembled as much information as possible about missing persons, including individual medical information, dental charts, and X-rays. When victims of the Green River Killer were discovered, their remains were typically little more than skeletons. However, task force preparation paid off, and recovered remains were compared with missing person reports, with identification achieved in only a day or two.

Jurisdictions experiencing a large number of missing person reports daily will be reticent to enter all of the cases into a database. That reluctance will be increased when agencies discover that many of their missing person reports involve repeated teenage runaways who return home after a few

days. Nevertheless, it is better to err on the side of caution and enter into the database more cases than thought necessary.

### **Unidentified Dead**

Matters involving unidentified dead persons can be thought of as the mirror image of missing person cases. It is very difficult to begin the homicide investigation of an unidentified victim. The body recovery site of an unidentified victim may suggest its connection to a multiple murderer. Fuhrman (2001) wrote that during the Spokane series of murders, the bodies of Laurie A. Wason and Shawn McClenahan were found on top of one another in a vacant lot in Spokane. He also wrote that in the early 1970s, Ted Bundy engaged in similar behavior: he kidnapped two women on one day and killed both at the same location.

Failing the certainty of connection with an ongoing serial event, where to begin in a murder investigation is far more easily determined if the victim is identified. To that end, it makes investigative sense to enter the cases of unidentified dead into the VICAP database.

### **Sexual Assault**

For a number of years, sexual assaults were not included in VICAP. But in 2004, the VICAP Crime Analysis Report was revised to include data collection fields suitable for these types of offenses. The questions were based on the Behaviorally Oriented Interview of the Rape Victim proposed by Robert Roy Hazelwood and were reviewed in July 2002 by a VICAP working group (Hazelwood and Burgess, 2001). In December 2002, the VICAP advisory board added their review and approval to the enhanced data collection variables.

### **BUSINESS ANALYSIS**

In 1995, after ten years of operation, VICAP's program delivery was evaluated with a business analysis. The examination revealed four points (Meister, 1998):

- Only 3 to 5 percent of the twenty-one thousand to almost twenty-five thousand homicides committed each year were submitted to VICAP.
- There was an "urban void" of submissions.
- Users reported that the VICAP Crime Analysis Report was too complicated.
- Users reported the perception of a "black hole."



### **Few Submissions**

During VICAP's first ten years, case submissions ranged from a 150 (in 1985, the first half-year) to almost 1,400 per year in 1995. This was but a fraction of the total number of homicides reported for those years (24,526 murders were recorded in 1991 alone). The fraction of cases submitted to the database was larger when unsolved murders were considered, but it was still only a fraction.

### **Urban Void**

An analysis of VICAP submissions revealed that the cities and urban areas that were recording large numbers of homicides were not submitting the cases to the national database. No one could explain why this was the case. The assumption that VICAP misconceptions were prevalent—for example, only unsolved cases were wanted for the national database—did not provide an adequate explanation. Case closure rates in large cities were less than 100 percent, suggesting that even if law enforcement agencies did not understand which cases could be forwarded, many more cases should be arriving for the national database.

### **Complicated Report Form**

A common complaint from investigators was that the paper VICAP report form was too complicated, it had too many questions, and it took too long to complete.

Complaints about the VICAP paper report form have been central to the project from the beginning. The first VICAP paper report was a series of three books, each with hundreds of questions. In late 1985, after six months of operation, the VICAP staff realized that

developing a good understanding or overview of individual cases from information contained in the VICAP reports was difficult for the VICAP staff. The Crime Report form was collecting information that was too detailed for its intended purpose of providing crime analysts with the information necessary to establish linkages among cases [Howlett et al., 1986, p. 17].

Recognizing and prioritizing the function of VICAP, Howlett wrote:

VICAP's purpose was not to investigate cases but to analyze them. In order to do so effectively, general patterns have to be discernible, and

that is better done by establishing the general parameters of events rather than extremely specific reconstructions. Crime scenes are seldom exactly replicated, but general MOs are. Crime analysis and criminal investigation require different levels of specificity [Howlett et al., 1986, p. 17].

In 1986, the VICAP report form was reduced in size from three volumes to a fifteen-page, 190-question, check-the-block, forced-choice instrument. This was the report form that users in 1995 found too difficult.

### **Black Hole**

VICAP users had the perception that VICAP was like an astronomical black hole, where the force of gravity is so intense that nothing escapes, not even light. The perception was that data went to VICAP, and nothing was ever heard about this information again. VICAP did little to close the communication loop.

## **BUSINESS CHANGE**

### **1994 Crime Legislation**

The first and major stimulus for change of VICAP was the Violent Crime Control and Law Enforcement Act of 1994. Title X—State and Local Law Enforcement, Subtitle D—Improved Training and Technical Automation, Paragraph (b), Training and Investigative Assistance, provided funding for VICAP to develop a pilot program. The goal was to create an intelligent information system to collect, collate, organize, and analyze information about violent serial crime. Congressional funding allowed VICAP to embark on the next change.

### **Department of Energy**

Cooperation between the FBI and the Department of Energy (DOE) on other projects suggested that the DOE's computer expertise could be used to good advantage by VICAP. Systems analysts and programmers with Bechtel Nevada, a contractor operating the Remote Sensing Laboratory for the DOE in Las Vegas, Nevada, began to develop a new object-oriented, client-server computer and software system for VICAP.

### **Revised Form**

VICAP crime analysts began a detailed examination of the crime analysis report. Their efforts resulted in a reduction of questions from 190 to only 95.

Moreover, with the aid of color printing technology not available in 1986 and intelligent layout and design, the new VICAP form looked less imposing and more like an attractive, easy-to-use reporting instrument.

### **1998 Crimes Against Children Legislation**

This legislation provided funding for additional crime analysts (CAs). In 1998 VICAP hired thirteen CAs, and this brought the total number to twenty. In 2004, VICAP staffing levels provided for one unit chief, five regional managers (typically supervisory special agents of the FBI), nineteen CAs, one squad operations assistant, and three major case specialists.

## **THE CHANGE**

### **The Form**

The easiest part of the change process involved the VICAP data collection instrument. The number of questions on the form was reduced to 95. For more than two years, VICAP personnel sifted through the database to learn which data were most probative and offered the best possibility of suggesting relationships between or among cases. Frequently reported attributes were made part of the form, and infrequently used attributes were discarded. The form revision was very much like that undertaken by the VICAP staff in 1986 when the variables and attributes of the comprehensive form that Pierce Brooks had initiated were trimmed.

### **Computing Platform**

In 1985, most automated systems resided in a huge mainframe computers. Typically these machines were housed in special rooms with dedicated air handling (air conditioning, mostly, as the machines produced a large amount of heat) and raised floors to accommodate heavy cables providing power and communication among machine components. The machines required frequent maintenance. Programming the machines was a special function and practiced by a small number of persons. Programming languages were difficult to master, with abstruse syntax.

Information retrieval from these machines was challenging. Information retrieval was performed by VICAP CAs, who had to master the Natural programming language to access the database (written in Adabase) on the mainframe computer (an Amdahl). With practice, the VICAP CAs learned to prepare discrete queries designed to elicit cases exhibiting characteristics similar to the case under analysis. Their satisfaction with the query results

exceeded the accuracy of the Automated Modus Operandi System, used until 1997.

By the mid-1990s, tremendous advances had been made in computing. State-of-the-art operating systems for microcomputers, combined with chips processing data at a faster pace, and hardware with greater storage capacity, costing about two thousand dollars or less, brought a tremendous amount of data processing capability into a desktop environment. Database software advances produced a product capable of providing mainframe utility in a user-friendly, client-server environment, accessed by powerful microcomputers.

Advances in hardware and software made possible the shift of VICAP software from a mainframe platform to a desktop platform. Data accessible only by a few VICAP CAs can now be accessed by anyone in law enforcement equipped with VICAP software written for the client-server environment.

### **The Network**

VICAP engaged contractors outside the FBI to write the client-server software application for New VICAP. (Use of the lowercase “i” in ViCAP became the official choice in the late 1990s. A standard spelling, VICAP, is used in this chapter to reduce confusion.) VICAP software is now distributed to participating agencies so that they can perform their own analyses with direct access to all of the data they enter into the system. A networked version of New VICAP software allows the exchange of violent crime information within a police department, a county, a state, or across the nation.

When an intranet is not available for data transmission, the utility of another FBI-sponsored initiative is used: Law Enforcement Online (LEO). LEO is accessible to members of law enforcement entities on application. After an applicant’s law enforcement agency status is confirmed, LEO issues software, a sign-on, and a password. The LEO e-mail tool provides an encrypted conduit for information exchange. Through LEO, VICAP users ensure that their transmitted data will not be read by others.

### **THE NEW VICAP**

The sea change in New VICAP utility was the movement of the software from a mainframe platform to a user-friendly, client-server environment that can be delivered to any law enforcement entity. Briefly, New VICAP software permits users to

- Match violent crime cases
- Perform cold case analysis

- Identify trends
- Learn the “how” and “why” of violence
- Provide agency administrators with a violent crime reporting system

### **Crime Case Matching**

New VICAP software provides state and local agencies with the same type and kind of crime case matching capability enjoyed at the national level by the VICAP Unit. Any data that a user enters into the system are retrievable. Much of the information is captured through the use of pull-down menus, reducing the amount of typing necessary for data entry and the potential for misspelled words (which make data retrieval difficult when correctly spelled words are used in a computer retrieval statement). Dialogue boxes capture hand-entered data. Provision was made for a narrative to be included as part of the data. In an effort to avoid double data entry, the narrative portion accepts text that can be applied in a cut-and-paste style from other word processing programs.

These details of data entry are important because only the data entered into a New VICAP database can be extracted, but all of the data in the database, forced choice or text, can be retrieved for crime case comparison. A CA can select facts or behaviors from an offense and query the database for cases exhibiting similar characteristics. This is the way that CAs in the FBI’s VICAP Unit check for two or more cases that may have been committed by the same offender, or match open, unsolved cases to a known offender’s time line of travels and activities.

Another feature of New VICAP software is the ability to enter victim or crime scene photographs into the database and have them associated with a particular case. A written description cannot capture the details of bindings applied to a victim, but a photograph can do so with great clarity. Moreover, although case jackets and photographs can disappear over time, data entered into the New VICAP database are not lost and are available for later retrieval and analysis.

### **Perform Cold Case Analysis**

During the twenty years that VICAP has been in operation, an entire generation of detectives has moved from the start of their careers to retirement. Experience teaches us that when seasoned homicide detectives leave the unit, all of their case knowledge goes with them. But a computer database never forgets. Data entered (and properly backed up) are never lost. The answer to the question, “What are the facts of the murder committed six

years ago in the alley, the rear, of the 200 block of Tennessee Avenue, Southeast?" is always available.

Turner and Kosa (2003) offered that cold case squads are formed because

law enforcement agencies, regardless of size, are not immune to rising crime rates, staff shortages, and budget restrictions. Rising crime rates can tax the investigative and administrative resources of an agency. More crime may mean that fewer cases are pursued vigorously, fewer opportunities arise for followup, or individual caseloads increase for already overworked detectives. Transfers, retirements, and other personnel changes may force departments to rely on younger, less experienced investigators to work cases, often unsuccessfully [p. 1].

The VICAP tool allows storage of old, cold cases for reassessment and work at a later date. Moreover, the evidence-tracking capability of VICAP affords instant recall of evidence collected for examination by new and enhanced laboratory techniques available at some future date.

### **VICAP Tool Configuration**

In the early 2000s, VICAP had three different electronic schemes to serve the varied needs of law enforcement agencies. The first of these is a stand-alone version. In this configuration, the VICAP software system operates on one computer, with one sign-on and password. Opportunities for tracking work and changes to the database are lost in this configuration, but it works well in smaller agencies with only a few personnel.

The second configuration operates on one computer but with several sign-ons and passwords available. This option provides individual, tracked access to the database, but is more costly as licensing issues come into play.

The third configuration operates in a client-server environment. Here the VICAP software resides in the server and is accessible from as many client computers as the law enforcement entity wishes—or can afford—to network with the server. Although this is the most expensive option in terms of both equipment (clients and servers) and licenses, this option provides individual access to the database by multiple persons at the same instant in time.

### **National Database**

In the future and with years of development behind it, VICAP will be opening a national database for law enforcement users. The database is designed to contain all homicides, missing persons, unidentified dead, and sexual

assault cases submitted by state and local law enforcement entities across the United States. The database will be accessible through the Internet using individual LEO accounts. With this tool, analysts and detectives can query the database and obtain a possibilities set matching the variables in the query and the facts of a case under investigation.

From a local and regional tool, VICAP will move to another level when the national database comes online. Cold case squads will be united, and investigators can track, for example, the spread of trucker-committed prostitute murders across the United States. A question frequently asked by knowledgeable investigators is: Is this murder linked to any others? That question can be answered through VICAP as MOs and photographs from possible related cases can be compared and contrasted.

## **VICAP TODAY**

Today's VICAP is still located within CIRG and is part of NCAVC, along with the Behavioral Analysis Unit (BAU) 1, which handles terrorism threats; BAU-2, which handles crimes against adults; BAU-3, which handles crimes against children; and the Behavioral Research Group, serving as the center's research component. The NCAVC provides assistance to law enforcement entities at all levels and around the world in these types of cases:

- Child abduction or mysterious disappearance of a child
- Serial murder
- Single murder
- Serial sexual assaults or rapes
- Extortion
- Threats
- Kidnapping
- Product tampering
- Arson and bombing
- Weapons of mass destruction
- Public corruption
- Domestic and international terrorism

## **Current VICAP Services**

VICAP's supervisory special agent for administration, Gary L. Cramer (personal communication to the author, March 2006), wrote that the current VICAP program

consists of more than 18 FBI Crime Analysts, along with program management personnel, IT Specialists, over 700 law enforcement agency clients throughout the United States, and a decentralized database management system, all working together to solve violent crimes. Crime data is entered within the law enforcement organization's VICAP client workstation at the user end and is provided in electronic format via Law Enforcement Online (LEO) connection to CIRG. Alternatively, a media disk or hardcopy of the data can be mailed to the CIRG VICAP program for data entry. The Crime Analysts collect all data and work to compare, analyze, link, and help solve crimes utilizing tools offered by the VICAP system.

More specifically, VICAP's unit chief, Thomas J. Donohue (personal communication to the author, March 2006), wrote that VICAP's services to law enforcement entities in the United States and abroad include

- Analytical support for "cold" case investigation, to include homicide and sexual assault matters that may potentially involve transient or serial offenders
- Mapping, trend analysis, training, and case coordination support and analysis
- A full range of analytical services for all member agencies on submitted cases, as well as limited analysis for nonmember agencies which submit criteria cases
- Written products prepared and disseminated in the Criminal Intelligence Assessment Report (CIAR) format
- Offender time lines, matrices, and mapping products
- NCIC interface for off-line searches of suspects or vehicles
- National Law Enforcement Telecommunications System (NLETS) searches of messages dating back to 1986
- National crime analyst training in-services to include crime analysis, behavioral analysis, and case management
- VICAP Alerts published in the FBI's *Law Enforcement Bulletin* and other publications; VICAP Alerts feature crime information notices of general interest to law enforcement

### **Cases Suitable for VICAP**

VICAP collects case information on more than homicides or attempts, missing persons, and unidentified dead. Child abductions or attempts, kidnappings, and sexual assaults or attempts and rapes cases are now accepted and



sought. Including these additional offenses makes VICAP a much more desirable tool for law enforcement. (Information about VICAP can be found at <http://www.fbi.gov/hq/isd/cirg/ncavc.htm>.)

## CONCLUSION

Detective Pierce Brooks's idea for VICAP is more than fifty years old. His vision included computers that at the time were little more than glorified card sorting machines. In those fifty years, computer speeds and memories have gone up, as the prices for those capabilities have gone down. Today Brooks's vision and the needs of modern law enforcement are looked after by the VICAP Advisory Board made up of law enforcement executives and investigators. The advisory board provides guidance and advice to VICAP's management. After twenty years of experience and practice with Brooks's concept, VICAP has fine-tuned the merger of people and machine to create a data storage and retrieval system that adds immense value to criminal investigations.

## APPENDIX: PIERCE R. BROOKS

Pierce Brooks was born in Los Angeles in 1923. He lived there until World War II, when he left to fly for the U.S. Navy. After the war, he returned to Los Angeles and in 1948 joined the police department.

Brooks served in patrol, vice, and narcotics assignments before he moved to homicide. His rise to the elite homicide unit was rather quick, because he was there in 1957 to work on the case of Harvey Glatman, having joined the department only nine years earlier. His promotions in the department continued until 1969, when he retired with the rank of captain.

Along the way in Los Angeles, he met Jack Webb, the Hollywood director and actor. Webb performed both functions for the television series, *Dragnet*, and played the part of Sergeant Joe Friday. Brooks was a perfectionist in his work, and he saw in Webb the same characteristics. He once remarked that Webb tightly "blocked his shots" on a scene, specifying exactly where the actors were to stand, how the camera would be positioned, what lighting was to be used, and other details.

The respect was mutual. From time to time during Sergeant Friday's opening monologue on *Dragnet* ("This is the city. Los Angeles, California. I work here. I carry a badge."), he announced the shift's watch commander as Lieutenant Pierce Brooks. *Dragnet 1969*, a movie, used the murders committed by Harvey Glatman as its theme.

After Los Angeles, Pierce Brooks became the chief of police in Lakewood, Colorado; Springfield, Oregon; and Eugene, Oregon. In later years, he

consulted on the Seattle, Washington, Green River murders; Chicago Tylenol murders; and the Atlanta, Georgia, child murders. He wrote a couple of books, and Joseph Wambaugh's *The Onion Field* (1979) is about one of Brooks's cases.

Brooks died in Springfield, Oregon, on February 28, 1998.



PART TWO

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# **Classifications**



CHAPTER

6

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# Homicide

- 100: Criminal enterprise
  - 101: Contract murder (third party)
  - 102: Gang-motivated murder
  - 103: Criminal competition
  - 104: Kidnap murder
  - 105: Product tampering
  - 106: Drug murder
  - 107: Insurance-related death
    - 107.01: Individual profit
    - 107.02: Commercial profit
  - 108: Felony murder
    - 108.01: Indiscriminate murder
    - 108.02: Situational murder
- 120: Personal cause homicide
  - 121: Erotomania-motivated murder
  - 122: Domestic homicide
    - 122.01: Spontaneous domestic homicide
    - 122.02: Staged domestic homicide
    - 122.03: Neonaticide
  - 123: Argument/conflict murder
    - 123.01: Argument murder
    - 123.02: Conflict murder

- 124: Authority murder
- 125: Revenge
- 126: Nonspecific motive murder
- 127: Extremist homicide
  - 127.01: Political
  - 127.02: Religious
  - 127.03: Socioeconomic
- 128: "Mercy/hero" homicide
  - 128.01: "Mercy" homicide
  - 128.02: "Hero" homicide
- 129: Hostage murder
- 130: Sexual homicide
- 131: Organized
- 132: Disorganized
- 133: Mixed
- 134: Sadistic murder
- 135: Elder female sexual homicide
- 140: Group cause homicide
  - 141: Cult
  - 142: Extremist homicide
    - 142.01: Political
    - 142.02: Religious
- 143: Group excitement

Murder is the unlawful taking of human life. It is a behavioral act that terminates life in the context of power, personal gain, brutality, and sometimes sexuality. Murder is a subcategory of homicide, which also includes lawful taking of human life, such as, manslaughter, deaths resulting from criminal and non-criminal negligence, and unpremeditated vehicular deaths (Megargee, 1982). Although a distinction is made in the literature among homicide, murder, and killing, for the purpose of this book, the terms are used interchangeably.

## **THE UNIFORM CRIME REPORTING PROGRAM**

The earliest system for classification of homicide is the *Uniform Crime Reports* (UCR). The UCR, prepared by the FBI in conjunction with the U.S. Department of Justice, presents statistics for crimes committed in the United States within a given year. Recognizing a need for national crime statistics, the International Association of Chiefs of Police formed the Committee on Uniform Crime Records in the 1920s to develop a system of uniform police statistics. Seven offenses were chosen to serve as an index for gauging fluctuations in the overall volume and rate of crime. Known collectively as the

crime index, these offenses were the violent crimes of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault, and the property crimes of burglary, larceny theft, and motor vehicle theft. By congressional mandate, arson was added as the eighth index offense in 1979.

A survey of the figures reported in the UCR for all murders committed between 1976 and 2003 shows that the number of murders in the United States has fluctuated from 16,605 in 1976 to a peak of 21,860 in 1980, dropping to 20,613 in 1986 and up to 21,500 in 1989 to a low of 16,503 in 2003 (U.S. Department of Justice, 1977, 1981, 1987, 1989, 2003). The UCR also cites information about age, race, and sex of victims and offenders; types of weapons used; and situations in which killings took place.

The current UCR classifies murders as follows:

- Felony murder (occurs during the commission of a felony)
- Suspected felony murder (elements of felony are present)
- Argument-motivated murder (noncriminally motivated)
- Miscellaneous or nonfelony types (any known motivation not included in previous categories)
- Unknown motives (motive fits into none of the above categories)

Percentages for all categories of murder except the unknown motives category have decreased. In 2003, there were 14,054 murders categorized. The number of murders classified in the category, however, has risen dramatically. In 2003, there were 4,476 murders categorized in the unknown category out of the 14,054 murders. This trend is particularly noteworthy in that it suggests both the heterogeneity of motives that give rise to murder and the clear inadequacy of a system that partitions murder essentially into three categories: felony, noncriminal, and miscellaneous. The miscellaneous and unknown motives categories represent wastebasket classifications. A classification system that fails to capture 40 to 50 percent of the cases (other and unknown) clearly is suboptimal in its ability to explain the universe of behavior.

## **HOMICIDE CLASSIFICATION BY VICTIMS, TYPE, AND STYLE**

The FBI Academy's Behavioral Science Unit at Quantico, Virginia, began contributing to the literature on the classification of homicide with the Hazelwood and Douglas (1980) publication on typing lust murderers. The classifying of homicides by number of victims, type, and style was published by Douglas, Ressler, Burgess, and Hartman in 1986. A single homicide is defined as one victim and one homicidal event. A double homicide is



defined as two victims who are killed at one time in one location. The January 27, 2001, murder of Dartmouth College professors Half and Suzanne Zantop by teenage classmates James Parker and Robert Tulloch is an example of a double homicide. This case was solved by investigators who traced the knives to Parker, who bought them online. A triple homicide is defined as three victims who are killed at one time in one location. Any single-event, single-location homicide involving four or more victims is classified as mass murder.

There are two subcategories of mass murder: classic mass murder and family mass murder. A classic mass murder involves one person operating in one location at one period of time, which could be minutes or hours or even days. The prototype of a classic mass murder is a mentally disordered individual whose problems have increased to the point that he acts out against groups of people who are unrelated to him or his problems, unleashing his hostility through shootings and stabbings. One classic mass murderer was Charles Whitman, who in 1966 armed himself with boxes of ammunition, weapons, ropes, a radio, and food; barricaded himself in a tower at the University of Texas at Austin; and opened fire for ninety minutes. (See Chapter Thirteen.) The second type of mass murder is family mass murder. If four or more family members are killed and the perpetrator takes his own life, it is classified as a mass murder–suicide. Without the suicide and with four or more victims, the murder is classified as family mass murder. An example is John List, an insurance salesman who killed his entire family in 1972. List disappeared after the crime, and his car was found at an airport parking lot. He was located seventeen years later following a television program describing the murders.

A spree murder is defined as a single event with two or more locations and no emotional cooling-off period between murders. The single event in a spree murder can be of short or long duration. On September 6, 1949, spree murderer Howard Unruh of Camden, New Jersey, took a loaded German Luger with extra ammunition and randomly fired the handgun while walking through his neighborhood, killing thirteen people and wounding three in about twenty minutes. Although Unruh's killing took a short length of time, it was not classified as a mass murder because he moved to different locations (Ressler, Burgess, & Douglas, 1988).

Serial murder was initially defined as three or more separate events in three or more separate locations with an emotional cooling-off period between homicides. At a 2005 FBI conference on serial murder, discussion focused on the number of events needed for classification as serial. There was considerable support for reducing the number to two or more events to qualify as serial in nature. The serial murder is hypothesized to be premedi-

tated, involving offense-related fantasy and detailed planning. When the time is right for him and he has cooled off from his last homicide, the serial killer selects his next victim and proceeds with his plan. The cooling-off period can last for days, weeks, or months and is the key feature that distinguishes the serial killer from other multiple killers. Ted Bundy is an example of a serial murderer. Bundy killed thirty or more times over a period of many years in at least five different states.

There are other differences that are hypothesized to distinguish the mass, spree, and serial murderers. In addition to the number of events and locations and the presence or absence of a cooling-off period, the classic mass murderer and the spree murderer are not concerned with who their victims are; they will kill anyone who comes in contact with them. In contrast, the serial murderer usually selects a type of victim. He thinks he will never be caught, and sometimes he is right. A serial murderer carefully monitors his behavior to avoid detection, whereas a spree murderer, who often has been identified and is being closely pursued by law enforcement, is usually unable to control the course of events. The serial killer, by contrast, plans and chooses victim and location, sometimes stopping the act of murder if it is not meeting his requirements. With a sexually motivated murderer, the offense may be classified as any of the aforementioned types.

## **INVESTIGATIVE PROFILING**

Crime classification assists investigative profiling, a step within investigative considerations. Investigative profiling is best viewed as a strategy enabling law enforcement to narrow the field of options and generate educated guesses about the perpetrator. It has been described as a collection of leads (Rossi, 1982), as an informed attempt to provide detailed information about a certain type of criminal (Geberth, 1981), and as a biological sketch of behavioral patterns, trends, and tendencies (Vorpapel, 1982). Geberth (1981) has noted that the investigative profile is particularly useful when the criminal has demonstrated some clearly identifiable form of psychopathology. In such a case, the crime scene is presumed to reflect the murderer's behavior and personality in much the same way as furnishings reveal a home owner's character.

Profiling is, in fact, a form of retroclassification, or classification that works backward. Typically we classify a known entity into a discrete category, based on presenting characteristics that translate into criteria for assignment to that category. In the case of homicide investigation, we have neither the entity (for example, the offender) nor the victim. It is thus necessary to rely on the only source of information that typically is available:

the crime scene. This information is used to profile, or classify, an individual. In essence, we are forced to bootstrap, using crime-scene-related data, to make classifications. This bootstrapping process is referred to as *profiling*. There have been no systematic efforts to validate these profile-derived classifications.

## **CCM: A MOTIVATIONAL MODEL FOR CLASSIFICATION OF HOMICIDE**

The first published FBI Behavioral Science Unit system for typing lust murder (Hazelwood & Douglas, 1980), which Megargee (1982) properly described as a syndrome rather than a typology, delineated two categories, the organized nonsocial category and the disorganized asocial category, that were not intended to embrace all cases of sexual homicides. This early work on lust murder evolved into a programmatic effort to devise a classification system for serial sexual murder (Ressler et al., 1988). In the late 1980s, the agents from the Investigative Support Unit at the FBI Academy joined with the Behavioral Science Unit to begin working on a crime classification manual, using as a guide the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-IV-TR, 2006) of the American Psychiatric Association. Work groups were assigned to the major crime categories of murder, arson, and sexual assault. An advisory committee representing federal and private associations was formed.

Although many of the conceptual and theoretical underpinnings of this model derive from earlier writings on the subject, the study of violent crime has advanced and thus new crime classifications have been added.

In the CCM, classification of homicide by motive has four major categories. The criminal enterprise category has eight subcategories: contract murder (third party), gang-motivated murder, criminal competition, kidnap murder, product tampering, drug murder, insurance-related murder (individual profit or commercial profit), and felony murder (indiscriminate or situational). The personal cause category has eleven subcategories: erotomania-motivated murder, domestic homicide (spontaneous, staged, or neonaticide), argument/conflict murder, authority murder, revenge, nonspecific motive murder, extremist homicide (political, religious, or socioeconomic), “mercy/hero” homicide, and hostage murder. The sexual homicide category has five subcategories: organized crime-scene murder, disorganized crime-scene murder, mixed crime-scene murder, sadistic murder, and elder female sexual homicide. The group cause category has three subcategories: cult murder, extremist homicide (political, religious, or socioeconomic murder [paramilitary or hostage]), and group excitement.

## 100: CRIMINAL ENTERPRISE

Criminal enterprise homicide entails murder committed for material gain. This material gain takes many forms (for example, money, goods, territory, or favors).

## 101: CONTRACT MURDER (THIRD PARTY)

A contract killer is one who kills by secret assault or surprise. He is a murderer who agrees to take the life of another person for profit; that is, he is a hit man. There is usually an absence of relationship (personal, familial, or business) between killer and victim.

### Defining Characteristics

**Victimology.** The victim of a contract killer is perceived by the person hiring the killer as an obstruction or hindrance to the attainment of a goal. This goal could be a financial one (collecting life insurance or controlling a business) or it could be personal (an extramarital affair, a refusal of divorce).

The victim's risk is situational. It is the offender's perception of the victim as an obstacle that puts the victim at risk. The risk for the offenders (contractor and killer) is dependent on their relationship with each other and the experience and expertise of the offender who is committing the murder.

**Crime Scene Indicators Frequently Noted.** The offender usually spends a minimum of time at the scene. A quick, fast killing is usually opted for.

Several factors at the scene are indicative of offender sophistication. One index of this professionalism is the weapon that is used. Customized suppressors, handguns, or other instruments of death often indicate a specialist who is comfortable with killing. The crime scene may reflect this in other ways, including little or no physical evidence left at the scene, effective staging, elaborate body disposal, and a crime scene that shows a systematic, orderly approach before, during, and after the crime.

The weapon may be chosen based on its availability, lack of traceability, or inability of making a bullet match from it (.22 caliber). The offender often will drop the weapon or leave it at the crime scene with the body to lessen the possibility of being apprehended with it in his possession. Firearms used for a contract killing are often stolen or not registered.

Arson is sometimes used to conceal the contract murder. (Refer to section 231 for further information.)

**Staging.** If staging is absent, there will be no other crime indicators: for example, nothing will be missing, and there will be no sexual assault. Secondary criminal activity may mean that the offender is youthful, an amateur, or of low intelligence.

The counter to this is a crime scene with complex staging, such as cut brake lines or aircraft malfunction, to make the death look accidental. Secondary criminal activity to confuse the primary motive of murder may include the appearance of a robbery or breaking and entering that went wrong, or a kidnapping. The body may be positioned to imply that a sexually motivated homicide occurred. Actual sexual assault is a variable depending primarily on offender professionalism.

**Common Forensic Findings.** Just as staging and other crime scene indicators reflect the offender's level of experience, forensic findings can also offer distinguishing features. The veteran professional killer, for example, may choose a weapon that is difficult to trace and focus the area of injury to the victim's vital organs, especially the head. Usually there are a minimal number of wounds; overkill is rare. A blitz or ambush style of attack is also common to this type of killing.

### **Investigative Considerations**

Most contract killings have some evidence of premeditation. The killer may stalk the victim. An individual with preexisting, intact criminal connections will be able to contract a murder more easily and with less of a conspiratorial trail than an individual without established criminal connections. While the latter individual's conspiratorial trail may be more easily detected, the nature of the crime ensures the existence of a conspiracy for all offenders. Scrutiny of a suspect's preoffense contacts, discussions, and communications may provide evidence of the conspiracy (telephone and financial records should be reviewed for such evidence).

The contractor (the party engaging the killer) will have a history of personal conflict or business competition with the victim. However, he or she may exhibit a preoffense behavior change that frequently includes an apparent improvement in relationship with the victim. This improvement is often deliberately made apparent to relatives, friends, and business associates. The offender's motivation for projecting an image of caring and concern toward the victim is to lure the victim into a false sense of security while convincing those around him that he is above suspicion once the investigation has begun. Interviews with those close to the offender and victim may reveal this type of preoffense behavior. Additional preoffense behavior that others may observe is a nervousness or preoccupation on the part of the contractor.

Postoffense, the offender (contractor) will often demonstrate selective recall. He or she will have an uncharacteristically detailed, precise, airtight alibi for the period during which the homicide occurred. The investigator will be able to specify the offender's activities and the exact times these occurred from receipts and other evidence; however, his actions before and after the offense will be harder to pinpoint. The contractor will most likely be highly visible during the time of the offense (at a public place or party, for example).

### **Search Warrant Suggestions**

Telephone records and other communications, financial records showing transfers of money, travel records, receipts (for rental cars or motels, for example), and weapons are all important search warrant suggestions.

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## **CASE STUDY 101: CONTRACT MURDER**

### **Victimology**

U.S. District Court Judge John Wood was known as Maximum John to members of the legal and law enforcement society in Texas. His reputation for handing out the stiffest penalties possible for drug offenders had brought him to the attention of the criminal community as well. Judge Wood had made serious inroads into the organized drug trade of the southern and western areas of Texas where drug flow across the Mexican border into this region had made trafficking a lucrative business.

Jamiel Charga (known as Jimmy) especially seemed to be benefiting from the drug business, as evidenced by his lifestyle: he had lost \$1.1 million during one three-day Las Vegas gambling trip. Jimmy's brother, Lee, who had also been implicated in drug trafficking (and who was murdered on December 23, 1978), often expressed feelings of persecution at the hands of federal representatives like Judge Wood and the assistant U.S. attorney, James Kerr Jr. (Kerr was the object of an attempted assassination in November 1978.)

Jimmy Charga, who was already in prison, shared his brother's animosity of Judge Wood, imagining that he was the object of the judge's personal vendetta. He was also convinced that he would be given a life sentence by Judge Wood if he was convicted of the five counts of drug trafficking he faced in Wood's court.

At approximately 8:40 A.M., on May 29, 1979, Judge Wood called goodbye to his wife as he walked out the front door of their apartment. Ten to fifteen seconds later, as he walked from the brick condominium to his green

Chevrolet, he was struck in the back by a single gunshot. Mrs. Wood came out of the apartment after hearing the noise she had immediately identified as a gunshot. She found her husband lying near his car and attempted to help him. Wood was transported to Northeast Baptist Hospital, San Antonio, where he was pronounced dead on arrival at 9:30 A.M.

Judge Wood was placed at a high risk because of the stance he took when sentencing drug traffickers. Typically, he would not have been considered a high-risk victim when considering other factors that rate a victim's risk level (lifestyle and income, for example). However, his occupation and intolerance of drug offenders, in addition to his flippant attitude toward the threats against his life (he had ended the protection given him by federal marshals and had stopped carrying the gun they had given him), elevated his risk.

Relating Judge Wood to the victimology of a contract killing shows that his risk was situational. He was viewed as an obstruction to Jimmy Charga's freedom and his drug enterprise. Judge Wood had ended U.S. marshal protective services and had stopped carrying the gun they had given him.

### **Crime Scene Indicators**

Judge Wood's body was lying three and a half feet from his car at a forty-five-degree angle with the feet pointing northwest, the head southeast, and the arms outstretched to the side.

The witnesses who saw the judge struck by the bullet and fall to the ground never saw the gunman. There was no physical evidence (no shell casings or fingerprints, for example). The exact location of the sniper was not known. There were reports of several different strangers at the apartment around the time of the murder, but none led to any substantial suspect information.

The fast method of killing meant a minimum of time at the crime scene for the offender. The apparent ease of the killer to slip in, shoot the judge, and escape undetected (especially with a police patrol within two blocks responding at 8:41 A.M.) are all indicators of careful premeditation by an experienced hit man.

### **Forensic Findings**

The bullet entry point was to the lower back, left of center, with a trajectory through the body of less than fifteen degrees. It immediately hit the spine, causing fragmentation of the bullet and disintegration. These bullet fragments resulted in wounds throughout the abdomen and internal organs.

Ballistics revealed that the bullet was a .243 caliber or 6mm. Based on the rifling marks, it was concluded that two kinds of common rifles could have fired the bullet: the Browning Lever-Action and the Interarms Mark X.

The ambush, sniper style of attack on Judge Wood, requiring only one shot to kill almost instantly, is forensics information typical of the more experienced contract killer.

### **Investigation**

The investigation of Judge Wood's murder became the largest federal investigation since John F. Kennedy's assassination. Due to the professionalism of the killer (as evidenced by the lack of forensics and witnesses), the direction of the investigation depended greatly on the history of conflict between Judge Wood and Jimmy Charga. In addition, the conspiratorial trail was less visible due to Charga's criminal contacts. This minimized the effort to seek a hit man, therefore minimizing the number of conspirators who could later become damaging witnesses.

The combination of extensive investigation with all of Charga's business associates, family, and friends, combined with intelligence derived from informants, began to focus attention on Charles Voyde Harrelson. On June 24, 1979, Charga's wife, Elizabeth, had paid \$150,000 to Harrelson's stepdaughter in Las Vegas for the completed contract killing. Harrelson acknowledged receiving the money but said it was for a drug deal. The conspiratorial trail finally began to emerge after examination of telephone bills that linked Harrelson with Charga through family members.

Charga's wife was audiotaped while visiting her husband in Leavenworth Prison. "Yeah, go ahead and do it," she said, when the couple discussed plans to kill Judge Wood. They were repeating a previous conversation that had taken place before Wood was murdered. Elizabeth Charga also wrote a letter to Mrs. Wood in which she acknowledged making the payoff, but she denied involvement in the conspiracy.

Mrs. Harrelson admitted buying the .240-caliber Weatherby Mark V, the murder weapon, using a false name and giving it to her husband. The rifle butt with the Weatherby trademark was the only partly recovered, making a ballistic match impossible (another indicator of some criminal sophistication). Harrelson's placement near the crime scene, in contrast to his claim of being 250 miles away the day of the killing, was solidified when a series of witnesses testified he was at motel in North San Antonio the night before the murder.

### **Outcome**

Charles Harrelson was convicted of the 1979 murder and conspiracy to murder and sentenced to two consecutive life sentences without parole. He appealed his case in 1998 to the Supreme Court. On March 29, 2004,



Harrelson, father of actor Woody Harrelson, lost his Supreme Court appeal. Jimmy Charga was convicted of obstructing justice in the Wood investigation. He was also convicted of conspiracy to commit murder in relation to the attempt made on assistant U.S. attorney James Kerr. Kerr, who often tried drug cases in Wood's court, barely escaped injury from a barrage of bullets by ducking under his car dashboard in November 1978. Charga was also convicted of continuing criminal enterprise, conspiring to import marijuana, and tax fraud.

Elizabeth Charga was originally charged with murder conspiracy, convicted, and sentenced to thirty years. This was later overturned because the judge had not instructed the jury that her guilt had to be based on joining the conspiracy with malicious intent. She was also convicted of obstructing justice and tax fraud and received a five-year sentence.

Jo Ann Harrelson was convicted of perjury before the grand jury, during her own trial, and to FBI agents. Also convicted for their part in the assassination were Joe Charga, Jimmy's brother, and Theresa Jasper, Harrelson's stepdaughter.

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## **102: GANG-MOTIVATED MURDER**

A street gang is an organization, association, or group of three or more people, whether formal or informal, that has as one of its primary activities the commission of antisocial behavior and criminal acts, including homicide.

Gangs in one form or another have been around for hundreds of years, with pirates probably some of the original gangs. The groups that traditionally come to mind are the Crips and the Bloods from California, whose origins can be traced to the late 1960s. According to the Los Angeles Police Department, as of 2006, Los Angeles is now home to 463 gangs, up from 300 in 1990. The city has an estimated 40,000 gang members. And as another example, gang-related graffiti, robberies, shootings, and stabbings are on the rise in Utah after a decade of decline.

Street gangs were first formed in response to territorial struggles with rival neighborhoods. Fatalities that were associated with gang activity were largely based on these territorial conflicts. Contemporary gangs are demonstrating signs of evolution from loosely knit gangs to more established, organized crime groups. The flourishing cocaine market has been the propelling force behind this evolutionary process. Because the drug enterprise is now the heart of gang existence, drug-related homicide and street gang murder are becoming synonymous.

## **Defining Characteristics**

**Victimology.** The victims of street gang homicide are usually members or associates of a gang. Gangs generally have a leader or group of leaders who issue orders and reap the fruits of the gang's activities. A gang may also wear "colors," that is, certain types of clothing, tattoos, and brands imprinted with the gang's name, logo, or other identifying marks. Many gangs also adopt certain types of hairstyles and communicate through the use of hand signals and graffiti on walls, streets, their own school work, and school property.

Innocent bystanders are peripheral victims in some drive-by shootings. Local businessmen being extorted by gangs also become homicide victims, but this is usually restricted to Asian gangs. Filipino gangs in Hawaii use firearms as a currency in the drug trade; therefore, these gangs target victims to obtain guns that include military and law enforcement personnel. Violence involving street gangs most often includes minority, male victims and offenders.

**Crime Scene Indicators Frequently Noted.** The homicide scene is usually an open, public place within gang territory. Frequently the site of the killing is in front of or near the victim's residence. Drive-by killings are the most frequent tactic employed by gangs. This mobile, public clash has a much greater prevalence over the one-on-one confrontation. Drive-by killings often involve more than one car.

The crime scene is disarrayed, with no concern for the body. It is not concealed and may even be displayed and positioned in a specific manner if a message is intended by the killing. Symbolic items may be left, such as the colors representing a gang or graffiti messages. Sometimes gang members involved with the offense will yell another gang name at the scene to misdirect law enforcement and focus retaliation on another gang.

The weapon is brought to the scene and is often concealed. Frequently there are additional victims injured and associated offenses related to the homicide.

**Staging.** Staging is generally absent.

**Common Forensic Findings.** Firearms are the weapons of choice with most gangs. The typical gang arsenal includes assault rifles, fully automatic weapons, semiautomatic handguns, and shotguns. Knife attacks are rare.

Multiple wounds from multiple-round weapons characterize a common forensic finding of the gang homicide. The offender often empties the gun's magazine into the victim. Such wounds are usually manifested in two ways.

For optimum lethality, the offender targets the victim's head and chest. And for a ritualistic attack (especially prevalent with a retaliatory killing), there is methodical shooting of arms, knees, groin, and legs first, then chest and head.

An execution style of shooting is one other method employed with gang murder. There are isolated incidents of torture, but these are rare and usually occur only with an intragang conflict.

The victims who had gang involvement often have tattoos. Hispanic gangs especially tend to have many intricate tattoos.

### **Investigative Considerations**

“Intelligence is the basis for success of the entire investigation,” according to Joe Hoolmes of the Sheriff Lynwood Gang Unit. Known gang conflicts may also give direction to the investigation. Geographical considerations quickly help classify a homicide: an area of concentrated activity will increase the likelihood that the killing was gang motivated. Because gang killings are usually public, there are frequently witnesses.

The type of homicide perpetrated by street gangs is reflecting their emergence as more organized criminal operants. Some gangs are functioning as contract killers. The largest percentage of gang killings are motivated by drugs, with territory disputes and retaliatory killings the second and third most common motives. One other motive for gang homicide is the intermingling of a female from one gang or territory with the male of another.

Although many studies note the average gang is composed of males between the ages of twelve and twenty-one who reside in poor, central areas of cities with populations of more than 200,000, girl membership in gangs has been increasing. Surveys of gangs in large cities indicate a wide variance in ethnicity, including African Americans, Hispanics, Asians, and Caucasians.

The law enforcement officer should attempt to keep a log of the addresses of gang members frequently seen together. Gang members often exchange stolen goods, guns, and clothing that may connect them to an offense. If possible the officer should keep Field Information Cards (FIC) and have gang members sign the back of this information with their moniker (gang nickname) and logo. Usually gang members are proud of this and will volunteer to do so. The investigator should also have the gang member initial, sign, and draw his gang graffiti on the back of the rights card when being interviewed. This can prove helpful during prosecution for establishing the subject's membership or involvement with a gang.

Known gang conflicts may also give the investigator direction. For example, Bloods do not fight each other, but Crips will fight each other. Also, black versus Hispanic conflict is becoming more prevalent. The two groups used to coexist peacefully.

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## **Search Warrant Suggestions**

Search warrant suggestions for gang-motivated murder include the following:

- Firearms, ammunition
- Graffiti: walls, garage, books, papers, anywhere in a house
- Pictures with guns and gang members, photo albums
- Other items of gang association: clothing with colors, insignias, monikers, pagers, nice cars, jewelry (especially gold)

Multiple addresses should be listed on the search warrant, including gang members recently seen with the offender, due to the exchange of stolen property, guns, and clothing between gang members.

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## **CASE STUDY: 102: GANG-MOTIVATED MURDER**

### **Background**

As a group of friends from a Los Angeles neighborhood were piling into their cars to go to a movie, someone shouted, "Get down, get down!" Everyone scrambled for safety as gunfire filled the air. The shots were being fired from a car filled with black males. When the attack was over, two Hispanic males aged seventeen and eighteen were dead. In addition, a four-year-old child died several hours later at the hospital.

### **Victimology**

Both teenage victims had an extensive history of gang involvement common to the victims of street gang homicide. The eighteen year old had been jailed several times as a juvenile for assault with a deadly weapon and drug possession charges. The seventeen year old also was involved with the same gang for over three years. He too was well known to the police for being involved with gang conflicts. He had been implicated in a recent drive-by shooting of a rival member, but no action had been taken.

The child victim was typical of many victims of street gang killings: he was an innocent bystander who happened to be playing on his porch at the wrong time.

### **Crime Scene Indicators**

The area of the shooting had a reputation for being the location of many gang-related conflicts. The crime scene was in an open public place, in front of the

child's house and next to the house of the eighteen year old. The killing involved a drive-by assault in which the offenders brought their weapons with them. The bodies were left where they fell until paramedics responded. There were witnesses, but most were gang members who preferred to exact their own form of justice, so they were not cooperative with the police.

### **Forensic Findings**

All three victims sustained lethal wounds to the chest area and died of massive blood loss. The seventeen year old also had gunshot wounds to the left arm and left side of his neck. Investigators determined from the forensics that at least two weapons had been involved: a 9mm and a shotgun. The eighteen year old was killed from a shotgun blast. The targeting of vital organs and presence of multiple gunshot wounds are both common forensic findings with gang murder.

### **Investigation**

Through the use of informants, the investigator learned that the seventeen-year-old victim had been involved in the earlier fatal attack on some rival gang members. He had been recognized and targeted by that gang for retaliation. Investigators were able to come up with three suspects of the four or five gang members believed to be involved. A search warrant produced one of the murder weapons, a 9mm fully automatic MAC-10. Two subjects were charged with murder, and a third was charged with his part in the killings, driving the car.

### **Outcome**

All have been convicted of their respective charges. All of the offenders were sentenced to twenty years to life.

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## **103: CRIMINAL COMPETITION**

Death in this type of homicide is a result of organized crime conflict over control of territory.

### **Defining Characteristics**

**Victimology.** Generally the victim is a prominent or known organized crime figure or member of the hierarchy. Both intragroup and intergroup conflicts are prevalent prior to the homicide, with the victim generally reflecting this conflict. Innocent bystanders may become unintentional victims.

***Crime Scene Indicators Frequently Noted.*** The crime scene represents a well-planned crime and reflects the evidence consciousness of the offender. The scene may appear to pose a high risk to the offender, but because there are built-in safeguards (like an escape plan), the risk is considerably lowered. An example of this escape plan is the use of a decoy car that runs interference by blocking traffic, feigning car trouble, or causing an accident while the offender escapes.

The killing is done expeditiously, which keeps the time spent at the scene to a minimum. The offender usually is experienced and brings a weapon of choice to the scene.

Body disposal tends to be at opposite ends of the spectrum. The offender will either go to great lengths to conceal and dispose of the body or leave it wantonly displayed at the murder scene.

***Staging.*** Staging is usually not present.

***Common Forensic Findings.*** Weaponry or the method of killing used depends on the intent of the offender. If he is sending a message or making a statement, bombing, a public killing, or an execution-style shooting (head wounds) will be seen. If the murder is one of elimination, then a small-caliber, untraceable weapon will be more prevalent. Vital organs are targeted in both cases.

### **Investigative Considerations**

The use of intelligence obtained from gangland informants is a fundamental consideration that is especially appropriate with this classification of homicide. Intelligence regarding such matters as rival groups and internal power struggles should be explored.

### **Search Warrant Suggestions**

Search warrant suggestions for the suspect's residence include weapons, guns, spent cartridges, clothing similar to that reported by witnesses, communication records (telephone, letters, tapes), and financial records.

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## **CASE STUDY: 103: CRIMINAL COMPETITION**

### **Background**

John T. Scalish was the last great don of the Cleveland mafia. On May 26, 1976, at the age of sixty-three, he faced heart bypass surgery. The man who

had possessed the power to decide others' fate with the nod of his head was now helpless to control his own. Despite the benefit of Cleveland's best heart specialists, Scalish died a few hours after surgery.

Scalish's untimely death created a crucial hole in mob leadership because he had not picked a successor. The battle that was ignited by those struggling to fill that void became one of the bloodiest in fifty years of Cleveland's mafia history.

### **Victimology**

One of the casualties of the mob's leadership transition was Daniel Greene. Born to Irish American parents in 1929, he was placed in an orphanage as a young child when his father either left or died. Greene was schooled in a tough Italian neighborhood that spawned a lifelong hatred of the people who would play a central role in his life.

Greene did a stint in the marines, where he boxed and became an expert marksman. During the early 1960s, he worked on the Cleveland docks and took over the leadership of the International Longshoremen's Union. He exercised his authority by skimming union funds, extorting money from workers through beatings and threats, and attempted routine shakedowns of employees.

Greene was forced out of the union and convicted in federal court of embezzlement, which was overturned on appeal. He pleaded guilty to a lesser charge of falsifying union records and was fined. He never paid the fine and never saw any prison time for this offense.

Green started his own business, Emerald Industrial Relations, with which he would have union friends stall or cause trouble on a construction site. He would then offer to settle the dispute for a fee. In addition, he started a business of waste removal by consolidating rubbish haulers, forcing any of the reluctant to join through bombing, burning, and pouring acid on their equipment. Newspaper exposure eventually forced him out of the Solid Waste Guild.

It was during this period that Greene began to make connections with Cleveland's organized crime scene. In 1971, he was implicated in what became the first of a long line of bombings to eliminate threats and further his delusions of a Cleveland-based Celtic crime organization.

At the time of Danny Greene's death, he fit the victimology of being a prominent organized crime figure and representative of one at odds with those in power. He also had a history of being an FBI informant.

### **Crime Scene Indicators**

After John Scalish died, James Licavoli (alias Jack White) reluctantly took charge of the Cleveland mafia. Danny Greene began to methodically kill

White's associates in an attempt to overthrow him. Cleveland was in the throes of a full-scale bombing war as a result of Greene's ambitions and White's retaliations.

There were several unsuccessful attempts on Greene's life; he walked away from one bombing that demolished his apartment with only a few broken ribs. Because Scalish had bequeathed White a weak organization, he had no single hit man who could eliminate Greene. To compensate for this deficit, White contacted every thug he knew for the job.

On October 16, 1977, as Greene entered his car after a dentist appointment, Ronald Carabbia sat nervously clutching an airplane transmitter fifty yards away as his accomplice, Ray Ferritto, slowly cruised toward the freeway. The transmitter's target was a platter directional bomb that was planted in the passenger door of a Trojan horse. (*Trojan horse* is the name given to a nondescript vehicle that has a bomb planted in it. It is parked next to the target's car and is detonated by remote control when the intended victim comes near it.) Once Greene was between his vehicle and the Trojan horse, Carabbia pushed the button that detonated the directional explosive device. The explosion sent a red ball of fire into the air and blasted debris over the entire parking lot.

Greene's clothing was torn off, except his brown zip-up boots and black socks. His left arm landed a hundred feet from the bomb site. A blue Adidas duffel bag he was carrying containing a 9mm pistol, two magazines full of bullets, notebooks, and a list of license plates driven by his enemies was found nearly intact.

Traces of the bomb's components (the explosives, the container, and the detonator) were found at the crime scene but were not traceable to their source. No latent prints were found on the Trojan horse.

By noting the fragment patterns and direction, and the intensity of damage from the blast and the heat and fire, investigators were able to determine where the bomb was (the seat of the blast is where the most damage is).

### **Forensic Findings**

Greene's back was torn apart by the blast. His left arm was severed from his body, as previously mentioned. The cause of death was from massive internal destruction due to both blunt-force trauma and penetrating injury.

### **Investigation**

A woman driving with her husband to an art gallery allowed a blue Plymouth to turn in front of her. For an instant, she and the Plymouth's driver, Ray Ferritto, stared directly at each other. She also noticed a man in the car's back seat staring at the parking lot where Danny Greene was just climbing into his



car. The next instant, pieces of Greene's car were flying at the couple, who followed the Plymouth onto the freeway, making note of driver, car, and license plate. The female eyewitness was a commercial artist and was able to sketch a picture of both suspects. In addition, both witnesses later identified Ferritto and Carabbia from photos.

The license plates of the Trojan horse played an important role in the investigation. When agents went to the department of motor vehicles to check registrations, they went to the original files rather than the computer. Immediately before and after the Trojan horse plates were plates that were registered to the same person. One name was a phony, but the other was the true name. The clerk remembered the man who had filed the tags since he acquired two sets of plates with different names. The car was also eventually traced to a dealership that was known to be involved with the Cleveland mafia.

### **Outcome**

Ronald Carabbia was indicted and found guilty of murder. His original sentence was the death penalty, but that was later commuted to life in prison without parole when the state supreme court ruled the death penalty unconstitutional.

Ferritto became a protected government witness and served a five-year term. Another man, Butchy Cisternino, also was convicted for his part in Greene's death by making the bomb.

Jack White was found not guilty during the first state trial. Jury tampering was strongly suspected. At the second state trial, all those involved were found guilty. In federal court, White was convicted for murder among other charges and given a forty-five-year prison sentence. He died in prison around 1986.

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## **104: KIDNAP MURDER**

Kidnap murder pertains to a person abducted for ransom and killed whether the ransom is paid or not. It is important to know what designates a kidnaping as opposed to a hostage/barricade situation. A kidnaping involves the seizing and detainment or removal of a person by unlawful force or fraud, often with a demand of ransom. The victim has been taken against his or her will by a possibly unknown subject and is detained at a location unknown to the authorities. Negotiations involving a kidnap situation may include the victim's family, government officials, business leaders, law enforcement authorities, and the offender.

A hostage/barricade situation is when a person is held and threatened by an offender to force the fulfillment of substantive demands made on a third party (see classification 129, which deals with hostage murder). The person being held in a hostage situation is at a location known to the authorities. This is the major difference between these two situations.

### **Defining Characteristics**

***Victimology.*** The victim of a kidnap murder has an elevated level of risk due to offender perception. A victim who would be considered low risk due to lifestyle or occupation will have this risk elevated due to his or her socio-economic background or availability of resources to meet possible ransom demands. Resistance and control considerations are also a factor affecting risk. The elderly and the very young are at higher risk due to their inability to resist the offender as effectively as a healthy adult could.

***Crime Scene Indicators Frequently Noted.*** There may be multiple crime scenes: the location of the abduction, the death scene, and the body disposal site. The victim is usually alone when the abduction occurs. Furniture may be upset, the victim's belongings scattered in a way that indicates sudden interruption of activities, and doors may be left open. The ransom note may be left at the scene. Future communication from the offender, and possibly the victim, is possible. There may be evidence of multiple offenders.

***Staging.*** No staging is present.

***Common Forensic Findings.*** Analysis of the ransom note or recording and victim communication are the prime pieces of forensic evidence. Technical enhancement of recordings should be used to amplify background noise and recording techniques. This information may assist in locating where the recording was made. The method of communication (computer, paper, tape, writing) should be analyzed. The authenticity of both offender and victim communication should be established. Gunshot wounds are often noted that are contact or near contact to the head and other vital areas.

### **Investigative Considerations**

Items that should be scrutinized when dealing with a kidnap murder are telephone and financial records. Prior employees should be considered. The possibility that multiple offenders were involved also should be kept in mind. A telephone trap and trace is usually indicated.

The offender's preoffense surveillance, efforts to trace the victim's movement, and routine may help produce witnesses who observed strangers or suspicious persons in the victim's neighborhood or other locations that were part of their routine. Analysis of the offender and victim communication using threat assessment may prove advantageous. Threat assessment is the process of determining validity and potential source of threats received by individuals, groups, or companies. If the threat is determined to be real, countermeasures are developed to protect the potential victim. The analysis of threat communication, based on the psychology and psychodynamics of the threat, may denote personality traits of the suspect. Preoffense publicity of the victim or other types of victim visibility may provide leads to victim select and targeting.

### **Search Warrant Suggestions**

Search warrant suggestions include communication records such as telephone records. In addition, pictures of the victim, audio or video recordings of the victim, and diaries, journals, and travel-related data such as airplane tickets should be considered.

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## **CASE STUDY: 104: KIDNAP MURDER**

### **Background**

At 9:50 P.M. on July 26, 1988, the Jackson Police Department, Jackson, Mississippi, received a phone call from Robert Hearin. His wife, Annie, was missing. Hearin had arrived home late that afternoon to an empty house and had become increasingly alarmed after calling friends in an attempt to locate his wife. A search of the area by police produced a ransom note that had been left in the foyer. The note demanded that Hearin pay twelve people who had fought legal battles with School Pictures of Mississippi, which he owned.

### **Victimology**

Annie Hearin was seventy-two-years old at the time of her abduction and had been married to Robert for forty-nine years. She was an active part of the Jackson community, patronizing the Jackson symphony and opera. She had held executive positions in the Opera Guild and Junior League and had cochaired the Mississippi Arts Festival.

The Hearins had a reputation for being a civic-minded, unpretentious couple who had funded local colleges and universities in addition to con-

tributing to the Jackson art museum. They lived in a posh neighborhood, but their brick home was not considered lavish by Jackson standards.

Robert Hearin was a self-made millionaire who controlled an empire consisting of Mississippi's largest gas distribution company, its second largest bank, and the second largest insurance company. Hearin also had run School Pictures, the photo-processing operation that had employed the twelve men named on the ransom note as franchisers.

"When corporations are bought and sold, you jerk people's lives around without even knowing it," said one Jackson businessman. This statement illustrates one of the factors that elevated Annie Hearin's risk level as victim: the nature of her husband's business of making decisions that could be potentially disastrous to some people. Another factor that increased Annie Hearin's risk level is that she was a frail, seventy-two-year-old woman who was not in particularly good health. She would pose minimal resistance to the offender, making her easier to control and minimizing any commotion that would attract unwanted witnesses. Thus, Annie Hearin was an example of a victim whose low risk level became slightly heightened by offender perception.

### **Crime Scene Indicators**

The last person to see Annie Hearin was her maid, who left the Hearin residence around 3:30 P.M. the afternoon of July 26. Hearin had hosted a bridge game with several friends that afternoon. When her husband arrived home at 4:30 P.M., he found his wife's car in the driveway and her shoes placed beside a living room chair. There were no signs of forced entry, and nothing was missing from the home.

At 9:50 P.M., Hearin notified the police. They made a search of the area and discovered a splattering of blood, possibly from nose or lips, on the front door and door frame. A note was found in the foyer.

### **Forensic Findings**

The following note was typewritten on a 1920 Vintage Royal manual typewriter:

R bert Herrin

Put these people back in the shape they was in before they got mixed up with School Pictures. Pay them whatever dama ges the y want ant tell them all this so they cank now what your doing b ut dont tell them why. you are doing it. Do this before ten days pass. Don't c all police. [The twelve franchisers were then listed.] If any is dead pay his children.

On August 15, Hearin received a letter dated August 10 and postmarked August 12 from Atlanta, Georgia. This letter was signed by Annie Hearin and later analyzed to be authentic. Analysis of the letter revealed that she had been directed verbally and mechanically to write it and was under great duress. The note contained the following message:

Bob-

If you don't do what these people want you to do, they are going to seal me up in the cellar of this house with only a few jugs of water. Please, save me, Annie Laurie.

Blood also was found on this note, but neither this sample nor the one found at the crime scene could be definitely linked to her.

### **Investigation**

An investigative consideration of great importance in this case was the list of franchisers on the ransom note. A suspect in a kidnapping of this sort, one that was more retaliatory than profit motivated (nonspecific demands in ransom note), would be someone who had been (in his perspective) mistreated by the victim's husband. Careful investigation of the financial status as well as any history of problems precipitating the incident, either domestic or occupational, would be helpful in narrowing down a list of possible suspects.

Another consideration that was of significance in terms of the suspect who was finally charged with Annie Hearin's kidnapping was scrutiny of meetings and travel typical of his routine. His travels had made him familiar with Jackson.

When considering the list of names on the ransom note for a possible suspect who may have had a score to settle with Robert Hearins, investigators found that N. Alfred Winn's name was prominent. A St. Petersburg, Florida, lawyer, Winn had been involved in a court battle with School Pictures in 1983. The company had sued him, alleging that he owed them money they had advanced him. Winn countersued, alleging the company had misstated his prospects for making money when it signed him up as a franchisee. In 1983, a district judge in Jackson ordered Winn to pay the company \$90,000, and in 1984 he was ordered to pay \$153,883. School Pictures, having failed to collect, seized Winn's law office. Winn was quoted as saying he had lost his life savings.

A neighbor of the Hearins identified Winn from a photo lineup as the man she saw in a white van in the neighborhood a few days before the kidnapping. In addition, a superintendent for a construction crew working at a

neighborhood church two blocks from the Hearin residence recalled seeing Winn looking around the neighborhood.

On August 5 or 6, 1988, sometime between 6:00 A.M. and 9:00 A.M. at the Quality Inn in DeLand, Florida, Winn met with a woman and asked her to mail the letter in Annie Hearin's handwriting. At Bishop's Planetarium and South Museum Tampa in late August, Winn again met with this woman to pay her the initial \$250 of a \$500 promised payment. The rest was paid on February 18, 1989, about 7:15 A.M., again at the DeLand meeting spot. The woman had agreed to dye her hair and disguise herself as part of the deal.

In a search of Winn's law office and home, the FBI seized a map of Jackson with the Hearins' home, businesses, and farm marked; six aerial maps of Jackson; two handguns; and an old Royal typewriter.

### **Outcome**

On February 8, 1990, Winn was convicted of extortion by mail, conspiracy to kidnap, and perjury in connection with Annie Hearin's disappearance. The status of state charges of homicide are as yet uncertain. Annie Hearin's body has not yet been recovered. Winn was sentenced to 235 months in prison and 5 years probation.

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## **105: PRODUCT TAMPERING**

In this type of homicide, death results from contact with a commercial product, sabotaged by the offender for the purpose of achieving financial gain. There are three primary offender strategies used for achieving financial gain: litigation on behalf of the victim (wrongful death), extortion, and business operations. The last method includes damaging a competing business through sabotage of its product or manipulating the stock market as a result of negative publicity.

Violation of the Federal Anti-Tampering Act occurs when any product has been affected by the actions of the perpetrator. With a business attack, tainting or switching labels may happen on a retail level. Elements of this crime include the involvement of a consumer product such as a drug; the tainting of that product or the switching of product labels to make them materially false; and intent to cause serious injury to the business of a person.

The extortion method also can be tied into the business manipulation approach. An example is a crime involving a protection racket, in which the taint is tied to a demand for payments under threat of closing down the store or causing grave damage to the reputation of the business.

## **Defining Characteristics**

**Victimology.** The victim of product tampering may be random or specific, dependent on the product's distribution, the product's use, and the offender strategy. Sabotaged baby food, brake lines, and soft drinks will involve a particular age group or class of people. Some sabotaged products will be distributed only on a local scale, so the victimology will be more confined. The localization of victims can also help establish whether the product is being tampered with at a retail stage or at the manufacturer's level. Random victimology is likely to be seen with extortion or with intent to damage a competitor.

The more specific victim is seen when the offender employs litigation for wrongful death. The victim will be a family member or one closely associated with the offender. Random victims are observed when this type of offender wants to remove suspicion from himself or herself and stages the crime to look like the work of an indiscriminate killer.

**Crime Scene Indicators Frequently Noted.** Multiple crime scenes usually are involved with this homicide: the site where the product is altered, the location where the product is procured by the victim, the place of use or consumption, and the death scene. The location of alteration may offer evidence of the tampering involved. If it is mechanical sabotage, tools particular to that alteration will be present. Chemicals, poisons, and medicines may be found if this type of tampering is employed.

Tampered-product locations and the proximity of victims to sites will aid in deciding the scope and movement of the offender as well as origin of the product. At the death scene, the proximity of the victim to the altered product can aid the investigator in reconstructing the product's path. In addition, communication from the offender may be found at any of the scenes involved.

**Staging.** Staging is crucial if the offender is using the litigation strategy. The offender must make it appear as if the family member or close associate was a victim of either a random killer or a company's faulty product. For the first set of circumstances, there could be other random victims selected to give the appearance of an indiscriminate saboteur at work. The other situation may require the death to look like an accident (for example, a defective automotive part or short-circuited power tool that causes the fatal accident). Fire started by apparently faulty wiring that burns a house down with the victim inside is another illustration of a staged product tampering. The initial impression derived from the crime scene of a staged tampering homicide ranges from violent death to a medical emergency of some kind, without any obvious indicators of a homicide.

***Common Forensic Findings.*** Examination of the product is one of the fundamental considerations of product tampering. There may be visible signs of tampering, such as clearly discolored capsules. The type of analysis done on the product and victim will depend on the instrument of death.

Suspicion of poisoning requires toxicological and chemical analysis of the product and victim to determine if products of the same lot were involved. Because toxicological analysis is not routine in postmortem examination, exhumation of the victim may be necessary to detect poisoning. This, along with the distribution of victims, will help decide if the source of tampering is at the retail or manufacturer level. Type of poison and consistent or varying levels of poison in each tainted product reflect the resources and sophistication of the offender. The packaging of the product will also be revealing of offender sophistication: this includes absence or presence of fingerprints, repackaging, and the appearance of the tainted items.

The analysis of offender communication would be approached in the same manner as in kidnap murders (see classification 104). If the communication is verbal, a verbatim set of the caller's comments and information about speech patterns and accent are vital to threat assessment.

### **Investigative Considerations**

Threat assessment of offender communication may be helpful. If there is no extortion demand associated with the death and civil litigation has been initiated, the litigant should be scrutinized. The litigant's financial status (beneficiary to insurance claims or inheritance, along with problems such as outstanding debts, for example), relationship with the victim (problems, extramarital affairs), and preoffense and postoffense behavior should be examined.

Although the primary motivation is financial gain, the offender who targets a family member for death often has concurrent secondary motivations or goals that will be equally well served by the victim's death. Avenues such as domestic problems and extramarital affairs should be explored. Because product tampering deaths are relatively rare, early allegations of such by anyone who stands to benefit from the victim's death should be viewed cautiously and evaluated carefully.

Cyanide is often the poison of choice because it is easily available at chemical and photographic supply houses and in college and high school laboratories. It can also be ordered through the mail. One ounce can kill 250 people, so its potency makes it a popular choice with product tampering offenders. An important investigative tool in cases of an offender who has used cyanide is a complex instrument in use at the Food and Drug Administration's Cincinnati district laboratory. It can track down the source of the cyanide and identify the supplier, who can find the geographical customer list rather quickly. This may help narrow the list of typical suspects (chemical firms, grocery clerks, the



enemies of deceased victims, or a store's terminated personnel file) and further isolate the offender.

### **Search Warrant Suggestions**

Search warrant suggestions for this type of crime include financial records, materials specific to the tampering (for example, tools, electronic devices, chemicals, drugs, literature pertaining to drugs, manuals), and any related products (other analgesics, empty capsules). Evidence of tampering practice and other tainted products should also be considered.

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## **CASE STUDY: 105: PRODUCT TAMPERING**

### **Background**

Stella Maudine Nickell's husband, Bruce, came home from work with a headache. After he had given his wife of ten years a kiss, he went into their kitchen and reached for a bottle of Extra-Strength Excedrin. He swallowed four capsules and sat down to watch television. Stella remembers that Bruce then decided to go for a walk out on the patio. Suddenly she heard Bruce call to her that he felt like he was going to pass out. Within the next minute, he collapsed and was unable to speak. Stella called the paramedics, and Bruce was taken to Harborview Medical Center in Seattle. He died a few hours later, never regaining consciousness.

Six days later, on June 11, 1986, Sue Snow started her day by taking two Extra-Strength Excedrin capsules, as was her habit. The caffeine in the capsules was like her morning cup of coffee. Fifteen minutes later, her daughter, Hayley, found her sprawled unconscious on the bathroom floor. By noon, she was dead.

### **Victimology**

At the time of his death, Bruce Nickell was fifty-two. When he married Stella, he was a hard-drinking heavy-equipment operator, which suited Stella since she had a fondness for bar hopping. Nickell had recently taken stock of his life and decided to dry out by attending a rehabilitation program. Stella attended a few sessions with him. Before his death, Bruce was often unemployed, which had begun to get on Stella's nerves.

Sue Snow was forty years old at the time of her death. She had dropped out of high school to marry but had turned her life around through hard work. She had become the assistant vice president at a branch of the Puget Sound National Bank and was happily married to Paul Webking. They were rarely apart and "madly in love," according to Webking.

Both victims were users of the product. Nickell and Snow had never met; Snow was an example of the random victim that is common to many product tampering murders.

### **Crime Scene Indicators**

Five bottles of tainted Extra-Strength Excedrin came from Johnny's Food Center in Kent, a Seattle, Washington, suburb, and a Pay 'N' Save store in Auburn. Two contaminated containers were found in the Nickell household. Seals on the containers were cut or missing, and the boxes, which had been reglued, demonstrated obvious signs of tampering. The victims lived within five miles of each other, a factor that was significant to investigators devising the area of offender operation.

### **Staging**

Sue Snow became a victim because of staging. Stella Nickell was very disappointed with the medical examiner's initial decision that her husband had died from emphysema and not cyanide poisoning. Her husband's death meant \$105,000 to her in addition to the damages she expected to get from Bristol-Myers when his death was declared by poisoning. Someone else had to die to alert the authorities that a random cyanide killer was at work in King County. So Stella Nickell poisoned the three bottles of Excedrin and slipped them onto the shelves of area stores, one of which was bought by Snow. This set the scene for Nickell to approach officials with her suspicions that her husband had fallen to a cyanide murderer as well as giving her grounds to sue Bristol-Myers.

### **Forensic Findings**

The initial cause of death listed on Bruce Nickell's death certificate was pulmonary emphysema because the coroner had failed to detect the cyanide in his body. It was not until after Snow's death, when Stella Nickell came forward with the hesitant suggestion that her husband also had been the victim of a random cyanide killer, that the true cause of death was determined. At that time, tissue samples demonstrated cyanide poisoning. Sue Snow had levels of cyanide that were easily detected by medical examiners.

After analysis of the tampered bottles, it was established that a random selection of pills had been poisoned. Some capsules contained more than three times the lethal adult dose of potassium cyanide. Others were not contaminated; Paul Webking took two capsules from the same bottle that proved fatal to Sue Snow twenty minutes later.

The exterior carton and bottle tampering was artless. The boxes were reglued in an amateur manner, exhibiting minimal sophistication on the part of the offender.

### **Investigation**

Stella Nickell had a restless yearning to buy the property the Nickell trailer stood on and open a tropical fish store. Her ambitions were becoming insistent. At the age of forty-four, she had an increasing awareness of the gap between her dreams and reality. To her, the gap seemed to be widening faster as each year passed. That her husband was frequently unemployed reinforced her belief that if she did not act soon, her dreams would slip away for good. In addition, she felt her husband was not much fun since he had stopped drinking.

In the fall of 1985, Nickell took out a \$40,000 life insurance policy on her husband, naming herself as sole beneficiary. Bruce Nickell also held a state employee policy that paid \$31,000, with an additional \$107,000 awarded in the event of an accidental death. To Nickell, \$176,000 could easily make her dreams into reality.

Nickell's daughter, Cynthia, who was living with the Nickells at the time of the murder, eventually came forward and told about the conversations she had had with her mother during the five years leading to the offense. Bruce Nickell's death was a popular topic of conversation with Stella Nickell. Cynthia testified in court that her mother had studied library books on poisons and experimented with toxic seeds, either hemlock or foxglove. Bruce's only reaction was to become lethargic. When Stella learned that a recovering alcoholic was susceptible to other addictive substances, she discussed the idea of killing him with heroin, cocaine, or speed, so it would appear to be just an accidental overdose.

According to Cynthia, her mother expressed great interest in the Tylenol murders of Chicago in 1982. Using the same plan, she could not only collect life insurance but file suit against the responsible company, Bristol-Myers (which she did), for wrongful death. She felt this was a viable alternative to get her fish store and live in the comfort she had always dreamed about.

These discussions between Cynthia and her mother show how scrutiny of a suspect's preoffense conversations may be helpful in establishing motive and premeditation. There was not enough evidence to bring Stella in until Cynthia decided to talk.

### **Outcome**

Stella Maudine Nickell was convicted of five counts of product tampering and two counts of causing the death of another by product tampering (the

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first conviction using a federal law enacted in 1983). On June 17, 1988, she was sentenced to ninety years. She will not be eligible for parole until 2018.

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## 106: DRUG MURDER

Drug murder is defined as the murder of an individual where the primary cause is to remove an obstruction and facilitate the operation of the drug business.

### Defining Characteristics

**Victimology.** The victimology of drug-related homicide is dependent on the motive of the offender. The homicides are categorized into five motive groups: discipline, informant, robbery, territory infringement, and antidrug advocate.

The victim of a discipline-motivated homicide is being punished for breaking the rules of a drug distribution group by which he is employed. Examples of these infringements include skimming money or drugs, stealing customers, or in some other way hindering, obstructing, or impeding the operation. The informant supplies information on the criminal enterprise to law enforcement or competing dealers. A robbery-motivated homicide usually deals with a rip-off of drugs, money, or other goods (especially gold jewelry) related to the sale of drugs from customers, traffickers, or dealers. A drug trafficker who infringes on the territory of another drug dealer may become the victim of a drug murder. Victims of these four types of murder are commonly known to law enforcement as having a history of association with the drug trade. They may have an arrest record, reflecting a history of drug use, robberies, and assaultive behavior relating to this involvement, or at least an association with known drug offenders.

The last type of victim can be anyone from the neighborhood antidrug crusader to a law enforcement officer. These victims may be social workers or clergy who are offering treatment to drug abusers and thus usurping customers of the dealers. Judges who impose stiff penalties, politicians who vigorously campaign against drugs, and witnesses testifying against drug offenders are other examples of this victimology. All of these victim types are individuals opposed to the drug trade and viewed as an obstruction, real or symbolic, the offender wants removed.

**Crime Scene Indicators Frequently Noted.** Drug-related homicide often occurs in a public place if the death of the victim is intended to be a message. The body is usually not concealed but is left at the scene with a wanton

indifference. Evidence such as drugs or money may be removed from the scene. The weapon used is frequently one of choice that is brought to the scene and taken from it by the offender. Drugs or drug proceeds removed from the scene or missing from an obvious or known victim trafficker are another indicator that might be apparent at the scene of a drug murder.

**Staging.** Staging is usually not present.

**Common Forensic Findings.** The weapon used is predominantly a fire-arm, often large caliber and semiautomatic. Occasionally knife wounds or blunt-force trauma will be present, but these injuries are not as prevalent. A high lethality of injury will be seen in which vital organs (chest and head) are targeted. Overkill involving multiple wounds can be seen.

A drug screen done on the victim may help establish possible victim use and connections to the drug business. Sometimes the mode of death might be an overdose, or so-called hotshot, especially if the victim is a user.

The investigator should make sure a latent print process is attempted on the body. Physical contact commonly occurs between the offender and victim of a drug murder before death.

### **Investigative Considerations**

The offender will almost always have a known association with the drug trade as a user, manufacturer, or distributor. This subject commonly will be associated with a street gang, since gangs are immersed in drug trafficking (see classification 102).

This homicide appears opportunistic, with rip-offs, territory infringements, and some discipline-motivated killings. Informant and antidrug advocate hits usually are setups that demonstrate some degree of organization and planning. Although informant use is a fundamental consideration with many investigations, the use of intelligence information is especially valuable with drug-related murder. Use of prison informants might also prove helpful with this type of homicide.

Offenders may exhibit displays of wealth even though they have no legitimate source of money. They have expensive clothing, vehicles, and jewelry yet are unemployed or have a job that is inconsistent with their apparent finances.

### **Search Warrant Suggestions**

Search warrant suggestions include large amounts of money, clothing, electronic equipment, and so on reflective of a possible illegitimate money source; drug paraphernalia, that is, items that link the offender to the drug

trade; firearms; phone records; rental contracts; address books; financial records and bank records; transaction records, computerized records, and ledgers; packing materials (packaging from drug shipments, processing, lab setups, distribution [dividing into smaller parcels for street sale]); and photos (of using, manicuring, and preparing drugs).

Two case examples are given. The first illustrates a scene where all persons present were killed. The second case illustrates a dual drug murder.

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## **CASE STUDY: 106: DRUG MURDER (A)**

### **Background**

On January 30, 1984, FBI agents surrounded a rooming house in Miami's Coconut Grove section. Within a few minutes, they had in custody George Clarence Bridgette, one of the FBI's ten most wanted fugitives. When he was arraigned before a federal magistrate, he continued to claim his name was Odell Davis, the alias he had gone by since he had fled Long Beach, California. He was wanted for the drug-related murder of four people and attempted murder of another.

Bridgette had two accomplices who had already been tried and convicted for their part in the murders: Willie ("Chino") Thomas and James Earl Cade.

### **Victimology**

Two of the victims were thirty-year-old Pamela Cade, an ex-wife of James Earl Cade's uncle, and her three-year-old daughter, Chinue Cade. Another daughter, fifteen-year-old Carolyn Ferguson, was shot, but she survived to testify against Thomas and Cade. Larry Luther Evan, age thirty-seven, and Crystal Baxter, age twenty-three, were the other two victims.

### **Crime Scene Indicators**

At 10:30 P.M. on September 4, 1977, Cade, Bridgette, and Thomas entered Pamela Cade's Long Beach residence, pulled down the window shades, and immediately killed Baxter. Bridgette carried a shotgun, Cade had a knife, and Thomas had a .38-caliber revolver. Thomas then turned his gun on Pamela Cade and shot her. Thomas was first thought to have killed Chinue, but later it was later determined that Bridgette tore the child out of her dead mother arms, held her upside down by the feet, and shot her in the neck. He then tossed the dying child onto the sofa.

Thomas turned his gun on Ferguson. The fifteen year old struggled fiercely for her life as Thomas tried to shoot her in the head. She received a chest wound and feigned death, which enabled her to survive.

Evans was the target of all three being stabbed and shot with both the revolver and the shotgun.

The bodies were left at the scene with no attempt at concealment. The weapons of choice, firearms and a knife, were brought to the scene and removed with the offenders.

### **Forensic Findings**

Crystal Baxter died of multiple head and back wounds caused by a shotgun. Pamela Cade died of a .38-caliber gunshot wound to the head. Chinue died of a gunshot wound to the neck. Larry Evans suffered seven stab wounds to the chest, one of which penetrated his heart, causing death. He also was shot in the chest with the revolver, and shotgun pellets were retrieved from his legs.

The overkill present for Baxter and Evans is often found in a retaliatory drug killing. Not only were the offenders retaliating against the victim they felt had wronged them, but they were making a statement to anyone else who might consider ripping them off. Vital areas (head and center chest) that ensure lethality were targeted, another common finding in drug murder.

### **Investigation**

The motive for a this multiple murder was a so-called burn on a forty dollar drug deal between James Cade's cousin and Pamela.

### **Outcome**

Cade and Thomas were convicted on four counts of murder on November 22, 1978, and were sentenced to death. When the state supreme court declared the death penalty unconstitutional, their sentences were commuted to life imprisonment.

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## **CASE STUDY: 106: DRUG MURDER (B)**

### **Background**

By the time he was twenty-three, Daniel A. Nicoll had a thriving drug trade that required bimonthly trips to Florida in his 1978 Ford pickup. Although Nicoll did not live in a mainstream drug trade city, he was important enough to be the target of a unified task force consisting of Drug Enforcement Administration (DEA), state, and local law enforcement.

When he was not making Florida trips or selling the drugs he bought there, Nicoll tended bar at the Club California in Buffalo, New York. It is there he met Laura Osborn. As their personal relationship developed, Nicoll began supplying her with cocaine and marijuana for personal use as well as dealing.

### **Victimology**

Donald and Claire Nicoll referred to their son's drug dealings as "dirty business" and as the reason their son was no longer residing with them. Nicoll was arrested by the police in Buffalo, New York, for possession of methadone, unlawful possession of a controlled substance (PCP), and unlawful possession of marijuana. The case was not disposed of prior to the murder.

Nicoll had had some close calls before his death. He returned from one Florida trip with an injury above his eye, attributing it to a drug rip-off. He had also been threatened with a gun when he was suspected of a drug rip-off on another occasion.

Nicoll demonstrated a fitting picture of the drug murder victim. His history of a drug-related arrest and the fact that his reputation in the drug business had reached a federal level with DEA involvement offered further illustration of this victimology. In addition, Nicoll had a history of previous threatening drug-related confrontations.

Laura Osborn had met Nicoll while bar hopping in 1975, and they had maintained a steady relationship for about four years. Osborn benefited from Nicoll's prosperous drug trade personally as well as financially by dealing herself. She had no arrest record but was under the same DEA investigation as Nicoll.

Osborn paid a price for her involvement with Nicoll. She was the victim of his abuse, seen on occasion with bruises around her face. Another time, Nicoll explained a head injury that Osborn suffered as a suicide attempt. However, Osborn claimed that Nicoll had struck her on the head with a bottle. Neighbors had witnessed the assault, but no legal action was ever taken.

Osborn epitomized the drug murder victim for the same reasons Nicoll did: she was known to law enforcement as being associated indirectly (relationship with Nicoll) and directly (through her active dealings) with the drug business.

### **Crime Scene Indicators**

There were two crime scenes involved with these homicides. The first one was on a back road where the victims were parked, waiting for the offender, who was going to buy drugs from them. The offender, Larry Rendell, pulled



his truck alongside Nicoll's truck, facing the opposite direction, so that the two drivers were facing each other. Larry then shot both Nicoll and Osborn from his truck. Nicoll fell over unconscious into Osborn's lap. Osborn was still alert, having been shot in the arm while trying to protect herself.

Rendell climbed into the truck and drove it to another road. Osborn pleaded for her life, assuring Rendell she would tell no one about what had happened. She then asked Rendell for some cocaine. It was at this time Nicoll stopped breathing.

Osborn got out of the truck and began to walk away, taking her shoes off as she walked. Rendell felt he could not afford to let Osborn live, so he shot her from the truck and then went over to complete the job.

Both bodies were dragged over an embankment and covered with leaves. Rendell then drove Nicoll's truck into a gully off a nearby road.

### **Forensic Findings**

Later Rendell told his brother that he tore the truck apart to remove any shell casings from the ten to twelve shots he fired at Osborn and Nicoll. Confiscated at his apartment were clogs and a green jacket with lettering that he wore at the time of the murder. Both items were soiled with blood from each victim.

Cause of death for Daniel Nicoll was multiple gunshot wounds to the head, causing massive cerebral hemorrhage. Osborne also died of massive cerebral hemorrhage from multiple gunshot wounds. She had been struck at least six times by the .22-caliber rifle.

### **Investigation**

Lawrence K. Rendell had several reasons for killing Nicoll and Osborn. He claimed that Nicoll had shorted him on a previous marijuana deal and Nicoll had ignored his protests. He also owed Nicoll anywhere from \$450 to \$1,000 for past drug deals and was constantly hassled by the victim to pay up. Rendell had instructed Nicoll to bring his supply of cocaine the day of the murders because he claimed to have a buyer. Rendell had decided that killing Nicoll served a threefold purpose of settling his debts, evening the score from the previous rip-off, and providing him with drugs. In addition to the other physical evidence linking Rendell to the crime, two speakers from Nicoll's truck were found in his apartment during the search.

### **Outcome**

Larry Rendell was convicted of two counts of second-degree murder.

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## 107: INSURANCE-RELATED DEATH

A victim is murdered for insurance or inheritance purposes. There are two subcategories for this type of homicide: individual profit murder and commercial profit murder.

### 107.01: INDIVIDUAL PROFIT

The individual profit murder is defined as one in which the murderer expects to gain financially by the victim's death.

#### **Defining Characteristics**

**Victimology.** The victim of an insurance or inheritance death for individual profit has a close relationship with the offender. This includes family members, business associates, and live-in partners.

Many victims of this category are not typically characterized as high-risk targets. In fact, their lifestyles, occupation, and living circumstances often classify them as very low risk. However, because of the offender's perception of them as an avenue to his or her financial goals, their risk is greatly elevated.

**Crime Scene Indicators Frequently Noted.** Usually the body is not concealed but is left in the open or somewhere that discovery is probable. The nature of the crime scene, or where it falls in the continuum between organized and disorganized, depends on the amount of the offender's planning and his or her capacity.

An example of one extreme of this continuum is the spontaneous offense committed by a youthful, impulsive, or less intelligent subject. This crime scene would contain more physical evidence, such as fingerprints or footprints. The weapon would be one of opportunity acquired and left at the scene. The crime scene would be chaotic, with evidence of sudden violence to the victim (a blitz-style attack). The body would be left at the assault site with little or no effort to conceal it.

The other extreme of this crime scene would be the offense committed by the calculating, proficient offender who has mapped out all aspects of the crime ahead of time. This methodical approach is represented by an orderly crime scene in which there is minimal physical evidence present. The weapon is one of choice, brought to and removed from the scene by the offender.

**Staging.** Staging is often employed with this type of homicide. Its complexity can reflect offender capability, resources, and premeditation. The crime

scene will most frequently be staged to give investigators the impression that death resulted from natural or accidental causes or from criminal activity. Suicide staging is also possible, especially in the light of the more liberal standards of some insurance policies.

***Common Forensic Findings.*** Asphyxial or chemical modalities are common because these deaths are often not considered untimely and therefore not investigated within the medical-legal system. Toxicological studies of the blood, liver, hair, and so on are essential to determine if poisoning was used. Exhumation may be necessary.

The staging used will determine the forensic findings; for example, a staged robbery-murder victim might have gunshot wounds, as opposed to the seemingly accidental drowning victim who has pulmonary edema and blood-streaked foam present in the nose and mouth. Therefore, the variance of forensic findings is vast.

### **Investigative Considerations**

The mechanism of money transfers, whether insurance document or wills, should be checked to determine the authenticity of the victim's signature. Any recent beneficiary change or increase in insurance premiums or new policy procurement justifies further probing into the victim-beneficiary relationship. Many of the components that are detailed in the discussion of domestic homicide (see classification 122) are pertinent with this investigation, especially since multiple motives are often involved (extramarital affairs, irreconcilable conflicts, and so forth).

Precipitating events may be seen as external stressors, such as financial problems, marital discord, dissension with the victim due to job, or alcohol. There may be a change in preoffense behavior toward the victim, often in the form of apparent relationship improvement. Offender nervousness or preoccupation may also be observed by others.

The offender often has an uncommonly detailed, steadfast alibi with selective recall. The offender also may delay reporting the murder, especially if he or she desires a third party to discover the body. A comprehensive examination of the physical and psychological records and history of the victim should be done when the investigator suspects the offender has employed suicide or death-from-natural-cause staging.

### **Search Warrant Suggestions**

Financial records of the victim and offender should be scrutinized. If the death was staged to appear natural, medications, poisons, or drugs of any

kind should be looked for. Any indicators that would support the precipitating events (for example, offender in debt or extramarital affairs) should be sought.

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## **CASE STUDY: 107.01: INDIVIDUAL PROFIT**

### **Background**

John Dale Cavaness seemed to have the angel of death at his side when it came to his family. In April 1977, his twenty-two-year-old son, Mark Dale Cavaness, was found shot to death, an apparent victim of either a bizarre accidental shooting or a homicide that had remained unsolved. Seven years later, history repeated itself with the shooting death of another of John's sons, Sean Dale Cavaness, the apparent victim of an execution-style killing and robbery. When St. Louis homicide detectives arrested Cavaness for Sean's murder, the people of the Little Egypt region in southern Illinois were outraged.

Dr. Dale, as he was affectionately called, was akin to Mother Teresa to his patients and friends. He often did not charge his patients and was not only a tireless and devoted physician, but also a congenial, down-to-earth neighbor who took time to talk with people despite his overburdened practice.

Cavaness's family and closest office workers, however, knew he had a darker side. His ex-wife, Marian, had spent some miserable years toward the end of their marriage, the victim of physical and verbal abuse. His four sons never had known much from their father besides castigation and torment. The facts of Cavaness's disastrous financial status, the mistreatment of his family, and his history of problems with the law combined to form a disturbing portrait of man who was capable of murdering his own sons for money.

### **Victimology: Victim 1**

At the time of his death, Mark Dale Cavaness was an unsettled twenty-two-year old with no direction to his life. His parents' divorce and a move to St. Louis had upset him to the point that he had failed his senior year of high school. He had never received his general equivalency diploma (GED) and had drifted around the Midwest, working odd jobs for short periods of time, before returning to Little Egypt in 1977 to work on his father's farm. Marian Cavaness worried about the effect her ex-husband's constant sarcasm and persecution was having on her son. Phone conversations with her ex-husband consisted primarily of his complaints about Mark: he was "amounting to nothing" and was a "no-good pot smoker." Mark's voice often reflected self-betittlement.

Marian had decided it was time to persuade Mark to come back to St. Louis, find a job, and get his GED. She and her three other sons were spending the weekend in Little Egypt so the boys could be near their father and Mark for Easter. She was determined not to return to St. Louis without him. On Saturday, April 9, Marian, Sean, and Kevin, another son, set out to find Mark. They were concerned because he had not shown up at the Cavaness house, especially since it had been Mark's idea for the Little Egypt Easter reunion with his mother and brothers. They drove out to the trailer on Dale's farm where Mark was staying.

Fifteen-year-old Sean, walking through tall grass by Mark's white Jeep pickup truck, was the one to find the remains of his oldest brother. Kevin, nineteen at the time, had to take control, calming his hysterical brother and protecting his mother from the sight of Mark's ravished corpse. Scavenger animals had left little; Sean had known it was Mark only by recognizing his belt buckle and his boots sticking out of the grass.

### **Crime Scene Indicators: Victim 1**

Mark's body was positioned on its back ten to twelve feet from the truck, with the feet pointing toward the pickup. From the mid thigh up, including the arms and hands, was fresh skeletal remains with a few shreds of tissue still intact. The skull was picked clean, with only the left eyeball and the brown hair remaining. Only the lower legs, which were still encased in jeans and laced-up work boots, were intact. Turkey vultures, wild dogs, possums, and other scavenger animals were responsible for the condition of the body. It was not possible to determine where Mark had been standing or sitting when shot because the animals could have dragged the body into the grass.

A black leather wallet found in the grass near the body carried the identification of Mark Dale Cavaness. A plaid shirt was also found near the truck. A package of Vantage cigarettes and a book of matches were in the left breast pocket. There was a hole about two and a half by four inches surrounded by dried blood between the left breast pocket and snap buttons.

Buckshot was found under the body site where the rib cage had rested, as well as scattered on the floorboard inside the truck. Blood was on the driver's seat, floorboard, inside door panel, and outside, just behind the door opening. The blood spatter pattern and the small, neat hole in Mark's shirt indicated a point-blank shot either while he was sitting behind the wheel (turned toward the passenger side), getting in or out of the truck, or standing beside it.

The shotgun was a 12-gauge, three-inch magnum Browning automatic goose gun. It belonged to John Dale Cavaness. One round was found in the chamber and one in the magazine. The safety was off. It was lying on the

passenger side of the truck with the barrel pointing toward the driver's side. The gun was inside its case, with the front barrel protruding several inches as if the end of the case had been blown off when the gun was fired. The hook end of a metal coat hanger had been wedged into the trigger guard through another hole in the case. Hanging from the coat hanger was a camouflage hunting vest with its lower edge shut in the passenger door. The shotgun had been positioned across an ax handle that raised the shooting angle.

The shotgun had been rigged in such a way to make it look as if Mark had reached across the driver's side and grabbed the barrel, pulling it toward himself. The coat hanger, hooked on the trigger and anchored on the other side by the vest caught in the passenger door, had pulled the trigger. Mark had taken the shot point-blank in the chest.

### **Staging: Victim 1**

The shooting had been intended to look like an accident or a booby trap. A suicide was unlikely because the gun would have been removed from the case.

Kevin Cavaness was certain his brother, an experienced hunter, would know better than to grab a gun by its barrel and pull on it. The detective assigned to the case also found this an unlikely sequence of events. The end of the case could have been shot off, but the case also showed signs of wear elsewhere.

The piece of evidence that discounted the attempt to stage an accident or booby trap was the location of the cartridge. If the gun had been in the case when fired by the coat hanger or the murderer's finger, the spent cartridge would be inside the case.

Only one spent shotgun cartridge was found, on the floorboard of the driver's side. It was reasoned that the offender had fired the gun inside the truck and then returned it to its case. The killer then constructed the phony scene, making the shooting look accidental or booby-trapped. No fingerprints or footprints were obtainable from the crime scene because it had been compromised by the initial personnel responding to the call.

### **Forensic Findings: Victim 1**

Mark Dale Cavaness had died from a point-blank shotgun blast through the heart. Time of death was estimated to be fourteen hours before discovery of his remains (Good Friday evening or late afternoon), based on tissue samples taken from the lower legs and feet. He was positively identified through dental records.

**Victimology: Victim 2**

Sean Dale Cavaness had been through some troubled years as a teenager. He was haunted by the vision of his brother's corpse and healed slowly from the trauma. Of all the Cavaness boys, Sean had hungered the most for his father's love and approval. Consequently, he was hurt the deepest by Dale's callousness and ridicule. In 1984, at age twenty-two, he was struggling to find direction for his life. He had an alcohol problem that had required inpatient treatment and was still having problems despite attending Alcoholics Anonymous.

On December 14, Sean's body was found early in the morning in a remote part of the county near St. Louis. He had been shot twice in the back of the head. For the second time in seven years, Kevin Cavaness was faced with the appalling task of identifying a dead brother.

**Crime Scene Indicators: Victim 2**

The body had been discovered by a farmer at 7:45 A.M. on the way to feed his horse. The crime scene was located off a back road that ran along the town of Times Beach, which had been sealed off and evacuated due to dioxin contamination, therefore offering a solitary location with little traffic.

Sean's body was beside a gate framed by two stone pillars leading to a pasture. He was lying on his back with his head pointing north, his feet pointing south, and both arms parallel alongside the body. He was dressed in brown corduroy pants, a cream-colored V-neck short-sleeved sweater, and blue tennis shoes. A search of the pockets revealed no personal effects and no means of identification.

There were two entrance wounds to the back of the head and one apparent exit wound under the left eye. The body was still warm to touch. Liver temperature was ninety-five degrees. Air temperature was thirty-eight to forty degrees.

Sean was identified by fingerprints in the county file. He had been stopped for a traffic misdemeanor a year earlier.

**Staging: Victim 2**

The staging that is so prevalent in insurance-related murders also was employed with this killing. The execution-style placement of the gun to the back of the head was one element that was intended to give the appearance of drug dealers or similar criminal society at work. The absence of the wallet and all personal effects made robbery look like a motive for the murder. These circumstances imply a removed killer with no personal attachment to

the victim, motivated by monetary gain to pull the trigger. In actuality, all these implications were true of Sean's murderer.

### **Forensics Findings: Victim 2**

Sean Cavaness had died between 5:00 A.M. and 7:00 A.M. that morning, possibly less than one hour before discovery of his body. The cause of death was two .357-caliber magnum bullets to the head, either of which was lethal.

The shot to the back of the head just to the right of center had traveled upward at angle through the brain and exited at the corner of the left eye. It had been fired from a distance of one inch or less, but not in actual contact, as evidenced by the powder stippling and searing of the flesh. Based on the blood spatter pattern and flesh fragments found on the left shoulder and in the crook of the left arm, it was evident that Sean had been standing with his left arm slightly raised when he was hit by the first shot.

The second shot was fired from a distance of twelve to eighteen inches from the head as Sean, already brain-dead from the first wound, lay on the ground. It entered near the right ear and lodged in the brain.

Sean's blood alcohol level had been .26. This meant he had consumed twelve to thirteen drinks before he died.

### **Investigation**

Although Dale Cavaness was a prime suspect to the detective who had handled Mark's murder, it remained an unsolved homicide. There was never enough evidence to charge Cavaness.

Sean's murder would be a different story. The night before his murder, his father had been seen driving around the area near Sean's St. Louis apartment and parking when he spotted Sean walking down the street. The couple who lived below Sean not only saw the car, but also wrote down the license plate number on a paper bag because they were alarmed by Dale's hovering around the apartment. Their fears were calmed as they watched Dale embrace Sean under a streetlight. They had met him several weeks before and recognized him as Sean's father. The couple had heard the sounds of boisterous singing and laughing coming from upstairs until 3:00 A.M., when two distinct sets of footsteps were heard leaving.

Dale's first statement to the homicide detective was that the last time he had seen Sean was nearly four weeks earlier. When he was arrested and interviewed, he denied the encounter in St. Louis until confronted with the paper bag with his license number written on it. Cavaness's live-in girlfriend had originally supported his alibi, but under pressure, she relented and stated that Dale had not been home until late morning on the day of murder.



Cavaness then came up with the story that he had indeed gone to see Sean that night. They had gone out drinking until after 3:00 A.M. and then gone for a ride. When they arrived at the crime scene, Cavaness claimed that Sean asked for his gun while the two were standing by the car. "Tell Mom I'm sorry," he said, and then shot himself in the head. Dale claimed that after he had determined Sean was dead, he fired another shot and took Sean's belongings to make it appear a robbery-murder. His motive for this was to spare Marian the sorrow and guilt of her son's suicide.

The forensics did not support this version for two reasons. The first shot could not have been the one to the right of the ear as Cavaness claimed, because of the blood and tissue splatter on the left arm. That shot had been fired as Sean lay dead on the ground. Second, Sean's greatly elevated blood alcohol level would have considerably impaired his dexterity, making it nearly impossible for him to reach around behind his head and fire the gun.

The other detail that cast doubt on Dale's veracity was his activity in the evening of the day of the murder. He had gone to a big Christmas party attended by most of the people in his town. A number of the partygoers were questioned, including several who spent most the evening with Cavaness. Despite their unwavering belief in Dr. Dale's innocence, each agreed that he had acted perfectly normal, drinking, laughing, and even staying late. His actions were hardly appropriate for someone who supposedly had witnessed the death of his son only hours before (not to mention having to shoot his own son in the head as he lay dying).

Two months before Mark Cavaness was killed, Dale had taken out a \$40,000 life insurance policy on him, with Dale named the benefactor. Several months before Sean's murder, Dale had convinced Sean and Kevin to join an investment program that would make them some money in the future. Dale would pay \$1,000 each month on each of the policies and claim a tax deduction. The boys had agreed. At the time of Sean's death, Dale claimed that he had let the policies expire. However, the policies were not only paid up, but there were two more policies that Dale had taken out on Sean amounting to another \$40,000. There was a total of \$140,000 to be made by Cavaness from Sean's death.

Balanced against this was Dale's own sorry financial state. He was in debt for at least half a million dollars with assets of about \$150,000. He had filed a negative \$200,000 income tax return for several years preceding 1984, nullifying any need for the tax write-off he had claimed the investment policies provided.

## **Outcome**

On November 19, 1985, John Dale Cavaness was convicted of first-degree murder and subsequently given the death penalty. On November 17, 1986, a

prison guard doing rounds found Cavaness hanging from the door by three extension cords tied together and looped at one end with a slip knot. After a futile resuscitation attempt, he was pronounced dead.

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## 107.02: COMMERCIAL PROFIT

Commercial profit homicide is murder to gain control of a business or to profit from the business.

### Defining Characteristics

**Victimology.** Victimology is the primary point that contrasts this type of murder with individual profit murder (classification 107.01). The victim in this type of murder is more likely to have a partner or professional relationship with the offender; however, this does not exclude a familial or personal relationship with the offender.

**Crime Scene Indicators Frequently Noted.** Crime scene indicators are the same as those for individual profit murder: a continuum from the spontaneous and haphazard murder to the well-executed one.

**Staging.** Staging is the same as for individual profit murder. It depends on the resources, sophistication, and degree of premeditation of offender.

**Common Forensic Findings.** Forensic findings range from violent to accidental to natural death.

### Investigative Considerations

In a commercially motivated homicide, the business relationship and corporate structure should be checked. As in individual profit murder, the offender's preoffense financial status should be examined. In addition, the victim's preoffense status should be checked, because motive for the killing could be that the victim was costing the company money (through faulty investments, ineffectual business decisions, or alcohol problems, for example).

The net worth of the victim, as well as the net worth solvency of the business, is important. For example, a business having difficulties may be bailed out by a business partner's life insurance. This may be seen by a correlation of impending business failure with purchase of the policy.

### Search Warrant Suggestions

Business records and the suspect's and victim's financial records are search warrant suggestions. Additional suggestions are those presented for individual profit murder (see classification 107.01).

## CASE STUDY: 107.02: COMMERCIAL PROFIT

### Background

On the morning of July 9, 1991, thirty-four-year-old Steven Benson surprised everyone by showing up early at his mother's home. He had made arrangements the night before to accompany his family to look at some property that morning. No one really expected him, as it was out of character for him to be up early. Nevertheless, he appeared at his mother's home at 7:30 A.M. Soon after he arrived, he took her Chevrolet Suburban to buy some doughnuts and coffee but took almost an hour and half to return.

After his return, Benson convinced his mother and his brother, Scott, to come along on the outing, despite his mother's brief resistance to the idea. Benson arranged the seating, placing Scott in the driver's seat, the spot he usually occupied. He placed his mother in the front passenger seat where his sister, Carol Lynn, usually sat because she had a problem with carsickness. He placed Carol Lynn in the back, behind Scott.

Just as Benson ran into the house to get something he had forgotten, the Suburban was engulfed by a thunderous explosion and an orange fireball. Benson ran out of the front door, only to immediately return and shut the door behind as a second explosion rocked the house. Of the car's occupants, sixty-three-year-old tobacco heiress Margaret Benson and her twenty-one-year-old adopted son, Scott, were killed instantly. Forty-one-year-old Carol Lynn sustained serious injuries.

### Victimology

After Margaret Benson's husband, Edward, had died in 1980, her estate was estimated to be around \$9 million. This did not include the millions more she would eventually inherit from her father, Harry Hitchcock. By July 1985 Margaret suspected that her son, Steven, had squandered at least \$2.5 million of her money on his many imprudent business deals. In addition to the numerous times she had to bail Steven out of financial disasters, she suspected he was now embezzling money to support his extravagant lifestyle. In part, this extravagance was prompted by the demands of his domineering wife, Debby. Steven lived in fear that if he denied her anything, she would take their three children and leave him, as she had done once before.

By July 1985 Margaret had finally endured enough of Steven's sapping her money. In addition, she had suffered nothing but disrespect and cruelty from both Steven and his wife. The day before her death, she had summoned her lawyer from Pennsylvania to look at the company's books and "finally do something about Steven." She discovered Steven had bought a luxurious home by siphoning money from their joint business, which she had financed

and managed. He had also opened up another office in nearby Fort Myers, Florida, that was much more luxurious than the trailer office in Naples. With just one glance at the books, the lawyer was able to tell that here were many improprieties with Steven's bookkeeping.

Once Steven realized what his mother was doing, Margaret's victim risk level skyrocketed. Her lifestyle and personality would normally have put her at very low risk for becoming the victim of a violent crime, but because of her situation, her risk was considerably elevated.

If Margaret discovered the extent of Steven's embezzlement, she might have eliminated his inheritance or severely reduced it. In addition, she was already planning to put a lien on his new home and close down his Fort Myers office. The benefits of killing his mother were obvious. By including Scott and Carol Lynn in the fatal explosion, Steven hoped to secure the entire inheritance and family business for himself. Scott and Carol Lynn's inheritance from Harry Hitchcock would be his. Margaret, Scott, and Carol Lynn became high-risk victims because of their brother's perception of them as obstacles to his absolute control of the family business and money.

### **Crime Scene Indicators**

The first blast blew the car windshield out and both doors open. It also peeled back the top of the car toward the rear. The explosion blasted Margaret and Scott out of the vehicle. Margaret's body landed in the grass alongside the driveway. Scott was thrown away from the house and landed on the driveway. Carol Lynn survived because her door had been open. She jumped out of the car, which was engulfed in flames, and tried to get her shirt off. Both her shirt and her hair were on fire.

When agents from the Bureau of Alcohol, Tobacco, and Firearms (ATF) examined the crime scene, they noted that debris was scattered a hundred feet in all directions. There were two distinct blast areas in the vehicle, signifying there were probably two devices. Because the floor had been blasted downward, the agents concluded that the devices had been placed inside the vehicle. From the blast pattern, it appeared that one device had been between the two front seats and the other was under the passenger seat directly behind the driver, where Steven had placed Carol Lynn. The injuries on the bodies were also consistent with this placement to the bombs. Fragments from the scene revealed that the devices were pipe bombs.

### **Forensic Findings**

Scott Benson had sustained massive injury to his entire right side. The right side of his trunk was laid open from the waist to the shoulder, with most of the internal organs exposed. A knifelike piece of shrapnel had penetrated his skull.

Margaret Benson's right foot had been destroyed. It appeared she had been resting her left hand on the console over one of the devices because that hand had been completely blown off. Her face had been obliterated from the forehead down. In addition, the left side of her body had sustained heavy damage.

Carol Lynn lost most of her right ear. She sustained gaping shrapnel wounds to the leg and smaller wounds to the arms and shoulder of her right side. Her chin was gashed and the side of her face seared. Severe burns covered her right arm and parts of her body. In addition, a neighbor who was running to the scene to help was hit by shrapnel from the second blast, which severed the end of his nose.

### **Investigation**

The investigation focused on Steven Benson as investigators learned from Margaret Benson's lawyer how upset she had been with Steven. Information began surfacing very early in the investigation that strengthened the suspicion of ATF agents and the Collier County sheriff's department: Benson had the motive end opportunity (being the last person to drive the vehicle) to place the two pipe bombs in the vehicle.

Next, the investigative team needed to determine whether Benson had the ability to make the bombs. Several people were able to answer this. Benson had the reputation of being an electronics whiz. He owned a burglar alarm company so was familiar with wiring electrical devices and circuits.

One damaging piece of evidence was in the form of two receipts from a supply company located around the corner to Benson's workplace. One was for four end caps and one was for two four- by twelve-inch pipes, both components of the two devices recovered from the scene. Both receipts were made out to a construction company spelled differently on each one. Even more damaging were the two palm prints lifted from the receipts that matched Benson's.

### **Outcome**

Steven Benson was convicted of two counts of first-degree murder and one count of attempted murder. He was sentenced to serve a minimum of fifty years and will not be eligible for parole until the year 2036.

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## **108: FELONY MURDER**

Property crime (robbery, burglary) is the primary motivation for felony murder, with murder the secondary motivation. During the commission of a vio-

lent crime, a homicide occurs. There are two types of felony murder: indiscriminate felony murder and situational felony murder.

### **108.01: INDISCRIMINATE MURDER**

An indiscriminate felony murder is a homicide that is planned in advance of committing the felony without a specific victim in mind.

#### **Defining Characteristics**

**Victimology.** The victim of an indiscriminate felony murder is a potential witness to the crime. The victim appears to be no apparent threat to the offender. He or she offers no resistance to the offender but is killed anyway, a victim of opportunity—for example, walking into the store or house at the wrong time or having his or her shift coincide with the robbery.

There are occupations, shifts, and environments that elevate a victim's risk factor. Working the night shift alone at a twenty-four-hour gas station or convenience store is one example. This situation elevates the chance of a person becoming a victim of felony murder (indiscriminate or situational) compared to the department store clerk who works days. Environmental factors that elevate victim risk factor are locations within high crime areas, working in establishments that enhance crime commission (views obstructed by advertising or product shelves, poorly lit, no alarms or intercom systems linking them to local law enforcement stations, one clerk staffing, especially at night), and establishments with cash readily available, such as liquor stores.

It is also possible for a victim to elevate risk by attitude and behavior. A careless, naive, or flippant approach to personal safety heightens the chance of being targeted for robbery and, subsequently, felony murder, situational or indiscriminate.

**Crime Scene Indicators Frequently Noted.** The location of the crime is usually the source of the cash. The weapon is brought to the scene and is most likely removed with the offender. The amount of physical evidence found at the scene is dependent on the offender's mastery and adeptness and the time available.

This offender tends to spend more time at the crime scene, so there will be signs of interaction between the offender and victim. There are generally indications of a completed burglary or robbery. The crime scene commonly is controlled and orderly: the offender is not surprised by the events that surround and include the killing. In most cases, little or no effort is expended to conceal the body.

**Staging.** If staging is present, arson is frequently used to conceal the felony murder. (See classification 230, which discusses crime concealment arson.) If the motive seems to be monetary, investigators should require a sexual assault examination of the victim.

**Common Forensic Findings.** Most often the manner of death involves the use of firearms. There can be blunt trauma or battery present. There may also be evidence of restraints used (handcuffs, gags, blindfolds, or something else) evidenced by ligature marks. Sexual assault may also occur.

### **Investigative Considerations**

It is important to work the case as a robbery and not a murder. Any known robbery suspects with similar MOs should be scrutinized. The offender of an indiscriminate felony murder is usually a youthful male with a criminal history (history of auto theft appears especially prevalent). This offender often travels on foot to the crime scene because he lives in the area of the crime.

### **Search Warrant Suggestions**

The victim possessions (wallets, watches, jewelry) should be included in any search. Signs of the career criminal such as stereos and other expensive possessions that do not appear appropriate in the light of the offender's finances based on the legitimate sources are also important. Additional search warrant suggestions include possessions common to a burglar, such as burglary tools, police scanners, or a ski mask or stocking mask, and drugs or evidence of drug use.

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## **CASE STUDY: 108.01: INDISCRIMINATE MURDER**

### **Background**

On April 22, 1974, airmen Dale Pierre and William Andrews decided to rob a stereo shop in Ogden, Utah. They entered the store and forced the clerks into the basement, tying them up. Over the next few hours, three more people happened into the shop, only to become victims of Pierre and Andrews.

### **Victimology**

The five victims involved in this incident were low-risk victims. The two store clerks had a slightly higher chance of becoming victims of a violent crime because of their job. But Ogden, Utah, did not have much violent

crime, so this additional occupational risk was negligible. The other victims fit the victimology of felony murder because they were potential witnesses to the robbery.

None of the victims posed an apparent threat to the offenders since they were immediately tied up and placed face down in the basement. Pierre and Andrews maintained complete control of the victims throughout the entire offense. None of them offered any resistance.

### **Crime Scene Indicators**

Stan Walker and Michelle Ansley were the clerks working at the time of the holdup. Pierre and Andrews tied up Walker and Ansley after forcing them down into the basement. Just then, Cortney Naisbitt, age sixteen, entered the store to thank Walker for allowing him to park by his store. He was also taken to the basement and tied up.

Pierre and Andrews had been loading stereo equipment into their van for about an hour when they heard footsteps approaching the back door. It was Stan Walker's father, Orren, who was worried because he knew the stereo shop had been closed for two hours, yet his son had not come home or called. Pierre and Andrews hid in the basement as the sound of the footsteps came closer. As soon as he appeared at the basement door, Pierre brandished a gun and forced him down the stairs. Stan moaned aloud and asked his father, "Why did you come down here, Dad?" As soon as Stan spoke, the sound of gunshots rang out. In a sudden frenzy, Pierre had fired two rounds into the basement wall. With the explosion of gunfire, Michelle and Cortney began to plead with their captors for their life. "I am just nineteen, I don't want to die," Michelle cried out. Stan and Orren Walker kept telling Pierre and Andrews to just take the merchandise and leave; they would not identify the offenders.

At Pierre's bidding, Andrews brought a bottle wrapped in a paper bag in from their van. Pierre poured a thick blue liquid from the container into a plastic green cup. He told Orren Walker to give it to the three young people lying on the floor. When Walker refused, Pierre forced him onto his stomach next to Michelle and Stan and bound his hands and feet.

At that moment, Cortney Naisbitt's mother, Carol, entered the store in search of her son. Carol was soon tied hand and foot and lying on the basement floor next to Cortney. Next, Pierre propped Carol into the sitting position and held the small green cup to her lips. When she questioned him about the blue liquid, Pierre stated it was vodka and a German drug that would make them sleep for a while.

One by one Pierre forced the victims to drink the blue liquid. Each victim violently coughed and choked, spewing liquid from their nose and mouth.



Orren Walker was the only one who did not drink the liquid. He feigned swallowing and then imitated the other victims' frantic choking. As Pierre filled Cortney's mouth to overflowing, the liquid spilled down his neck, immediately burning his skin. As he swallowed, he felt the liquid scorching all the way into his stomach. He began to retch and vomit, as were the others, who were now being given their second dose of the liquid. Because of the damage it was doing to the victims' stomachs, they were all vomiting. Pierre tried to remedy this situation by sealing the victims' mouths with tape, but because of the blistering around their mouths, the tape would not stick very well.

Next, Pierre went one by one to each victim with his gun. Cortney saw the man lean over his mother and put the muzzle to the back of her head. He heard the bullet enter his mother's head and watched helplessly as her blood spurted onto the carpet a few feet away. Next he felt the hot muzzle pressed against his own skull. The air seem to explode around him as he went limp.

Pierre walked over to Orren Walker and fired a shot that missed his head by inches. He then bent over Stan Walker and fired a bullet into his head. Mr. Walker could hear his son say, "I've been shot," in low but clear voice. Pierre returned to Orren and aimed more carefully this time. Orren fought to stay lucid as his head rang and his shoulder burned from where the caustic liquid had dripped.

Orren Walker heard Pierre untie Michelle. She was still pleading for her life as he led her to the far end of the basement, where he forced her to undress and raped her for twenty minutes. When he was done, Pierre brought Michelle back and forced her down on her stomach. All of this time, Orren Walker had been pretending to be dead. Pierre returned with a flashlight to check for a pulse on Orren Walker. After he had done this, he shot Michelle in the head.

Before he left, Pierre returned to Orren Walker twice. Once he attempted to strangle him. Orren Walker had expanded the muscles in his neck, giving him enough room to breath once Pierre dropped his body back to floor. The second time, Pierre inserted a pen into Orren's ear and stomped on it until Orren felt the tip poke through the inside of his throat. Finally satisfied, Pierre left the basement and joined Andrews outside in the van.

As they were pulling out, Cortney began moving. Orren saw him begin crawling toward the stairs in the darkness. He made it only to the foot of the stairs before lapsing into unconsciousness.

Around 10:30 P.M. the police were summoned to the shop by Orren Walker's wife and his youngest son. They had begun to worry when Orren had not shown up for dinner.

Pierre and Andrews came to this crime scene well prepared to murder. They had brought the drain cleaner with the intent to kill the victims: they had obtained the idea from a movie.

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## **Forensic Findings**

All of the victims sustained gunshot wounds to the head. Stan, Michelle, and Carol died from massive brain injury from these wounds. Carol lived barely long enough to make it to the hospital, where she died. Michelle and Stan were dead at the scene. Michelle had also been sexually assaulted.

The blue liquid was drain cleaner containing hydrochloric acid. The mouths, esophagus, and stomach of each victim except Orren Walker had been severely burned. Orren's shoulder and chin were blistered and burned from the drain cleaner. The pen that had been shoved into his ear had penetrated five inches and caused ear damage. Cortney Naisbitt required 266 days of hospitalization due to the combination of brain damage from the gunshot and reconstructive surgeries for the damage from the drain cleaner.

## **Investigation**

The investigation of the robbery and murders was given direction almost immediately by an informant. Several months before the murders, Andrews had told another airman that he and Pierre were planning something big, like a robbery. Andrews had then told the airman, "One of these days I'm going to rob a hi-fi shop, and if anybody gets in the way, I'm going to kill them."

Within hours of the informant's call, two young boys found purses and wallets belonging to the victims in a dumpster just outside the barracks where Pierre and Andrews lived. After their arrest, a search warrant produced flyers from the stereo shop and a rental agreement for a commercial storage unit. The search of the storage unit produced stereo equipment worth twenty-five-thousand dollars from the shop. In addition to the stolen merchandise, police found a small green drinking cup and a half-full bottle of drain killer.

## **Outcome**

Dale Pierre and William Andrews were charged and subsequently convicted for the murders. Both men received the death penalty. Despite efforts by the NAACP and Amnesty International, Selby and Andrews were both put to death by lethal injection—Selby on August 28, 1987, and Andrews five years later, in 1992.

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## **108.02: SITUATIONAL MURDER**

A situational felony murder is unplanned prior to committing the felony. The homicide is committed out of panic, confusion, or impulse.

## Defining Characteristics

**Victimology.** The victim is one of opportunity. All of the victimology features detailed for indiscriminate felon murder apply to this category also. The fundamental difference is that the offender perceives the victim as a threat or an impediment to a successful robbery.

**Crime Scene Indicators Frequently Noted.** The victim is more often attacked by a blitz-style or surprise assault than is the victim of an indiscriminate felony murder. There are fewer signs of interaction between offender and victim. The victim may have been surprised while going about his or her normal routine. This would be manifested at the crime scene by a spilled purse, car keys on the floor, or a body that is near a room entrance.

The offender may have made small attempts to conceal his identity, like blindfolding the victim, but the sequence of events culminates with the triggering event: the surprise or panic of the offender and the subsequent murder.

There are often paradoxical elements present at the crime scene. Entry into the residence or business may be skillful and meticulous, in contrast with a hasty, panicked retreat that leaves physical evidence such as fingerprints and footprints, often depicting a running retreat. There would be uncompleted acts—for example, stereos unhooked and pulled out from wall units, jewelry, and money on the victim, all left behind.

The situational felony murder tends to offer more evidentiary items, but this is dependent on the level of disorganization or organization of the offender, as well as the nature of the triggering event.

**Staging.** If staging is present, arson may be used to conceal this situational felony murder.

**Common Forensic Findings.** Nonspecific traumatic modalities may be employed, ranging from blunt trauma to sharp instrument use. If firearms are used, the wounds are often contact or near-contact wounds.

## Investigative Considerations

The investigative considerations of this homicide are similar to indiscriminate felon murder, with a few exceptions. The perpetrators of this type of crime are usually in the earlier stages of their criminal career. They are often more youthful and inexperienced, with a history of alcohol or drug abuse that increases their already volatile nature.

Some outside influence will often trigger the killing—an alarm sounds, a spouse comes home, or a victim screams, for example. If several offenders

are involved, there is a tremendous motivation for the nontrigger-puller participant to confess if he is approached properly.

### **Search Warrant Suggestions**

The victim possessions (wallets, watches, jewelry) should be included in any search. Signs of the career criminal such as stereos and other expensive possessions that do not appear appropriate in the light of the offender's finances based on the legitimate sources are also important. Additional search warrant suggestions include possessions common to a burglar, such as burglary tools, police scanners, or a ski mask or stocking mask, and drugs or evidence of drug use.

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## **CASE STUDY: 108.02: SITUATIONAL MURDER**

### **Case Contributed by Kendall McLane**

#### **Background**

In late March 1978, Willie Bosket brutally murdered two men and assaulted multiple others during attempted robberies in New York City. Bosket, fifteen years old at this time, had a long rap sheet and had been in and out of detention centers since he was nine years old. He was a troubled youth with a family history of violence and crime.

On March 19, 1978, Willie encountered Noel Perez on a subway train. Willie planned to rob Perez of his gold watch while he was sleeping until he noticed Perez's sunglasses, which reminded him of those worn by a counselor at juvenile hall whom he particularly despised. Willie became enraged and shot Perez in the right eye. When Perez woke up and started screaming, Willie feared that he would not die, so he shot him again through the right temple. He searched Perez and stole twenty dollars and a ring, along with the originally intended watch. For Willie, the fatal encounter was his destiny. He now knew what it was like to take a life and it was empowering. He had gotten away with murder and felt that it was no big thing to kill a man. Now he was "bad"—as bad as he had told everyone he would be one day. This earned him street credibility.

On March 23, Willie and his cousin Herman Spates spotted Anthony Lamorte finishing up his shift in the train yard. Lamorte had a CB radio that Willie suspected would sell on the street. When the pair approached Lamorte, he told the boys to get out of the train yard since they had no business there. Willie ignored the warning and shot Lamorte in the shoulder; the wounds proved nonfatal.

Over the next three nights, the boys committed three more violent robberies. After shooting one man, Matthew Connolly, Willie was grabbed and searched by a Transit Authority police officer who missed the gun in his pocket. Getting away with the crime made Willie feel even more invincible, as if he was “smarter than the law.”

On March 27, Willie and Herman came across Moises Perez on the train. They approached him for money, but when Perez said that he had no money, Willie shot and killed him. They stole Perez’s wallet, took the two dollars it contained, and discarded it in a nearby trash can. Willie was proud of getting away with this murder, bragging about the newspaper clippings to his little sister.

Willie Bosket and Herman Spates were linked to Moises Perez’s murder when latent fingerprints were lifted off Perez’s wallet. Law enforcement officers ran the prints through the computers and found matches (both young men had been fingerprinted during previous periods of incarceration in juvenile hall). When interviewed, Spates initially insisted that he was at the movies asleep during the time of the murder. The questioning officer told him that Willie had already implicated him in the crime; consequently, Herman insisted that Willie had shot Perez. He also told them about the murder of Noel Perez (no relation) and gave the whereabouts of the gun. Officers obtained a search warrant for Bosket’s house and found the gun. Ballistics tests linked the gun to the Moises Perez murder.

Willie Bosket descends from a long line of violent men. His grandfather, James, was reputed to be a violent man who was respected through fear. Butch, Willie’s father, was frequently beaten by James and other members of his family. After Butch was convicted of a series of petty crimes, the courts decided that they could not handle him and sent him to the Wiltwyck School for Boys. His initial diagnosis of childhood schizophrenia was later changed to conduct disorder. One report said that he was on his way to becoming a psychopath. As an adult, Butch was diagnosed with antisocial personality disorder. Just before Willie’s birth, Butch was sent to jail for stabbing and killing two men in a pawnshop. He was sentenced to life in prison.

Willie was born into a single-parent household with few adequate role models; his mother brought in a rotating cast of boyfriends, one of whom sold Willie the gun he used to murder two men for sixty-five dollars. He held his father to hero status and aspired to be as “bad” as he was. When evaluated at the age of eleven, Willie already displayed many behaviors that are antecedent to violent crime. He was “an angry, hostile, homicidal boy whom no one could reach. He showed grandiosity, narcissism, poor impulse control, infantile omnipotence, and a history of suicide attempts and daily threats against others.” He was diagnosed with antisocial behavior, one step

below the diagnosis of antisocial personality disorder that his father was given. One counselor even predicted that he would commit murder sometime in the future. Other predictors of his potentially violent behavior include family history of violence and abuse, including sexual abuse by his grandfather at the age of nine, histories of childhood violence and torture of animals, and an intense interest in and adoration of violent persons.

The first murder Willie Bosket committed would be classified as situational felony murder (108.02). The victim was one of opportunity, and the murder was committed out of panic and impulse. The primary crime was robbery, with a secondary crime of murder when Willie became agitated by the victim's response. The subsequent murder and attempted murder were classified as indiscriminate felony murder (108.01). After his first murder, Bosket knew that he could kill and actually enjoyed it because it made him feel like a man. Although his primary motive was always to rob the victim, he planned to kill them even though they were no threat to him personally. When indicted, Willie Bosket was charged with two counts of murder and one count of attempted murder. These three different charges necessitated three separate trials. Although there were no witnesses to any of the crimes, fingerprint evidence placed Bosket at the scene of the crime, and his cousin, Herman Spates, implicated him during his interview. Bosket approached his trial with an air of detachment. He seemed to think that he was untouchable in court. Surprisingly, just before the trial began, he told his lawyer to plead guilty to all three counts. Because he was a juvenile, he was sentenced to the maximum sentence of five years at the Division of Youth. He would be freed when he turned twenty-one-years old.

This sentence was met with great controversy and publicity because it was an election year. Governor Hugh Carey, criticized for his laxness concerning juvenile crime, came out publicly against the sentence, referring to it as "a breakdown of the system." The trial contributed directly to the passing of the Juvenile Offender Act of 1978, which allowed adolescents as young as thirteen to be tried as adults for violent crimes like rape and murder.

Willie was freed from prison at the age of twenty-one. He succeeded in following in his father's footsteps and committed two subsequent felonies and returned to prison, where he stabbed a guard in the heart. A few months after he was sentenced for stabbing the guard, he bashed another guard in the head and received an additional life sentence. Next he threw hot water in the face of a guard. He soon came to be known as the most dangerous criminal in the New York system and is now kept in a specially constructed isolation cell. Guards are forbidden to speak to him. He has no electrical outlets, no television, and no newspapers. Behind the bars of his cell is a sheath of acrylic plastic sheets. Four video cameras keep him under surveillance at all

times. Whenever he goes out, he is shackled with an automobile tow chain. The Juvenile Offender Act is still frequently referred to as Willie Bosket's Law in New York State.

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### **CASE STUDY: 108.02: SITUATIONAL MURDER, ELDER**

#### **Victimology**

Alfred Prochair, age eighty-two, lived and cared for wife of fifty-eight years who had early dementia. On a Saturday morning, a woman came to door claiming car trouble and asked to use the phone. Mr. Prochair said, "Of course, come in." Mrs. Prochair, who was in bed, saw the woman in her room but was confused and went back to sleep. Later she entered the living room and found her husband dead. She called 911 and the emergency medical technicians received a confused message but did get an address. They arrived to find the husband dead, but because of the wife's confusion, they dismissed her statement, "She was looking for something," which had been on the 911 tape.

#### **Investigation**

Alfred Prochair was pronounced dead with cause of death by natural causes. An autopsy was waived, and cremation plans were made for Tuesday afternoon in San Diego. On Tuesday morning, a Bank of America analyst in Arizona was reviewing credit card transactions. She called the Prochairs because she noted that too many transactions had been made. She asked if Alfred was making them but was told that Alfred had died on Saturday. Cremation was immediately stopped and an autopsy ordered. The results indicated that Alfred Prochair had been murdered by strangulation. Bruising and defense wounds were noted on his hands, arms, and body.

Police began to check pawnshops and learned one shopkeeper took fingerprints because of the suspicious woman pawning "old-looking" rings. The fingerprints were tied to Yolanda Huff. A record check noted her to have many prior arrests for robbery and burglary. However, Mrs. Prochair could not identify her own rings. Family photographs were reviewed, and one was enlarged to show her wearing the rings that had been pawned.

#### **Outcome**

Yolanda Huff was convicted of first-degree murder with special circumstances (robbery was part of the crime, and the victim was an elderly person).

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## 120: PERSONAL CAUSE HOMICIDE

Homicide motivated by personal cause is an act ensuing from interpersonal aggression and results in death to persons who may not be known to each other. This homicide is not motivated by material gain or sex and is not sanctioned by a group. It is the result of an underlying emotional conflict that propels the offender to kill.

## 121: EROTOMANIA-MOTIVATED MURDER

In erotomania-motivated murder, the murder is motivated by an offender-victim relationship based on the offender's fixation. This fantasy is commonly expressed in such forms as fusion (the offender blends his personality into victims) or erotomania (a fantasy based on idealized romantic love or spiritual union of a person rather than sexual attraction). This preoccupation with the victim becomes consuming and ultimately leads to his or her death. The drive to kill arises from a variety of motives, ranging from rebuffed advances to internal conflicts stemming from the offender's fusion of identity with the victim.

### Defining Characteristics

**Victimology.** The distinguishing characteristic of this type of murder is found in the victimology. The victim targeted is often a person with high media visibility of local, national, or international scope. Through this exposure, the victim comes to the attention of the offender. Other victims include superiors at work or even complete strangers. The victim almost always is perceived by the offender as someone of higher status.

When erotomania is involved, the victim (usually someone unattainable to the offender) becomes the imagined lover of the offender through hidden messages known only to the offender. The offender builds an elaborate fantasy revolving around this imagined love. Male erotomaniacs tend to act out this fantasy with greater force. When this acting out is rebuffed, the erotomaniac decides to guarantee no one else will steal his or her imagined lover. If this idealized person will not belong to him or her, the offender ensures that the victim will not be given the chance to belong to anyone.

Fusion of identity occurs when an individual identifies so completely with another person that his or her imitation of that person becomes excessive. The person emulated is endangered when the imitator feels his own identity is threatened by the existence of the person he has patterned his life after or when the offender feels the person he has imitated no longer lives up to the



offender's ideals. The person this offender chooses to imitate usually is perceived as someone of higher status just as with erotomania.

***Crime Scene Indicators Frequently Noted.*** The greater the distance there is between the offender and victim at the time of the killing, the more planning and less spontaneous the crime is. This will be manifested by lack of fingerprints and footprints at the scene. A removed location from the victim also signifies that the offender had to take the time to check out this vantage point and must have been familiar with the victim's routine.

The majority of these erotomania-motivated murders are close range and confrontational. The offender may even remain at the scene. These close-range assaults tend to be a more spontaneous killing, as reflected by a more haphazard approach to the killing: evidence is left, and there are likely to be witnesses. This does not mean the offender did not fantasize, premeditate, and plan the killing; all of these elements characterize this homicide. It means the actual act is usually an opportunistic one. The offender takes advantage of the opportunity to kill as it is presented to him.

***Staging.*** Staging is not usually present.

***Common Forensic Findings.*** Firearms are the most common weapons used, especially with a distance killing. Ballistics and the trajectory of projectiles recovered will be of importance. The sophistication and type of weapon and whether it was left at the scene will help establish the degree of offender sophistication.

The vital organs, especially the head and chest, are most frequently targeted. Occasionally the offender will use a sharp-edged weapon such as a knife.

### **Investigative Considerations**

The offender almost always surveys or stalks the victim preceding the homicide. Therefore, the availability of the victim's itinerary and who may have access to it is one investigative consideration. There is a likelihood of pre-offense attempts by the offender to contact the victim through telephone calls, letters, gifts, and visits to the victim's home or place of employment. There may even be an incident whereby law enforcement or security officers had to remove the offender from the victim's residence or workplace.

The offender's conversation often will reflect this preoccupation or fantasy life with the victim. When those associated with the offender are interviewed, they will most likely recall that much of the offender's conversation

focused on the victim. He or she may have claimed to have had a relationship with the victim and may have invented stories to support this encounter.

### **Search Warrant Suggestions**

The primary items to search for are pictures, literature (newspaper articles, books, magazine articles), and recordings concerning the victim. Diaries or journals detailing the offender's preoccupation or fantasy life with the victim may also be found. Other items to look for are evidence of contact or attempted contacts with the victim: telephone records, returned letters or gifts, motel receipts, gas bills, rental agreements, or airline, bus, or train tickets implying travel to locations where the victim has been. Credit card records also may be helpful in this regard.

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## **CASE STUDY: 121: EROTOMANIA-MOTIVATED MURDER**

### **Background**

At 11:00 P.M. on December 8, 1980, John Lennon, lyricist, lead singer, and composer for the Beatles, was returning home with his wife, Yoko Ono, from a recording studio. As Lennon exited his car, Mark David Chapman, for whom Lennon had autographed an album hours before, stepped out of the darkness and said, "Mr. Lennon?" As Lennon turned, Chapman fired his .38-caliber Charter Arms revolver five times at point-blank range. Although four bullets hit Lennon in the chest, he was able to reach the foyer of the apartment before collapsing. Lennon died soon after his arrival at the hospital.

### **Victimology**

In the late 1950s, John Lennon had started the group that was later to become one of the most popular music groups of all times. He was a driving force in the Beatles until it disbanded in 1970. Lennon became known as a social and political activist and an especially outspoken proponent of the peace movement. After the Beatles dissolved, he continued to write music until 1975, when he went into retirement. His reentry into the music world was cut short by his assassination. Throughout his career, even during his period of musical inactivity, Lennon's fame and popularity barely waned, which contributed to high media visibility.

### **Crime Scene Indicators**

Although it is appeared that Chapman had planned to assassinate Lennon as early as September 1980, he chose to approach Lennon and kill at close range probably because Lennon was not easily accessible for a long-range assassination. Chapman chose the common weapon of assassins, a firearm. The weapon remained at the scene, as did Chapman (calmly reading *Catcher in the Rye* by J. D. Salinger). Chapman had been a security guard at a Honolulu condominium development; therefore, his weapon of choice was one with which he was comfortable: a .38-caliber revolver. Ballistics confirmed his responsibility for Lennon's death.

### **Forensic Findings**

Lennon died from massive blood loss as a result of the chest wounds he sustained.

### **Investigation**

In September 1980 Chapman sold a Norman Rockwell lithograph for seventy-five-hundred dollars. He paid off a number of debts and kept five thousand dollars for a "job" he had to do. He contacted the Federal Aviation Administration to inquire about transporting his gun by plane.

Because Chapman was advised that the change in air pressure that his baggage would be subjected to could damage the bullets, he opted to pack his gun without bullets. When Chapman left his security guard job for the final time, he signed the log "John Lennon."

On October 29, he flew to New York from Honolulu, only to return in frustration on November 12 or 13. He had been unable to gain access to Lennon, who lived in New York City. He made an appointment at the Makiki Mental Health Clinic but failed to keep it.

On December 6, Chapman returned to New York. Two days later, he waited outside the Dakota apartment building for Lennon. At 4:30 P.M. Lennon and his wife exited the building and were approached by Chapman, who had a copy of Lennon's recent album, *Double Fantasy*. Lennon autographed it as Chapman held it out to him. Chapman then lingered at the apartment entrance. When questioned by the doorman, he said he was waiting to get Yoko Ono's autograph. Chapman was well prepared for his wait in weather much colder than he was accustomed to. He had on two pairs of long underwear, a jacket, an overcoat, and a hat.

Chapman had apparently been building a fantasy life for several years centered on John Lennon. He married a woman of Japanese descent

(Lennon's wife was Japanese). He collected Beatles albums and played in a rock band. And he decided to retire at the age of twenty-five because Lennon had retired then.

An explanation for his motive may be found in the testimony of a psychiatrist during his trial: the more that Chapman imitated Lennon, the more he came to believe he was John Lennon. He eventually began to view Lennon as a phony. The fusion of his identity with Lennon became so engulfing that Chapman decided he too would become a phony if he did not stop the process in Lennon.

### **Outcome**

Chapman withdrew an original plea of not guilty by reason of insanity and pleaded guilty to the murder of John Lennon. On August 24, 1981, he was sentenced to twenty years to life, with a recommendation that he receive psychiatric treatment. Chapman has twice been denied parole since he became eligible for release in 2000. He is currently locked up in the Attica Correctional Facility. When he was given the opportunity to offer a few words in his defense, Chapman read a passage from *The Catcher in the Rye*. A year later when he was visited in prison by a reporter, he still had the book in hand.

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## **122: DOMESTIC HOMICIDE**

Domestic murder occurs when a family or household member kills another member of the household. This definition includes common law relationships. There are two subcategories for this type of homicide: spontaneous domestic homicide and staged domestic homicide.

### **122.01: SPONTANEOUS DOMESTIC HOMICIDE**

A spontaneous domestic homicide is unstaged and is triggered by either a recent stressful event or a cumulative buildup of stress.

#### **Defining Characteristics**

**Victimology.** The victim has a familial or common law relationship with the offender. In addition, there is a history of prior abuse or conflict with the offender.

**Crime Scene Indicators Frequently Noted.** Usually only one crime scene is involved in spontaneous domestic murder, and it is commonly the victim

or offender's residence. The crime scene reflects disorder and the impetuous nature of the killing. The weapon will be one of opportunity, often obtained and left at the scene. There is no forced entry and no sign of theft. The crime scene may also reflect an escalation of violence—for example, the confrontation starts as an argument, intensifies into hitting or throwing things, and culminates in the victim's death.

There are often indicators of undoing. This is the killer's way of expressing remorse or the desire to undo the murder. Undoing is demonstrated by the offender's washing of the victim and the weapon. The body may be covered up, but it is not for concealment purposes. Washing or redressing the body, moving the body from the death scene, and positioning it on a sofa or bed with the head on a pillow are all expressions of undoing.

The attitude and emotional state of the family members present at the crime scene can offer insight into the victim-offender relationship. The offender is often at the scene when law enforcement or emergency medical personnel arrive and often makes incriminating statements.

**Staging.** A spontaneous domestic murder will not involve staging. Personation in the form of undoing is possible but is for the benefit of the offender and is not intended to mislead law enforcement.

**Common Forensic Findings.** Alcohol or drugs may be involved. Fingerprints are often present on the murder weapon. There usually are forensic findings consistent with a personal type of assault.

Depersonalization, evidenced by facial battery, overkill, blunt-force trauma, and a focused area of injury, is evidence of a personal assault. Manual or ligature strangulation is a common cause of death with domestic homicide. Gunshot wounds are also a forensic finding of this type of killing. The victim may show signs of being washed up or wounds cleaned.

### **Investigative Considerations**

If the crime occurs in the victim's residence, domestic murder should be considered. When other family members are contacted, they often describe a history of domestic violence involving the victim and offender. This is often supported by police reports. A history of conflict due to external sources (financial, vocational, or alcohol, for example) is a common element of domestic homicide. The offender may have delayed reporting the murder, often in order to change clothing and establish a legitimate alibi. Routinely, a third party discovers the body. The offender may have demonstrated personalized aggression in the past, as well as a change in attitude after the triggering event.

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## **Search Warrant Suggestions**

Although most of the evidence will be left at the crime scene, financial and medical records to verify the spontaneity of the crime should be requested.

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### **CASE STUDY: 122.01: SPONTANEOUS DOMESTIC HOMICIDE**

#### **Background**

On May 5, 1990, Martha Ann Johnson was convicted of first-degree murder for the smothering deaths of three of her four children. In a videotaped confession, Johnson, who weighs close to 300 pounds, admitted smothering Jenny Ann Wright and James Taylor by rolling on top of them as they slept. Martha said her motive was to bring her estranged husband home. Each of the homicides, which occurred between 1977 and 1982, was committed within ten days of having an argument with her former husband, Earl Bowen. She received the death penalty in 1990 and remains on death row.

The first victim was James William Taylor, twenty-three-months old. On September 23, 1977, Johnson states that she went in to wake up James from his nap. When she was unable to rouse him, she called for emergency medical personnel, and the child was rushed to the hospital. Attempts to resuscitate James were unsuccessful, and he was pronounced dead at 9:15 A.M. His death was attributed to sudden infant death syndrome (SIDS).

Three years later, on November 30, 1980, Johnson bathed, fed, and put three-month-old Tibitha Jenelle Bowen down for her nap. When she checked on the child later, she found the baby had turned blue. Rescue personnel were called and initiated resuscitative measures, which again proved futile. Tibitha was pronounced dead on arrival. Her death was also attributed to SIDS.

Earl Wayne Bowen was a thirty-one-month-old child who had been in excellent health except for an occasional ear infection. On Friday afternoon January 23, 1981, he was found with a package of rodent poison. Although he had some on his hands and mouth, it was not clear if he had ingested any. He was treated and released from the emergency room in satisfactory condition. However, according to his parents, he suffered seizures from that point on, lasting from a few minutes to hours. None of these seizures appeared to be witnessed by medical personnel. Despite the fact that the active ingredient in the poison did not cause seizures, the child was started on medication. While being taken to the hospital on February 12 during a seizure episode, he suffered a cardiopulmonary arrest. He was resuscitated after two hours

and placed on life support. Subsequent therapy was ineffective; he was pronounced brain-dead, and life support was removed on February 15.

According to Johnson, her eleven-year-old daughter, Jenny Ann Wright, was complaining of chest pains. She took Jenny to the doctor who gave her Tylenol and a rib belt. On February 21, 1982, rescue personnel were again summoned to the Johnson residence. They found Jenny Ann face down on her mother's bed, with pink foam coming from her nose and mouth, and unresponsive to revival attempts.

### **Victimology**

The victims were all children of Johnson by her three husbands, and all resided with her at the time of their death.

### **Crime Scene Indicators**

In all cases, death was staged to appear from natural causes, the crime scene was in the residence, and the weapon was one of opportunity. Johnson weighs almost three hundred pounds, and this certainly was a factor in the smothering death of eleven-year-old Jenny.

### **Forensic Findings**

Autopsy findings when smothering is the suspected cause of death are minimal. Petechial hemorrhages, one of the forensic indicators of asphyxia, are rarely seen in children, and practically never in infants. This proved to be the case with the three youngest victims. None had evidence of petechial hemorrhage; however, the autopsy of eleven-year-old Jenny Ann revealed petechiae on the face around the eyes, face, and conjunctivae. There also were linear abrasions over both cheeks, another forensic indicator of asphyxial death. In three of the four cases, postmortem exams revealed congestion in the lungs or airways, or both, evidenced by frothy or foamy liquid coming from the mouth and nose, another finding common to asphyxiation. Earl did not exhibit this congestion because he had been on life support, which allowed for his airways to be suctioned.

Martha Ann Johnson demonstrated a consistent choice of "weapon" as listed in the planned domestic murder. It was a method that allowed her seven years of freedom before the cases were reopened after an *Atlanta Constitution* article in December 1989 questioned Johnson's family tragedies.

### **Investigation**

The investigative consideration of greatest importance in this case is the cycle of domestic conflict that surrounded every incident. Every death was

preceded one week to ten days by marital problems that culminated in a separation, the child's death, and then reunion of Johnson and Earl Bowen, her spouse during the years of her children's deaths. Martha Ann Johnson was reported to have been battered by several of her four husbands, and she was completely dependent on her husband, Earl Bowen.

Martha Johnson was also highly influenced by her environment and had difficulty dealing with internal impulses, as evidenced by her weight. She sought life substance from her external environment through eating, her relationship with her children, and her husband. When this crucial crutch was removed from her life, she used her children to draw Earl Bowen back into an active relationship with her. Johnson experienced emotional crises due to her separation from Bowen. Her children's deaths served as a valve for the building internal tensions, which she was ill equipped to handle, in addition to providing the remedy: Bowen's return. It worked every time.

### **Outcome**

Martha Ann Johnson was sentenced to death and remains on death row.

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## **122.02: STAGED DOMESTIC HOMICIDE**

A staged domestic homicide is planned and may be due to the same stresses as in an unstaged domestic homicide. The major difference between the two homicides is seen in the crime scene.

### **Defining Characteristics**

**Victimology.** The victimology for staged domestic homicide is the same as for spontaneous domestic homicide.

**Crime Scene Indicators Frequently Noted.** The crime scene of the well-planned domestic murder reflects a controlled, organized crime. The weapon, fingerprints, and other evidentiary items often are removed. The body is usually not concealed. It will still often involve the victim's or offender's residence, but locations of crime scenes outside the home also are possible.

**Staging.** Staging is frequently noted in the planned murder. Death may be staged to look accidental (a car malfunction or drowning, for example). Other deaths may appear due to secondary criminal activity, such as robbery or rape. The offender who stages a domestic rape-murder rarely leaves the victim nude; she is almost always partially clothed. Death may be staged to



look like suicide, with a suicide note, guns rigged with string, or a drug overdose, for example. Natural causes—slow poisoning or overdose (insulin is a prime example of an overdose that can mimic natural death)—are also examples of staging.

***Common Forensic Findings.*** The forensic findings of a staged domestic homicide are similar to those for spontaneous domestic murder. The exception is when the suspect includes himself as an apparent victim. If the person posing the greatest threat (usually the male) to the alleged intruder receives no or nonlethal injuries while others are killed who pose less of a threat are killed, the investigator should become suspicious that the crime has been staged.

### **Investigative Considerations**

In addition to the considerations listed for spontaneous domestic homicide, the offender will demonstrate a change in preoffense behavior toward the victim. Frequently an improvement in the relationship is seen, and this apparent change in heart will be demonstrated in a highly visible manner to others. Postoffense interviews of close friends or family members often reveal that the victim had expressed concerns or fears regarding the victim's safety or even a sense of foreboding. The medical and psychiatric history of the victim becomes important if the investigator suspects the crime has been staged to appear to be a suicide or death by natural causes.

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## **CASE STUDY: 122.02: STAGED DOMESTIC HOMICIDE**

### **Background**

Torran Meier was born in 1972 to sixteen-year-old Shirley Meier. Shirley's mother, Joyce, described her daughter's treatment of newborn Torran as "if he were a piece of property." Shirley did not want to hold her son, let alone give him the care and love he needed. Torry's father, Dennis, was driven away by Shirley's constant insults and belittlement. Dennis tried to maintain contact with his son, but Shirley forbid him to come near them. She told Torran his father was dead.

Throughout the years of mistreatment Torran was to endure, his grandparents tried to intervene on his behalf. Because Shirley became jealous if she saw Torran getting close to them, his grandparents were allowed to see him only on his birthdays between his fourth and seventh years. On his sixth birthday, when they showed up with gifts, Shirley flew into a rage and threatened to call the police if they did not leave. Torran's gifts were returned

unopened a few days later because Shirley had decided he was not going to have a birthday party that year.

This incident was characteristic of Torran's life with Shirley. One of his first memories of his mother was climbing into a toy box during a game of hide-and-seek. Shirley sat on the toy box, ignoring his pleas to be let out, until the child had screamed and cried for a half an hour.

Besides being the object of Shirley's cursing and screaming, Torran often suffered public humiliation when she ridiculed him in front of his friends. She would call him a faggot and tell him he would never be a real man. Torran never seemed to do anything that satisfied Shirley, from his playing high school football to the house cleaning and cooking she demanded of him.

Shirley's erratic and often violent behavior seemed to escalate as Torran became older. She also began to direct it toward her younger child, Rory. Torran was encouraged by his friends and grandparents to persist in his situation with Shirley until he graduated from high school, but the years of abuse had burdened him past his endurance. After sixteen years of it, he finally retaliated.

### **Victimology**

Shirley Meier had always been outgoing and lively by her parents' estimation. It was evident at a young age that she was a talented manipulator. She often fabricated elaborate stories for her parents and teachers in order to get her own way.

As an adult, Shirley went through three marriages, none lasting more than a few months because she abused her children. She became dependent on Valium, attempted suicide twice, and seems to have allowed her sense of propriety to slip away. She would often dress provocatively and go out to bars, leaving the two children home alone. On one occasion, she woke Torran up at 2:00 A.M. to pick her up at a bar twenty miles from their home. Torran was about fifteen years old at the time and obviously troubled and unhappy.

### **Crime Scene Indicators**

About 9:45 P.M. in October 1985, Torran Meier set in motion a plan that he had been brooding over for months. Torran, a high school friend named Matt Jay, and a twenty-three-year-old transient named Richard Parker whom Torran had befriended, finalized a murder scheme.

Torran rode home on his motorcycle, and the other two followed him in a car, which they parked down the street from his house. Torran entered the house alone and greeted his mother, who was sitting in the dining room. She

began to yell at him for coming home so late. Torran offered the excuse of mechanical troubles with his motorcycle. He walked into the kitchen to get some dinner Shirley had left him and then went into his bedroom. He let Jay and Parker into the house through his window and left them hiding in his room with a noose he had made earlier.

Torran joined his mother, who began complaining about money. After he had finished his meal, he asked her to come into his room so he could show her something. She responded with her typical ire, stating that he was always interrupting her TV programs. Torran told her to wait for a commercial, at which time Shirley rose to follow him into his room.

Torran requested his mother to close her eyes or allow herself to be blindfolded before entering his room, both of which she refused, but she agreed to walk in backward. As she was backing through the door of Torran's room, she saw Jay coming at her from behind the door. Parker approached from the other direction and dropped the noose around her neck before she could react. Torran and Jay knocked her to the floor as Parker pulled on the noose.

The commotion caused by Shirley's kicking and screaming woke eight-year-old Rory and brought him to the doorway in time to witness his mother's death struggle. Torran intercepted Rory and led him to the family room, where he attempted to calm the crying child by watching TV. Over the next twenty minutes, Torran made a circuit between his room to help Jay and Parker and the family room to calm Rory.

When it was apparent that Shirley was finally dead, the three eased off her body. She was bleeding from the nose and mouth, so Jay held a rag under her face to prevent bloodstains on the carpet. After Torran closed the garage door to ensure privacy, Shirley's body was stuffed in the trunk of her five-year-old Thunderbird.

At this point, the three offenders discussed the fact that Rory knew what had happened. They concluded that the little boy would be too damaging a witness, so he would have to be killed.

The method of death they decided on was rat poison. Jay went to the store and purchased rat and snail poison. Torran laced a peanut butter sandwich and flavored milk with the poison, but Rory refused both after getting an initial bad taste. After a few minutes of thought, another course of action was decided on.

Ironically, Shirley had helped Torran decide how to stage her death. She had threatened her third husband many times that she was going to drive her car off a cliff someday. Torran had also heard this suicide threat and had made special note of it.

Malibu Canyon Highway contains some of the steepest canyon ledges in Southern California, which became the ideal setting to stage Shirley's suicide. The road twists along the face of a sheer rocky cliff. Because there are

no guardrails, it is a common sight to see a tow truck hoisting a car up that had gone over the side.

After stopping to fill a gas can at a Shell station, Torran, Parker, and Rory (sleeping peacefully in the back seat) drove out to the canyon and chose a suitable spot. Next, they went back to the Meiers' house and retrieved Shirley's purse. Once again they stopped at the Shell station and bought six dollars worth of gas. They proceeded to Jay's house, and he followed them in his father's vehicle.

When they arrived at the preselected spot in the canyon, Torran told Rory he had to be blindfolded and have his hands tied because he did not want Rory to know where Parker lived. Rory did not resist. At this point, Shirley's body was removed from the trunk and propped up in the driver's seat. With the engine running, a rag soaked with gasoline was stuffed in the gas tank opening. Parker then lit the rag while Torran and Jay aimed the car for the cliff and put into gear. It rolled across the road, over an embankment, and down a hill. As flames spread through the car, it came to rest on a plateau halfway down the gorge. Torran, Jay, and Parker drove away, heading north.

Jay dropped Parker and Torran Meier off at the initial crime scene so any damning evidence could be removed. Signs of the struggle were cleaned up or removed. The poisons and the towels used to clean the blood from the carpet were dumped in a trash bin. The gas can was dumped, and Meier put the empty can back into the car. Satisfied that any traces of the murder had been removed, Torran Meier headed back to the gas station where he worked with Parker to pick up his bike.

Meanwhile, Rory had felt the car move, smelled the gasoline, and soon after saw the flames through his blindfold. He took off his blindfold and saw his mother's body leaning against the steering wheel with blood all over her face. He managed to free his hand, lower an electric window, and climb out. As the car was enveloped in flames, he climbed a hill crying for help. A young man driving by saw the flames and heard Rory's cry for help. He helped Rory up to the road and flagged down another car. The heat was too intense for anyone to get close to the car, and by the time the fire department and sheriff arrived, Shirley's body had already been burned beyond recognition.

## **Investigation**

Rory told his story and gave a description of Torran's car to the sheriff. Meanwhile, Torran had suddenly felt like returning to the canyon. He and Parker had driven just far enough to pass the ambulance and sheriff car coming from the scene. Other sheriff units that had been dispatched to the scene recognized his car from Rory's description and pulled him over.

The extensive brutalization that Torran Meier suffered at the hands of his mother obviously fueled his decision to kill her. However, there seemed to be one incident that burdened him beyond his capacity to endure. It was in March 1985 when Shirley informed her mother that Torran no longer wanted to live at home and was not welcome there anymore. She had told Torran that going to live with his grandparents meant he could never return home. Torran immediately moved in with his grandparents. The warmth and affection he experienced there made him feel hopeful that life could be free of the constant harassment and abuse he had known for most his life. Two weeks later, his hope was shattered when the police showed up at Shirley's request. She had sent them there to return her "runaway" son.

From this point on until the murder, everyone noticed the change in Torran's attitude. He began to miss school. His grandmother noticed he now had a blank look in his eyes. The statement that seemed to best describe Torran's state of mind was found on the side of a cup holder his grandmother saw him use: "Pardon me, but you've obviously mistaken me for someone who gives a damn."

Torran's conversation reflected his plans. He spoke to classmates and close friends about killing his mother and even showed one the noose that he had made. Torran's indiscretion concerning his crime is reflective of his immaturity. Most offenders do not leave quite as obvious a conspiratory trail.

### **Outcome**

Torran made a complete confession and was found guilty of manslaughter and attempted manslaughter. He was subsequently sentenced to a maximum term of twelve years at the California Youth Authority in the psychiatric facility. He was reunited with his father during his trial. Both his grandparents and father vowed to support him through his trial and incarceration.

Richard Parker and Matthew Jay were found guilty of second-degree murder and sentenced to fifteen years to life.

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## **122.03: NEONATICIDE**

Neonaticide, or murder of an infant within the first twenty-four hours of life, is the most common form of filicide, which is the killing of a child of any age by a parent. Research shows that 46 percent of infants killed die in their first hour of life. Compared to filicide, neonaticidal parents are younger, more often unmarried, and the pregnancy was more frequently unwanted.

Although the vast majority of neonaticides are committed by parents of the victim, overwhelmingly the mother, research has demonstrated no racial, cultural, or socioeconomic association with neonaticide. Premeditation of the crime is rare, with the more common scenario including a young, naive mother, with restrained communication about sexuality in the home and traditional and socially isolated homes with disciplining, harsh parents with whom she is close. Social isolation of a neonaticidal mother may be obvious, but it also may be subtle: she may be surrounded by friends and family, and yet no one really knows her.

It is common for neonaticidal mothers to remain in denial about the existence of the fetus during the pregnancy. Physical symptoms are ignored or explained away; weight gain is seen as a result of lack of exercise, and morning sickness becomes general nausea. Even if the pregnancy is confirmed by a physician, denial persists vehemently. Baby clothes and toys or pregnancy and name books are not purchased, and prenatal care is not sought out, for example. This denial often extends to those around her: family and friends are unaware of the pregnancy until discovery of the infant's body or the physical manifestations of birth make it known.

Denial can persist even through labor and delivery. Breaking water may be thought of as urination, and labor pain may be experienced as bowel movement or simple cramping, for which a hot bath may be sought for relief. Delivery is nearly always in secret or isolation, often occurring in the bathtub or on the toilet.

Some neonaticidal mothers experience dissociative symptoms during labor and after the birth; several neonaticidal mothers have reported amnesia about the events leading up to and surrounding the birth, the birth itself, or events immediately after the birth. Psychosis and depression, however, are relatively less frequent among neonaticidal mothers.

After the birth and disposal of the infant's body, the mother also may exhibit an unfazed or indifferent emotional stance, facilitated by her denial of the existence of the infant—reinforced with the neonaticide but dissolved with revelation of the crime.

### **Defining Characteristics**

**Victimology.** The first hour of birth is particularly high risk for this type of victim. Male infants are more often killed than female infants on the day of birth, which is also the day children are most at risk of filicide. The typical neonaticide victim is born to a mother who has concealed his in-utero existence, from herself as well as others in her life.

There is no human connection to the developing fetus. Ultimately the mother denies the neonate's victimhood.

***Crime Scene Indicators Frequently Noted.*** Typical methods of neonaticide are suffocation, strangulation, head trauma (usually from dropping into a toilet), and drowning (in the receptacle where the birth occurs). Use of weapons in neonaticide, such as knives, is more indicative of serious mental illness in the mother. At the same time, involvement of an accomplice supports the likelihood of organized, premeditated calculation in effecting the child's death and concealing it.

The crime scene may reflect evidence of only the birth, not the death. However, the scene of the birth may also reflect disorganized behavior, such as incomplete attempts to clean blood from the scene. Disorganized behavior may represent panic, particularly when birth and homicide transpire with a relative or other responsible party nearby who might discover the baby and intervene.

Disposal of the body, often in a trash receptacle, is not alone evidence of murder. Reconstruction of the infant's demise may be difficult under certain circumstances of method of homicide. Autopsy remains the most important means for identifying a murder.

***Staging.*** The events may be staged so as to falsely suggest that the baby was born dead or suffered accidental injuries during delivery. Forensic pathology evidence is helpful to resolve this question. One of the most common types of physiological evidence of live birth is the appearance of inflated lungs and an air bubble in the digestive tract. Unexpected death to the neonate in the context of evidence for denial of the pregnancy raises the likelihood of foul play.

***Common Forensic Findings.*** The forensic findings of a neonaticide will include products of the birth such as the newborn, placenta blood, and umbilical cord. The location of the birth needs to be carefully investigated and samples of biological evidence taken for crime scene analysis. Clothing or bedding may contain forensics.

### **Investigative Considerations**

A focal issue of investigation is whether the infant was born alive. The neonaticidal mother in denial often may repress or suppress her recollections of circumstances of the birth or simply may deny that she remembers and be withholding information. Physical evidence is often needed to prove that the infant was killed, despite the risk of stillbirth being remarkably low barring some congenital anomaly.

Many neonaticidal mothers exhibit a lack of emotion relating to the neonaticide. This response may reflect a detached, dehumanized relationship to

the victim, or the “la belle indifference” of an unusual response to a significant life event. Denial and unconscious loss of memory are correlated with la belle indifference. Denial and intact memory are associated with a detached, dehumanized relatedness to the neonate.

While the overwhelming number of neonaticides are committed by the mother of the victim, there are cases in which the father is responsible or involved. When the father is involved or the mother has confided to him that she is pregnant, dissociation and denial are not part of the crime; premeditation is implicated. In this light, a mother who does not prepare for the arrival of a newborn may not be denying the pregnancy but planning to be without the newborn.

Fathers who commit neonaticide may fear that the presence of a baby might alter the romantic relationship or that presence of a baby out of wedlock may incur stigma. Other fathers may see the infant as a rival for the attention of the mother or may seek concealment of alternative paternity. Denial, however, is not associated with paternal neonaticide.

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### **CASE STUDY: 122.03: NEONATICIDE**

#### **Classification and Case Contributed by Michael Welner**

##### **Background**

Violetta Raines was an eighteen-year-old Mexican immigrant who confessed to killing her newborn daughter.

Violetta lived in a small studio apartment with her father, Alfredo, her brother, Miguel, age twenty-three, and her sister, Judith, age twenty-one. She was afraid to tell her father of her pregnancy because she anticipated that he would ask her to leave the apartment and feared that he would disown her. She did not gain considerable weight and concealed her pregnancy with loose clothes. The child’s father, Miguel Dilone, had returned to Mexico early in her pregnancy, never knowing he was going to be a father.

In early December 1997, her family and employer noticed no changes in Violetta’s behavior or emotions. No one anticipated her childbirth.

##### **Victimology**

As the pregnancy went on, Violetta “tried to pretend it wasn’t there,” did not seek out prenatal care, and did not attend childbirth classes. Neither did she consider a name for the child or purchase baby clothes. She did not calculate a due date and did not consider giving the baby up for adoption.



## **Crime Scene Indicators**

Late on the evening of December 3, 1997, Miguel opened the bathroom door, and his sister, holding a plastic bag and towels containing the deceased infant, hugged him in a manner that suggested she need help with her balance. As Violetta emerged from the bathroom, she told her sister and Miguel that she had experienced unusually heavy menstruation. They asked her if they should take her to the hospital, but she refused, saying, "I'll take care of it in the morning." Miguel helped her over to the bed. Violetta lay down to go to sleep with the plastic bag placed at the foot of the bed.

Alfredo then went to use the bathroom. Inside, he noticed a large amount of smeared blood on the black and white tiled floor and immediately suspected his daughter had given birth. He emerged from the bathroom and demanded that she show him the bag. She refused, saying, "It's going to give me too much pain." Alfredo snatched the bag from the foot of her bed and walked into the bathroom with it. As he did, Violetta burst into tears and cried out, "Please don't beat me."

Upon discovering the dead infant, Alfredo ordered the family to the hospital at once. There was no effort at that time to resuscitate the baby. He states that shortly after arriving at the hospital, his daughter dropped down on her knees and begged for forgiveness.

## **Forensic Findings**

The report of the medical examiner indicated that the approximately thirty-five-week-old gestational-age baby was born alive. Forensic evidence indicates that Violetta likely cut the umbilical cord.

The report noted no evidence for trauma from a crush injury. On the basis of abrasions across her face, cause of death was listed as suffocation. Although the baby was wrapped in towels in a bag and resuscitative efforts could have caused the same abrasions, evidence of hasty cleansing of the death scene, the defendant's lack of sophistication for basic cardiac life support, and the defendant's lack of motivation to resuscitate or seek help for the baby on discovery reflect that this was not a credible explanation.

## **Investigation**

Violetta had concealed a four-month relationship from her father and brother for fear of disapproval and shame. She concealed her pregnancy for fear of eviction from home or alienation from her emotional support network.

The birth caught her completely by surprise, and before the night her child was born, she did not prepare for childbirth or a new arrival and did not acknowledge the physical effects of pregnancy until the night she delivered.

Isolated in her privacy, responsive to the expectations of her family, and profoundly affected by shame, Violetta chose to try to forget she was pregnant.

On December 3, Violetta and her brother went to the movies, returning home in the late afternoon. Upon their return, Violetta began experiencing back pain and thought she might be coming down with the flu. She laid down to rest.

Violetta could not sleep and experienced continuous urinary urgency, ultimately returning to the bathroom around midnight. While in the bathroom, she rose from the toilet, was suddenly seized by excruciating pain, and fell to the floor. She avoided crying out for fear of waking her family and “giving her father a heart attack.”

Lying on the floor, Violetta looked downward and saw her daughter’s head emerging and decided to pull her out. She placed one hand across the face, covering the nose, and one hand behind the head. She then held her hand over the baby’s nose and mouth, despite knowing that if she did so, the infant would stop breathing. When asked later why she did this, Violetta responded that she was frightened and did not “know what I was thinking.”

Violetta stated that she fainted shortly after the birth, and upon waking, realized the baby was not breathing. Her father was knocking at the door, asking if she was all right. She cleaned up the blood, not wanting him to “be worried.” An hour later, Miguel opened the bathroom door and founded his sister in her weakened postbirth state.

### **Outcome**

Violetta pleaded guilty to manslaughter after the judge on the case made it clear that she did not want the defendant to serve considerable jail time. Violetta expressed a wish to become pregnant again in the future.

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## **123: ARGUMENT/CONFLICT MURDER**

Argument/conflict murder is a death that results from a dispute between persons, excluding family or household members.

### **Defining Characteristics**

**Victimology.** There is a high incidence of victims of this crime to be young adult, blue-collar or unemployed, and with a low education level. The offender is known to the victim. The victim commonly has a history of assaultive behavior and of using violence to resolve his problems.

An exception to this victimology is the person who has the misfortune to cross paths and ignite the volatile, impulsive offender who is predisposed to violent eruptions. The precipitating event is often a trivial incident, such as pulling in front of someone on the freeway.

***Crime Scene Indicators Frequently Noted.*** The crime scene of an argument/conflict murder is often spread out, demonstrating signs of offender and victim movement as well as signs of struggle. It is random and sloppy.

The weapon is brought to the scene due to the offender's predisposition to assaultive behavior. In this sense, it becomes a weapon of opportunity based on its ready availability. It may be left at the scene in addition to fingerprints, footprints, and other evidence. The victim is often unarmed. Generally the body is also left at the scene and is not concealed.

***Staging.*** Staging is not present.

***Common Forensic Findings.*** Alcohol or drugs are often involved, and there is no evidence of sexual assault. The mode of death is usually based on the weapon availability: knife, blunt object, or firearm.

### **Investigative Considerations**

The precipitating event of an argument or conflict is the cause of the dispute. The killing can be a spontaneous or delayed reaction to this event. The offender, like the victim, has a history of assaultive behavior and using violence to resolve problems. Due to the spontaneous nature of the attack, there are usually witnesses, however reluctant or inconspicuous. A point to consider is that the suspect lives in the vicinity of the attack or victim, or both. Witnesses may know the place of employment, hangouts, or residence of offender.

### **Search Warrant Suggestions**

The investigator should search for articles in the location because the crime erupted quickly. A search should also be made for receipts of firearm sales, and the Alcohol, Tobacco, and Firearms registry should be checked.

## **123.01: ARGUMENT MURDER**

In an argument murder, death is precipitated by a verbal dispute. The defining characteristics, investigative considerations, and search warrant suggestions are discussed in classification 123.

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### **CASE STUDY: 123.01: ARGUMENT MURDER**

#### **Background**

On a hot July night in 1989, the police of a small East Coast city received a "shots fired" call. As they arrived at the scene of the incident, they observed

a young white male sprawled out in the middle of the street. He had been shot in the chest and was dead. The officers learned from several witnesses that the victim had started arguing with another man over some money the offender owed the victim. The dispute soon escalated, with the victim punching the offender. The fight spilled out into the street and culminated with the offender pulling a gun out and shooting the victim.

### **Victimology**

The victim was a twenty-two-year-old construction worker who had a history of being thrown out of bars for starting fights. He had a long history of assaultive behavior that included several arrests for aggravated battery and assault on a law enforcement officer. His reputation for solving problems with physical violence was well established at work and after hours, in the bars. The victim had had several confrontations with the offender before the night of his death. According to witnesses familiar with both men, they seemed to have a friendship of sorts that was periodically interrupted with brawls.

### **Crime Scene Indicators**

The crime scene was in a tavern district that had a reputation for nightly brawls, especially during the hot summer months. The crime scene was spread out, with indicators of the struggle beginning in the bar. Bar stools and several tables were overturned. There were several blood spatter patterns indicating that both offender and victim had drawn each other's blood before the shooting.

The crime scene was random and sloppy, typical of this type of conflict. The body was left in the open, in the position that death had occurred. The weapon was brought to the scene and found farther down the street in a garbage can down an alley. There was an abundance of prints in the bar and a few on the murder weapon, although the offender had hurriedly wiped off the gun before discarding it.

### **Forensic Findings**

The autopsy revealed that the victim had died from a single gunshot wound to the chest that penetrated the heart through the left ventricle, causing immediate death. A .38-caliber bullet was recovered from the body. The victim's serum alcohol level was .21 percent, well over the .10 percent level of intoxication.

### **Investigation**

Because of the abundance of witnesses and physical evidence, an arrest was made within hours of the shooting. The offender was arrested without incident

at his home. His reputation mirrored that of the victim. He too had a history of assaultive behavior reflected by an arrest record.

The precipitating event of the dispute was some money that the offender had borrowed from the victim three weeks earlier. The offender had promised repayment several times but had failed to fulfill his promises. The offender was also very drunk when the victim began yelling at him and declaring his unreliability to the other bar patrons. The exchange became physical and culminated with the shooting.

### **Outcome**

The offender pleaded guilty to manslaughter and was sentenced to fifteen years.

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## **123.02: CONFLICT MURDER**

In a conflict murder, death results from personal conflict between the victim and offender. The defining characteristics, investigative considerations, and search warrant suggestions are discussed in classification 123.

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### **CASE STUDY: 123.02: CONFLICT MURDER**

#### **Background**

Life for Kristen Costas was satisfying and agreeable. The fifteen year old was a member of her high school swimming team, soccer team, and community swim team. She had been selected for the varsity cheerleading squad and belonged to an exclusive volunteer group called the Bobbies. She was very popular at school, having many friends. She seldom dated but was well liked by the male students of her suburban California high school. Words like *pretty* and *vibrant* were used when describing her. Her father was an executive who could afford to give his only daughter the trendy clothes, ski vacations, and cheerleading training camp trips important to a teenager trying to find acceptance from other upper-middle-class peers.

For Bernadette Protti, adolescent life was not so pleasant. She was embarrassed by the modest living imposed by her father's income as a retired public utilities supervisor. This discomfort was accentuated daily as she went to school, surrounded with the sons and daughters of executives like Costa's father. Spring 1984 had not done much to boost her faltering ego. She was cut from the cheerleading squad, rejected from membership in an exclusive club similar to the Bobbies, and denied a place on the yearbook staff. These

setbacks probably would have been nothing more than passing disappointments to the typical teenager, but to Protti, they confirmed her sense of failure and lack of self-worth. One friend described Protti as never believing she was accepted by her peers, even though she apparently was. She depicted Protti as having an obsession with being liked.

On June 22, 1984, Costas was at cheerleading camp when her mother received a call from an unidentified female around 10:00 P.M. The caller told Mrs. Costas that Kristen would be picked up for a secret Bobbies initiation dinner the next night. On June 23, Mr. and Mrs. Costas and Kristen's twelve-year-old brother were attending a baseball banquet. At 8:20 P.M., Mrs. Costas phoned Kristen to wish her a good time at the Bobbies' dinner. Soon after, Kristen was picked up by a white female in an beat-up orange Pinto. They drove to the Presbyterian church parking lot and parked. After about thirty minutes, Costas became alarmed at the driver's behavior and exited the car.

Costas rang the doorbell of nearby friends, the Arnolds. When Mrs. Arnold answered the door, Costas explained that she had been with a friend at church who had "gone weird." Mrs. Arnold described Kristen as being visibly upset but not terrified. She noticed a girl about fifteen with light brown hair on the front sidewalk as she let Costas in to call her parents. When her parents did not answer, Mr. Arnold offered to give Costas a ride home, which she accepted. He noticed the Pinto was following them as he drove Costas home, but Kristen reassured him it was okay.

When Mr. Arnold arrived at the Costas home, Kristen noted that her parents were not in yet and told Mr. Arnold she was going to go next door. He offered to wait until she was safely inside the house and watched as Costas walked to the door.

As he prepared to leave, he saw a female figure pass by the right side of his vehicle and enter the porch where Costas stood. At first Arnold thought he was witnessing a fistfight. The form struck at Costas, and she fell to the porch screaming. The assailant disappeared seconds later.

Costas staggered to her feet and ran across the street crying for help. A neighbor who had come outside when he heard the scream went to her aid. She collapsed in his arms still asking for help and then lost consciousness. He began cardiopulmonary resuscitation while his wife called emergency medical personnel.

Meanwhile, Mr. Arnold had started to pursue the Pinto as it squealed away, but decided to return to see if Costas needed help. By this time, the paramedics and police had arrived and were loading Kristen into the ambulance. Mr. and Mrs. Costas arrived home from their son's banquet just in time to see their daughter lying in the ambulance. Kristen Costas was pronounced dead at a nearby hospital at 11:02 P.M.

## **Victimology**

Kristen Costa's chances of becoming a victim of a violent crime were reduced by her warm family relationship, minimal use of alcohol, and self-imposed dating restrictions. Her lifestyle reinforced this low-risk status. She lived at home, and because of her age and parental control, her socialization was restricted to places that would be considered low-risk environments (the church parking lot, which was the local hangout, and friends' homes, for example) as opposed to bars and nightclubs. She had reportedly experimented once with cocaine and once with marijuana, but this isolated use was not a factor when considering the attack.

The fact that Costas was well liked and popular would normally have been additional reasons for considering her status low risk. But because of the nature of the conflict that arose between Protti and Costas, this element elevated her risk to be targeted for a violent crime.

## **Crime Scene Indicators**

In front of the door where the attack took place were multidirectional blood-splatter patterns. A few feet to the left of this area, a trail of blood splatter began that went down the walkway, the driveway, across the street, the neighbor's driveway, sidewalk, and onto the porch.

A butter knife was found at the scene, but this was not the murder weapon. A few latent prints remained unidentified, and one set from the porch post next to the attack site had insufficient detail for evaluation. There was nothing else to aid the investigation from the crime scene.

## **Forensic Findings**

Kristen Costas had been stabbed five times. There was a defensive wound to the right forearm. Two of the wounds were to the back, both 13 centimeters long and puncturing the right lung and diaphragm and lacerating the liver. Of the two wounds from a frontal assault, one was 15.5 centimeters long and penetrated the left upper arm, chest, and left lung. The other was 4 centimeters and did minor damage. Any one of the three deeper wounds would have caused death by itself. There was no evidence of any other type of assault, physical or sexual.

## **Investigation**

Over six months, 750 yellow or orange Ford Pintos, including the killer's, were checked by police, but no evidence was found associated with Costa's

murder. More than one thousand leads were investigated, and over three hundred people were interviewed, including one hundred girls from Costa's high school. A list of suspects was narrowed down to several dozen people.

The investigators then submitted the victimology, crime scene information, pictures, and autopsy records to the FBI Investigative Support Unit in Quantico, Virginia, for a criminal personality profile. The FBI analysts came up with a profile and sent it back to the sheriff's department in late October. With this profile, the investigators were able to narrow the list to one suspect: Bernadette Protti.

Protti was called in for another extensive interview (she had been interviewed at least four times previously) and another polygraph exam. She failed parts of the polygraph, but other parts were inconclusive. Several days later, Protti returned with her father to the sheriff's department and requested to speak with the FBI agent who had questioned her previously. She then offered a full confession for the murder of Costas.

Protti stated she had killed Kristen because Costas had rebuffed Protti's attempts to make friends with her. Protti was afraid Costas would tell everyone at school that she was a "weirdo." It was this fear of rejection, Protti claimed, that drove her to kill Costas.

## **Outcome**

Bernadette Protti was convicted of second-degree murder and sentenced to nine years. She was denied parole twice before the state Youthful Offender Parole Board released her on June 10, 1992, in a two-to-one decision.

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## **124: AUTHORITY MURDER**

An authority murder involves an offender who kills persons who have an authority relationship or symbolic authority relationship by which the killer perceives he has been wronged. The target of the assault may be a person or a building, structure, or institution symbolizing the authority. Random victims are often wounded or killed during the assault as a result of their actual or perceived association with the authority figure or the institution being attacked.

### **Defining Characteristics**

**Victimology.** The victimology of authority murder involves primary and secondary targets. The primary targets are the principal people whom the offender perceives as wronging him. The wrong may be actual, such as the



offender's being fired, or may be imagined, based on a psychotic or paranoid delusion of a conspiracy. The secondary victims become random targets as a result of being in the wrong place at the wrong time because the offender generalizes their immediate presence to symbolize the authority.

***Crime Scene Indicators Frequently Noted.*** The offender is mission oriented: he is on the scene with his mission having ultimate priority. He has little or no intention to abort his plan and escape from the scene or from responsibility for the act. He may desire to die at the scene by suicide or by police bullets and thereby attain martyrdom for his actions and cause. There is always a direct and planned confrontation between the offender and victims.

Because of his obsession of being wronged over a period of time, the offender gathers and collects weapons and usually brings multiple weaponry to the scene of his confrontation. In addition, he often arms himself with an abundance of ammunition and other gear to sustain and support his attack. Weapons used are of optimal lethality (semiautomatic assault weapons, high power, scope sights), and as a result, the assault often develops into a mass or spree killing.

***Staging.*** Staging is not usually present.

***Common Forensic Findings.*** The forensic finding most prevalent in authority murder is the use of more than one firearm; often the weapons selected are semiautomatic, selected for quick firing; they may be of more than one caliber. Therefore, various and numerous shell casings may be found at the scene, which will help establish the number of rounds fired. Wounds usually are severe and numerous. Multiple wounds on a victim may suggest the primary target, and the killing of the primary target may prompt the suicide of the offender. If the primary target is not taken, the offender may commit suicide or surrender when he runs out of ammunition.

### **Investigative Considerations**

The offender will have a history of paranoid behavior and openly voicing dissatisfaction with general or specific circumstances in his life. There are usually long-term precipitation and predisposing factors in the development of this state, and a likely result is emotional or mental illness. The mental disorders commonly found among authority killers are depressive reactions, paranoia, or paranoid psychosis. Another result of this developmental situation is interpersonal failures and conflicts such as separation, divorce, job loss, failure in school, or other such personal life traumatic events that will precipitate the acting out against authority. Frustrations accompanied by the

inability to handle or resolve such situations are often precipitating events. Suicide attempts are common.

### **Search Warrant Suggestions**

Investigating officials should be aware of the offender's preparation period for the final event by looking for specific reading material, collections of weaponry, uniforms, paraphernalia, and other items of paramilitary interest. Statements made by the offender just prior to, during, and immediately after the assault should be carefully noted and documented by investigative personnel. The search should also look for diaries, scrapbooks, and computer logs and prescribed medications to link the suspect to psychiatric conditions.

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## **CASE STUDY: 124: AUTHORITY MURDER**

### **Background**

Joseph T. Wesbecker, a twice-divorced forty-seven-year-old white male, had asked for a transfer from his job as a pressman. He had complained that the job was too stressful, and as his emotional problems worsened during February 1989, his employers responded by placing him on disability leave. Wesbecker felt that his employers at Standard Gravure Corporation had inflicted a gross injustice on him despite the fact that his behavior had interfered with his duties and the duties of others in his workplace. Nearly every day for seven months, he brooded over how he would repay those in authority who were responsible for his alleged mistreatment.

On the morning of September 14, 1989, Wesbecker walked into the Standard Gravure Corporation plant, intent on seeking revenge on those who caused his problems. Using an AK-47 automatic assault rifle and an assortment of other firearms, he killed or wounded over twenty people.

### **Victimology**

Wesbecker's victims were all secondary targets since the primary targets of his aggression were the company's administrators, who were not in their offices at the time of the assault. His victims were fellow employees, yet on that particular day, Wesbecker considered them to be enemies because they symbolized the corporation's organizational structure.

### **Crime Scene Indicators**

At 8:30 A.M. on September 14, Wesbecker arrived at the Standard Gravure plant carrying a duffel bag containing an AK-47 semiautomatic assault rifle,

two MAC-11 semiautomatic pistols, a 9mm semiautomatic pistol, and a .38-caliber revolver. He carried hundreds of rounds of ammunition. When encountering a friend, John Tingle, who tried to persuade Wesbecker not to enter the plant, Wesbecker ordered Tingle to “get away,” stating, “I told them that I’d be back.”

After he gained entry to the plant, Wesbecker took the elevator to the third floor to the executive office complex. He opened fire as the elevator door parted, killing the receptionist and wounding several other office staff. He then proceeded down the hallway to the bindery, spraying the area with gunfire and killing and wounding more plant employees. He moved on to the Courier-Journal building, where he shot another employee.

Wesbecker proceeded to the Standard Gravure pressroom, into the basement, and back to the pressroom, firing his weapon all the way until he dropped his AK-47, raised his 9mm pistol under his chin, and killed himself. All events occurred in approximately nine minutes from the firing of the first shot. The police arrived on the scene and found Wesbecker dead. It was determined that he fired hundreds of shots during his random murder spree.

This crime is classified as a spree authority killing in that it was a confrontational type of assault spread throughout a large area (several buildings), leaving many dead and wounded in the wake of the assailant. Wesbecker had killed seven people and wounded twelve others. He obviously intended to kill all who crossed his path and was intent on revenge, seeking out those in authority in the company where he worked. The offender came to the scene with multiple weapons and an abundance of ammunition. His shots were intended to be lethal, as demonstrated by the death toll and the fact that of the twelve surviving victims, five were critically wounded. Wesbecker was very mission oriented, with no escape plan.

### **Forensic Findings**

Seven dead and twelve wounded people were found at the scene by police authorities. Another died three days later. Most of the victims died from massive blood loss due to gunshot wounds to the heart and chest area. Most of the twelve wounded workers were in serious to critical condition.

### **Investigation**

The investigation of the shootings revealed that Wesbecker had a long history of mental and emotional problems. Two marriages had ended in divorce. He had been hospitalized on a voluntary basis at least three times between 1978 and 1987 for these problems. He was reported to be withdrawn and troublesome in his workplace and experienced job-related stress problems.

He had once declined a promotion and a raise because he could not face the demands the job would place on him. He claimed that his exposure to an industrial chemical had caused memory loss, dizziness, and blackouts. He further attributed his exposure to the chemical for bouts of sleeplessness, racing thoughts, anxiety, anger, and confusion.

Wesbecker's feelings and acts of isolation, withdrawal, and depression are prominent preoffense behavior dynamics of the mass and spree authority killer. Furthermore, he was a single middle-aged white male who harbored a long-term grudge against the management of his employer and had accompanying emotional problems relating to his personal and work-related life. Wesbecker often spoke of his deep resentment toward his employer. Fellow employees recalled his conversations surrounding his fantasies of revenge against his company should he be mistreated.

Wesbecker had often articulated his feelings of worthlessness and had attempted suicide on three occasions: once through an overdose, another by breathing car exhaust fumes, and a third by hanging. He further articulated a desire to harm others in addition to his suicide attempts. The investigation failed to link Wesbecker to any of his victims to establish a personal cause or motive for shooting or killing any one or all of the individuals. Therefore, it must be assumed the shootings were random in nature rather than specific.

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## 125: REVENGE

Revenge killing involves the killing of another in retaliation for a perceived wrong, real or imagined, committed against the offender or a significant other.

### Defining Characteristics

**Victimology.** When revenge is the motive for a homicide, the victim may or may not personally know the offender, but something in the victim's life—a significant event or interaction—is directly related to the actions of the offender. The revenge motive generated by this event may be unknown to the victim or the victim's family or friends. Multiple victims may be involved depending on the nature of the event that triggered the act of revenge.

**Crime Scene Indicators Frequently Noted.** There are often several locations involved with the offense. For example, the precipitating event may happen at one site at an earlier date, but the revenge is acted out later at another location.

An offender who has brooded over the victim's affront often demonstrates a less spontaneous crime that is reflected by the well-ordered crime scene.

However, the mission-oriented offender may not be experienced at criminal activity. Some offenders are often in a highly charged emotional state from extensive fantasizing about the act of vengeance. The crime scene may reflect this inexperience, with a clear shift from an organized to a disorganized behavior. The offense is well planned up to the point of the killing. This may be manifested by a skillful approach to the crime scene (leaving no physical evidence) but a blitz style of attack, followed by a rapid exit, with the offender leaving an abundance of physical evidence. The weapon may be left at the scene. Since the act of vengeance was the priority and an end in itself, there may be no escape plan.

The weapon is most often a weapon of choice that the offender brings to the scene. It may be left there too, especially with the type of offender described above.

The offense itself can be opportunistic and spontaneous. An example is the distraught friend or family member who brings a gun to court and shoots the alleged perpetrator of a crime committed against their loved one. A revenge killing committed in front of the victim's family is another example of the more impulsive form of this killing.

**Staging.** Staging is not usually present.

**Common Forensic Findings.** The weapon is one of choice, mostly likely a firearm or knife. The killing is close range and confrontational. The offender derives satisfaction of witnessing "justice" rendered before him or her. Contact wounds are prevalent. The presence of defensive wounds is possible and related in part to the degree of the offender's skill.

### **Investigative Considerations**

Preoffense behavior by the offender will often follow a pattern in which he or she is at first very verbal about the incident that involves the victim's injustice. Interviews of those close to the offender often reveal that their conversations with the offender often pertained to this incident.

As the offender formulates a plan for vengeance, he or she may become preoccupied and less vocal in general. The offender will seek a weapon, if necessary, at this point.

After the offense, there is often a sense of relief on the part of the offender. The mission has been accomplished. He or she may even stay at the scene to savor this achievement and make no attempt to conceal his or her identity. The death of the victim is justified in the eyes of the offender; it is restitution. If the offender has this attitude, there are often witnesses to the offense.

The precipitating event that links the victim and offender is the key point of this investigation. However, this event may hold significance only to the

offender and not be obvious to those associated with the offender or victim. It may not be obvious to the investigator either. Also of importance is any significant person in either the offender's or the victim's life who may have direct or indirect involvement with the incident.

### **Search Warrant Suggestions**

The offender may have kept the weapon and possibly bloodied clothing from the offense as mementos from which renewed satisfaction is derived that (his) justice has been served. There may be newspapers and other press relating to the significant or precipitating event. A record (written, audiotaped, or videotaped) of the fantasy and feelings leading to the offense may also be present at the offender's residence. There may be mail or other communications with the victim in the offender's possession.

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## **CASE STUDY: 125: REVENGE**

### **Background**

On February 28, 2005, the husband of U.S. District Judge Joan Leftkow and the judge's mother were found shot twice at point-blank range in the forehead in the utility room of the Leftkow home.

### **Victimology**

The intended target of the killer, Bart Ross, was Judge Leftkow herself, not her mother and husband.

### **Crime Scene Indicators**

This offense involved the judge's husband and mother. The offender brought his weapon of choice, a .22 caliber gun, to the scene with him. Ross broke through a locked basement window and sat waiting for the judge to return home. Mr. Leftkow discovered Ross in the basement and he was shot; the mother heard the shot, and Ross said he had to shoot her as well. He followed each single shot with a second "to minimize suffering." Ross remained in the house and finally left because he decided killing "was not fun."

### **Forensic Findings**

Shell casings were found at the crime scene. A fingerprint was found on the broken window in the utility room, and a bloody footprint was found in the house along with a mop used to clean up the blood spattered on the floor.

Further evidence was found in the kitchen, including a cigarette butt in the sink and a soda can.

### **Investigation**

Although there was considerable physical and forensic evidence left at the crime scene, suggesting a disorganized crime scene, no suspects were developed until a suicide note surfaced. On March 6, 2005, Ross killed himself and left a suicide note and letter with explanations for his actions. Blood and fingerprints matched the DNA samplings taken from the crime scene.

### **Outcome**

The case was solved when Ross killed himself. In a four-page letter sent to NBC5 in Chicago, Ross outlined his grievance and desire for revenge. In 1992, he had had surgery for mouth cancer, which left him with a facial disfigurement. In 1995 he filed a medical malpractice suit, but the suit was dismissed because no violations had been noted in his medical records. Over the next seven years, Ross regularly filed appeals, becoming more and more frustrated by the system. He sent an angry letter to the governor and said he was unfairly represented by his lawyers. In 2004, he filed a civil rights case against the government, his lawyers, the doctors, and the hospital. Judge Leftkow dismissed the case due to lack of presentation of new evidence, and in October she denied a motion to reconsider.

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## **126: NONSPECIFIC MOTIVE MURDER**

A nonspecific motive murder pertains to a homicide that appears irrational and is committed for an undetermined reason known only to the offender. It subsequently may be defined and categorized with more extensive investigation into the offender's background.

### **Defining Characteristics**

**Victimology.** The victims of a nonspecific homicide are random, with no direct relationship between victim and offender. Victims can be male, female, adults, or children and demonstrate a variety of characteristics and lifestyle.

**Crime Scene Indicators Frequently Noted.** The crime scene is usually a public place and poses a high risk to the offender. There is nothing missing

from it, and it is disorganized, with no effort to conceal the victim. A firearm, the weapon of choice for this type of offender, is brought to the crime. This crime often becomes a massacre because it is the offender's goal to kill as many people as possible. This is reflected by the use of weapons that offer optimal lethality, multiple weapons, and an abundance of ammunition.

**Staging.** Staging is not present.

**Common Forensic Findings.** Because nothing is removed from the scene, an abundance of evidence is usually available, including shell casings, prints, and discarded weapons. High-powered, high-caliber, or high-capacity firearm use will be evident and enables the offender to accomplish his goal of mass killing. Wounds will be concentrated on vital areas: head, neck, and chest.

### **Investigative Considerations**

This crime is almost exclusively committed during daylight in public places because the offender wants the highest death toll possible. Witnesses are often available to identify the offender because he is unconcerned with being identified. The offender has no escape plan and possibly intends to commit suicide or be shot by police. Through a broad neighborhood investigation, preoffense characteristics become evident: the offender usually has a disheveled appearance, is withdrawn, demonstrates an isolated affect, and possibly exhibits erratic behavior.

### **Search Warrant Suggestions**

The home of the suspect should be searched for weapons, receipts, and records.

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## **CASE STUDY: 126: NONSPECIFIC MOTIVE MURDER**

### **Background**

“Born on April 18, 1947, and raised in Santa Cruz, California, Herbert Mullin had a relatively normal childhood. His father, a World War II veteran, was stern but not overtly abusive. He frequently discussed his heroic war activities and showed his son how to use a gun at an early age. Mullin had numerous friends at school and was voted ‘most likely to succeed’ by his classmates.” In 1965, “shortly after graduating from high school, one of Mullin’s best friends, Dean, was killed in a car accident, and Mullin was



devastated. He built a shrine to his deceased friend in his bedroom and later expressed fears that he was gay, even though he had a long-term girlfriend at the time.

“As he entered adulthood, Mullin’s behavior became increasingly unstable. He broke off his relationship with his girlfriend for no apparent reason, started obsessing over impending earthquakes, and began asking his sister to have sex with him” (from Wikipedia). It was believed that these unusual behaviors signaled the onset of schizophrenia.

In 1969 Mullin announced to his family he was going to India to study religion. A month later, during a family meal, he began repeating all his brother-in-law’s actions and words. His family convinced him to seek psychiatric help, which he did for awhile. His paranoid schizophrenia became full blown by October 1969, when he shaved his head and burned his penis with a cigarette at the request of voices he claimed to have heard.

By September 1972, after being institutionalized and arrested several times, Mullin allegedly began receiving telepathic messages ordering him to kill. On October 13, 1972, he began to comply with these messages.

### **Victimology**

On October 13, 1972, while driving in a deserted part of the Santa Cruz Mountains in California, Mullin spotted Lawrence White, age fifty-five, walking along the highway. White was an alcoholic transient who had spent much of his time in and out of jails. Mullin pulled over and asked White to look at his engine. As White accommodated him, Mullin produced a baseball bat and beat him to death. There was no apparent motive for the killing.

On October 24, Mullin picked up Mary Guilfoyle, a twenty-two-year-old college student who was hitchhiking home. As they drove toward Santa Cruz, Mullin thrust a hunting knife into her heart, killing her instantly. Her skeletal remains were not found until February 11, 1973.

On November 23, Mullin entered a confessional booth at St. Mary’s Church in Los Gatos, California. He stabbed Father Henri Tomei, age sixty-five, to death.

The next five murders occurred on January 25, 1973. On this day, Mullin had set to look for James Gianera, age twenty-five, who had introduced him to marijuana years before. His search led him to the primitive cabin once owned by Gianera. One of the cabin’s occupants at that time, Kathy Francis, age twenty-nine, gave Mullin directions to Gianera’s new residence, four miles away. Mullin drove there, argued with Gianera, and then shot him three times. During the course of the struggle, Gianera ran up the stairs to his twenty-one-year-old wife, Joan, who was taking a shower. Mullin followed

behind, finishing Gianera off in the bathroom, then turning on Joan Gianera, shooting her five times and stabbing her once.

Mullin next returned to Francis's cabin, where he shot and stabbed Kathy and her two sons, Daemon, age four, and David, age nine, killing all three.

On February 6, Mullin went hiking in a Santa Cruz state park. He happened upon a makeshift one-room cabin occupied by four boys, ages fifteen to nineteen, as they were preparing a meal. As Mullin stood in the doorway, the only escape route, he emptied his .22-caliber pistol, reloaded, and fired again into the victims as they attempted to flee or struggled to take cover.

A week later on February 13, seventy-two-year-old Fred Perez was out working on his lawn. Suddenly he fell to the ground, struck by a bullet fired from a station wagon approximately 123 feet away. A neighbor observed a station wagon driving away at normal speed.

The random selection of the nonspecific killer is well illustrated by Mullin's victims. Several of the victims were at high risk due to their habits (they were hitchhiking or had a transient lifestyle). Gianera's past association with the drug trade may have been a factor if this was a drug murder and he was still actively involved with the drug trade. But because the motive was not drug related, his involvement with drugs, if it still existed, was not consequential to his death. Most of the victims would not be considered likely to become victims of violent crime based on their lifestyle, employment, and income.

Except for Gianera, none of the victims had any prior contact or relationship with Mullin. They were completely random, selected and murdered for no apparent reason other than to satisfy Mullin's need to kill (and the alleged voices commanding him to kill). The great disparity of ages (four to seventy-four years), physical characteristics, gender, and lifestyles all represented the victimology common to the nonspecific motive killing.

### **Crime Scene Indicators**

Many of the crime scenes demonstrated little or no physical evidence. The crime scene involving the priest and the last victim were public places that placed Mullin at higher risk of being apprehended. He eliminated the only damaging witness (Kathy Francis) in the Gianera case. The weapon was one of choice, initially a knife, brought to the scene. Later, after he purchased a gun, Mullin used that almost exclusively.

Mary Guilfoyle's remains were found unclothed in a wooded area in the foothills around Santa Cruz. Her clothing was never recovered. The body was face up with the legs spread apart and bent under her as if pushed over from a kneeling position.

The crime scene involving Father Tomei had one partial palm print from the confessional booth that was later confirmed to be Mullin's. The Gianera crime scene indicated that the confrontation had occurred in the kitchen, as evidenced by blood splatter on the table and refrigerator. There was also blood on the wall and stairs going up to the second floor. It appeared that Gianera, after being shot three times, ran up the stairs to the bathroom, where his wife was killed.

The crime scene of the February 10 homicides involving the four teenagers demonstrated signs of struggle and attempts to flee, but it is apparent that Mullin blocked the entrance to the cabin. Eight bullets were fired from the same gun. Some empty cartridges were found at the entrance to the cabin. There was a .22-caliber rifle missing from the scene. None of the other crime scenes demonstrated physical evidence.

Two of the incidents were the spree or mass killings common to this type of offender: no effort was made to conceal any of the bodies, a weapon of choice was brought to the scene, all of the killings were during daylight hours, and several were in public places.

### **Forensic Findings**

The cause of death for most the victims was from either stabbing or gunshot wounds. Only the first victim died from blunt-force trauma. Because Guilfoyle's skeleton was unclothed, it was theorized she was raped either before or after death.

Father Tomei was stabbed four times, with one thrust penetrating the heart. Kathy Francis was stabbed in the chest and then shot in the head. She also had a defensive gunshot wound to her left arm. Her two sons were each shot in the head, and one was stabbed superficially in the back. Joan Gianera was shot five times and stabbed once in the back. The four teenage boys were shot in the body, with the cause of death being an additional head shot. Fred Perez was killed by a bullet piercing his right arm and continuing through his chest, piercing his aorta.

Nearly all of the victims sustained multiple wounds to areas containing vital organs. This concentration of the attack to vital areas is common to this type of killer. There was also an element of overkill, Mullin's signature, with many of the victims. (See Chapter One for more on signature crimes.) Shooting a victim multiple times was not enough; many were also stabbed.

### **Investigation**

Mullin was apprehended ten minutes after the last shooting because of witnesses' giving police a description of his car. There were witnesses to two

of the more public murders, illustrative of Mullin's nonchalance for being identified.

When he was stopped, the .22-caliber rifle stolen from the previous murder scene and the weapon responsible for Perez's death were found leaning against the front seat with a paper bag over the muzzle. In a satchel on the front seat was the RG-14 revolver used on nine of the other victims.

### **Outcome**

Mullin confessed to his crimes, saying he had been told by voices in his head to kill people in order to prevent an earthquake (and he claimed the fact that there had not been an earthquake recently was due to his handiwork). He was eventually charged with 10 murders (he was not charged with the first three), and his trial began on July 30, 1973. Mullin had admitted to all the crimes, and therefore the trial focused on whether he was sane and culpable of his actions. The fact that he had covered his tracks and shown premeditation in some of his crimes was put forth by the prosecution, while the defense argued that the defendant had a history of mental illness. On August 19, 1973, Mullin was declared guilty of first-degree murder in the cases of Jim Gianera and Kathy Francis (because they were premeditated). For the other eight murders, he was found guilty of second-degree murder (because they were more impulsive). He was sentenced to life imprisonment and will be eligible for parole in 2025, when he will be seventy-seven-years old.

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## **127: EXTREMIST HOMICIDE**

Extremist homicide is committed on behalf of a body of ideas based on a particular political, economic, religious, or social system. Although the offender's beliefs may be associated with a particular group, the group does not sanction the actions of the offender.

### **Extremist Typologies**

Classifying an extremist murder poses difficulty whether it is motivated by personal cause or group cause. Although this category deals with a lone offender (someone not acting on behalf of the group), an extremist murder motivated by personal cause often involves the same blending of multiple motives as a group cause killing.

The blending of political belief with religious dogma is found frequently in the motivation of the extremist murder. Religious and socioeconomic doctrines may also fuse and become a catalyst for extremist murder. The

following typologies offer a general outline for the motives of an extremist murder.

***Political.*** This type of killing is motivated by doctrines or philosophies in opposition to a current position of a government or its representatives. Assassinations such as Robert Kennedy's are included in this group. Political extremist homicides are classified as 127.01.

***Religious.*** This homicide is prompted by a fervent devotion to a cause, principle, or system of beliefs based on supernatural or supernormal agencies. Religious extremist homicides are classified as 127.02.

***Socioeconomic.*** This offender kills due to an intense hostility and aversion toward another individual or group that represents a certain ethnic, social, or religious group. Socioeconomic extremist homicide is classified as 127.03.

### **Defining Characteristics**

***Victimology.*** The victim of an extremist murder usually represents the antithesis of the offender's system of beliefs; therefore, victimology depends heavily on the offender doctrine. This doctrine is not always readily apparent, so the victim's history becomes an essential step in discerning the motive. This history should include any social, political, or religious activities of the victim, as well as a complete lifestyle description.

Although victimology often will direct the investigator toward possible motives, extremist killings may involve secondary targets. These people become victims through association with the primary target. They may have had no political, social, or religious similarities with the primary target. Determining who the primary target was will usually help prevent confusion as to the offender's motive.

***Crime Scene Indicators Frequently Noted.*** The crime scene of an extremist murder usually occurs in a public place. The location of victim will often offer an indication as to the motive—for example, a body left near a gay bar or in a black neighborhood.

The crime scene often will help the investigator determine if the offender is acting on his own or on behalf of a group. Group symbols or signs of the offender's attachment to the group left at the scene do not always mean the group is involved. The offender may have demonstrated a knowledge of group MO, but there are usually idiosyncrasies.

The usual signs of multiple offenders, such as numerous fibers, footprints, and fingerprints, will be absent. The crime scene of a lone offender tends to

be less organized than one involving a group effort. The lone offender will usually have more difficulty than multiple offenders controlling the victim. A scene that spread beyond the site of confrontation, blood splatter patterns, or defensive wounds on the victim are all indicators of the lone offender having difficulty controlling the victim.

This offender often chooses an ambush or blitz style of attack because of the possibility of a problem with victim control. He may choose a long-range attack as a sniper (long-range attacks may also mean there is a conspiracy involved).

**Staging.** Staging is not usually present.

**Common Forensic Findings.** The victims of an extremist attack often suffer multiple wounds. The weapon of choice is usually a firearm or knife. However, an offender who adopts the MO of a particular group will also adopt its methods of attack. This might mean the offender uses blunt-force trauma or an explosive to kill, methods modeled on the group he identifies with.

### **Investigative Considerations**

Preoffense behavior of the extremist killer often entails surveillance and stalking of the victim. His preoffense conversation will often reflect a preoccupation with the intended target. He may generalize, for example, making derogatory statements about all blacks or all gays. Or he may have already selected an individual who represents the group he despises. Generally, when those associated with him are interviewed, they will especially remember him for this frequently verbalized animosity.

Postoffense conversation may reflect an interest in the homicide. The offender may even express satisfaction such as, "He got what he deserved." The offender will often follow media reports and even collect newspaper clippings about the incident.

If the investigator receives any communiqués claiming responsibility, especially from an alleged group, the communiqué should undergo a threat assessment examination to determine authenticity. In some cases, the group identified may make disclaimers.

### **Search Warrant Suggestions**

The most prevalent sign of an extremist attitude is literature. The investigator should look for reading materials such as pamphlets, recordings, or books pertaining to the offender's belief system. Other items to look for include

- Physical trappings of the group or belief system, such as uniforms, paramilitary paraphernalia, or jewelry such as rings or necklaces containing symbols of the group
  - Diaries, logs, diagrams, sketches, recordings, or newspaper clippings concerning the homicide
  - Travel records, motel receipts, or rental agreements
  - Records of any firearm purchases
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### **CASE STUDY: 127.01: EXTREMIST HOMICIDE, POLITICAL**

#### **Background**

Abuse and neglect during his childhood had conditioned Joseph Paul Franklin to a life of failure and feelings of inadequacy. This inadequacy was reinforced by an accident during early childhood that robbed his left eye of sight. These early years of ridicule, punishment, and criticism shaped him into a disruptive and delinquent teenager who never finished high school despite being average to above average in intelligence.

Franklin initially found direction and acceptance with the Klu Klux Klan, the American Nazi party, and finally, the fascist National State Rights party. Soon, however, he formed a purpose for his life that was not sufficiently serviced by these organizations. He felt they lacked the professionalism and commitment required of his mission.

The first expression of hatred he harbored toward blacks was in 1976 when he wrote a threatening letter to President Jimmy Carter about blacks and assaulted a racially mixed couple with Mace. This targeting of black men accompanied by white women became a characteristic of the victimology for later, more lethal attacks of which Franklin was suspected.

#### **Victimology**

On October 7, 1977, Alphonse Manning and Toni Schwenn, both twenty-three-years old, had finished an afternoon of shopping at a Madison, Wisconsin, mall. They were just pulling out of the parking lot when their car was rammed from behind. The driver of the dark green car then jumped out his car and began firing a handgun at Manning and Schwenn. Manning was struck twice; Schwenn, four times. Both died as a result of their wounds. Manning was black; Schwenn was white.

On July 22, 1979, in Doraville, Georgia, Harold McGiver age twenty-nine, had finished work at the Taco Bell restaurant he managed. As he

walked from the front door of the restaurant toward his car, two shots were fired from a wooded area 150 feet away. McGiver was fatally wounded by the sniper.

On August 8, 1979, at the Falls Church, Virginia, Burger King, twenty-eight-year-old Raymond Taylor was sitting at a table, eating his dinner. At 9:50 P.M., the sound of breaking glass was heard as a high-velocity rifle bullet passed through a large plate glass window on the east side of the building. Taylor was pronounced dead at the Arlington County Hospital.

On October 21, 1979, Jesse Taylor and his common law wife, Marian Bresette, were on the way home from a family outing with their three children when they decided to stop by the supermarket for a few groceries. The children stayed in the car while their parents went inside. A short time later, the couple emerged from the store and walked across the parking lot toward their car. As Taylor reached the car, a shot was fired from a clump of shrubbery, approximately 195 feet away. Taylor slumped against the car, moaning, "No, no, no." Two more shots struck him, driving him to the ground. Bresette, who knelt screaming over her dead husband, was then struck once in the chest by the same sniper, dying instantly.

On January 12, 1980, Lawrence Reese age twenty-two, had just finished eating his meal at Church's Fried Chicken in Indianapolis. It was 11:10 P.M., and he was standing with his back to the front window, waiting for the last customers of the day to leave. Reese was a regular customer at the restaurant, usually coming there before closing to eat chicken in exchange for sweeping up the place. Suddenly the window behind him was shattered. Reese staggered four or five steps forward and collapsed. He was dead from a sniper's single bullet.

Two days later, around 10:50 P.M., Leo Watkins, nineteen, and his father had just arrived at the Qwic Pic Market in a small shopping plaza in Indianapolis. Watkins often assisted his father, who worked as an independent exterminator. Watkins stood facing into the street by the front window while his father mixed the chemicals they would be using that night. They were waiting for the last customers to leave before starting. Watkins had been standing there about five minutes when he was suddenly struck in the dead center of the chest by a shot that exited his upper right back. The mortally wounded man ran about thirty feet along the front of the store and into an aisle before he fell.

On May 29, 1980, in Fort Wayne, Indiana, Vernon Jordan, the president of the National Urban League, participated in an Urban League meeting at the Marriott Hotel. The day's activities were completed, and Jordan spent the evening with one of the attendees, Martha Coleman. It was around 2:10 A.M. when Coleman brought Jordan back to the hotel. As Jordan exited Coleman's



vehicle, he was struck once by a bullet fired from a grassy area approximately 143 feet away. Jordan was one of the few who survived the offender's attack.

Dante Brown, age thirteen, and Darrell Lane, age fourteen, of Cincinnati, were not as lucky. On June 6, 1980, the two boys decided to walk to a local convenience market. When they were about fifty feet from a railroad overpass, four shots were fired from the overpass. Each boy was struck twice. Darrell died instantly; Dante lived a few hours longer.

On June 15, 1980, Kathleen Mikula, age sixteen, and Arthur Smothers, age twenty-two, were out for a walk. At 12:14 P.M., they were crossing a bridge on the outskirts of Johnstown, Ohio, when Smothers was struck down by three shots. Mikula was hit twice by the same sniper from wooded hillside 152 feet away. Both died from their wounds.

David Martin, age eighteen, had just graduated from his Salt Lake City high school at the beginning of the summer of 1980. He had worked full time during the summer in building maintenance for Northwest Pipeline. Despite his plans to begin studies at the University of Utah in several weeks, his employer had offered him continuing employment. It would be part time to accommodate his school schedule, a concession readily made because he had proven to be such a dependable employee.

Martin had a history of being a hard-working, responsible young man, giving up high school baseball for an after-school job. His friend, Ted Fields, age twenty, also a Northwest Pipeline employee, had the same reputation of being an excellent employee. He had started as a mailroom clerk after high school graduation in 1978 and had already advanced to the position of data operations clerk. The future looked bright for both these young men.

On August 20, they decided to go for an evening jog through Liberty Park with two young women. At about 10:15 P.M., the joggers emerged from the west side of park and were crossing the intersection of Fifth East and Ninth South. As they approached the center of the intersection, they heard a loud noise. Fields seemed to stumble and fell to the ground, calling out that he was hit. The rest of the group thought he was joking and told him to quit fooling around. Two more shots hit Fields as Martin and one of the women tried to drag him across the street. They were almost at the curb when Martin was hit. Martin yelled to the two women to get help, that he had been hit too. A man driving through the intersection at this time thought the gunfire was coming from the east side of street and pulled his car around to try to block further attempts by the sniper. More gunfire drove him back into his car as he attempted to come to the aid of Fields and Martin. He observed several more rounds hitting the men as they were lying in the street. Fields and Martin were both dead on arrival to the hospital. One of the young women

was struck on the elbow but not seriously injured. Fields was hit three times, Martin five.

All the male victims of Franklin were black and predominantly young adults. All the female victims were white and in the company of a black men. Vernon Jordan, the only victim with known involvement with civil rights activity, was, ironically, the only one who survived his injuries.

Each one of these victims became a target because of his or her race or apparent interracial affiliations. The offender had a definite criterion in mind, as demonstrated by victim similarities of age, race, and companionship. But the victims were victims of opportunity—the person closest to the window or the one who first crossed the scope of the sniper. Franklin chose areas that offered an abundance of targets, black neighborhoods, and businesses that were frequented by blacks.

### **Crime Scene Indicators**

Several crime scene correlations were noted in most of the homicides. Six of the ten shootings clustered between the two-hour span of 9:50 P.M. and 11:30 P.M. The other two episodes were between 6:40 P.M. and 7:00 P.M., and one was 2:10 A.M. The evening hours played an important role, allowing the sniper, a white man, to slip nearly unnoticed into predominantly black neighborhoods and position himself at a vantage point that allowed him to kill with one shot, often from 100 to 150 yards. These vantage points were hills, woods, knolls, and alleys that were often dark in contrast to where the victim was. The shootings were all long distance except for one (the first one). They ranged from 100 feet to 150 yards, with one mid-distance killing of 40 feet.

The shootings all involved public places that increased offender risk, but this was negated by the distance of the shooting, the lack of pedestrian traffic, and the darkness provided by evening hours and poor lighting. Most of the victims were outside in a parking lot or street. The three victims who were killed inside were sitting or standing next to large windows in well-lit interiors.

The scarcity of physical evidence (one tire track, one foot print, and a handful of cartridge casings out of ten crime scenes) was indicative of offender sophistication. The lack of witnesses despite the public settings of the homicides also indicated the offender's composure and planning.

The general location of each incident near a major interstate, which allowed a quick, easy escape from the crime scene, reflected the methodical approach of an organized offender. Not only did this plan allow him to put distance quickly between himself and the homicide, but it allowed him to fade into the busy traffic of a major highway.

## Forensic Findings

The choice of murder weapon served a dual purpose: it allowed the offender to distance himself from the victim, and it also provided optimized lethality with minimal shots. The two murders that did not involve a .30-caliber or .30–06-caliber bullet were the close and midrange murders. In this case, a choice of large-caliber weapon, .357-caliber Magnum and .44-caliber Magnum, inflicted equally fatal injuries.

Most of the injuries were chest wounds that damaged the heart, lungs, liver, and large thoracic blood vessels. Several of the victims were killed with one shot. This precise targeting of the vital organs (which in some cases, necessitated the use of scope) was another factor that revealed a proficient and experienced offender. There were a few cases of multiple wounds, especially when racially mixed victims were involved; Franklin kept shooting until they did not move. The accuracy was faultless; thirty-two bullets were fired at these victims without one miss.

## Investigation

On September 25, 1980, a police officer was investigating a service station robbery in Florence, Kentucky. He was walking by a brown Camaro parked at the Scottish Inn Motel when he noticed a handgun on the front seat. A license check revealed that a warrant had been issued by Salt Lake City, Utah, for the owner of the vehicle, Joseph Paul Franklin. His car had been placed by witnesses near the vacant lot in which the shells were found from the Fields and Martin shootings.

Shortly after being taken into custody for questioning, Franklin escaped through a window. He left behind a car full of weapons and paraphernalia that tagged him as a suspect not only of the Utah murders but the series of sniper attacks that had left fourteen dead and two injured. In addition, he was suspected of as many as one dozen bank robberies.

Franklin fled first to Cincinnati but ended up being apprehended at a blood bank in Lakeland, Florida. (He frequented blood banks as a means to obtain money.) Franklin was interviewed by an FBI agent during the extradition trip back to Utah. He never admitted to his guilt during this interview, but within twenty-four hours admitted his guilt to his wife and a cellmate for all the shootings except Vernon Jordon.

Franklin was connected to many of the cities within the time period that the murders occurred by hotel receipts under aliases in his handwriting, weapons being bought or sold, appearances of a car similar to his near the crime scenes, or descriptions that fit him. In addition, he linked himself cir-

cumstantially to several of the offenses through his own admission of familiarity with the actual crime scenes.

The bigotry that gnawed at Franklin was evident during his teen years in a photograph that showed him proudly giving the Nazi salute wearing a swastika armband. His sister recalled that Franklin had always been a believer in Nazism and separation of the races.

Franklin decided that as an adult, he would not be deprived of the need to belong and to be special that his childhood had denied him. This lack of attention and the feelings of insignificance it produced required that he take special measures to give his life value and communicate the central theme of his life: "cleaning up America." Franklin decided his message would be taken seriously if it was spelled in blood.

### **Outcome**

Joseph Paul Franklin was convicted of four counts of violating the civil rights of the victims and two counts of murder. He was sentenced to four life terms.

On August 21, 1990, Franklin was being interviewed by a Salt Lake radio station. An hour into the interview, after refusing to comment about his guilt, he was asked again if had committed the murders. He sighed and answered yes. When prodded by the broadcaster he responded, "The answer is yes. I won't discuss it any further other than to say yes."

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## **127.02: RELIGION-INSPIRED HOMICIDE**

Religious beliefs may inspire homicide. While most discussion on such homicides centers on killings publicized as driven by identification with Satan, others may commit murder in the practice of their personal religion.

Because spiritual practice is so personal, adherents of even widely recognized religions may make homicidal choices. The more removed from the mainstream such practices are, the more likely the killing is to be associated with mental illness.

A number of major mental illnesses are associated with hyperreligiosity. Native to schizophrenia is a peculiarity of thinking; for the religiously pre-occupied schizophrenic, spirituality may drive violence. Command hallucinations can compel one to homicide. Those experiencing manic episodes, when their grandiosity is religious, may express themselves violently.

In religions that encourage homicide, from violent cults to intolerant sects of Islam, proscription for homicide can be found in writings or preaching of spiritual leaders the assailant identifies with.

While religious ritual homicide is fueled by ideology, part of motivation may have nothing to do with religion, but with conflicts in the assailant's life.

### **Defining Characteristics**

**Victimology.** Victims of religious ritual may be strangers or acquaintances of the offender. The more likely a victim is included in a delusion, the more likely that victim is closer to the assailant.

One early basis for suspicion of religion as a motive is an absence of conflict between the victim and the assailant, even when the two are acquainted. Given the relative spontaneity of many religious killings, victims are most frequently opportunistic targets.

**Crime Scene Indicators Frequently Noted.** Religious influence on a crime is reflected in religious symbols and messages at the crime scene. These may include artifacts left behind, religious references in notes, even corpse defacement. Other ritualistic features may be present, from the use of the victim's blood to the presence of other material unrelated to and unnecessary for the commission of the crime.

Signs of ritual at a crime scene are often linked to sexual homicide. Sexual homicide is more common, and therefore warrants first consideration when the crime scene appearance conveys a sense that the killing was carried out in a particular way. However, sexual homicides also commonly feature the presence of ejaculate or distinct placement of a body in a manner that visually registers for later masturbatory fantasy. Or postmortem examination in a sexual homicide may reveal some activity involving the sex organs.

Sexual homicides may inspire the killer to remove keepsakes from the scene as trophies or may occur in a setting of a concurrent robbery. By contrast, a religion-inspired killer adds his or her own sense of holiness to the scene rather than removing items from it. When a killing appears to have a ritualized quality without a sexualized aspect, religion motive needs to be considered.

Weapons need not be of religious significance. However, weapon choice is an important weapon consideration, to the end that part of a religious ritual may mandate a specific weapon. Use of uncommon weapons, such as swords, warrant special consideration as to their relationship to religious symbolism.

The investigator must be careful not to confuse a hate crime with a crime in the name of religion, although both may be present. When the crime scene is of spiritual significance, the crime is more likely a hate crime targeting the religion represented there.

**Staging.** Religion-driven homicide aims in part to act in the name of a deity and to communicate with that deity. Those who carry out religion-inspired crimes concern themselves more with their deity than misleading law enforcement. Therefore, while homicides may be staged to look like religion-inspired crime, religion-inspired crimes are not staged to appear like something else.

### **Investigative Considerations**

The disorganization of the crime scene reflects on the spontaneity of the crime and the distress or the disorganization of the perpetrator. Evidence for religious motive, and especially for mental illness, guides the search for the perpetrator to closer in the neighborhood.

Investigators are helped by recognizing features of the crime and to what religions they relate, and how. The perpetrator may not be outwardly devout; however, evidence for traditional observance in the suspect's home, particularly of ritual and of the use of symbols, is consistent with a perpetrator who expresses religious practice through killing. These include writings, tapes, and other messages studied, which the perpetrator may collect at home.

Suspects under consideration may have experienced recent loss or loss of self-esteem due to a rejection. Actions in the name of "God" are dramatic ways to restore a sense of significance to those who have difficulty coping with such experiences of marginalization. The victim may or may not relate to that sense of marginalization. For some religion killers, the rejection comes romantically, anger is displaced through a vehicle of religion, and another victim is selected.

### **Search Warrant Suggestions**

See search warrant suggestions under 127.

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## **CASE STUDY: 127.02: RELIGION-INSPIRED HOMICIDE**

### **Classification and Case Contributed by Michael Welner**

#### **Background**

Police were called to the small, quiet, and modest Brooklyn apartment building where Rose, an eighty-one-year-old woman, was discovered dead by her building manager. When the decedent had failed to meet her niece at an outing scheduled earlier, the niece became concerned and visited the building.

When the niece was canvassing the building, she learned little from the neighbors; the niece sought out the building manager, who looked into Rose's apartment through a window accessible to the fire escape. There they saw her lying on the floor, dead.

Police investigating the building knocked on the door of an upstairs neighbor, Carmela Cintron. There was no answer when they knocked on Carmela's door; police then made their way up the fire escape to look into her apartment. When an officer looked into Carmela's back window, she ran into the bathroom, and he called to detectives in the front stairwell, who entered through an unlocked front door. Carmela subsequently confessed, in a rambling and disjointed statement, and was charged with Rose's killing.

### **Victimology**

Rose lived alone for many years in the same apartment, a second-floor walk-up. Carmela and Rose were initially friendly neighbors; Carmela would visit Rose's house frequently and sit and have coffee.

Earlier that year, Carmela had ransacked her own apartment during a fit of rage, and a relative told Rose about this. Subsequently Rose grew uncomfortable about having Carmela in her apartment and told her not to come around anymore. Despite this, Carmela would still occasionally walk downstairs to Rose's apartment when other guests were there. A friend recalled, "Carmela would ask her for money. . . . When Rose would say no, she would act weird. . . . Rose would let her come into the apartment, because she was a gentle woman . . . but she was scared of her." To another friend, Rose expressed her feelings that Carmela, "must think she had money because she had sold her apartment."

### **Crime Scene Indicators**

There was no sign of forced entry, and indications were that the perpetrator had entered the apartment through the back window, using the fire escape. A number of potted plants lay smashed on the ground below.

Rose was found lying in a pool of what appeared to be blood, fully clothed. Strewn about Rose's body were a number of articles of food. In addition, coffee grounds were spread on and around Rose's body. Coffee grounds were streaked by the movement of the dying Rose's leg over food that had been thrown on the floor prior to her falling on it.

Blood spatter indicated that the door to the refrigerator was opened before she died. This demonstrates that the assailant was attacking Rose after she had already occupied herself in some way with the refrigerator. No weapon was identified at the scene.

While the location of her body, on the kitchen floor next to the refrigerator, was quite messy, there was no sign of activity elsewhere in the one-bedroom apartment and no evidence of robbery or items otherwise removed.

### **Forensic Findings**

Rose suffered a variety of deep bruises and several rib fractures; the principal cause of death was listed as strangulation and a compound fracture of the related hyoid bone. The bruise pattern on the body reflects that only some of the blows came from Rose's own cane. The rest resembled punches or kicks or another blunt instrument. There was no sign of sexual trauma.

### **Investigation**

Carmela, who worked as a nurse's aide in a Manhattan hospital, took leave in spring 1997 to undergo successive surgeries in the ensuing months. Also around this time, she was brought to Beth Israel Medical Center by ambulance after walking naked through her neighborhood.

Carmela had a history of destroying her own apartment, being "anxious," throwing things around her apartment, and episodes in which she hallucinated and spoke incoherently. She had no history of substance abuse.

Carmela had financial problems. She feared losing her disability benefits because she remained out on leave. She continued to remain deeply attached to an ex-husband, Luis, who was incarcerated. She provided Luis with many gifts, hoping he would return to her. Luis would also call Carmela collect, resulting in a several-hundred-dollar phone bill each time.

Carmela had a history of repeatedly assaulting her grandmother, particularly when her grandmother would not give her money for Luis. In the most serious attack, she broke five of her grandmother's ribs on one side and seven on another by stomping on her back.

Luis had remarried but nonetheless remained in contact with Carmela, writing her letters that suggested a romantic interest. When Carmela found out that the day after she had visited Luis in jail with a birthday gift that his wife had visited him for a conjugal visit, she was devastated.

In early August, her priest noted that Carmela was more ritualistic and more isolated during her prayer and attended mass more frequently.

The night before the killing, Carmela asked an acquaintance to assemble an exercise bike for her. As Carmela recalled, "I was upset, I wanted to take off weight. I was thinking about just being alone. . . . I was confused, and couldn't put all my thoughts together at one time. . . . I couldn't calm myself down." The teenager became frightened when Carmela climbed aboard the bike he had assembled and began pedaling it furiously. He ran all the way home, telling his mother that Carmela was "possessed."



The next morning, Carmela went out onto her fire escape and began dumping plants and soil to the ground below, then tossing the pots down as well. She made her way down from the third floor to the second floor on the fire escape.

She entered into Rose's apartment through the window leading into the kitchen. No one was there initially. After about fifteen minutes, Rose entered her apartment and told Carmela, "You don't belong here . . . get out of the apartment."

Carmela, feeling rejected, grabbed Rose by the head and struck her on the corner of the wall, preventing her from exiting, and did not stop her assault until Rose was dead.

Closer examination of Carmela's apartment revealed icons, candles, and other symbols of devout practice of Brujeria. This Afro-Caribbean church was different from her own. Interviews with friends indicated that shortly before the killing, Carmela sought out a Bruja, or priest of the religion, to cast a spell on her behalf.

During the investigation, Carmela was very secretive about her Brujeria, not unlike many other practitioners of the faith. Likewise, she remained tight-lipped about her feelings for and reactions to Luis and what he would reveal to her in their telephone conversations. Only input from friends and close acquaintances revealed the extent of her engaging Brujeria to win Luis back.

When questioned about the dumped dirt, smashed pots, attack on Rose, and spreading of coffee on the floor, Carmela offered rational explanations and vehemently denied associations of any of these with Brujeria. Consultation with experts of this practice, however, revealed the spiritual significance of the coffee grounds and smashed pots.

## **Outcome**

Carmela was diagnosed with borderline personality disorder and a brief psychotic episode in the context of separation. Because she was capable of appreciating the wrongfulness of her actions but was mentally impaired at the time of the crime, prosecutors offered her the opportunity to plead guilty to manslaughter, which she accepted.

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## **128: MERCY/HERO HOMICIDE**

Mercy and hero homicides usually are committed on victims who are critically ill. The mercy homicide offender believes inducing death is relieving the victim's suffering. The hero homicide offender is unsuccessful in attempts to save the victim from death.

## Defining Characteristics

**Victimology.** The victims of mercy/hero killers are similar. The mercy killer targets most often the critically ill, elderly, or infirm. They are usually patients in a hospital, nursing home, or other institutional setting. The victim is engaged in a client-caregiver relationship with the offender. The victim is rarely a random victim but is known to the offender. The victim's environment and lifestyle are low risk, but his or her dependency or state of health elevates risk. Offender risk varies with institutional setting, depending on amount of autonomy or supervision, shift, and quantity of staff. The victims of the hero killer may include the critically ill patient since a medical emergency, such as a cardiac arrest, would not appear suspicious. Infants are also included as likely victims of the hero murderer because of their mute vulnerability. When the crime scene is an institutional setting, the victim is one of opportunity with an increased risk factor due to the vulnerability that illness or age imposes. Outside the institutional setting, the hero killer's victim is a random target who has become a victim of opportunity by being in the building the arsonist torches or in the zone where the emergency medical technician works.

**Crime Scene Indicators Frequently Noted.** For the mercy killer, the instrument of death is one of opportunity, often common to the institutional setting (drugs, syringes for air injection, or toxic substances, for example). Signs of struggle are minimal or absent. In an institutional setting, the hero killer creates the crisis, usually with drugs. Syringes, medicine vials, and similar items should be collected for analysis of medications or substances peculiar to that patient's case or condition. In cases involving an emergency, the hero killer is conveniently present. If the suspicious death involves a fire, elements of arson may be found.

**Staging.** In a sense, staging is the central element of this homicide. The mercy killer arranges the body to represent a peaceful, natural death. The death is most often staged to look like a natural death, but it is possible that accidental or suicidal death is staged. For the hero killer, it is a miscarried attempt to stage a scenario, a life-threatening crisis, in which the offender has the starring role as the hero. The fireman or arsonist sets the fire, only to rush back for the rescue. The nurse or emergency medical technician makes a timely response to the person after inducing the state of crisis. The target is made to look like a victim of a natural calamity (for example, a cardiac arrest), an accident (faulty wiring that starts the fire), or perhaps criminal activity (hit and run, mugging, arson).

**Common Forensic Findings.** Since the case may not have been reported as suspicious, detailed investigation is mandated. Exhumation may be required with analytical toxicology. Many times an autopsy is not performed if the death appears natural, but later scrutiny reveals poisoning, broken ribs, or other signs of suspicious death.

Liver biopsy, thorough blood-chemistry analysis, complete drug screen of blood and urine, and hair analysis for arsenic and drugs (especially digoxin, lidocaine, and smooth-muscle-paralyzing drugs) should be performed. Asphyxiation should be checked for by petechial hemorrhage, taking an X-ray for broken ribs, and so on. In the case of the hero killer, the post-mortem examination should look for toxic levels of injectable drugs such as digoxin, lidocaine, and potassium hydrochloride.

### **Investigative Considerations**

Suspected mercy murders can be indicated by a rise in the number of deaths, especially if at all suspicious. Suspicious deaths should be checked for correlation between the suspect's shift and patient assignments. In nine cases of mercy killers cited in an article in the *American Journal of Nursing*, the correlation between suspect presence and a high number of suspicious deaths was deemed sufficient to establish probable cause and to bring indictments by grand juries.

In the medical realm, an unusually high rate of successful cardiopulmonary resuscitation in conjunction with the unusually high death rate should be examined. Multiple cardiac or respiratory arrests in the same patient also should raise suspicion. Most unwitnessed cardiopulmonary arrests or patients who have multiple arrests do not respond to resuscitative measures. This could indicate that a hero killer happens to be among the first to the scene as well as knowing the exact measures to remedy the problem.

Inspection of a suspect's employment history is important: the investigator should look for frequent job changes with a corresponding increase of mortality associated with the suspect's employment. Other considerations include a significant rise in cardiopulmonary arrests or deaths in a particular patient population, cardiopulmonary arrests or deaths inconsistent with the patient's condition, cardiopulmonary deaths localized to a particular shift, or postmortem examinations revealing toxic levels of an injectable substance.

For the hero killer, interviews of coworkers may reveal that the offender demonstrates an unusually high level of excitement or exhilaration while participating in the rescue or resuscitation efforts. Conversations may often involve the rescue or resuscitation incidents.

### **Search Warrant Suggestions**

Vials of medications at the residence of the offender and literature concerning drugs beyond the scope of offender's practice (for example, the *Physician Desk Reference*) are among search warrant suggestions. Other suggestions include diaries, journals, and pictures. The mercy killer may keep obituaries of victims. For the hero killer, search warrants should include newspaper articles commemorating previous rescue efforts and implementations of arson. The investigator should scrutinize the literature found, checking each page for underlining and modification.

### **128.01: MERCY HOMICIDE**

Death at the hand of a mercy killer results from the offender's claim or perception of victim suffering and his or her duty to relieve it. Most often the real motivation for mercy killing has little to do with the offender's feelings of compassion and pity for the victim. The sense of power and control the offender derives from killing is usually the real motive. Case studies show that these offenders frequently commit serial murder.

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### **CASE STUDY: 128.01 MERCY HOMICIDE**

#### **Background**

In early 1987 a Cincinnati medical examiner was performing an autopsy on the victim of a motorcycle crash. As he was examining the stomach cavity, he detected an odor that smelled like almonds. After further testing, the pathologist concluded the victim had been poisoned with cyanide.

The ensuing investigation led to a thirty-five-year-old nurse's aide, Donald Harvey. After his arrest, Harvey began confessing to numerous other murders, or mercy killings as he described them. Harvey enjoyed the lime-light so much that he continued to add to the list of victims. The toll reached as high as one hundred at one point, but Harvey could not supply details to many of the alleged killings. The actual number of victims is still uncertain, and Harvey's later confessions have been held suspect.

#### **Victimology**

Harvey claimed his first killings began in the early 1970s in Marymount Hospital, London, Kentucky. He confessed to murdering fifteen patients between 1970 and 1971. He then moved on to Cincinnati and worked in a factory for several years before returning to hospital work.

From 1975 to 1985, Harvey worked in the Cincinnati Veterans Administration (VA) Medical Center. He claimed responsibility for at least fifteen deaths at the VA hospital. He next moved on to Drake Memorial Hospital in Cincinnati in 1986, where he continued working as a nurse's aide. Harvey killed at least twenty-one patients at Drake Hospital. He was employed there until his arrest in August 1987.

Harvey preyed on the elderly, infirm, or chronically ill, most of them involved in a caregiver-client relationship with him. Most of the confirmed deaths took place in an institutional setting, which would have been considered a low-risk environment for the victims. However, the victims' debilitated condition that necessitated total dependence on a caregiver elevated their risk of becoming the victim of a violent crime. A few of Harvey's victims were outside the institutional setting, but he targeted them for revenge, not mercy killing.

### **Crime Scene Indicators**

Most of the crime scenes involved with the mercy killings were in the hospital. There were no signs of struggle or violent death with most of the murders, which was one reason that Harvey was able to kill year after year without being caught. Most of the time he used an instrument of death, one of opportunity, offered by the institutional setting where the offenses occurred. He would use plastic bags and pillows, oxygen tubing, and syringes full of air. When he decided to poison patients, he brought arsenic and cyanide to work and mixed it with their food.

### **Forensic Findings**

Harvey's victims died from a variety of causes. He smothered some by putting a plastic bag over the victim's face and then using a pillow. He killed several patients by cutting their oxygen supply off. One patient died of peritonitis after Harvey punctured his abdomen. Another patient, Harvey placed face down on his pillow. The patient was unable to move, so he suffocated.

The rest of the victims died of arsenic or cyanide poisoning. The poisoning cases were supported through exhumation, but most of the other cases would have been difficult to prove without Harvey's confession. He was able to give details on these cases that corroborated his claims.

### **Investigation**

During the initial stages of the investigation, Harvey claimed that he was putting people out of their misery. He described many of the patients as on

their deathbed. Many never had any visitors, either because their families had forgotten them or because they had no family. He felt he was releasing these patients from a lonely, pain-filled existence. He hoped someone would do the same for him if he was sick and full of tubes. "I felt I was doing right."

But after the trial and his convictions, interviews with Harvey began to reveal the true motive for his mercy killings. A picture of Harvey very different from the compassionate angel of mercy began to emerge. He began to describe the satisfaction he derived from fooling doctors who assumed their patients had died of natural causes. He found murder to be a satisfying outlet for the tensions that built up from personal problems, relationships ending, and living alone. Sometimes he stated that he would kill just to relieve the boredom of his job.

Harvey, a homosexual, claims that the killing started two weeks after he was raped by a man from whom he was renting a room. He retaliated by preying on a totally helpless patient who was restrained to his bed because he was disoriented. He took a coat hanger, straightened it out, and rammed it through the man's abdomen, puncturing his intestines. The man lived for two days before dying of peritonitis.

Psychologists described Harvey as a compulsive murderer who killed because it gave him a feeling of power. Yet, Harvey claims, "I've been portrayed as a cold-blooded murder, but I do not see myself that way. I think I am a very warm and loving person."

## **Outcome**

Donald Harvey pleaded guilty to twenty-six counts of aggravated murder. His confession was part of a plea bargain that brought him three consecutive life sentences instead of the death penalty. Part of the plea bargain was the agreement that he would cooperate with the Kentucky authorities in exchange for a jail term that would run concurrent with his Ohio terms.

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## **128.02: HERO HOMICIDE**

In hero homicide, the offender creates a life-threatening condition for the victim and then unsuccessfully attempts to rescue or resuscitate the victim to appear valorous. Death is not intentional, but the bulk of cases reviewed have demonstrated that failures do not avert the offender from recidivism.

## CASE STUDY: 128.02: HERO HOMICIDE

### Background

On September 21, 1981, two licensed nursing attendants, Susan Maldonado and Pat Alberti, reported to work for their usual 11 P.M. to 7 A.M. shift at San Antonio Medical Center's Pediatric Intensive Care Unit (PICU). When they were greeted with the news that two of the unit's four young patients had died that evening, it strengthened a growing suspicion that Maldonado and Alberti had recently been trying to deny.

During their break, the two nurses sat down with the PICU logbook that kept track of each patient's name, age, admission diagnosis, admission date, doctor, discharge status, and assigned nurse. The correlation they found between the children who had died in the PICU during the prior months and the one person whose presence was documented during virtually every one of these codes (cardiac and/or respiratory arrest) presented the two nurses with an appalling reality: either the nurse who had been on duty had incredibly bad luck, or she was deliberately killing babies.

The nurse, Genevieve Jones, had been considered the backbone of her shift at the medical center. She was experienced, cool-headed, and seemingly dedicated to her patients. She was more comfortable with pediatric medicine than many physicians. Her nursing skills were superior when caring for the critically ill babies, but it was during a crisis that she seemed to really shine.

Jones was a controversial figure. Her supporters described her as level-headed, quick, knowledgeable, and extremely competent in a code situation. She was so devoted to her patients that she insisted on carrying the tiny bodies to the morgue herself after unsuccessful resuscitation attempts. It was reported Jones would often cry and sing to the dead infants as she tenderly cradled them. When the question was raised about the number of babies who seemed to be dying under her care, the response was that she always took care of most critically ill patients, so naturally she would have a lower recovery rate.

Jones's critics offered quite a different perspective. They said she bullied her way into any crisis in PICU, becoming argumentative with even the physicians who did not bow to her insistent recommendations. She threw temper tantrums if her authority was challenged and publicly berated physicians in front of staff and patient families. Jones seemed to crave and relish the pinnacles of emotion that a PICU nurse could experience, working in place where the stakes were so high. But the theatrics she indulged in were an extreme and unprofessional emotionalism.

When Jones's advisories started noticing the rising death toll in PICU and her connection with the dying babies, it did not take much to convince them she was the perpetrator. But when Alberti and Maldonado brought their discovery to the attention of several administrators including the head nurse, they were told to stop backbiting and spreading rumors.

### **Victimology**

The infants who died at the medical center while under the care of Gene Jones ranged between the ages of three weeks and two years. The one exception was a ten-year-old child who was mentally retarded and had a developmental age of an infant. At the clinic in Kerrville, Texas, where Jones worked after leaving San Antonio, all of the children who experienced a life-threatening crisis in her presence were under age two, with the exception of a seven-year-old severely retarded child. All of these children were involved in a client-caregiver relationship with Jones, either directly, with her as their assigned nurse, or indirectly, with her responding to the code or present at the time of death.

A general criterion for victim selection was the inability to talk and physical limitations due to age or developmental disability. Excepting this, these children would have been considered victims of opportunity. Their chances of becoming a mortality statistic increased significantly if Jones had the opportunity to care for them, however briefly.

### **Crime Scenes Indicators**

The crime scenes involved two locations; the PICU and a pediatric clinic in Kerrville, Texas, where Jones went after the policy was instituted at Medical Center that licensed nursing attendants could no longer staff the PICU. One case finally bought Jones to justice.

Chelsea McClellan was a bright, healthy child of fourteen months when she was brought to Dr. Kathleen Holland's office in Kerrville on August 24, 1982. Chelsea was the second child to be seen in the new clinic. She was there because of Petti McClellan's concern over the sniffles her daughter had developed.

While pregnant with Chelsea, Petti McClellan had required an early caesarean section. Chelsea had experienced respiratory problems due to this premature birth. Other than one bout of pneumonia at six months from which she fully recovered, Chelsea had been in excellent health.

While Petti was talking with Dr. Holland, her office nurse, Gene Jones, took Chelsea from Petti. Chelsea was becoming impatient with sitting still,



so Jones offered to entertain her. Within five minutes, Jones was calling with urgency in her voice for Holland to come into the examining room where she and Chelsea were. When Holland entered the room, she was confronted with the shocking sight of the previously energetic, laughing child now draped limply over the treatment table.

Jones claimed that Chelsea had suddenly begun convulsing and stopped breathing. Once Dr. Holland provided Chelsea with oxygen, her blue coloring started to fade. She was transported to the hospital nearby, where she seemed to slowly respond, but her coordination was gone. Her arms would just flop around when she tried to reach for her face and remove her oxygen mask.

Within thirty minutes of admission to the intensive care unit, Chelsea was standing up in her crib, laughing and holding her arms out to the nurses who passed by. She was subjected to exhaustive testing, which revealed no abnormalities that may have caused the seizure episode. She was discharged from the hospital on September 2. While hospitalized, Chelsea had someone at her bedside constantly. Nothing besides the normal movements of a sleeping child was noted by the family and friends who kept the ten-day vigil. Chelsea had had no previous history of any seizure activity or apnea (cessation of breathing) before her visit to the Kerrville clinic where Jones worked.

On September 17, Petti McClellan brought Chelsea back to the clinic with her brother, Cameron, who had the flu. While Dr. Holland was looking at Cameron, Jones was to give Chelsea two routine infant immunizations. Jones tried to get Petti to leave while she inoculated the child, but Petti insisted it did not bother her to watch the children get shots. In addition, Chelsea started acting upset when Jones reached for her.

Petti recalls that Jones became irritated but acquiesced. As Petti held her daughter, Jones dabbed at her thigh with an alcohol swab and injected the first needle into the child's upper left thigh. Within seconds, Petti observed that Chelsea was not acting right. Petti became extremely alarmed at this point and pleaded with Jones to do something. Jones insisted nothing was wrong, that Chelsea was just angry about getting the shots.

Despite Petti telling Jones to stop, that Chelsea was having another seizure, Jones was intent on giving the child the other injection. As soon as she injected the second shot, Chelsea quit breathing altogether and her pink cheeks began to turn blue. Petti recalled that Chelsea appeared to try to say "mama" and soon after went completely limp.

Again, Jones summoned Dr. Holland, and the scene repeated just as it had less than a month ago. The ambulance responded at 10:58 A.M., speeding the child, with Jones and an emergency medical technician administering aid, to the hospital. Dr. Holland followed behind in her car. In the emergency room,

within twenty-five minutes, Chelsea was again thrashing and upset at having the tube in her throat that provided oxygen directly into her lungs.

Dr. Holland decided Chelsea needed to be transferred to San Antonio where a neurologist could find out what was causing these episodes. Thirty-five minutes later, Chelsea was wheeled from the emergency room to a waiting ambulance. She was resting quietly, breathing with some assistance, and very pink. Dr. Holland reassured the frightened McClellans that the emergency had passed.

Jones climbed in the back of the ambulance with Chelsea for the ride to San Antonio. Dr. Holland followed in one car and Chelsea's parents in another. Less than ten minutes out of Kerrville, the heart monitor attached to Chelsea began to alarm. Jones yelled to the driver to pull over; Chelsea was suffering a cardiac arrest. She pulled syringes out of her black bag and began administering drugs to stimulate the little girl's heart. By this time Dr. Holland was in the ambulance and gave orders for the driver to get to the closest hospital.

Thirty-five minutes later, in the Comfort Community Hospital Emergency Room, Chelsea McClellan was pronounced dead. All attempts to restart her heart had failed, and she was beginning to show the inevitable signs of brain damage. Dr. Holland stated on the death certificate that death was caused by cardiopulmonary arrest due to seizures of undetermined origin.

After taking the dead child back from her stunned, weeping mother, Jones carried the child back to Sid Peterson Hospital in Kerrville. After arrival, she sobbed as she carried the body to hospital morgue.

Counting the two emergency situations that involved Chelsea, there were six respiratory arrests during the Kerrville clinic's approximately one month of operation. The same day Chelsea died, five-month-old Jacob Evans was brought to the clinic for an earache. He also experienced a respiratory arrest as a result of seizure activity reported by Jones. He was hospitalized and released six days later, never demonstrating any sign of a seizure disorder. A neurologist in San Antonio failed to uncover any possible source for the seizures after extensively testing Jacob.

The recurrence of life-threatening crises had finally attracted attention from the medical community. Dr. Holland began to entertain suspicions after Jones mentioned some missing succinylcholine had been found. Holland had never used this drug and wondered why it would even be out of its storage place in the refrigerator. The next day she checked the two bottles of succinylcholine in the refrigerator and discovered one had its plastic seal removed and had two distinctive needle holes in the vial's rubber stopper. It also had a slight difference in volume compared to the sealed vial.

When Holland confronted Jones, she first explained it as being done during one of the seizure episodes by another nurse who happened to be there

when the emergency occurred. This nurse denied puncturing the stopper when questioned. Jones suggested that Holland just throw it away and forget the incident.

Dr. Holland responded that disposing of the vial was legally, medically, and ethically unacceptable to her. That afternoon, she submitted the vial to the Department of Public Safety for analysis after meeting with several doctors and the hospital administrator. While this was unfolding, Jones took a drug overdose and was briefly hospitalized.

Jones had staged all of these incidents to appear as medical emergencies arising from the natural course of a physical illness or disorder. If each of the twenty-nine San Antonio PICU deaths that had been linked to Jones's presence were analyzed, this type of staging would emerge. It would also be evident in the six Kerrville emergencies.

### **Forensic Findings**

It was determined the rubber stopper of the capless vial had two puncture sites that had been used multiple times. When the contents were analyzed, it was discovered the succinylcholine was 80 percent dilute, probably with saline.

On May 7, 1983, Chelsea McClellan's body was exhumed, and tissue samples were removed for toxicology studies. Seven days later, the prosecuting attorney received the call that succinylcholine had been found in the gall bladder, urinary bladder, the kidneys, the liver, and both thighs.

### **Investigation**

The correlation between infant mortality and Jones's presence is best illustrated by the PICU logbook. This also demonstrates the localization of deaths to a particular shift. Jones was often present at the moment of cardiac arrest or among the first to respond.

Several witnesses to arrest situations involving Jones described her obvious state of excitement as beyond the usual level at a code situation. One went so far as to depict it as orgasmic.

In a number of cardiac arrest situations that involved Jones, the patients had died. In addition to the high number of codes, there were many patients who experienced multiple cardiopulmonary arrests (among survivors of the PICU epidemic as well as fatalities) as well as the fatalities. A significant number of arrests and multiple arrests correlating to offender presence is a characteristic particular to the hero killer. These factors provide the setting that enables the offender to enact the role of rescuer, while being the center of attention.

From November 9, 1981, until December 7, Jones was out of work on sick leave for minor surgery. The PICU chart reveals that during most of November and the first week of December, not a single baby died. In fact, there was not a single code during the thirty-six-day period surrounding Jones's absence.

Isolating some of the deaths into singular incidents allowed reasonable medical explanations for the course of events. But many of the deaths posed enigmas: excessive bleeding of unknown etiology, disruptions of the heart rhythm, seizures in children with no previous history of any seizure activity, and sudden respiratory arrests. The administration of San Antonio Medical Center never recognized this compilation of facts as worthy of criminal investigation. The medical examiner was never notified for any of these deaths, even when physicians began sharing the suspicion that nursing misadventure was involved. So Jones moved on to Kerrville, to Chelsea McClellan, with the hospital's recommendation.

Evidence presented at the trial showed that Jones had ordered three more bottles of succinylcholine from the Kerrville Pharmacy and had signed Dr. Holland's name to receipts. In addition, Chelsea's babysitter testified that she observed Jones injecting something into the intravenous line as the child was being loaded into the ambulance for the trip to San Antonio. When she questioned Jones about it, Jones replied it was simply something to relax Chelsea. This struck the babysitter as odd, since Chelsea was already resting quietly. This alleged relaxant had not been ordered by either Dr. Holland or the emergency department physician.

### **Outcome**

Gene Jones was found guilty of first-degree murder and sentenced to ninety-nine years on February 15, 1984. On October 23, 1984, she was convicted of felony injury to a child for an incident involving an overdose of heparin (a blood thinner) she had given an infant in the PICU. Despite massive bleeding and several cardiac arrests, that child was one of the few who survived the fatal touch of Gene Jones.

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## **129: HOSTAGE MURDER**

A hostage murder is a homicide that takes place within the context of a hostage situation. A hostage is defined as a person held and threatened by an offender to force the fulfillment of substantive demands made on a third party. In such situations, the victim clearly is being threatened by the offender and the threats are used to influence someone else, usually the police. When this situation escalates and the victim is killed, it is hostage murder.

It is important to define what would not constitute a hostage situation and therefore a hostage murder. A homicide-to-be involves a situation where clear threats or actual injuries are made to victims and no substantive demands are made on a third party. These victims are primary targets of the offender and are not being used as bargaining chips for money or freedom. The offender who kills this type of victim is usually impelled by other motivations, such as revenge or an authority conflict; therefore, this offense would be categorized under another, more appropriate classification.

A pseudo-hostage situation is when a person is held but there are no threats directed toward the victim and no substantive demands are made on a third party. The following is an example of a pseudo-hostage situation: a husband pulls a gun on his wife during a domestic quarrel. She then leaves the house and summons the police. Upon their arrival, the police learn the couple's son is still in the house. When he is contacted, the husband tells the police he is angry at his wife and they should leave him alone. Because he makes no demands on the police and does not threaten the child, this is a pseudo-hostage situation. The risk factors are low in this type of incident, so the risk to the person held could be considered low. In the unusual event that the victim is killed, the motive, as before, would be categorized under a more suitable homicide classification.

Due to the lack of difficulty in identifying the offender in a hostage murder, this manual includes this category for classification and definition purposes. The defining characteristics used for other classifications are unnecessary, and therefore omitted.

### **130: SEXUAL HOMICIDE**

Sexual homicide involves a sexual element (activity) as the basis in the sequence of acts leading to death. Performance and meaning of this sexual element vary with offender. The act may range from actual rape involving penetration (either pre- or postmortem) to a symbolic sexual assault such as insertion of foreign objects into a victim's body orifices.

### **131: SEXUAL HOMICIDE, ORGANIZED**

The term *organized* when used to describe a sexual homicide offender is based on assessment of the criminal act itself, comprehensive analysis of the victim, crime scene (including any staging present), and evaluation of forensic reports. These components combine to form traits common to an organized offender: one who appears to plan his murders, targets his victims, and displays control at the crime scene. A methodical and ordered approach is reflected through all phases of the crime.

## Defining Characteristics

**Victimology.** The victim of a sexual homicide perpetrated by an organized offender is often an intraracial female. A single, employed person who is living alone is common to this victimology. Adolescent males are also targeted, as demonstrated by the case of John Wayne Gacy.

The concept of victim risk is an important factor in assessing the victimology. Risk is a twofold factor. Victim risk is determined by age, lifestyle, occupation, and physical stature. Low-risk types include those whose daily lifestyle and occupation do not enhance their chances of being targeted as a victim. High-risk victims are ones who are targeted by a killer who knows where to find them, for example, prostitutes or hitchhikers. Low-resistance capabilities as found in the elderly and young elevate the level of victim risk. Risk can also be elevated by locations where the victim becomes more vulnerable, such as isolated areas. A victim's attitude toward safety is also a factor that can raise or lower his or her risk factor. A naive, overly trusting, or careless stance concerning personal safety can increase one's chance of being victimized.

The second facet of victim risk is in the level of gamble the offender takes to commit the crime. Generally the victim is at a lower risk level if the crime scene is indoors and at a higher risk level if it is outdoors. The time of day that the crime occurs also contributes to the amount of risk the offender took: an abduction at noon would pose more hazard to the offender than at midnight.

The victim is typically not known to the offender but is often chosen because he or she meets the criteria. These criteria will especially be seen if multiple victims are involved: they will share common characteristics such as age, appearance, occupation, hair style, or lifestyle. The victim is targeted at the location where the killer is staked out; therefore, he or she becomes a victim of opportunity. Consequently, investigators may not observe similarities in the victim characteristics.

**Crime Scene Indicators Commonly Noted.** There are often multiple crime scenes involved with the organized killing: the locale of initial contact or assault, the scene of death, and the body disposal site. If the victim is confronted indoors, the first crime scene (confrontation) is commonly the first or second floor of a building or a single-family dwelling. The offender may then transport the victim or body from the site of confrontation, necessitating the use of the offender's or victim's vehicle.

Weapons are generally brought to the crime scene but are removed by the offender after the completion of the crime. Use of restraints is often noted by the presence of tape, blindfolds, chains, ropes, clothing, handcuffs, gags, or chemicals. The use of restraints is reflected by the overall controlled,

planned appearance of the crime scene. It reflects a methodical approach with a semblance of order existing prior to, during, and after the offense. If the offender has time, evidence, such as fingerprints or footprints, will be removed.

Also missing from the crime scene may be trophies or souvenirs, which include pictures, jewelry, clothing, or the victim's driver's license. These items do not necessarily have much extrinsic value, but to the offender they commemorate the successful endeavor and offer proof of his skill. They also serve as a means to fuel the fantasy of the act by serving as a remembrance.

Finally, if the offender has time, the victim's corpse will be concealed. The location for disposal is generally an area familiar to the offender.

**Staging.** Staging may be present at the crime scene. The subject may stage the crime to appear careless and disorganized to distract or mislead the police. He may stage secondary criminal activity to cloud the basis for the primary motive of rape-murder, for example, a robbery or kidnapping.

**Common Forensic Findings.** The forensic findings of an organized sexual homicide may be bite marks and saliva recovery on the body, semen in body orifices or on body pubic hair, and bruising or cutting of the sex organs. Aggressive acts as well as sexual acts will usually take place prior to death. Evidence of restraint devices may also be present.

The act of killing may be eroticized, meaning that death comes in a slow, deliberate manner. An asphyxial modality is often noted. An example is the deliberate tightening and loosening of a rope around the victim's neck as she slips in and out of a conscious state. Perimortem sexual activity may also be found in which sexual acts are performed in conjunction with the act of killing.

### **Investigative Considerations**

Since the offender is usually socially adept, he often uses verbal means (the con) to capture the victim. He may strike up a conversation or a pseudo-relationship as a prelude to the attack. He may impersonate another role, such as a police officer or security guard, to gain victim confidence. To gain further access to the victim, the subject will typically be dressed neatly in business or casual attire.

The methodical approach common to this offender is incorporated into victim selection after staking out an area. When neighbors are questioned, particular attention should be paid to any strangers noted lingering around the neighborhood or anyone whose actions or appearance are as described above.

The organized sexual murderer often returns for surveillance of any or all of the crime scenes involved (point of abduction, assault, grave site). He may go so far as to interject himself into the investigation in an overly cooperative way or to offer bogus information. This serves the dual purpose of checking on the status of the investigation or reliving the crime.

A possible suspect may have a history of prior offenses of lesser notice, escalating to the homicide being investigated. His background should be checked for precipitating situational stress such as financial, employment, or marital or other relationship problems. He may have a history of recent residence or employment change. He may have even left town after the murder. If property is missing, local areas should be checked for burglaries.

### **Search Warrant Suggestions**

Items that should be kept in mind when preparing a search warrant for a suspect are diaries, calendars, or newspaper clippings that commemorate the murder. Recordings may be found, either audio or audiovisual. Photographs of victims are another possible finding. The souvenirs or trophies should be kept in mind when formulating a search warrant. Any police or related paraphernalia should also be looked for.

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## **CASE STUDY: 131: SEXUAL HOMICIDE, ORGANIZED**

### **Background**

The local police department of Columbia, South Carolina, received a worried call from the parents of a seventeen-year-old girl. Their daughter had taken her bike to the end of their driveway to get the mail and had never returned. When the parents went looking for her, they found her bike by the mailbox and alongside the curb.

After the abduction, the offender made several phone calls to the family and conversed primarily with the victim's older sister. He used an electronic device to disguise his voice because, he indicated, he was known to the family. These calls continued after the victim's death. The offender would make references to a letter—the victim's last will and testament he had sent to them. Although the victim died shortly after her abduction, he led the family to believe the victim was still alive until they found the body, a week later.

### **Victimology**

The first victim was abducted from the end of her driveway. A nine-year-old white female, the next victim, was abducted from her yard a week following



the discovery of the first victim's body. The offender contacted the first victim's sister and told her of the abduction and killing of the little girl, as well as the location of the body. During the last telephone conversation, the offender advised the first victim's sister that she would be the next to die.

Investigation revealed that both girls were low-risk victims. However, the fact that they were not likely to have the physical strength to fight or resist a strong male assailant increased their risk factor slightly. In the case of the first victim, it appeared the offender was taking pictures of her on her bike as she arrived at the mailbox. She became a victim of opportunity because she crossed the offender's path when he was staked out in search of a victim. The nine-year-old child was taken from her play area. This time the offender may have been looking for a victim, or he may have just happened on her and decided to act. This abduction was less sophisticated, so it probably was more of an opportunistic incident.

### **Crime Scene Indicators**

The offender communicated by telephone with the victim's parents two days after the abduction and then with the victim's sister. With his voice disguised, the offender asked for forgiveness and expressed remorse. He gave the impression the victim was still alive. He told the victim's family he had taken her to a house where she was tied to the bed. Twelve hours later, the offender gave her a choice as to the method of her death: strangulation, suffocation, or drowning. The victim chose suffocation, at which time the offender placed duct tape over her nose and mouth.

The subject appeared to be following a written script. For example, when interrupted by family members of the victim, he would become upset. This suggested his obsessive-compulsive need to rigidly articulate details to the family. He gave directions to the crime scene that were so detailed that it was obvious that the offender had gone back to the crime scene to measure distances. The victim's body was placed in an area where she was well concealed.

Indicators from the body disposal site suggested that the subject was familiar with the area. There were three locations involved with each crime: the abduction site, the death scene, and the gravesite. The offender interacted with victims, so he had to have a place where he could comfortably spend an extended period of time with them. This location, also the murder scene, was discovered to be where the offender was housesitting. The grave sites were also locations he was familiar with.

### **Forensic Findings**

The forensic findings indicated both victims had been bound with ligatures and duct tape. All bindings had been removed from the bodies before dis-

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posal. Duct tape residue was found on both victims' faces. The subject claimed the victims had been smothered. The bodies were far too decomposed to determine if they had been sexually assaulted. Both victims were fully clothed when their bodies were discovered.

### **Investigation**

The crime was organized in terms of the abduction, murder, and disposal. A reconstruction of the crime and death scene indicated some offender sophistication with the telephone calls to the victims' families, his fantasy, and his degree of planning. He made the first victim write her last will and testament on a legal pad. The will was actually a letter to her family stating that she was ready to die and that she loved them. The offender mailed the letter to the family.

This letter was sent to the state laboratory for analysis, which revealed indented writing not visible to the naked eye. The writing was identified as a telephone number with one digit obliterated. By a process of elimination, people with similar telephone numbers were interviewed until a list of possible suspects was developed. One number belonged to a house in the abduction locale. When police contacted this person, he told them his parents were not at home but had someone house-sitting for them. His parents had given the house sitter their son's number in case of any problems. The man's name was Larry Gene Bell.

While this investigation was going on, criminal investigative analysts from the National Center for the Analysis of Violent Crime Investigative Support Unit (ISU) had been consulted. They had generated an offender profile and some investigative techniques for the local police department. When the offender was identified, he matched almost every offender characteristic listed. Larry Gene Bell was a thirty-six-year-old white male who worked doing electrical house wiring. At the time of the murders, he was living with his mother and father. He had been married for a short time and had lived away from home.

The ISU agents provided an interrogation strategy that would offer a "face-saving" explanation for Bell. Bell confessed, claiming the "bad Larry Gene Bell did it."

### **Outcome**

Larry Gene Bell was given two death sentences for the murders of the two girls. He was executed on October 4, 1996.

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## 132: SEXUAL HOMICIDE, DISORGANIZED

The term *disorganized* when used in reference to a sexual homicide is based on the same factors that defined *organized*: victim and crime scene analysis, forensic evaluation, and assessment of the act itself. The unplanned, spontaneous nature of the disorganized perpetrator's crime is reflected in each of these factors. This "disorganization" may be the result of youthfulness of the offender, lack of criminal sophistication, use of drugs and alcohol, or mental deficiency.

### Defining Characteristics

**Victimology.** The victim of a disorganized offender may be known to the offender since he often selects a victim of opportunity near his residence or employment. The victim is often from his own geographical area because this offender acts impulsively under stress and also because he derives confidence from familiar surroundings to bolster his feelings of social inadequacy.

If there are multiple victims of a disorganized offender, the age, sex, and other characteristics will show greater variance due to the more random nature of his selection process.

The risk factor of a disorganized sexual homicide victim is situational in the sense that by crossing the path of the offender, her risk is greatly elevated. The victim essentially becomes a casualty because he or she was in the wrong place at the wrong time. The other considerations when assessing victim and offender risk are as detailed in classification 131.

**Crime Scene Indicators Frequently Noted.** The crime scene of a disorganized sexual homicide reflects the spontaneous, and in some cases symbolic, quality of the killing. It is random and sloppy with great disarray. The death scene and the crime scene are often the same.

The victim location is known since it usually is where he or she was going about usual daily activities when suddenly attacked by surprise. There is evidence of sudden violence to the victim, a blitz style of attack. Depersonalization may be present, as evidenced by the face being covered by a pillow or towels or in a more subtle way, as with the body rolled on the stomach.

There is no set plan of action deterring detection. The weapon is one of opportunity, obtained at the scene and left there. There is little or no effort to remove evidence, such as fingerprints from the scene. The body is left at the death scene, often in the position in which the victim was killed. There is no attempt or minimal attempt to conceal the body.

**Staging.** Secondary criminal activity may be present, but usually it is more indicative of less sophisticated offender (disorganized offenders are often below average intelligence) than staging to confuse law enforcement.

The body may be positioned or deposited in a way that has special significance to the offender based on his sexually violent fantasies. It may be intended to make a statement or to obscure certain facts about the crime, for example, to disguise postmortem mutilation he is uncomfortable with. This should not be confused with staging, since the offender is generating a personal expression (personation) rather than deliberating trying to confuse the police.

Another example of the disorganized offender's personation of his ritualized sexual fantasies is the excessive mutilation of the breasts, genitals, or other areas of sexual association, such as the thighs, abdomen, buttocks, and neck. This overkill is the enactment of his fantasy.

***Common Forensic Findings.*** The disorganized offender is often socially inept and has strong feelings of inadequacy. These feelings of deficiency will compel him to assault the victim in an ambush, blitz style, that will immediately incapacitate her or him. Injury effected in a disorganized sexual homicide is usually done when the offender feels the least intimidated and the most comfortable with the victim. This will be when the victim is unconscious, dying, or postmortem. In addition, sexual assault will probably occur at this time for the same reasons.

There may be depersonalization, which entails mutilation to the face and overkill (excessive amount or severity of wounds or injury) to specific body parts. The face, genitals, and breasts are most often targeted for overkill. Body parts may be missing from the scene.

The blitz style of attack common to this homicide is often manifested by focused blunt trauma to the head and face and lack of defensive wounds. There is a prevalence of attack from behind. Since death is immediate to establish control over the victim, there is minimal use of restraints.

Sexual acts are postmortem and often involve insertion of foreign objects into body orifices (insertional necrophilia). This is often combined with acts of mutilation—for example, slashing, stabbing, and biting of the buttocks and breasts. Since these acts often do not coincide with completed acts of sexual penetration, evidence of semen may be found in the victim's clothing or (less frequently) wounds.

Most frequently death results from asphyxia, strangulation, blunt force, or the use of a pointed, sharp instrument.

### **Investigative Considerations**

The disorganized offender usually lives alone or with a parental figure. He lives or works within close proximity to the crime scene. He has a history of inconsistent or poor work performance. He also has a past that demonstrates

a lack of interpersonal skills, which may be manifested by involvement in relationships with a partner much younger or much older than he.

Preoffense circumstances demonstrate minimal situational stress and change in lifestyle. He will be considered odd by those who know him. This offender usually is sloppy and disheveled, with nocturnal habits such as walking aimlessly around his neighborhood.

Postoffense behavior exhibited may be a change in eating habits and drinking habits (more alcohol consumption) and nervousness. He may also have an inappropriate interest in the crime, for example, by frequently engaging in conversation about it.

Disorganized behavior may be evident in victim selection, crime scene, and forensics due to youthfulness, drug or alcohol impairment, external stressors (for example, fear of discovery), or lack of criminal sophistication.

### **Search Warrant Suggestions**

The disorganized offender does not concern himself with concealment of bloody clothing, shoes, or other evidentiary items such as victim belongings taken from the crime scene. In addition, souvenirs that serve as reminders of the event and fuel the fantasy of the act may be found among offender possessions.

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## **CASE STUDY: 132: SEXUAL HOMICIDE, DISORGANIZED**

### **Victimology**

Jennifer Sidal, age twelve, and her sister, Elaine, age fourteen, had decided to quit looking for Jenny's bicycle, which had been stolen a few hours earlier. It was eight o'clock and already quite dark out, so the two headed for home, Jenny on foot and Elaine on her bike. As Elaine rounded the corner of an electric supplies store, she glanced back and saw Jenny walking slowly, still a block away. Jenny had a physical problem that often caused her to lag behind the other children. Mentally, Jenny was very bright, with straight A's in school. Even though she was somewhat of a loner, she was considered friendly and was always quick to help others. Jenny lived with her mother and sister. Her parents had divorced twelve years previous, and although her father lived about twelve blocks away, she had not seen him for a year and a half.

Elaine arrived home a little after 8:00 P.M. Jenny never made it home. Her risk for being targeted as a victim of violent crime was minimal due to her lifestyle, social habits, and residence in a low-crime neighborhood. How-

ever, her young age and physical limitations elevated this risk factor. Because she was slower than other children, it was easier for an offender to single her out and separate her from a group. Her trusting attitude also may have been a factor elevating her risk level.

Jenny fit the victimology common to the disorganized sexual offender. She was a victim of opportunity, preyed on because her physical disability made her vulnerable and easy to get alone. This factor, plus her age, made her less of a threat to the inadequate type of person the disorganized offender usually is. This type of offender does not want a victim who will jeopardize his control of the situation. Her risk was situational: it was elevated because she crossed the path of the offender, giving him the opportunity to satisfy his need to rape and kill.

### **Crime Scene Indicators**

The next day, Jenny's body was discovered by her uncle who was searching the area along with police and neighbors. The body was approximately halfway down a steep creek bank behind the electrical store. The creek had dense, high weeds and trees lining both banks. Although it was fenced off, there was a hole in the fence near the electrical supply store that neighborhood youths used when traveling to the adjacent residential area from local businesses.

The body was found approximately ten feet down the creek bank path from the fence opening and ten feet down the embankment. A small tree had prevented it from falling completely down the embankment. The embankment was quite steep, almost ninety degrees, and approximately thirty feet from path to creek. Jenny's shirt and bra were in place, but the body was nude from the waist down except for the socks. Some of the clothing was scattered along the creek bank, and her blue jeans and panties were found in the creek. The blue jeans were slit by a sharp instrument from the bottom cuff to just above both knees.

This crime scene was typical of the disorganized offender. The assault site, death scene, and body recovery site were all the same location. The weapon was one of opportunity: his fists to initially gain control and his arm to strangle the victim. The attack was a blitz style in which the offender struck Jenny with enough force to render her unconscious immediately. The body was left at the scene with little or no effort to conceal it. The crime scene portrayed the randomness and sloppiness characteristic of a disorganized offender. There was a high probability that footprints and other physical evidence had been left, but much of it was probably obliterated by a heavy rainfall before the body was discovered.

## **Forensic Findings**

The autopsy revealed Jenny had died of strangulation. It was initially thought to be ligature strangulation by something large, for example, her blue jeans. The offender later described using his arm from behind to strangle her.

The focused blunt-force trauma, or depersonalization, often exhibited by disorganized offenders was present in this case. Jenny's face had been badly beaten with numerous cuts, abrasions, and contusions about the mouth and cheekbone areas. There was a lack of defensive wounds, another common forensic finding of this type of offense, since the victim is most often blitzed, with little chance to fight back. Restraints were not used, as is typical of the disorganized offender, for the same reasons defensive wounds are usually absent. A large amount of semen was found within the vaginal cavity; no semen was found elsewhere.

A more bizarre forensic finding noted with this case (yet routinely observed with the disorganized sexual killer) was the presence of deep post-mortem cuts on the victim's wrists and forearms. There were also several "hesitation" cuts to these same areas—cuts that were almost exploratory in nature reflecting the offender's curiosity. They were not part of the sexual assault.

## **Investigation**

As a result of numerous interviews by the local police, a sketch was prepared and placed on local television and newspapers. In conjunction with this, the FBI Investigative Support Unit (ISU) at Quantico, Virginia, provided an offender profile for the police to narrow the growing list of suspects. The offender was profiled as living in the same area as the victim. He would be known as a troublemaker who liked knives and had previous contact with the police, although not necessarily any arrests.

Several neighbors of the victim (and suspect) called police to report that a person who closely resembled the sketch lived in their neighborhood. Further investigation revealed this subject exactly matched the profile. The police again consulted the ISU for interrogation techniques to be used with this subject. As a result, seventeen-year-old Joseph Rogers confessed and then reenacted the crime for investigators. It was discovered he had previous contacts with Jenny, talking to her several nights before the attack. He was living a few blocks away from her, with a sixteen-year-old girlfriend. He had left home to make it on his own. He had drifted around, was unemployed, and a high school dropout. Roger pleaded guilty.

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### **133: SEXUAL HOMICIDE, MIXED**

A crime scene may reflect aspects of both organized and disorganized characteristics for the following reasons:

- More than one offender may be involved; therefore, differing behavioral patterns will be manifested.
- The attack may begin as a well-ordered, planned assault, but it deteriorates as unanticipated events occur, for example, an inability to control the victim.
- The primary motive for the attack may be solely rape, but victim resistance or the offender's emotional state of mind leads to an escalation. This is especially seen with the hostile or retaliatory type of rapist. The victim selection may reflect an organized offender who carefully selects and stalks the victim. But then the body is not concealed or is poorly concealed. The weapon is one of opportunity (for example, a rock) that is left at the scene, and the crime scene would show great disarray. Forensic findings would show a blitz style of attack, overkill, blunt-force trauma, and often personal weapon use (hands and feet).
- Inconsistencies in offender behavior manifested during the offense may exhibit varying degrees of organized or disorganized behavior. The youthfulness of the offender and alcohol or drug involvement also contribute to a mixed crime scene.
- External stressors may alter the behavior of an offender. Precipitating factors that cause a buildup of tension may lead to an explosive, impetuous assault by a person who would normally approach the crime with planning and control. Ted Bundy is an example of this degeneration of an organized killer into a disorganized one due to external stressors. With all of his abduction-rape-murders previous to the Chi Omega murders, he carefully selected, stalked, and abducted his victims and used meticulous body concealment. His discomfort with the fugitive lifestyle, among other things, led to the explosive homicidal spree in which he bludgeoned random victims of opportunity (although coeds, they were random compared to his usual careful selection). Bundy used a weapon of opportunity obtained at the crime scene and left near another. He left their bodies openly displayed at the death scene, a marked departure from his usual attempts of body disposal. All of these later actions describe the typical behavior of the disorganized killer.



**CASE STUDY: 133: SEXUAL HOMICIDE, MIXED****Victimology**

Donna Lynn Vetter was raised in a rural environment that did not seem to equip her for life in San Antonio.

She used fresh air through open windows and doors instead of the air-conditioner in order to save electricity: in her mind, frugality was more of an issue where she had lived than rape or murder. It was this naive and unsuspecting attitude that became a contributing factor to her death.

Vetter worked as a stenographer for the FBI in San Antonio. She had left home for the first time seven months earlier to move closer to her job. She was described as a quiet and hard-working introvert who rarely initiated conversation with fellow employees. She would usually stand quietly on the periphery and listen to the office chatter, almost never contributing her own thoughts or ideas.

When considering the list of characteristics that identify a victim's risk level, Donna Vetter would have been considered one less likely to be targeted as a victim, especially when compared to the other end of the spectrum (for example, prostitutes). Her employment as an FBI stenographer; conservative dress and lifestyle (she did not go to bars or nightclubs); total lack of alcohol or drug use and criminal history; a modest income; and a quiet, withdrawn personality all contributed to this low-risk status. In addition, her age and physical state (no handicaps) did not increase her vulnerability as in some cases (elderly, children).

Nevertheless, two factors elevated her risk factor. One was the location of her apartment: an industrialized and commercial area of a lower-income blue-collar neighborhood. The second component was her trusting attitude and lack of concern for personal safety. She came from an environment in which rape and murder were distant concerns compared to the electric bill. Donna cooled her apartment using fresh air from open windows and doors just as she had done all her life in the country. She would simply smile at the concerns that her fellow employees or apartment security would voice over her lack of safety precautions.

On September 4, 1986, at approximately 9:10 P.M., Donna was observed watching television and doing leg exercises by a neighbor walking by her window (open as usual). At 10:30 P.M. as several other neighbors passed by her apartment, one noticed that the front window screen had been pulled out and notified security. Apartment security responded at 10:35 P.M. and found the front door ajar. Upon entering the apartment, they discovered Donna's nude body lying on the floor covered with blood.

### **Crime Scene Indicators**

Donna was lying on her back on the living room floor. The fatal assault site appeared to be the kitchen, where the greatest concentration of blood was found in several large pools. A kitchen knife, a weapon of opportunity, was responsible for her wounds. It was found stuck between chair cushions. She had been dragged from the kitchen through the dining room, leaving a pronounced trail of blood. In the kitchen were her shorts, shirt, and underwear, apparently cut and torn off her. Her glasses were under the dining room table. Her car keys were on the table. There were no indications of ransacking in the apartment, and nothing appeared missing. The point of entry had been the front window: the screen was pulled out and a plant overturned just inside. There were footprints and palm prints on the murder weapon and living room end table.

The primary motive for this attack was rape, but when Vetter offered resistance, the offender responded with violence. Fighting back only heightened the anger and need for retaliation that he usually vented through raping. His inflamed emotional state made the line between rape and murder an easy one to cross.

Initial contact between Donna and the offender was a blitz style of attack. She was coming out of the bathroom when he hit her in the face, knocking her to the floor unconscious. Apparently Donna recovered enough to make it to the kitchen and grab a knife. This final act of resistance was enough to push the offender to the point of total retaliation. He grabbed the knife and repeatedly stabbed Vetter, dragged her to living room, and sexually assaulted her as she lay dying.

The death scene and crime scene were the same, with no attempt to conceal the body. Palm prints, fingerprints, and footprints were left at the scene, all components indicative of the offender's disregard of physical evidence due to the frenzied, unexpected escalation of violence.

Thus, elements of both organization and disorganization were apparent with this offense because of the volatile nature of an anger retaliatory rapist and the response of a conservative, naive girl. His inability to establish control over Vetter resulted in a deterioration of events that resulted in a more disorganized crime scene.

### **Forensic Findings**

Donna had sustained blunt-force trauma to the face. In addition, there were three stab wounds to the chest, with one wound penetrating the heart, and stab wounds to the right calf and left upper thigh. There were defensive wounds to three fingers of the left hand and evidence of sexual assault.

A blitz-style attack, common to the anger retaliatory rapist who wants control of the victim as quickly as possible, was evident with this murder. The facial injuries were evidence of the excessive level of force employed by this type of rapist, especially when confronted with a resisting victim.

Palm prints, fingerprints, and footprints were subsequently linked to a subject, who was arrested for rape less than a month after the murder.

### **Investigation**

On September 24, 1986, the San Antonio Police Department arrested twenty-two-year-old Karl Hammond for the rape of a thirty-year-old San Antonio woman. He was later linked to Donna Vetter's death when palm prints on the outside living room window and living room end table, fingerprints on the murder weapon, and footprints in the apartment proved to be his.

Hammond was a repeat offender; he had been convicted for the rape of a seventeen-year-old girl five years earlier. He had struck her in the face when she refused him sex and then raped her. He also was arrested for burglary three days after his release on bond for the rape charge. After serving four years, Hammond was released from the state prison in August 23, 1985, under provisions of the mandatory release program. At the time of his arrest, he was suspected of as many as fifteen other Northeast Side rapes.

### **Outcome**

Shackled and gagged due to numerous outbursts, Hammond appeared before a judge in March 1986. The jury found him guilty of capital murder. Before his sentencing, he escaped through an unlocked door in the jail but was recaptured within forty-eight hours in downtown San Antonio.

The case received a great amount of criticism, most notably from appeal lawyer Jordan Steiker, who felt Hammond had not received a fair trial: he was not allowed to testify, pertinent family background information was not introduced (specifically, he witnessed his own father being murdered by his brother), and he suffered audio and visual hallucinations. Denied clemency, Karl Hammond was put to death by injection on June 22, 1995, when he was thirty years old. When asked for a final statement, Hammond responded, "I know it's hard for people to lose someone they loved so much. . . . It's best for me to just say nothing at all."

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## **134: SEXUAL HOMICIDE, SADISTIC**

A sexual sadist is one who has established an enduring pattern of sexual arousal in response to sadistic imagery. Sexual gratification is obtained from

torture involving excessive mental and physical means. The offender derives the greatest satisfaction from the victim's response to torture. Sexually sadistic fantasies in which sexual acts are paired with domination, degradation, and violence are translated into criminal action that results in death.

### **Defining Characteristics**

**Victimology.** Sadistic murder victimology has some similarities to the victimology described in classification 131.

Sexual sadists focus on victims who are white, female adults who are strangers. The victimology of this crime may include males, and multiple offenders have been known to prey on both women and men and may also target children, but exclusive victimization of children is less frequent. Blacks are preyed on to a much lesser extent.

There is an occasional indication of resemblance between a victim and someone of significance in the offender's life.

The victims are chosen through systematic stalking and surveillance. They are approached under a pretext such as requesting or offering assistance, asking directions, or impersonation of a police officer. A ruse may be employed: posing as a talent scout looking for perspective models or actresses and promising them jobs, for example.

There are also documented cases of sexually sadistic torture and the death of two victims involving the same event.

**Crime Scene Indicators Frequently Noted.** There are often multiple crime scenes involved with this type of sexual homicide: place of initial encounter, torture and death scene, and body disposal site. The very nature of this crime, sadism expressed through torture, necessitates a secluded or solitary place for the prolonged period of time the offender spends with the victim. This captivity may range from a few hours to as long as six weeks. The offender's residence may be used if it can provide the required seclusion. The offender's vehicle will be altered for use in abduction and torture, disabling windows and doors, soundproofing, and installing police accessories.

Gloves are often worn to avoid fingerprints. Secluded sites are selected well in advance. The offender undertakes his crime with methodical preparation, and the crime scene reflects this. Torture racks or specially equipped torture rooms are constructed. Weapons and torture implements of choice are bought to the scene and removed if it is outside.

Restraints are usually present at the crime scene since they are common to this homicide. Sexual bondage, which is the elaborate and excessive use of binding material, unnecessarily neat and symmetrical binding, or binding that enables positioning the victim in a variety of positions that enhance the offender's sexual arousal is also noted.

The use of customized modes of torture may be evident, especially at the scene of torture and death, which include electrical appliances, vise grips, pliers, foreign objects used for insertion, and whips. Sexual arousal occurs most often with the victim's expression of pain and is evidenced by sexual fluids or possibly defecation at the scene.

The body is routinely concealed especially with the more organized offender, who is prepared with shovels, lime, and remote burial sites. Bodies have been burned also. Sometimes inconsistencies are noted, however, as victims have been left where they will be seen by intimates, can be easily found, or disposed of carelessly. Occasionally the body may be transported to a location that increases the chance of discovery because the offender wants the excitement derived from the publicity that the body's discovery generates.

**Staging.** It is possible that there are implications of overkill or depersonalization for pragmatic reasons, for example, to obscure the victim's identity. The offender may also tamper with the crime scene by staging secondary criminal activity (for example, rape-murder, robbery) to veil the primary motive of sadistic murder.

**Common Forensic Findings.** The offender engages in sex prior to death. "The Sexually Sadistic Criminal and His Offenses" (Dietz, Hazelwood, & Warren, 1990) lists the most prevalent sexual acts forced on victims: anal rape, forced fellatio, vaginal rape, and foreign object penetration (in decreasing order). A majority of offenders forced their victims to engage in more than three of these activities. The attack is antemortem since the primary source of pleasure for the sadistic killer is in the pain caused the victim as opposed to the actual sexual act.

The focus of battery is to the sex organs, genitals, and breasts. Sexually sadistic acts may include biting or overkill to areas with sexual association: thighs, buttocks, neck, and abdomen, in addition to the breasts and genitals. However, injury can be anywhere that causes suffering, for example, the elbow.

There is insertion of foreign objects into vaginal or anal cavities often combined with the act of slashing, cutting, or biting the breasts and buttocks. Evidence of sexual fluids is usually found in the body orifices and around the body. If partners are involved, this may be evidenced by differing sexual fluids and pubic hairs. Offenders may also urinate on the victim.

Ligature marks are common since restraints are frequently used, along with blindfolds and gags. Sexual bondage is prevalent.

The fact that the offender usually spends a long time with the victim is evidenced by varying wound and injury ages or varying stages of healing

present in injuries inflicted by the offender. Blunt-force trauma from beatings; injuries from painful insertion, biting, whipping, and twisting breasts; and burn marks from heat sources and electrical devices are all possible forensic findings.

There are cases where victims were forced to drink or eat feces. Stomach contents reveal this, as well as any variations of it.

The act of killing is often eroticized; death comes in a slow, deliberate manner that the offender savors. But since an unconscious or dead victim does not afford the offender the gratification he seeks, great care is taken not to prematurely end her or his life. This caution is demonstrated by several cases in which subjects not only took special measures to keep their victim's conscious but actually revived near-dead victims in order to cause additional suffering.

The most common cause of death is by an asphyxial modality in the form of ligature strangulation, manual strangulation, hanging, and suffocation. Gunshot wounds, cutting and stabbing wounds, and blunt-force trauma are less frequent forensic findings as to cause of death.

### **Investigative Considerations**

The perpetrators of sexually sadistic homicides are predominantly white males. Sometimes a partner is involved, either male or female. The subjects can be married while committing these offense, as shown by the research data of "The Sexually Sadistic Criminal and His Offenses" (Dietz et al., 1990); 43 percent are married, and 50 percent have children.

The offender is often involved with an occupation that brings him into contact with the public. He engages in antisocial behavior that may be manifested in arrest records (not necessarily sex-related offenses) and a history of drug abuse other than alcohol. He is often a police buff who possesses paraphernalia, literature, and weapon collections. The offender is likely to have a well-maintained vehicle since excessive driving is also characteristic of the sexual sadist.

The offender may return to the scene to determine if the body has been discovered or to check on the progress of the investigation.

### **Search Warrant Suggestions**

The following are items common to sadistic offenders that should be included in a search warrant:

- Collection of items related to sexual or violent themes or both: pornographic literature, videos, bondage paraphernalia, detective magazines, sexual devices, and women's undergarments

- Gun collections, police uniforms, badges, counterfeit ID, and books detailing law enforcement procedures
- Vehicle modification to resemble police car; black wall tires; two-way radios; a Bearcat scanner; whip antenna; flashing red lights; sirens for abduction or torture; disabled door handles and windows; soundproofing; restraining devices; shovels, lime, and other burial equipment; water and food; and extra fuel
- Torture devices, cameras, and recording equipment
- Dealing with offenses: written records; manuscripts, diaries, threatening letters, calendars, sketches, drawings, audiotapes, videotapes, and photographs; personal items belonging to victims: undergarments, shoes, jewelry, wallet, driver's license, other victim ID

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## **CASE STUDY: 134: SEXUAL HOMICIDE, SADISTIC**

### **Background**

During the last year of his incarceration at California Men's Colony at San Luis Obispo, Roy Lewis Norris met Lawrence Sigmund Bittaker. Both inmates had an extensive history with the law that involved a substantial amount of violent criminal activity. As the relationship developed, the two discovered several topics of mutual interest: dominating, torturing, and raping women. They also shared the attitude that with any future sexual assaults on women, they would leave no witnesses.

Bittaker was released in November 1978 and Norris in January 1979. After their reunion, the duo decided to fulfill their prison ambitions. The first thing they needed was the proper vehicle to ensure uncomplicated abductions. Bittaker found a 1977 silver GMC cargo van with a sliding door and no windows on the side, perfect for pulling up close and grabbing their victims.

Bittaker and Norris felt well prepared after spending the first half of 1979 outfitting the van with a twin-size mattress supported by wood and plywood, tools, clothes, and a cooler. They had carefully selected a remote area in the San Gabriel Mountains above the city of Glendora. It was a gated fire road that Bittaker secured with his own lock, added insurance that they would be left undisturbed. In addition, they had picked up more than twenty hitchhikers, not attacking any of them, but simply rehearsing for the right day.

The "right" day came on June 24, 1979, and at least four other times between June and October 31, 1979, during which Bittaker and Norris were responsible for at least five murders.

## **Victimology**

Lucinda Schaeffer, age sixteen, lived with her grandmother in Torrance, California. She was an attractive girl who was active with her church, including the senior high fellowship group. On June 24, 1979, she attended a fellowship meeting at St. Andrew's Presbyterian Church in Redondo Beach. She had decided to leave early and walked home along Pacific Coast Highway instead of calling her grandmother for a ride.

Bittaker spotted her, making the comment, "There's a cute little blonde." The van pulled alongside her, and Norris asked her if she wanted to go for a ride and smoke some grass. She refused and kept on walking, with Norris and Bittaker following at a distance. When they reached a residential section with little traffic, the two made their move. Bittaker pulled up ahead of her, stopping the van in front of a driveway while Norris waited on the sidewalk as Cindy approached. When she had reached him, the two exchanged a few words. Norris then grabbed her and dragged her to the van, threw her inside, and slammed the door. The van squealed out, and Bittaker turned the radio up to mask Cindy's screams. Norris taped her mouth and bound her hands and feet as they drove to the fire road.

Once they arrived, Bittaker and Norris smoked some pot while asking Cindy questions about her family and boyfriend in Wisconsin. After they grew bored of that, Bittaker took a walk while Norris raped her and forced her to perform fellatio. When Bittaker returned, he continued the sexual assault until Norris came back for more.

After they were done, Norris attempted to strangle Cindy but lost his nerve when he saw the anguished look in her eyes. Bittaker took over until Cindy collapsed to the ground, convulsing and attempting to breathe. Bittaker remarked that it took more to strangle someone than television showed, and Norris agreed. The two then tightened a coat hanger around her neck with a pair of vise-grip pliers until she was finally still. They wrapped her body with a blue shower curtain so the blood from the hanger cutting into her neck would not get on the van's carpet and dumped her body over the side of a deep canyon.

On July 8 Bittaker and Norris were again stalking victims on the Pacific Coast Highway when they spotted Andrea Joy Hall, age eighteen, hitchhiking. Their first attempt to pick her up was unsuccessful because she got in a white convertible, but thinking she would get out sooner or later, they followed her. Around noon, she was let out and picked up by Bittaker while Norris hid under the bed. At Bittaker's urging, Andrea obtained a drink from the cooler in the back of the van, at which point Norris made his move to subdue her. Andrea's assault followed much like Cindy's with the exception that



she was photographed, providing souvenirs for her killers to recall the look of terror on her face. At this point, Bittaker and Norris were becoming comfortable enough with their crime to experiment with torturing their victims, verbally and then physically. Andrea had an ice pick jabbed into her brain, first through one ear then the other. She was then strangled and thrown over the cliff.

The next two victims were Jackie Doris Gilliam, age fifteen, and Jacqueline Leah Lamp, age thirteen. The girls had been walking and hitchhiking casually along the road and had stopped for a rest at a bus stop bench when the van pulled up beside them. They entered the van voluntarily but became uneasy when the van turned away from the beach and headed for the mountains. As Leah attempted to open the van door, Norris struck her over the head with a bat. Bittaker stopped to help Norris subdue the two girls and then headed to the San Dimas.

Gilliam and Lamp were held for nearly forty-eight hours before they were murdered. Both were tortured; Norris took approximately twenty-four instant pictures of Gilliam and Bittaker engaged in various sexual acts. She was then stabbed through the ear with an ice pick, manually strangled, and finally struck on the head with a sledgehammer.

Norris claims that Lamp was not sexually assaulted. Before he savagely battered her head with the sledgehammer, Bittaker remarked, "You wanted to stay a virgin; now you can die a virgin." With this torture session, as well with the next one, Bittaker and Norris decided to preserve their exploits by using a tape recorder.

Shirley Lynette Ledford was last seen hitchhiking on October 31, 1979, around 10:45 P.M. along Sunland Boulevard and Tuxford Street in Sun Valley. After Bittaker and Norris picked her up hitchhiking, they enacted the assault differently; instead of heading for their spot in the mountains, they opted to drive around the streets of San Fernando Valley as they tortured Ledford. She was struck on the elbows repeatedly with a three-pound sledgehammer. Bittaker decided Ledford was not screaming loud enough to suit him, so he retrieved a pair of pliers and vise grips from his toolbox and pinched her nipples and vagina with them. Bittaker later stated to one jail informant that he tried to punch her "titties back into her chest." Ledford was also raped and sodomized.

Ledford's torment finally ended with a coat hanger tightened by the vise grips around her neck. Her nude body was dumped on the front lawn of a Sunland residence, to see "what kind of press they would get."

Review of the victimology in this case illustrates several points that are common to sadistic murder committed by organized offenders. The victims were targeted because they manifested some common characteristics that suited the preferences of Bittaker and Norris: all of the victims were white

females, within a narrow age range, unknown to the offenders, and considered high-risk victims because they were hitchhiking. (Schaeffer was not hitchhiking, but walking along the highway elevated her risk as a victim.)

### **Crime Scene Indicators**

Bittaker and Norris's crime scenes typified organized sadistic murder. They were carefully planned offenses that reflected overall control in conversation and of the victims themselves by the use of restraints. Bittaker derived enjoyment from engaging victims in conversation that he governed. He used the conversation as a means of torture in itself; making victims plead for their lives substantiated his sense of domination.

Their abductions were well planned, beginning with the customizing they did on the van. The weapons, the tools of their assault, were never an issue until capture since the actual crime scene was within the van. At the abduction sites, the only evidence left behind was Schaeffer's shoe.

Bittaker and Norris transported the victims to remote sites that posed little to no risk of interruption or discovery. This ensured the lengthy contact with the victims that was required to fulfill the fantasies and drives that fueled their acts of sadistic murder. Several bodies were transported to a different disposal site from the death scene. With Norris's help, the broken skeletal remains of Gilliam and Lamp were found scattered over an area hundreds of feet along the canyon floor. No traces of Schaeffer or Hall's body were found due to the well-selected disposal sites. All of these indicators common to Bittaker and Norris crime scenes are evidence of controlled, organized offenders.

The setting of Ledford's death and assault was still within the realm of the organized, controlled scene, despite the body being left in view with no effort to conceal it. Bittaker's craving for some press time, recognition of his crime, was his incentive for this change in MO.

### **Forensic Findings**

Lucinda Schaeffer and Andrea Hall's remains were never found. Partial remains of Gilliam and Lamp, including their battered skulls, were found in the Glendora Mountains. Gilliam still had the ice pick inserted in her right ear.

Shirley Ledford's autopsy revealed death was due to strangulation with a wire ligature around the neck. There were a linear compression mark, soft tissue, and petechial hemorrhage around the neck. There was evidence of multiple blunt-force trauma to the face, head, and breasts. Her rectum, the lining inside her rectum, and her vagina had been torn from being stretched too far, in part due to the insertion of a pair of pliers by Bittaker. There were

bruises on her left elbow, a cut to the right index finger, and a puncture wound to the left hand. The wrists and ankles had ligature marks as well.

Ledford's autopsy report presents the following indicators of an organized sadistic murder as mentioned in possible forensic findings: focused blunt-force attack to the genital regions and the breasts, traumatic insertion by foreign objects, sodomy, and evidence of torture (hammer and pliers). There were sexual and aggressive acts prior to death, and restraints were used. In addition, Norris and Bittaker spent extended periods of time with the victims.

### **Investigation**

Bittaker and Norris engaged in other crimes during this time beside sadistic murder. There were at least three separate incidents: an attempted rape, rape-kidnapping, and an assault with mace. Photos were also found after Bittaker and Norris's arrest that are indicative of another victim, an unknown white female, who remains missing.

One of the victims who was raped and released identified Bittaker and Norris as her assailants. They were arrested for charges other than the rape-murder charges in hope that one or both would fold under interrogation and confess. Norris eventually did, shifting the blame to Bittaker in an attempt to save himself.

The motive for Bittaker and Norris's brutal murders is perhaps best explained by Ronald Markman, a forensic psychiatrist who examined the offenders. He describes them as sociopaths who knew right from wrong but simply did not care. "They lack the internal prohibitions, or conscience, that keep most of us from giving full expression to our most primitive, and sometimes violent, impulses." Markman stated that by their union, Bittaker and Norris helped each other "fulfill their most savage, primitive potential as sociopaths" (Markman & Bosco, 1989).

### **Outcome**

On March 18, 1980, Norris pleaded guilty on five counts of murder, turning state's evidence against his friend. In return for his cooperation, he received a sentence of forty-five years to life, with parole possible after thirty years. Bittaker denied everything. At his trial on February 5, 1981, he testified that Norris first informed him of the murders after their arrest in 1979. A jury chose to disbelieve him, returning a guilty verdict on February 17. On March 24, in accordance with the jury's recommendation, Bittaker was sentenced to death. The judge imposed an alternate sentence of 199 years 4 months, to take effect in the event that Bittaker's death sentence is ever commuted to

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life imprisonment. Bittaker is still on death row at San Quentin Prison, while Norris still sits at Pelican Bay Prison in California.

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### **135: ELDER FEMALE SEXUAL HOMICIDE**

#### **Classification Contributed by Mark Safarik**

This classification is used to refer to the homicide of a woman sixty years of age or older where the primary motive of the offender is identified through the sexual behavior at the crime scene. With the majority of these offenders, there is often some form of sexual intercourse. Despite the sexual interaction, there is often the absence of semen. In addition, many of these offenders engage in other sexual acts to include foreign object insertion and oral copulation (the offender both performing and receiving oral copulation on and from the victim, respectively). The offender may use his mouth on other sexualized areas of the victim, insert his fingers into her, and engage in other types of physical contact that focus on the sexual areas of the body. Despite the fact that the offenders in these cases are diverse in age and split relatively evenly between black and white offenders (with a less significant contribution by Hispanic offenders), many collective demographic, lifestyle, and behavioral characteristics are found to be strikingly similar. These observations are consistent with the experience of investigators who have anecdotally described violent offenders of the elderly as younger offenders, assaulting the victims at or close to the victims' residences, living within close proximity to the crime scene, and generally unknown to the victim.

#### **Defining Characteristics**

**Victimology.** Elderly women are inherently more vulnerable to crime than younger women. First, they are more likely to live alone. Nearly 80 percent of elderly persons who live alone are female due in large part to an increased risk of widowhood and longer life expectancy (Taeuber & Allen, 1990). Second, for the elder female, vulnerability is related to physical size and strength. They are less capable of fleeing or resisting a physical attack than a younger person (Nelson & Huff-Corzine, 1998). As women age, they experience skeletal, neuromuscular, and other systemic changes that restrict mobility and reduce their abilities to escape or defend themselves. Elderly women, perhaps because of widowhood, are more likely than younger females to lack the guardianship common to children and younger women and thus are more likely to be perceived by motivated offenders as suitable targets. This vulnerability concept revealed that some rapists select elderly victims because of their vulnerability. Safarik and Jarvis (2005) noted that

the sexual assault of the elder female is often an exceptionally violent crime that is motivated by the offender's desire to punish, dominate, and control his victim rather than the often assumed motive of sexual attraction or desire.

Safarik, Jarvis, and Nussbaum (2000), in a focused study of this type of sexual homicide, found that the mean age was seventy-seven. The victims were disproportionately white (86 percent). Blacks (9 percent) and Hispanics (4 percent) were also victimized, but Asian victims were rare. Ninety-four percent were killed in their own residences. Although elder females are the predominant residents of nursing homes and long-term care facilities and the victims of sexual assault in those facilities, sexual homicides in that setting are rare. The overwhelming majority of these women had lived in their residences for at least ten years, and many had lived there substantially longer. Unfortunately, this longevity may have produced unrecognized risk to the victim. White victims of black and Hispanic offenders lived in neighborhoods characterized as transitional. These transitional neighborhoods were thought to have undergone a socioeconomic change from middle to lower class. Often accompanying such a change are other demographic transformations that result in social disorganization and increased criminal activity.

Contributing to their vulnerability, the majority of these victims had no home security beyond standard door and window locks. When examining the cause of death, strangulation was found to be the most frequently identified cause of death followed by blunt-force trauma. Death by a firearm was the least frequent.

Although the elderly in general are considered to be at low risk for becoming crime victims, elderly white females, particularly those living alone, are at an elevated risk in this type of homicide. Because they live alone, their risk level is situationally elevated, and they are thus perceived to be vulnerable by their offenders. The offender also perceives his risk to be lower. Once inside the residence, he is able to interact with the victim without interruption. The fact that she is elderly significantly reduces her ability to resist, protect herself, and escape. The majority of these women are injured more rather than less severely.

**Offenders.** Offender populations are represented evenly between white and black offenders, with a much smaller contribution by Hispanic offenders. Black males, though, are overrepresented when compared to U.S. population demographics. Black males cross the racial barrier and offend against both black and white victims, as do Hispanic offenders. Recognizing the intraracial nature of these crimes appears to be applicable only if the victim is black. If the victim is white, the intraracial aspect of violent offending does not appear to be as germane. White offenders rarely offend interra-

cially. The proximity of the offender's residence to the crime scene is significantly influenced by the racial homogeneity of the neighborhood. Interracial offending of blacks against whites occurs more in heterogeneous communities. White against black offending was found to be virtually nonexistent in heterogeneous communities. Nearly 60 percent of offenders live within six blocks of the victim, and with juveniles, half live on the same block. Most travel to and depart the scene on foot.

Despite their age or race, the offenders were found to have many similar attributes. For instance, 90 percent have criminal records, with burglary (59 percent) making up the highest proportion. Property and violent offenses were found to be nearly equally represented among those with criminal histories. Only a fifth of the offenders had a criminal history involving sexual offenses. This is important to remember because investigators confronted with investigating these crimes often spend precious initial time compiling lists of registered sex offenders. It is recommended that consideration be given to the fact that the overwhelming majority will not have such a criminal history. Most are unskilled and unemployed and have less than a high school education. Nearly all had a history of substance abuse, with alcohol, marijuana, and cocaine as the drugs most often abused. Finally, nearly half of the offenders confessed to the crime subsequent to their arrest, while another 19 percent made some kind of an admission relative to the crime yet continued to deny responsibility for the homicide. In terms of racial differences, whites were observed to have confessed nearly twice as often as blacks.

***Crime Scene Indicators Frequently Noted.*** Multiple crime scenes are rare. The initial encounter, assault, homicide, and subsequent postmortem activity usually occur at one location. Weapons are rarely brought to the scene. If the offender uses a weapon, he usually obtains it from the scene. Ligatures used to strangle, blunt-force objects, and knives are often found near the victim and subsequently left at the scene. Most offenders gain access to the victims through unlocked doors and windows or by using a ruse or con. The balance use force to gain access.

The approach used by most of the offenders was a blitz attack: the immediate and overwhelming use of injurious force to incapacitate the victim. Because offenders use the blitz approach, the use of restraints is rarely noted. Safarik and Jarvis (2005) developed the Homicide Injury Scale as a metric to assess the level of injury and provide quantitative evidence to support the differentiation of levels of homicidal injury. The severity of injury inflicted by the offender has been found to be predictive of both age and how close that offender lives to his victim. With respect to age, it is an inverse relationship: the more injury related to the victim's cause of death, the younger is the offender. When assessing where the offender lives in relationship to the

victim, empirical evidence supports the observation that the more severe the injuries are, the closer the offender lives to the victim.

Nearly three-fourths of the offenders killed their victims between 8:00 P.M. and 4:00 A.M., with most of those occurring after midnight. Offenders were found to have sexually assaulted their victims both vaginally and anally, with vaginal assault occurring three to four times as often. Overall, the offenders inserted foreign objects into the victim's body 22 percent of the time, with white offenders responsible for more than half of those cases. In addition, offenders younger than twenty-four years of age were responsible for more than half of all foreign object insertion. Semen was identified in fewer than half of the cases, with no differences noted for race or age. Sexual activity without the presence of semen was noted in the remaining cases. This sexual activity included fondling the sexual areas of the body, foreign object insertion, and posing the victim to expose the sexual areas of the body. Torture, more commonly found in organized offenders, is rarely seen with these offenders. Since the majority of offenders use a blitz approach, the sexual assault and interaction with the victim often occur during or subsequent to the victim's death.

Offenders are neither acquaintances nor complete strangers to their victims, but instead fall somewhere in between. This does not imply that a prior relationship existed between the offender and victim but rather that the offender was aware of where the victim lived prior to the crime and perceived her to be alone and vulnerable. These offenders generally have simple fantasies and can be described as concrete thinkers, rarely planning their crimes but instead acting impulsively. Although the majority remove property from the scene, the motive for their removal is financial gain. These offenders are not removing items described by law enforcement as trophies or souvenirs. They typically take cash and small items such as jewelry. These items are generally taken from the immediate vicinity of the victim or are located on the pathway out of the scene.

***Common Forensic Findings.*** These offenders are not evidence conscious and inadvertently tend to leave significant forensic evidence at their crime scenes. Semen may be identified vaginally, anally, and orally, as well as on the body and on clothing items near the body. The breasts should be swabbed for saliva. Fingerprints and trace evidence, including hairs and fibers, are commonly found on and around the victim. A number of offenders leave personal items at the scene—for example, hats, bandannas, underwear, and personal identification. Most activity engaged in by the offender, including the sexual interaction, occurs postmortem. Strangulation either as a single cause of death or in combination with blunt-force trauma or stabbing is the most prevalent cause of death. The level of injury noted in these cases is excessive and is an attribute believed to be distinct from other violent crimes.

### **Investigative Considerations**

Hazelwood and Douglas's work (1980), which offers a categorization of sexual murderers on a continuum from organized to disorganized, may have significance. Applying this typology, these offenders are found to be overwhelmingly consistent with the disorganized typology. With that typology as a base of personality and behavioral characteristics and the empirical data revealing how close many of these offenders live to their victims, the neighborhood investigation becomes the key to identifying the perpetrators. Despite age and race considerations, the offenders are a homogeneous group from a lifestyle and behavioral perspective. The neighborhood investigation should be thorough and focus on persons in the area who evidence many of the personality, lifestyle, and behavioral characteristics highlighted here.

Overall, they can be described as socially inadequate, undereducated, unemployed, or if employed it is in unskilled physical labor. Most have a criminal history, with burglary the most commonly observed. Their criminal activities are populated by misdemeanor-type offenses rather than serious felonies, including sexual offenses. This indicates that the offender is less likely to reside in a registered sex offender database. The majority are drug users and abusers. Because the majority are unemployed, they typically reside with someone on whom they are financially dependent. Nearly three-quarters are unmarried, and nearly half live with family members. Their average is twenty-seven.

Most take cash, jewelry, or other small items of value. The theft of these items is for financial gain and is not taken to serve as mementos of the event for later fantasy enhancement.

Studies have shown that as the degree of injury severity increases, the offender age generally decreases, and he is likely to live closer to rather than farther from the victim. Juvenile offenders are more likely to be violent, live closer, engage in postmortem mutilation and foreign object insertion, and target women seventy-five years of age and older. They are less likely to leave semen.

Interviewing arrested offenders should focus on the financial gain aspect of the crime and avoid (at least initially) the sexual assault component. The interviews should be one-on-one, avoiding multiple interviewers. The interviewer should take a soft and empathetic approach despite the heinous nature of the homicide.

### **Search Warrant Considerations**

See search warrant considerations under 130.



## **CASE STUDY: 135: ELDER FEMALE SEXUAL HOMICIDE**

### **Case Contributed by Kevin Faherty**

Between June 14, 1962, and January 4, 1964, thirteen single women in the Boston area were victims of a brutal death by strangulation. The question lingers today as to whether it was the work of one serial killer or several killers. At the time, it was determined that at least eleven of the homicides were the work of one man. All of the women were killed in their apartment, had been sexually assaulted, and were strangled with an article of their own clothing. In each instance, there were no signs of forced entry, meaning the perpetrator was either known to them or let in voluntarily. In 1965, Albert DeSalvo confessed to all of the eleven Boston Strangler murders, in addition to two more deaths. At the time, people who knew him contended he could not be responsible of such crimes, and the argument for his innocence can still be made today.

### **Victimology**

Six of the eleven were between the ages of fifty-five and seventy-five, and the other five ranged in age from nineteen to twenty-three. The other two possibilities were aged sixty-nine and eighty-five. On June 14, 1962, fifty-five-year-old Back Bay resident Anna Slesers was found by her son at about 7:00 P.M. She was lying nude on her bathroom floor, face up, with her legs spread apart, and the chord from her bathrobe tied around her neck. She had been sexually assaulted by an unknown object. Her apartment had been ransacked, with objects and drawers everywhere in attempt to make it look like a burglary, but nothing was missing.

Two weeks later Nina Nichols, age sixty-eight, of Brighton, was found with her legs spread and her housecoat and slip pulled up to her waist. She had been strangled by her two nylon stockings, which had been tied in a bow around her neck. She too had been sexually abused, and her vagina and anus were lacerated. Again her apartment was a mess, but nothing was missing.

That same day in Lynn, sixty-five-year-old Helen Blake was killed at about 8:00 A.M. She was found face down nude on her bed with her legs spread. She too had been strangled by a nylon, and there was also a brassiere tied around her neck in a bow. Two diamond rings were removed from her fingers, the first instance of robbery.

The police commissioner notified women to lock their doors and be wary of all strangers. The police began to investigate sex offenders and violent former mental patients. They were on the lookout for a man who sought older women in order to take out his hatred for his mother.

In mid-August of that year, Ida Irga, age seventy-five, of Boston's West End was found on her back, nightdress torn, exposing her body. In a grotesque parody of an obstetrical position, her legs were spread about five feet, each raised on a separate chair, with a pillow under her buttocks, and the pillowcase knotted tightly around her neck. She was facing the front door, so that her body would be seen immediately when someone entered. The next day, Jane Sullivan, a sixty-seven-year-old Dorchester resident, was found after being dead for ten days. She was found face down, nude in her bathtub, with her head under the faucet and her feet draped over the other end of the tub. She had been strangled by her nylons in the kitchen or hallway, where her blood was found. There may have been sexual assault, but her body had decomposed too much to tell. This killing was followed by a three-month break, where all detectives could do was rule out possible suspects.

In December, again in the Back Bay, twenty-one-year-old, African American Sophie Clark was found by her roommates on the living room floor, legs spread, with nylons and her slip tied around her neck. There was evidence of assault, and for the first time, semen was found on the rug. This was the first younger woman to be killed by the Strangler. Another woman in the building had seen a strange man there to check her paint, and when he complimented her on her figure, she silenced him, which enraged him, but he left hurriedly when she said her husband was sleeping in the next room. This took place about ten minutes before Clark's death, and she was able to describe him as a twenty-five to thirty-year-old man of average height and light hair, with dark pants and jacket.

Later that month, twenty-three-year-old Patricia Bisette was found in her Back Bay apartment, with several stockings interwoven with a blouse strangling her. She lay under her covers up to her chin this time, she had signs of recent intercourse, and there was damage to her rectum. In early March, Mary Brown, age sixty-eight, was found in Lawrence beaten to death, strangled, and raped. Two months later, Beverly Samans, age twenty-three, was found on her couch, hands tied behind her back, legs spread, with nylons and a handkerchief around her neck, and a cloth gagging her. She had died from four stab wounds to the neck and had an additional eighteen stab wounds in the shape of a bull's eye on her left breast.

After a quiet summer, fifty-eight-year-old Evelyn Corbin was found strangled in Salem with two nylons and underpants in her mouth as a gag. Tissues with lipstick and semen on them were scattered about the bed, and sperm was found in her mouth. In November 1963, Joann Graf was found strangled with two stockings in an elaborate bow. Teeth marks were found on her breast, and the outside of her vagina was bloody from lacerations. A neighbor had been asked earlier if "Joan" Graf lived there and was directed to her apartment, and was let in a few minutes later. The witness said he was

a twenty-seven-year-old man wearing dark clothes. The last victim was found on January 4, 1964, and was the most brutal and grotesque. She was strangled with a stocking with two colorful scarves tied over it in bows. She was sitting with her back against her bed headboard, a thick semen-like liquid dripping from her mouth to her bare breasts. A broom handle had been inserted three and a half inches into her vagina, and at her feet was a bright Happy New Year card from the Boston Strangler.

### **Investigation**

Attorney General Edward Brooke took over the investigation and instituted the Strangler Bureau to work nonstop and make it the city's highest priority. Although forensic mental experts claimed that the killings were likely the work of multiple killers due to the age differentials and slight inconsistencies of the crime scene, the Boston Police were on the hunt for one man.

A couple of years before the murders, Cambridge had had a string of strange sexual offenses with a man known as the "Measurement Man," who told woman he had been referred to them for a modeling career and needed to take some measurements. Albert DeSalvo was arrested for breaking and entering an apartment and confessed to being the offender. He was a twenty-nine-year-old man with a wife and two children. He had a history of breaking and entering, assault and battery, as well as sexual offenses. In November 1964, a woman was tied spread-eagle and was fondled by a man whose description matched that of the "Measurement Man," and DeSalvo was again arrested. At the same time, Connecticut police were looking for the "Green Man," a sexual assailant who was aptly named for his tendency to wear green trousers. Again it turned out to be DeSalvo, who claimed to have assaulted hundreds of women in four states, which may not be legitimate because of his braggart character. After being committed to the Bridgewater State Hospital, he became friends with another inmate, George Nassar, a manipulative genius. Together they realized that the financial rewards for being the Boston Strangler would be great through books and the reward for his capture. DeSalvo figured he would be locked up for life anyway, so he would try to stay in a hospital and make money for his family.

Nassar's attorney, F. Lee Bailey, contacted DeSalvo, and he confessed to all thirteen murders. He was able to go into great depth regarding the manner in which he killed his victims, the apartments' layouts, and small details regarding the placement and appearance of small items and evidence in each case. But there were also arguments against his claims: the financial motivation, no physical evidence at all against him, no witness descriptions matching his unique facial characteristics, and although Salem cigarettes were found at multiple scenes, DeSalvo was not a smoker.

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Psychiatrist Ames Robey, after examining DeSalvo, noticed two things about him. One was that he had an incredible photographic memory. His ability to remember word for word and every detail was astounding. Second, because he always wanted to be a story, to be big, he wanted to have the notoriety attached with the Boston Strangler to be his own. Finally, two witnesses went to the hospital to identify DeSalvo; both agreed that DeSalvo did not look like the man they saw. But they were both reminded of the Boston Strangler when they saw his friend, the manipulator, George Nassar.

### **Outcome**

The debate goes on today regarding the mystery of the Boston Strangler. It could have been Albert DeSalvo; it could have been his confidant in the hospital, George Nassar; or it could have been a combination of multiple killers all copying each other. Regardless of who was to blame or for how many of the deaths, it was Albert DeSalvo who was sentenced to life in prison and was killed there in 1973.

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## **140: GROUP CAUSE HOMICIDE**

Group cause homicide pertains to two or more people with a common ideology that sanctions an act, committed by one or more of its members, that result in death.

During the initial stages of compiling this manual, the group cause homicide category included occult or satanic murder as one of its subcategories. The defining characteristics of victimology, crime scene, and forensic findings were written based on the abundance of material available on the subject of occult or satanic murder. However, as the committee involved with writing the group cause section began to review the occult and satanic murder category, several committee members raised questions regarding the validity of including this category in the CCM.

The National Center for the Analysis of Violent Crime's (NCAVC) definition of true occult or satanic murder is murder committed by two or more individuals who rationally plan the crime and whose primary motivation is to fulfill a prescribed satanic ritual calling for the murder. Committee members raised the question of whether occult and satanic murder truly exists aside from the media hype surrounding this subject.

The popularity of occultism or satanism with the mass media has only served to cloud the issue and sometimes interfere with the objective investigation of a crime. The religious beliefs of a law enforcement officer may complicate the process of objectively investigating an alleged satanic murder.

“The law enforcement perspective must focus on the crime and clearly recognize that just because an activity is ‘satanic’ does not necessarily mean it is a crime or that it is not a legitimate religious practice protected by the First Amendment. Within the personal religious belief system of a law enforcement officer, Christianity may be good and satanism evil. Under the Constitution, however, both are neutral” (Lanning 1989, p. 7).

The committee agreed with Lanning’s position that law enforcement officers need to know something about satanism and the occult to properly evaluate their possible connections to and motivations for criminal activity. They must know when and how beliefs, symbols, and paraphernalia can be used to corroborate criminal activity. The focus must be on the objective investigation. They also agreed that although occult and satanic killings according to the definition given above do occur, the burden of proof is on those who claim that it has occurred (Lanning, 1989).

In regard to the occurrence of satanic murder, the NCAVC has attempted to solicit cases from several sources that have made such claims. The analysis of crime scene photos from the few cases the NCAVC did receive failed to support the definition of occult and satanic murder or the defining characteristics of crime scene indicators and forensics derived from satanic crime conference material. Many of the cases exhibited indicators that either the victim or offender had some involvement with the occult or satanism. However, the primary motive in each case was found to be sex, money, or interpersonal conflicts and not to satisfy the requirements of an occult or satanic ritual. The actual involvement of satanism or the occult in these cases turned out to be secondary, insignificant, or nonexistent. In addition, during legal proceedings, extraneous information about the subject’s involvement in satanic or occult activity was more likely to be introduced by the defense to escape criminal responsibility or minimize punishment. Based on this, we decided to exclude occult murder from this manual. If any law enforcement agency feels it has a homicide case that may meet the definition of satanic or occult murder, the NCAVC will welcome the chance to review the crime scene photographs and other case materials.

### **141: GROUP CAUSE HOMICIDE, CULT**

A body of adherents with excessive devotion or dedication to ideas, objects, or persons, regarded as unorthodox or spurious and whose primary objectives of sex, power, or money are unknown to the general membership, is known as a cult. A cult murder pertains to the death of an individual committed by two or more members of the cult.

## Defining Characteristics

**Victimology.** Occasionally cult murder is the result of members preying on a random victim, but the prevailing casualty of this type of murder tends to be one who is a member of the cult or on the fringe of membership. Generally multiple victims are involved.

**Crime Scene Indicators Frequently Noted.** The crime scene may contain items that are symbolic, in the form of unexplained artifacts or imagery.

The status of the body is dependent on the purpose of the killing. If it is intended to be a widespread message, there generally will be little to no attempt to conceal the body. A death that is intended to intimidate within the smaller circle of the cult is often concealed through burial. A more organized group usually demonstrates more elaborate body disposal or concealment. There is a prevalence of mass grave sites on the grounds where a cult is based, for example, a farm or rural residence.

The crime scene usually exhibits evidence of multiple offenders as well as multiple victims by either a mass or spree killing.

**Common Forensic Findings.** The forensic findings most common to this type of homicide involve wounds from firearms, blunt-force trauma, and sharp, pointed objects. There may be mutilation of the body as well. Multiple weapons may be seen with a single event.

## Investigative Considerations

The leaders of destructive cults are often involved with scams and may have a criminal history. However, this may not be the case if the cult is a splinter group of a mainstream, conventional religion. In either case, the leadership displays a masterful ability to attract and manipulate people, exploiting their vulnerability.

The murder may not have any apparent religious overtones and ritualistic qualities. There may be a message after the killing, especially if it is intended for the public.

The motive is often presented to the general assembly of the cult as part of the group belief. The leader's motivation, however, will be a controlling factor: "a macho way" to justify the homicide, tighten his control of the group, or eliminate troublemakers or less devoted followers who threatened his authority.

## **CASE STUDY: 141: GROUP CAUSE HOMICIDE, CULT**

### **Background**

On January 3, 1990, investigators acted on an anonymous tip they had received and began to dig under a muddy barn floor on a farm twenty-five miles east of Cleveland. The property once had been occupied by a religious cult. Over the next two days, they unearthed five bodies; two appeared to be adult, two were medium size, and one was a child.

The former tenants were known as the Lundgren Cult after their leader, Jeffrey Lundgren. Lundgren, his wife, son, and ten members of his group were subsequently charged and arrested over the next few days for the slayings of the family of five.

### **Victimology**

The victims were later found to be Dennis Avery, age forty-nine; his wife, Cheryl, age forty-two; and their three daughters, Trina, age fifteen; Rebecca, age thirteen; and Karen, age seven. They had moved to Kirtland around 1987 from Independence, Missouri. Dennis Avery was described as working at various low-paying part-time jobs. "If it was not for some people, they would not have had food on their plates," said one Kirtland neighbor. The Averys were described as a quiet, shy family that kept to themselves. They attended services a few times at the local Reorganized Church of Jesus Christ of Latter Day Saints before joining the radical splinter group of Lundgren's followers.

Once the Averys joined Lundgren's cult, they were further isolated, typical of cult practice. Before their disappearance in April, they moved from Kirtland to a Madison Township home because they were behind in rent. It is possible the Averys were attempting to recede from the Lundgren cult, which contributed to their being targeted as the victims for a cult sacrifice. A neighbor described the sudden disappearance of the Averys as well as the rest of the commune as if "the earth opened up and swallowed them."

### **Crime Scene Indicators**

The grave site was an eight-foot-square area underneath the barn of the fifteen-acre farm. The barn itself was filled with trash piled four feet high. Police had to force their way through the rear of the barn because the only ground-level entrance was blocked by trash as well as a 1978 Volvo. Lake County Auto Title Bureau records showed a 1978 Volvo registered to Dennis and Cheryl Avery.

On top of the grave site, as detailed from the informant's diagram, were several photos of the Avery family. The bodies were found in a common grave four feet deep. They had been sprinkled with lime and covered with dirt, rocks, and clay. Dennis Avery's body was in a plastic bag. All the bodies were found fully clothed. All the victims were bound hand and foot with duct tape. Their eyes and mouths were also covered with duct tape.

### **Forensic Findings**

All the victims had been killed by gunshot wounds to the chest. Rebecca Avery had also been shot in the head. The murder weapon was a .45 caliber Colt semiautomatic handgun.

### **Investigative Considerations**

The Avery family was killed by an execution-style method. This is evidenced by the use of duct tape to bind their hands and feet and cover their eyes and mouth. The number of victims also illustrates the investigative consideration that cult homicides are often a spree or mass killing. The photographs of the Avery family left on their grave most likely had a ritualistic significance to Jeffrey Lundgren's twisted interpretation of Mormon doctrine.

### **Investigation**

To understand the motive for the Avery family murders requires a closer look at the dynamics of the Lundgren cult, and especially its leader.

Jeffrey Lundgren was born in Independence, Missouri. He was a member of the Slover Park Reorganized Church until officials transferred him to Kirtland to serve as a guide at the Kirtland Temple. He married Alice Keebler in 1970 and lived for a while in a rented home in Macks Creek, Missouri. The beginnings of his deviation from the Reorganized Church doctrines began to emerge at this time. After Lundgren moved out, the landlord found an entire bedroom floor and closet littered with "heavy-duty" pornographic magazines.

It was also during this period (1986–1987) that Lundgren began to use his position as tour guide for the Kirtland Temple to proclaim his interpretation of church doctrine and recruit his followers. Lundgren's supervisor began to hear complaints from temple visitors that Lundgren was misrepresenting teachings of the Reorganized Church. In addition to ethical improprieties at the visitors' center, Lundgren was suspected of stealing money. In 1987, he was removed as a tour guide. In January 1988, he was defrocked as a lay minister because his teachings deviated from church doctrine and were considered apostate. Lundgren resigned from the church and had to move from



his rent-free home provided by the church. He relocated to the farm four miles away.

Lundgren continued to make recruiting trips to Independence, Missouri, persuading members of the Reorganized Church, including Dennis Avery, to join his “Family.” Lundgren became the personable “Father” and “Prophet” to emotionally troubled men and women made vulnerable by divorce, financial problems, or personal crises. He supported them, provided spiritual guidance, and took them in, giving them a place to belong. He became the guru who led his group to believe that he was the spokesman for God.

It was not long before Lundgren’s zeal and manipulations allowed him absolute spiritual authority over the group. He matched couples in the commune based on visions he claimed came from God. Paychecks were signed over to him, phone calls were monitored, and when visitors came, he sat in on their conversations.

As group members became accustomed to Lundgren’s control, the cult began to evolve into something more ominous than a religious sect. Rumors of paramilitary activity—shots being fired, use of code names such as Eagle-2 and Talon-2, fatigues, and marching—began to reach the ears of area officials. An informant told Kirtland police that Lundgren was planning an assault on the Kirtland Temple that included killing Reorganized Church leaders and hundreds of people who lived near the church. He felt that the massacre would cleanse the church and pave the way for the second coming of Christ. Several appointed dates for the attack came and went because Lundgren had a vision the time was not right.

Lundgren remained under the observation of the FBI and local police for several years. Finally, on April 18, 1989, almost twenty FBI agents interviewed Lundgren and eight followers for about three hours because agents learned some of the group wanted to leave the cult. But no one left and no arrests were made since a crime had not been committed. No one in the group even had a police record.

That night, or early the next morning, Lundgren and his followers left Kirtland. The police were getting too close to the grisly events of the preceding day, April 17.

A cult member who lived with Lundgren until April 1988 made the observation that the Averys were different from the others on the farm. They did not live there but visited a lot. They really were not “in”—half believing and half not. “They were weak in mind and strength. Everybody was doing a hundred or so push-ups and Dennis could only do five or ten.”

Surely this lack of commitment on Dennis Avery’s part was an affront to the image of “divine prophet” Lundgren ascribed to himself. Lundgren’s choice of the Avery family as a cult sacrifice stems from this threat to his dictatorship. The precipitating factor for the murders arises from the tradition

contained in the Book of Mormon concerning the search for the Sword of Laban. Lundgren was planning to lead his followers into the wilderness in search for this sword, but first there had to be a cleansing sacrifice. Dennis Avery and his family were that sacrifice. Lundgren probably used the story of Laban who was killed by his own sword to justify killing the Averys. Avery had bought a .45 for Lundgren two days before he was killed by a .45-caliber handgun. Since the Averys were about to abandon the cult, their death was justified by the Mormon "Doctrine of Blood Atonement" that teaches the penalty for abandoning the faith is the shedding of the sinner's blood. Lundgren could simultaneously satisfy his doctrinal beliefs, soothe his offended authority, and intimidate any other group members who may have been slipping from his control.

On April 17, the Lundgren "Family," including the Averys, gathered together at the Chardon Road farm for a "last" meal. When supper had ended, the men excused themselves with the exception of Dennis Avery. While the women entertained the rest of the Avery family, several men asked Dennis to follow them outside to the barn. As Avery entered the barn, he was hit with a stun gun. He promised his cooperation, probably still unaware of Lundgren's plans for him and his family. His hands, mouth, and eyes were then taped with duct tape, and he was led to the waiting grave. Once Avery was standing inside the hole, Jeffrey Lundgren passed judgment on him for allowing Cheryl to control their family and declared his heart impure. Lundgren then provided his remedy for this sin by shooting Avery in the chest with the .45 point blank. Then Cheryl Avery was led to the barn, bound with duct tape, and also shot in chest as she knelt next to her husband's corpse. One by one the children were carried to the open grave after being bound by the tape and shot in the chest, with the exception of Rebecca, who was also shot in the head.

Two days later, the group packed up and left. They traveled from West Virginia to Missouri before finally splitting up around Thanksgiving.

On January 7, 1990, Jeffrey Lundgren, his wife, and his son were arrested outside a motel in National City, California. It is believed they were attempting to place their younger children with relatives in order to flee across the border to Mexico. Of the thirteen charged in the cult slayings, two, Danny Kraft and Kathy Johnson, remained at large for a short time but were arrested on January 10, 1990.

## **Outcome**

Jeffrey Lundgren was sentenced to death on five counts of aggravated murder and kidnapping. Damon Lundgren, his son, was found guilty of four counts of aggravated murder and is on Ohio's death row. Alice Lundgren

received five consecutive life sentences for conspiracy, complicity, and kidnapping convictions. Nine of their followers are in prisons scattered across the state.

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## **142: EXTREMIST HOMICIDE**

Extremist homicide is killing motivated by ideas based on a particular political, economic, religious, or social system. This category of homicide includes both the lone offender whose actions are endorsed by the group and the offense involving multiple offenders.

It is difficult to classify a homicide involving an extremist group into a single category. Group causes can rarely be isolated to a single typology. There is often a blending of one or more of the motivations described in this section. One example, Hezbollah, has political objectives that serve to further the Islamic religion. Hezbollah, whose name means “party of God,” was founded in 1982 in response to the Israeli invasion of Lebanon. It is a Lebanese umbrella organization of radical Islamic Shiite groups and organizations that opposes the West, seeks to create a Muslim fundamentalist state modeled on Iran, and is a bitter foe of Israel. A terrorist group, it is believed responsible for nearly two hundred attacks since 1982 that have killed more than eight hundred people. Experts say Hezbollah is also a significant force in Lebanon’s politics and a major provider of social services, operating schools, hospitals, and agricultural services for thousands of Lebanese Shiites. It operates the al-Manar satellite television channel and broadcast station.

Right-wing groups like the Covenant, Sword, and Arm of the Lord combine religious concepts with elements of extreme racism. Fatal attacks on blacks, Hispanics, and Jews are justified by these hate groups’ interpretation of biblical passages, which differ significantly from those of mainstream religious groups.

Extremist groups fall into these typologies:

- **Political murder.** This type of homicide is motivated by doctrines or philosophies that oppose a current position of government or its representatives.
- **Religious.** This is homicide prompted by a fervent devotion or a system of beliefs based on orthodox religious conventions. This type of offense does not include cult killings. Some examples of the mainstream religious groups included in this category are the Islamic, Jewish, and Christian religions.
- **Socioeconomic.** This murder results from an intense hostility and aversion toward another individual or group who represents a certain ethnic,

social, economic, or religious group. This category includes hate groups such as the neo-Nazi skinheads, the KKK, and groups that prey on gays and lesbians.

Extremist group murder can rarely be isolated to a single typology. Classification is based on the predominant motive.

### **Defining Characteristics**

**Victimology.** There are several types of victims targeted by extremist murder. Predominantly, the victim represents the antithesis of the offenders' system of beliefs; therefore, victimology depends on this doctrine. If multiple victims are involved, there will be similarities of race, religion, political beliefs, or social or economic status. Selectivity is apparent in varying degrees. The victim may be a victim of opportunity or a random target who just happened across the path of the offender at the wrong time. Conversely, a victim may be targeted and die as the result of a premeditated, well-planned attack.

Extremist murder victimology also includes the victims who come into conflict with the group's objectives. This type of fatality consists of the informant, the straying member, or any other member who poses a threat to either the leader's control or group integrity.

A third type of victim is the one who is killed due to association with targets of the group. An example is the 1988 stabbing death of twenty-four-year-old Scott Vollmer by a skinhead, Michael Elrod. Vollmer had brought a black friend to a party when Elrod began shouting racial slurs. Elrod, nineteen years old, whose driver's license lists "Skin" as his middle name, stabbed Vollmer as he tried to intercede on behalf of his black friend

**Crime Scene Indicators Frequently Noted.** This type of offense often includes multiple crime scenes: confrontation site, death scene, and body disposal or burial locale.

Crime scene indicators depend on the number of offenders: a lone offender acting on behalf of the group or multiple offenders. Generally, multiple offenders present the obvious crime scene indicators. There may be evidence of different weapons and ammunition. The victim usually is well controlled. An example of this at the crime scene would be minimal signs of victim escape attempts: widespread blood splatter patterns and trails, overturned furniture, and other signs of struggle. A significant number of victims may offer indication of multiple offenders as well.

If there are multiple offenders, the location of the crime scene may be one that is convenient and low risk for the killers. Offender risk is lowered by

preplanning and surveillance for both the assault and abduction and escape. A group effort allows a more organized, methodical approach to the killing, especially with an abduction and murder. Body disposal will often be more elaborate and low risk when a group effort is involved. As in many of the individual homicides described in this manual, the crime scene is best represented by a continuum, from the disorganized, sloppy offense to the highly professional, well-organized one. The amount of physical evidence left at the scene and the ease of assault, abduction, and escape depend on the sophistication of the group.

A lone offender may also demonstrate control and organization at the crime scene, depending on his or her level of professionalism. However, the number of victims will most likely be limited and the overall offense usually is not committed with the ease of one involving multiple offenders.

The calling card of the group, such as symbols or communiqués, may be left at the scene.

**Staging.** Staging is not present because the homicide is intended to communicate some message on behalf of the group.

**Common Forensic Findings.** The physical evidence of multiple offenders (fibers, hairs, prints, shoe impressions) may be evident at the crime scene depending on the level of group organization. There may be evidence of different weaponry, for example, different caliber firearms or combinations of weapons such as firearms and knives.

The forensics often demonstrate the calling card or signature aspect of the group. For example, the preferred method of attack for Yahwehs is dismemberment, especially decapitation; for the Irish Republican Army, bombing; for many left-wing groups, firearms; and for skinheads, blunt-force trauma from personal weapons such as hands and feet. Multiple wounds or excessive trauma are other indicators of possible group involvement. The lone offender will mostly likely lack the signs evident of multiple offenders.

### **Investigative Considerations**

Preoffense behavior may be evident in the planning, surveillance, and selection of the victim. In addition, the ease of escape will often demonstrate this preplanning. An example is with bombings that use a transmitting device: one person will trigger the bomb from a car, while the other is driving them away from the scene, thus allowing for an escape masked by the confusion of the explosion.

Postincident analysis of any claims or communiqués is important to determine authenticity. An investigator should not conclude the communicating party is the offender without careful examination through psycholinguistics and other avenues.

A postoffense protection conspiracy by the group should be expected. Great caution should always be used when approaching any group meeting places or compounds. The use of booby traps is not an uncommon practice of many extremist groups.

### **Search Warrant Suggestions**

Search warrant suggestions include documentation of offense preplanning and execution stages, such as computers, diaries, journals, recordings (audiovisual or audio), maps, and photos of victim. Also useful are media materials pertaining to group beliefs and activities and to the victim, especially if the murder is a political assassination. Firearms, explosive devices related to group signature, and evidence of stalking (travel tickets or receipts or photos) should be considered.

## **142.01: EXTREMIST HOMICIDE, POLITICAL**

Extremist groups often adopt a paramilitary organizational structure and method of operation. Characteristics of a paramilitary extremist group include the wearing of uniforms, the use of training compounds, a hierarchy of leadership based on rank, and an internal code of discipline and conduct. They are highly organized groups and often have an abundance of written materials pertaining to their beliefs and structure.

### **Defining Characteristics**

***Crime Scene Indicators Frequently Noted.*** The crime scene of a paramilitary extremist group is usually highly organized. The use of military tactics and MO will be demonstrated. Knowledge of the group's MO will be important in examining not only the crime scene but also all elements of the offense. There will be no staging because the intent of the killing is to convey a message.

***Common Forensic Findings.*** The forensics of a paramilitary attack generally do not demonstrate overkill. The assault is usually a clean kill, exhibiting a military style of operation. Firearms and explosives are most frequently the weapons of choice.

## **Investigation**

The offense will involve selection, surveillance, and even rehearsal. Suspects involved in paramilitary operations often have criminal records. Booby traps are especially a danger when approaching this type of extremist group operation.

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### **CASE STUDY: 142.01: EXTREMIST HOMICIDE, POLITICAL**

On November 6, 1973, Marcus Foster, a highly respected black superintendent of the Oakland, California, school system, was leaving an education committee meeting with his deputy, Robert Blackburn. As they exited the building, two gunmen ambushed them, killing Foster and wounding Blackburn. The autopsy on Foster revealed the killers had used bullets filled with cyanide crystals.

A letter sent to a local radio station stated that the Symbionese Liberation Army (SLA) was responsible for the ambush. The letter said that Foster and his deputy had been found guilty by a court of the people for “crimes against the children and life of the people.” Some of these “crimes” included the proposal to form a school police unit, identity cards for students, and an effort to coordinate teachers, probation officers, and police to help reduce juvenile crime.

The SLA was founded by a black escaped convict, Donald DeFreeze. Its roots sprang from the black prison population in California. The most famous incident involving the SLA was the kidnapping of heiress Patty Hearst, who later joined the organization and assisted in a bank robbery perpetrated by the SLA.

On January 10, 1974, police arrested Russell Jack Little, age twenty-four, and Michael Remiro, age twenty-seven, near Concord, California. A ballistics report linked a gun in Remiro’s possession to Foster’s murder. Shortly afterward, a nearby house belonging to another SLA member was set on fire. Police responding to the call found a cache of guns, ammunition, explosives, cyanide, and SLA pamphlets. They also discovered a list of officials marked for kidnapping and execution.

## **Outcome**

On May 17, 1974, six members of the SLA were killed in shootout with the police. The FBI arrested Patty Hearst after sixteen months as a fugitive on September 18, 1975. Little and Remiro, both admitting their membership to

the SLA, were sentenced to life imprisonment for the murder of Marcus Foster and the attempted murder of deputy Blackburn.

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## **CASE STUDY: 142.02: EXTREMIST HOMICIDE, RELIGIOUS**

### **Background**

On January 11, 1983, Memphis Police officer R. S. "Bob" Hester, along with two other patrolmen, responded to a bogus tip about a shoplifting warrant for Lindberg Sanders who resided at 2239 Shannon Street. Upon entering the residence, a group of individuals later described as religious fanatics attacked the three officers in an apparent attempt to capture them. One officer was shot in the face but managed to escape. The second officer was severely beaten about the face and head but also managed to escape.

At 3:15 A.M. on January 13, members of the Memphis Police Department TACT team swept into the house through a back door and found Officer Hester dead. The seven offenders who had held him hostage were subsequently killed when they engaged police in a gun battle.

### **Victimology**

Patrolman Hester, age thirty-four, was one month shy of his ten-year anniversary as a Memphis police officer when he was taken hostage. He had worked the North Precinct most of his career. He was hurt once in the line of duty in 1977 when he was attacked by a man in a pool hall.

Officer Hester had the reputation for making a great deal of quality felony arrests. He had received several commendations as well. He also was active with the police department athletics.

### **Crime Scene Indicators**

The crime scene combined the last known hostage location and place of confrontation with police: both usually contain indicators crucial to any hostage-murder. The incident involving Officer Hester never left the confines of the Shannon Street house.

### **Forensic Findings**

The autopsy report of Officer Hester stated he had suffered numerous injuries caused by blunt-force trauma. Most of the injury was focused on his



face and head. His skull was fractured in at least one place along the hair-line. There were numerous scrapes and lacerations on Hester's head and face in addition to bruises on his upper thigh and abdomen near the groin. There were lacerations behind the elbows and below both knees. A blunt instrument had produced two puncture wounds on his right leg. Cause of death was summarized as "beaten to death." Hester's time of death was estimated to be around twelve to fourteen hours before the house was stormed.

### **Investigation**

Lindberg Sanders, the leader of the "Shannon Street Seven," was described by friends as once being an easy-going, dependable craftsman. He began to undergo a change in 1973 when he was hospitalized for psychiatric problems. After several more hospitalizations and outpatient treatment, Lindberg was diagnosed as a schizophrenic with religious delusions. He quit working altogether in 1975 and devoted his time to reading the Bible and holding meetings at his Shannon Street home. From this meetings, a small group of followers emerged who adopted Sander's beliefs and routinely gathered with him to fast, smoke marijuana, and read the Bible. Lindberg believed that pork and scavenger fish should not be eaten and water could be drunk only if it was colored. His followers would put mustard, Kool-Aid, or ketchup in their water so it was not clear.

At some point, Lindberg's doctrine began to take an ominous direction, dictating that police were agents of the devil, antireligious, and anti-Christian. The precipitating factor of the Shannon Street siege may have been that Sanders believed the world was due to end that week. His group had congregated four days before the incident and began to fast and pray in preparation for the end. Lindberg had expressed his belief that he was gifted with a special immortality, so he expected to survive the end of the world as well as a bullet from a policeman's gun.

The incident actually started with an earlier call on January 11 when police were told a suspect wanted in a purse snatching was at the Sanders residence. The police talked to Sanders and those gathered with him at his home. The members of the group were very upset that the world had not ended Monday, as Sanders had predicted. The responding officers left without incident since there was nothing that could lead to an arrest.

At 9:00 P.M. the call was placed for them to return. This is the one that Patrolman Hester responded to. He and the other two officers were met with a barrage of gunfire. The two other officers escaped, although both were wounded. Negotiators tried for the next twenty-four hours to reason with Sanders, without success. On January 12 at 11:11 P.M., all of the lights in the house were turned out by its occupants. After a thirty-hour siege, the police

stormed the house with automatic weapons and tear gas, killing Sanders and the six other men. Hester had been beaten to death several hours earlier, the police said.

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### **143: GROUP EXCITEMENT**

A death that results from group excitement—a group's aggression escalates in proportion to the actions committed to the victim—can be structured or unstructured, with a contagious component.

#### **Defining Characteristics**

***Victimology.*** The victim can start as a targeted individual and as the chaos and excitement escalate, more random persons become involved. Another variation of this is that the group chooses a victim randomly. There are often multiple victims and possible surviving victims of the attack.

***Crime Scene Indicators Frequently Noted.*** There are often witnesses to this type of attack, although they may be hesitant to come forward. The attack usually occurs in an open, public place. The weapons used are typically those of opportunity, especially personal weapons such as the hands and feet. The crime scene is disorganized with no cover-up; the body is left in the open with minimal to no effort to conceal it. There are usually signs of the multiple offender involved: fingerprints, footprints, fibers, semen, and others.

***Common Forensic Findings.*** There is usually overkill due to bludgeoning and generalized blunt-force trauma. The victim shows multiple wounds from a frenzied assault. There may sexual assault or insertion.

#### **Investigative Considerations**

Drugs and alcohol are often involved with the offenders. The attack is of short duration, and there are often witnesses due to the openness of the crime. Since a loosely structured group with no main leader is involved, the weakness of the group may be exploited.

#### **Search Warrant Suggestions**

Search warrant suggestions include documentation of offense preplanning and execution stages, personal computers of the suspects, their diaries, journals,

recordings (audiovisual or audio), maps, and photos of victim. Also useful are media materials found in their apartments pertaining to group beliefs and activities.

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## **CASE STUDY: 143: GROUP EXCITEMENT**

### **Background**

Around dusk on October 1, 1984, Catherine Fuller was taking a shortcut home from the grocery store. As she walked down the alley of 802 K Street, NE, in Washington, D.C., she was confronted by a large group of young adults ranging in age from sixteen to twenty-six, male and female. What started as a robbery turned into a brutal melee in which the ninety-nine-pound woman was savagely beaten to death.

### **Victimology**

Catherine Fuller, age forty-eight, was described as a good samaritan who helped the elderly of her neighborhood and always was smiling. She was a petite woman, standing only five feet tall. David, her husband of fifteen years, described her as strong and feisty despite her small stature. Catherine had six children, three of whom still lived at home at the time of her death. She was characterized as also being a “homie” who enjoyed staying at home with her family more than going out.

### **Crime Scene Indicators**

The crime scene of a group excitement murder reflects the disorganized, spontaneous nature of the crime. The points detailed under frequent crime scene indicators were evident in the assault on Fuller. The initial confrontation occurred in a public, open place: an alley less than two blocks from Catherine’s home. She had been spotted from across the road by the offenders. They had been smoking pot and decided it was time to get “paid.” Just as they decided to rob someone, Fuller walked by. Her small stature probably made her appear an easy target. Several offenders caught up with her and boxed her in like a moving roadblock, driving her into the alley. She was assaulted and killed in a vacant, litter-strewn garage, and her body was left at the death scene, openly displayed with no attempt to conceal it.

There were multiple offenders; the police believe as many as twenty-five to thirty people were involved. There were many witnesses, but due to their

fear of the offenders, few would talk to the police. The weapons were those of opportunity: a one-foot pole probably found in the alley and use of hands and feet. The violence of the assault escalated as the group excitement intensified.

### **Forensic Findings**

Catherine Fuller had suffered extensive blunt-force trauma resulting in massive internal bleeding from being kicked and punched. A one-foot pole was shoved up her rectum while the offenders held her legs. The pole was shoved with such force that it tore through her intestines and ruptured her liver. Either the beatings or the internal damage from the pole could have caused death by itself.

### **Investigation**

The group involved with the murder was not a structured gang at the time of assault but more a gathering of bored young people. The attack was not directed by distinctive leadership, but started with a suggestion from someone to rob somebody. Not long after the proposition was raised, Catherine Fuller walked by.

It was not clear whether any of the offenders knew the victim. Her identity did not matter since victim selection was motivated by convenience: Fuller was simply a victim of opportunity.

One offender stated that he did not think anyone had planned to do any of things they did beyond robbing Fuller. But she fought back, arousing an eruption of violence that fed on itself. The offenders were not going to let this little woman make them lose face in front of their peers.

One witness described the attack as a carnival-like atmosphere with people shouting, "Let me see," and joining in. Some were shocked, but they did not intervene or tell anyone, probably due to fear of becoming the focus of the attack. One sociologist explained the group dynamics of the attack by saying that everyone wanted to be part of the group; they were swept along with the chaos and excitement, wanting their share of it. Put more simply in the words of an offender, "Everyone was doing stuff. I wanted to show I could do stuff, too."

### **Outcome**

Several of the offenders jogged past the garage to see if Fuller was still alive. A vendor going into the alley to urinate found the body when he saw blood coming from under the garage door.

Ten people were convicted in the murder of Catherine Fuller. A jury convicted eight of them, and two others pleaded guilty to felony murder. Police believe there are still many more who took part in the kicking and punching that killed Mrs. Fuller, but will probably never be brought to justice because of the confusion of the attack and the reluctance of witnesses to come forward.

CHAPTER

7

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## Arson/Bombing

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Arson is the crime of setting a fire with intent to cause damage. A fire investigation is an unenviable task. The devastation, charred debris, collapsed structures, and water-soaked ashes, together with the smoke and stench, make the task uninviting and difficult.

The best investigation uses a team of trained personnel. It begins with fire brigade staff. Police and insurance investigators are added for their skills in determining motive and opportunities. An electrical engineer or electrician is required to investigate electrical systems. Scientists have a valuable role to play. They should be able to arrive at a fire scene without any predetermined ideas. An analytical approach, using patient, thorough, and systematic technique should reveal critical and vital information.

The basic role of an investigator at a fire scene is twofold: to determine the origin of the fire (the site where the fire began) and then to examine the site of origin closely to try to determine what caused a fire to start at or near

that location. An examination typically begins by trying to gain an overall impression of the site and the fire damage; this could be done at ground level or from an elevated position. From this the investigator might proceed to an examination of the materials present, the fuel load, and the state of the debris at various places. The search for the fire's origin should be based on elementary rules:

- Fire tends to burn upward and outward, so investigators should look for V patterns along walls.
- The presence of combustible materials will increase the intensity and extent of the fire, and the fire will rise faster as it gets hotter. Investigators therefore look for different temperature conditions.
- The fire needs fuel and oxygen to continue.
- A fire's spread will be influenced by factors such as air currents, walls, and stairways. Falling burning debris and the effectiveness of firefighters will also have an influence.

If a fire is not the result of an accident, it must be arson. The motives to commit arson include vandalism, fraud, revenge, sabotage, and pyromania. A major objective in any suspected case of arson is to locate, sample, and analyze residual accelerants.

It is a primary mission of the National Center for the Analysis of Violent Crime (NCAVC) to conduct arson offender research in order to provide investigative assistance to police and fire agencies in unsolved arson cases. Through this research, the NCAVC has recognized that identifying the offender's motive is a key element in crime analysis. It then uses this method of analysis to determine the recognizable personal traits and characteristics exhibited by an unknown offender. Motive can be defined as an inner drive or impulse that is the cause, reason, or incentive that induces or prompts a specific behavior (Rider, 1980). The following motive classifications consistently appear and have proven most effective in identifying offender characteristics:

- Revenge
- Excitement
- Vandalism
- Profit
- Crime concealment

## **ARSON: GENERAL CHARACTERISTICS**

### **Defining Characteristics**

#### *Victimology: Targeted Property*

- The essential factor that often determines the motive
- Random, opportunistic versus specific



***Crime Scene Indicators Frequently Noted***

- Organized arsonist
  - Elaborate incendiary devices (for example, electronic timing mechanisms, initiators)
  - Less physical evidence; if forced entry, more skillful (for example, footprints, fingerprints)
  - Methodical approach (for example, trailers, multiple sets, excessive accelerant use)
- Disorganized arsonist
  - Materials on hand
  - Matches, cigarettes, more common accelerants (lighter fluid, gasoline)
  - More physical evidence left (handwriting, footprints, fingerprints)

***Common Forensic Findings***

- Incendiary devices: components (initiators, timing devices, candles, electronic timers, tape, wires)
- Accelerants: gasoline, lighter fluid, mixtures (gasoline/kerosene)
- More sophisticated accelerants: diesel/kerosene, water soluble (alcohol)
- Molotov cocktail: glass fragments for fingerprints, cloth for fiber match

**Search Warrant Suggestions**

- Evidence of incendiary devices: packing, components, fireworks, fire-crackers, tape for matching with crime scene evidence, how-to books

**200: VANDALISM-MOTIVATED ARSON**

Vandalism-motivated arson is due to malicious and mischievous motivation that results in destruction or damage. The types of vandalism-motivated arson in this category are willful and malicious mischief (201), peer/group pressure (202), and other (209).

**Defining Characteristics**

**Victimology.** Educational facilities are a common target for arson motivated by vandalism. Other properties targeted by the vandal arsonist are residential areas and vegetation (which includes grass, brush, woodland, and timber).

**Crime Scene Indicators Frequently Noted.** Arson by vandalism frequently involves multiple offenders who act spontaneously and impulsively. If multiple offenders are involved, one personality tends to be the leader or

instigator of the group. The typical crime scene reflects the spontaneous nature of the offense and is representative of a disorganized crime. The offenders tend to use materials present at the site and leave physical evidence at the scene such as footprints and fingerprints. Occasionally flammable liquids are used. The offenders may gain entrance to a secured structure through windows. Evidence will show a mechanical breaking of the glass as opposed to heat breakage. Matchbooks, cigarettes, and spray-paint cans (used for graffiti) often are present. Other signs suggesting vandalism may be present, including writing on chalkboards, materials missing from the scene, and general destruction of property.

***Common Forensic Findings.*** Analysis of any flammable liquid used is the main forensic finding. The occasional use of firecrackers or fireworks provides additional evidence for forensic analysis. If the offenders entered the property by breaking a window, glass particles may be present in the clothing of the identified suspects.

### **Investigative Considerations**

The typical offender is a juvenile male who has seven to nine years of formal education. He tends to have a record of poor school performance and does not work. He is single and lives with either one or both parents. Alcohol and drug use generally are not associated with the fire setting. The offender may be already known to the police and may have an arrest record. It also is probable that at least one of the offenders is known to school authorities as being disruptive and having a problem dealing with authority.

The majority of these offenders live less than one mile from the crime scene. Most flee immediately from the scene and do not return. If they do return, they view the fire from a safe and distant vantage point.

To narrow the scope of the investigation and limit the number of suspects, the investigator should solicit the help of school, fire service, and police officials. These officials would be the most likely to come into contact with previous vandalism-motivated activities of the juvenile offender.

### **Search Warrant Suggestions**

- Spray paint cans
- Items from the scene, especially if a school was the target
- Explosive devices; fireworks, firecrackers, packaging, or cartons
- Flammable liquids
- Clothing; evidence of flammable liquid; glass shards, for witness identification
- Shoes: footprints, flammable liquid traces

## **CASE STUDY: 201: WILLFUL AND MALICIOUS MISCHIEF**

### **Background**

At 10:37 P.M. on a clear, cool Saturday night in the fall of 1990, a fire was discovered at a junior high school. The fire caused in excess of \$250,000 damage to the school's library and an adjacent all-purpose room. As insurance costs were extremely high in the low-income area this school served, coverage was minimal and included large deductibles. The financially strapped school district was unable to repair all the structural damage, let alone replace the books lost in the fire.

### **Victimology**

The school, built in 1972 to serve grades 6 through 9, had a history of fires over the years, but none were as large as this one. As with many other schools, vandalism was a problem. There were occasional false fire alarms and bomb threats, and graffiti was evident in many areas of the building. Periodically, shop equipment and windows were broken deliberately with rocks. There was also some theft.

### **Crime Scene Indicators**

After interviewing firefighters, investigators examining the crime scene determined that a library window facing an interior courtyard had been broken. Glass had been removed from the lower edge of the frame, and a sweatshirt was placed over the sill, apparently so that the burglars would not cut themselves. Inside the building, investigators found the origin of the fire in a wastebasket against a wall, beside a photocopier. Hundreds of books had been pulled from the shelves and lay in the aisles where they had fallen. By noting the protected floor areas beneath the books, firefighters confirmed that the books were in that position before the fire began. Smoke damage and fire damage were too extensive to determine if other acts of vandalism took place. The fire was ruled to be arson.

### **Forensic Findings**

No evidence of flammable liquid was found at the scene. It appeared that an open flame was applied to the available material in and around the wastebasket. No footprints were found that could have belonged to the suspects, and if there were any, they were obliterated during the firefighting efforts. A fragment of basalt block was found on the floor inside the library, opposite

the broken window. The sweatshirt found was of medium size, dark blue in color, and had no lettering. After the sweatshirt was dried and examined carefully (it was soaking wet due to the firefighting efforts), black hairs were found inside it.

### **Investigation**

Because of the type of target, the manner of attack, and the evidence found at the scene, investigators suspected that students might have been responsible for setting the fire. They approached school authorities and asked a vice principal for a list of students she thought capable of the crime. After consulting student counselors, she supplied twenty-three names. Several days later, as investigators were nearly through interviewing those listed, they received a call from the mother of one of the students. She reported that her son had told her that another student had boasted that he and another youth had set the fire. These two students, whose names were on the list provided by school authorities, were interviewed and separately confessed to the crime.

### **Outcome**

The boys, both fourteen years old, were turned over to juvenile authorities. Both had been in previous trouble involving minor violations, and one was suspected of involvement in burglaries. They were adjudicated delinquent and remanded to the state youth facility. Their parents could have been liable for fire damage; however, neither had insurance or was able to pay.

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## **210: EXCITEMENT-MOTIVATED ARSON**

The excitement-motivated arsonist is prompted to set fires because he craves excitement that is satisfied by fire setting. This offender rarely intends the fire to harm people. The types of arsonists included in this category are thrill seeker (211), attention seeker (212), recognition (hero) (213), sexual perversion (214), and other (219).

### **Defining Characteristics**

**Victimology.** The type of property targeted will help determine the motive. Dumpsters, vegetation (grass, brush, woodland, and timber), lumber stacks, construction sites, and residential property are common targets of the excitement fire setter. The offender may select a location that offers a good vantage

point from which to safely observe the fire suppression and investigation. In some cases where fires occur inside unoccupied structures, volunteer firefighters and fire buffs should not be eliminated as possible suspects. Both lone and multiple offenders are common to this type of arson.

***Crime Scene Indicators Frequently Noted.*** The targeted properties are often adjacent to outdoor areas that have a reputation as a hangout or place of frequent parties. The offender often will use materials on hand. If incendiary devices are used, they usually have a time-delay mechanism. Offenders in the eighteen to thirty age group are more prone to use accelerants. Matches and cigarettes are frequently used to ignite vegetation fires.

A small percentage of excitement fires are motivated by sexual perversion. At these crime scenes, the investigator may find ejaculate, fecal deposits, or pornographic material (magazines or pictures). In most cases, this fire setter uses available material and starts small fires.

***Common Forensic Findings.*** In addition to the standard examination of fingerprints, vehicle and bicycle tire tracks, and so on, the forensic analysis that is performed should look for the possible remnants of the components of incendiary devices. If the arsonist is motivated by sexual perversion, ejaculate or fecal material may offer forensic information of value.

### **Investigative Considerations**

The typical excitement arsonist is a juvenile or young adult male with ten or more years of formal education. This offender is generally unemployed, single, and living with one or both parents. His family tends to be from the middle-class to lower-middle-class bracket. In general, this offender is socially inadequate, particularly in heterosexual relationships. Serial offenders are common to this category of fire setters.

The use of drugs or alcohol usually is not found with the youngest offenders but does occur with older ones. A history of police contact for nuisance offenses is prevalent with the excitement-motivated offender. The older the offender is, the longer the record.

The distance that the offender lives from the crime scene can be frequently determined by an analysis of the targets he or she burned. Through target and cluster analysis, the investigator can determine if the offender is mobile. Some excitement-motivated arsonists do not leave once the fire has started. They prefer to mingle with the crowds who have gathered to watch the fire. The offenders who do leave the scene usually return later and observe the damage and activity of their handiwork.

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## Search Warrant Suggestions

### *Vehicle*

- Material similar to incendiary devices used: fireworks, containers that components were shipped in, packaging, wires
- Floor mats, trunk padding, carpeting: residue from accelerants (not conclusive evidence but indicative)
- Beer cans, matchbooks, cigarettes: to match any brands found at the scene

### *House*

- Material similar to incendiary devices used: fireworks, containers that components were shipped in, packaging, wires
- Clothing, shoes: accelerant and soil samples if vegetation fire
- Beer cans, matchbooks, cigarettes: to match any brands found at the scene
- Cigarette lighter, especially if subject does not smoke
- Diaries, computers, journals, notes, logs, recordings, and maps documenting fire
- Newspaper articles reporting fires
- Souvenirs from the crime scene

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## CASE STUDY: 212: ATTENTION SEEKER

### Background

During the summer months, several junior volunteer firefighters sat in the fire station of a small city, complaining that no one, least of all their chief, took them seriously. These sixteen and seventeen year olds were thrilled at the chance to ride on the fire engines they had always admired. Yet they often were stung by the chief's criticism of their performance. As the bored youths sat and talked, they had an idea: if they could set a fire in a vacant house, they would have a chance to show the chief how well they worked. Although some of the young volunteers were reluctant, none of them challenged the idea.

### Victimology

Over the span of one year, ten houses were set on fire. The houses were vacant and had been deemed uninhabitable before the fires occurred. Few of these houses were insured.

### **Crime Scene Indicators**

Fire investigators noticed a pattern: all of the fires occurred in a jurisdiction served by the volunteer fire department, were in vacant houses, and were set during nighttime hours. All the houses had electricity and other utilities disconnected.

### **Forensic Findings**

The fires were set with available material: paper products found at the scene, such as newspapers, cardboard, and kindling of all sorts. These materials were gathered, piled somewhere within the building, and then set on fire with a match or cigarette lighter. No traces of flammable liquid were found. Any footprints or tire tracks were obliterated when the youths returned with the fire-suppression equipment. Forcible entry was rarely necessary and was not apparent at the crime scenes.

### **Investigation**

With so many youthful co-conspirators, the truth eventually reached the authorities conducting the investigation. A search conducted during the course of the investigation produced a diary in which one of the volunteers detailed the times and locations of a few of the fires. The author of the diary implicated himself and other volunteers, who in turn provided investigators with additional names. Subsequently, eleven of the volunteer firefighters were charged with arson. One defendant was quoted as saying, "It isn't like we wanted to go out and burn down houses to hurt people. The firehouse was like our second home."

### **Outcome**

Since the defendants had no prior criminal records, they ultimately received sentences ranging from probation to juvenile detention time, depending on the extent of their involvement.

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## **220: REVENGE-MOTIVATED ARSON**

A revenge-motivated fire is set in retaliation for some injustice, real or imagined, perceived by the offender. This offense may be a well-planned, one-time event compared with the other categories of arson, or the offender may

be a serial arsonist taking revenge against society, with little or no preplanning. Many arson motivations have an element of revenge in addition to the main motive. The types of revenge-motivated arson included in this category are personal retaliation (221), societal retaliation (222), institutional retaliation (for example, against the government) (222), group retaliation (for example, against gangs) (222), intimidation (223), and other (229).

### **Defining Characteristics**

**Victimology.** As with most of the other arson categories, victimology becomes the key factor in determining the motive. This is especially true with the revenge category. The victim of a revenge fire generally has a history of interpersonal or professional conflict with the offender. Examples are conflicts developing from a lover's triangle, a landlord-tenant relationship, or an employer-employee association. Revenge-motivated arson also tends to be an intraracial offense.

The targeted property often varies with the sex of the offender. Female subjects usually target something of significance to the victim, such as a vehicle or personal effects. The ex-lover revenge arsonist frequently burns clothing, bedding, or other personal effects. For the revenge arsonist in general, residential property and vehicles are the prime targets. Arsonists who seek revenge against society may exhibit displaced aggression by choosing targets at random. Other offenders retaliate against institutions such as churches, government facilities, and universities or corporations.

**Crime Scene Indicators Frequently Noted.** The female offender usually burns an area of personal significance, such as the living room sofa or the bedroom. She often starts the fire by using the victim's clothing or other personal effects. If she targets the victim's vehicle, she usually sets fire to the interior passenger compartment.

The male arsonist also may begin with an area of personal significance, but his fire-setting episode is more wide ranging and destructive. He may use an excessive amount of accelerant and sometimes Molotov cocktails.

**Common Forensic Findings.** The female arsonist's accelerant of choice tends to be flammables that are readily accessible, such as lighter fluid. The male in this category is inclined to use excessive amounts of accelerants such as gasoline. If he uses a Molotov cocktail, cloth for fiber comparisons, glass for possible fingerprints, as well as accelerant residue are important forensic evidence.



## **Investigative Considerations**

The revenge fire setter is predominantly an adult male with ten or more years of formal education. If employed, this offender usually is a blue-collar worker of lower socioeconomic status. A revenge arsonist typically resides in rental property. Although this offender tends not to be a loner and has close relationships, the relationships generally are not stable or long term. An exception is the revenge-motivated serial arsonist, who is often a loner.

The revenge arsonist often has some type of prior law enforcement contact for crimes such as burglary, theft, or vandalism. The use of alcohol with this offense is common. The offender also may use drugs during the crime, but alcohol use is more prevalent. The offender is rarely accompanied to the crime scene and seldom returns once the fire is set. In fact, he wants as much distance between himself and the fire as possible and concentrates on establishing an alibi. The offender usually lives within the affected community. Mobility is a factor with him, so he often uses a vehicle to get to and from the crime scene. This is in contrast to the revenge-motivated serial arsonist, who frequently walks to the scene. After the fire, the offender may increase alcohol consumption. He expresses a short-lived sense of relief and satisfaction and an uncaring attitude toward the victim.

Since the revenge fire is a focused attack, the investigator needs to determine who has suffered the most from this fire. Does the victim have a history of conflict with someone? If the victim is a landlord, has he evicted anyone recently? If the victim did have an evolving conflict with someone, was an escalation of violence apparent?

The investigator is cautioned that documented studies show the events that precipitate the revenge-motivated arson may take place months or even years prior to the fire, a factor that is commonly overlooked. An investigator should be prepared to expand the search if no suspects or viable leads are apparent from the beginning.

## **Search Warrant Suggestions**

- If accelerants are used: shoes, socks, clothing, glass particles in clothing (if there was a break-in)
- Discarded, concealed clothing
- Bottles, flammable liquids, matchbooks
- Cloth (fiber comparison), tape (if an explosive device was used)
- Objects taken from the scene
- Clothing, shoes if a liquid accelerant was used (or a homicide victim's blood; glass fragments if windows were broken during burglary attempt)

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## **CASE STUDY: 221: PERSONAL REVENGE**

### **Background**

A private residence located in a metropolitan suburb was the scene of personal-revenge arson. The owner, a male who lived alone in the house, had been away for a few days. When he returned, he found the interior of his house on fire. In trying to extinguish it himself, he discovered that two fires had been set.

### **Victimology**

One fire was set in the bedroom and another on the living room couch. A closed bedroom door prevented the two fires from burning together. The living room television set was missing.

The owner of the house often had male visitors, and recently before the fire had a male friend living with him.

### **Crime Scene Indicators**

The fire was suspicious to investigators from the outset. It was obvious that two separate fires had occurred, with the closed bedroom door preventing the fires from communicating. Investigators eliminated all possible accidental causes of the fire, leaving arson as the only possibility. In the bedroom, a large bed was completely consumed by fire, and the wall behind it was damaged. In the living room, a couch had burned completely through the floor to the ground below. Smoke damage was extreme throughout the home.

### **Forensic Findings**

There was no evidence of forced entry. Doors to the house were locked when the owner returned. The fires were accelerated by lighter fluid applied to both the bed and the couch. An open flame, such as a match or cigarette lighter, was used to ignite the flammable materials. The concentration of fire destroyed both items of furniture. On closer examination of the surrounding areas, the bed and couch were determined to be the points of origin.

### **Investigation**

When the victim noticed his television set was missing, he mentioned to police that a twenty-one-year-old male acquaintance who had recently moved out of the house wanted that television set and previously had stolen other property from him. The former roommate was located and, when interviewed, confessed to setting the fires.

The offender stated he had lived in the victim's home for a few months and moved out about one month before the fire. He complained that visitors went through his belongings and spoke negatively about him to others. Furthermore, on one occasion when all of the guests were drinking, one of them took sexual advantage of him. Intent on revenge, the offender returned to the house when he knew the owner was away and gained entry with a key he had kept. While he was removing the television, he thought about the unpleasant sexual incident and became angrier. He obtained some lighter fluid from a nearby convenience store, returned, and set the fires. He had set the couch on fire because that was where the sexual episode had taken place.

### **Outcome**

The offender was convicted and sentenced to prison for an eight-year term.

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## **230: CRIME CONCEALMENT ARSON**

In this category, arson is a secondary or collateral criminal activity, perpetrated for the purpose of covering up a primary criminal activity of some nature. The types of crime concealment–motivated arson in this category are murder (231), suicide (232), breaking and entering (233), embezzlement (234), larceny (235), destroying records (236), and other (239).

### **Defining Characteristics**

**Victimology.** The targeted property is dependent on the nature of the concealment. The target may be a business, a residence, or a vehicle.

### ***Crime Scene Indicators Frequently Noted***

- ***Murder concealment.*** The fire is an attempt to obliterate the fact that a homicide has been committed, destroy forensic evidence of potential lead value, or conceal the victim's identity. The investigator should observe the position and location of the victim to determine whether the victim was alive when the fire started, and if so, why the victim could not escape. Victims grouped together should lead one to suspect murder.

The offender commonly uses liquid accelerant. Although the origin of the fire is usually on or near the victims, many of these fires are not adequate to totally consume the body or the evidence. The offender tends to act toward the disorganized end of the spectrum. Correspondingly, the investigator should expect to find more physical evidence than with other arsons. An attack that appears to be personalized suggests a lone offender. There is also the

“DNA torch,” an offender who, concerned about the detection of unique genetic markers contained in anatomical fluids, uses fire to conceal a homicide that involves a sexual assault.

- *Burglary concealment.* With an unsophisticated or less experienced burglar, the crime scene often reflects the use of available materials to start the fire and the presence of multiple offenders.

- *Auto theft concealment.* In the case of auto theft concealment, the offender will use or strip and burn the vehicle to eliminate prints. The crime frequently involves multiple offenders.

- *Destruction of records.* When arson is used to destroy records, the fire is set in the area where they are contained. In arson-for-profit cases, records are commonly one of several points of fire origin.

**Common Forensic Findings.** With the use of forensics, one should determine if the victim was alive when the fire began and why he or she did not escape. If the victim sustained injuries, it should be determined whether they were result of the fire or from a deliberate injury, which could have been sufficient to have prevented escape. The victim of a DNA torch will demonstrate a concentrated area of burns around the genitals. In this case, the investigator should suspect that a sexual assault had occurred.

### **Investigative Considerations**

Alcohol and recreational drug use is common to the crime concealment-motivated arsonist. The offender can be expected to have a history of police or fire department contacts or arrests.

The offender is most likely a young adult who lives within the surrounding community and is highly mobile—especially someone involved in auto theft. The offender who uses arson to conceal burglary or auto theft is routinely accompanied to the scene by co-conspirators. Almost all offenders in this category leave the crime scene immediately and do not return. Postoffense behavior may include an increase in alcohol or drug consumption.

Murder concealment is usually a one-time event and does not involve serial arson. The investigator inquiring into an arson set to destroy records should discover who would benefit from their concealment.

### **Search Warrant Suggestions**

- Refer to the classification dealing with the primary motive
- Gasoline containers
- Clothing, shoes if liquid accelerant was used (or if there was a homicide victim)

- Glass fragments if windows were broken during a burglary attempt
  - Burned paper documents
- 

### **CASE STUDY: 231: CRIME CONCEALMENT, MURDER**

#### **Background**

During the early morning hours, a fire department responded to a fire involving a seventy-year-old two-story residence. The fire soon became a three-alarm blaze requiring over an hour and a half to suppress. As firefighters sifted through the debris, they discovered a badly burned body in what appeared to be a sitting position on a sofa in the living room. They noted a hole approximately two inches in diameter in the left frontal area of the skull. Suspecting foul play, they notified the police department's homicide team.

#### **Victimology**

The victim was identified as an eighty-six-year-old woman who had lived alone at the residence for thirty-five years. According to one of her three sisters, she had not allowed anyone into her home for six or seven years preceding her death. One sister, who lived nearby, delivered the victim's meals to her but never was allowed farther than the front door.

The victim kept large amounts of money hidden away in the many boxes she had stacked around the house. Her reputation of being a miser was common knowledge in her neighborhood. Her sisters told investigators that the victim was afraid of fire and consequently never cooked or used candles, did not smoke, and had the heat turned off.

The victim was a feisty woman who had confronted an intruder in the house just two days before her death. She told her sister that during the night, she had awakened to see the intruder and threatened to "poke him full of holes" if he did not leave. She then struck him with a broom handle. She never reported the burglary attempt to the police.

#### **Crime Scene Indicators**

The fire investigators quickly determined that arson was the cause of the fire. Common combustibles and furniture upholstery had been ignited with an open flame in the living room. The use of available materials to start a fire is a typical crime scene indicator of the less sophisticated arsonist. The origin of the fire was on or near the sofa, where the victim's body had been found.

Most murder concealment fires are not adequate to destroy the corpse. Even in this instance, in which the fire was aided by the large amount of combustible materials in the house (cardboard boxes full of books, magazines, clothing, and other items piled three to four feet deep in some rooms), investigators found an intact body.

Several pieces of fabric and paper with red stains similar to blood were found in the vicinity of the body. In addition, forcible entry had been made through the rear door.

### **Forensic Findings**

The autopsy revealed a concentration of burns around the victim's head. Although the corpse was badly burned, pathologists were able to locate and accurately identify the multiple trauma injuries, unrelated to the fire, that had caused her death. The trauma consisted of an irregularly edged hole in the frontal temporal area of the skull and more than one hundred stab wounds over the entire body. Two of these wounds were gaping holes approximately four inches by three inches. It was obvious the fire began postmortem and was intended to conceal the corpse.

### **Investigation**

The police received several telephone calls that provided direction to the investigation. In addition, immediately after the fire, a paperboy came forward and told police he had seen two males counting money on a stairway during the morning after the discovery of the fire. As he approached the men, he was warned to keep walking and forget what he had seen. The boy had observed dried blood on the back of one of the suspect's hands.

Subsequently the police arrested three juvenile males. A female was discovered to have picked them up at the scene in her car, but she was not directly involved with the break-in and murder. The suspects were single males living with family members within the surrounding community of the victim. Each had lengthy histories of disruptive behavior at school and police records for arrests (including burglary). All three admitted to heavy alcohol and drug use, with a marked postoffense increase in consumption. They did not return to the scene after the fire was set.

### **Outcome**

After the suspects were arrested and interviewed, each admitted his role as a participant in the crime but shifted the major responsibility of the homicide to one of the others. All three were found guilty of first-degree felony murder and arson and were sentenced to a maximum of twenty-six years in prison.

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## 240: PROFIT-MOTIVATED ARSON

Arson for profit is a fire set for the purpose of achieving material gain, either directly or indirectly. It is a commercial crime and exhibits the least passion of any of the motivations that generate the crime of arson. The types of profit-motivated arson found in this category are fraud (241)—including fraud to collect insurance (241.01), fraud to liquidate property (241.02), fraud to dissolve business (241.03), and fraud to conceal loss or liquidate inventory (241.04)—employment (242), parcel clearance (243), competition (244), and other (249).

### Defining Characteristics

**Victimology.** The property targeted by arson for profit includes residential property, businesses, and modes of transportation such as vehicles and boats.

**Crime Scene Indicators Frequently Noted.** This type of arson usually involves a well-planned and methodical approach. The crime scene demonstrates a more organized style by containing less physical evidence that would identify the offender and more sophisticated incendiary devices. When a large business is burned, multiple offenders may be involved.

Because the complete destruction of the target is intended, an excessive use of accelerant and multiple sets are evident. Accelerant trailers may also be found at the crime scene.

A lack of forced entry is not infrequent in arson-for-profit cases. Use of incendiary devices is more prevalent than the use of available materials. Such devices are often elaborate—for example, constructed with timing devices, electrical timers, initiators, and candles. The remnants of these devices usually can be found at the crime scene.

Items of value are often removed, especially if a residence is the target. For example, the removal of expensive paintings before the fire may be evidenced by the presence of studs to hold the paintings but no residue of frames present after the fire. Investigators may observe substitution of lower-quality furniture and clothing and lack of personal effects, such as family pictures and photo albums. A suggestion for the investigator is to count the clothes hangers, especially in the woman's closet, to see if the subject's claims of lost belongings match what appears at the crime scene. The torching of select areas not consistent with the pattern of an accidental fire should also raise suspicion.

The point of origin of the fire can be a determining factor. Because the intent of the offender is usually to totally destroy the target of arson, the selected point of origin is that which is most efficient to establish the desired

loss—for example, in a structure fire, probable multiple points of origin, and in an inventory fire, centered on or restricted to that portion of the inventory effected.

***Common Forensic Findings.*** A common forensic finding with arson for profit is the use of sophisticated accelerants (water-soluble accelerants such as alcohol) or mixtures (such as gasoline with diesel fuel or kerosene). Because the use of incendiary devices is common with this arson, components of these devices, such as initiators, electrical timers, timing devices, and candles, are additional findings that may assist the investigator.

### **Investigative Considerations**

The typical primary offender in this category is an adult male with ten or more years of formal education; this may vary, however. A secondary offender is the “torch for hire,” who most frequently is a male, twenty-five to forty years of age, and usually unemployed. The torch operates as an agent for the primary offender, who contracts for the torch’s services and is the dominant personality in the total offense.

The typical primary offender for commercial fires may have no police record. The torch for hire will likely have a prior arrest record for offenses such as burglary, assault, public intoxication, and possibly even a previous arson.

The offender generally lives more than one mile from the crime scene. Many arsonists for profit are accompanied to the crime scene, and most leave the scene and do not return.

The offender’s preoffense conversations with others may offer indications of premeditation; for example, a subject planning to burn his business might tell workers to remove their personal effects the day before the fire breaks out. A recent change of ownership or increase in insurance policy should raise suspicion. The investigator should look for any of the following indicators of financial difficulties if arson for profit is suspected:

#### ***Business***

- Decreasing revenue
- Increasing production costs
- New technology making current processes or equipment inadequate
- Costly lease or rental agreements
- Unprofitable contracts, loss of key customer
- Failure to record depreciation
- Personal expenses paid with corporate funds
- Bounced checks



- Hypothetical assets, liens on assets, overinsured assets
- Inventory levels: removal prior to fire, overstocking caused by overproduction, exaggeration of loss
- Litigation against business or owners
- Bankruptcy proceedings
- Two sets of books maintained
- Prior year losses
- Prior insurance claims
- Duplicate sales invoices
- Alleged renovations
- Frequent change of ownership preceding fire
- Use of photocopies instead of original source documents

### *Personal*

- Bounced checks
- Costly lease or rental agreements
- Large number of overdue bills
- Inability to pay current bills (such as utilities or telephone)
- Credit limits imposed by lenders
- Payment of bills by cashier's check or money order
- Alleged renovations
- Sales between related parties
- Negative cash flow but with appearance of continued financial health

### **Search Warrant Suggestions**

- Check financial records: worksheets, loan records, credit history, accountant's books, bank records, income tax forms, bank deposit tickets, canceled checks, check stubs.
- If evidence of fuel or air explosion (gasoline vapor and ambient air mixture at sufficient temperature) at the scene, check emergency rooms for patients with burn injuries (this type of explosion does not occur in accidental fires).
- Determine condition of utilities (gas, electric) as soon as possible (eliminate gas, the common accidental cause of fires).

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## **CASE STUDY: 241.01: INSURANCE FRAUD**

### **Background**

Early one summer morning, the owner of a rural residence drove to a neighbor's home and asked that the fire department be called. He told neighbors

that he had discovered a fire in his house, but his telephone was out of service, so he could not report it himself. He then drove back to his burning home.

Witnesses to the fire noticed that the owner was fully dressed at such an early hour and that he appeared very calm, even after the fire had completely destroyed his home. By the time fire units arrived, the fire had totally destroyed his house; all that was left standing was the fireplace chimney.

### **Victimology**

Although the property had been purchased only nine months before the fire, there were four trust deeds. The total purchase price was \$271,000. The buyer had made a \$5,000 cash down payment to the previous owner but never made any further payments. The buyer had obtained a policy insuring the dwelling for \$171,000, the contents for \$85,000, and \$24,000 for additional living expenses in case of fire.

### **Crime Scene Indicators**

When examining the fire scene, arson investigators found burn patterns that indicated a flammable liquid had been used to accelerate the fire throughout the house, patterns that were inconsistent with an accidental fire.

### **Forensic Findings**

The carpeting that had been located under the washer and dryer was burned in a manner indicating that flammable liquid had flowed underneath the machines. Furthermore, the investigators found burned studs showing that the fire had been hottest near the floor. They concluded that flammable liquid had been distributed in the kitchen, the living room, the two bedrooms, and the den.

### **Investigation**

Shortly after the fire, the owner of the home submitted a claim to the insurance company. The insurance company subsequently paid the owner \$12,000 in advance claims, over \$51,000 to the mortgage holders, and nearly \$7,000 to clean up the site.

Several of the items listed on the formal sworn claim submitted to the insurance company by the owner were subsequently found in two storage lockers. In one of the storage lockers, deputies found an expensive automobile that had been reported stolen.

## Outcome

The owner was arrested, convicted, and sentenced to eight years in state prison. He was found to have an extensive criminal record, which included previous arson-for-profit schemes, as well as mail fraud and a host of minor offenses stretching throughout his adult life.

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## 250: EXTREMIST-MOTIVATED ARSON

Extremist-motivated arson is committed to further a social, political, or religious cause. The types of arson in this category are terrorism (251), discrimination (252), riots/civil disturbance (253), and other (259).

### Defining Characteristics

**Victimology.** Analysis of the targeted property is essential in the determination of the specific motive for extremist arson. The target usually represents the antithesis of the offender's belief. Examples of targets are research laboratories, slaughterhouses, and fur stores burned by animal rights groups; abortion clinics targeted by extremist right-to-life groups; businesses targeted by unions; religious institutions targeted by individuals holding contrasting beliefs; and groups or individuals targeted by political extremist organizations who seek to intimidate or eradicate racial, religious, political, or sexual-oriented opponents.

**Crime Scene Indicators Frequently Noted.** The crime scene reflects an organized and focused attack by the offender. Multiple offenders are common to this arson. These offenders frequently employ incendiary devices, such as Molotov cocktails, which offer both offender and forensic information. Offenders may leave some form of message (for example, spray-painted symbols or slogans or literature supporting their cause) at the crime scene. Symbolic messages often indicate younger offenders. Communiqués are sometimes delivered orally or in writing to the media claiming responsibility or attempting to justify the violent act.

When confronted with obvious overkill in setting the fire, investigators should be aware of the possibility of extreme concentrations of flammable or combustible materials used to set the fires. Unexploded incendiary devices may be found at the scene.

**Common Forensic Findings.** The general arson outline at the beginning of this chapter details more common forensic findings. Extremist arsonists often are more sophisticated offenders and may use incendiary devices.

## **Investigative Considerations**

The extremist offender is frequently readily identified with the cause or group in question when friends, family, and other associates are interviewed. The offender may have previous police contact or an arrest record for violations such as trespassing, criminal mischief, or civil rights violations. Post-offense claims should undergo threat assessment examination to determine authenticity.

## **Search Warrant Suggestions**

- Literature, writings, paraphernalia pertaining to a group or cause; manuals and diagrams if an incendiary device was used (how-to books)
- Incendiary device components, travel records, sales receipts, credit card statements, bank records indicating purchases
- Flammable materials, liquids, and containers used to transport the accelerants to the scene

## **251: EXTREMIST-MOTIVATED ARSON, TERRORISM**

The terrorist bomber is a criminal intent on frightening a community. This class of crime is new to the twenty-first century and a result of the terrorist attacks in the United States on September 11, 2001. The case discussed, however, is a classic from the 1950s, when Americans were not living with terroristic threats.

Domestic terrorism is extremist activity within the borders of the United States by an American. Other domestic terrorists in the United States have been Timothy McVeigh, who was responsible for bombing a federal building in Oklahoma City in 1995; Eric Rudolph, who was responsible for bombing abortion clinics and the Olympics in Atlanta; Ted Kaczynski, the Unabomber; and those responsible for various school shootings at the end of the twentieth century. Terror activity can be motivated by political, religious, or economic ideas. It can be carried out by a lone offender or multiple offenders.

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### **CASE STUDY: 251: EXTREMIST-MOTIVATED ARSON, TERRORISM**

**Case Contributed by Kristen Moore**

#### **Background**

George Metesky, a mild-mannered toolmaker, was dubbed the Mad Bomber after terrorizing the citizens of New York City for sixteen years between

1940 and 1956. During that time, he assembled, planted, and detonated thirty-one pipe bombs in the city. He claimed that his motive was revenge against the Consolidated Edison Company (Con Edison), the major energy provider to the area. He claimed it was liable for a plant accident that occurred in 1931, causing him to be disabled and a sufferer of tuberculosis. This could never be proven, so his disability claim was denied.

### **Victimology**

Metesky never killed anyone with his bombs, a fact that he referred to as “by the hand of God.” However, he seriously injured fifteen people. An investigation into the analysis of the crime scenes discloses how his bombings were linked and how he was eventually brought to justice. One way this was accomplished was through his modus operandi (MO), the actions necessary to carry out the offense. Although he planted bombs months or even years apart, he always used a homemade pipe bomb that was created from untraceable items. As time passed, he began perfecting his MO by creating bombs of greater sophistication.

### **Crime Scene Indicators**

Included in the crime scene analysis, the investigators focused on the signature aspect, or the calling card of the bomber. This consisted of unusual behavior beyond what was necessary to commit the crime. In letters placed on various bombs and those that Metesky sent to the police and media, the letters “F.P.,” later disclosed to represent “Fair Play,” were signed at the bottom. In addition, his signature became the way in which he constructed the bombs, allowing investigators to link them.

Another indicator was the presence of staging, that is, purposeful altering of the crime scene prior to the arrival of the police. This was usually done to redirect the investigation away from the most logical suspect or to protect the victim. In these bombing incidents, there were no signs of staging; in fact, the offender wanted to be known to the victim. Not only did he make it obvious that he was a disgruntled ex-employee of Con Edison, but he later disclosed to investigators the exact date and nature of his injury. For years, the New York City Police Department searched to locate the Mad Bomber.

The Mad Bomber planted his first bomb at the Con Edison building on West Sixty-Fourth Street on November 16, 1940. He left it in a wooden toolbox on a windowsill in the building. Although this bomb never exploded, it did bring a message to the management of the company. The bomb boasted an ominous note: “Con Edison crooks, this is for you.” Ironically, this note would have been destroyed if the bomb had detonated. After a brief investi-

gation, both the company and the police disregarded the incident. Then, the following September, a second homemade device was located a few blocks from Con Edison offices. Focusing on the offender's MO and signature, they were able to link the incidents. Once again, the incident was widely ignored by the media.

The United States entered World War II three months later. An unusually patriotic and uncharacteristic letter was sent from this domestic terrorist to police headquarters. It read: "I will make no more bomb units for the duration of the war—my patriotic feelings have made me think this. Later I will bring the Con Edison to justice—they will pay for their dastardly deeds." Indeed, the Mad Bomber did not plant any bombs during the next nine years. His presence was still felt, however, in the dozens of threatening letters he sent to Con Edison, the police, movie theaters, and private individuals.

On March 29, 1950, a third unexploded bomb was discovered, this one in Grand Central Station, a hub for New York travelers. Once again investigators quickly linked the construction of this bomb to the others found near Con Edison. Not long after, a bomb exploded in a telephone booth inside the New York Public Library and then one at Grand Central Station. It seemed that the Mad Bomber used his nine-year hiatus to perfect his bomb-making skills and his MO.

### **Investigation**

The attack that ultimately led to Metesky's arrest occurred on December 2, 1956, in the Paramount Movie Theatre in Brooklyn. At 7:55 that evening, a bomb ripped through the theater, seriously injuring three people. Metesky had slashed open the underside of a seat and inserted the bomb there before slipping out of the theater unnoticed. After this attack, the police department decided to try a new means of finding the perpetrator.

A psychiatrist from the New York Department of Mental Health, James A. Brussel, was brought onto the case to create a criminal profile of the bomber. His job was to decipher what kind of person would do this and what motivated him to commit such acts. Brussel developed the modern science of criminal profiling, making its use widespread in modern criminal investigations.

Brussel created the following profile for the Mad Bomber: a neat, meticulous, skilled, middle-aged male, holding a grudge against Con Edison. From his letters, it was determined that he was most likely a former employee who believed that he was permanently injured by the company and was seeking revenge. Brussel determined that he suffered from the mental disorder of paranoia. Sufferers of this disorder believe themselves to be perfect beings. They believe that they do not make mistakes, they are not crazy, and if something goes wrong, there must be an external force causing the

error. The bomber's letters also revealed other characteristics of paranoia, such as a sense of persecution, tenacity to hold a grudge, intense resentment of criticism, and a feeling of superiority. From the nature of these notes, Brussel determined he was Slav, thereby most likely Roman Catholic, and lived in Connecticut. Based on the Freudian theory, Brussel determined that the bomber suffered from oedipal complex, meaning he was probably unmarried and lived with single female relatives other than his mother. Brussel's final conclusion about the bomber was that "when you catch him, and I have no doubt you will, he'll be wearing a double-breasted suit. And it will be buttoned."

Once this profile was spread by the media, people stepped forward claiming to be the bomber. Even citizens with only the highest intentions in mind were incriminating friends and neighbors who fit the description. During this part of the investigation, the bomber increased the frequency of his attacks and wrote more letters to the media, wanting to make sure he got credit for his work. In one incident, his arrogance almost got the best of him: he telephoned and threatened Brussel at his home. During this time, an old employee file was found on George Metesky, a man who fit the criminal profile created by Brussel perfectly.

### **Outcome**

George Metesky was fifty-three-years old when he was caught, living in Waterbury, Connecticut, with two unmarried elderly sisters. Neighbors said he was a strange man who kept to himself and did not seem to have a job. They often wondered what he did on his frequent trips to New York City and what he making in his workshop at night. On the night of January 22, 1957, he was finally arrested and quietly confessed to being the bomber, although adding: "One thing I can't understand is why the newspapers labeled me the Mad Bomber. That was unkind." The police asked him to change from his night robe before he was taken in. Surprisingly, he walked out of the house wearing a double-breasted suit, buttoned. He admitted that his motive was revenge against Con Edison. When asked if he was sorry, he laughed and said, "Yes. I'm sorry I injured people, but I'm glad I did it."

During his trial and subsequent conviction, testimony and expert witnesses were not necessary because Metesky confessed to the crime when he was arrested. Toward a harsher sentence, the judge could consider that Metesky had been terrorizing the public. In addition, he was exploding bombs that seriously injured innocent people to get the attention of and seek revenge on a major corporation in the city. Nevertheless, he did take a nine-year hiatus from his terrorist activities as an act of patriotism and never killed anyone in his attacks. He never showed any remorse for his actions.

Metesky was found insane on April 18, 1957, and committed to the Matteawan State Hospital for the criminally insane. Stemming from his acute paranoia, he was unresponsive to treatment and truly believed that his psychiatrists were conspiring against him. At times he was confused as to why he was there and was quick to point out that he had purposely constructed the bombs not to kill anyone. He was released in 1973.

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### **CASE STUDY: 259: EXTREMIST-MOTIVATED ARSON**

Extremist-motivated arson implies that the offender's motive is ideologically based. Violent protests, in the form of arson, firebombing, and vandalism, started in the early 1970s in the United States. Then, as now, most of the violence appears to be the acts of religiously motivated criminals acting alone.

#### **Background**

On two separate mornings one summer, fires were set at the same office building. The first fire was caused when someone stuffed paper and matches through the mail slot of the door and ignited them. On this occasion, damage was confined to charring on the door. Three months later, another fire was set through the same mail slot. This time, gasoline was poured through the opening and ignited. The rapidly spreading fire caused \$150,000 in damage before it was contained.

#### **Victimology**

The targeted building housed a medical clinic that performed abortions. The clinic's office manager stated that she had encountered a possible suspect prior to the last fire. The suspect, a white female, was a religious, pro-life advocate who had been dismissed from a pro-life group because of her radical views. She had threatened to kill the office manager and other office employees. On one occasion, she had followed the office manager to her car.

In addition to the fire damage, the victims (a partnership) lost over \$220,000 in business. The office manager feared the suspect was not only a danger to the community but also a danger to clinic employees and their families.

#### **Crime Scene Indicators**

The cause of the first fire was readily apparent due to the limited damage. Fire department investigators were able to determine the cause of the second



fire by using burn indicators that enabled them to trace the fire to its source at the mail slot.

The fact that the targeted property was an abortion clinic that had received threats and had suffered a previous fire made it a high risk for an attack by an extremist. Studies show that once a commercial establishment is unsuccessfully set on fire, additional arson attempts will be made (Icove, 1979).

### **Forensic Findings**

Use of gasoline accelerant was determined through laboratory analysis of samples of burned material.

### **Investigation**

The police department spoke to the suspected offender immediately after the first fire at the abortion clinic. She denied any involvement, and there was not sufficient evidence to tie her to the arson. However, after the second fire and another confrontation with the police, she confessed.

One year before the fires, the offender had taken her bicycle into another abortion clinic and was subsequently arrested for trespassing. The charge was later dismissed.

### **Outcome**

The offender was convicted of arson and is serving a sentence in a state prison. She was found to have a history of mental disorders.

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## **260: SERIAL ARSON**

Arsonists who set fires repeatedly are referred to as serial fire setters. The National Center for the Analysis of Violent Crime classifies compulsive fire setting as mass, spree, or serial.

The serial arsonist is involved in three or more separate fire-setting episodes, with a characteristic emotional cooling-off period between fires. This period may last days, weeks, or even years. Serial arson is the most serious type of arson due to the apparent random selection of victims and unpredictable gaps between incidents. Furthermore, a serial arsonist may commit a spree of arson during each fire-setting episode. Serial arson is not a separate or distinct motive for setting fires; rather it is a pattern of fire setting frequently encountered in revenge-, excitement-, or extremist-motivated arsons.

Serial arsonists often create a climate of fear in entire communities. Community leaders tend to compound the problem by pressuring law enforcement agencies to identify and quickly apprehend the fire setter. Often the arsonist evades apprehension for months as investigators become increasingly frustrated by a lack of experience in handling these baffling cases.

### **Defining Characteristics**

**Victimology.** This arsonist usually selects vulnerable targets such as unoccupied or abandoned property, during nighttime hours. The choice of targets is often specific.

**Crime Scene Indicators Frequently Noted.** This type of arson usually involves an organized crime scene with little, if any, physical evidence left at the scene. The arsonist is intelligent and not easy to apprehend. He uses sophisticated devices.

**Common Forensic Findings.** Forensic findings of materials found at the crime scene may correspond to the underlying motivation. For example, a large quantity of flammable liquid may indicate a revenge fire or arson for profit. Spray paint samples from an aerosol can might point to vandalism as a motive. A lack of forensic evidence may be indicative of the serial arsonist who uses available material to kindle his fires. Conversely, many wild-land serial arsonists use cigarette and match devices.

### **Investigative Considerations**

The typical offender in this category is usually male. He is generally older than the single-event arsonist. He tends to be educated and an achiever. He generally has good interpersonal relationships and is socially adequate. Often he is employed and skilled. Serial arsonists often have a history of substance abuse and a history of police contact or arrests for minor nuisance offenses.

The offender walks to the scene of the fire and generally lives within one mile of the crime scenes. He is very likely to be familiar with the crime scenes and can justify his presence in the area.

It is important to analyze the cluster centers of fire activity. The tighter the cluster is, the closer to the area of significance to the offender, such as his residence or place of employment.

## **CASE STUDY: 260: SERIAL ARSON**

### **Background**

During the summer and fall months, a series of arsons targeting unoccupied dwellings plagued a medium-sized midwestern community. The arsonist's fires became increasingly destructive and life threatening, alarming local residents and overtaxing the resources of law enforcement and fire officials. Based on a request by local law enforcement for assistance, the National Center for the Analysis of Violent Crime (NCAVC) participated in the case.

### **Victimology**

The targeted property consisted at first of abandoned dwellings in an area marked for an urban renewal project. The arsonist escalated his fire setting over time to include occupied dwellings when the owners were away. In one later case, a fire was set to a house when the family was sleeping inside.

### **Crime Scene Indicators**

The fires were set to the inside of the abandoned buildings using whatever material was at hand to kindle the fire. Available materials were also used to set fire to the outside porches of occupied dwellings. In more than one case, kerosene or another flammable liquid was used when found at the scene by the offender. On several occasions, footprints were found. With other fires, where little damage was done, matches were found at the origin. Due to the fairly limited geographical area in which the fires occurred, it was apparent the arsonist walked to the scene of the fires, which all took place between 11:00 P.M. and 3:00 A.M.

### **Forensic Findings**

Available material, particularly paper goods such as newsprint or cardboard that survived fires that did little damage, was examined for identifying information. Partial prints were recovered but may not have been those of the offender. Photographs and plaster casts were made of footprints suspected of belonging to the arsonist.

### **Investigation**

Local investigators interviewed scores of potential witnesses and failed to develop any good suspects. Unable to break the case, the police turned to the NCAVC for assistance.

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Arson specialists from the NCAVC examined all the case material submitted, which included a spot map, reports, and photographs. The analysis consisted of a target, temporal, and geographical study of the incidents. The conclusions of the analysis suggested the offender was a white male between the ages of nineteen and twenty-five, an unemployed loner with an alcohol problem. His apparent undetected movements to and from the crime scenes suggested a familiarity with the neighborhood. The geographical cluster analysis indicated the location of the “centroid” predicting the area in which this offender lived. Psychologically the arsonist was predicted to be an under-achiever who did poorly in school and was raised in a dysfunctional home in which he still lived with one parent. It was predicted he would have an arrest record with a variety of minor offenses. The police were directed to look for an individual who was unkempt in appearance and behaved in a disorganized fashion. The police were able to develop a suspect based on the NCAVC report and investigative suggestions.

### **Outcome**

The suspected arsonist confessed to the police during an initial interview and was convicted of twelve of the twenty-three counts of arson. He was sentenced to thirty years in prison.

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## **270: SERIAL BOMBING**

Serial bombing involves planning to launch bomb attacks usually in public places like rail stations, bus stations, different key point installations, as well as government offices at district levels in a geographic locale or country.

Eric Rudolph pleaded guilty to the bombing of the 1996 Summer Olympics and other bombings, citing a hatred of abortion, gay rights, and the government as his motive. On April 7, 2005, Eric Rudolph entered the guilty pleas in a plea agreement that gave him four life sentences and avoided the death penalty.



CHAPTER

8

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## Rape and Sexual Assault

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Rape and sexual assault include criminal offenses in which victims are forced or coerced to participate in sexual activity. Physical violence may or may not be involved. In many offenses involving children, the offender may gain the cooperation of the victim using little or no force. This “seduction” of child victims has no comparable offense when committed against adults. The terms *rape* and *sexual assault* are used interchangeably in this manual and are not to be construed as a legal definition. Each jurisdiction applies its own legal definition to an offense.

Victims of rape and sexual assaults are generally divided into four categories:

- *Adults*, defined as individuals at least eighteen years of age who are almost always pubescent and usually considered capable of consent under laws proscribing sexual conduct. Some exceptions may include persons who are mentally retarded, brain impaired, or psychotic.
- *Adolescents*, defined as individuals thirteen to seventeen years of age who are usually pubescent but whose legal status under laws proscribing sexual conduct varies from state to state and even statute to statute within the same jurisdiction.
- *Children*, defined as individuals twelve years of age or younger who are usually prepubescent and are considered minors incapable of consent under almost all laws proscribing sexual conduct.
- *Elders*, who are usually defined as age sixty or older.

Every attempt should be made to evaluate whether a rape was committed for situational or preferential sexual motives. Situationally motivated sexual assaults are those committed to fulfill sexual and other needs without the elements of the offense being necessary for arousal or gratification (such as raping a woman because she is available and vulnerable). Preferentially motivated sexual assaults are those committed to fulfill sexual and other needs with some elements of the offense being necessary for arousal or gratification (for example, raping a woman because the offender cannot feel aroused or gratified without an unwilling partner).



Preferentially motivated sexual offenses usually involve strong patterns of behavior or sexual rituals that are difficult for the offender to change. Sexual ritual involves repeatedly engaging in an act or series of acts in a certain manner because of a sexual need. In other words, in order for a person to become sexually aroused or gratified, he or she must engage in the act in a certain way. This sexual ritualism can include the physical characteristics, age, or gender of the victim; the particular sequence of acts; the bringing or taking of specific objects; or the use of certain words or phrases.

Sexual ritual is more than the concept of method of operation, or *modus operandi* (MO), known to most law enforcement officers. MO is something done by an offender because it works. Sexual ritual is something done by an offender because of a need. Therefore, it is much harder for an offender to change, vary, or adjust the ritual than his MO. Both preferential and situational sex offenders may have an MO, but the preferential offender is more likely to have a sexual ritual.

Attempting to identify both patterns of behavior (MO and ritual) and distinguishing between them is a difficult but worthwhile investigative effort. From an investigative view, the preferential offense often has clear evidence that the offender thought about, planned, and went searching for a particular victim. In the situational offense, there is evidence of impulsive, opportunistic, predatory behavior, such as the victim being present or a spur-of-the-moment decision to offend.

It is especially important in child victim rape and sexual assaults to attempt to determine if the child was the victim for preferential or situational reasons. The corroborating evidence, whether there are additional child victims, how to interview a suspect, and so on depend on the type of child molester. Situational child molesters do not have a true sexual preference for children but engage in sex with children for varied and sometimes complex reasons, ranging from child availability to offender inadequacy.

The preferential child molesters have a definite sexual preference for children. Their sexual fantasies and erotic imagery focus on children. Preferential child molesters almost always have access to children, molest multiple victims, and collect child pornography or child erotica.

A preferential child molester (pedophile) might have other psychosexual disorders, personality disorders, or psychosis or may be involved in other types of criminal activity. A pedophile's sexual interest in children might be combined with other sexual deviations (paraphilias), which include indecent exposure (exhibitionism), obscene phone calls (scatophilia), exploitation of animals (zoophilia), urination (urophilia), defecation (coprophilia), binding (bondage), baby role playing (infantilism), infliction of pain (sadism, masochism), real or simulated death (necrophilia), and others. The preferential child molester is interested in sex with children that might, in some cases,

involve other sexual deviations. A preferential sex offender who is involved in a variety of specific sexual deviations might become a situational child molester by selecting a child victim who is available or vulnerable. The preferential child molester must have high amount of victim contact and high level of fixation.

### **Victim Contact**

A preemptory distinction is made between offenders who have spent a substantial amount of their time in close proximity to victims (high contact) and offenders who have spent little or no time with victims outside of rape and sexual assaults (low contact). Amount of contact is a behavioral measure of the time spent with victims. It includes both sexual and nonsexual situations but excludes the contact that results from parental responsibilities. The contact distinction must be distinguished from the fixation decision, which attempts to assess the strength of an individual's pedophilic interest.

Evidence for high contact includes structured and unstructured involvement with a victim through an occupation or through recreation—for example, schoolteacher, bus driver, carnival worker, riding stable attendant, newspaper delivery person, scout leader, sports coach, youth group volunteer, minister, priest, or babysitter. These occupational criteria are intended only to help identify the level of contact for those already determined to be child molesters. Other evidence for high contact may include regular visits by the victim to the offender's home or the offender acting as an adopted father or big brother. In addition, we assume that repeated sexual (nonincestual) encounters with a victim imply the development of a relationship that goes beyond sexual involvement. For that reason, when there are three or more sexual encounters with the same victim, the offender is coded as having high contact.

### **Fixation**

The level of fixation decision attempts to assess the strength of an offender's pedophilic interest.

An offender is considered highly fixated if any of the following are present:

- There is evidence of three or more sexual encounters with a victim, and the time period between the first and third encounter was greater than six months. These encounters may be with a single victim over many incidents and should not be limited to charged offenses.
- There is evidence that the offender has had enduring relationships with the victim (excluding parental contact). This includes sexual and nonsexual contact and professional and nonprofessional contact.

- The offender has initiated contact with children in numerous situations over his lifetime.

## GENERAL FORENSIC EVIDENCE COLLECTIONS

There are many physical evidence recovery methods and procedures that can be used in investigating rape and sexual assault. These methods and procedures usually depend on the age and sex of the person on whom they are used, as well as whether the individual is a victim or suspect. The following is essentially a general description of forensic evidence. More detailed information can be found in Hazelwood and Burgess (2001).

Most of the evidence will come from the victim and falls into the following categories: clothing, bed linens, human hair (head and pubic), swabbing (vaginal, penile, oral, and anal), vaginal aspirate, oral rinse, nasal mucus, fingernail scrapings, blood, saliva, and miscellaneous debris. Each item must be packaged separately to avoid transfer of evidence from one item to another. Sections of manila-type wrapping paper or sturdy paper bags can be supplied for packaging purposes. Unstained control samples of all the gathering mediums are retained and packaged separately. Rape and sexual assault evidence kits that contain the necessary equipment usually are used by hospital examining staff.

All bed linens and clothing worn by the victim should be obtained and packaged in a sealed, secure condition. The head hair region of the victim is combed or brushed for evidence substances. This requires the use of an uncontaminated comb or brush specifically for the head area. The comb or brush and adhering materials are packaged and sealed. An appropriate amount of hair to represent color, length, and area variation is obtained. Hairs should be pulled whenever possible. Known hairs should be acquired after the head hair combing and brushing procedure is completed.

The pubic region of the victim is combed or brushed for evidence materials. An appropriate amount of hair to represent color, length, and area variation is obtained. Hairs should be pulled whenever possible. Known pubic hairs should be acquired after the pubic hair combing and brushing procedure is completed.

In the event an individual is observed to have excessive body hair, a separate, uncontaminated comb or brush and appropriate packaging material can be used to collect trace evidence, such as fibers from clothing that may be present.

The vaginal, oral, and anal cavities are swabbed to detect the presence of spermatozoa or seminal fluid. In addition to vaginal swabbing, aspiration of the vaginal region is accomplished by irrigation with saline solution. Spermatozoa not located through the swabbing procedure may be recovered

in this manner. The mouth of the person examined can be rinsed in order to remove spermatozoa not collected using the swabbing procedure. The rinse is expectorated into a tube or vial. A control sample of rinse is retained and packaged separately. Control samples of the irrigation and rinse fluids also are retained and packaged separately.

For male victims, the penis is swabbed to detect the presence of blood or other evidence.

Nasal mucus samples can be of use. Nasal mucus is acquired by having the individual being examined blow his or her nose on cloth. The mucus may contain spermatozoa that were deposited in the mouth or facial area. An unstained portion of the cloth can function as a control sample.

Using appropriate materials, the area underneath the fingernails is scraped for significant debris, such as hairs, fibers, blood, or tissue. The gathering implement is retained. It is suggested that each hand be scraped individually and the resulting debris packaged separately.

Blood is drawn into a sterile test tube for blood grouping purposes. A minimum of 5 milliliters is recommended, preferably without the inclusion of a chemical anticoagulant or preservative.

Evidence materials that fall into the category of miscellaneous debris are substances not included in the previous categories and can often be observed during the forensic examination. These also should be collected and packaged separately. A section of paper or cloth on which the person can stand while undressing can be supplied. In addition, a separate piece of paper or cloth can be used to cover the examining table to collect any evidence that is dislodged during the examination.

### **300: CRIMINAL ENTERPRISE RAPE**

Criminal enterprise rape involves sexual coercion, abuse, or assault that is committed for material gain.

### **301: FELONY RAPE**

Rape committed during the commission of a felony such as breaking and entering or robbery is considered felony rape. The classification is made specific as to whether the rape was primary or secondary in intent.

#### **301.01: PRIMARY FELONY RAPE**

The intent of primary felony rape is a nonsexual felony such as robbery or breaking and entering. The victim is at the scene of the primary felony and is sexually assaulted as a second offense. If the victim were not present, the felony would still occur.

### **Defining Characteristics**

**Victimology.** The victim is usually an adult female. Either the victim is employed at the crime scene or the felony occurred in the victim's residence.

**Crime Scene Indicators Frequently Noted.** Evidence of a breaking and entering, burglary, or robbery, such as missing property, is noted in a primary felony rape.

**Common Forensic Findings.** See the general forensic evidence collection for sexual assault as described at the start of this chapter.

### **Investigative Considerations**

Investigators should look for similar felonies in the area of the crime. These felonies usually have reported similar items stolen and a similar MO. The sexual offense is situationally motivated.

### **Search Warrant Suggestions**

Warrants should be requested for the suspect's residence and car. Suggested items should include but not be limited to clothing to test for blood hair and fibers, ligatures, newspaper articles related to similar crimes, and any of the victim's possessions reported stolen.

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## **CASE STUDY: 301.01: PRIMARY FELONY RAPE**

### **Case Contributed by Leonard I. Morgenbesser**

#### **Background**

Robert Griffin, an African American, was born on November 19, 1972. He had two prior commitments to New York State's prison system before standing trial for three sex crimes against victims who were four, ten, and sixty-seven years of age.

#### **Victimology**

Griffin's first crime, on July 31, 1997, was the abduction and sexual assault of a four-year-old girl taken from her home and found several hours later in a driveway in another town. The mother noted her daughter was in bed asleep. She watched television and fell asleep on the couch. When she was

awakened by her husband at about 1:10 A.M., they realized the child was missing and searched the house unsuccessfully for her. They called police after seeing an open rear window with the screen removed.

A doughnut deliveryman found the four year old at about 1:30 A.M. wearing only a nightshirt and clutching her underwear in her hands. He thought perhaps she was sleepwalking. He observed, "She was hiding. She was scared that somebody was going to come and get her. That's how I knew something was wrong." The young victim told police that the man who took her smelled like a skunk, wore dark clothing, and had dirty white skin.

Griffin's second rape victim, age ten, told police, "I heard a doorbell and a lot of walking around. This man told me I had to go with him because my mother was in trouble." The man pushed her away from the telephone, pulled off her pants, and sodomized and raped her, before striking her in the head with a five-pound dumbbell. She said, "I was yelling a lot and he told me to be quiet. He put a knife to my throat." She called 911 when he left.

On September 1, 1999, Griffin's third victim, age sixty-seven, was putting groceries in her car in the parking lot of the same community in which he had earlier sexually assaulted the four-year-old girl. She told police, "Some person walked behind me and proceeded to grab my throat and held my mouth closed. I was knocked to the ground and molested."

At the time Griffin raped the ten-year-old girl, he was in prison, sentenced of attempted burglary, second degree, a felony. However, due to rules in effect at that time, he was on work release from the prison system and was program eligible since he was a nonviolent offender and had no history of violent crime (the system did not know at the time of his work release of his abduction and sexual assault on July 31, 1997, before he began his prison sentence for burglary).

### **Forensic Findings**

Forensics cleared this case. In 2000, Griffin was returned to state prison while on parole from his original 1998 attempted burglary sentence. While in custody, he was arrested after evidence taken from the victims in the three sex crimes was allegedly matched with his DNA in the New York State DNA database of convicted felons. This match, which occurred as part of a regular comparison of felon DNA with DNA left at the scenes of crimes, constituted the first cold DNA match in Monroe County since the state database was vastly expanded during 1999.

### **Investigation**

With the forensic evidence, police then went back to review the cases and statements from victims.

Eventually Griffin told police that he had entered the home of his first victim intending to burglarize it but was alarmed when he heard a barking dog. He took the four-year-old girl from her bed because “I did not want to leave empty-handed.” He placed her in sheets, put her in to his car, touched and sodomized her after she awoke in the car, and then masturbated before leaving her at a stranger’s house. Regarding his second victim, Griffin told police he smoked cocaine before tossing a rock through the window, assaulted the ten-year-old girl, and then struck her in the head with the dumbbell “so she wouldn’t remember what I looked like.” He chose the home because it was not well lighted. For his third victim, Griffin told police he raped the woman “with the intention of robbing her for drugs” but that drugs made his desire for sex reach “from the bottom of my feet to the crown of my head.”

### **Outcome**

Griffin was sentenced to four to eight years for grand larceny and criminal possession of stolen property. He reportedly rejected an offer of thirty-eight years in state prison in exchange for a guilty plea prior to his triple-sex trial.

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## **301.02: SECONDARY FELONY RAPE**

The primary intent of the offender in secondary felony rape is rape with a second felony also planned. The nonsexual assault felony would still occur if an adult female were not present.

### **Defining Characteristics**

*Victimology.* The victim is usually an adult female.

*Crime Scene Indicators Frequently Noted.* Evidence of breaking and entering or robbery is present.

*Common Forensic Findings.* In addition to the general forensic evidence, the forensic report indicates that the offender’s primary focus while at the crime scene was the rape, not the robbery. The secondary felony was planned and committed knowing the victim would be present and was carried out after the rape.

### **Investigative Considerations**

In secondary felony rape, the offender targets the victim and crime scene and has been in the area before. There will be a history of robberies and rapes in the area. In addition, the sexual offense is preferentially motivated.

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### **Search Warrant Suggestions**

Warrants should be requested for the suspect's residence and car. Suggested items should include but not be limited to clothing to test for blood hair and fibers, ligatures, newspaper articles related to similar crimes, and any of the victim's possessions reported stolen.

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### **CASE STUDY: 301.02: SECONDARY FELONY RAPE**

#### **Victimology**

A masked offender confronted a twenty-one-year-old white, single female in her residence at 5:30 A.M. He had entered her apartment through an open bathroom window. He put a razor to the victim's throat, forcing her to the ground and threatening her with the razor. He took off her pants and underwear and told her he would cut her if she did not comply. He removed a tampon and threw it in her face. He forced oral sex and then raped her. He robbed the victim and fled the scene.

#### **Offender Characteristics**

The offender is a thirty-five-year-old, single, black Muslim male who states he lives in a racist white society. Although charged with multiple offenses, he feels he did not commit the offenses and believes that the five women he was accused of raping worked for him as prostitutes because he was their pimp.

He is the third oldest of seven children born to parents who divorced when he was eight years old. His father is an engineer; his mother is a registered pharmacist and dietitian; his siblings hold responsible jobs. The offender has an eleventh-grade education and served one and one-half years in the army.

The offender could also be classified as an anger rapist. His victims included white and black women who were social acquaintances, as well as strangers. His assaults were violent, had a high level of aggression, and were preferentially motivated.

#### **Outcome**

The offender was sentenced to fifteen to twenty years for assault with intent to rape, with concurrent sentences for five counts of rape and for armed robbery, assault and battery, assault with intent to murder, and indecent assault and battery.

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### **310: PERSONAL CAUSE SEXUAL ASSAULT**

Rape and sexual assault motivated by personal cause is an act ensuing from interpersonal aggression that results in sexual victimization to persons who may or may not be known to the offender. These assaults are not primarily motivated by material gain and are not sanctioned by a group. Rather, an underlying emotional conflict or psychological issue propels the offender to commit rape and sexual assault. Although the case may be legally defined as rape, the term *sexual assault* is used in this classification to encompass a wide range of forced and pressured sexual activities.

### **311: INDIRECT OFFENSES**

There are four categories for this group of indirect offenses that occurs for sexual gratification. The defining characteristic is that the offense involves no physical contact between victim and offender. Police need to investigate and deal with these offenses given the amount of time and priority they have available.

There are no unique crime scene indicators. Forensic evidence is not available because there is no physical contact between the offender and victim. Search warrants are not useful until a suspect has been identified.

Offenders in these four categories may be viewed as undesirable individuals, but when they are interviewed with empathy and understanding, the police officer may find that the individuals already have committed serious contact sexual offenses. Spending time with these offenders may have an important payoff in solving other rape and sexual assault crimes.

One question to consider regarding these offenders is whether they are dangerous. It is important to evaluate two points: focus and escalation.

Do these crimes have a focus? Is there a pattern occurring over and over? Anything that indicates a pattern, such as the offender calling the same number repeatedly or exposing himself at the same location, should be evaluated carefully. The most important aspect of focus to evaluate is victim focus. Are victims being selected at random, or is a specific individual being targeted?

Is there escalation? Has this individual escalated his behavior from peeping outside to burglarizing an indoor location? Is he progressing to more serious invasive activity over time?

It is important to investigate the background of the nuisance offender. What did the individual do as a teenager? Is this a sixty-year-old man who has been doing this for years? What else is happening in the individual's life? Does he have a stable life? Did he go to school? Is he working? Is he functioning? Such interview areas help to evaluate the offender.

### **311.01: ISOLATED/OPPORTUNISTIC OFFENSE**

Isolated/opportunistic offenses are isolated incidents of individuals who take an opportunity or something presents itself; for example, they call someone on the phone and get a wrong number and blurt out an obscenity, or when in a public place after having had too much to drink, they urinate as a woman walks by and turn and expose themselves. Another example is an offender who walks down a street and takes advantage of an opportunity to look into a window at something sexually stimulating.

### **311.02: PREFERENTIAL OFFENSE**

Preferential offenses relate to the psychiatric diagnoses termed the *paraphilias*. The acts are the individual's preferred sexual act; examples are the true voyeur and the exhibitionist. Sexual gratification is intended from the act. These are the individuals for whom this has been a long-term pattern of compulsive behavior. The individual may have regular routes for window peeping or elaborate procedures covering such behavior, such as walking a dog. In some cases, the offender carries a video camera to record his sexual interest.

The key to this type of case is having the time to discover the evidence, as it is a highly solvable case. What makes this type of case easy to solve are these rigid, ritual patterns of behavior. The offenders return to specific areas over and over for peeping, or they expose themselves in certain places. They repeatedly make obscene phone calls, which makes it easy to trace them. Thus, although the preferential pattern is highly solvable, the demand for solving contact sex offenses often takes a higher priority for police departments.

### **311.03: TRANSITION OFFENSE**

The transition offender may be caught in a peeping act, but he is trying to find out if the act is capable of producing sexual gratification. He is exploring his arousal patterns, building confidence, and improving his ability to commit crime. This offender is often a younger individual, such as a teenager who is exploring his sexuality and starts out with peeping. However, this is just an early step in his criminal sexual development. In one case, a serial rapist described this type of early sexual interest. No one had stopped or encountered him at this early point. Although not all nuisance sex offenders progress to more serious offenses, some do.

### **311.04: PRELIMINARY OFFENSE**

A preliminary offender is an individual whose nuisance offense is a preliminary aspect to contact sexual offenses. He may be a fetish burglar who cases

a home prior to returning to commit a rape and sexual assault. This noncontact offense is a prelude to other serious sex offenses. For example, the rapist may be a window peeper. The police officer encounters him window peeping prior to his intended future rape at that location. The important point is that any nuisance offense may be a prelude to a contact offense and needs to be evaluated as such.

### **312: DOMESTIC SEXUAL ASSAULT**

Domestic sexual assault occurs when a family, household member or former household member sexually assaults another member of the household. This definition includes common law relationships. The rape and sexual assault may be spontaneous and situational and is triggered by a recent stressful event, real or imagined, perceived by the offender as an injustice. It also may be the result of a cumulative buildup of stress over time.

#### **312.01: ADULT DOMESTIC SEXUAL ASSAULT**

Domestic sexual assault of an adult includes assault of a spouse and sexual assault on a nonmarital companion with whom the offender is living if it appears that he has been in a long-term relationship with the victim.

#### **Defining Characteristics**

**Victimology.** The victim has a familial or common law relationship with the offender. There is usually a history of prior abuse or conflict with the offender.

**Crime Scene Indicators Frequently Noted.** Usually only one crime scene is involved, and it is commonly the victim's or offender's residence. The crime scene reflects disorder and the impetuous nature of the assault. It may also reflect the escalation of violence; for example, the confrontation starts as an argument, intensifies into hitting or throwing things, and culminates in the rape and sexual assault.

**Common Forensic Findings.** Alcohol or drugs may be involved. If the rape and sexual assault is preceded by violence, trauma to the face and body may be seen on the victim.

#### **Investigative Considerations**

If the crime occurred in the residence, domestic rape and sexual assault should be a consideration. When other family members are contacted, they

often describe a history of domestic conflict involving the victim and offender. A history of conflict due to external sources (financial, vocational, or alcohol, for example) is a common element of domestic rape and sexual assault. The offense is usually situational. The offender may have demonstrated aggression in the past, as well as a change in attitude after the triggering event.

### **Search Warrant Suggestions**

A search warrant is used to collect clothing or weapon at the offender's residence if different from the victim's. Computers are also taken for information regarding other possible victims.

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## **CASE STUDY: 312.01: ADULT DOMESTIC SEXUAL ASSAULT**

### **Background and Victimology**

On the evening of April 16, 1990, and again the following morning, Mrs. R was raped and sexually assaulted by her estranged husband, Herb. The incident began when Herb called her at work asking to rotate her tires, which she declined. She came home and walked her dog, and Herb appeared. Grabbing her wrist, he ordered her into the house, shut and locked the door, and stated, "This is the end." She was terrified. She testified that he had clenched fists and a menacing look on his face. He forced her into an upstairs bedroom and made her undress. After standing naked for a long period of time, she sat down, at which point Herb became angry, saying he had not told her she could sit down. During this time, Mrs. R was cold and frightened, and she tried to keep him talking, hoping to outthink him. Eventually he allowed her to dress. Herb left to get sandwiches, but Mrs. R was too frightened to leave. The offender returned and ate his sandwich, but Mrs. R was too scared to eat. Herb then stated he wanted sex. Mrs. R said no and pleaded with him not to force her. Herb raped and sexually assaulted her then and in the early morning. Mrs. R was crying and rigid throughout the rape and sexual assault and did not sleep the remainder of the night. After Herb left in the morning, Mrs. R called her therapist and lawyer. She moved in with a relative who accompanied her to work each morning and evening.

### **Offender Characteristics**

Mrs. R and Herb were married in 1984. Since that time, Herb had a history of several affairs. He had verbally threatened to kill Mrs. R on several occasions,

pushing her around physically and threatening her with guns that he kept in the home. His violence included ripping her clothes and tearing the telephone off the wall. She obtained a restraining order against him, which he defied and resulted in a legal separation.

### **Crime Scene Indicators**

The victim's residence was the crime scene.

### **Forensic Findings**

This was a delayed report, and thus no forensic findings were able to be obtained. Also, the forensic findings would be the estranged husband's, and his defense was consent. He was not disputing the sexual intercourse.

### **Investigation**

Mrs. R obtained a restraining order against her husband, which he defied and resulted in a legal separation. Despite the restraining order, he continued to threaten her and waited for her at her residence. This behavior resulted in Mrs. R's moving six times in a four-month period, because he would discover where she had moved and continue to stalk her. The detective was aware of all these moves and was able to corroborate them for the civil trial.

### **Outcome**

As part of the divorce action, a civil suit was filed in which rape and sexual assault was part of the extreme cruelty charges. Additional compensation was obtained for the wife as a result of her suffering posttraumatic stress disorder.

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## **312.02: CHILD DOMESTIC SEXUAL ABUSE**

This classification refers to rape and sexual assault on any household member under the age of majority in the state where the crime is committed.

### **Defining Characteristics**

**Victimology.** The child victim has a familial relationship with the offender. There is often a history of prior abuse or conflict with the offender. Other children or adolescents in the family may also be sexually or physically abused.

***Crime Scene Indicators Frequently Noted.*** Usually only one crime scene is involved, and it is commonly the victim's or offender's residence.

***Common Forensic Findings.*** If the rape and sexual assault take place over a period of time, there may be evidence of vaginal or anal scarring. However, lack of medical corroboration does not mean the child was not victimized.

### **Investigative Considerations**

Prior abuse of the victim or other members of the household may have previously been reported by other family members or third parties.

### **Search Warrant Suggestions**

A search warrant is indicated for clothing and bed linens, especially if the family member is in the residence with the child.

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## **CASE STUDY: 312.02: CHILD DOMESTIC SEXUAL ABUSE**

### **Background and Victimology**

Two sisters, ages fifteen and fourteen, were sexually abused multiple times by the live-in boyfriend of their mother. The abuse was reported to the natural father's second wife (the stepmother of the two girls).

Each girl was forced to take naps and showers with the abuser. He would rub the girl's breasts and genitals and force oral and vaginal sex. The girls were given beer and liquor and were threatened with physical violence if anyone found out about the abuse. The abuse continued for eight to ten years. Food, clothing, and medical attention were withheld from the children. One of the victims was forced to touch a hot radiator, which caused severe burns to her palms. When the girls reached puberty, the abuser would rip open or unfasten their shirts, exposing their breasts to his male friends who were present.

The abuser had many previous offenses, such as armed robbery, conspiracy, and weapons possession. He also had been charged with arson, but the charge was dropped due to insufficient evidence.

The offender first met the victims when he saw them panhandling on the street; the girls were three or four years old at that time. He met their mother shortly afterward, and the relationship began. When the girls visited their natural father and stepmother at ages twelve and thirteen, suspicions were raised that the girls were abused and neglected. After the girls moved in with their natural father, they were able to disclose the abuse. The case was reported to authorities.

The mother denied any knowledge of the offenses. She stated she was beaten severely many times as well, as subjected to severe mental cruelty by the offender. The offender fathered her two sons, and it was suspected that the boys were both physically and sexually abused by their father. He was reported to have had a series of homosexual relationships. The mother was concerned that the abuser would harm her if he found out that she was cooperating with the investigation.

Neighbors reported suspected child abuse when the girls were in third and fourth grades. The girls were interviewed by a social worker but denied abuse because of the abuser's threats of harm if they told. The four children were not allowed to take school physical examinations.

The abuser told the girls that their natural father had been abusive to them when they were little children. One girl was told that the birthmark on her back was from a bite from her father. Thus, the girls were frightened when they would visit their father.

One of the girls, when refusing to comply with the sexual acts, had her arm twisted by the offender. Later, she complained of her arm hurting. She was taken to the hospital, where the arm was X-rayed and placed in a cast. Another time a milk carton was thrown by the offender, which produced a facial scar on one of the girls.

### **Crime Scene Indicators**

The offenses occurred over an eight- to ten-year period, usually in the home of the abuser. Sometimes he took the girls for a ride, and abuse was reported to occur in his car. The abuse occurred about four times weekly.

### **Forensic Findings**

Hospital and child protective service records were reviewed, and they revealed that child abuse had been suspected several times. However, each time the abuser had an explanation that was plausible enough to avoid being charged.

### **Outcome**

Just prior to trial, the offender plea-bargained the charges. He received five years probation.

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## **313: OPPORTUNISTIC RAPE**

The motive of the offender is important to determine for both the investigation of a case and treatment of the offender and victim. There is one classi-

fication system for rapists that has been empirically tested: the Massachusetts Treatment Center: Rapist3 (MTC:R3; Knight & Prentky, 1990).

*Opportunistic motive* refers to an impulsive rapist type who shows little planning or preparation. He usually has a history of unsocialized behavior, and the rape serves as an example of the degree to which he lacks interpersonal awareness. These rapists show no concern for the welfare or comfort of their victims. The rape is for immediate sexual gratification rather than the enactment of a highly developed fantasy or sexualized ritual. The rape is in the service of dominance and power.

Four age brackets are identified under each group: adult, adolescent, child, and elder. One of each group will be described with a case study. Classification of sexual assault and rape as opportunistic, sexualization (power-reassurance or entitlement), pervasive anger, or sadistic uses, as the determining criterion, the amount of aggression involved. Evidence for high expressive aggression used to determine the correct classification includes any combination of the following:

- Injuries greater than minor cuts, scratches, and abrasions
- Force in excess of that needed to attain victim compliance, such as slapping, punching, or kicking when there is no evidence of victim resistance
- Specific acts in the offense, for example, mutilation, burning, stabbing, choking to unconsciousness, biting, kicking, anal penetration, or insertion of foreign objects
- Desire or attempts to humiliate a victim through derogatory, demeaning remarks, any use of feces or urine, any forcing a male to observe, or evidence of forced fellatio after sodomy

The MTC:R3 classification of motivation follows.

### **Sexualization Motive**

Sexualization motive is a component of all rape because the assault occurs within a sexual situation. However, some sexual assaults have a higher degree of sexualization than others. It essentially refers to a high degree of preoccupation with gratifying one's sexual needs. Sexual preoccupation is typically evidenced by highly intrusive, recurrent sexual and rape fantasies, frequent use of pornography, reports of frequent uncontrollable sexual urges, use of a variety of alternative outlets for gratifying sexual needs (for example, massage parlors, X-rated movies, sex clubs, strip bars), and engaging in other deviant sexual behaviors (paraphilias), such as voyeurism, exhibitionism, or fetishism. The sexual assaults of these offenders are often well planned, as



evidenced by a clear, scripted sequence of events; possession of assault-related paraphernalia; and an apparent plan to procure the victim and elude apprehension after the assault.

Four rapist types are hypothesized to possess a high degree of sexual pre-occupation. All four types have in common the presence of protracted sexual and rape fantasies that motivate their sexual assaults and influence the way in which their offenses occur. In MTC:R3, there are two major subgroups based on the presence or absence of sadistic fantasies or behaviors: the sadistic and nonsadistic groups. The sadistic group includes two subtypes (overt sadist and muted sadist), and the nonsadistic group includes two subtypes (power-reassurance and entitlement). Thus, these four types are differentiated primarily by the content of the fantasies and the ways in which the fantasies are expressed through behavior.

### **Sadistic Types**

Both of the sadistic types show evidence of poor differentiation between sexual and aggressive drives and a frequent co-occurrence of sexual and aggressive thoughts and fantasies. For the overt sadistic type, the aggression is manifested directly in physically injurious behavior in sexual assaults. For the muted sadistic type, the aggression is expressed either symbolically or through covert fantasy that is not acted out behaviorally.

An offender's behavior must reflect his intention to inflict fear or pain on the victim and to manifest a high level of aggression if he is to be classified as an overt sadistic rapist. Moreover, since a feature of sadism is the synergistic relationship between sexual arousal and feelings of anger, there must be some evidence that the aggression either contributed to sexual arousal or at least did not inhibit such arousal. Since the two feelings (sexual arousal and anger) have equal ability to enhance or increase the other, the sexual acts may precede aggression, or the aggression may precede the sexual acts. The cardinal feature in either case is the intertwining or fusing of the two feelings such that increases in one lead to increases in the other. As a group, overt sadistic rapists appear to be angry, belligerent people who, except for their sadism and the greater planning of their sexual assaults, look very similar to the pervasively angry rapists.

To be classified as a muted sadistic rapist, there must be evidence that the victim's fear or discomfort, or the fantasy of violence, contributed to the offender's sexual arousal (or did not inhibit such arousal) and that the amount of physical force in the sexual assault did not exceed what was necessary to gain victim compliance. Symbolic expressions of sadistic fantasy characterize these offenders, who may employ various forms of bondage or restraints, noninjurious insertion of foreign objects, and other sexual aids, such as Vase-

line or shaving cream. What is absent is the high level of expressive aggression that is clearly manifest in overt sadism. As noted, the higher social competence of muted sadistic offenders may explain the difference in aggression, with the greater social sophistication of muted sadistic rapists attenuating or muting the aggression. In general, muted sadistic offenders, except for their sadistic fantasies and their slightly higher lifestyle impulsivity, resemble the high social competence, nonsadistic rapist.

### **Nonsadistic Types**

For the nonsadistic sexualized rapists, the thoughts and fantasies that are associated with their sexual assaults are devoid of the synergistic relation of sex and aggression that characterizes the sadistic types. Indeed, these two rapist types are hypothesized to manifest less aggression than any of the other rapist types. If confronted with victim resistance, these offenders may flee rather than force the victim to comply. Their fantasies and behaviors are hypothesized to reflect an amalgam of sexual arousal, distorted male cognitions about women and sexuality, feelings of social and sexual inadequacy, and masculine self-image concerns. Compared to the other rapist types, these offenders have relatively few problems with impulse control in domains outside sexual aggression.

### **Vindictive Motivation**

The core feature and primary driving force for the vindictive type is anger at women. Unlike the pervasively angry rapist, women are the central and exclusive focus of the vindictive rapist's anger. Their sexual assaults are marked by behaviors that are physically injurious and appear to be intended to degrade, demean, and humiliate their victims. The misogynistic anger evident in these assaults runs the gamut from verbal abuse to brutal murder. As noted, these offenders differ from pervasively angry rapists in that they show little or no evidence of anger at men (for example, by instigating fights with or assaulting men).

Although there is a sexual component in their assaults, there is no evidence that their aggression is eroticized as it is for the sadistic types and no evidence that they are preoccupied with sadistic fantasies. Indeed, the aggression in the sexual assault is often instrumental in achieving the primary aim of demeaning or humiliating the victim (for example, forcing the victim to fellate the offender). Vindictive rapists also differ from both the pervasively angry and overt sadistic offenders in their relatively lower level of lifestyle impulsivity (they have relatively fewer problems with impulse control in other areas of their lives).

### **313.01: SOCIAL ACQUAINTANCE RAPE**

Subcategories of social acquaintance rape are adult, adolescent, child, and elder. In this offense, there is a prior knowledge of or relationship between the victim and offender. Often the relationship is social, and for adults and adolescents, the assault usually occurs on a date. Other relationships include student-teacher, athlete-coach, or priest–altar boy affiliations. For child cases, the relationship might include a neighbor or family friend. For elder cases, the relationship might include caregiver in the home.

#### **Defining Characteristics**

**Victimology.** This type of offense involves low expressive aggression and no severe physical injuries to the victim. It begins with a consenting interpersonal encounter.

**Offender Characteristics.** It is likely that this offender has good social skills and has not been involved in serious criminal activities. The offense is usually situational for adult and elder victims and preferential for child victims.

**Crime Scene Indicators Frequently Noted.** The crime scene is usually the victim or offender’s residence.

**Common Forensic Findings.** See the section on general forensic evidence collection at the start of the chapter if the victim reports the rape shortly after it occurred.

#### **Investigative Considerations**

Prior abuse of the victim or other members of the household may have previously been reported by other family members or third parties.

#### **Search Warrant Suggestions**

If the rape is reported immediately after it occurred, a search warrant should be requested to obtain offender clothing to test for blood, hair, and fibers. If there is a long delay between the rape and reporting, search warrants will provide access to little evidence.

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### **CASE STUDY: 313.01: SOCIAL ACQUAINTANCE RAPE**

#### **Background and Victimology**

Rose had a brief, romantic involvement with Frank approximately two years before the sexual assault, which occurred in 1979, but she had not seen him

in the interim. Then, one evening while en route to a friend's house for dinner, she found herself driving by Frank's home and impulsively decided to stop to say hello. Frank, who greeted Rose in his bathrobe at the downstairs back door, sent Rose to a nearby liquor store to purchase liquor for him. They had a drink together, and Frank continued to drink after Rose had finished. At first, they talked and reminisced about old times. At some point, Frank rolled and smoked a cigarette he made from substance that he kept in a jar.

As Frank became increasingly intoxicated, he started to become physically and sexually suggestive. Eventually he grabbed at Rose, threatened her with an ornamental knife, and burned her with his cigarette, according to Rose's testimony. Frank became even more aggressive, and at various times, he slapped, kicked, punched, and pulled Rose into the bedroom, where he raped her three times, both vaginally and orally.

Eventually Frank fell asleep, and Rose managed to leave the apartment and get to her car, only to discover she had left some of her belongings inside the apartment. When she reentered the apartment, Frank was on the telephone with his girlfriend with whom he had a date later that evening. The girlfriend hung up, and an enraged Frank became angry and shouted at Rose. As Rose headed toward the back stairs to leave, Frank kicked or pushed her down the stairs, causing her to fall into the window in the door at the bottom of the stairs, where the broken glass cut her deeply.

After some delay, Frank drove Rose to the hospital because she was almost blinded by the blood in her eyes, but only after she promised not to reveal how she was injured. At the hospital, she told the hospital personnel that she had fallen down the stairs. After she was treated, Frank drove her back to his apartment, where she stayed and slept until the next morning, when she drove herself home.

It was not until two days later, under the prodding questions of close relatives, that Rose revealed the true source of her injuries and the fact that Frank had raped her. She returned to the hospital, where she was examined for rape trauma.

## **Outcome**

Rose pressed criminal charges against Frank immediately, and her attorney filed a civil action within a few weeks of the incident in order to obtain a real estate attachment against the defendant's holdings, as there was a possibility that he would transfer his property to a relative.

Frank was acquitted of all criminal charges in March 1980. In the civil suit, the trial court directed a verdict in favor of the third-party defendant, Frank's homeowner's insurer. An appeals court overturned the directed verdict in favor of Rose, the plaintiff.

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### **313.02: SUBORDINATE RAPE**

The subcategories of subordinate rape are adult, adolescent, child, and elder. The relationship between the victim of subordinate rape and the offender is one of subordination and status imbalance. One person has power over another by employment, education, or age. The offender uses this authority relationship to take advantage of the victim.

#### **Defining Characteristics**

*Victimology.* The victim is known to the offender. The offender must be in some authoritative relationship to the victim (teacher, supervisor, manager or employer, parole officer, therapist, or physician, for example). Typically there is low expressive aggression, with no severe physical injuries to the victim.

*Offender Characteristics.* The offender uses familiarity to gain access to or trust of the victim. This is often a preferential offense.

*Common Forensic Findings.* The victim should be referred for a sexual assault examination.

#### **Investigation**

The investigator should seek out other subordinates of the offender for possible victimization and check current and past affiliations of the offender.

#### **Search Warrant Considerations**

If the rape is reported immediately after it occurred, a search warrant should be requested to obtain offender clothing to test for blood, hair, and fibers. If there is a long delay between the rape and reporting, search warrants will provide access to little evidence.

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### **CASE STUDY: 313.02.01: SUBORDINATE RAPE, ADULT**

#### **Background and Victimology**

Five patients, ranging in age from twenty-two to seventy-eight, accused their physician of sexual assault and rape between fall 1983 and fall 1984. The twenty-two-year-old victim described how the physician who was treating her for what she believed was a cyst on her ovary questioned her about her

sex life and molested her with an ungloved hand during a pelvic examination. He asked her if she had an orgasm when having sex and that if not, he could show her how. The doctor then leaned against her and rubbed his pelvis against her while examining her breasts. When asked why she waited four months before telling a fellow worker about the assault, the woman testified, "I thought it was in my head that he was doing something wrong."

Another woman, age twenty-three, testified that during three visits to the doctor for stomach pain, the doctor asked her each time "how often I had sex with my boyfriend, if I pleased my boyfriend." On the last visit, the doctor told her to get up from a chair, pressed his pelvis against her stomach, and asked "if I could please him."

A thirty-eight-year-old deaf woman being treated by the doctor for severe stomach pain testified that during one visit, the doctor examined her with ungloved hands and asked if she enjoyed oral sex, how often she had sex, and what positions she used. Then he asked, "Could we go somewhere where nobody knew either of us and let it go from there?"

A seventy-nine-year-old woman, weeping and in a wheelchair, testified that the doctor wanted to look at a rash on her back and lifted her onto an examining table where he raped her. Her eighty-four-year-old husband testified that his wife appeared very shaky and upset when she returned home and that he noted blood stains on her underclothes. Charges were entered against the doctor after receiving the complaint from victims.

### **Offender Characteristics**

This offender targeted a wide age range of victims.

### **Crime Scene Indicators**

There was a subordinate patient-doctor relationship between the victim and offender and an offender-controlled environment. He committed an offense only when a nurse was not present and would be guaranteed of not being interrupted.

### **Forensic Findings**

There was too great a time period between the rape and the reporting of the rape for meaningful forensic evidence.

### **Investigation**

When the offender's picture was carried by the local media, additional victims came forward. A search warrant was used for the victim's medical records and other records for use during the trial.

**Outcome**

The physician was convicted on all charged counts of sexual assault. His appeal of the convictions was denied, and he was sentenced to prison for seven to ten years.

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**313.02.03: SUBORDINATE RAPE, CHILD**

The primary aim of an offender in this category is to have sex with a child. Sexual activity with children may range from a few acts to a lifelong pattern. These offenders tend to be self-centered, with little or no concern about the comfort or welfare of the child. The sexual acts are typically phallic (the goal is penetration and achieving orgasm, with the child used as a masturbatory object), and the victims are usually strangers. The offenses are usually impulsive, with little or no planning; physical injury is absent or minimal. These offenders are usually promiscuous, with many different victims of varying ages. Vulnerable individuals include the sick, the disabled, and the handicapped as well as healthy children in day care settings.

**Defining Characteristics**

**Victimology.** The victim is under the state's age of majority. The child can be either male or female.

**Crime Scene Indicators Frequently Noted.** There is low expressive aggression (that is, no more aggression than necessary to secure victim compliance). There is no evidence that aggression or victim fear is an important part of the offense or that it is needed to enhance sexual arousal. There is no attempt to relate to the child or to engage the child in nonsexual activities. These offenders tend to be predatory and exploitive. The offense is usually preferential.

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**CASE STUDY: 313.02.03:  
SUBORDINATE RAPE, CHILD****Background and Victimology**

A parent became suspicious of her twelve-year-old son's gradual withdrawal from social and sports activities, his reluctance to go to school, and his increasing physical complaints, such as headaches and stomachaches. Further inquiry revealed he was being sexually abused by his seventh-grade teacher.

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**Investigation**

The district attorney's office began investigation and learned of several additional possible victims of this teacher. Confrontation of the teacher led to a confession.

**Offender Characteristics**

This forty-three-year-old teacher was married and had a ten-year-old daughter. He had been teaching at a prominent, coed, private school for sixteen years. He was a popular teacher with the boys, but girls found him intimidating and critical of them and their work. He clearly favored boys and frequently would take boys individually to his home for tutoring and on vacations.

**Outcome**

School administrators had knowledge of suspicious sexual activity between the teacher and students but had minimized and not reported it. The school was held liable for failure to report suspected child abuse. The offender was sentenced to five years in prison and required to pay therapy costs for the boys he had victimized.

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**313.03: POWER-REASSURANCE RAPE**

The subcategories of power-reassurance rape are adult, adolescent, child, and elder. The rape usually occurs as a blitz or sudden, unexpected assault. It is usually a situational assault unless the victim has been targeted. The classification of power-reassurance implies the dynamics of the offender. Most often, this offender is committing the rape as a test of his competence and manhood. The rape is compensatory for his feelings of sexual inadequacy. Fueling the behavior is a fantasy that the woman will like the "sex" and therefore want more. The reality, of course, is that the behavior is forced penetration, without consent, and by threat—all elements of rape.

**Defining Characteristics**

**Victimology.** The victim is usually unknown to the offender. If known, the victim will be a casual acquaintance, such as someone living in the same neighborhood or working in the same building. There is usually low expressive aggression, with no severe physical injuries to the victim.



**Offender Characteristics.** The offender often makes some attempt to relate to the victim and assure the victim that he does not intend to injure him or her. The offender generally has had problems as an adolescent or adult. The offense often is planned, at least to the extent of the offender's having thought about the assault (such as a rehearsed fantasy). These offenders may have other signs of sexual preoccupation and sexually deviant behavior. This type of offender has been descriptively termed a *compensatory rapist*.

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### **CASE STUDY: 313.03.01: POWER-REASSURANCE RAPE, ADULT**

#### **Background and Victimology**

Eugene's sexual offense history began in his early twenties (during the time he was married) with exhibitionism. Four years after he began exposing himself, he assaulted two young women. When he grabbed one woman, with his genitals exposed, the other woman slapped him in the face. He released his hold, and the two women ran away.

Two years later, he committed his first rape. While walking along a riverbank, he observed a jogger running toward him. He stopped her by asking a question. After they had conversed for a while, he grabbed her, fondled her breasts, and forced her to remove her clothes. He placed her clothes on the ground and told her to lie on them. While raping her, he repeatedly asked her sexual questions. After achieving orgasm, he left.

A second rape occurred about one year later. This offense was similar to the first: he picked up a pedestrian, drove her to a park, and raped her, again asking the victim for assurance that the assault was a pleasurable experience.

#### **Offender Characteristics**

Eugene is a thirty-year-old divorced male who came from a relatively large, intact family. His father worked many hours away from home and returned to the house only on weekends. When he was at home, he spent most of his time drinking; however, there is no evidence that he was abusive toward members of the family. Because his mother also worked and consequently was gone much of the time, caretaking and child-rearing responsibilities were assumed by the immigrant paternal grandmother, who spoke almost no English.

Eugene got along poorly with his five brothers and sisters. He stated that he was the black sheep. His school-related difficulties began as early as the third grade; his earliest memories are of skipping school and vandalizing

deserted buildings. Although clearly of average or above-average intelligence, he repeated several grades and eventually dropped out of school before finishing the tenth grade.

He enlisted in the army and remained in the service for several years, with a record marked by disciplinary hearings. Shortly after discharge from the service, he married.

The marriage lasted two years and produced one child, who died at birth. Although the child allegedly died of natural causes, his wife and in-laws blamed him for the death.

His employment history was as erratic as his school and military history. He worked as a truck driver in construction, in warehouses, as a security guard, for moving companies, and as a mechanic, quitting all jobs he held, typically within two months.

Eugene's childhood, juvenile, and young adult history of instability, low frustration tolerance, acting out, and delinquent behavior underscores his impulsive lifestyle. The compensatory nature of his offenses is amply illustrated by his exhibitionism, his attempts to confirm his sexual adequacy, and his attempts to reassure the victim as well as himself.

## **Outcome**

Eugene was convicted of two rape charges.

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### **313.03.02: POWER-REASSURANCE RAPE, ADOLESCENT**

The primary aim of the offender in this rape is to develop a relationship with an adolescent. The sexual activities are secondary to the interpersonal intent. The victim is seen as an appropriate social and sexual companion; the offender perceives that the relationship is mutually satisfying and that it benefits the adolescent in some way. The sexual acts usually are limited to fondling, caressing, kissing, frottage, or oral sex performed on the victim. The victim may be known to the offender, and the relationship between the victim and the offender is usually long term or there have been multiple encounters with the victim. The offenses are usually planned and are not characterized as impulsive. The offenses are not violent, and rarely is there any physical injury to the victim.

**CASE STUDY: 313.03.02:  
POWER-REASSURANCE RAPE, ADOLESCENT**

**Background and Victimology**

Jim's criminal record started in 1973 at the age of twenty-three. His first offense was an attempted rape of an eighteen-year-old woman. The same year, he committed a second, similar offense against a seventeen-year-old woman. In neither case was there physical force, and in neither case did the assault eventuate in rape. In 1974 he raped a nineteen-year-old woman, in 1975 a twenty-three-year-old woman, and in 1976 a fifteen-year-old girl. This last rape was the offense for which he was committed. In every case, his MO was more or less the same: picking up a hitchhiker, brandishing a knife, and threatening harm, but never applying more force than needed to gain submission. In fact, in the first two assaults, the victims talked him out of the rape.

The scripted or ritualized aspect of the pattern assaults suggests Jim's compensatory nature. The offender had no long-term history of conduct disorder. The acts themselves had an element of premeditation in that he set out to locate victims on the occasions of the crimes. On several occasions he expressed interest in dating the victims and was apprehended after the last rape when he met his victim for a date the next evening. Jim represents the pure compensatory rapist.

**Offender Characteristics**

Jim was the first of three sons. His early years were described as reasonably happy ones. However, after being laid off from his job as a machine operator, his father started drinking heavily and became destructive during fits of rage. Jim graduated from high school and worked as a general laborer before joining the military. After a full term in the military, he was again employed as a laborer. At the time of the last rape, he was working as a security guard. He met his wife while in the military, and they were married a short time later. They were divorced after about three years, and Jim was given custody of their three-year-old child.

**Investigation**

Police investigated each victim report. On several occasions, Jim had expressed interest in dating the victims and was apprehended after the last rape when he met his victim for a date the next evening. The police were waiting for him after working with the victim to set up the pseudo-date.

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**Outcome**

Jim was sent to the Massachusetts Treatment Center, Bridgewater, Massachusetts, for sex offender treatment in 1978 after having been convicted of kidnapping and rape.

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**313.04: EXPLOITATIVE RAPE**

The subcategories of exploitative rape are adult, adolescent, child, and elder. In exploitative rape, expressed aggression is generally low and does not exceed what was necessary to force victim compliance. Callous indifference to the victim is evident.

**Defining Characteristics**

**Victimology.** The victim may be an adult, adolescent, child, or elder. The victim, either female or male, is usually unknown to the offender.

**Offender Characteristics.** The offender usually has limited formal schooling; a poor job record; and short-term, unstable relationships. He is usually impulsive and has a long record of serious behavioral problems or of arrests for criminal offenses, starting in adolescence and throughout most of his adult life. Offenses tend to be highly impulsive, with little or no planning. Alcohol or drug abuse is common.

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**CASE STUDY: 313.04.01: EXPLOITATIVE RAPE, ADULT****Background and Victimology**

Richard is a thirty-two-year-old single male. His first rape was a twenty-five-year-old woman. He grabbed her around the throat and placed a knife to her neck, forcing her to the basement of a building. The victim was held prisoner and repeatedly raped and sodomized. The offender stole a small amount of money from her purse before allowing her to leave. His second victim, twenty-seven-years old, was seized on the street and forced into a vacant house, where she was raped and change removed from her purse. The third victim, twenty-five-years old, was seized at knifepoint on the street, forced to her apartment, and repeatedly raped and sodomized. The victims were blindfolded, and the last one was bound with a rope. None of the victims were injured by weapons.

### **Offender Characteristics**

Richard was the third of four brothers. His father was a cab driver who both worked and drank regularly. He was described as a womanizer and was abusive when intoxicated. His mother was a waitress and a maid. She attended church regularly and appeared to have been devoted to her family. Shortly after the death of a younger sister (age six months), Richard (then two years old) began wandering away from home. By the age of three, he was killing kittens by locking them in a refrigerator, and by age four, he was removed from a day nursery for fighting. By age six, he was pulling up girls' dresses and exposing himself. He was placed in a home the same year and remained in penal institutions, juvenile detention centers, and foster homes throughout his life. He remained in the fourth grade until his sixteenth birthday. He eventually earned his general equivalence diploma while in prison. Richard had a long juvenile and adult criminal record that included numerous instances of larceny, statutory burglary, breaking and entering, motor vehicle offenses, armed robbery, assault and battery, and rape.

Richard's profile is typical of an exploitative, high-impulse rapist. The assaults were all impulsive, predatory acts. Although there was little gratuitous aggression (compared with the expressive rapist), there was no concern for the victims' fear or discomfort (compared with the compensatory rapist). There is a long history of behavioral management problems going back to early childhood, resulting in a low level of adult social, professional, and interpersonal competence. It is this extensive history or acting out concomitant with a low level of social competence that distinguishes this individual from the power-reassurance rapist (see Case Study 313.03.01).

### **Investigation**

Richard was well known to the police. After the victims reported the rapes, the detective reviewed his files and developed a suspect list. Richard's name was high on the list. He had no alibi for the evenings in question. Moreover, items taken from the victims were traced to him after a search warrant was secured.

### **Outcome**

Richard was sent to the Massachusetts Treatment Center in Bridgewater for sex offender treatment in 1975 after having been convicted of rape, sodomy, armed robbery, breaking and entering, and assault and battery.

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### **314: ANGER RAPE**

Sexual assault in the category of anger rape is characterized by high expressive aggression; unprovoked physical and verbal aggression or physical force in excess of that necessary to gain victim compliance must be present. Rage is evident in this offender. He may have manifested behaviors listed for sadistic sexual assault, but these must appear to be punishing actions done in anger, not to increase sexual arousal. The primary motive for the offense is anger, not sexual gratification. When the offender knows the victim, the assault on that victim appears to be the result of the offender's easy access to that victim. These offenses are predominantly impulse driven (for example, opportunity alone, possibly coupled with impaired judgment due to drugs or alcohol). The degree of force used in this type of assault is excessive and gratuitous. The violence is an integrated component of the behavior even when the victim is compliant. Resistance from the victim is likely to increase the aggression, and serious injury or death may occur. The rage is not sexualized, suggesting that the assault is not fantasy driven. The violence is a lifestyle characteristic that is directed toward males and females alike. The rape is but one feature in a history of unsocialized aggressive behavior noted across various social settings.

#### **314.01: ANGER RAPE, GENDER**

The category of gender anger rape is reserved for offenders who hate women and express their rage through rape.

#### **Defining Characteristics**

**Victimology.** The victim must be a woman, and high expressive aggression must be present. In addition, there must be clear evidence from the offender's behaviors or verbalizations that the primary intent of the rape is to hurt, demean, humiliate, or punish the victim (for example, by calling the victim names or forcing the victim to engage in acts that are seen by the offender as demeaning or humiliating, such as fellatio).

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#### **CASE STUDY: 314.01: ANGER RAPE, GENDER**

##### **Background and Victimology**

A twenty-six-year-old woman was awakened at 2:00 A.M. when the offender, Randy, put his fist through the glass door of her apartment building. He

reached in and unlocked the door as the victim came out into the hallway. He grabbed her around the neck, put a knife to her throat, and dragged her into his car. When in the car, he warned her that if she moved, he would “chop her up” with the knife. When they arrived at an abandoned building, he forced her to undress, dance in the nude, and utter obscenities about women while dancing. He grabbed her breasts and buttocks and grabbed her hair and slapped her face, all while ordering her to repeat more obscenities about women over and over again. He then sodomized her, performed cunnilingus, forced her to perform fellatio, and finally had intercourse with her. Throughout the assault, he told her to keep swearing, saying he liked to hear it. Eventually he got back into his car and drove off, leaving the victim to walk five miles to the nearest house.

### **Offender Characteristics**

Randy’s father died in a car accident when he was two years old. His mother was a cocktail waitress and heavy drinker who died of pneumonia at the age of thirty. After his father died, Randy was raised by foster parents. He reports not seeing his mother more than six times a year after that. His relationship with his foster parents was apparently a good one. His foster father died when Randy was thirteen. His foster mother alone was unable to provide the supervision and guidance he needed, and before long he was getting into trouble with the law.

At the age of seventeen, Randy left home and moved in with a male companion. He never married, although at the time of arrest he was engaged. He attended six different primary and secondary schools, eventually dropping out in the eleventh grade at age seventeen. In the five years between leaving high school and his arrest, he held many different jobs, primarily as dishwasher, busboy, cook, and clerk. He had been drinking heavily since he was sixteen and also used amphetamines, cocaine, and marijuana.

Although this was his first sexual offense, Randy had a long history of delinquent behavior, including ten prior court appearances for motor vehicle violations, larceny, writing bad checks, and drugs.

This is a typical case of a high-impulse, anger rapist. The primary aim of the rape was the expression of rage through physically assaulting, degrading, and humiliating the victim. A pattern of chronic acting out began in the offender’s early adolescence, reflecting an impulsive lifestyle. Comments from his psychiatric report suggested that his behavior was frequently unplanned and guided by whim and that there was an exaggerated craving for excitement. Although Randy’s impulsiveness did not appear until adolescence, some offenders express an impulsive style as early as childhood.

**Investigation**

After reporting the rape to the police, the victim took them back to the area where she had been raped. The abandoned building was found, as well as evidence that eventually tied Randy to the crime scene.

**Outcome**

Randy was a twenty-two-year-old single male when sent for sex offender treatment to the Massachusetts Treatment Center, Bridgewater, in 1977. He was convicted of rape, kidnapping, armed robbery, assault with a dangerous weapon, and unnatural acts.

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**314.02: ANGER RAPE, AGE**

The motive of the offender in age anger is to seek out victims of a specific age group, usually elderly or young.

**314.02.01: ANGER RAPE, ELDERLY VICTIM**

The victim must be a woman sixty years of age or older. High expressive aggression must be evident and the choice of an elderly victim must be intentional on the part of the offender (that is, not strictly a victim of opportunity).

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**CASE STUDY: 314.02.01:  
ANGER RAPE, ELDERLY VICTIM****Background and Victimology**

A sixty-five-year-old widow returning from church entered her bedroom and noted that several bureau drawers were open and that jewelry and money were missing. Walking into the den, she was struck by a closed fist to her face. A man grabbed her by the throat and threw her onto a couch. The intruder tore off her clothing, tried to strangle her, and said, "Die, damn you, die." He then sexually assaulted the woman.

**Offender Characteristics**

Dan, age twenty-five, came from a broken home and lived until age six with a foster family. His natural mother abandoned the family when Dan was



three. When his father remarried, Dan went to live with his father and stepmother. The stepmother was a severe disciplinarian who burned Dan's fingers with a cigarette lighter when she caught him smoking.

Dan ran away from home as often as he could. There were frequent family arguments and beatings because he was a slow learner in school. Dan attended four grammar schools and four high schools. Part of his high school experience was at a boys' training center, where he was labeled an unruly child. At ages fourteen and fifteen, he admitted to being obsessed with thoughts of murdering his stepmother, and he continually thought of ways to carry out the killing.

Dan enlisted in the army at age nineteen and served six years. He reports receiving approximately twenty reprimands for misconduct during this time. He claims to have become addicted to alcohol and drugs while in the service.

Dan married a woman whose husband had been killed in Vietnam, and the agreement to marry was for the purpose of splitting the extra pay he would receive if they married. They never lived together and were divorced ten months later. Dan claimed to be tripping on LSD during his rape offense.

### **Investigation**

After reporting the rape to police, the victim's apartment was examined for crime scene evidence. Dan's fingerprints were found, and he subsequently confessed to the rape.

### **Outcome**

Dan pleaded guilty to the crime of rape and was sentenced to a five-year term.

## **314.02.02: ANGER RAPE, CHILD VICTIM**

This category of anger rape is reserved for offenders who express extreme anger at children, with no evidence that the aggression is eroticized (not sadistic); the aggression is rooted in rage or anger at the victim as a child, the world, people in general, or some specific individual. Any physical injury to the child results by accident: due to the clumsiness or ineptness on the part of the offender or because the victim may have been pushed in a struggle and accidentally hit his or her head.

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**CASE STUDY: 314.02.02: ANGER RAPE, CHILD VICTIM****Background and Victimology**

The victim, a nine-year-old boy, lived at a church-operated home for boys. According to Bruce, the sixteen-year-old offender, the two met, talked a bit, and decided to hunt for snakes and fish at a nearby reservoir. As they sat on a dock fishing, Bruce started fondling the boy, becoming sexually aroused. He undid the boy's pants and performed fellatio. He then began to try to take the boy's pants off. The boy resisted as Bruce turned him over on his stomach, preparing to sodomize him. They fell into the water, and a struggle ensued. The boy slipped on a rock and hit his head, which rendered him unconscious. Bruce tried to lift the boy but slipped, dropping the boy into the water. "He was not dead the first time he hit his head, but I'm sure he was dead the second time," said Bruce.

**Offender Characteristics**

Bruce has a brother two years older than he is. His parents divorced when he was a few months old. The brother, according to Bruce, beat him up daily from the time he was three until he was ten or eleven. When he was five, the mother and two boys moved to live with his maternal grandfather. This was an important relationship for Bruce; however, the grandfather died four years later. Bruce reports that soon after he turned eleven, he was fishing one day when an eighteen-year-old youth approached him and told him about a good fishing spot in the woods. As they proceeded into the forest, the youth forced fellatio and sodomy on Bruce. He claimed he yelled, but that it did no good. He felt helpless, and the act was painful.

Upon entering the seventh grade, Bruce tested in the high intelligence range and was advanced two grades. He was socially immature and found it too lonely to be with the older adolescents. He became rebellious and hostile and spent most of the years between ages twelve and sixteen on his own, in youth detention centers or psychiatric facilities. His juvenile criminal involvement included sixteen court appearances on forty-three charges, including shoplifting, assault and battery, use of a dangerous weapon, motor vehicle violations, and four charges of sexual abuse of juveniles under fourteen. He maintained that the victims were willing partners around his own age.

Bruce began homosexual activities in early adolescence and moved in with a male partner. However, six months later, this adolescent was killed in a car accident, and Bruce attempted suicide by consuming an overdose of aspirin. The assault of the boy at the reservoir happened on the anniversary of his friend's death.

**Crime Scene Indicators**

The victim's body was found floating in the reservoir. The body wore no trousers. A search of the area revealed shorts with the victim's initials sewn inside.

**Forensic Findings**

The coroner's examination revealed a laceration one and a half inches in length and a half-inch in width on the forehead, as well as multiple blows to the head. The victim weighed forty-five pounds. Asphyxiation by drowning was noted as possible cause of death.

**Investigation**

Crime scene evidence was found on the victim. When detectives began interviewing persons at the boy's home, they developed investigative leads linking Bruce to the victim. Several people had seen him leave with the victim.

**Outcome**

Bruce was sentenced to eighteen to twenty years for manslaughter, eighteen to twenty years concurrent for rape. He was committed to the Treatment Center at Bridgewater, Massachusetts, under Massachusetts law as a sexually dangerous person.

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**314.03: ANGER RAPE, RACIAL**

This category is reserved for what appears to be racially motivated rape.

**Defining Characteristics**

*Victimology.* Victims are of a different race from the offender.

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**CASE STUDY: 314.03: ANGER RAPE, RACIAL****Background and Victimology**

Joe is a twenty-eight-year-old black man with two index offenses: one against a twenty-two-year-old white female and the other against a twenty-seven-year-old white female. Both offenses occurred in the presence of the

victim's boyfriend. In one instance, the offender approached a couple as they were about to enter their apartment. He came up behind them and forced his way into the apartment after them. He made the boyfriend stand in the corner of the room facing the wall while he raped the woman. The second offense had a similar MO. During the rape, Joe made degrading racial comments to both the victims and their boyfriends.

### **Offender Characteristics**

Joe, bright and charming, had a long history of nonsexual crimes including breaking and entering, larcenies, and motor vehicle offenses. He grew up in the inner city. The rapes occurred in the suburbs and in the vicinity where he worked. His work was low-skilled industrial park work. He dropped out of high school in the tenth grade. He was never married but had a variety of consenting sexual companions.

### **Investigation**

Crime scene evidence was developed from the locations of the offenses. Detectives took a careful history from both the victim and her boyfriend. Fingerprints were obtained, and Joe became the lead suspect. A photo lineup was used to identify Joe.

### **Outcome**

The offender was convicted of all charges of rape and committed to the Treatment Center at Bridgewater, Massachusetts, under the Massachusetts Sexually Dangerous Predator Act. After serving a fifteen-year sentence, Joe would remain at the treatment center until psychologists determined he was no longer sexually dangerous.

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## **314.04: ANGER RAPE, GLOBAL**

This category is reserved for offenders who appear to be globally angry at the world. This is a high-expressive-aggression assault with no evidence of sadism and no evidence that the offender is focally angry with women.

### **Defining Characteristics**

**Victimology.** Typically, the victim is unknown to the offender. Usually there is moderate to severe physical aggression and injury to victim.

***Offender Characteristics.*** This offender is impulsive and has had behavioral problems and encounters with the law beginning in adolescence and into his adult life. Typically, the offender has few social skills. Often he has a history of verbal and physical assaults on both males and females. Usually the offenses are not planned.

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## **CASE STUDY: 314.04: ANGER RAPE, GLOBAL**

### **Background and Victimology**

A seventeen-year-old woman was walking along a city road as the offender, Steven, drove by. He stopped his car beside her, stepped out, and asked her where she was going. He did not hear her answer and asked again in an angry manner. She turned to walk away, which made Steven feel as though she was rejecting him and trying to make a fool of him. He punched her in the stomach, grabbed her under her chin, pulled her into his car, and drove away to a secluded area. After he parked the car, he told her to get into the back seat. When she refused, he climbed into the back and dragged her over the seat beside him. He undressed her and violently penetrated her. He states that he then withdrew, without having an orgasm, and let her out of the car, threatening to kill her if she made mention of the attack. When he was arrested shortly after, he immediately admitted his guilt.

### **Offender Characteristics**

Steven came from a relatively normal, seemingly unremarkable family. He had an older sister and a younger brother, both of whom appeared to be living normal lives. His father was a strict disciplinarian. His mother was a passive, quiet, religious woman who rarely questioned her emotionally detached husband. His father was a twenty-five-year veteran mechanic. Family life was described as stable and uneventful. Steven remained in school through the eighth grade, held a few part-time, unskilled jobs, and joined the military. He received an honorable discharge after less than one year of service.

During the diagnostic interviews subsequent to his trial, he discussed the incident, describing himself as enraged at the time, not sexually excited. He had gone to visit his girlfriend, whom he had been seeing off and on since early adolescence with no sexual activity throughout the courtship. He found her necking on the porch with another man and drove from her house in a blind rage. He was partially aware as he drove away that he was going to look for somebody to attack sexually. His anger was global.

Steven had an active sexual life, but only with women whom he considered to be "bad." These relationships were short-lived, ending when he was

directly confronted with their promiscuity. Terminating the relationship always occurred with violence, either in assaults on the women or on the boyfriends who replaced him.

His late adolescence was marked by the repetitiveness of these experiences. Over and over again, he became involved with promiscuous women who would then prove to be unfaithful. On the one hand, he could permit himself to have intercourse only with women he knew to be sexually indiscriminate. On the other hand, he maintained the fantasy that they would be faithful to him.

This is an exemplary case of a pervasively angry, low-impulse rapist. As one diagnostic report stated, Steven's attitude toward women was "tremendously hostile and bordering on rage." His pattern was to jockey for a position in a relationship with a woman where he would feel ashamed, foolish, and hurt. He would respond aggressively, at times explosively, typically at the woman. He created an effective outlet for discharging—and displacing—his rage. There was never any indication that this aggression was eroticized. Finally, there was no evidence of the developmental turbulence, the behavioral management problems, and the poor social and interpersonal competence characteristic of high impulsivity.

### **Investigation**

The victim made an immediate report to police, who returned to the crime scene and were able to develop leads as to the offender. Joe was arrested shortly after the rape and immediately admitted his guilt.

### **Outcome**

Steven at age twenty-four was committed to the Treatment Center in Bridgewater, Massachusetts, in 1965 for sex offender treatment. He was convicted of rape. Other than the commitment offense, he had no criminal history. He was released after eighteen years when psychologists determined he was no longer sexually dangerous.

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## **315: SADISTIC RAPE**

The level of violence in a sadistic offender's rape must clearly exceed what is necessary to force victim compliance; the offender's sexual arousal is a function of the victim's pain, fear, or discomfort. Behavioral evidence may include sham sadism (such as whipping, bondage), violence focused on the erogenous parts of the victim's body (such as burning, cutting, or otherwise

mutilitating the breasts, anus, buttocks, or genitals); insertion of foreign objects in the vagina or anus; intercourse after the victim is unconscious; and the use of feces or urine within the offense.

### **315.01: SADISTIC RAPE, ADULT**

Most often, there is high expressive aggression with moderate to severe injury to the victim. Frequently the offender uses items to inflict pain or injury, such as cigarettes, knives, sticks, or bottles. In some cases of “sham” or muted sadism, there is clear evidence of eroticized aggression (insertion of foreign objects, bondage, and whipping, for example) without extensive physical injury.

#### **Defining Characteristics**

**Victimology.** Typically the victim is unknown to the offender; however, the victim may be an acquaintance.

**Offender Characteristics.** Typically the offender has had behavioral problems, sometimes beginning in adolescence, that often worsen in adulthood. As described by Dietz, Hazelwood, and Warren (1990), a sexual sadist is one who has established “an enduring pattern of sexual arousal in response to sadistic imagery.” Sexual gratification is obtained from torture involving excessive mental and physical means. Sexually sadistic fantasies, in which sexual acts are paired with domination, degradation, and violence, are transmitted into criminal action that results in rape. Usually the offense is at least partially planned, sometimes in detail.

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### **CASE STUDY: 315.01: SADISTIC RAPE, ADULT**

#### **Background and Victimology**

On the occasion of the first rape, Martin, the offender, was at an after-school party and assaulted a fourteen year old. When she refused his advances, he choked her in and out of consciousness. He became aroused to her cries for help. When she regained consciousness, he was still lying beside her. The commitment offense occurred one year later when Martin, age nineteen, sadistically killed a thirty-year-old woman by manual strangulation. According to Martin, he had met the victim in a bar, and they left together to go to a secluded area to engage in sex. He described binding the victim and choking her until she did not respond. He left the woman and returned home.

### **Offender Characteristics**

Martin was the sixth oldest of nine siblings. He described his family life as “horrible, with emotional and physical abuse.” He portrayed his father as the ruler of the household, who made sure that “orders were carried out”; otherwise, frequent physical abuse resulted. His mother was described as passive and obedient and often colluded in the beatings by reporting incidents or punishable behavior to her husband. At age thirteen, Martin was sent away to a training school for being a habitual school offender. His early schooling continued to be sporadic, and he was eventually expelled in the tenth grade. All employment had been of a menial nature.

Martin did not have a long history of violent crime. Most of his transgressions involved truancy, lying or cheating, and disruptiveness in school. His criminal record contained mostly alcohol- and automobile-related offenses. He had committed two violent crimes: the initial rape attempt, which was reduced to assault and battery, and murder.

### **Investigation**

The victim’s body was found and the crime scene secured and examined for evidence. Fingerprints and other evidence were found and linked to Martin. This victim was then linked to the first victim and confirmed by Martin’s confession.

### **Outcome**

Martin was a twenty-five-year-old single male committed to the Treatment Center at Bridgewater, Massachusetts, in 1976 for sex offender treatment. He was convicted of second-degree murder. In both offenses, the motive was clearly primarily aggressive and sadistic. He was indiscriminate in terms of the victim’s age. The first victim was a child and the second an adult woman. It did not appear, however, that sex was used as a vehicle for venting anger, but rather that the aggression was antecedent to or concurrent with sexual arousal. His lifestyle throughout adolescence was characterized by impulsive acting out; indeed, none of his serious crimes had any semblance of premeditation, compulsiveness, or ritualism.

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## **315.02: SADISTIC RAPE, ADOLESCENT**

The offender is sexually aroused or otherwise derives pleasure from placing the victim in pain or fear; sadistic acts may include aggressive sodomy,



insertion of foreign objects; and violence focused on the breasts, genitals, or anus. The sexual acts often occur during or after the violence and aggression.

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## **CASE STUDY: 315.02: SADISTIC RAPE, ADOLESCENT**

### **Background and Victimology**

Terry had no juvenile criminal record. His first offense occurred two years after discharge from the service. The victim was a seventeen-year-old male whom Terry picked up while “cruising.” Terry smacked, punched, and kicked the victim for twenty minutes before forcing the victim to engage in fellatio. When the victim refused to engage in intercourse, Terry pulled a knife out and began stabbing him in the abdomen. Just prior to the stabbing, Terry demanded that the victim masturbate while cutting himself with the knife. Following the assault, Terry called an ambulance and the police. Terry claimed the acts were consensual, and no charges were made against him. The commitment offense took place about one year later.

Terry picked up a sixteen-year-old male hustler and drove toward his home. Before reaching his house, they got into an argument. Apparently Terry had paid the victim in advance for services that the victim decided he did not wish to provide. Terry stabbed the victim fifteen times, penetrating the thorax, heart, and aorta. He then mutilated the body by amputation of the penis at the most proximal point. The penis was never found, and there is some suggestion that it may have been ingested.

### **Offender Characteristics**

Terry came from an upper-middle-class, professional home. He did not, however, experience a normal childhood. From early childhood into adolescence, he was plagued by night terrors, nightmares, and sleep talking and sleep walking. He bit his fingernails and sucked his thumb until age sixteen. He had few, if any, friends and was convinced that peers did not like him. His pathological shyness kept him in his room through much of his childhood.

His mother felt “very badly” that he was so lonely. When she failed to coax him from his room, she resorted to purchasing expensive toys for him to play with. Terry was sickly much of the time, often febrile, and described as “glassy-eyed.” Although the parents described their sons as “very good boys . . . always obedient,” Terry felt particularly alienated and withdrawn as he became more and more aware of homosexual feelings. Upon graduating from high school, he enlisted in the air force. He spent four years in the service, compiling an excellent record that included five commendations for meritorious action. During this time, he also attended college and earned a degree. After discharge from the service, he began the first of a series of jobs

in sales. He proved to be a highly successful salesman (“well spoken, polite, quiet but firm”) and was said to be earning in excess of six thousand dollars a month at the time of his arrest. Terry has a long psychiatric history, with depression and alcoholism presenting as primary features.

### **Investigation**

Witnesses heard the two men quarreling, and a description of Terry led to his interrogation.

### **Outcome**

Terry was twenty-five-years old and single when he was committed to the Treatment Center at Bridgewater, Massachusetts, in 1982 as a sexually dangerous person after having been convicted of second-degree murder and rape. As an adult, Terry had led an exemplary life. He had good interpersonal skills and acquired a fair degree of academic and professional competence. He was described as “pleasant” and “charming” by coworkers. He certainly did not lead what could be called an impulsive lifestyle. He had no criminal record up to the point of his first offense. His two assaults were ritualized, compulsive, and highly sadistic, much along the lines of the classic Jack the Ripper case.

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## **316: CHILD/ADOLESCENT PORNOGRAPHY**

*Collectors* are persons who collect, maintain, and prize child pornography materials. They may be classified as to whether they are closet collectors, isolated collectors, or cottage collectors.

### **316.01: CLOSET COLLECTOR**

The closet collector keeps secret his interest in pornographic pictures of nude children engaged in a range of behaviors and denies involvement with children. There is no acknowledged communication with other collectors. Materials are usually purchased discretely through commercial channels. The belief system of the closet collector makes him consciously acknowledge that children should not be used sexually by adults.

### **316.02: ISOLATED COLLECTOR**

The isolated collector chooses to have sexual activity with one child at a time. He may be involved with his own child, children of neighbors, nephews,

nieces, friends' children, or children in his care (such as students). He may seek out children not known to him by traveling to another country.

The isolated collector's organization and use of pornographic materials varies from casual to meticulous. A prominent feature of these collectors is their belief that they are not harming the child. They deny that fear, force, or overpowering strategies demand the child's participation, a denial they maintain even when confronted with evidence that the children were frightened, trapped, and forced.

Isolated collectors usually deny their involvement with children. Often they say that the child encouraged their behavior and that they were kind to the child (that is, they did not hurt the child physically). Physical assault is held to be the main criterion by which a collector deems behavior toward a child as abusive. The sexual activities and the photography sessions, no matter how degrading, are not viewed as harmful to the child. When very young children are involved, this belief extends to such activities as inserting wooden objects into the child's vagina and anus. These actions are justified, these collectors say, if they are done with patience, skill, and "love."

The level of abuse does not register on a conscious level. On occasion when the sexual activity is addressed, the collector may acknowledge that it is abnormal and that a child may be frightened, but this awareness holds little conscious emotional weight for the collector to stop these activities and admit to harmful effects on the child.

### **316.03: COTTAGE COLLECTOR**

The cottage collector is a pedophile who sexually exploits children in a group. The financial component of the pornography is noncommercial; large amounts of money are not involved. The intent of the pornography is for the relationships it creates with other pedophile collectors—it is a method of communication. This category represents the largest number of collectors.

The networking of cottage collectors is more pronounced than the first two categories of collectors. In fact, they often team up to lead a group of children. Although each collector uses the pornography to his own interest, multiple collectors are active in its production. When confronted, it is not unusual for cottage collectors to represent themselves as concerned about the children involved; it is only the involvement of the judicial system that threatens the well-being of the children, they say. This belief is substantiated by the trauma and anxiety surrounding the initial period of disclosure and is compounded by the children's finally venting emotions concerning the negative, frightening, and overwhelming aspects of what has happened.

These collectors also suggest they have done more for the child than the child's parents have. This is partially substantiated in the case of absent or

neglectful parents. The collector holds the parents responsible for the child's participation, in part because he believes the parents know what is going on by allowing their child to be with him.

### **317: CHILD/ADOLESCENT SEX RINGS**

In this offense, children are used to create obscene materials such as photos, movies, and videos, for private use or commercial activities.

#### **317.01: SOLO CHILD SEX RING**

A solo child sex ring involves several children in sexual activities with an adult, usually a male, who capitalizes on his legitimate role in the lives of these victims to recruit them into his illegal behavior.

#### **Defining Characteristics**

**Victimology.** The children know each other and are aware of one another's involvement in sexual acts with the adult offender. They are conditioned or programmed by the adult to provide sexual services in exchange for a variety of psychological, social, monetary, and other rewards. The offender occupies a position of authority and familiarity with the victims.

The organizational structure of the ring includes an adult (and occasionally a secondary partner) who gathers the children together, either from existing formal groups or by creating a new group. In existing formal groups, such as religious groups, sports teams, or scout troops, the children are already organized. An adult who has access to this existing group can recruit a subgroup. Sometimes one child is targeted to bring the children together. ("Mary was the ringleader, and she put pressure on her friends to go over to his house. . . . She said he was her uncle"), or the adult may initiate action to gather the children together ("He used to give the paperboys rides to make their work easier"). The adults gain access to children because their presence is not questioned; that is, they hold some legitimate power with parents as well as with other people. Sometimes the adult makes it a point to become extra legitimate with the parents ("He used to eat dinner with us. . . . I made lasagna especially for him"). If the parents do not know the adult directly, they usually have enough legitimizing information not to question their child's spending time with this adult ("He was supposed to be the best boy scout leader. He was Jane's grandfather, and all the girls were always there together").

**Crime Scene Indicators Frequently Noted.** The crime scene is usually the offender's residence, vehicle, or group meeting hall. There can be many

locations. The pornographic material is usually hidden in the residence of the offender. The most recent crime scene will usually have the camera and other materials needed to create the pornography as well as props, collateral material, and goods used to bribe the victims.

**Common Forensic Findings.** The victimization is usually reported by a third party and little, if any, forensic evidence is immediately available. To obtain forensic evidence, detailed medical and psychiatric examinations of the victims are required. Medical evidence could include anal or vaginal scarring and bruises.

### **Investigative Considerations**

The investigator needs to obtain a search warrant for the offender's residence and check telephone and financial records for purchases of materials needed to create the pornography as well as computers of the suspect. The investigator should be aware of the various props and collateral used to bribe the targeted age group. For example, video games are used for certain age groups, and a puppy might be used to entice a very young child to the house. Interviews with the victims should be carefully done by an investigator trained for interviewing children.

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## **CASE STUDY: 317.01: SOLO CHILD SEX RING**

### **Victimology**

A nine-year-old boy told a friend that a neighbor had invited him into his house to see some new kittens, pulled the boy's pants down, and touched his "privates." The friend told his mother, who called other mothers in the neighborhood. One of those mothers told her ex-husband, who called the police.

A twenty-nine-year-old nursing home employee was charged with the indecent assault on a child. The offender and his parents had recently moved into a small community housing project in which all homes were single units facing a common courtyard. It was learned that five boys, ages six to nine, were involved with the adult; a sixth boy, medically handicapped and greatly favored by the adult, was also suspected of being involved. Of the six families, four children lived with their mothers, the fathers being absent from the home; one boy came from a family with both parents present; one boy's father was dead. The sexual activity between the adult and the children began the day after the adult moved into the neighborhood and continued over a six-month period until disclosure.

### **Offender Characteristics**

At the time of these charges, the adult was on probation for sexual offenses involving two brothers, aged twelve and fourteen, who had been taking music lessons from him. The relationship with the brothers became sexual following wrestling matches and after viewing pornography. The adult would show the brothers a picture hanging on his wall of two babies looking into each other's pants.

In addition to this offense being classified as a child solo sex ring, the offense was classified as 313.03.03 (power-reassurance rape of a child). His primary intent was to establish a relationship with the children and have sex with them.

### **Outcome**

The offender, after pleading guilty to the charges, was ordered to avail himself of psychiatric treatment, which he did. His psychiatric file noted his progress in treatment; between the two offenses he was recommended for volunteer work with the boy scouts. The offender was sentenced ten to twelve years for the index offense.

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## **317.02: TRANSITIONAL CHILD SEX RING**

The transitional child sex ring involves multiple offenders and multiple victims. The offenders are known to each other and collect and share victims.

### **Defining Characteristics**

**Victimology.** In the transitional sex ring, multiple adults are involved sexually with children, and the victims are usually pubescent. The children are tested for their role as prostitutes and thus are at high risk for advancing to the syndicated level of ring, although the organizational aspects of the syndicated ring are absent in transitional rings. It is speculated that children enter these transitional rings by several routes:

- They may be initiated into solo sex rings by pedophiles who lose sexual interest in the child as he or she approaches puberty and who may try, through an underground network, to move the vulnerable child into sexual activity with pederasts (those with sexual preferences for pubescent youths).

- They may be incest victims who have run away from home and need a peer group for identity and economic support.
- They may be abused children who come from disorganized families in which parental bonding has been absent and multiple neglect and abuse are present.
- They may be missing children who have been abducted or kidnapped and forced into prostitution.

It is difficult to identify clearly this type of ring because its boundaries are blurred and because the child may be propelled quite quickly into prostitution. Typically the adults in these transition rings do not sexually interact with each other, but instead have parallel sexual interests and involvements with the adolescents who exchange sex with adults for money as well as for attention or material goods.

***Crime Scene Indicators Frequently Noted.*** The crime scene can be the offenders' residence, vehicle, group meeting hall, or a hotel or motel. There are usually many locations. The pornographic material is usually hidden in the residences of the offenders. The most recent crime scene will usually have the camera needed to create the pornography as well as props, collateral material, and goods used to bribe the victims.

***Common Forensic Findings.*** The victimization is usually reported by a third party, and little, if any, forensic evidence is immediately available. To obtain forensic evidence, detailed medical and psychiatric examinations of the victims are required. In addition to the general forensic findings described at the start of the chapter, there could be anal or vaginal scarring or bruises.

***Investigative Considerations.*** The investigator should obtain a search warrant for the offenders' residences and check telephone and financial records for purchases of materials needed to create the pornography. The investigator should be sensitive to props and collateral used to bribe the targeted age group. Interviews with the victims should be carefully done by an investigator trained in interviewing children.

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## **CASE STUDY: 317.02: TRANSITIONAL CHILD SEX RING**

### **Background and Victimology**

From December 1977 to December 1978, Boston was in the spotlight regarding a male youth prostitution ring. Earlier that year, the investigation of

a solo child sex ring had led an assistant district attorney and police to uncover a second generation of rings. In the apartment of a man who had an extensive history of convictions for child molesting, investigators found numerous photos of naked youths as well as pornographic films. Sixty-three of the depicted youths were located and interviewed, and thirteen agreed to testify before a grand jury. From this testimony, additional men (many with professional and business credentials) were indicted on counts of rape and abuse of a child, indecent assault, sodomy, and unnatural acts.

By December 1978 the trial of the first defendant, a physician, began. Testimony from four prosecution witnesses revealed the linkages between the two types of rings. According to news reports, the first witness, a man who was serving a fifteen- to twenty-five-year term after pleading guilty to charges derived from the child solo ring, admitted to having sexual relations with boys as young as ten during the thirteen years he had rented the apartment. He testified that he could be considered a “master male pimp” and that he became involved in the sex-for-hire operation after meeting one of the other defendants. He said that initially no money was involved, but after a few months, expenses increased so the men were charged and the boys were given five to ten dollars for sexual services.

Newspapers reported that another prosecution witness, an assistant headmaster at a private boys’ school, admitted visiting the apartment more than forty to fifty times over a five-year period. He denied being a partner in a scheme to provide boys for hire but admitted to taking friends to the apartment with him and paying for having sex with the boys.

A prosecution witness, a seventeen year old, testified to being introduced into homosexual acts by the first witness, who had told the boys they could make all the money they wanted. “All we had to do was lay there and let them do what they wanted to us,” he said.

Another victim testified that at age twelve, he had met the third witness through friends. He received gifts of clothes and money for going to the man’s apartment. While there, he would drink beer, smoke pot, and watch stag movies. He brought his younger brother to the apartment, and both had sex with the man. At age fourteen he was “turning tricks” and charging ten dollars for oral sex and twenty dollars for anal sex. At that point he met the defendant.

### **Offender Characteristics**

The defendant, a pediatrician and psychiatrist, claimed in his defense that he went to the apartment as part of a research study, which was submitted to a journal after his indictment and subsequently published in a sex research journal.



**Outcome**

The jury, sequestered for the nineteen-day trial, deliberated two and one-half days before reaching a verdict of guilty. The judge sentenced the physician to five years' probation on the condition he undergo psychiatric treatment. Over a year later, the state's board of medicine revoked his license. The other defendants in the ring plea-bargained their charges, and there were no further trials.

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**317.03: SYNDICATED CHILD SEX RING**

Syndicated child sex rings have a well-structured organization that recruits children, produces pornography, delivers sexual services, and establishes an extensive network of customers.

**Defining Characteristics**

**Victimology.** The syndicated ring, a well-established commercial enterprise, involves multiple offenders as well as multiple victims.

**Crime Scene Indicators Frequently Noted.** There can be many locations, and there are many levels of material created. Information and details about locations can be obtained from the pornography itself. Most recent locations will have all the equipment necessary to create the material.

**Common Forensic Findings.** The victimization is usually reported by a third party, and little, if any, forensic evidence is immediately available. To obtain forensic evidence, detailed medical and psychiatric examinations of the victims is required.

**Investigative Considerations**

Investigation requires an understanding of the typical operation of a syndicated ring. The organizational components of the ring are the items of trade, the circulation mechanisms, the supplier of the items, the self-regulating mechanism, the system of trades, and the profit aspect.

- *Items of trade.* Items of trade refer to the children, photographs, films, and tapes. The degree of sexual explicitness and activity may vary. For example, photographs range from so-called innocent poses of children in brief attire taken at public parks, swimming pools, arcades, or similar places

where children congregate to carefully directed movies portraying child subjects in graphic sexual activities. In the films, the child is often following cues provided by someone standing off-camera. Also, in audiotapes, the children may be heard conversing with age-appropriate laughter and noises, as well as using language that is highly sexual and suggestive of explicit behaviors.

- *Circulation mechanism.* Various mechanisms for circulation include the mail (photographs, coded letters), tape cassettes, CB radio, telephone, and beepers. The mail is a major facilitator for circulation of child pornography. Often a laundering process may be used. For example, buyers send their responses to another country; the mail, received by the overseas forwarding agent, is opened, and cash or checks are placed in a foreign bank account; the order is remailed under a different cover back to the United States. This procedure ensures that the subscriber does not know where the operation originates and that law enforcement has difficulty tracing the operation. Law enforcement needs to be aware that child pornography is also being distributed through computer programs, chatrooms, the Web, cell phones, and PayPal.

- *Suppliers.* Suppliers of child pornography include pedophiles, professional distributors, and parental figures. Pedophiles with economic resources and community status may organize their own group to have access to children and cover their illegal intentions, or they may work within the framework of existing youth organizations. The professional distributors include the pornographer, who has access to an illegal photographer, who in turn generally owns a clandestine photo laboratory and film processor. While these photo laboratories can provide services to many illegal operations, they also present some problems to professional pornographers, who may find their photographs or films in magazines or adult bookstores without their knowledge and prior to their own distribution. The professional procurers who supply children also provide photographs and films through wholesale distributors and adult bookstores. Another source of professional distribution is photographic processing facilities. A photographic development laboratory often has a storefront business that handles photographic orders such as holiday pictures, while its mail order business is advertised in magazines. One such facility had a mail order division that promised, through its advertisements in "adult" magazines, confidential photo finishing. These advertisements were also found in periodicals catering to clientele with special sexual interests.

Parental figures who supply children for pornographic and prostitution purposes include natural parents, foster parents, and group home workers. The supplier may operate a foster home as in the case of a self-acclaimed clergyman, who by his own estimates sold approximately 200,000 photos each year, with an income from this operation in excess of \$60,000. The technique

he used was to have older boys engage younger boys in sex acts. If a youth did not submit, he was beaten and abused by an older youth. After the youth submitted, he was photographed in the sexual acts, and the man would then use the boys for his own sexual purposes. In order to ensure secrecy, a pornographer often keeps a blackmail file on each boy.

- *Self-regulating mechanism.* Syndicated child pornography operations do not have recourse to law enforcement or the civil process for settling disputes that arise in matters of theft, unauthorized duplication of photographs, or resources of supply. Thus, a self-regulating mechanism develops for the elimination of members guilty of actions deemed unfair to or against the syndicate through the grade of paper, number of letters, computer software, as well as the sincerity and insistence of the correspondence. Letters are kept as a security measure. Recriminations between the offender and guilty party become extremely bitter, and support by fellow members in chastising the guilty party is solicited through immediate correspondence. Members of the syndicates are alert to law enforcement efforts against the group in general or with respect to their syndicate in particular.

- *System of trade.* One rule for trading is that members of the syndicate may assist each other in finding items of interest to other collectors. Through a system of trades, photographs held by syndicate members are traded, and those pictures chosen to be retained are kept by the receiving member.

- *Profit.* The financial profit of child pornography appears to be an individual matter. Some collectors trade items for their personal use, and others trade items for personal as well as commercial purposes. The financial lure of pornography is seen in the actual cost of production and verified in the correspondence of the pornographers. Frequently, collectors who sell photographs are actually selling duplicate copies of items in their collection, thereby having income to purchase additional photographs from other sources.

Identification of additional victims can be made from the pornography obtained with a search warrant.

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## **CASE STUDY: 317.03: SYNDICATED CHILD SEX RING**

### **Background and Victimology**

A child sex ring involved ten boys and one girl. In October 1977, information regarding the offender, Paul, was brought to the attention of a West Coast FBI office.

The children ranged in age from eight to sixteen. Paul had befriended a family with two boys and one girl; both parents worked. The parents grew to trust Paul and invited him to live in their house, renting out a bedroom to

him. Paul kept the refrigerator supplied with food and bought toys and clothes for the children. He drove a Cadillac equipped with a telephone, and he handed out business cards advertising a twenty-four-hour limousine service that he provided with his Cadillac. At one point, Paul made his child prostitutes wear beepers so he could call the child he thought would best suit a particular customer. Paul was constantly trying to recruit more children, and he would pick up runaways and use the children to recruit others. Paul would charge a hundred dollars or more for an hour with one of his child prostitutes, the price depending on the market, the child's age, the length of time with the child, or what the customer was going to do with this child.

Paul never gave any of his child prostitutes money, as he felt this would ruin them. Instead he provided food and clothing, bought them toys and, took them to amusement parks, sporting events, movie shows, or roller rinks.

### **Offender Characteristics**

Paul kept an apartment in a complex with a swimming pool and tennis courts. He used this apartment for many of his child prostitutes, and they used the pool and tennis courts. The older boys were told by Paul to keep the younger ones in line.

Paul was sexually involved with several of his child prostitutes and provided Quaaludes to all of the children. He also had a sizable collection of child pornography, including 8-millimeter films and photographs.

### **Outcome**

Because it was determined that no federal laws applied to Paul's activities, the case was turned over to local police. In November 1977, Paul was convicted on seven felony counts (nineteen felony counts were dismissed), and in May 1978 he was sentenced to thirteen years' imprisonment and declared a mentally disturbed sex offender.

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## **319: ABDUCTION RAPE**

In this offense, a person is forcibly moved from one location to another. The rape occurs at the second location.

Abduction by nonfamily members is defined in the *National Incidence Studies of Missing, Abducted, Runaway, and Thrown-Away Children* (1989) as the coerced and unauthorized taking of a child into a building, a vehicle, or a distance of more than twenty feet; the detention of a child for a period of more than one hour; or the luring of a child for the purpose of committing

a crime. Included in this category is stereotypical kidnapping, which requires that the child be missing overnight, be killed, be transported a distance of fifty miles or more, be ransomed, or that the perpetrator evidences an intent to keep the child permanently.

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### **CASE STUDY: 319.01 AND 319.03: ABDUCTION RAPE, ADULT AND CHILD**

#### **Background and Victimology**

In September 1976, Jane was delivering Sunday papers on her paper route accompanied by her mother. At approximately 6:20 A.M., Jane and her mother observed a man, later identified as Simmons, walking down the street toward them. A few moments later, as Jane was standing beside her mother's car, the man approached the car and placed a gun to the mother's head. Simmons then forced Jane to get into the car, and he got in as a passenger. Simmons told the mother not to say or do anything or he would physically harm her. The mother tried to grab the gun but was unable to do so. Simmons then blindfolded the mother and required her to operate the brake, clutch, and accelerator of the car while he steered the car to a high school parking lot. When they arrived at the parking lot, Simmons forcibly removed the mother and daughter from the car and placed them in his 1973 Plymouth, which was parked there. The mother, still blindfolded, had trouble getting into the car. Simmons forced her head against the side of the car, causing a severe injury.

After the mother and daughter were in the car, Simmons began driving toward a rural area. After he stopped his car, he forced the mother to remove her clothing. At this time, Simmons also began talking with the mother about forcing the daughter to watch her perform fellatio on him and of forcing the daughter to have intercourse with him. The mother pleaded with Simmons not to force her daughter to watch the assault take place. Because of her pleadings, Simmons allowed the daughter to get into the back seat of the car. The mother was forced, at gunpoint, to perform fellatio on Simmons. Afterward, Simmons attempted to rape the mother. He stopped because she was having her period. The mother begged Simmons repeatedly to leave her daughter alone. Throughout the assault, the mother was blindfolded with a neckerchief. After the assault on the mother, Simmons put the mother's sweatshirt over her head to act as an additional blindfold and tied her hands behind her back with her jeans. He then opened the car door and pushed the mother from the car, telling her that he would not "hurt the little girl" as he drove off. The mother ran to the nearest house and had the residents notify the police.

After the mother was forced from the car, Simmons drove a short distance and again stopped the car. He forced the girl to get into the front seat and perform fellatio on him. He then forcibly raped her. Once finished, he drove back toward town and dropped her off in a deserted area.

The girl was subsequently picked up by police and transported to a hospital, where she underwent substantial emergency reconstructive surgery.

### **Outcome**

Simmons was convicted of two counts of kidnapping, one count of attempted rape, three counts of rape, and illegal weapons possession. In a civil suit against the newspaper company, a settlement was negotiated. There had been two reported rape and abductions of newspaper girls on Sundays, and the crimes had not been reported to the other newspaper girls or their parents.

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## **330: GROUP CAUSE SEXUAL ASSAULT**

This category is used for multiple (three or more) offenders. When there are two offenders, each should be classified under personal cause. Although there clearly are group dynamics (contagion effects, defusing of responsibility) and social dynamics (highly developed gang cultures in particular communities or cities) that foster gang rape, the factors that motivate each of the offenders may well be different.

## **331: FORMAL GANG SEXUAL ASSAULT**

A formal gang is characterized by some internal organizational structure, a name and other identifying features (for example, colors, insignias, or pattern of dress), and some evidence of group cohesiveness (for example, members owe some allegiance to the gang and gather to participate in a variety of activities). In sum, the gang must have some mission or purpose other than assault.

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### **CASE STUDY: 331.01: FORMAL GANG SEXUAL ASSAULT, SINGLE VICTIM**

#### **Victimology**

In 1981, four teenagers went to a rock concert held at a large amphitheater. During intermission, a group of twelve men wearing shirts labeled “The

Black Disciples” entered. The teenagers became frightened of the accumulating noise and decided to leave. As they were exiting to the center aisle, several of the men grabbed one of the couples and threw them to the aisle. The young woman’s clothes were ripped off her. Five of the men circled her, pulled her up by the hair, and forced oral sex on her. A sixth man then threw her back on the floor and inserted a tire iron into her vagina. Several security guards stopped the assault. The young woman was taken to a nearby hospital.

### **Offender Characteristics**

The offenders were part of a group well known in the city. The six men were arrested and charged with various counts of assault and rape.

### **Outcome**

The six men plea-bargained to the offenses as charged. Nine years later, the young woman was awarded a substantial settlement.

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## **332: INFORMAL GANG SEXUAL ASSAULT**

An informal gang is a loosely structured group that congregates, typically on the spur of the moment, with a common purpose of marauding or otherwise engaging in antisocial activity. Although the group may have one or more leaders, there is no formal organizational structure. This category also includes all other instances of multiple offender assault in which there is no evidence that the group constitutes a formal gang.

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### **CASE STUDY: 332.01: INFORMAL GANG SEXUAL ASSAULT, SINGLE VICTIM**

#### **Victimology**

Damon and three companions were driving around when one of them suggested that they “grab a girl and have some fun.” They picked up a hitchhiker, and while driving, took turns raping her. When it was Damon’s turn, he engaged in frottage but did not actually rape her. The victim was raped repeatedly over a period of two hours while in the car. Eventually they arrived at an abandoned house, where all four men, including Damon, raped the victim throughout the night, occasionally waving revolvers in her face to subdue her. The following day, they drove back to the victim’s home and dropped her off.

### **Offender Characteristics**

Damon was a twenty-one-year-old single male. His father was a self-educated engineer who was gainfully employed until his premature death from heart failure. Damon described his father as a chronic, heavy drinker who suffered from bouts of deep depression and crying spells that lasted off and on for days. Damon reported that his father was never abusive to anyone in the family. His mother was a college-educated schoolteacher who was “strict, puritanical, very religious, and a teetotaler.” Damon’s early years seemed to be stable and reasonably happy. While in elementary school, he was an above-average student with an above-average IQ. His academic performance drifted into the average or satisfactory range during the last two years of high school, coinciding with the death of his father when Damon was fifteen.

After the death, the family seemed to fall apart. His mother became seriously ill and eventually bedridden. His older brother was incarcerated for assault and battery. Damon dropped out of school in his senior year and enlisted in the service. He was honorably discharged after six months at the discretion of the military. The primary difficulty was Damon’s intractable behavior. Damon’s employment history after the service can best be described as “good—when he was in the mood.” He was perceived by his employers as apathetic, unreliable, and diffident. Overall, Damon’s educational, military, and professional track record reflects an evolving picture of social maladjustment, poor interpersonal skills and a particular disaffection with authority.

Two months after leaving the service, he was arrested for stealing hubcaps; the charges were later dropped. This was the only known criminal offense other than the rape, for which he was committed to the Treatment Center at Bridgewater, Massachusetts, for sex offender treatment. The commitment offense occurred exactly two years after discharge from the service.

In this case, the offense was clearly exploitive. In fact, the expressed intention “to grab a girl and have some fun” could not be stated in a more predatory, exploitive way.

### **Outcome**

Damon was committed to the Treatment Center in Bridgewater, Massachusetts, in 1967 for sex offender treatment after having been convicted of rape, kidnapping, and assault with a dangerous weapon. The remaining defendants were convicted on charges of rape.

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**390: SEXUAL ASSAULT NOT CLASSIFIED ELSEWHERE**

This category is reserved for assaults that cannot be classified elsewhere.

## Nonlethal Crimes

- 400: Nonlethal crimes
  - 401: Communication Threats
    - 401.01: Direct threats
    - 401.02: Indirect threats
    - 401.03: Conditional threats
    - 401.04: Nonspecific threats
  - 402: Threat delivery
    - 402.01: Visual communication
    - 402.02: Verbal communication
    - 402.03: Written communication
      - 402.03.01: Letter
      - 402.03.02: Symbolic
    - 402.04: Physical communication threats
- 410: Stalking crimes
  - 411: Domestic stalker
  - 412: Nondomestic stalker
  - 413: Erotomania stalker
- 420: Robbery
  - 421: Bank robbery
- 430: Burglary
- 440: Assault
- 450: Battery/abuse

There are criminal acts that begin as, and sometimes remain, nonlethal crimes. In some of the crimes, such as burglary, threats, and stalking, there may be no physical contact, and the victim is not physically injured. However, the psychological trauma may be great and put the victim in fear for his or her life. These nonlethal acts may precede direct physical acts and serious physical injury and may escalate to a lethal crime. These nonlethal acts need to be addressed for prevention of escalation to lethal acts as well as investigated for legal charges. This chapter classifies the following crimes: threats, stalking, robbery, burglary, assault, and battery/abuse crimes that involve children, handicapped adults, domestic partners, and elders.

### **401: COMMUNICATION THREATS**

A communication threat is defined as an attempt to inflict harm by a threat subject. Communication threats do not involve physical contact. However, the threat subject may escalate to physical contact, and such action would be classified as assault.

Threat analysis seeks to assess the genuineness, viability, and potential impending danger of the threat. As with all other investigations, the forensic analyst has priorities that are followed in concert with law enforcement as well as institutional goals and objectives. Threat analysis has the following goals:

- To save lives by evaluating the level of danger for physical assault or harm
- To evaluate threat potential (hoax versus nonhoax) in order to reduce unnecessary panic and to better use security resources
- To develop investigative techniques and strategies by advising on how to communicate with the offender or how to cause him or her to surface during the investigation
- To help identify and apprehend the offender by attempting to provide general characteristics of the person or persons issuing the threat and his other motive in order to focus the investigation
- To recover money or property if a ransom has been paid prior to police involvement

Terrorist threats are when a person threatens to commit any offense involving violence to any person or property with the intent to place a person in fear of imminent serious bodily injury.

#### **Defining Characteristics**

**Victimology.** Threats may be targeted to terrorize a particular person, a building, a business, or an institution. The motivation for a threat might also include a desire on the part of the subject to force an action, as when inmates

threaten a specific violent act if their demands for better conditions within a correctional facility are not met.

The most critical classification is the level of victim risk. Risk level can be categorized as low, moderate, high, or imminent danger. Assessment of the threat is made as to whether the person making the threat has the knowledge, ability, motivation, and access to weapons that would give him the opportunity to carry out the violent act.

***Crime Scene Indicators Frequently Noted.*** Although there is usually no specific crime scene involved in threats, the reason for the threat, or motive, is critical to analyze. Threats are made for a variety of reasons and are driven by an assortment of often complex motives. Some of the reasons that individuals threaten include these:

- To warn: “If you don’t stop what you are doing, you will regret it.”
- Harass: “You’ll never escape me.”
- Intimidate: “If you don’t do what I say, you’ll be sorry.”
- Manipulate: “If you don’t do what I say, your child will be hurt.”
- Frighten: “You’re a dead man.”
- Alarm: A heavy-breathing phone call late at night.

The motives that underlie various forms of threats are similar to other types of criminal acts. The motivations may be conflict, sex, love, hate, vengeance, or guilt. In addition, the need for excitement, recognition, or attention or a wish to inflict punishment on another may be underlying motives. Another obvious and more frequent motive might be an offender whose primary motive is criminal enterprise. This offender’s aim is for financial gain through illegal means, such as extortion or kidnapping.

***Staging.*** Staging is not usually noted.

### **Investigative Considerations**

The intent of the threat is critical to analyze. Threats cover a wide variety of criminal behavior. Ten categories have been developed for purposes of assessing the intent of the threat communication.

1. *Threats to physically assault or harm.* These threats are directed toward elected or appointed officials, judges, movie and rock stars, spouses, ex-spouses, police officers, former employers, or hospital staff (for example, to gain admission or certain prescription medication). For example, a mental health patient arrived at an institution to see the on-call psychiatrist. The patient was seeking admission and apparently believed that the small axe he

brought with him would ensure the psychiatrist's compliance with his demand for admission.

2. *Threats to extort money.* These are often directed toward chief executive officers, bank officials, prominent or wealthy individuals, or members of the entertainment industry. In hospitals, threats may be directed toward staff, visitors, or patients to extort money for food, transportation, or illicit substances.

3. *Threats to kidnap.* These are directed to elected or appointed officials, members of their families, dignitaries, prominent individuals, and corporate officials.

4. *Threats to bomb.* These are directed toward individuals at all levels, schools, churches and synagogues, abortion clinics, courthouses, government buildings, nuclear facilities, military bases, and casinos, among others.

5. *Threats to deface or damage property.* These are directed toward schools, churches and synagogues, abortion clinics, animal research facilities, utility plants, military bases, and nuclear facilities, among others.

6. *Threats to disrupt events.* These are made to disrupt municipal functions, political rallies, parades, marches, ceremonies, public events, rock shows, civil rights rallies, and others.

7. *Threats to taunt, harass, and intimidate.* These are made by agitated or terminated employees, disgruntled consumers, competitors, ex-lovers, ex-spouses, unfriendly neighbors, unknown enemies, substance abusers and mentally unstable persons, or individuals intent on expressing unsolicited attention or affection.

8. *Threats to product tamper.* These are related to poisoning or contamination of foods, medicines, cosmetics, water or blood supplies, and hygienic products; tampering with sensitive manufacturing equipment; and others.

9. *Threats to sabotage.* These are directed at military bases, ammunition manufacturers and shippers, aircraft plants, nuclear facilities, manufacturers of scientific equipment, research and development centers, product technologies, and marketing strategies, among others.

10. *Hoaxes.* These are a fabricated threat created by pseudo-victims alleging the receipt of obscene phone calls, or letters from nonexistent offenders.

Threats must be examined for both content and style. Content analysis includes an examination of words, syntax, semantics, structure, symbols, phrases, essential meanings, and the overall substance of the threatening message. Stylistic analysis includes an examination of the writing instrument, paper type, envelope, writing style, margins, indentations, spacing, punctuation, and overall grammatical ability.

The manner of expression also must be examined, such as the implied emotional tone, the construction and design of the message, the way words are used to express thoughts, and the author's overall artistic expression. For

example, the verbal threat, "I'm going to get you back," implies a prior event, anger, and revenge.

### **Search Warrant Suggestions**

Search warrants need to be obtained to search the residence, car, and other areas for copies of written threats, photographs, diaries, and written materials.

Threats, actual or perceived, may be subdivided into types based in part on the verbiage or content contained within the threat. The types are direct, indirect, conditional, or nonspecific threat.

#### **401.01: DIRECT THREATS**

Direct threats leave no room for misinterpretation on the part of the recipient. The threats are aimed at a specific target (person or institution). Direct threats offer no conditions, exemptions, or options. Often the wording is blunt, straightforward, candid, and explicit. For example, on July 26, 1996, an Atlanta 911 operator received a call saying, "There will be a bomb in Centennial Park. You have 30 minutes." This telephonic threat to a crowded public setting, which preceded by eighteen minutes a terrorist act of bombing, triggered great fear for millions of Americans.

Offenders have taught that fear is a power tactic. They know that if they can generate fear in some form of a threat, they can manipulate and achieve whatever they want. Threat analysis is one strategy to identify and intervene with a threat subject and counter terrorist fear.

#### **401.02: INDIRECT THREATS**

Indirect threats are either spoken or written in a vague manner. They usually contain wordy language that is not forthright or candid. The message or intended theme is often circuitous and may be buried within oblique wording or symbolic passages.

In cases of threats against a hospital, for example, the motive can be an angry family member or a disgruntled former employee. The person issuing the threat is either an ex-employee or former patient. In a case where a father died following surgery, two brothers wrote a letter saying, "Your butchers killed him and we will get you." An investigation revealed that both brothers had criminal records for assault and battery.

#### **401.03: CONDITIONAL THREATS**

A threat that insists on the acquiescence of the targeted victim to the terms being dictated is a conditional threat. Conditional threats imply that they are

contingent, tentative, restrictive, or provisional depending on the victim's response to the demands being made. The threat generally outlines a set of prescribed behaviors that must be met in order for the victim to avoid possible harm. It often includes words or phraseology such as "if you want to avoid . . ." or "unless you follow my instructions . . ." For example, a walk-in patient demanded of the on-call psychiatrist, "If you don't give me a prescription for Xanax, I'm going to tear this office apart."

#### **401.04: NONSPECIFIC THREATS**

Nonspecific threats are aimed at a larger collective group or institution; that is, they do not name a particular individual. Targets of nonspecific threats included members of the federal judiciary, members of the medical profession, members of the U.S. Congress, and the White House.

#### **402: THREAT DELIVERY**

Valuable information can be derived about the person issuing the threat and his and her motives by a consideration of how the threatening message was delivered. This classification is by visual, verbal, written, symbolic, or physical mode.

##### **402.01: THREAT DELIVERY, VISUAL COMMUNICATION**

A visual threat may be a drawing, a gesture, or a body movement. One example involved a nurse being greeted in the following manner by a known "behavior management problem" patient each time he saw her: he made eye contact with her and then pretended to shoot her with a hand motion imitating the firing of a pistol; he never spoke a word to her.

##### **402.02: THREAT DELIVERY, VERBAL COMMUNICATION**

Verbal threats made during personal encounters with targeted individuals often involve offenders who are suffering from some degree of mental illness or emotional instability. In these types of cases, the offender's identity is known, and certain intervention strategies are recommended in conjunction with a dangerousness assessment in order to prevent a potential violent confrontation.

Often a verbal threat is delivered by telephone. The threat may be a short, succinct message or a long, complex scheme. Occasionally the caller may disguise his or her voice and demand to speak with only the targeted victim. Some offenders use prerecorded tape messages over the telephone, and the

calls may be made locally, long distance, or collect. Other investigative considerations include possible background noises, foreign accents, local dialects, and a consideration of specific calling patterns.

The verbal threat may be tape-recorded. Tape-recorded threats may be short and succinct or involve long, complex schemes. The other important considerations include determining if the caller attempts to disguise his or her voice, whether background noises are detectable, and whether the tape was mailed or played over the telephone. Tape-recorded messages often reflect extensive criminal sophistication, especially in elaborate extortion, kidnapping, or product tampering cases.

### **402.03: THREAT DELIVERY, WRITTEN COMMUNICATION**

Written threats are usually delivered by letter or e-mail. The great majority of threat cases that are analyzed by a threat analyst are those in which the identity of the subject is unknown. In seeking to identify the unknown perpetrator, the method of delivery must be carefully assessed.

One woman wrote to a hospital that bad medicine she received as a patient caused her to get sicker at home. The hospital wrote back denying her claim. When she retaliated by writing to a U.S. senator, he responded by siding with the hospital. She then wrote to the U.S. attorney general's office, charging there was a conspiracy between the hospital and the senator. In another example, a patient wrote letters threatening to kill his wife, the mayor, his doctor, and the president of the United States.

Threats to deface or damage property may be directed toward building walls and grounds. In one case, the person who issued the threat wrote sexual graffiti on the walls adjacent to his former partner's office. In another case, an employee's name was written on a wall with the notation that she was a drug dealer.

#### **402.03.01: LETTER THREAT**

Letter threats are often handwritten and may be in block print or an otherwise disguised format; they also may be prepared on a computer. In some instances, they are fabricated using the cut-and-paste method, and on rare occasions may be printed by use of a template or constructed with an embossing tool. In all instances, they must be evaluated for both content and stylistic characteristics. An advantage of a letter threat is that it provides law enforcement with valuable documentary evidence for further comparison to other letters and for other forensic tests customarily conducted in the crime lab. The Mad Bomber case (Chapter Seven) and the Unabomber case (Chapter One) are illustrative of this type of threat.



### **402.03.02: SYMBOLIC THREAT**

Symbolic threats involve an item with a frightening connotation often positioned clearly in the threat subject's view. One example of a symbolic threat involved an employee who reported arriving at his desk each morning for a week to find a broken pencil placed visibly on his appointment book. In another case, a patient sent his therapist of two years flowers, gifts, and cards. He called her on several occasions and left messages using a pseudonym on her answering machine. When she did not respond, he sent her a bunch of dead flowers.

### **402.04: PHYSICAL COMMUNICATION THREATS**

A physical threat may involve the person's using his or her hand or a weapon. One example involved an angry patient who was denied a weekend pass. He broke a glass and held it to a staff member's throat, demanding his pass.

Physical threat delivery can compound when there is direct confrontation. A forty-nine-year-old patient and two elderly women were waiting for a bus at a hospital bus stop when they were threatened by a robber. The patient said to the robber, "You are not going to ask for money?" The robber said he was and opened his jacket to display a large knife in his pocket. The patient became agitated and struck the robber, breaking his nose. The perpetrator pressed charges; the patient was successful in arguing it was self-defense.

As an example, the Philadelphia district attorney's office charged National Basketball Association star Allen Iverson with multiple crimes, including two counts of making "terrorist threats." Under Pennsylvania law, there are two kinds of terrorist threats. One is similar to mass-scale terrorism: it is essentially any threat made to force the evacuation of a movie theater, apartment complex, or other public building. So any phoned bomb threat is a terrorist threat, and threatening just one person with bodily harm is also considered a terrorist threat. This is what Iverson was charged with. According to press accounts, he forced his way into an apartment, brandished a gun, and threatened the occupants. Iverson was apparently searching for his wife.

## **410: STALKING CRIMES**

Threats indicate anger and aggression toward a subject and are often visible acts. In contrast, stalking tends to be more clandestine and secretive until a subject acts toward his or her victim.

Stalking is the act of following, viewing, communicating with, or moving threateningly or menacingly toward another person. It may result in threats to injure, actual injuries, or homicide. Stalker crimes are primarily motivated by interpersonal aggression rather than by material gain or sex. The purpose of stalking resides in the mind of stalkers, who are compulsive individuals with a misperceived fixation. Stalking is the result of an underlying emotional conflict that propels the offender to stalk or harass a target. Targets of stalkers often feel trapped in an environment filled with anxiety, stress, and fear, which often results in their having to make drastic adjustments in how they live.

Stalking can be viewed as occurring on a continuum from nondelusional to delusional behavior. Delusional behavior indicates the presence of a mental disorder (psychosis). Nondelusional behavior, although reflecting a gross disturbance in a particular relationship, does not necessarily indicate a detachment from reality. This distinction is significant because of the potential legal implications. What most readily distinguishes the behavior of this spectrum is the type and nature of the relationship an offender has had with his target.

On the extreme delusional end of this spectrum, there is usually no actual relationship; the relationship exists only in the mind of the offender. On the nondelusional end of the spectrum is usually a historical relationship between the offender and victim. These tend to be multidimensional relationships such as marriage or a common law relationship, replete with a history of close interpersonal involvement. In between these two poles are relationships of varied dimensions and stalkers who exhibit a mix of behavior. The offender may have dated his target once, twice, or not at all. The target may only have smiled and said hello in passing or may in some way be socially or vocationally acquainted.

For the purpose of classification, we divide this spectrum of stalking behavior into three general types: domestic (nondelusional), nondomestic (a mix of nondelusional and delusional behavior), and erotomania (delusional). Of note, the terms *target* and *victim* are not necessarily interchangeable. The term *target* is used to describe the primary recipient of the stalker's attention. However, in many cases, those people around a stalker's target become victims of the stalker's behavior.

### Defining Characteristics

**Victimology.** A stalking victim feels reasonable fear of bodily injury or death to self or to a family or household member or damage to property. Stalking can be perpetrated by the stalker or by someone acting on her or his

behalf. It can take the form of verbal threats or threats conveyed by the stalker's conduct, threatening mail, property damage, surveillance of the victim, or following the victim.

***Crime Scene Indicators Frequently Noted.*** The stalker may do some or all of the following: follow the victim or victim's family or household members; vandalize the victim's property; inflict damage to property—perhaps by vandalizing the car, harming a pet, or breaking windows at the victim's home; make threatening calls or send threatening mail; or drive by or park near the victim's home, office, or other places familiar to the victim.

***Common Forensic Findings.*** The stalker believes or knows that his or her actions will instill fear of death or bodily injury to the victim or a member of the victim's family or household. Threats can be explicit (for example, stating that he is going to kill the victim) or implied (for example, veiled threats or hurting the family pet). Threats have to be aimed at a specific person; they cannot be general. Threats may be conveyed by the stalker or by someone acting on behalf of the stalker.

***Staging.*** Staging is not usually used in stalking crimes.

### **Investigative Considerations**

A stalker tries to control the victim through behavior or threats intended to intimidate and terrify. A stalker can be an unknown person, an acquaintance, or a former intimate partner. A stalker's state of mind can range from obsessive love to obsessive hatred. A stalker may follow a victim off and on for days, weeks, or even years. The stalker may even have had contact with the victim on more than one occasion.

This conduct has to occur on more than one occasion and be directed toward the victim or the victim's family or household members. More than one police report is not required. The acts may include threatening contact by mail or by phone or damaging the victim's property.

### **Search Warrant Suggestions**

Warrants to search should include the stalker's residence, car, and other known areas.

## **411: DOMESTIC STALKER**

Domestic stalking occurs when a former boyfriend or girlfriend, family member, or household member threatens or harasses another member of the

household. This definition includes common law relationships as well as long-term acquaintance relationships. The domestic stalker is initially motivated by a desire to continue or reestablish a relationship, which can evolve into an attitude of, "If I can't have her, no one can."

### **Defining Characteristics**

***Victimology.*** The target knows the stalker as an acquaintance or may have a familial or common law relationship that the target has attempted to terminate. The target is aware of the stalking and may have requested a restraining order or assistance from law enforcement on prior occasions. In addition, there is a history of prior abuse or conflict with the stalker. The target may report a sense of being smothered in the prior relationship.

***Crime Scene Indicators Frequently Noted.*** The domestic stalking case often culminates in a violent attack directed at the target. Usually the scene of this attack involves only one crime scene, and it is commonly the target or stalker's residence or place of employment. The crime scene reflects disorder and the impetuous nature of the stalker. A weapon is usually brought to the scene. There could be signs of little or no forced entry and no sign of theft. The crime scene may also reflect an escalation of violence; for example, the confrontation starts as an argument, intensifies into hitting or throwing things, and could culminate in the target's death and would then be classified as domestic homicide (see classification 122). Others, such as family members and boyfriends or girlfriends, may be involved in an assault. If the target has taken steps to keep the stalker away (changed phone number, changed residence, or a restraining order, for example), the only access the stalker may have is at the target's place of employment. In such cases, co-workers, security personnel, customers, or others in the area may become victims. In some instances, the stalker will abduct his target in an attempt to convince her to stay with him.

The stalker may be at the scene when law enforcement or emergency medical personnel arrive or may commit suicide. The stalker may make incriminating statements.

***Common Forensic Findings.*** Alcohol or drugs may be involved. There usually are forensic findings consistent with a personal type of assault. Depersonalization, evidenced by facial battery and a focused area of injury indicative of anger, is an example of a personal assault.

### **Investigative Considerations**

If the crime occurs in the target's residence, domestic stalking should be considered. When other family members are contacted, they often describe a

history of domestic violence involving the target and stalker. This is often supported by police reports. A history of conflict due to external stressors (financial, vocational, or alcohol, for example) is a common element of domestic stalking. The stalker may have demonstrated personalized aggression in the past, as well as a change in attitude after the triggering event.

### **Search Warrant Suggestions**

Although most of the evidence will be left at the crime scene, the investigator should request diaries and financial and medical records to verify any premeditation of the crime.

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### **CASE STUDY: 411: DOMESTIC STALKER**

A forty-three-year-old woman who recently separated from her fifty-year-old husband worked at the same casino as he did. About a month after she began dating another man, she became aware that her husband was following her into the parking garage and then, by car, to her home. Several weeks later, after work one evening, the woman was forced at gunpoint into her car by her husband and forced to drive to his house, where he raped and beat her. She reported the domestic abuse to the police, was given a protective order, and changed the hours she worked at the casino after telling her employer the situation. A month later, her husband again abducted her from the garage, forced her to drive to his house, and once inside raped and threatened to kill her and then himself. During the beatings, the woman received a serious cut to her forehead from the knife he held on her. She managed to convince him to take her to the emergency department, where after seeing that she had been admitted, he left. The woman told the staff of the murder-suicide attempt, and the police were notified. When they arrived at the man's house, he refused to come out. Gunshots were heard, and when the police entered the house, they found the husband had committed suicide by a gunshot wound to the head.

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### **412: NONDOMESTIC STALKER**

The nondomestic stalker targets an individual and interacts with that target through hang-up, obscene, or harassing telephone calls; unsigned letters; and other anonymous communications or continuous physical appearance at the target's residence, place of employment, shopping mall, or school campus. The stalker is often unknown to the target. It is unlikely the target will

become aware of being stalked until the stalker's activity is well under way. Only after the stalker has chosen to make personal or written contact will the target realize the problem.

### **Defining Characteristics**

**Victimology.** The target, usually a female, has often crossed paths with the stalker, most likely without notice by the target. She will therefore have no knowledge of the stalker's identity. The relationship between the stalker and target is one-way. The target will eventually become aware of the physically present nuisance stalker.

Other potential victims are spouses, boyfriends or girlfriends, or anyone viewed as an obstacle coming between the stalker and his target.

**Crime Scene Indicators Frequently Noted.** Stalking is an ongoing, usually long-term crime without a traditional crime scene. The stalking occurs at the target's residence, place of employment, shopping mall, school campus, or other public place. There will be a number of aborted or obscene phone calls or anonymous letters addressed to the target professing love or knowledge of the target's movements. Written communications are often left on vehicle windows or placed in mailboxes or under doors by the stalker. The tone of communications may progress from protestations of adoration, to love, to annoyance at not being able to make personal contact, to eventually threatening and menacing.

The stalker may place himself or herself in a position to make casual contact with the target, at which time verbal communication may occur. A description of this contact may be used in a later communication to terrorize or impress on the target that the stalker is capable of carrying out any threats.

### **Investigative Considerations**

The investigator should trace telephone calls and perform threat analysis of the written or phone communications. Careful analysis of early communications may provide leads for identifying the stalker. He or she as well should observe the target's places of employment, residence, mall, or campus for stalker. Since communications are often left on or in the target's vehicle, observation of vehicles can often lead to the identity of the stalker. The target should be interviewed about any suspicious seemingly accidental contacts she may have had in the recent past, such as being bumped into while shopping, door-to-door salesmen, telephone solicitations, or a stranger asking to use the telephone or asking for directions.

## **Search Warrant Suggestions**

The primary items to search for are photographs, literature (newspaper articles, books, magazine articles), and recordings concerning the target. Diaries, journals, calendars, or surveillance logs detailing the stalker's preoccupation and fantasy life with the target may also be found. Recordings of telephone calls to targets are often made and retained.

Other items to look for are evidence of contact or attempted contact with the target: telephone records or returned letters, for example. Credit card records, ticket stubs, and hotel receipts are often kept as souvenirs and may be helpful in documenting travel in pursuit of a target. Computer equipment should not be overlooked as a repository for information.

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## **CASE STUDY: 412: NONDOMESTIC STALKER**

### **Victimology**

A man who stalked a woman was arrested outside her house carrying weapons, a stocking mask, and other items. The woman told police she recently found her bathing suit taped to the windshield of her car. On one other occasion, she found some of her undergarments draped on the car's mirror. Police sources revealed that one week prior, the victim had found cartridge casings from a handgun taped to the car's window.

### **Investigation**

On the night of the arrest of the stalker, the victim saw a man outside her apartment and called the police. Minutes later, the police arrested the stalker, who months prior to this incident had been acquitted of burglarizing the woman's home.

The stalker was found sitting in his vehicle less than a hundred yards from the victim's apartment. Officers searched the stalker and found a knife and a key to the victim's residence. In his vehicle they found a .22-caliber pistol and ammunition, a stun gun, Mace, a camera and film, two sets of binoculars, two tape recorders, two flashlights, pictures of the victim's residence and car, rubber gloves, cotton gloves, a stocking mask, a large nylon bag and a bag with a change of clothes, several condoms, a book of nude pictures, a gun cleaning kit, and a cooler filled with ice and beer.

### **Outcome**

The offender was arrested and pleaded guilty to stalking. He was sentenced to two years.

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### 413: EROTOMANIA STALKER

Erotomania-related stalking is motivated by an offender-target relationship based on the stalker's fixation. This fantasy is commonly expressed in such forms as fusion (the stalker blends his personality into his target's) or erotomania (a fantasy-based idealized romantic love or spiritual union of a person rather than sexual attraction). The stalker can be motivated by religious fantasies or voices directing him to target a particular individual. This preoccupation with the target becomes consuming and ultimately could lead to the target's death.

The drive to stalk arises from a variety of motives, ranging from rebuffed advances to internal conflicts stemming from the stalker's fusion of identity with the target. In addition to a person with high media visibility, other victims include superiors at work or even complete strangers. The target almost always is perceived by the stalker as someone of higher status. Targets often include political figures, entertainers, and high-media-visibility individuals but do not have to be public figures. Sometimes the victim becomes someone who is perceived by the stalker as an obstruction.

When erotomania is involved and the target is a highly visible media personality (usually someone unattainable to the stalker), the target becomes the imagined lover of the stalker through hidden messages known only to the stalker. The stalker builds an elaborate fantasy revolving around this imagined love. Male erotomaniacs tend to act out this fantasy with greater force than do female.

#### **Defining Characteristics**

**Victimology.** The target is aware of the stalker through many prior encounters or communications (letters or phone calls). The target often has high media visibility. Many times the initial contact with a public figure will be in the form of fan mail.

**Crime Scene Indicators Frequently Noted.** As with other classifications of stalking, the activity of the erotomania stalker is often long term, with written and telephonic communications, surveillance, and attempts to approach the target. With the passage of time, the activity becomes more intense, with the stalker's attitude shifting to one of, "If I can't have her, no one can."

The majority of erotomania-motivated attacks are close range and confrontational. The stalker may even remain at the scene. These encounters tend to be spontaneous, as reflected by a haphazard approach to the target: evidence is left, and there are likely to be witnesses. This does not mean the



stalker did not fantasize, premeditate, and plan the stalking; all of these elements characterize this crime. Rather, the actual act is usually an opportunistic one. The stalker takes advantage of an opportunity to interact with the target as it is presented to him.

***Common Forensic Findings.*** Firearms are the most common weapon carried by stalkers, especially with a distance stalking. Occasionally they use a sharp-edge weapon such as a knife. The sophistication and type of weapon will help establish the degree of stalker sophistication. If the target of the stalker is killed, the vital organs, especially the head and chest, are most frequently targeted.

### **Investigative Considerations**

The stalker almost always surveys or stalks the target preceding the encounter with the target. Therefore, the availability of the target's itinerary and who may have access to it is one investigative consideration. There is a likelihood of preoffense attempts by the stalker to contact the target through telephone calls, letters, gifts, or visits to the target's home or workplace. There may even be an incident involving law enforcement or security officers having to remove the stalker from the target's residence or workplace.

The stalker's conversation often will reflect this preoccupation or fantasy life with the target. When those associated with the stalker are interviewed, they typically recall that much of the stalker's conversation focused on the target. He or she may have claimed to have had a relationship with the target and may have invented stories to support this encounter.

Assistance should be requested from FBI's Investigative Support Unit or mental health professionals experienced with these complicated cases.

### **Search Warrant Suggestions**

The primary items to search for are photographs, literature (newspaper articles, books, magazine articles), maps, letters from a celebrity target to a stalker, surveillance photos of the target, and recordings concerning the target. Diaries and journals detailing the stalker's preoccupation or fantasy life with the target may be found.

Other items to look for are evidence of contact or attempted contacts with the target: telephone records, returned letters or gifts, motel receipts, gas bills, rental agreements, or airline, bus, or train tickets implying travel to locations where the target has been. Credit card records also may be helpful in this regard.

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## **CASE STUDY: 413: EROTOMANIA STALKER**

### **Background**

On the morning of March 15, 1982, Arthur Richard Jackson, age forty-seven, was waiting near Theresa Saldana's West Hollywood apartment house. As Saldana rushed out to a music class at Los Angeles City College, Jackson approached. When Saldana paused to unlock her car, Jackson asked, "Excuse me. Are you Theresa Saldana?" Saldana replied, "Yes."

Her identity confirmed, Jackson began stabbing Saldana with a hunting knife. He stabbed and slashed her so hard and so often that the knife bent. Hearing Saldana's screams, a delivery man rushed to her aid and wrested the weapon away from Jackson.

The intervention of the delivery man, heart-lung surgery, and twenty-six pints of blood saved Saldana's life.

### **Victimology**

Theresa Saldana was a twenty-seven-year-old actress Jackson had identified with through watching movies.

### **The Offender**

Arthur Jackson was born in Aberdeen, Scotland, in 1935 to an alcoholic father and a mother whom investigators believe may have been schizophrenic. He was an odd and fanatical child who often became lost in fantasy. In an eighty-nine-page autobiographical letter addressed to Saldana written in 1982 shortly after his arrest, Jackson wrote that at age ten, he became fixated on a neighbor girl called Fiona. At thirteen he described a sexual encounter with an older boy.

It was also in this letter to Saldana that he expressed his "torturous love sickness in my soul to you combined with a desperate desire to escape into a beautiful world I have always dreamed of (the palaces of gardens of sweet paradise), whereby the plan was for you, Theresa, to go ahead first, then I would join you in a few months. . . . I swear on the ashes of my dead mother and on the scars of Theresa Saldana that neither God nor I will rest in peace until this special request and my solemn petition has been granted."

At seventeen, he suffered his first nervous breakdown. It took a full year before Jackson was released from the Scottish psychiatric hospital where he sought treatment. After his release, he began a trip across two continents, working in London as a kitchen porter, in Toronto as a zoo helper, and in New York as a jack-of-all-menial-trades.

In 1955 he joined the U.S. Army. While in the army, he fell in love with a fellow soldier and suffered another nervous breakdown. He was sent to Walter Reed Hospital in Washington, D.C., for psychiatric treatment. While in the hospital, he was given a weekend pass in honor of his twenty-first birthday in 1956. Jackson spent his birthday by going to New York, where he attempted suicide with an overdose of sleeping pills.

Discharged from the army, he continued to wander across the United States. In 1961, the U.S. Secret Service arrested Jackson for threatening President John F. Kennedy. Later that year, he was deported to Scotland, where he occasionally lived with his widowed mother. During this period, he was a vagrant on the dole and seldom stayed in one place for more than a few months.

In 1966, Jackson reentered the United States through Miami and was given a six-month visitor's visa. He was deported when he overstayed the six months.

He first became aware of Saldana in 1979, when he sat in an Aberdeen theater and watched *I Want to Hold Your Hand*, a film about Beatlemania. Movies were Jackson's only reality. Jackson conceived mad passions for women in movies whom he thought of as stars.

Two years later he saw Saldana in *Defiance*, a movie in which she plays a girl trying to make a life for herself in a crime-ridden slum. When costar Jan-Michael Vincent was attacked in the movie by a street gang, the scene provoked vivid memories of his own 1956 suicide attempt. Focusing his excitement on Theresa, Jackson convinced himself he could win the actress by "sending her into eternity."

## **Investigation**

Jackson began stalking Saldana in early 1982, the year he illegally returned to the United States. He took several cross-country bus trips in this single-minded quest.

He initially went to New York City, where he tried to contact Saldana's relatives and business associates, pretending to be an agent with a script for her. He was unable to locate Saldana. A trip to Los Angeles also yielded nothing. Only after he returned to New York from California did he manage to trick one of Saldana's relatives into telling him the actress lived in Hollywood.

While he stalked Saldana, he tried to purchase a gun in many different states but was prevented by state laws requiring a minimum of a driver's license for identification. The only weapon available to Jackson was a hunting knife.

After returning to Hollywood, he hired a private detective, who provided Saldana's address. During questioning by the police, he was asked why he

had tried to kill Saldana. Jackson replied, "Read my diary. It's all in there." Jackson had kept a diary of his quest in his knapsack.

### **Outcome**

Jackson, convicted of attempted murder and inflicting great bodily injury, was given the maximum sentence of twelve years in prison. While in custody, he also confessed to the murder of two people during a robbery of a London bank in 1962. Jackson continued to write to Saldana in prison as well as reporters about his quest for Saldana.

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## **420: ROBBERY**

Robbery is a crime of seizing property through violence or intimidation. Because violence is an ingredient of most robberies, they sometimes result in the harm or murder of their victims. Robbery is generally an urban crime. In common with most legal terms, the precise definition of robbery varies by jurisdiction.

The element of force differentiates robbery from embezzlement, larceny, and other types of theft. Armed robbery involves the use of a weapon. Highway robbery takes place outside and in a public place. Carjacking is the act of stealing a car from a victim, usually at gunpoint. Bank robbery is the robbing of banks and financial institutions.

### **Defining Characteristics**

**Victimology.** The victim of a robbery can be an individual or a group of people. It can also be a home, bank, a store, and other places with cash or items to be stolen. The goal is generally cash.

The victim's risk is situational. It is the robber's perception of the victim that puts the victim at risk. The risk for the robber is dependent on his relationship with the victim and his or her expertise in the crime.

**Crime Scene Indicators Frequently Noted.** The robber usually spends a minimum amount of time at the scene. Typically, he brings a weapon or a threat of having one, such as a bomb. Sometimes the communication between the robber and the victim is written or verbal. Communication is minimal.

**Staging.** Staging is not typical.

**Common Forensic Findings.** In bank robberies there is often a note left for analysis. If the victim has been bound, there will be restraints available.

### **Investigative Considerations**

Robberies are usually planned. Surveillance tapes should be secured for both prior casing of the building and the robbery itself. Careful interviewing of witnesses will assist in developing a sketch of the robber for media distribution or photos from the security cameras.

### **Search Warrant Suggestions**

There should be a search for the stolen items. In bank robberies, there will be marking dye on clothes and the surroundings.

## **421: BANK ROBBERY**

Bank robbery is usually accomplished by a solitary criminal who brandishes a firearm at a teller and demands money, either orally or through a written note. The most dangerous type of bank robbery is a takeover robbery in which several heavily armed (and armored) gang members threaten the lives of everyone in the bank.

The first bank robbery in the United States took place on March 19, 1831, and was committed by Edward Smith, who stole \$245,000 from the City Bank on Wall Street in New York City. He was caught, convicted, and sentenced to five years in Sing Sing prison.

Due to modern security measures like security cameras, well-armed security guards, silent alarms, exploding dye packs, and SWAT teams, bank robberies are now rarely successful. Few criminals are able to make a successful living out of bank robbery over the long run, since each attempt increases the probability of being identified and caught. Today most organized crime groups tend to make their money by other means, such as drug trafficking, identity theft, or online scamming and phishing. However, bank robberies are still fairly common and are sometimes successful, although eventually most robbers are found and arrested. An FBI report states that the rate of clearance by arrest for bank robbery in 2001 was second only to that of murder.

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## **CASE STUDY: 421: BANK ROBBERY**

### **Background**

This study is an atypical bank robbery because it was committed by more than one person and is a well-known case. Campbell Hearst, better known as

Patty Hearst (born February 20, 1954), now as Patricia Hearst Shaw, is an American newspaper heiress and socialite. She is the granddaughter of William Randolph Hearst and was the victim of a 1974 kidnapping, but soon afterward became a criminal herself: she robbed a bank and spent time in prison (although she later received a presidential pardon).

Hearst was born in San Mateo, California, the third of five daughters of Randolph Apperson Hearst. She grew up primarily in the wealthy San Francisco suburb of Hillsborough, California, and attended Crystal Springs Uplands School.

She was kidnapped on February 4, 1974, shortly before her twentieth birthday, from the Berkeley, California, apartment that she shared with her fiancé, Steven Weed, by an urban guerrilla terrorist group called the Symbionese Liberation Army (SLA). When the attempt to prisoner-swap Hearst for jailed SLA members failed, the SLA made ransom demands that resulted in the donation by the Hearst family of \$6 million worth of food to the poor of the Bay Area. After the distribution of food, Hearst was still not released.

### **Victimology**

The victim was the Sunset bank branch of the Hibernia Bank.

### **Crime Scene Indicators**

On April 15, 1974, Patty Hearst was photographed wielding an assault rifle while robbing the Sunset branch of the Hibernia Bank. Later communications from her were issued under the pseudonym Tania and revealed that she was committed to the goals of the SLA. A warrant was issued for her arrest, and in September 1975, she was arrested in an apartment with other SLA members.

### **Forensic Findings**

In her trial, which started on January 15, 1976, Hearst claimed she had been locked blindfolded in a closet and physically and sexually abused, which caused her to join the SLA. Her defense was largely based around the claim that her actions could be attributed to a severe case of Stockholm syndrome, in which captives become sympathetic with their captors. Hearst further argued she was coerced or intimidated into her part in the bank robbery.

### **Outcome**

Attorney F. Lee Bailey defended Patty Hearst, who was nevertheless convicted of bank robbery on March 20. Her sentence was eventually commuted

by President Jimmy Carter, and Hearst was released from prison on February 1, 1979. She was granted a full pardon by President Bill Clinton on January 20, 2001, the final day of his presidency.

After her release from prison, Hearst married her former bodyguard, Bernard Shaw. Currently, she lives with her husband and two daughters in Connecticut.

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## **430: BURGLARY**

Burglary is a nonconfrontational property crime that occurs when no one is at home. Becoming a burglary victim can leave a family feeling vulnerable and violated.

### **Defining Characteristics**

**Victimology.** The victim is the property. The majority of home and apartment burglaries occur during the daytime when most people are at work or school. The summer months of July and August have the most burglaries, with February having the fewest crimes.

**Crime Scene Indicators Frequently Noted.** Burglaries are committed most often by young males under twenty-five years of age looking for items that are small and expensive and can easily be converted to cash. Favorite items are cash, jewelry, guns, watches, laptop computers, VCRs, video players, CDs, and other small electronic devices. Quick cash is needed for living expenses and drugs.

**Common Forensic Findings.** Seventy percent of burglars use some force to enter a dwelling, but their preference is to gain easy access through an open door or window. Ordinary household tools like screwdrivers, channel-lock pliers, small pry bars, and small hammers are most often used. Burglars continue to flourish because police can clear only about 13 percent of all reported burglaries and rarely catch the thief in the act.

Use of state DNA databases involving samples from felons convicted of certain crimes has yielded some data on fetish burglars who go on to commit sexual offenses. Any body fluids found should be subjected to analysis and CODIS.

### **Investigation Considerations**

Although home burglaries may seem random in occurrence, they actually involve a selection process. The burglar's selection process is simple: choose

an unoccupied home with the easiest access, the greatest amount of cover, and the best escape routes.

Burglars enter residences illegally to steal merchandise or property that someone else owns; however, motives may vary among thieves. For example, the motive of a criminal enterprise burglar is profit, whereas the motive of a fetish burglar is sexual. Sometimes both motives are operating. It is important not to dismiss pantie thieves as nuisance offenders when their intent is not a nuisance but represents a serious intention or motivation to harm someone sexually. Fetish burglars' motive consists of the sexually provocative images that the stolen items (such as lingerie or leather) convey and the physiological arousal they may experience committing such an act. The motive of the fetish burglar is secret and has to do with the content or theme of a specific (perhaps sexual) fantasy. Because of the sexual motive, a fetish burglar (similar to sex offenders in general) is not likely to stop without intervention by law enforcement. An arrest is necessary to interrupt the pattern. Recognizing motivation is a key component to understanding the crime and the criminal and to evaluating the danger to society.

### **Search Warrant Suggestions**

There should be a search for the stolen items, including fetish items.

## **440: ASSAULT**

Aggravated assault is usually differentiated from simple assault by the offender's intent (to murder or to rape, for example), the extent of the injury to the victim, or the use of a deadly weapon, although legal definitions vary by jurisdiction. Sentences for aggravated assault are generally more severe, reflecting the greater degree of harm or malice intended by the perpetrator.

### **Defining Characteristics**

**Victimology.** The victim can be a person, child, adult, or elder. There has been an attempt by the offender to cause bodily injury. The offender causes such injury purposely, knowingly, or recklessly in circumstances and shows callous indifference to the victim.

**Crime Scene Indicators Frequently Noted.** The offender may cause bodily injury by use of a deadly weapon.

**Common Forensic Findings.** Aggravated assault offenders used personal weapons (such as hands, fists, and feet) in 26.9 percent of offenses, firearms



in 19.1 percent of offenses, and knives or cutting instruments in 18.2 percent of offenses. Other types of weapons were used in 35.9 percent of aggravated assaults.

**Staging.** Staging may be involved to make the assault look like an accident, for example, stating a child fell when he was actually shaken.

### **Investigative Considerations**

Careful interviewing of multiple witnesses is important to check for consistency in statements. Assault and abuse cases by family members or caregivers will need to be reviewed carefully.

### **Search Warrant Suggestions**

A search warrant would help to identify patterned marks of assault on a victim if the weapon can be found—for example, a rope or belt used to bind a victim or a belt used to strike a victim. The suspect’s home and car could be searched for a specific weapon.

## **450: BATTERY/ABUSE**

The crime of battery involves an injury or other contact on the person of another in a manner likely to cause bodily harm. It is often broken down into gradations for the purposes of determining the severity of punishment—for example:

- *Simple battery* may include any form of nonconsensual, harmful, or insulting contact, regardless of the injury caused.
- *Sexual battery* may be defined as nonconsensual touching of the intimate parts of another.
- *Family violence battery* may be limited in its scope between persons within a certain degree of relationship. Statutes with respect to this offense have been enacted in response to an increasing awareness of the problem of domestic violence.
- *Aggravated battery* is generally regarded as a serious offense of felony grade, involving the loss of the victim’s limb or some other type of permanent disfigurement of the victim. As successor to the common law crime of mayhem, this is sometimes subsumed in the definition of aggravated assault.

In some jurisdictions, battery has recently been constructed to include directing bodily secretions at another person without their permission. In some jurisdictions, this automatically is considered aggravated battery.

As a first approximation to the distinction between battery and assault, the overt behavior of an assault might be A advancing on B by chasing after him and swinging a fist at his head, while that of an act of battery might be A actually striking B.

Within U.S. law in most jurisdictions, the charge of criminal battery requires evidence of a mental state (*mens rea*).

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## **CASE STUDY: 450: BATTERY/ABUSE**

### **Background**

Caleb's father told the doctor that he and his wife, Crystal (Caleb's mother), had been separated for the past eight months and that since the separation, Caleb had been with his father 90 percent of the time. He said Caleb's mother was now pregnant with a baby by a different father and had recently wanted to see more of Caleb. The evening before, Caleb had been with his mother. His father dropped him off at the mother's around 6:00 P.M. and picked him up that morning at 5:30 A.M. Caleb's mother resides with her mother, although her mother is gone a lot. When he dropped off Caleb, the mother's new boyfriend was there, but he was not seen in the morning when the father picked up Caleb.

### **Victimology**

Caleb was sixteen months old when he was brought to an emergency room by his father for evaluation of alleged physical abuse.

### **Crime Scene Indicators**

When the father picked up Caleb, he noted red spots on the child's left cheek. He thought it was food and tried to rub it off. Caleb's mother said that Caleb had an allergic reaction to the carpet. Caleb's father took him to day care and at that time noticed the marking on the face looked like a handprint. The father called the pediatrician, who told him to bring the child to the hospital. At the hospital, the father told the doctor that Caleb was walking and falling a lot, but he had never noticed him to have bruises in the past.

### **Forensic Findings**

An examination revealed an area of petechiae, five by ten centimeters, with several red linear marks. The impression was physical abuse from a handprint. X-rays of the entire body did not reveal any other injury. Child Protective Services (CPS) was notified, and a report was sent to law enforcement.

## Investigation

The CPS social worker made many telephone attempts to contact Caleb's parents in an effort to determine who had abused Caleb. The social worker was unsuccessful for four months. She gathered the parents and maternal grandmother for a meeting in July. All parties said they did not believe his mother had hit him, but they had no other explanation. Her report stated that his mother was involved with a boyfriend and that both parents were responsible for the child's care when Caleb with them. The referral of child abuse was substantiated, and the referral was closed.

On December 27, Caleb's mother's boyfriend called 911 and said that Caleb was not breathing. The emergency medical technicians responded, but Caleb could not be resuscitated. The boyfriend was charged with the homicide.

## Outcome

Police interviews during the investigation revealed the following:

- Caleb's mother was being abused by her boyfriend. She identified four separate times he had shoved her around. The boyfriend admitted he had roughed her up several times and that he had an anger problem.
- The boyfriend was a registered sex offender. He had failed to report his address in November of that year and was put on probation. This information was reported in the newspaper article on Caleb's murder.
- The newspaper also reported the boyfriend's criminal history of corruption of a minor, receiving stolen property, grand theft, preparation of cocaine for sale, and forgery. He also was stopped for driving with a license plate that was not properly displayed.
- Caleb's mother admitted that Caleb had seemed depressed for months before his death. X-rays and autopsy indicated that Caleb had an old head injury estimated to have occurred seven to ten days prior to his death.
- Caleb's mother permitted her boyfriend to stay with her because he said he had no other place to live. She also said he was lazy and was not working.
- The police were asked to search the home for an L-shaped weapon to match the pattern of injury on Caleb's skull. They found a loaded gun belonging to the boyfriend.

This was a case that fell through the cracks. If there had been better coordination and sharing of information between CPS and law enforcement, the

domestic abuse and child abuse would have been the basis for charging the boyfriend and possibly preventing the fatal injury to Caleb.

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### **CASE STUDY: 450: BATTERY/ABUSE**

#### **Background**

The defendant was a fifty-year-old black male who was the registered domestic partner of the victim, a thirty-nine-year-old white woman. There was a history of abuse dating back to the birth of their daughter, ten years prior. The mother never called the police or made reports of the abuse to authorities. She was a schoolteacher. On at least two occasions, she missed work because of visible injuries sustained at the hands of her partner. Her work associates, including her supervisor, were suspicious of the bruises but never made any report.

#### **Victimology**

Ms. J was seriously attacked in July 2004 but did not go to the hospital until five days later, primarily because the partner accused her of faking it and also threatened it would “open Pandora’s box” because of his criminal record. The defendant had a criminal record, which included at least one prior domestic violence case (in which the victim was his “wife” and his prostitute). The victim in that case had a daughter, not believed to be the defendant’s. That case went to trial, but the defendant was convicted only of a misdemeanor, not the numerous felonies he was indicted on.

#### **Crime Scene Indicators**

Testimony of Ms. J from a videotape made while she was hospitalized from the assault provided the following information. Mr. B was verbally abusive, said she messed up things, would hit her on the back of the head, berate her, order her to stand still and keep her arms down, punch her in the stomach, order her to lie down, spread her legs, hit her with an extension cord on her legs and pubic area, and state he wanted to kill her. He said she would lose her job when the school found out she was incompetent.

One time that he hit her in the face, she received two black eyes and swollen gums. She lied to school authorities that she was visiting her grandmother for two weeks. She was hit for the way she cooked the rice, for not washing his shirts well enough, and for “speaking like a wimp.” Ms. J did tell her doctor about the bruises. He advised her to leave the partner, saying, “They never change.”

Ms. J rationalized her partner's behavior and believed that he would change. She did not want to "mess up his dream" of being successful. She was staying with him because of the daughter and did not want the daughter to know of the abuse.

The assaultive event in July started because she had not washed fruit particles sufficiently out of a container that was to be used to hold water for their daughter. Mr. B hit his partner, saying she should have learned how to clean a container by this time. He kicked her in the stomach as she lay on the floor and slammed her head against the tiles. She went back to cleaning the container but felt a great deal of physical pain, saw flashes, and felt very hot. She went to the bathroom and vomited green liquid several times. He made her get up, but she could not stand straight. He forced her to eat the next day, and she kept vomiting. This continued for several days, to which Mr. B said she was "milking this for attention." He kept very close watch on her and refused to let her leave the apartment. On the fifth day, he said he was taking the daughter out. Ms. J wrote him a check and after he left, she managed to get herself to the emergency room. She was in such critical condition that the doctor called her mother in another state to say he did not think she would live.

### **Forensic Findings**

Diagnoses at the hospital included pancreatic traumatic injury and peritonitis. Her pancreas had been severed in half, and the necrotic part of it was removed. Her spleen was removed. She was treated for postsurgical hypoinsulinemia and postoperative infection. Over her two-week hospital stay, she told staff of the domestic violence.

### **Investigation**

Child Protective Services had the daughter examined for possible child abuse. No bruising or injuries were detected. Mr. B was arrested on attempted murder charges. In the hospital, Ms. J agreed to press charges. Once home, however, she hired a lawyer for her partner and one for herself and refused to talk with the prosecutor.

### **Outcome**

A Sirous hearing was held on the basis of an "unavailable witness" and to determine if expert testimony could be provided to explain aspects of domestic violence. To allow testimony at trial, the judge needed to have verified that there was an adequate research basis to the theories and dynamics

of domestic violence. At trial, Ms. J minimized her injuries and stated she did not want to be a party to sending Mr. B to prison. Mr. B nevertheless was convicted and sentenced to ten years in prison.

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**CASE STUDY: 450: BATTERY/ABUSE**  
**Case Contributed by Leonard Morgensbesser**

**Victimology**

A seventy-three-year-old woman awoke in the early morning of July 10, 2004, to the sound of breaking glass. When she opened her door, a man charged inside, grabbed her, muffled her mouth, and made her promise not to call the police.

**Crime Scene Indicators**

The assailant spoke only Spanish, but the victim knew him from his landscaping her yard in April. After the man calmed down, the victim showed him family pictures, shared stories, and offered him something to eat.

**Forensic Findings**

He ate a banana, drank some milk, and fell asleep. He awoke, used the bathroom, got undressed, and exposed himself to the victim but fell back asleep. Swabs of the milk glass were taken as well as fingerprints on broken glass and his clothing.

**Investigation**

The victim barricaded herself in the bathroom with a telephone, which she used to call her daughter, who called the police. The police arrived to find the assailant's clothes strewn around the house; he was wearing sweat pants and had a condom in the pocket. He told police he intended to steal jewelry.

**Outcome**

The twenty-five-year-old intruder, Vasquez-Garcia, was found guilty of two counts of residential burglary, one count of false imprisonment of an elder, and one count of elder abuse. One of the two burglary charges arose from another woman, a seventy-eight-year old, who contacted investigators after learning of the other incident. She testified at trial that when he was landscaping her yard in April 2004, he had used her bathroom and exposed himself to her.

The jury's foreman said the jury's main challenge came when deciding the count of elder abuse. The jury had to decide whether the intruder reasonably should have known the age of the victim. The defendant faced up to eleven years and four months in prison.

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# Computer Crimes

ALLEN G. BURGESS

- 500: Computer crimes
- 510: Computers as the target
  - 511: Malignant software
  - 512: Computer data as the target
  - 513: Denial of service
- 520: The computer user as the target
  - 521: Identity theft
  - 522: Invasion of privacy
  - 523: Cyberstalking
- 530: Criminal enterprise
  - 531: Money laundering
  - 532: Child pornography
  - 533: Internet fraud
    - 533.01: Bank fraud
    - 533.02: Fraudulent Internet transactions
- 540: Threats via the Internet

Crimes involving the computer have emerged as a new class of crimes. The U.S. Attorney's Office's Computer Hacking and Intellectual Property Section (CHIPS) was created to prosecute high-technology and intellectual property offenses, including computer intrusions, denial of service attacks, virus and worm proliferation, Internet fraud, and telecommunications fraud. U.S.



attorney Michael J. Sullivan said about one case, “Today’s sentence is the result of the juvenile’s guilty plea to both the Massachusetts and Arkansas charges. Computer hacking is not fun and games. Hackers cause real harm to real victims. Would-be hackers, even juveniles when appropriate, should be put on notice that such criminal activity will not be tolerated and that stiff punishments await them if they are caught.”

The computer can be the target of the crime, the user of the computer can be the victim of the crime, information in the computer can be the target. In addition, criminal enterprises are using the computer, and computers are used by criminals incidental to the crime.

Computer crimes are divided into four major classifications: the computer as the target of the crime (510), the computer user as the target (520), criminal enterprise (530), and threats via the Internet (540). Criminal enterprise is where the computer is used as a weapon of the crime or the computer is incidental to the crime. Threats via the Internet includes stalking as well as extortion.

## **510: COMPUTERS AS THE TARGET**

Computers as the target of the crime occurs when the computer itself is the “victim” of the crime. The computer can also be a target when it or its components (hard drives, monitor, software) are stolen, but these types of crimes are classified under larceny or theft and are not included in the 510 classification. Included in this classification are crimes that target the user of the computer, the data stored on the computer, the software on the computer, or the intellectual property or trade secrets on the computer. Software programs have been developed to target computers. These programs go under many names: virus, worms, Trojan horse, spyware, and malware, to name a few. These types of programs fall under the heading of malignant software. Offenders who create and proliferate viruses, worms, and Trojan horses are known as hackers.

## **511: MALIGNANT SOFTWARE**

### **Defining Characteristics**

Malignant software such as viruses, worms, and Trojan horses targets the computer or the software on the computer with the intent to do harm to the computer.

*Viruses* are malicious code embedded in programs or e-mails that damage the computer hardware or software.

The *worm* is code that can damage computer files and programs or slow computer performance; it is delivered by another program or application,

usually via e-mail. Viruses and worms were originally delivered by removable media but now can be found in e-mails, e-mail attachments, and free programs available over the Internet. Viruses and worms have also been found embedded in pictures.

*Trojan horses* are programs placed on a computer to capture and send information to a third party unbeknown to the computer user. They have been used in cases of identity theft (see classification 521). Another type of Trojan horse captures the user's keystroke information and searches for personal and financial information. This type of program is called a "key logger." The key logger can be used to exploit a user's financial accounts by posing as the user. Another type of Trojan horse is a program that turns the user system into a spam generator. When spam is sent to the infected computer, it forwards that spam to all the addresses contained in the address books resident on the computer.

Another harmful program is the *logic bomb*, a program that destroys data or crashes systems when a certain event occurs. An early example was the one labeled cookie monster. Cookie monster would appear on the screen and say, "Cookie! Cookie! Cookie! Cookie!" and if the user could not type the word *cookie* into the keyboard fast enough, it would destroy or "eat" a file or files on the computer system. Another example of a logic bomb is a program that was written to search for a programmer's social security number; if it was not found, all payroll records would be destroyed on the computer.

**Victimology.** The victims are all computers, especially personal computers, attached to the Internet. Malignant software can be transmitted over the Internet, computer disks, CD-ROMs, flash cards, and any other form of computer storage.

**Common Forensic Findings.** Targeted computers have missing files, slow response and processing speeds, an inability to access antivirus software, or fail to start. The offender's computer will have malignant software creation tools and copies of the software program. A Trojan horse offender's computer will also have the addresses of successful implants. The offender's computer data will be encrypted.

### **Investigative Considerations**

The targeted computer should be serviced by another computer or Internet service to scan for malignant software. The offender's computer should be unplugged (not turned on and not closed down if it is on) and taken to a qualified facility where the hard drive will be removed and scanned with special software using another computer. This special software reads the patterns of

ones and zeros from the disk without executing programs on the disk. Offenders typically build in programs during the boot cycle (computer start-up) that require a special password or procedure. If the password or procedure is not followed, the program will erase all files associated with the creation of the malignant software.

### **Search Warrant Suggestions**

The search warrant for the offender's location should list all computers and all forms of computer storage: disks, data CD-ROMs, DVDs, magnetic tapes, external hard drives, mini-drives (sometimes called memory sticks), flash memory modules, programming documentation, e-mail addresses (possible sources of malignant software creation programs), the computer and all its peripherals, and all program CD-ROMs. The search warrant should also include the offender's Internet accounts.

## **512: COMPUTER DATA AS THE TARGET**

Crimes with the computer data as the target are changing data, replacing data, or creating new data on the computer. Data such as payroll information, credit history, and stock information are typical targets for this crime. This changing, replacing, or creating fraudulent data such as corporate information for stock fraud or false tax returns is usually associated with securities fraud or wire transfers. These types of computer crimes can also be considered under the criminal enterprise classification (530). Other crimes within this classification are software piracy and the theft of intellectual property from the computer. Software piracy or theft of intellectual property not on the computer but on electronic media falls into the theft or larceny classification or under criminal enterprise (530).

### **Defining Characteristics**

**Victimology.** The victims are computers and the data they contain, especially personal computers, attached to the Internet. Malignant software can be transmitted using the Internet, e-mail and spam, computer disks, CD-ROMs, flash cards, and any other form of computer storage.

**Common Forensic Findings.** Changes in computer data can be detected if the data were backed up, that is, copies of the data were stored on another computer, CD-ROM, computer disk, or magnetic tape. If backups are available, a computer program can be used to compare files to determine which data were changed. The changes in data could provide clues to the offender.

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### **Investigative Considerations**

The targeted computer should have its hard drive removed and analyzed by special computer software to determine not only the changed data but search for possible Trojan horse software that tests for data checks and then destroys the corrupted data before they can be analyzed.

### **Search Warrant Suggestions**

The search warrant for the offender's location should list all computers and all forms of computer storage: disks, data CD-ROMs, DVDs, magnetic tapes, external hard drives, mini-drives (sometimes called memory sticks), flash memory modules, programming documentation, e-mail addresses (possible sources of malignant software creation programs), the computer and all its peripherals, and all program CD-ROMs. The search warrant should also include the offender's Internet accounts.

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## **CASE STUDY: 512: COMPUTER DATA AS THE TARGET**

### **Background and Victimology**

Oleg Zezev was accused of trying to steal confidential information belonging to Bloomberg L.P. and its customers. Bloomberg L.P. is a multinational financial data company that provides its customers in the international financial community with timely financial information and trading data through a computer network. Zezev then used that information to threaten Bloomberg's founder, Michael Bloomberg, that if he did not pay him \$200,000, he would disclose this information to Bloomberg's customers and the media in an effort to harm Bloomberg's reputation. Zezev was the chief information technology officer at Kazkommerts Securities (Kazkommerts) located in Almaty, Kazakhstan.

### **Forensic Findings**

The e-mail came from an e-mail account at a company called Hotmail that Zezev had registered under a false name. The e-mail was traced back to Kazkommerts Securities, where Zezev worked. After receiving the first e-mail, Bloomberg computer specialists were able to piece together how Zezev had broken in and rewrote the software on the Bloomberg system to prevent him from accessing the system again.

## Investigation

In the spring of 1999, Bloomberg provided database services to Kazkommerts. As a result, Kazkommerts was provided with Bloomberg's software to gain access to Bloomberg's services over the Internet. Bloomberg cancelled those services in 1999 because Kazkommerts did not pay its bill.

In March 2000, Zezev manipulated Bloomberg's software to bypass Bloomberg's security system in order to gain unauthorized access to Bloomberg's computer system so that he could pose as different legitimate Bloomberg customers and employees. On eleven separate occasions during March 2000, Zezev illegally entered Bloomberg's computer system and accessed various accounts, including Michael Bloomberg's personal account as well as accounts for other Bloomberg employees and customers. Zezev copied information from these accounts, including e-mail in-box screens, Michael Bloomberg's credit card numbers, and screens relating to internal functions of Bloomberg. He also copied internal information from Bloomberg that was accessible only by Bloomberg employees.

According to the evidence at trial on March 24, 2000, Zezev sent Michael Bloomberg an e-mail from Kazakhstan using the alias "Alex," attaching various screens he had copied from Bloomberg's computer system demonstrating his ability to enter the system as any user. He then asked for payment and threatened: "There a lot [sic] of clever but mean heads in the world who will use their chance to destroy your system to the detriment of your worldwide reputation."

Zezev sent an e-mail on April 17 to Bloomberg threatening that if he did not send Zezev \$200,000, he would disclose to the media and Bloomberg's customers that he was able to gain unauthorized access to Bloomberg's computer system.

Michael Bloomberg, acting in conjunction with FBI agents, sent Zezev e-mails saying that if Zezev wanted the money, he would have to meet with him and some of Bloomberg's computer specialists in London and explain to them how he was able to break into Bloomberg's computer system.

Zezev traveled from London to meet with Bloomberg. On August 10, 2000, Michael Bloomberg, Tom Secunda, the head of technology at Bloomberg, and a British undercover agent posing as Bloomberg's bodyguard met with Zezev and Yarimaka, an associate of Zezev, in London. The meeting was recorded by undercover videotape. At the meeting, Zezev introduced himself as "Alex." Michael Bloomberg told Zezev that he was extorting his company. Zezev was arrested after the meeting and subsequently extradited from England to the United States to face the charges in the indictment.

## Outcome

On February 26, 2003, Zezev was convicted, after a three-and-a-half-week jury trial in U.S. District Court, on all counts of a four-count indictment charging him with crimes arising from his scheme to hack into Bloomberg L.P.'s computer system: conspiracy to commit extortion, attempted extortion, sending extortionate threats, and computer intrusion. Zezev was sentenced in Manhattan federal court to over four years in prison.

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## 513: DENIAL OF SERVICE

This crime occurs when a computer service is the target of the offender. Overwhelming an Internet site with many phony requests for service is an example of this type of crime.

### Defining Characteristics

**Victimology.** The victims of this type of crime are the computers used by Internet service providers (ISP) (Google, Yahoo, MSN, and others) and on-line retail services (such as Wal-Mart and eBay).

**Common Forensic Findings.** Service denial is indicated when the targeted site is unable to respond to normal service requests. Computer logs will show many erroneous or trivial requests occurring at the same time from many sites. The offender will have placed Trojan horse software on many computers and triggered an attack at some specific time in the future. The sites chosen for the Trojan horse software typically are college and university computers, which have many users and can be easily hacked because some legitimate users failed to use hard-to-break passwords. Additional service request sites could be personal computers attached to the Internet that have been compromised.

### Investigative Considerations

The targeted computers' logs should be analyzed in an attempt to determine the Internet Protocol addresses of the sending computers.

### Search Warrant Suggestions

The search warrant for the offender's location should list all computers and all forms of computer storage: disks, data CD-ROMs, DVDs, magnetic

tapes, external hard drives, mini-drives (sometimes called memory sticks), flash memory modules, programming documentation, e-mail addresses (possible sources of malignant software creation programs), the computer and all its peripherals, and all program CD-ROMs. The search warrant should also include the offender's Internet accounts.

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## CASE STUDY: 513: DENIAL OF SERVICE

### Background

The offender, Allan Eric Carlson, was a disgruntled Phillies fan (the Phillies were losing games) and took revenge by hacking into computers around the country, hijacking or "spoofing" the return addresses of e-mail accounts of reporters at the *Philadelphia Inquirer* and the *Philadelphia Daily News* and e-mail accounts at the Philadelphia Phillies baseball team, and launching spam e-mail attacks. The indictment charges that when launching the spam e-mails, Carlson's list of addressees included numerous bad addresses. When those e-mails arrived at their destinations, the indictment charges that they were "returned" or "bounced" back to the person who purportedly sent them: the persons whose e-mail addresses had been "spoofed" or hijacked. This caused floods of thousands of e-mails into these accounts in a very short period of time.

### Victimology

The victims included reporters at the *Philadelphia Inquirer* and *Philadelphia Daily News* and e-mail accounts at the Philadelphia Phillies baseball team.

### Investigation

Using the e-mail addresses of the *Inquirer*, *Daily News*, and the Phillies, the FBI was able to enlist its offices throughout the nation and conduct a thorough investigation. It used trace programs to determine the sources of the denial of service messages to locate the true sender of the spoofed computers. Carlson was charged with seventy-nine counts of computer fraud and identity theft (classification 521) for illegally using the e-mail addresses of the reporters.

### Outcome

Carlson was convicted of the seventy-nine counts of computer fraud and identity fraud and was sentenced to four years' imprisonment.

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## **520: THE COMPUTER USER AS THE TARGET**

The user can be a target of identity theft, fraud, or stalking. In the first two crimes, the offender is seeking financial gain, and in stalking (sometimes called cyberstalking), the offender is harassing the computer user using the Internet (by e-mail, chatrooms, and instant messaging, for example).

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### **CASE STUDY: 520: THE COMPUTER USER AS THE TARGET**

#### **Background and Victimology**

Jerome T. Heckenkamp, age twenty-four, of Los Angeles gained unauthorized access to eBay computers during February and March 1999. Using this unauthorized access, he defaced an eBay Web page using the name “MagicFX,” and installed a Trojan horse computer program (program containing malicious code masked inside apparently harmless programs) on the eBay computers. He then secretly captured user names and passwords that he later used to gain unauthorized access into other eBay computers.

Heckenkamp had gained unauthorized access to Qualcomm computers in San Diego in late 1999 using a computer from his dorm room at the University of Wisconsin–Madison. Once he gained this unauthorized access, he installed multiple Trojan horse programs that captured user names and passwords that he later used to gain unauthorized access into more Qualcomm computers.

#### **Outcome**

Heckenkamp pleaded guilty in federal court to gaining unauthorized access and recklessly damaging computer systems of several high-technology companies. His guilty pleas resulted from felony charges filed against him in both the Northern and Southern Districts of California. On March 13, 2002, a grand jury in the Northern District of California returned a sixteen-count indictment charging him with computer intrusions, unlawful interception of electronic communications, and witness tampering. On September 5, a grand jury in the Southern District of California returned a ten-count indictment charging him with computer intrusions and unlawful interception of electronic communications. The cases were consolidated in the U.S. District Court for the Northern District of California in March 2003. Under the terms of a plea agreement joined by the U.S. Attorney’s Offices for both districts, Heckenkamp pleaded guilty to one count from each of those indictments, each charging unauthorized access into a computer and recklessly causing



damage. Heckenkamp also agreed that the court could consider losses from other indicted counts in determining his sentence, including unauthorized access to computer systems of Exodus Communications, Juniper Networks, Lycos, and Cygnus Solutions.

Heckenkamp was sentenced to eight months in prison and eight months of electronic monitoring and home confinement; was ordered to pay restitution to the victim companies in the amount of \$268,291; and was ordered to serve a three-year term of supervised release, during which time he would be prohibited from using a computer with Internet access absent approval from a probation officer.

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### **521: IDENTITY THEFT**

This classification covers crimes where the information needed to accomplish identity theft, such as social security number, credit card, and bank PINs, is obtained from a user's computer using the Internet. This classification does not include identity theft when the personal data are obtained by other means, such as trash or loss of wallet and credit cards.

It is estimated that 25 percent of state, county, and city Web sites contain social security numbers of property owners, government employees, taxpayers, and others. At one time the Pentagon Web site contained the social security numbers of high-ranking military officers. This practice was stopped when many of these top-ranking military officers became victims of credit card fraud.

A new type of identity theft by means of the computer is now referred to as *phishing*. It is the stealing of personal information such as credit cards and bank data from the Internet. This is done by sending an e-mail to a person requesting his or her social security number, credit card, or bank account information under the guise of being a legitimate vendor used by this computer user. A good example is the use of bank logos and Web site layout to appear to be a legitimate bank site requesting information to update its online account. The request usually makes it appear to be an urgent matter by stating that if the user does not update the information, his or her online account will be canceled. The typical user responds by quickly providing the information requested. It is estimated that in 2004, some 57 million people were targets of phishing. In June 2004 alone, there were 1,422 phishing attacks. The number of attacks in 2004 increased over those in 2003 by an estimated 1,126 percent. About 19 percent of recipients open the e-mail and click the link. About 3 to 5 percent of recipients divulge the personal financial information.

### **Defining Characteristics**

**Victimology.** The victims of this type of crime are those who use the computer for online activities such as shopping, banking, and paying bills.

**Common Forensic Findings.** Common findings are unauthorized credit card charges, credit card accounts unknown to the victim, unauthorized bank account withdrawals, and addresses on the illegal accounts different from the victim's address.

### **Investigative Considerations**

The victim should register with all credit services to report the possible identity theft. The investigator should trace addresses and the location of erroneous credit card charges and look for possible travel patterns of the offender.

### **Search Warrant Suggestions**

The search warrant for the offender's location should list all computers and all forms of computer storage: disks, data CD-ROMs, DVDs, magnetic tapes, external hard drives, mini-drives (sometimes called memory sticks), flash memory modules, programming documentation, e-mail addresses (possible sources of malignant software creation programs), the computer and all its peripherals, and all program CD-ROMs. The search warrant should also include the offender's Internet accounts.

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## **CASE STUDY: 521: IDENTITY THEFT**

### **Background and Victimology**

From June 18 through June 27, 2003, Van T. Dinh purchased approximately 9,120 put option contracts for the common stock of Cisco Systems at the strike price of \$15.00 per share through his online trading account at Cybertrader.com. Each put contract Dinh purchased gave him the right to sell 100 shares of Cisco common stock at \$15.00 per share, if the share value fell to that price or below, until the contract's expiration, which was set for July 19, 2003. Dinh paid \$10.00 per contract, for a total purchase price of approximately \$91,200. If the value of Cisco shares had fallen relatively precipitously during the short period of the life of the contracts, Dinh would have stood to make a large profit—a highly speculative but potentially lucrative gamble.

On July 7, 2003, a member of Stockcharts.com's stock-charting forum, who lived in Westborough, Massachusetts, received a message from an individual named "Stanley Hirsch," who turned out to be Dinh. He responded to the e-mail, thus providing his personal e-mail address to Dinh. On July 8, he received an e-mail sent to his personal e-mail address inviting him to participate in a so-called beta test of a new stock-charting tool. The sender, identified as Tony T. Riechert, provided a link in the e-mail message to enable this potential investor to download a computer program that purported to be the stock-charting application. Tony Riechert was another name that Dinh used in connection with this scheme.

The purported application sent to the potential investor was actually a disguised Trojan horse that contained a series of keystroke-logging programs that enable one Internet user to remotely monitor the keystrokes of another user.

Once the investor had installed the program on his computer, Dinh was able to use the intrusion programs to identify this investor's online TD Waterhouse account and to extract password and log-in information for that account.

By July 10, nine days before the expiration date of Dinh's Cisco options, Cisco's stock was trading at approximately \$19.00 per share, making it likely that Dinh's \$15.00 Cisco put options would be worthless at the time they expired and he would stand to lose the entire \$91,200 he had paid to purchase the options. On July 11, Dinh used the password and log-in information for the investor's online account to place a series of buy orders for the Cisco options, depleting almost all of the account's available cash—approximately \$46,986. The buy orders for the investor's account were filled with 7,200 Cisco put options sold from Dinh's account. As a result of the execution of these buy orders, Dinh avoided at least \$37,000 of losses (some of the \$46,986 in funds taken from the investor's account went to commission costs).

Dinh had placed additional purchase orders from the investor's account, which went unfilled only because the investor's account had already been depleted of funds by Dinh.

## **Outcome**

Van T. Dinh pleaded guilty on February 9, 2004, to an eight-count indictment charging him with causing damage in connection with unauthorized access to a protected computer, committing mail and wire fraud, and knowingly executing a scheme and artifice to defraud the investor and others in connection with a security and to obtain by means of false and fraudulent pretenses, money and property in connection with the purchase and sale of a

security. He was sentenced to one year and one month in prison, to be followed by three years of supervised release and a \$3,000 fine for the unauthorized access to a protected computer and other crimes in connection with his unlawfully accessing a computer belonging to the investor, and using information gained through that intrusion to make unlawful trades with funds in the investor's online brokerage account. In addition, an \$800 special assessment was imposed. Prior to sentencing, Dinh paid full restitution to the victim investor in the amount of \$46,986, which represented the entire amount of money taken from the investor's account.

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## **522: INVASION OF PRIVACY**

This crime involves sending spam or unsolicited sexually explicit material by computer user via the Internet.

**Victimology.** The victims of this type of crime are the users of the Internet. Pornographic spam is sent to a large number of sites in an attempt to recruit new customers.

**Common Forensic Findings.** Pornographic material will be found on the user's computer as well as the address of the sender. In most cases, this address will not be real.

### **Investigative Considerations**

The investigator should try to trace the path through the Internet or sign up for the service and do an online trace.

### **Search Warrant Suggestions**

The investigator can obtain a warrant to the Internet service provider (ISP) to trace the path of the sender of pornographic data. When the location of the sender is determined, the investigator should obtain a search warrant for the offender's location. This search warrant should list all forms of computer storage: disks, data CD-ROMs, DVDs, magnetic tapes, external hard drives, mini-drives (sometimes called memory sticks), flash memory modules, programming documentation, e-mail addresses (possible sources of malignant software creation programs), the computer and all its peripherals, and all program CD-ROMs. The search should look for the pornographic data as well as addresses of customers. Pornographic material at the offender's site should be compared with the pornographic material at the victim's site.

## **523: CYBERSTALKING**

Cyberstalking is the use of the computer to follow a target of the stalker.

**Victimology.** Cyberstalking is similar to physical stalking except contact with the victim is with the Internet using e-mail, chatrooms, and instant messaging. The victim is typically female.

**Common Forensic Findings.** The victim's computer will have copies of the transmitted messages as well as the address of the sender. The address of the offender may not be his or her real address, and the investigator will have to do online tracing when and if the offender sends additional messages.

### **Investigative Considerations**

The investigator can try to hold the sender online to trace the sender's location.

### **Search Warrant Suggestions**

The investigator can obtain a warrant to trace the path of the sender of the stalking messages. This warrant will be to the Internet service provider (ISP). When the location of the sender is determined, the investigator should obtain a search warrant for the offender's location.

The search warrant should list all computers at the offender's location and all forms of computer storage: disks, data CD-ROMs, DVDs, magnetic tapes, external hard drives, mini-drives (sometimes called memory sticks), flash memory modules, programming documentation, e-mail addresses (possible sources of malignant software creation programs), the computer and all its peripherals, and all program CD-ROMs. The search warrant should also include the search for copies of the messages sent previously to the victim.

## **530: CRIMINAL ENTERPRISE**

Criminal enterprise is now performing money laundering with a computer, wire fraud, child pornography, and other types of fraud using a computer.

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## **CASE STUDY: 530: CRIMINAL ENTERPRISE**

### **Background**

Alexey V. Ivanov, of Chelyabinsk, Russia, was indicted with eight counts of wire fraud, two counts of extortion, four counts of unauthorized computer intrusions, and one count of possessing user names and passwords for an online bank. The charges stemmed from the activities of Ivanov, age twenty-three, and others who operated from Russia and hacked into dozens of computers throughout the United States, stealing user names, passwords, credit card information, and other financial data and then extorting the victims with the threat of deleting their data and destroying their computer systems.

### **Investigation**

All of the victim companies fully cooperated with the FBI during the investigation. Ivanov and his partner, twenty-five-year-old Vasili Gorchkov, were arrested in Seattle after traveling to the United States during an investigation by the FBI. Ivanov and Gorchkov, who is awaiting trial on similar charges in Seattle, came to the United States for a what he thought was a job interview with Seattle-based computer security company called Invita. In fact, Invita was an undercover FBI company that allowed investigators to obtain the evidence needed to charge the two Russians.

### **Outcome**

Ivanov was sentenced to a term of imprisonment of forty-eight months, to be followed by three years of supervised release. He had previously pleaded guilty and admitted to numerous charges of conspiracy, computer intrusion, computer fraud, credit card fraud, wire fraud, and extortion. In sentencing Ivanov, the district judge described his participation as a “manager or supervisor” in an “unprecedented, wide-ranging, organized criminal enterprise” that “engaged in numerous acts of fraud, extortion, and intentional damage to the property of others, involving the sophisticated manipulation of computer data, financial information, and credit card numbers.” The district judge found that Ivanov was responsible for an aggregate loss of approximately \$25 million.

## **531: MONEY LAUNDERING**

Money laundering is a crime used to make illegal funds appear to be legal. An example was a programmer who was paid to modify code in banking

programs to ignore banking regulations to alert the FBI for transactions in excess of ten thousand dollars for organized crime accounts. Another money-laundering scheme was creating programs to generate false revenues for crime-controlled businesses.

### **Defining Characteristics**

*Victimology.* The victims are public and government tax agencies.

*Common Forensic Findings.* In money laundering, false revenue will be generated by computer programs or user entry. The actual revenue will also be on the computer because the offenders need to know how much money was laundered.

### **Investigative Considerations**

The investigator needs to determine the amount of legitimate revenue; the excess is laundered money. In one case where a restaurant was used to launder money, the real revenue was determined by counting the linen napkins to determine the number of meals served. This was then compared to the number of computer-generated meals.

### **Search Warrant Suggestions**

The search warrant should include all computers, computer-related storage, computer programs, and Internet accounts. The computers should be searched for multiple sets of financial transactions, which will be encrypted. Printed copies of the transactions should also be requested.

## **532: CHILD PORNOGRAPHY**

The availability of child pornography over the Internet has turned into a multibillion-dollar business. (See Chapter Twelve.)

## **533: INTERNET FRAUD**

Criminals use the computer to create credit card fraud, bank account fraud, and even counterfeit passports.

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## **CASE STUDY: 533: INTERNET FRAUD**

### **Background and Victimology**

The offenders attempted to steal more than \$10 million in computer equipment from Ingram Micro, a large electronics distributor in Santa Ana, California.

### **Forensic Findings**

The offenders were a group of six men led by Calin Mateias who was located in Romania; the others were located in the United States. Mateias began hacking into Ingram Micro's online ordering system in 1999. Using information obtained from his illegal hacking activity, Mateias bypassed Ingram's online security safeguards, posed as a legitimate customer, and ordered computer equipment to be sent to Romania. When Ingram Micro blocked all shipments to Romania in early 1999, Mateias recruited Olufemi Tinubu, Valeriu Crisovan, Jeremy Long, and Warren Bailey from Internet chatrooms to provide him with U.S. addresses to use as mail drops for the fraudulently ordered equipment. Crisovan, Tinubu, Finley, and Long recruited others, including high school students, to provide additional addresses and to accept the stolen merchandise. The defendants in the United States would either sell the equipment and send the proceeds to Mateias, or they would repack-age the equipment and send it to Romania.

Mateias and his co-conspirators allegedly fraudulently ordered more than \$10 million in computer equipment from Ingram Micro. However, Ingram Micro was successful in intercepting nearly half the orders before the items were shipped.

### **Investigation**

Ingram Micro became suspicious of orders from clients that were not consistent with their previous orders. The FBI, working with Romanian law enforcement, was able to trace the fraudulent orders to Mateias.

### **Outcome**

All six defendants were charged with conspiring to commit mail fraud by causing Ingram Micro to ship computer equipment based on the false pretenses that the equipment was ordered by legitimate customers. In addition, Mateias, Tinubu, Finley, Crisovan, and Long were charged with mail fraud.



## CASE STUDY: 533: INTERNET FRAUD

### Background

Juju Jiang, operating from his home in Flushing, New York, and using a computer program designed to record computer passwords and user names, attempted to gain access to the computer accounts of approximately fifteen subscribers of GoToMyPC, a company that offers individuals the ability to remotely access their personal computers from any computer connected to the Internet. Jiang obtained these users' passwords and user names by installing computer software for this purpose at a Kinko's in Manhattan. He then used these passwords and user names in attempts to gain access to those subscribers' personal computers in order to obtain credit card and other information stored on those computers.

### Victimology

Jiang's alleged fraud came to the light after a subscriber of GoToMyPC, who was at home, heard his personal computer turn on without any action on the subscriber's part and then observed the cursor of the PC move around the screen and files on the PC being accessed and opened as if by remote control. Afterward, he observed his computer access a Web site known as [www.neteller.com](http://www.neteller.com), an online payment transfer service, and observed an account in his name being opened at Neteller, without his authorization.

A short time later, the victim observed his computer accessing the Web site for the American Express Corporate card and, using information stored on his computer, saw his computer attempt to access his card account file. The victim then manually regained control of his PC, terminated the computer session, and contacted officials of Neteller in order to direct them to close the unauthorized Neteller account that had been opened in his name.

### Investigation

Federal authorities, with logs of GoToMyPC used on the victim's computer, traced the attacking computer by its Internet protocol address, first to the company providing it cable modem service and then to a specific Queens address. With GoToMyPC's help, federal agents found that at least nine other customer accounts had been used by the same suspicious computer.

The agents obtained a search warrant and went to Jiang's home. Four desktops and a laptop whirred in his bedroom, and according to court documents, telltale signs of digital subterfuge were scattered about the room: sticky notes containing bank account numbers, Kinko's credit card receipts, and books and manuals on hacking.

## **Outcome**

Jiang was arrested on charges of computer fraud for attempting to gain access to the accounts of numerous subscribers of GoToMyPC.com. He was sentenced to twenty-seven months' imprisonment, three years of supervised release, and \$201,620 in restitution.

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### **533.01: BANK FRAUD**

This crime occurs when money is illegally obtained from one bank account and transferred electronically to another account that is usually in another bank and typically another country. Access to the targeted bank is via the Internet. Wireless connections to the Internet are used to commit crimes, where it is difficult to identify the user.

#### **Investigative Considerations**

The targeted computer should have its hard drive removed and analyzed by special computer software not only to determine the changed data but to search for possible Trojan horse software that tests for data checks and then destroys the corrupted data before they can be analyzed. All computer logs should be analyzed for suspicious activities, and all Internet activity should be searched for illegal access and messages.

#### **Search Warrant Suggestions**

The search warrant for the offender's location should list all computers and all forms of computer storage: disks, data CD-ROMs, DVDs, magnetic tapes, external hard drives, mini-drives (sometimes called memory sticks), flash memory modules, programming documentation, e-mail addresses (possible sources of malignant software creation programs), the computer and all its peripherals, and all program CD-ROMs. The search warrant should also include the offender's Internet accounts.

### **533.02: FRAUDULENT INTERNET TRANSACTIONS**

This crime occurs when a buyer purchases goods at an Internet auction and sends money but never receives the goods purchased.

Another type of fraudulent Internet transaction is Web site fraud, also called shopping cart fraud. This crime involves the creation of a URL similar to a legitimate site, and the unsuspecting user is apprised of large savings on the purchase of hard-to-obtain products. Accessing any one of the erroneous Web sites can lead to fraud.

## **540: THREATS VIA THE INTERNET**

### **Defining Characteristics**

This crime occurs when a computer user is threatened over the Internet. Threats can be delivered by e-mail, instant messaging, and spam.

*Victimology.* The computer user can be threatened with bodily harm, family and friends can be threatened with bodily harm, or the user's business can be threatened with destruction.

*Common Forensic Findings.* The computer of the targeted user will have logs and copies of the threatening messages. The offender's computer should also have copies of the threats, as well as the user's computer addresses, e-mail, and Internet protocol.

### **Investigative Considerations**

The targeted computers' logs should be analyzed in an attempt to determine the Internet protocol addresses of the sending computers.

### **Search Warrant Suggestions**

The search warrant for the offender's location should list all computers and all forms of computer storage: disks, data CD-ROMs, DVDs, magnetic tapes, external hard drives, mini-drives (sometimes called memory sticks), flash memory modules, programming documentation, e-mail addresses (possible sources of malignant software creation programs), the computer and all its peripherals, and all program CD-ROMs. The search warrant should also include the offender's Internet accounts.

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## **CASE STUDY: 540: THREATS VIA THE INTERNET**

### **Background**

A Massachusetts juvenile committed a series of hacking incidents into Internet and telephone service providers; the theft of an individual's personal information and the posting of it on the Internet; and making bomb threats to high schools in Florida and Massachusetts. All took place over a fifteen-month period.

## **Victimology**

The victims were a Florida school, a major telephone service provider, a school in Massachusetts, and local emergency services, requiring the response of several emergency response units to the school. The victims suffered approximately \$1 million in damages.

## **Investigation**

The offender's criminal conduct began in March 2004 when he sent a bomb threat to a Florida school. As a result of this threat, the school was closed for two days, while a bomb squad, a canine team, the fire department, and emergency medical services were called in.

In August, he logged into the Internet computer system of a major Internet service provider (ISP) using a program he had installed on an employee's computer. This program allowed the juvenile to use the employee's computer remotely to access other computers on the internal network of the ISP and gain access to portions of the ISP's operational information.

In January 2005, the juvenile gained access to the internal computer system of a major telephone service provider that allowed him to look up account information of the provider's customers. He used this system to discover key information about an individual who had an account with the telephone service. He accessed the information stored on this individual's mobile telephone and posted the information on the Internet. During this same period, the juvenile used his access to the telephone company's computer system to set up numerous telephone accounts for himself and his friends, without having to pay for the accounts.

Also in January 2005, an associate of the juvenile set up accounts for the juvenile at a company that stores identity information concerning millions of individuals, allowing the juvenile to look at the identity information for numerous individuals, some of which he used for the purpose of looking up the account information for the victim whose personal information he posted on the Internet.

In the spring of 2005, the juvenile, using a portable wireless Internet access device, arranged with one or more associates to place a bomb threat to a school in Massachusetts and local emergency services, requiring the response of several emergency response units to the school on two occasions and the school's evacuation on one.

In June 2005, the juvenile called a second major telephone service provider because a phone that a friend had fraudulently activated had been shut off. In a recorded telephone call, he threatened that if the provider did not provide him access to its computer system, he would cause its Web service

to collapse through a denial-of-service attack—that is, an attack designed to ensure that a Web site is so flooded with requests for information that legitimate users cannot access it. The provider refused to provide the requested access. Approximately ten minutes after the threat was made, the juvenile and others initiated a denial of service attack (classification 513) that succeeded in shutting down a significant portion of the telephone service provider's Web operations.

**Investigation**

The targeted computers' logs were analyzed, and the Internet protocol addresses of the sending computers were identified. Once the real Internet address was determined, agents went to the offender's home, arrested him, and executed the search warrant.

**Outcome**

In a sealed court proceeding, the Massachusetts teenager pleaded guilty in U.S. District Court to an indictment charging him with nine counts of juvenile delinquency. The court imposed a sentence of eleven months' detention in a juvenile facility, to be followed by two years of supervised release. During his periods of detention and supervised release, the juvenile was barred from possessing or using any computer, cell phone, or other electronic equipment capable of accessing the Internet.

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# Cybercrimes

JOHN E. DOUGLAS

LAUREN K. DOUGLAS

The Internet has meant that old concepts of boundaries and borders and limitations are gone. People are no longer doing things at the speed of physically transmitting messages from one place to another, but trading their thoughts, their emotions, their images, and their desires at the speed of light. The human imagination seems to be freed from the constraints of the past. When you go online, you can be anyone you wish to be.

The Net is both a vast research tool into every possible subject and a gateway to information. It provides services as varied as how to adopt a child from the United States or another country, how to trade stocks or collect coins, and how to stalk an unsuspecting person. It offers the greatest library anywhere, yet it also provides the opportunity for frustrated couples to “adopt” nonexistent children in scams that cost the couples thousands of dollars and breaks their hearts. The Net features bomb-making techniques and other information used by terrorists, both domestic and foreign. America’s radical right has been linked by computer networks since the mid-1980s. And international terrorists are linked to their followers worldwide by e-mail and zip files.

The Net has organized cybergangs that roam the darkest recesses of the Web—gangs so technically proficient that they can reach into another’s computer and swipe his or her password, home address, and telephone number. They can steal financial records and sabotage the files on anyone’s

hard drive, destroying everything that has been created and stored. As soon as these gangs were found to be operating in the online world, software companies began building firewalls to keep them out. Each time one of these firewalls—which shut down the computer portals that allow new information—are cracked by a hacker, new barriers are generated to become more impenetrable. It is a game of one set of technology masters taking on the other, with the side of prevention sometimes winning and sometimes taking a loss. Everything about the Internet is a competition to expand the boundaries of what is possible.

In decades past, the dark world of pornography and child pornography could be found underground or in the seedier parts of town at adult bookstores, bordellos, and other outlets. That era is gone. The Internet brings the most taboo sexual subjects into the privacy of one's home or workplace computer. Everything from erotic photos of youngsters to sadomasochistic Web sites to videos of rape and other forms of sexual violence are now only a keystroke away. When office workers became bored, they can download extremely graphic images without anyone knowing. But in time, employers became aware of this pastime and installed software that either blocked the sites or allowed them to track which worker was going where in cyberspace and how often.

The Net has opened new ways to do business, new ways to find or generate information, and new ways to meet potential mates or partners. Online personal ads and chatrooms become contemporary bars and singles clubs, but instead of having access to a few people in a physical setting, anyone can now access potential partners worldwide. In years past, when people met, interacted with, and assessed each other, eye contact, body language, and appearance came into play. Our combined human and animal instincts were the best gifts to protect us from danger. The fight-or-flight response is most effective on a visual basis, and intuition is a valuable tool in selecting potential partners or mates. Both of these skills are dramatically reduced when communicating on the Net.

What often started out online as an exciting way to meet new people sometimes led to more serious consequences. Stories began to surface everywhere about relationships and marriages dissolving because of cyberromance. On the Net, personal interactions can quickly move from casual e-mails to intimate e-mails to sensual and sexual communications to the exchange of pictures to the decision to meet physically, to having an affair, to planning on marriage—and then on to divorce and breaking up households. As soon as online love became popular, services popped up offering to track spouses on the Net without ever being detected in order to see whom he or she was meeting in cyberspace. Private investigation began to take on a new meaning.

Many times an abandoned husband or wife never realized that a spouse had been going online and carrying out hidden adultery over the Net. Everything had unfolded just a few feet away from the wounded party, and everything had taken place in total silence, within the electronic confines of a computer.

People's hearts and minds are now being tested in striking new ways. Instead of conducting just one illicit affair online, some users carry on four or five at once, with women or men in countries around the globe. Surfing the Net can easily become a hobby that evolves into an addiction nearly as consuming as a full-time job. Some of the experimenting taking place in cyberspace has resulted in new couples getting married, but a few other ventures have resulted in violence or death.

As the Net entered tens of millions of American homes, criminals began using the new technology to commit fraud, theft, and many other violations of the law. At the same time both law enforcement and private agencies were beginning to study behavior—particularly sexual behavior—on the Internet and developing statistics about their findings. The results revealed that huge numbers of people used the Internet for some form of sexual exploration. The Net seems to have freed something that had previously been repressed in the human mind or the unconscious or in the body itself. Self-imposed restrictions or controls were fading, and people often did things in cyberspace they might have never done anywhere else. The online world had become a new fraudulent, sexual, and violent playground for countless Americans.

A radically altered reality had arrived at the end of the twentieth century. It is most frequently compared to the Old West, where many people were armed and dangerous and where lawmen struggled to maintain order and protect the citizens of the new frontier. That era was sometimes wild and lawless, but it was not driven by a rapidly growing, ever changing technology. Horses dominated the western landscape, and both criminals and sheriffs used the same animals in their chosen line of work. The outlaws and peacekeepers were fairly evenly matched. When automobiles came along in the early twentieth century, criminals quickly adapted them to fit their needs, and once again law enforcement easily made the same adaptation. In the online world, the old patterns do not apply. Technology was changing so fast that the authorities simply could not keep up during the first few years in which the Internet exploded. By the mid-1990s, when law enforcement began to realize how many different kinds of crime were being committed in cyberspace and how insidious some of those crimes were, they had barely started to train or employ enough experts to fight back. They needed money for education and for more sophisticated equipment because the technology turned over so fast, and they needed time to absorb what they were learning. Whenever they made progress, the technology surged forward again and was often being used for illegal activities.



Never had those involved in finding and catching criminals been faced with such a challenge. Never had they required more resources or knowledge. They were playing catch-up against a foe that had infiltrated every corner of the Net.

## **VICTIMOLOGY, THE CRIME SCENE, AND INVESTIGATIVE CONSIDERATIONS**

Many crimes begin as fantasies. Murderers often start by using fantasy to escape problems until they reach a point where the fantasy must be acted out. The offenders carefully search for victims by employing their personal profiling techniques and narrowing their search for prey. Who is most vulnerable to being lured into the trap? Who can be controlled most easily? Who is susceptible to flattery, manipulation, and domination? In the past, many erotic fantasies were largely private matters. A sexual predator was likely to hunt in small venues, like a pedophile stalking at a child's playground or a rapist hunting in a bar. But the Internet has expanded the realm of fantasy from the limits and confines of physical reality to the worldwide stage of virtual reality, and anyone can get caught up in online seduction.

Before the Internet, offenders would target and pursue high-risk victims such as prostitutes and runaways, individuals who were out on the streets and would not be missed. Now the Internet has expanded the type of victim susceptible to crime—for example, housewives, blue-collar workers, and white-collar workers. These individuals in the physical world would be categorized as having a low-risk potential for becoming a victim, but now the Internet has created the potential for these persons to be placed in a high-risk category. The moment individuals begin to tell others on the Net personal and private information about themselves, they increase their risk of becoming victims.

The Internet has broadened the potential for possible victims and has also made law enforcement's job increasingly difficult. Persons who engage with strangers on the Internet are not likely to tell anyone about the communications for fear of embarrassment. Also, unlike a traditional crime where there are eyewitnesses, no one can see a crime taking place on the Internet. Not only does the Internet produce a larger pool of potential victims, it also attracts individuals who would never think about committing a crime outside cyberspace. These individuals feel they have anonymity on the Net and feel an increased sense of security about committing a crime. These facts make the investigative process more critical and complicated.

The cybercrime scene includes the victim's computer and the potential suspect's computer. Evidence collection is exclusively court order based, where forms must be submitted to a judge who approves the collection of

evidence from an Internet service provider (ISP). The basis of a search warrant is for the purpose of obtaining documents that connect the victim to the perpetrator. The success of the discovery process is dependent on the particular ISP's record keeping, which includes how long it keeps individual customers' records. Information about the crime takes the form of bits and bytes found on the involved parties' computers. However, sophisticated cybercriminals can learn how to manipulate the bits and bytes, making it harder for law enforcement to trace.

Research has revealed that offenders often like to keep some type of memento reminding them of their crimes. With regard to cybercrime, there is virtually no difference: offenders still want to keep information about their crime for personal documentation. These items might include photographs, Web sites, e-mails, storage disks, software, and folders. The documentation could contain a list of the victims the perpetrator has assaulted and may have coded descriptions of what was done to each of the victims. Most likely this information is encrypted. Investigators need to take this information to a specialist who can break the code.

Crime that occurs on the Internet has made the job of prosecuting and defending these cases extremely difficult. The Constitution considers crime to be a local matter, reserved to individual states, not the federal government. Congress has not yet added any statutes dealing with the Internet, which means the defense can only challenge the issuance of warrants, usually the last step of the investigation. In the light of this new type of crime, many states are beginning to change laws and create statutes to include crimes carried out through the use of the Net. Nevertheless, states are unsure about and unfamiliar with how to settle jurisdiction issues of cybercrime. Traditionally, when a crime is committed, it is prosecuted within the state where it occurred. The type of crime decides whether that case will be handled by a state or federal court. For example, if a perpetrator crosses state lines after committing a crime, a federal court handles the case. Now the legal implications have changed, and dealing with cybercrime is not straightforward. Law enforcement and the government must adapt to this new realm. Just as law enforcement caught up with the criminals who began using cars to aid in their crimes in the early twentieth century, they now are catching up with the criminals who are using the Internet.

## **POSSIBLE SCENARIOS**

A July 2002 article in the *Washington Times* illustrated how individuals use the Net to create a fantasy. Ex-convict Amy Fisher, who served seven years in prison for shooting her lover's wife, said about cyberdating, "I met my fiancé through Match.com. I was using a fake name. He pretended he was a

millionaire. After numerous online chats, we met and really hit it off. One night, I said, 'I have a confession to make before we go any further.' He said, 'What?' I answered, 'I'm really Amy Fisher.' He responded, 'I'm not really a millionaire.'"

Cyberspace has allowed anyone to fabricate his or her age, looks, occupation, race, gender, sexual orientation, personal history, and personality. A shy person can be daring and flirtatious. An outrageously forward person can come across as gentle and cautious. A fourteen year old can act much older and far more sophisticated than his or her years. And a seventy-five-year old can claim to be thirty-three. Nothing is off limits.

An ex-con in Kansas can present himself as a caring farmer and successful entrepreneur willing to help those in need. A woman who never ventures into erotic clubs or businesses in the physical world can now explore these places alone and unembarrassed, where no one knows her or even that she is female. Internet users are liberated from all the restrictions of the past and are safe—or so it seems. They can stick a toe into this online pool and test the waters without revealing much of themselves or their own desires.

A woman entering a chatroom can take this game to a different level, especially if she is willing to tell others in the room that she is female. Some people perceive this as an open invitation to be sexually aggressive. She might instantly be asked where she lives, her age, and the size of her breasts. She will find that others are hungry for her picture. And if she says that she is young and blond, a feeding frenzy may ensue, with the woman instantly becoming the center of attention, regardless of what she really looks like. All this can be fun and flattering, but it can also start to feel like an insult.

Everything is accelerated in cyberspace. Users meet new people immediately and get personal with them very fast; instant gratification is the common currency. It seems easy for users to get addicted to the rush of going online and having secret relationships with those who pay attention to them whenever they want this kind of attention. If they are not getting these feelings inside their love affair or marriage, they can just log on and feel closer to someone across town or in another country.

In an office in Ohio, a female state employee grows bored in the lull of her afternoon workday and glances around to see if anyone is watching her. Her boss is out, and no one else is looking her way. She turns on her computer screen and punches a few keys that are reserved for situations like this one. Within seconds, she has connected to a Web site that offers hard-core pornography. She takes it in with her furtive eyes, constantly peeking over her shoulder to make sure that no one is approaching her desk: she is both fascinated and repelled by the images. If she is a bit ashamed of herself for doing this on company time, she is also briefly entertained. A few minutes later, she returns to work rejuvenated and ready to resume the tedious chores

that make up her job. She has tried not to do this very often, but lately she has been checking in with the site every day. Like many others, she can now satisfy her curiosity in the privacy of her cubicle without the social judgment of others who would never understand.

In Louisiana, a man shares his marital woes and extramarital fantasies with cybergirlfriends in Sweden, Japan, and Spain. He long ago gave up on having intimacy with his wife, but this kind of romance invigorates him and allows him to be kinder to his spouse and children. Sometimes he is convinced it makes him a better person. Initially he likes to meet women in chatrooms, but then he breaks away from those settings and establishes one-on-one relationships with them. He asks them to send pictures of themselves, which most of them are willing to do, and he keeps an extensive file of their photos and e-mail. His wife never uses the computer. He has made it very clear through remarks and an attitude that he does not want her in his office space, so she leaves him alone and never asks him what he is doing during those hours he spends online. She really does not want to know.

In New Hampshire, a stressed-out police officer stays up all night with his “backup” women in cyberspace. He has been fighting with his wife and with his mistress, whom he met a few months earlier on the Internet. Now he is searching for a new connection—someone fresh who does not know his past and will not judge him; who will find him interesting, lively, and funny; and who will make him feel connected to the world and good about himself. If he hunts long enough in chatrooms and presents himself in a favorable enough light, he knows he can find someone like that because he has done it so many times before.

This man never tells anyone online that he is a cop, and he does not talk about his looks either. He focuses on his own mind and the minds and emotions of the women he is speaking to. He knows how to be caring and sympathetic, a good listener. He uses some of these same techniques as a police officer when trying to get suspects or witnesses to tell him what he wants to know. He has been doing all this for years and knows how to hook people by sharing his secrets with them.

“The Net is like a confessional,” he says:

You share things with people online that you wouldn't tell your closest friend. You have someone to talk to who doesn't know you or your family or your background. You feel incredibly free. Your Net connections quickly become very intimate because you can unburden yourself of your deepest feelings without the idea that there will be any consequences. But it still feels like cheating.

The guilt is still there because you're talking to a stranger instead of talking to the people you live with. It erodes relationships at

home because more than anything else, you look forward to going online and spilling your guts to someone out there. It goes very deeply to that place that says somebody in the world can really understand and appreciate and love me. I think that's the deepest human fantasy of all—that someone can know us in a way we want to be known and see us the way we want to be seen. That possibility is what keeps some people going. Without it, you feel very small and alone.

People online may want sex but they crave connectedness to others. The Net provides that in a global way. It's something totally new and, like all new things, it generates hope. Even if that hope ultimately proves to be false. It's like a little vacation from your own life—and everyone needs that once in a while.

## **TYPES OF CYBERCRIME**

### **Interpersonal Violence**

Subjects looking to commit a crime have recently begun using the Internet in order to find unsuspecting victims. *Cyberstalking*, according to Wayne Petherick, a criminal researcher, is a relatively new term, which is merely an extension from the physical form of stalking. Electronic mediums such as the Net are used to pursue, harass, or contact another person in an unsolicited fashion. In certain instances, this pursuit can transform into the physical world, where interpersonal violence occurs.

The Net has made the search for unsuspecting individuals easier than ever before. With just a touch of a button, subjects can enter a special interest chatroom, for example, a sadomasochistic chatroom, and have potential victims at their disposal. Most often subjects have used the Net to convince and lure individuals to meet them in person. Those who step over from the imaginary world of the Net into the real world are putting themselves in a highly risky situation. An August 2002 *Washington Times* article reports how one jewelry dealer, Rick Chance, met a woman online and planned a meeting at a hotel where he would present her and an interested friend an estimated \$1 million worth of jewelry. He was found dead the next day with a bullet in his chest and the jewelry and woman gone. In this case, the woman not only used violence, but also there was a criminal enterprise aspect with regard to the jewelry that was taken and the murder.

The following case illustrates how one man used the Net to fulfill his sexual, monetary, and murderous desires.

In the spring of 2000, Vicki Neufield, a clinical psychologist from Texas, came to Olathe, Kansas, a suburb of Kansas City, for an encounter with a man she had met online. Vicki was there to seek employment in the Kansas

City area and to explore a possible personal relationship with John Robinson. On the Net, he had presented himself as a successful businessman who had local contacts that could further her career. When they were alone in the motel room, he assaulted her and took nude photographs. After the attack, she was horrified and anxious to notify police about Robinson, but she hesitated. She was, after all, compromised by the photos and her sexual encounter with the man. When she had threatened him with exposure, he threatened to reveal the pictures. As she struggled with her options, another woman, Jeanna Milliron, met Robinson in a different Kansas City motel. She too had come to the Midwest after answering Robinson's Web site for employment and looking for a sexual relationship with him. Her encounter also ended badly, with unwanted pictures and a beating. Milliron wanted to call the police, but she was reluctant to reveal her own participation with Robinson. Both women eventually contacted law enforcement.

On March 1, 2000, the Olathe, Kansas, animal control officers learned about a pair of Pekingese dogs running loose at Robinson's mobile home. The dogs were traced to Suzette Trouten, a Michigan woman who had met Robinson online and had moved to Olathe after he had promised her a job taking care of his elderly father, traveling, and earning sixty thousand dollars a year. Not long after coming to Olathe, Trouten was reported missing. After the dogs were picked up, they were scheduled to be euthanized, but that did not happen because they were now being viewed as potential evidence in Trouten's disappearance and possible death.

The investigation of John Robinson eventually led authorities to many more women around the country whom he had met online. When making contact with them in chatrooms, he called himself John or "JT" or "JR" or "Jim Turner" and said he was a wealthy entrepreneur. Almost every woman he encountered responded favorably to his financial condition as he presented it. To some, he hinted at an interest in the world of sadomasochism, and a few of the women were not put off by this. But he usually presented a wholesome image. He sent out pictures of himself dressed like a cowboy: dark western hat cocked jauntily, shiny black cowboy boots, crisply pressed blue jeans, denim shirt, and bolo tie. He wore a friendly grin and leaned against a post on farmland he owned in Linn County, Kansas. He was soon attracting women from all over. He met one named "Lauralei" from Kentucky who had gone online looking for someone who was "over 45 and was sure of himself and secure financially." Her main concern was not becoming involved with someone she would have to support. She and "JT" flirted and did some sexual role playing online. He presented himself as divorced (which was false) and as having an open and caring heart. When Lauralei's brother died, he expressed great sympathy and began phoning her regularly.

He asked to meet her in Kansas City, but she was one of the fortunate ones who declined. Several women who had come into contact with Robinson could no longer be found in cyberspace—or anywhere else.

The Robinson investigation spread to his isolated farm on the Kansas-Missouri border, holding a prefab structure surrounded by fields of corn, beans, and alfalfa. His primary residence was in Olathe, where he had lived with his wife of thirty-six years while raising four grown children, but lately he needed another address to escape to where he could engage in his secret Internet life. The countryside surrounding his farm looked as innocently pastoral as the photos that Robinson took of himself and sent to women online. But his rural outpost held secrets of its own. As the combined task forces of Missouri and Kansas investigators moved onto his property, they searched the structure, dug into his land with shovels, and set loose dogs to sniff out clues. The police soon found two eighty-five-gallon sealed barrels. Inside each was the crumpled body of a woman who had suffered a severe blow to the head.

Law enforcement quickly traced more missing women to Robinson. Among them were a young mother; Robinson had talked the woman into giving her five-month-old baby to him and he then sold the infant to his brother for fifty-five hundred dollars. The mother was never found, and the police would eventually charge Robinson with this murder and kidnapping. Other women who vanished were a Polish college student from Purdue, a woman and her disabled daughter from California, and a prison librarian from Missouri.

In addition to being a sexual predator, Robinson had for years been running financial scams on women by collecting checks from their commercial mailboxes. He had gained their confidence by offering them “exciting overseas jobs” and “education opportunities for unwed mothers.” Using an Internet service that would postmark envelopes from anywhere in the world, Robinson would send the victim’s relatives a letter signed by the victim asking them to send money to a stated address. Robinson would then cash the checks the family sent. Concerned relatives of the missing simply assumed their loved ones were employed or traveling abroad. One victim, Beverly Bonner, a former prison librarian, had rented a storage locker in Cass County, Missouri, in suburban Kansas City. Robinson himself used the storage facility and sometimes joked with the proprietor that his “sister” Beverly was having such a great time overseas she might never return.

By the late spring of 2000, investigators had learned that at least eleven women who had been involved with Robinson had vanished. The police search eventually led them to the storage locker John Robinson had rented in Bonner’s name. When authorities opened it, they saw three more sealed eighty-five-gallon barrels. Inside each was a dead woman who had been



beaten and killed. The bodies had apparently been there for years. One was Bonner. Five corpses had now been recovered, but six were unaccounted for. Police were asking for the public's help in linking Robinson to anyone associated with his scams or sexual activities, but many people were reluctant to come forward and share information about their involvement. The only thing as powerful as the desires that drove sex in cyberspace was the desire to keep this part of their life secret.

In June 2000 Robinson was arrested and held for sexual assault on the two women he had recently taken to Kansas City motels. Using their information and other leads, prosecutors built their case and soon charged Robinson with five capital murders: two in Kansas and three in Missouri. Bond was set at \$5 million, and he was appointed three death penalty lawyers. Thirty task force members, half in Kansas and half in Missouri, kept working the case, which took them to Florida, California, and other venues. It was the largest investigation ever done on an individual for computer-related crimes, and the police put together eleven thousand pages of information detailing Robinson's long criminal history, his numerous cyberrelationships, and his connection with the dead women.

The case had the potential of becoming even bigger and more complicated.

"There's a sex angle to this case," said Johnson County, Kansas, district attorney Paul Morrison, who would be prosecuting Robinson. "There's an Internet angle to this case. And there's also a developing financial angle on this case that ultimately will be a very large part of it."

Robinson maintained his innocence, and so did his wife and children. They released several public statements expressing their support for the defendant and denying his involvement in the crimes. They claimed never to have seen the side of Robinson that law enforcement said had killed at least six females. The accused man's neighbors told the media that he was a quiet fellow who kept a statue of the Virgin Mary in his back yard and always put up wonderful holiday decorations. A few women in the neighborhood said that he had made suggestive remarks but they had warded off his advances.

The balding, pudgy, bespectacled Robinson looked as unthreatening as the cornfields around his home country. When he first appeared in court following his arrest, he wore a tailored blue suit and seemed self-contained. He appeared well mannered and bland.

"He cleans up well," said a lawyer in the Johnson County courthouse that morning, "but his appearance is totally deceiving. If he hadn't done jail time in the last decade, I think he would have killed a lot more women than he did. He was a monster on the Net."

As Robinson sat in jail in Olathe and his attorneys worked on a defense, local, state, and federal investigators continued to pursue information from across the nation as they hunted for more missing women and more bodies.



The first trial for John Robinson began October 7, 2002, in Olathe. On November 19, the jury found him guilty of capital murder for the deaths of Suzette Trouten, age twenty-seven, and Izabela Lewicka, age twenty-one. He was also convicted of first-degree murder for the death of Lisa Stasi, age nineteen, whose body was never found, and of arranging the fraudulent adoption of her four-month-old baby. The same jury that convicted Robinson recommended that he be put to death. District Judge John Anderson III sentenced him January 21, 2003.

While Robinson was on death row in Kansas, Missouri continued pursuing the three murders that were discovered across the state line. Robinson's attorneys negotiated with the Missouri prosecutor, Chris Koster, in an attempt to get Robinson to lead them to the bodies of Lisa Stasi, Paula Godfrey, and Catherine Clampitt. Eventually Koster and his team became convinced the women's remains would not be found, and he and the victim's families agreed to accept the guilty pleas in exchange for life without parole sentences.

In mid-October 2003, Robinson acknowledged that Koster had enough evidence to convict him of capital murder for the deaths of the three women. He demanded the unusual plea agreement because an admission of guilt in Missouri might have been used against him in Kansas. Kansas prosecutor Morrison said he was not convinced the murders actually occurred in Koster's jurisdiction. Although Morrison said he supported Koster's deal to end the mystery of what happened to the women, he said John Robinson, the Internet's first serial killer, was a "gamesman to the end." He gave no hint at what prompted his homicidal acts.

### **Child Pornography**

The Internet has made it possible for individuals to find just about every imaginable taste and some that go beyond most people's imagination. There are listings for those with a special interest in various ethnic groups, in cow-girls, in redheads, and in senior citizens. If they want to look at nude pictures of celebrities, including TV stars, movie actresses, and supermodels, services provide photos for a monthly fee. There are sites offering graphic pictures of violence being done to women and virtual murders. As disturbing as these things are, they are not as disturbing as the online images one can find of small children.

There are pictures available of girls five or six years old who are naked, with their hands tied in front of or behind them and being sexually assaulted. There are pictures of girls with belts tied around their ankles and hanging upside down from the ceiling, with adults doing unspeakable things to these children in still photos and in online videos. By the mid-1990s, the Internet

had an estimated five thousand worldwide child porn sites. Those who create and transmit these images are clever in their ability to hide where the pictures originated and how they were being sent to individuals around the world. A digital photo being e-mailed from, say, Detroit to Los Angeles can be routed through Sweden, Japan, and Turkey before reaching California. Those who know their way around the Internet can make this kind of trafficking in child pornography almost impossible to track.

The Net has created other problems as well. In the past, pedophilia was viewed as perhaps the greatest taboo in modern society. People engaged in it usually had to pursue this activity alone and had to keep it extremely secret. The Net now offers support groups for those interested in molesting children. These sites not only encourage such predators but also advise them on how to lure children away from parents and on the best techniques to seduce children without getting caught. An entirely new criminal realm has exploded across the face of the globe and with no boundaries.

Inevitably scandals began to erupt. In 1996 in Belgium, several children connected to a pornographic ring were murdered. The next year, another scandal was uncovered in Spain, and that same year 250 people were arrested in France for selling or possessing videotapes of small children being raped and tortured. In 1998, the Dutch police found a group of child pornographers in Zandvoort who were selling images of children on the Internet to buyers in Europe, Great Britain, Russia, Israel, and the United States. These images shocked even the most hardened investigators of child pornography.

“For some reasons,” an unnamed psychologist who worked as a police consultant on the Zandvoort case told the *New York Times*, “I have seen a lot of porn, but this left me speechless. It looks like the perpetrators are not dealing with human beings but with objects.”

In the coming years, the people committing sex crimes on the Internet would cut across all racial, religious, economic, and professional lines. Doctors would be arrested for soliciting sex with youngsters, as well as teachers, police detectives, and even a fifty-eight-year-old rabbi in Boca Raton, Jerrold Levy, who pleaded guilty in federal court to using the Internet to arrange a meeting with a fourteen-year-old boy in a parked car. Levy arranged a similar plea to three other counts of employing the Net to solicit sex from minors and e-mailing child pornography videos.

In 1998, the police had identified five thousand child porn Web sites. In 1999, the FBI had opened up fifteen hundred new cases of child porn in the United States, and many experts contended that this was the fastest-growing criminal frontier in cyberspace. By 2000, the number of child porn Web sites had grown to 23,000, and the next year it climbed to 100,000. Mainstream magazines like *Newsweek* were running cover stories on the dangers of letting youngsters explore certain corners of the Net, and Web sites were

providing tips and clues for how parents could protect their children from online predators.

By the end of the 1990s, nearly every week there were stings of people (almost always men) who had gone on the Net looking for a pedophilic connection and made contact instead with an FBI agent or a police officer posing as a young person. When the adult tried to hook up with the child in a physical location, he was arrested. The authorities had become adept at setting traps for these men and catching them as they pursued minors. Even some citizens were playing a role in these stings. In 1997, Randy Sluder, a Disney employee, snared a predator in Florida named Billy Charles Burgess after Sluder had told Burgess that he was a blonde-haired, blue-eyed, thirteen-old girl named “Maggie284.”

In 1998, the U.S. Customs Service broke up the largest Internet child porn ring yet uncovered. It was called “Wonderland” and involved buyers and sellers in at least twelve countries and thirty-two American cities. Numerous professional people were involved in the ring, and some of them could not cope with the consequences of their actions. Within a few days of their arrests, four men associated with Wonderland—a veterinarian and former military officer among them—committed suicide.

In September 1999, an even larger bust occurred when a team of computer specialists and U.S. postal inspectors entered the home of Thomas and Janice Reedy of Fort Worth, Texas. The team soon determined that the Reedys’ Internet business, Landslide Productions, provided access to three hundred child porn sites around the globe and reached thousands of people across the United States and 320,000 clients worldwide. The Reedys, parents of a nine-year-old daughter, were earning \$1.4 million a month from Landslide. At the time of their arrest, they were living in a large suburban home and driving a Mercedes-Benz. The uncovering of this business caused postal inspectors to create Operation Avalanche, a much larger investigation into online child pornography, and a year later the operation led to one hundred more arrests of people allegedly in possession of child pornography.

Thomas Reedy was the main focus of the allegations and was given the opportunity to work with the FBI to catch other child pornographers in exchange for a twenty-year sentence. He declined the offer and went to trial. He was convicted on eighty-nine counts and his wife on eighty-seven, although she was viewed as an accomplice and received only a fourteen-year sentence. He received 1,335 years in prison—the first life sentence ever given in a federal child pornography case where the defendant was not accused of actual molestation. With the Reedy arrest and subsequent conviction, the government had made a huge statement to potential online predators: they could be imprisoned for the rest of their life even without

harming children physically; that could happen just by buying or selling pictures on the Internet.

### **White-Collar Crime**

Check-kiting scams were also growing on the Internet. A popular one throughout the Midwest involved people going through the Yellow Pages and scanning logos from well-known corporations. Then they added that logo to a phony check they had created through the Net. Next, they wrote a payroll check to themselves and cashed it at a local convenience store. A group of con artists would do this quickly in one major city, cashing a lot of checks at different locations, before leaving town. In one day, the criminals could easily cash ten thousand dollars' worth of checks. The method worked well because most convenience store employees would not think of refusing to cash a check with a logo from a Fortune 500 company.

Not all of the financial action on the Net was confined to local scams and small players. In the spring of 2000, the U.S. Attorney's office in New York City filed charges against 120 persons, including several prominent members of organized-crime families, who were charged with allegedly swindling stock market investors out of more than \$50 million. Among those named were Anthony Stropoli and Frank Persico, reputed associates of the Columbo crime family, and Robert Lino, an alleged capo in the Bonanno crime family. According to the authorities, the suspects used phony press releases to falsely hype certain stocks over the Internet in order to boost the price of securities that they already owned. As soon as the stocks inflated, the people generating the false information sold their securities and left other investors with shares that were basically worthless.

### **Extremist Groups**

The Internet has assisted extremist groups in carrying out their destructive plans. The shootings that occurred April 21, 1999, at Columbine High School in Littleton Colorado, illustrated how the Net aided two teenage boys. Eric Harris and Dylan Klebold were members of the Trench Coat Mafia, a group that consisted of a small clique of Columbine students. Harris had his own Web site that described his plans to take down Columbine High School, along with two others whose names were coded. In addition, the site contained information about their experiments with making and detonating pipe bombs. It is believed that the two boys learned how to make these pipe bombs from information they found on the Net.

Extremists commit their crimes on behalf of a body of ideas that they strongly believe in, although the group to which they belong does not sanction

the actions of the offenders. The acts of September 11, 2001, show how Muslim extremists used the Net to help accomplish their plans.

In September 2001 the use of the Internet to create much larger crimes became shockingly apparent. International terrorists flew planes into the twin towers of New York City's World Trade Center and drove another commercial aircraft plane into the Pentagon in Washington, D.C., killing thousands of people. A third plane crashed in a field in Pennsylvania, killing all on board. Investigators soon discovered that the terrorists had left footprints in cyberspace, communicating with one another through the Internet and writing cryptic messages behind pictures that had been posted online. The attackers had employed the ancient Greek practice known as steganography—a method of placing secrets on the back of images. Following the deadliest attack ever on America, FBI agents secured records from Yahoo! and America Online, and confiscated computers that the terrorists had allegedly used in Florida and Virginia. In response, the Bush administration created a high-level, high-tech office to fight cyberterror.

After the events of September 11, criminal opportunists used the tragedy and the Internet to scam innocent people. These opportunists would go online and set up phony “charitable” Web sites. Thousands of dollars were given by citizens wanting to provide financial aid, only to discover later that the money went into the pockets of con men.

## **COMBATING CYBERCRIME**

As crime spread across the Net, law enforcement began to catch up with those using the Web for illicit purposes. In 1996, the Computer Crime and Intellectual Property Section of the U.S. Department of Justice created the Infotech Training Working Group to investigate online violations of the law. This office evolved into the National Cybercrime Training Partnership (NCTP). The NCTP worked with all levels of law enforcement to develop long-range strategies, raise public awareness, and build momentum to combat this problem on many fronts. The National White Collar Crime Center (NW3C) based in Richmond, Virginia, offered operational support to the NCTP and functioned as an information clearinghouse for cybercrime. These agencies worked together to generate more funding to help law enforcement keep up with the ever changing computer world. Those in charge of policing the Net looked on their mission as a battle that they could not afford to lose.

“The technology revolution is here and it is not assisting law enforcement, it is working for criminals,” said Richard L. Johnston, director of the NW3C. “There is very little time to accomplish a lot with limited resources. We are at a crossroad. The sense of urgency to focus on program coordination,

deploying a plan quickly, and underwriting every initiative with a solid base of training is real because the window of opportunity for law enforcement to keep pace with cyber-crime is not only short—it's closing."

One problem for the authorities was the difficulty of police departments to compete with private companies, when it came to paying those with computer expertise. Trained technical personnel could usually earn far more money in the private sector than working for public agencies. Near the end of his second term as president, Bill Clinton took measures to alleviate the situation by announcing plans for congressional funding that offered scholarships to those who studied computer security and then agreed to join the "Federal Cyber Service" after graduation. The program was modeled after a military program that had been successfully used by the Reserve Officers Training Corps on college campuses.

In early 1999, the Training and Research Institute of NW3C conducted an in-depth survey on white-collar violations of the law. It found that in part because of the recent emergence of the Internet, one in three American households were now the victims of white-collar crime. Traditional street crimes were falling in many places around the nation, but high-tech crimes were on the rise. The institute also found that only 7 percent of these online victims contacted a law enforcement agency. In order to boost these figures, in May 2000, the FBI, the Department of Justice, and the NW3C announced the creation of the Internet Fraud Complaint Center (IFCC), established to provide a vehicle for victims nationwide to report incidents of online fraud.

"The Internet Fraud Complaint Center allows consumers who suspect Internet fraud to share that information with law enforcement quickly and efficiently," Attorney General Janet Reno said at the time the IFCC was created. "Our ability to work with private citizens and industry is extremely important to our efforts to fight Internet crime, and the IFCC is a major step forwarding that fight."

"The Internet," said former FBI director Louis J. Freeh, "provides a boundless new medium for many traditional frauds investigated by the FBI. That there are real victims suffering significant losses remains unchanged. This center is another positive development as law enforcement responds to yet another facet of cyber-crime."

In early 2001, the IFCC issued its first study on Internet fraud: in the first six months of operation, the IFCC received 20,014 fraud complaints, and 6,087 of those were referred to law enforcement agencies throughout the nation. Of those, 5,273, or well over 80 percent, involved fraud that was perpetrated in cyberspace. California ranked first in Internet fraud victims and criminals, followed by Texas, Florida, Pennsylvania, and New York.

"E-business is no longer just a buzzword," said Texas state securities commissioner and NW3C board member Denise Voigt Crawford in response to

this report. “It’s here to stay and we must find ways to help consumers and businesses have confidence in the transaction technology they choose. Part of the commitment to our electronic commerce community rests in law enforcement’s ability to respond quickly to crime problems that arise. To do that, enforcement professionals at all levels must have training and programs in place to prepare them to meet new challenges.”

Later in 2001 the NCTP held a number of focus group meetings and found that “electronic crime is having a profound effect on law enforcement and no agency is escaping it.” After conducting a survey of thirty-one state and local law enforcement agencies responsible for training more than eighty-four thousand people to combat Internet crime, the NCTP called for more program coordination, fast-track implementation, and skills training.

In May 2001, as a result of the growing sophistication on the part of law enforcement, the FBI, the Department of Justice, and the NW3C announced that criminal charges were being brought against nearly ninety individuals and companies accused of Internet fraud. The massive investigation, called Operation Cyber Loss, was initiated by the IFCC and included charges of online auction fraud, systemic nondelivery of merchandise purchased over the Internet, credit and debit card fraud, bank fraud, investment fraud, money laundering, multilevel marketing, Ponzi/pyramid schemes, and intellectual property rights violation. Altogether these frauds victimized fifty-six thousand people who lost in excess of \$117 million.

“Just as neighborhood watch programs keep watch over their neighborhoods and report suspicious activity to law enforcement,” said the new attorney general, John Ashcroft, “Internet users now have a ‘cyber-community watch program.’ When individual citizens, businesses, and consumer agencies work with law enforcement at all levels, we help ensure the safety and security of the Internet.”

Government groups were not the only ones sending out warning signals about the Net. Two Virginia-based private organizations, the National Law Center for Children and Enough Is Enough, provided information to parents, teachers, and local, state, and federal employees about the dangers of child pornography, while supporting legislative efforts to control or get rid of it. Written material produced by Enough Is Enough described child porn as a billion-dollar-a-year industry that was a threat to children “both morally and physically. . . . Any child with a computer can simply ‘call up’ and . . . ‘print out’ pictures that are unspeakably pornographic.” The literature described in detail how child predators used the Internet to find victims before meeting them in person and molesting them.

The Patriot Act, passed after the September 11, 2001, attacks, greatly increased U.S. law enforcement’s authority to fight terrorism at home and

abroad. Law enforcement officials were given expanded authority to gather and share evidence especially relating to wire and electronic communications.

The Cyber Security Enhancement Act, part of the Homeland Security Act, was passed in 2002. The law helps deter cybercrime by subjecting hackers to harsher sentences based on the hacker's intent, sophistication, violation of privacy rights, and actual loss sustained by the crime.

In October 2004, the Secret Service arrested thirty people and issued thirty search warrants as part of Operation Firewall. The operation involved eighteen Secret Service offices and eleven international law enforcement organizations. In all, Operation Firewall involved two thousand terabytes of data and was the first use of a wiretap on a computer network.

The FBI's 2005 Cyber-Crime Survey was developed and analyzed with the help of leading public and private authorities on cybersecurity. The survey is based on responses from a cross-section of more than two thousand public and private organizations in four states. The results of the survey estimated that \$65 billion was lost to cybercrime in 2005 alone.

## **CONCLUSION**

The Internet presents an endless opportunity to improve our lives and the way in which we conduct business. Criminals have seized this moment and opportunity to take advantage of unsuspecting victims. Cybercriminals are not confined by state borders. Equipped with just a computer, a cybercriminal can use the Internet to commit a variety of crimes, from violent crimes to crimes against e-commerce. Federal, state, and local law enforcement in the United States and abroad must coordinate their efforts to fight cybercrime. Law enforcement officials should be given the necessary procedural authority through the development of uniform laws to act against this crime. In addition, law enforcement should create task forces whose primary task will be to investigate and prosecute cybercrimes. Awareness and coordination of law enforcement efforts can begin to prevent the abuses of the Internet.





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# Classifying Internet Child Sex Offenders

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With the proliferation of the Internet, the safety of children in cyberspace has become a salient social issue. Newspapers, television networks, and electronic media have informed the public about the risk to children of becoming victims of a sexual crime, yet crimes continue to be perpetrated against children through the medium of cyberspace. In response to the discovery of this new conduit for promoting illicit sexual activity with children, the Office of Juvenile Justice and Delinquency Prevention in 1998 began to label online sexual crimes directed toward children as Internet Crimes Against Children (ICAC). ICAC were defined as any computer-facilitated sexual exploitation of children, including online solicitation and child pornography (Office for Victims of Crime, 2001).

The terms that law enforcement uses to describe Internet child sex offenders are *traders* and *travelers*. *Traders* are child sex offenders who trade or collect child pornography online (Armagh, Battaglia, & Lanning, 2000; McLaughlin, 2000). *Travelers* are sex offenders who engage in discussion with children online and use their skills at manipulation and coercion to meet a child in person for sexual purposes (McLaughlin, 2000; Office for Victims of Crime, 2001). Traveling includes having the offender travel to meet the child or having the child travel to meet the offender. In an attempt to add to the literature on traders and travelers, a descriptive analysis of 225 trader, traveler, and combination trader and traveler data, culled from various news

sources (both print and electronic) dating from 1996 to the present, is discussed by classification (Table 12.1). The offenders were classified into the following six occupational categories : professional (64.0 percent), laborer (11.2 percent), unemployed (8.8 percent), military (5.6 percent), student (7.2 percent), and clergy (3.2 percent). More than one-fifth of Internet child sex offenders lived outside the United States. Using the U.S. Census Bureau categories, the region of origin for the majority of U.S. offenders was the Northeast (28 percent), followed by the South (22.2 percent) with 16.9 percent of offenders originating in the West and 11.6 percent from the Midwest (U.S. Census Bureau, 2000).

## **TRADERS**

Traders are child sex offenders who trade or collect child pornography online (Armagh et al., 2000; McLaughlin, 2000). They may be involved with one or any combination of the following: production, possession, and distribution of child pornography online. More than half of the cases in this sample involved traders (59.1 percent).

### **Possession of Child Pornography**

Traders may be charged with possession of child pornography. The case of Patrick Daniels, a thirty-four-year-old psychologist who worked almost exclusively with children, was believed to be the first person in Canada to go to trial on charges of importing and possessing child pornography acquired through the Internet (“House Arrest,” 1997). He was found guilty after an intensive investigation that began in the spring of 1995 and involved Canadian, U.S., and Mexican authorities. He was sentenced to thirty days of house arrest because the judge said he presented no danger to the public.

### **Sexual Acts with Children**

Traders may be interested in a wide variety of sexual acts with children. Sadistic acts with children were noted in several cases. Marvin Pearson, a sixty-four-year-old retired engineer, was convicted of possessing child pornography, which he collected from the Internet (“Engineer Starts,” 1997). He was accused of 180 counts of receiving and possessing child pornography over the Internet. In addition, he faced one count of receiving videotapes of child pornography and one count of illegal possession of more than a thousand photographs of children engaged in sex acts. It was reported that he drew a harsher-than-usual sentence because some of the children depicted in the images were shown posing in sadistic scenes. He was sentenced to

**Table 12.1. Frequencies of Trader, Traveler, and Combination Trader-Traveler Characteristics (N = 225)**

<i>Characteristics</i>	<i>Trader (n = 133)</i>		<i>Traveler (n = 49)</i>		<i>Combination (n = 43)</i>	
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
<b>Gender</b>						
Male	126	94.7	47	95.9	41	95.3
Female	7	5.3	2	4.1	2	4.7
<b>Age range</b>						
Below 20 years	4	3.0				
20 to 29 years	29	21.8	11	22.4	5	11.6
30 to 39 years	46	34.6	18	36.7	16	37.2
40 to 49 years	22	16.5	10	20.4	10	23.3
50 to 59 years	15	11.3	4	8.2	7	16.3
60 years and over	3	2.3	1	2.0		
Missing information	14	10.5	5	10.2	5	11.6
<b>Occupation</b>						
Professional	52	39.1	11	22.4	17	39.5
Laborer	11	8.3	2	4.1	1	2.3
Unemployed	7	5.3	1	2.0	3	7.0
Military	6	4.5	1	2.0		
Student	8	6.0	1	2.0		
Clergy	1	0.8	1	2.0	2	4.7
Missing information	48	36.1	32	65.3	20	46.5
<b>Region of origin</b>						
Northeast	34	25.6	16	32.7	13	30.2
South	27	20.3	9	18.4	14	32.6
West	20	15.0	11	22.4	7	16.3
Midwest	17	12.8	5	10.2	4	9.3
International	35	26.3	8	16.3	5	11.6

forty-five-months in jail, a six thousand dollar fine, and three years of supervised release after his discharge from prison.

### **Production of Child Pornography**

Traders may produce Internet child pornography. Heidi Wischniwsy, age thirty-two, a technical writer for an information technology company, was charged with possessing and making child pornography (Bell, 1997). It is believed that she was the first woman in Canada to be charged in connection with child pornography on the Internet. Wischniwsy was fired from her place of employment after a coworker discovered pornographic material on an office computer. The company reported the incident to the police, who confiscated the computer and numerous files stored on floppy disks. The investigator in charge confirmed that some of the pictures featured children as young as three or four years old.

### **Distribution of Child Pornography**

Traders may try to distribute Internet child pornography. They often display particular interest in children of a specific age, as in the case of a college student who was charged with using the Internet to transmit photos of infants having sex with adults. Nathaniel Levy, age twenty-one, a psychology major who wanted to be a kindergarten teacher, was arrested at his dorm for promoting sexual performance of a child, a felony punishable by seven years in prison (“Student Arrested,” 1997). The student transmitted thirty-five sexually explicit photos of children, some of them as young as eighteen months, over the Internet. Levy was caught after undercover investigators asked him via the Internet to send them photos in exchange for a videotape. Once investigators received the photos, they agreed to meet Levy at his dorm room, where he was arrested. Levy, whose computer name was “NateTSnake,” pleaded guilty to charges of possessing child pornography and was sentenced to five years (“Child Porn Seeker,” 1997).

### **Pornography Collections**

Traders can amass a large collection. For example, Robert Stephen Keating, age forty-three, a boilermaker, pleaded guilty to eight related child pornography counts and received a sentence of four years in jail (“Internet Child Porn King,” 2002). Keating possessed 226,500 pornography images on his computer. Of those, more than 180,000 depicted children. The previous Australian record for computerized child pornography was 140,000 images.

Keating operated an international pornography club that had 184 members. The maximum sentence for his offenses in Australia was three years; however, the judge added an extra year because Keating was violating bail with his activities.

### **The Profit Motive**

Traders may operate as partners and/or for profit. The case of Thomas and Janice Reedy illustrates the profit motive. The Reedys were charged with operating a commercial child pornography ring from their home (Burke, 2000). The Reedys' company, Landslide Productions, acted as the conduit between one Russian and two Indonesian webmasters who supplied customers with pornographic images of children in exchange for a \$29.95 fee per site. Landslide processed the credit card transactions and supplied the password-protected access to the sites. It received as much as \$1.4 million a month from people seeking access to child pornography (Johnson, 2001). Thomas and Janice Reedy were convicted on federal charges related to possession and distribution of child pornography. Thomas Reedy received 1,335 years in prison. Janice Reedy is serving fourteen years on lesser charges.

### **Offender Explanation**

Offenders often have (or try to have) an explanation for possessing child pornography. In one case involving a unanimous decision, a federal jury found Troy Upham guilty of four counts of transmitting sexually explicit images of minors and one count of possession of sexually explicit images of minors ("Upham Guilty," 1997). The jury refused to accept Upham's defense that he was using pornographic images of children as research for a book he was writing. Upham had testified that he was sexually abused as a child. Evidence in the courtroom included approximately fourteen hundred images of nude children, some engaged in sexual acts, that had been downloaded from America Online into a computer he had used. Upham denied transmitting pornography and insisted the images were kept for research on his book. The book, submitted for jury evidence, consisted of about twenty-one typewritten pages that Upham reportedly had compiled over the past twelve years. Upham was emotional when he described how the book was a type of therapy helping him to recover from years of sexual abuse as a child. He proclaimed he wanted to help other child abuse victims and alert the world to the power of the media in supporting a \$40 billion child sex abuse industry. Upham was sentenced to six and a half years in prison (Blom, 1998).

## TRAVELERS

A new dynamic is introduced into the crime when the offender seeks to meet the child in person. At that point, the classification changes to that of a traveler. Travelers composed 21.8 percent of the cases in this analysis.

### The Offenders

Traveler cases involve offenders with a wide range of sexual interests. Cases can involve a male adult seeking a male youth. In one case, Anthony Gray, age thirty-one, an Oxford University scholar, was found guilty of two counts of sexual assault (McAuliffe, 2001b). The charges involved a fourteen-year-old boy he had met in a gay Internet chatroom. The jury heard how the theology graduate chatted with the schoolboy on Gay.com more than twenty times after lying about his age. Gray then traveled to meet the fourteen year old and persuaded the boy to spend the night with him at a hotel. The judge ordered that Gray's name be placed on the sex offenders register immediately. The jury took just over two hours to find him guilty. Gray was sentenced to five years in jail for assaulting the boy (Roberts, 2001).

Women may be travelers. Adriane Lone Smith, age thirty, was charged with a third-degree sexual offense and second-degree assault (Kalfrin, 1999a). Police said that Smith met a youth in an Internet chatroom and later drove to meet the fifteen year old for a liaison at a hotel. The boy's mother, believing him missing, notified authorities after discovering e-mail messages on her child's computer from Adriane. The mother thought that the e-mail was from another teenager. At the bottom of the message was a phone number, which she called. When a man answered and she asked to speak to his daughter, Adriane, the man replied, "That's not my daughter; that's my wife" (Kalfrin, 1999a, para. 8).

### Sadistic Sexual Acts

Travelers may be interested in sadistic sexual acts and operate as partners. James Warren, age forty-one, and Beth Loschin, age forty-six, lured a fifteen-year-old Massachusetts girl over the Internet, kidnapped her, and sexually abused her for a week (Baker, 2001). The girl was able to get free of her captors after using her cell phone to call the police. Officials charged that the couple abducted the girl after she and Warren made contact in an Internet chatroom, where he discussed sex with her. He and Loschin drove to pick the girl up outside a mall where she worked. According to the police, the torture began immediately; the couple handcuffed the girl in the back seat, and Warren sexually abused her as Loschin drove. The same night, they stopped

at a motel, where they drugged and sexually assaulted the girl again before driving her to their home. At the couple's home, she was assaulted and subjected to vile acts. The girl was able to call police in her hometown on her cell phone, which supplied the police with a signal to trace. Detectives also asked her to find some mail in the house to provide the address of her location. The detectives then called the local authorities, who rescued the girl and made the arrests.

Beth Loschin pleaded guilty to sexual abuse and sodomy to avoid facing a statutory rape conviction. Warren was found guilty of sixty-three counts, including endangering the welfare of a child; first-degree kidnapping, rape, sodomy, and sexual abuse; and third-degree rape and assault (Lambert, 2002). Beth Loschin received a sentence of 4 years in prison in exchange for testifying against James Warren. James Warren received a jail sentence of 150 years to life. Michael Montez, age thirty-five, a friend the couple "loaned" the child to, received 9 years in prison.

## **Homicide**

A thirteen-year-old parochial school cheerleader died in a sex crime made possible by the Internet. Police said that a twenty-five-year-old restaurant worker strangled the girl, whom he had met online. Her body was found in a remote ravine. Saul Dos Reis Jr. was charged with using an interstate facility, the Internet, to entice a minor for sexual activity. However, a federal grand jury returned a superseding indictment against Dos Reis, adding several additional charges ("New Molest Charge," 2002). The new indictment alleged that Dos Reis used the Internet to entice a minor to have sex in the summer of 1998, four years earlier. The new indictment, in addition to the charge from 1998, added a further charge of enticing the thirteen-year-old girl, as well as two charges of traveling in interstate commerce to have sex with her. Dos Reis also faced one count of first-degree manslaughter, two counts of second-degree risk of injury to a minor, and two counts of second-degree sexual assault. Dos Reis, who pleaded guilty to first-degree manslaughter and second-degree sexual assault, was sentenced to thirty years. Of note, he has been seeking pen pals over the Internet while in federal custody.

## **INTERNATIONAL TRAVELERS**

International travelers are very much a part of this crime and will involve the FBI. In one case, a Scottish university lecturer was sentenced to seven years on child sex charges after an FBI sting operation caught him traveling to the United States to have sex with a boy he met over the Internet (McAuliffe, 2001a). David Steinheimer, age thirty-eight, used sexually explicit e-mails



and pornographic images of himself to coerce a thirteen-year-old boy into meeting him for the purposes of having sex. He pleaded guilty to six separate charges, including using the Internet to entice an individual under age eighteen into sexual activity. In the United States, federal law permits FBI agents to enter chatrooms posing as children in order to identify and arrest pedophiles before any physical assault has taken place. However, to prevent police from entrapping an innocent bystander, officers must prove that the suspect initiated the encounter. In the United Kingdom, “the Police and Criminal Evidence Act prevents sting operations, stating that such methods make police ‘agents provocateurs’ and evidence gathered in this way is inadmissible” (McAuliffe, 2001a, para. 7).

Intervention may fail. In an international case, Franz Konstantin Baehring, age thirty-five, lured a fourteen-year-old girl to Greece from her home in Florida (Spencer, 2002). Baehring and the girl spoke on the telephone, sent letters in the mail, and e-mailed each other, even after the girl’s mother expressly forbid communication and pleaded with Baehring to stop communicating with her. One day the mother arrived home from work to find that her daughter had disappeared. The mother shared her concerns and intuition with law enforcement, who initially doubted a fourteen-year-old girl could travel without a passport. Officers found the girl by tracing her messenger screen name to Thessoloniki, Greece. The girl was discovered in Greece and reunited with her mother. Baehring was taken into custody.

Baehring had managed to enlist the help of a cell phone employee by duping her into believing that the girl was a victim who had to be rescued from emotional, physical, and sexual abuse. He also conned the employee into taking the girl to the airport. By enlisting the aid of Robert Arnder, a fellow child sexual predator whom Baehring had met online, he arranged to have the appearance of the fourteen-year-old girl altered; she could then use a passport belonging to Arnder’s eighteen-year-old daughter, which facilitated her travel to Greece. U.S. authorities found e-mails between the fourteen-year-old girl and Arnder’s daughter on the young girl’s computer and called Ohio police. When police arrived, the girl had already traveled to Greece; however, Arnder was arrested after police found child pornography, some relating to the missing girl, from Kon Baehring on his computer. Arnder was later sent to prison for eighty-five years for child rape in another case. It was found that his daughter had also been a victim of abuse.

Baehring claimed that he helped abused children and that any suggestion that he traded in child pornography was obscene (Spencer, 2002). He also claimed to be a member of sixty-eight organizations that fight child pornography, but a check of some of the groups he named revealed that none of those organizations knew of Baehring. Initially, the fourteen-year-old girl’s

mother went to Greece to testify against Baehring; however, the court ruled there could be no trial without the primary witness. Months later, the mother returned to Greece with her daughter to testify during a three-day trial. The girl explained in detail how Baehring sexually abused her, asking that he go to jail for what he did; however, she also said that she still loved him. In his defense, Baehring claimed that the mother had drugged and brainwashed the girl into testifying against him. Baehring was found guilty, but received a sentence of only eight years. Given parole and time off for good behavior, he could be released from prison in three years.

## **COMBINATION TRADER-TRAVELERS**

Combination trader-travelers are individuals who participate in trading child pornography as well as traveling across state or national boundaries to engage in sexual interaction with a child. Slightly more than 19 percent of the analyzed cases involved offenders who had engaged in a combination of trader and traveler activities.

In one case, Kenneth Lashway, a forty-eight-year-old assistant high school principal and town council member, was charged with having sex with a fifteen-year-old girl he met in an Internet chatroom. An officer found Lashway and the girl partially undressed in the front seat of a parked car. Lashway lived approximately forty miles away. The girl and Lashway had become acquainted over the Internet and had corresponded and participated in chatrooms for several months. Lashway was convicted of four counts of sodomy and sexual abuse. He was later convicted of promoting a sexual performance by a child after he admitted to downloading and distributing child pornography over the Internet (Lynch, 2002).

## **Sadistic Sexual Acts**

There are combination trader-travelers who prefer sadistic child sex and to work as partners. In one case, Patrick Neal Champion, age thirty-five, and Debra Kay Williams, age forty-six, were charged with the rape of a thirteen-year-old girl they met in an Internet chatroom ("Police: Alleged Rapist," 1998). Both were charged with one count of rape. The girl told police that she met Champion in a chatroom, told him of problems at home, and he suggested she stay with him for a while. She agreed to meet him around the corner from her Arizona home, where Champion picked her up. Police say the man drove the girl fourteen hundred miles to Memphis. At a trailer park over a three-day period, he raped her, snapped pornographic pictures of her, and held her captive. The girl managed a call to her grandfather, who told her to

call 911. Champion and Williams were arrested at their home after the girl called police. The teenager was found with the couple and taken into protective custody. Champion is serving a twelve-year sentence in federal prison, and Williams is serving a correctional sentence of seven years.

### **Using a Web Site**

The offender may have established his own Web site. Although homeless, Jack Hornbeck, age forty-five, managed to maintain a child pornography Web site from the Los Angeles Central Library computers (Kalfrin, 1999b). Detectives posed as “Molly,” a mother with several children under ten years old, who “enjoyed getting together with other families for love and fun” (Kalfrin, 1999b, par. 5). Through several e-mail messages, Hornbeck revealed to detectives that he was a convicted child molester, that he was on probation, and that he was communicating from one of the computers at the public library’s central branch. Hornbeck sent messages to “Molly,” explicitly describing what he wanted to do to her children. He sent over two hundred images to detectives and referred them to his own Web site “aclove,” the Adult-Child Love Association. Hornbeck was arrested in a parking lot holding a hand-lettered sign for “Molly” and carrying condoms and KY Jelly he had purchased for an encounter with her children. He pleaded “no contest” and was sentenced to three years eight months in prison.

### **CONCLUSION**

Out of technological progression, an evolutionary typology of child sex offenders has emerged, described as traders, travelers, and combination trader-travelers. To date, few studies in the psychiatric, criminology, and sociological literature have examined cases of Internet child sex offenders. Internet child sex offenders currently remain an open area for future investigation.

PART THREE

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# **Methods of Killing**



CHAPTER  
13

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## Mass, Spree, and Serial Homicide

ANN W. BURGESS

**M**ultiple-victim homicides can be classified under the existing structure without having their own unique group of codes. This chapter contains cases of multiple motive homicides with multiple victims of mass murder, sniper killings, spree murders, and serial murders. In many of these cases, there can be spillover between the types of murders described. *Mass murder* is defined as the killing of four or more victims at one location or crime scene. A *spree murder* is defined as the killing of three or more victims at more than one location without a cooling-off period between the murders. *Cooling-off period* is defined as the state of returning to the murderer's usual way of life between killings. The spree killer kills at more than one location and with multiple crime scenes. The *serial murderer* kills more than two victims with a cooling-off period between the killings and involves more than one location or crime scene.

### **Mass Murder**

A mass murderer kills his victims, four or more at one time, in one place with one crime scene. The location of the murders may be on the open street, inside a home or building, or at a school or post office. On March 26, 2006, Aaron Kyle Huff, age twenty-eight, walked in on a house party carrying three guns, more than three hundred rounds of ammunition, a baseball bat, and a black machete. He began shooting and killed six people between the

ages of fourteen and thirty-two. He told guests as he blazed away, “There’s plenty for everyone.” Police said the victims, many of them dressed up as zombies in black with white face paint, had met Huff earlier in the night at a rave called Better Off Undead and invited him to a party at their rented home. Huff left the party at about 7:00 A.M. and returned wearing bandoliers of ammunition and carrying a twelve-gauge pistol-grip shotgun and a handgun. He fired on the thirty young partygoers gathered in the house before walking out. Huff committed suicide when confronted by an officer outside the house early Saturday.

Mass murder can be combined with spree murder when the murderer goes to more than one location to find and kill his victims. George Emil Banks, the subject of the first case study in this chapter, was a spree mass murderer. He killed multiple victims in multiple locations. The second case is about mass murderer Charles Whitman, who killed his wife at one location and his mother at another. The next morning he went to a third location, the University of Texas Tower, where he killed multiple people. Whitman can be classified as both a spree and a mass murderer. He used multiple methods of killing: he strangled his mother, used a knife to kill his wife, and used a rifle to kill people from the University of Texas Tower.

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## **CASE STUDY: GEORGE EMIL BANKS**

### **Case Contributed by Emilie Kitts**

George Emil Banks’s murder spree in Wilkes-Barre, Pennsylvania, in 1982 was the most shocking event that the city had experienced in its history. He killed thirteen people within the span of just one hour.

Banks was born in 1942 in Wilkes-Barre to an unwed, racially mixed couple. Being half-black and half-white, Banks felt persecuted by people of both races his entire life. Although his IQ was tested to be very high, he did poorly in school. He turned to the military in an effort to escape racial harassment but was discharged two years later, in 1961, due to an inability to get along with officers.

Directly following his discharge, Banks attempted to rob a bar with the help of two other men. When the robbery turned sour, Banks shot the owner, and the three men fled the scene empty-handed, only to be apprehended and arrested shortly after. Banks served seven and a half years in prison and was released in 1969.

After his release, Banks held a number of different jobs and married Doris Jones, the mother of his two daughters. The abusive marriage lasted until 1976, when Jones moved to Ohio with the couple’s two daughters. Following the divorce, Banks began to collect live-in girlfriends and fathered mul-

tiple children with these women, who were all at least ten years his junior, white, and easily manipulated by Banks.

Banks lost his most prestigious job in 1979; the employer cited Banks's personal life as the cause of his increasingly unsatisfactory work performance. In 1980, although he had an arrest record, Banks procured a job as a prison watchtower guard. The stress in Banks's life accumulated as his family continued to grow and one of his girlfriends moved out with her child. He began stockpiling guns and collecting magazines and books about making bombs and about his idols, who included mass murderers, cult leaders, and serial killers. All the while he felt that his predominantly white neighborhood was persecuting his girlfriends and children and insisted that he needed to prepare his children for war.

In mid-1982, Banks began talking of mass killings, warfare, and suicide to other prison watchtower guards. In September of that year, he was given paid sick leave with the requirement that he obtain psychiatric help. The accumulation of the stress Banks was dealing with, including being forced from work and the recent custody battle with his ex-wife who had moved out the year before, pushed the forty year old to the breaking point. Just a few days before his psychiatric appointment, Bank lost control and went on the murder spree in Wilkes-Barre.

Banks passed out after taking drugs and drinking alcohol late on the night of September 24. He awoke early the next morning, finding himself in a room with his three live-in girlfriends and two of his children. When one of the women awoke, Banks calmly picked up the AR-15 semiautomatic rifle next to him and shot her. He then proceeded to shoot the other women and children in the room and then systematically walked through the rest of the house, killing three other children.

Banks's two neighbors, who heard the gunshots, attempted to flee, but both men were shot before they could reach their car. They were in critical condition when they arrived at the hospital later in the morning; only one survived.

Leaving the house, Banks drove four miles to where his ex-girlfriend and child lived with her mother and brothers. Banks immediately shot his ex-girlfriend and child and then shot her mother. His ex-wife's two young brothers, who had hidden in the room and escaped Banks's notice, witnessed the murders. He also killed a young cousin of his ex-wife who was present in the home.

Banks next fled to his mother's house and confessed to the events of the morning. His mother then called his house, hoping to find that his story was a drug-induced illusion. When the police answered, Banks took the receiver from his mother and asked the officer about his children. The officer, in an attempt to keep Banks on the line, answered that they were alive, but Banks



told the officer he had killed them himself. Next, Banks ordered his mother to drive him to an abandoned house he knew of. When she returned to her own house, she found the police there and reluctantly revealed where her son was.

Police surrounded the house in which the suicidal Banks was hiding and attempted to entice him to come out by insisting that his children were alive and needed him. When he did not believe the police, the police had a radio station broadcast the false information to try to convince Banks. Banks nevertheless remained inside and kept the police from entering by shouting out their specific positions to show that he could see them and threatening to shoot.

Finally, a former coworker of Banks, thirty-six-year-old Robert Brunson, came to the scene after hearing the story on the news and petitioned the police to speak to Banks. Walking up to the house, Brunson spoke with Banks, and at 11:17 A.M., four hours after his arrival, Banks threw down his rifle and emerged. On entering, the police found three thirty-round clips in addition to about three hundred rounds of ammunition. Banks had blocked the entrances to the house using furniture and had also set up a mirror enabling him to see both doors from the second floor.

Banks's trial began on June 6, 1983. The prosecution had a strong case, with numerous photographs and many witnesses. The defense's case was dependent on the plea of insanity, but Banks refused to comply with his lawyer's wishes to claim insanity. A psychiatrist who evaluated Banks testified that the latter had described the murders as the result of a conspiracy and found that Banks was suicidal, paranoid, and delusional due to his insistence that the police were involved in the racial conspiracy as well.

Banks still maintained that he was perfectly sane and, against the advice of his lawyers, took the stand in court. He insisted that some of his victims were only wounded when he left them; they were actually killed by the police, he said, due to a racial conspiracy that the lawyers, judge, district attorneys, and others were involved in. The testimony greatly hurt the defense, and the jury found Banks guilty of twelve counts of first-degree murder, one count of third-degree murder, attempted murder, aggravated assault, one count of robbery, one of theft, and one of endangering the life of another person. The following day, the jury sentenced him to death.

After his sentencing in June 1983, Banks was confined to a maximum-security unit of the State Correctional Institute at Huntington until late 1985, when he was moved to the State Correctional Institute at Graterford. Multiple times the case has been appealed to the U.S. Supreme Court, asking for the death penalty to be overturned, but Banks remained on death row. Banks was moved to the Pennsylvania State Institution in Green years later in order to receive medical treatment for reported liver cancer. Today he is impris-

oned in the State Correctional Institution Rockview, Centre County. He remains there today, now sixty-two-years old, reportedly still imagining race wars and conspiracies. His execution date has been repeatedly pushed back with appeals to the Supreme Court.

This spree crime was motivated by an emotional conflict within Banks. Banks quickly acted on that impulse using the rifle, a murder weapon that was close at hand, never contemplating the possible consequences of his actions or establishing a plan of escape. The event was a family mass murder: Banks killed eight of his family members immediately in his own home and continued murdering other family members in a different location. The murder of the neighbor is considered a situational felony murder. Banks did not plan or expect to kill his neighbor, but did so out of panic that the man would tell the police about the gunshots coming from Banks's house.

The fact that Banks took the witness stand to testify against his lawyers' advice, only to ramble to the court about the involvement of police in a racial conspiracy against him, in addition to his insistence that it was the police who had murdered some of the victims, called his mental state into question. That he was dismissed from his job as a prison watchtower guard due to suspicion of psychological stress and required by his employers to seek psychiatric help suggests that Banks was showing severe signs of mental illness. This leave of absence, which occurred before the events of September 25, suggest the severity of his illness prior to the murders.

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### **CASE STUDY: CHARLES WHITMAN** **Case Contributed by Kathryn A. Reboul**

In 1966 Charles Whitman did not feel respected. He felt that despite all his hard work, he was not achieving success in almost all areas of his life. In July, Whitman heard of the Speck killings: Richard Speck had killed eight nurses in their Chicago school dormitory and had gotten a huge amount of publicity. The notoriety Speck received from his murders may have seemed appealing to Whitman. In fact, the same week as the publicity of the Speck killings, he visited the Tower.

It would not have been hard for him to figure out how to get that notoriety for himself. He had already spoken of shooting people from the tower at the University of Texas, and given his military training, it would have been easy for him to figure out how to use the tower as a fortress from which to kill other people. He was trained and certified as a sharpshooter in the U.S. Marines. Using guns was something he had been good at since childhood. It had brought him accolades in childhood and while in the military.

## **Time Line to the Shootings**

Months before the shooting, Whitman commented to friends about going up to the tower to shoot people. But no one took him seriously and no one seemed to think that this statement might be an indication that they needed to reach out to him.

On his own Whitman requested some help. On March 29, 1966, he met with Maurice D. Heatly, a University of Texas psychiatrist. Whitman let Heatly know that his parents' separation was upsetting him greatly and he was overwhelmed. He also complained of "irrational thoughts" and that "something was happening to him and he didn't seem to be himself." He mentioned that he had twice assaulted his wife and that she was afraid of him. He had also indicated to Heatly that he had been a marine and had been court-martialed for fighting. Heatly stated in his report about Whitman's meeting with him that Whitman "readily admits having overwhelming periods of hostility with a very minimum of provocation." During their meeting, Whitman spoke sometimes with great hostility and then quickly could become weepy. He also made "vivid reference" to "thinking about going up on the tower with a deer rifle and start shooting people."

Whitman had made a specific threat of violence that, given his military background, he would have had the expertise to carry out. He had a problem with hostility and irrational thoughts and mentioned that he had committed violent acts in the past.

## **The Crimes**

The last week of July 1966 had been very hot. On Thursday, July 28, and Friday, July 29, many people noted that Whitman had appeared fine in his classes and work. People who saw him on the evening of July 31 said he was especially calm.

Whitman sat down on Friday night to write a letter to the world to explain his actions. He wrote the letter as if he had already killed his wife and mother, when in fact he had not yet killed either. He was interrupted by a knock on the door by a couple he and Kathy were friends with. Charlie was unusually calm. He talked quite normally about a number of topics, and at one point the three of them went out for ice cream. After they left, he probably put his note where Kathy would not see it and then went to pick up his wife from work.

There was nothing notable about the evening. Kathy had a conversation with a friend, and Kathy and Charlie called her parents to talk. All seemed normal. During a visit at a friend's home, Margaret, Charlie's mother, called him to let him know where she was. Charlie asked if he and Kathy could

come over for a while to cool off before bed. Margaret rushed home. Kathy may have been sleeping when her husband left.

### **Victimology**

Whitman arrived at his mother's a few minutes after midnight. Although no autopsy was done, it is believed that he strangled her with a hose and then gave her a fatal blow to the back of the head. After he killed her, he engaged in undoing behavior: he placed her in bed and covered her up. When she was found, she looked almost as if she was sleeping. He then wrote a note in which he spoke of relieving her of "suffering here on earth" and then went on a venomous tirade about his father.

### **Crime Scene Indicators**

After the murder, Whitman returned home and quietly entered his bedroom. He pulled back the covers to expose his wife's body and stabbed her five times in the chest. She died instantly, probably without waking up. He pulled the sheets up to cover her body.

Before he left, he placed the note by her body and used rugs to cover the blood on the floor. In a move that displayed premeditation of his upcoming crimes, he left a note on her door that he wrote (but appeared to be from her) asking the housekeeper not to disturb her in the morning. He was buying himself more time.

In the lobby he asked the night watchman to let him back into his mother's apartment to get a prescription bottle. The night watchman let him in. Charlie reappeared in a moment with a pill bottle, then left the apartment and headed home.

He retrieved the note he had been writing earlier in the evening when friends had stopped by. He wrote, "friends interrupted 8-1-66 Mon 3:00A.M. *Both Dead,*" and then continued with ramblings. He also wrote a note to each of his brothers and to his father. (To this day Whitman's letter to his father has not been made public.) The notes to his brothers were short and seemed to be an attempt to explain their mother's feelings to them.

Whitman began to fill a large trunk with supplies. It took the Austin Police five pages to inventory all the items. It was clear from the food, foot powder, water, and various items that he thought he might be up in the tower for some time. And it was clear from the guns, knives and massive amounts of ammunition that he was prepared to kill a lot of people.

He called Kathy's supervisor and told her that Kathy was sick and would not be coming to work that day. Once again he was indicating he wanted to have the time to follow through on his plan to commit mass murder.

The trunk was heavy, so he rented a dolly for \$2.04. He also cashed two checks and bought more ammunition and another rifle at a hardware store. He left and then soon came back to return a bent clip of ammunition. This last act almost seems to indicate that to his very last moment, he planned on being meticulous and that his plans of mass murder may have even calmed him and helped him to focus enough to commit a complex and horrific act.

He then went to a gun shop, bought more ammunition and cleaning solvent and bought an automatic shotgun. And finally he called his mother's workplace so her absence would not be questioned.

When he finished packing everything, he had three rifles, an automatic shotgun, a revolver, and two pistols. The most accurate of these weapons was the Remington 6MM with 4X scope. With the scope he could have shot accurately at 800 feet. The automatic shotgun would have less accuracy for the 231 feet he was trying to cover than any of the rifles. (The height of the observation deck on the tower, where Whitman was shooting from, was 231 feet from the ground.) The revolver and pistols may have indicated he expected to be shooting at close range. And the amount of ammunition was staggering. An inventory of his ammunition after he had stopped shooting listed nine full boxes of ammunition and sixteen other types of ammunition. An estimated total before his rampage was that he brought seven hundred rounds of ammunition.

To get to the top of the tower with a trunk on a dolly without appearing suspicious, he dressed like a workman and blended in. It was not until he reached the twenty-eighth floor that anyone questioned him. There, the receptionist probably questioned what he was doing with the dolly. He shot her. Two adults walked past the scene without noticing the murdered woman and went down the tower. Then a family of tourists came up to the twenty-eighth floor and tried to enter the door that he had blocked. He shot at them, killing two instantly. He then barricaded the door again.

### **Sniper Shootings**

Soon Whitman would begin to follow through on his plan. He began to shoot people from his fortress on the observation deck of the University of Texas Tower. His first victim was an unborn baby in its mother's womb. He killed the baby without killing the mother. And then he killed the baby's father. He continued his rampage until he had killed thirteen people and wounded thirty-one. Five days later, another individual died. Another death years later was also attributed to Whitman's actions.

Whitman never shot any victim more than once. He maintained cover by shooting through rainspouts so he was not an easy target, and he retreated

quickly after he made a shot. The police did not have the same type of high-power long-range weapons that he had so they were at a disadvantage because they could not shoot accurately at such a distance. (This is why many people credit Whitman as the reason SWAT teams were developed.) Ironically it was the citizens of Texas who had the best weapons. Many rushed to the campus with their own high-power weapons and started trying to kill the sniper whose identity was not yet known.

Whitman's rampage finally ended when he was killed by two police officers. He had held the campus hostage for ninety-six minutes. His murders finally ended approximately twelve hours from the time he had killed his mother.

### **Types of Victims**

Whitman had three types of victim. First, his mother and his wife were victims of domestic violence. His second victims were third-party victims, killed because Whitman thought they would interfere with his plan of going up on the tower and start shooting people. These victims were the receptionist in the tower and a family going up the tower.

Not everyone that Whitman encountered became a target for shooting. Whitman let two people, Don Walden and Cheryl Botts, go past him to leave the tower. They were not stopping him from his goal of shooting people from the tower, so he may not have felt the need to shoot them. They also engaged in activities that reduced their likelihood of victimization. They were friendly, did not question Whitman's behavior or the environment, and quickly got out of Whitman's way. Their demeanor, behavior, and speed saved their lives in a situation where they were at high risk for being killed.

When they encountered Whitman, they smiled and said, "Hello." They did not comment on the two rifles he was holding and did not realize that a stain on the floor was blood. (It was on a dark floor so it would not have been obvious.) Cheryl warned Don not to step in the "stuff." They were not upset by a chair lying on its side. In these cases, acting innocent saved their life. Or it may have been Whitman's disguise that saved their lives. Because he was wearing a janitor's uniform, the stain and overturned chair did not seem threatening. And because he was a clean-cut young man who appeared to have a reason for being there, they did not feel threatened by his guns. Don almost made a comment that Whitman "was going to shoot pigeons."

Whitman's third type of victim were the strangers he shot from the tower. Like his third-party victims, they were simply in the wrong place at the wrong time. There is nothing to indicate he knew any of the people he shot from the tower.

## **Risk Level of Victims**

Of all the people killed on August 1, Kathy Whitman had the highest risk level of being killed by Whitman in a domestic violence homicide. She had disclosed to her parents that she was afraid that Charlie could kill her. She was living with a violent man with a history of assaulting her who had an arsenal of weapons that he was comfortable and skilled at using. His description of her as “My Most Precious Possession” was disturbing and indicated that he thought of her more as a possession than an individual in her own right. The fact that she left him and spoke of divorce may have increased her risk of violence from him. Whitman’s mother’s leaving her husband in March 1966 may have served as a reminder of Kathy’s “betrayal” of him. Separation or threat of separation can increase a victim’s risk of homicide in an abusive relationship.

Within Heatly’s March 29 report were statements Whitman made about his wife’s having less fear of him than in the past because he had made a more intense effort to avoid losing his temper with her. Today this would be understood as a red flag where the abuser’s behavior suddenly changes prior to his murder of her.

Margaret Whitman could be viewed as a moderate- to high-risk victim because her presence was adding stress to her overstressed, volatile, heavily armed son who was using an excessive amount of stimulants. Before she was murdered, she was also at risk from her husband, C. A. Whitman, because he had previously assaulted her.

In his final notes to the “world,” Whitman reiterated his intense hatred of his father. Whitman was desperate to stop the calls from his father to get his mother to go back into an abusive relationship. Of all the people he killed, he did not kill the one person he hated the most, suggesting great fear of his father or a desire for him to suffer by not having his wife return.

Whitman’s third-party victims, the tower receptionist and the family of tourists, were at the wrong place at the wrong time. They did not die because they were in dangerous professions or engaged in dangerous behaviors. They would be considered low-risk victims.

The strangers whom Whitman killed and wounded were mostly low-risk victims engaged in low-risk behaviors. It was the middle of the day and on a college campus. The victims were mostly students, college staff, and teachers coming or going to class, lunch, or home. Most were in their teens, twenties, and thirties.

Some individuals did increase their risk by attempting to shoot Whitman or attempting to rescue the wounded. Billy Speed, a police officer, was in Whitman’s line of fire because of his profession.

## **Whitman's Death**

It is clear that Whitman anticipated his own death. There are some statements in notes he wrote before his death that sounded like a last will and testament. He requested an autopsy, asked to be cremated, and requested that his dog be given to his wife's parents.

He was settling his affairs. He asked to have his pictures developed. And he stated that he was explaining his actions so this type of thing could be avoided in the future. Everything indicated he did not expect to have the opportunity to explain later. He wrote numerous letters. He left a note by his mother's body explaining her death, and he left a note by his wife's body explaining his recent deterioration of his state of mind. He also wrote to his brother Patrick, his brother John, and his father. Whitman had an elaborate plan, but there was no indication that he had planned any escape route.

Whitman chose to engage in activity that he could reasonably assume would lead to his death. His actions indicated that he was suicidal. The fact that his cause of death was gunfire by one or two police officers does not change that he in effect set up his own death. Whitman's death could be termed "suicide by cop" or "suicide by proxy" order in which a suicidal person sets the stage to be killed by law enforcement.

## **Autopsies**

The autopsy on Charles Whitman was compromised because he was embalmed before he was autopsied. Whitman felt something physical was wrong in his head. To many people's surprise, he was right: Whitman had a brain tumor. During the autopsy, it was identified as approximately the size of a pecan and said to be located in the white matter below the gray center thalamus. There is some disagreement about the effect this tumor had. Some felt it could have caused extreme action. Others feel it would have no effect at all. And others felt that it would have caused a lot of pain that could be a partial explanation for his behavior and his headaches. It is also interesting to note that Whitman's skull was unusually thin, at 2 to 4 millimeters.

In addition to his having been embalmed before his autopsy, no toxicology tests were done on his urine or blood.

Many people in law enforcement state that Whitman is the reason SWAT teams were developed. It was clear that the police at this time did not have the type of weapon they needed to shoot Whitman from the ground. It is also clear that fewer people would have died if they had been able to get to him sooner. If the events of August 1, 1966, happened again today, the police would react more quickly, in a more organized fashion and with better weapons.

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## Spree Murder

Spree murderers, like serial murderers, appear to select their victims at random. The difference between spree and serial murderers is the cooling-off period between victims, defined as the state of returning to the normal way of life between killings.

Spree killers tend to do their damage within a short time span. There is generally no cooling-off period. They are like killing machines up to the point that they are caught or turn themselves in. The killer often commits suicide or goes for what is known as “suicide by cop”: putting himself in a position where police will have to kill him.

Spree killers usually select victims randomly, but go for those who will meet their personal needs at the time. In other words, they kill for money, sex, or simply because they are hungry. In cases involving spree killers, authorities usually know who they are looking for: they have the killer’s identity. As a fugitive, he may go to an area where he feels comfortable, the way alleged railroad killer Angel Maturino Resendez, also known as Rafael Resendez-Ramirez, stuck to the tracks.

Sometimes there are spree serial killers, a sort of hybrid, where there is a shorter time span between murders, perhaps days, and where the victims may not have a common thread. It is similar to an extension of a mass murder episode; however, the killer moves from one location to another during his killing spree rather than barricading himself in one location, as does the mass murderer. The duration of the spree can be brief as in the case of Wesbecker (nine minutes) or can be much longer as in the case of Charles Starkweather or Christopher Wilder (weeks and months). As a rule, the spree is of shorter duration. This type of offender is usually mission oriented and demonstrates no escape plan. He most often is killed by responding police or kills himself in a final act of desperation. Occasionally he is captured to stand trial. When this occurs, the offender often admits his crimes by pleading guilty or pleads not guilty by reason of insanity.

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### **CASE STUDY: ANDREW CUNANAN**

#### **Case Contributed by Danielle Esposito**

Andrew Cunanan reached headline news in 1997 after shooting the famous designer Gianni Versace on his doorstep in Florida in broad daylight. Before killing Versace, the FBI had Cunanan on their Top Ten Most Wanted list for four other murders over the previous two months across the country.

## **Victimology**

Cunanan killed four men before he killed Versace. His first two murders were two men he knew personally: his friend Jeffrey Trail, on April 27, 1997, in Minneapolis, Minnesota, and his “lover, architect David Madson, who was found outside Minneapolis on April 29, 1997, with gunshot wounds to the head. Police recognized a connection, as Trail’s body had been found in Madson’s Minneapolis loft apartment, and started an intensive manhunt.

“Cunanan next drove to Chicago and killed prominent real estate developer Lee Miglin, age seventy-two, on May 4, 1997. Five days later, the intensive manhunt for Cunanan, who escaped in Miglin’s car, culminated with the fourth victim in Pennsville, New Jersey, at the Finn’s Point National Cemetery, killing a caretaker named William Reese, age forty-five, on May 9, 1997. Cunanan apparently killed him for his pickup truck, leaving Miglin’s car behind” (Wikipedia).

While the manhunt resumed for Reese’s truck, Cunanan remained in hiding in Miami Beach, Florida, for months between his fourth and fifth murders. Finally, for his fifth murder, he chose fashion designer Gianni Versace.

On July 15, 1997, at around 8:30 A.M., Andrew Cunanan followed Gianni Versace home from breakfast. He came up behind him while he was putting the keys in his front door and shot him in the back of the head, point blank. After Versace fell to the ground, he shot him twice more.

## **Crime Scene Indicators**

Trail was beaten with a claw hammer over thirty times. In shock, Madson rolled up the body with Cunanan, and the two of them headed out of Minneapolis in Madson’s Jeep. Cunanan was enjoying the sensation he felt from the murder, and forty-five miles out of Minneapolis, he pulled over the Jeep and shot Madson three times in the head. Less than a week later Cunanan found his next victim, Lee Miglin, in Chicago. The two never knew each other, and it is still unknown as to why he was targeted. Cunanan left his passport and a weapon used in killing Miglin in the Mercedes, again leaving evidence for the police to find.

## **Forensics**

Cunanan bound and tortured Miglin by kicking him, driving a pair of pruning shears through his chest, and cutting his neck with a hacksaw. Afterward he ran over Miglin’s body with his own Mercedes.

## Investigation

Cunanan's last murder, Gianni Versace, appears to have been premeditated as he waited around before committing the murder. After shooting Versace, Cunanan ran and was chased by a witness who could not catch him, but police found the truck in a nearby parking garage. In the truck, they found the clothes Cunanan had just been wearing, another passport, and newspaper clippings of his murders.

Cunanan was next sighted in a nearby Miami houseboat. The SWAT team found Cunanan inside on the bed clad in only his boxer shorts and shot through the mouth with the same gun he used to shoot all the others.

## Outcome

Cunanan left no note to explain his murders. To try to understand his motive, a look at his background and personality provides some understanding of the killer and his motivation.

Andrew Philip Cunanan was born on August 31, 1969, to Modesto Cunanan and Mary Anne Shilacci. Filipino-born Modesto served for the Fleet Marines in Vietnam. While away from home, he came up with the idea that his wife was being unfaithful, to the point where he questioned the legitimacy of his children. By the time Andrew was born, Mary Anne had become so depressed she was unable to care properly for the infant. Modesto selfishly and proudly proclaimed how he raised the children on his own.

Modesto and Mary Anne argued increasingly as the years went on, and Cunanan learned with every experience. He saw his mother's fear of his father and grew up with a bitter view of families. But Cunanan tended to brag to his friends about his family and how rich they were, until his stories were told so often and were so unbelievable he became known as a pathological liar.

At age thirteen, Cunanan had his first gay experience and began to brag about it, although he kept it from his parents. He was often recalled as being self-absorbed, always wanting to be the center of attention, a trait often seen in people who become violently antisocial. Cunanan also began to come up with aliases for himself and would change his appearance, sometimes drastically. He also began dating older men whom he could live off and would buy him expensive things. Andrew Cunanan was good looking, intelligent, suave, smooth, flamboyant, and an extroverted imposter.

Two months before killing Versace, Cunanan checked into a Miami hotel under an alias and was active in the nightlife. He wore disguises, which he did from the beginning of his rampage, almost on instinct. He enjoyed altering his appearance often, and during his rampage, the FBI sent pictures of him in many different disguises. He made several risky appearances while in

Miami, knowing that the police were looking for him, including loitering near Versace's home. He was believed to have looked for Versace in high-priced gay Miami bars.

No one knows Andrew Cunanan's motivation for all the killings. Cunanan had fallen in with the underground gay culture of San Francisco and was involved with drugs and well known as a popular sex slave. He appeared in many pornographic movies, got pleasure from sadomasochism, and truly enjoyed his status in the underground. Fantasy had played a role in Cunanan's life from early on as an escape from his parents, and grew to involve his imagined status with celebrities and the belief that the world revolved around him.

Cunanan's tendency toward jealousy seems to have played a large role in some of his murders as well. Trail and Madson had become everything he could not: they were professionals and still developing, while he was stagnant, and their families accepted their homosexuality, while his did not. This envy also plays a large role in Versace's murder. It is likely that Cunanan saw Versace as a kind of icon for the gay community. Versace was a symbol of everything Cunanan wanted to be—a successful homosexual and a rich celebrity—and he lashed out at him. These were all traits that Cunanan desperately wanted. There is also a possibility that he targeted Versace because he was seeking worldwide notoriety that he was not attaining from his previous murders. Cunanan seemed to be killing for one of two reasons: he either needed something from the person he killed (such as a truck) or he needed to be the person. Although his motivations may have revolved around necessity and jealousy, there was something deeper in his psyche building up to the killings.

The reports about and observations of Cunanan and his personality show many, if not all, of the behavioral features of a psychopath. He is described in one report as being glib and superficial. He felt a sense of superiority over the police and over others in general. He was convinced the world revolved around him. He began pathological lies at an early age revolving around his family life and their superiority. He was a master of disguises and deception. He portrayed numerous characters and had many aliases. He was a complete chameleon. He has been described as an intelligent con man. He continually showed a lack of remorse or guilt in each of his murders as well as in other minor pains he reportedly caused along his climb up the underground ladder. He consistently showed a lack of empathy and was unconcerned with others' feelings. People were expendable. He lived a parasitic lifestyle off the wealthy men he dated, never having an apartment of his own, never holding a steady job and lacking long-term goals. He was promiscuous from age thirteen, even gaining notoriety for it later on. He had no responsibility, and all his money came from his parents, his boyfriends, or prostitution. Finally, he

tended to put on a mask to those he met. People can recall him as soft-spoken and unassuming, intellectual and worldly, or a flamboyant party boy. He deceived and eluded everyone, continually causing people to ask questions about him. He did this all the way to the end.

### **Type of Murderer: Spree or Serial?**

Professionals speculated on everything about him, including the type of murderer he was. He murdered all types of people. When he was on the run, no one knew where he would strike next. There seemed to be no pattern to whom he was killing and where. The signature and pattern were not prominent. He differed in his methods of murder. Some were brutal, while others were a bullet to the head.

Serial killers tend to go about their lives and murdering on the side, while spree killers act in passion and without the emotional cooling-off period. In this sense, Cunanan seemed to be more of a spree killer. He falls into this category because of the victims who seemed to be a target of opportunity, except for Versace, who appeared to be targeted.

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## **CASE STUDY: CHRISTOPHER WILDER**

### **Case Contributed by Erin Lenahan**

Christopher Wilder, referred to as the Beauty Queen Killer, was a sexual predator credited with killing eight victims. His notorious crimes began on February 26, 2000, and ended with his death from an apparent suicide on April 13. Wilder exhibited paraphilic behavior beginning in adolescence, which continued throughout his criminal behavior. As time progressed, his crimes became more sadistic and ultimately led to the deaths of many young, beautiful women.

### **Background**

Christopher Wilder was born in Australia on March 13, 1945, to an American naval officer and an Australian native. In early adolescence, Wilder exhibited voyeuristic behavior when he began window peeking. At the age of seventeen, Wilder pleaded guilty to the gang-rape of girl in Sydney. He received a year of probation with counseling and electroshock therapy. However, it is suggested that the electroshock therapy gave Wilder ideas for the sexually sadistic behavior he would later inflict on his victims. His fantasies were now fueled with the images of shocking girls while having sex with

them. During the counseling, Wilder's therapist noted his need to dominate women and his desire to turn them into his slaves for pleasure.

Wilder moved to Florida in 1969. There he was able to earn a good living in construction and real estate. While in Florida, he forced a high school student to have oral sex. Wilder showed a severe lack of remorse when he told the judge that he was masturbating twice a week to the mental image of raping a girl and he did not think that what he had done to the girl was wrong. A psychiatric evaluation reported he was not safe in an unstructured environment and recommended supervised treatment. Wilder stood trial, and the jury acquitted him.

Wilder's next criminal act began to establish his *modus operandi*. He adopted the name of "David Pierce" and approached two girls at a shopping center, pretending to be a photographer who needed some models. He subsequently drugged and raped one of the girls who went with him. Wilder plea-bargained the charges brought against him down to probation with therapy. He saw a sex therapist who over a few months believed he had made progress.

Wilder returned to Australia in 1982 to visit his parents. There he forced two girls to pose without their clothes for photographs, bound them into subservient positions, and masturbated over them. Wilder's parents paid bail, and Wilder was allowed to return to Florida until his trial date. However, his trial kept being postponed, and by the time it was set, Wilder could not be found.

## **Victimology**

Police were investigating the disappearance of Rosario Gonzales, age twenty, and Elizabeth Kenyon, age twenty-three. Both were aspiring models with long hair. Gonzalez had disappeared from the Miami Grand Prix racetrack on February 26, 2000, and Kenyon disappeared the night of March 5. Wilder, a former boyfriend of Kenyon, had proposed marriage after a few dates, but she declined. Kenyon had told her father that he was a gentleman, and they had remained friends. The night before her disappearance, Kenyon had visited her parents and told them that Wilder had offered her a modeling job.

Wilder's killing spree began with Terry Ferguson, age twenty-one, in Florida. A witness claimed to have seen Terry talking to Wilder at the shopping mall, and her body was later found in a canal. The next attack was of a woman from Tallahassee, Florida, who managed to escape after being kidnapped, raped, and tortured. Terry Diane Walden, age twenty-four, turned down Wilder's modeling proposition but disappeared two days later. Her car was stolen, and she later was found in a canal, stabbed. Suzanne Logan, age twenty-one, had been tortured and raped before she was stabbed to death and

her body found in a reservoir. Her pubic region had been shaved and her long hair snipped off. Sheryl Bonaventura, age eighteen, was Wilder's next victim. She was kidnapped from a mall in Colorado and taken to Las Vegas, where she was killed. Michelle Korfman, age seventeen, was in a fashion show in Las Vegas and disappeared on April 1. Witnesses saw them leave together, and others claim Wilder had approached them that day about modeling for him. Tina Marie, age sixteen, agreed to pose for Wilder, but when she told him she had to go home, he put a revolver in her mouth. It is believed that he did not kill her because he thought he would be able to use her to lure his next victim, sixteen-year-old Dawnette Wilt. Wilt had been filling out an application for a modeling job when Tina Marie approached her and told her to step outside and see the manager. Wilder was outside and used a gun to force Wilt into the car, where he raped her while Tina Marie drove. They drove from Indiana to New York, where Wilder tortured and raped her again. He later took Wilt into the woods and tried to suffocate her and then stabbed her. She survived by pretending to be dead, and Wilder drove away. Beth Dodge, age thirty-three, was shot and killed by Wilder for her car. Wilder then drove to Boston's Logan Airport and gave Tina Marie money to fly home. When she arrived in Los Angeles, her hair had been cut short.

### **Investigation**

A gas station attendant claimed to have seen Kenyon and Wilder's gray Cadillac. When police questioned Wilder, he denied having seen Kenyon. When Gonzalez was connected to Wilder, the newspaper reported Wilder as a suspect and he left town. However, before he left, he kept his appointment with the therapist who was treating him for sex crimes. This therapist knew of his preference for girls with long hair and about his fantasy of holding a girl captive. When the therapist asked if he knew anything about the disappearance of the young women, Wilder denied it.

Wilder's modus operandi was going to malls or shopping centers and approaching young women as a photographer interested in hiring them for modeling. He would get them to approach his car, either trying to persuade them to go to where they could photograph test shots or claiming he could show the girls his work. He was well dressed in a suit. Once they were under his control, he drove them to motels, where he could rape and torture them. From one of his surviving victims, police learned he brought with him an electrical contraption to which he hooked up his victims. If the victim did not perform as he wished, he would shock her into obedience. He cut some of his victims' hair and shaved their pubic region. Wilder used different methods to kill his victim, including suffocation, shooting, and stabbing. The

bodies were then dumped in rivers or rest areas. Sometimes he stole the victim's car and license plates and drove in erratic directions to avoid detection.

On Friday, April 13, 2000, troopers at a service station in New Hampshire spotted Wilder. There was a scuffle, and two shots were fired. One of the shots went into Wilder's heart and killed him; his death was an apparent suicide. Found in his possession were a revolver, ammunition, handcuffs, rolls of duct tape, rope, a sleeping bag, his business partner's credit card, the electrical shocking device, and a copy of John Fowles's novel *The Collector*. This book described Wilder's ultimate fantasy. It is about a man who captures and imprisons a student named Miranda in his basement. The man sees nothing wrong with what he has done to Miranda and treats her well, giving her everything she wants except her freedom in the hopes that she will love him. Miranda belongs to this man, and this was Wilder's ultimate fantasy.

There has been debate as to whether Christopher Wilder was a serial or a spree killer. If he had killed Kenyon and Gonzalez and continued killing in that same manner without running from the police, he would be a serial killer. However, Wilder's known killings happened rapidly and essentially without a cooling-off period; therefore, he was considered a spree killer. It may have been Kenyon's rejection of a marriage proposal that set off what had been in him since adolescence. Wilder experienced rejection with Kenyon when he most wanted to dominate women.

Wilder could also be described as an organized offender. He used a ruse to gain control of his victim, was intelligent and had good verbal skills, adapted to the situation, brought weapons with him, and was mobile with his car. He took personal items of the victim, incorporated fantasy, committed crimes that were sexual and completed, and took steps to conceal the body. There were also multiple crime scenes.

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### **CASE STUDY: ALLEN MUHAMMAD AND LEE BOYD MALVO**

**Case contributed by Robert B. Norberg Jr.**

Allen Muhammad (born John Allen Williams on December 31, 1960) carried out the Washington-Baltimore Beltway sniper attacks in an apparent attempt to extort \$10 million through terrorism. He and his younger partner, Lee Boyd Malvo, "were arrested in connection with the attacks on October 24, 2002, following tips from alert citizens" (from Wikipedia).

The attacks began the first Wednesday in October 2002 in the suburbs surrounding Washington, D.C. The heinous nature of these crimes stirred the



emotions of people across the nation and ignited a fierce debate about capital punishment in the United States. The relationship between the two assailants, John Allen Muhammad, age forty-two, and Lee Boyd Malvo, age seventeen, was founded in persuasion and idolatry. It serves as a testament to the power of parental figures as well as the influence that religious beliefs can have on an individual's ideology.

The chronology of events in this case spans approximately twenty-two days. In the early evening of October 2, 2002, several front windows of a Michael's craft store in the prosperous Washington, D.C., suburb of Wheaton, Maryland, were shot out at approximately 5:20 P.M. Although the shots did not injure anyone inside, no shots taken over the next three weeks by either Malvo or Muhammad would fail to strike their target. Less than an hour later, at approximately 6:04 P.M., a single bullet struck James Martin, a program analyst, while walking across a nearby grocery store parking lot. He had stopped at Shoppers Food Warehouse to buy groceries for his church.

On the following day, five people were shot. The first victim was James Buchanan, killed with a single bullet in the chest at 7:41 A.M. while mowing the lawn of a car dealership in White Flint, Maryland. At 8:12 A.M., Kumar Walekar, a taxi driver, was killed on the day of his twenty-fifth wedding anniversary while pumping gas into his van in Aspen Hill, Maryland. At 8:37 A.M., Sarah Ramos was killed while relaxing and reading outside a post office on a bench in Silver Spring, Maryland. At 9:58 A.M., Lori Ann Lewis-Rivera was killed while getting ready to vacuum her van at a gas station in Kensington, Maryland. The final attack of the day occurred nearly twelve hours later, at 9:15 P.M., when Pascal Charlot was shot and killed while crossing the street near the center of Washington, D.C.

Law enforcement became aware that the crimes were related by the evening of October 3 as they began to pursue the first reports of two men in a white van as probable suspects. The following day, the assailants attacked south of Washington, D.C., in Fredericksburg, Virginia. A woman, whose identity is still held private, was struck and wounded at 2:30 P.M. in the parking lot of another Michael's store. Although critically injured, she was treated and later released.

After this series of attacks, police quickly tied the shootings together. After verifying ballistics evidence, they established that the murders were the work of a single shooter using a high-powered .223-caliber assault rifle.

The killings resumed the following Monday morning by wounding a thirteen-year-old boy entering Benjamin Tasker Middle School in Bowie, Maryland. This act seemed to be a response to various news reports questioning the safety of area schools. The young boy survived only after doctors spent hours removing his spleen and pancreas. Two days later, Dean Myers was shot at 8:18 A.M. while pumping gas near Manassas, Virginia. A white

van was stopped in the area but did not produce any leads. On October 11, Kenneth Bridges was shot and killed at a gas station outside Fredericksburg, Virginia, directly off Interstate 95. On October 14, Linda Franklin, an FBI analyst, was killed in the parking garage of a Home Depot in Falls Church, Virginia. On Saturday, October 19, a thirty-seven-year-old man was killed after being struck in the upper chest as he and his wife walked across a restaurant parking lot in Ashland, Virginia. Conrad Johnson, the final victim, was shot at 5:56 A.M. on Tuesday, October 22 in Silver Spring, Maryland, while at a bus stop. He later died while being airlifted to Suburban Hospital in Bethesda, Maryland.

Throughout the course of the shootings, several distinctive and crucial forms of evidence arose near or at each of the scenes that led to the eventual arrest of the two killers. The first piece of evidence beyond ballistics that allowed investigators to begin developing a profile for the assailants was a tarot card left near the scene of the Benjamin Tasker Middle School shooting in Bowie, Maryland. The “death” card had inscribed on it the phrase, “Dear Policeman: I am God.” Other tarot cards would be found at other crime scenes later in the investigations with similar phrases specifically addressing the police. It soon became apparent after the news of the first tarot card reached the media that the killers were monitoring news reports carefully. The only school attack came directly after news reports the previous weekend questioning the safety of children going to school. FBI profiler Clint Van Zandt stated, “The killer’s pattern shows every indication that he is toying with the police, using the media for information, and challenging assumptions we are making about him.”

As the investigation progressed, Muhammad began not only attacking on weekends, but also widening the geographical area in which he was attacking. On the evening of October 19, shortly after his attack in Ashland, Virginia, he placed a phone call to a tip line from an area in Richmond. His voice, altered by a voice-disguising machine, noted that a letter could be found near the scene of the crime. Investigators found a note later that evening wrapped in plastic and taped to a tree. The contents of the letter included a critique of the police in their investigative capabilities as well as numerous phrases boasting about his own intelligence.

Throughout the next week, he placed other calls to local and state police. Disguising his voice, he consistently became temperamental with investigators and repeatedly asserted that he was “God” and that “no one is safe anywhere, at any time.” The investigation began to proceed rapidly once Muhammad, in one of his contacts with police, mentioned a previously unsolved murder in a “Montgomery” liquor store. Investigators believed the reference to refer to a Montgomery, Alabama, murder a few weeks prior on September 21. A fingerprint found at the scene was soon linked to Lee

Malvo, a Jamaican citizen whose fingerprints were on file with the Immigration and Naturalization Service.

Through extensive background research, investigators were able to associate Malvo with John Allen Muhammad, an expert marksman and a Gulf War veteran who was the boyfriend of Malvo's mother and a father figure to Malvo. It was also soon discovered that police had approached Muhammad on October 8 when a safety officer reprimanded him for sleeping in his car on a side street. From this altercation came the automobile description. Soon investigators were on the hunt not for a white van but for a 1990 Chevrolet Caprice with a New Jersey license plate. Within hours of publicizing the new lead, truck driver Ron Lantz recognized the car at a rest stop northwest of Washington. Malvo and Muhammad were quietly arrested. In the car were a Bushmaster rifle, a scope, a tripod, and a "sniper's perch" inside the trunk, allowing Muhammad to strike his target without ever leaving the car. The bullets passed through holes drilled in the back of the trunk. The FBI linked the one rifle found in the car to all but three of the shootings.

## **THE SNIPERS**

Lee Boyd Malvo was born in Kingston, Jamaica, the son of Una James and Leslie Samuel Malvo. After the relationship between Malvo's parents dissolved, he and his mother immigrated to Antigua in 1998. Una James and Muhammad, although never romantically involved, became strong friends. Una left Lee with Muhammad when she moved to the United States, with the intention that her son and Muhammad would soon follow. Shortly after joining his mother, Lee moved in with Muhammad in Bellingham, Washington, and enrolled in school, claiming Muhammad as his father.

The facts previously set out here present an interesting dynamic in analyzing the psychodynamics of these offenders and in classifying their crimes. Initially Muhammad had asked law enforcement for a specific sum of money. He demanded that this would be the only route to stopping the violence. Certainly this series of violent crimes could be classified as a criminal enterprise given Muhammad's request for money. The \$10 million requested of the federal government by Muhammad was an attack on the free and democratic ideologies of America in the name of radical Islam. The thirteen victims, ten dead and three wounded, qualify this crime as serial, given the cooling-off period between each of the shootings. It could also be argued that the crime was a group cause given that Malvo has been directly implicated in at least two of the shootings and the actions were committed by two individuals who arguably had similar ideologies. Regardless, these nonspecific homicides held a region captive by attacking innocent victims no mat-

ter their age, gender, or ethnicity. The weapon of choice for this type of offender is a firearm—a weapon that optimizes lethality and is used in targeting vital areas of the body.

## **THE RELIGIOUS THEME**

Muhammad, originally named John Allen Williams, converted to Islam after being honorably discharged as a specialist metalworker and expert marksman in the U.S. Army. While in the military, he received a summary court-martial for “various and numerous disciplinary reasons.” Although little is known of Muhammad’s childhood, it has been documented by investigators that he was a member of the Nation of Islam, a radical and fundamentalist group denounced by the majority of Muslims. After his arrest, authorities discovered that Muhammad admired al-Qaeda and approved of the September 11 attacks. He fathered numerous children with various women and was married twice before meeting Malvo.

The psychodynamics of Muhammad are best viewed from the context of his radical behavior and belief system relating to his Islamic conversion as well as those acts he committed in cooperation with the shootings. Themes of dominance and control are apparent in these crimes. Muhammad thrived off his ability to paralyze society and hold the media captive based on what his next move would be. His interactions with investigators and the evidence he purposely left at crime scenes were riddled with statements referring to himself as God. He would continually remind police, “No one is safe.” The power he derived over the government and its citizens from the shootings were the largest motivating factor for Muhammad. These actions gave him an outlet to boast of his actions and revel in his “accomplishments.” His hubris is seen in his leaking of the Montgomery murder the month prior to the shootings, a break that eventually caused his capture.

Muhammad followed the classic pattern of a serial killer: he justified his actions, learned from his mistakes, and discovered actions that would increase his dominance and control. Muhammad is a classic organized offender. His tripod and platform built in the trunk of the automobile minimized his risk of detection and allowed him to adapt to almost any location, leaving only the physical evidence he chose. The only piece of evidence he could not control was the ballistics. Muhammad was intelligent with regard to the use of firearms and adapted to each situation with his mobility and monitoring of the media.

Lee Boyd Malvo, implicated in several of the shootings, aided Muhammad as the driver of the automobile throughout the killing spree. Malvo’s childhood was characterized by instability, violence, and dysfunctional

parental roles. After his abusive father left his mother, Malvo was often placed in the care of friends and relatives for weeks on end. It is important to note how easily influenced Malvo was by Muhammad, a man Malvo was drawn to out of the need for a father figure and support as an immigrant. The deviant parental roles in his childhood played a significant role in his attachment to Muhammad despite his preaching of radical and socially unacceptable principles.

## **THE TRIAL**

John Allen Muhammad was prosecuted in the fall of 2003. The prosecution team called more than 130 witnesses and introduced over 400 pieces of evidence linking Muhammad to the shootings. The strongest evidence included the rifle found in Muhammad's car, eyewitnesses placing Muhammad's car at various crime scenes, and a tape recording of the sniper's voice demanding money in exchange for halting the shootings. On November 17, 2003, Muhammad was unanimously convicted in Virginia on all counts with which he was charged: capital murder for the shooting of Dean Meyers; a second charge of capital murder under Virginia's antiterrorism statute for homicide committed with the intent to terrorize the government or the public at large; conspiracy to commit murder; and the illegal use of a firearm. On March 9, 2004, after two days of deliberation, a Virginia judge concurred with the jury and sentenced Muhammad to death. He will be executed in the state of Virginia and is currently held at the maximum security Sussex I State Prison near Waverly in Sussex County, Virginia.

Malvo was charged by the state of Virginia for two capital crimes: the murder of FBI analyst Linda Franklin "in the commission of an act of terrorism" and the murder of more than one person in a three-year period. He was also charged with the unlawful use of a firearm. Malvo pleaded not guilty on grounds of insanity, claiming that Muhammad had acquired complete control of him. On December 18, 2003, a jury in Chesapeake, Virginia, convicted him of both charges and on December 23 sentenced him to life in prison without parole. Although under the Eighth Amendment Malvo cannot be put to death given that his actions were committed prior to the age of eighteen. Muhammad was convicted of six shootings in Maryland on May 30, 2006. Currently, Malvo is being held at Virginia's maximum security Red Onion State Prison in Wise County, Virginia.

"In 2003, Malvo and Muhammad were named in a major civil lawsuit by the Legal Action Project of the Brady Center to Prevent Gun Violence on behalf of two of their victims who were seriously wounded and the families of some of those murdered. Although Malvo and Muhammad were each believed to be indigent, codefendants Bull's Eye Shooter Supply and Bush-

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master Firearms contributed to a landmark \$2.5 million out-of-court settlement in late 2004” (from Wikipedia).

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## **Serial Murder**

Serial murder generally involves three or more victims. What sets this category apart from the two others is a cooling-off period between murders. The hiatus could be days, months, or years. In other words, the serial killer is not killing with frequency. Part of the reason is that the organized type of killer is not generally a risk taker. He wants to be sure that if he decides to commit a crime, he will be in a win-win position. Second, he does not have to kill often if he is taking mementos from the victim—some clothing or jewelry—so he can relive the crime and extend the fantasy.

A serial killer usually goes after strangers, but the victims tend to share similarities such as gender, age, or occupation. Although he prefers a certain look or background, it does not mean he will not substitute another victim if he cannot find his intended target. At any given time, there are between thirty-five and fifty serial killers in the United States, and that is a conservative estimate. About a dozen serial killers are arrested each year.

Areas where there is prostitution, a drug culture, runaways, so-called throwaways, street people, and children gravitating to bus depots are fertile ground for serial killers. Compounding the problem, there are more than seventeen thousand police agencies in the United States, some with limited technology and the inability to share information. If there is an inability to link cases, agencies may not even know they have a serial killer on their hands. Throw into the mix the mobility of the offender—within a state or across state lines—and he can get away with murder.

Among the most notorious serial killers are Jeffrey Dahmer, Ted Bundy, and John Wayne Gacy, who collectively killed at least sixty-six people. The cases here examine one of the earliest child serial murder cases (Albert Fish) and cases that took decades to solve (Gary Ridgway).

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### **CASE STUDY: ALBERT FISH**

#### **Case Contributed by Dan Ryan**

Parents tell their small children that there is no bogeyman—that he is a ghost story, a shadow cast by a childhood nightmare.

In 1927, when a small boy named Billy informed his father and policemen that it was the bogeyman who took his four-year-old playmate Billy Gaffney away from the hallway of their Manhattan apartment, no one listened. Days

later, after the canal had been dredged and Gaffney was still nowhere to be found, an investigator asked Billy for the bogeyman's description. Billy told them the bogeyman was a thin, gray, old man with a moustache.

No one at that time noticed that the description matched that of "the gray man" reported in Staten Island three years before. Anna McDonnell saw the gray man, an old "tramp" with a drooping moustache, from her porch; he was watching her eight-year-old son, Francis, play. Neighborhood boys later informed her that Francis had disappeared from a ball game with the gray man. Francis's father, a policeman, found his son's nude body in the woods. He had been beaten viciously and strangled with his suspenders.

No one had made the connection to Albert Fish when Gracie Budd, a ten year old from an impoverished family in Manhattan, disappeared on June 3, 1928, with an elderly gentleman who introduced himself as Frank Howard. Howard had arrived at the Budds' West Fifteenth Street apartment a week earlier with a job offer for Gracie's elder brother, Edward, who had placed an ad in the *New York World* looking for work. Howard promised to take Edward back with him, but when he returned, he met Gracie. He gave Edward money for a movie and told him he had to attend his sister's child's birthday on 137th Street and would pick up Edward later that evening. Then he offered to take Gracie to the party. The Budds, who found Howard "credible and genteel," thought the party might be fun for her. When Howard did not return with their daughter later that night, they frantically reported her disappearance. "Howard's" photograph did not appear in the police's collection of known child molesters; the police had few leads.

In fact, neither Frank Howard nor his sister on 137th Street existed. Howard was Albert Fish: Billy's bogeyman, the Gray Man, a pedophile, alleged cannibal, and ultimately murderer of fifteen people, mostly children.

That night Fish took Gracie by train to Wisteria Cottage in Westchester. He carried a bundle containing a cleaver, a saw, and a butcher knife that he had previously purchased. At the cottage, Gracie collected flowers while Fish went upstairs, opened the bundle, and stripped. He called to Gracie and then hid naked in a closet. When Gracie came up and saw Fish naked, she screamed for her mother and tried to escape. Fish grabbed her and strangled her. He then decapitated her over an empty paint bucket to catch the blood. Fish cut the body in half, wrapped half of it in newspaper, and discarded the weapons, blood, and various body parts on the property. He came back for the other half later, he said.

Though Fish, previously convicted of larceny, writing obscene letters, and theft, had been at least marginally connected to more than a dozen cases of missing or murdered children, he might never have gotten caught. However, in 1934, long after the cases of Benny Gaffney and Francis McDonnell were discarded as unsolvable, a detective leaked false information to columnist



Walter Winchell, who wrote that the police were on the verge of capturing Gracie's kidnapper.

Fish responded with an anonymous letter to the Budds that described in vicious detail how he had killed and eaten Gracie. It said, in part:

My dear Mrs. Budd . . .

On Sunday June the 3—1928 I called on you at 406 W 15 St. Brought you pot cheese—strawberries. We had lunch. Grace sat in my lap and kissed me. I made up my mind to eat her.

On the pretense of taking her to a party. You said yes she could go. I took her to an empty house in Westchester I had already picked out. When we got there, I told her to remain outside. She picked wild-flowers. I went upstairs and stripped all my clothes off. I knew if I did not I would get her blood on them.

When all was ready I went to the window and called her. Then I hid in a closet until she was in the room. When she saw me all naked she began to cry and tried to run down the stairs. I grabbed her and she said she would tell her mamma.

First I stripped her naked. How she did kick—bite and scratch. I choked her to death, and then cut her in small pieces so I could take my meat to my rooms. Cook and eat it. How sweet and tender her little ass was roasted in the oven. It took me 9 days to eat her entire body. I did not fuck her, though I could of had I wished. She died a virgin."

The events described in the letter, as well as handwriting matches to Fish's previous note to the Budds, indicated that the writer was the man who called himself Frank Howard. Police were able to trace the letter to a boardinghouse and after so many years caught the gray man.

Fish confessed to killing Gracie and described how he had done it. While on the property of Wisteria Cottage, investigators also discovered the remains of Billy Gaffney. When confronted, Fish described in detail how he had killed Gaffney and, in the manner of a chef describing meal preparation, detailed how he had cooked and eaten the boy. He had stripped, bound, and gagged Billy in a remote location, then left him there overnight. He returned the next day with prepurchased tools and beat Billy until he was "tender." He sliced off Billy's ears and nose, cut his mouth, and gouged out his eyes. At some point during all this, Billy died; Fish said he drank Billy's blood and then cut the body into pieces. He placed most of it in a sack weighed down with stones and threw it into the river. The rest, particularly the buttocks, penis, and testicles, which Fish referred to as Billy's "delicious monkey and pee wees," he took home and prepared with vegetables in spices.

Albert Fish was one of the early serial killers in U.S. criminal history. The motivation and psychodynamics of his crime are difficult to pinpoint. Fish



himself could not really explain why he killed Gracie or any of the other children. He told investigators, "I never could account for it." Nor could he explain why he wrote the cruel letter to Delia Budd, except that he had a "mania for writing." He also told investigators that he regretted killing Gracie almost immediately. "I would have given my life within a half-hour after I had done it to restore her," he said. Still, investigators, and later the Budds themselves, commented on how completely emotionless he seemed as he confessed to the murders of Gracie, Billy, and others. He did not react when he saw his victims' remains unearthed.

All Fish could say was that he was overcome with a "blood lust" in 1928. When he saw Gracie, he immediately felt compelled to kill her. Fish told psychiatrists that he heard God telling him to kill young children. The personation of the crime, it seemed, was a religious fantasy: Fish was taking orders from God. Fish also admitted he was sexually aroused when he strangled Gracie but adamantly denied raping her or desiring to.

The classification category of the murders weighs somewhat on the side of personal cause, although elements of sexual homicide appear (Fish ate the buttocks and genitals, castrated his male victims, and was aroused by the act of killing Gracie).

Fish's father died when he was five. His mother placed him in an orphanage, where he sang in the choir and was raised (and punished) by nuns. He recalled being whipped and eventually liking it. His family also had a history of mental illness: aunts, uncles, and sisters were alcoholic, and a few died in the asylum. His mother was said to be insane. Childhood trauma, assumed mental illness, and his religious history evolved into a belief in pain, torture, and absolution, a blood lust seemingly devised by heaven. When his wife left him to raise his six children alone, he would often stick pins into his body, sometimes losing track of them (an X-ray in prison revealed twenty-nine pins or needles stuck in his pelvic region) while shouting to the sky, "I am Christ!" He would self-flagellate and encouraged his children to spank him with a brush or paint paddle in a game he devised. He had a history of pedophilia and engaged in sexual acts that included eating human feces.

Fish's methodology was highly organized. He took personal items from the victims (body parts), prevented their identification, incorporated sexual aspects into the crime (nudity, arousal), and concealed the bodies well. Gracie Budd's case is particularly instructive. Fish's antecedent behavior indicates an extreme level of organization. The crime was premeditated; Fish bought the weapons in advance, lied, and brought Gracie to a predetermined spot. The commission of the crime was cold and exact. The staging and exit strategy were scientific and well planned: Fish cut the body into "manage-

able” pieces and discarded or ate them. The crime remained completely hidden for years.

However, Fish confessed that he never intended to kill Gracie. The planned crime involved her brother, Edward, whom Fish selected when he saw his ad. Fish planned on bringing him to a remote spot, slicing off his penis, and leaving him to bleed to death. He worried that Edward was too big but planned on continuing. When he returned to the apartment and met Gracie, he quickly changed his mind. Although the *modus operandi* was highly organized, the targeted victim changed completely when he selected Gracie instead, an easier victim than the teenaged Edward. Not only did the choice indicate an impassioned decision, it also placed Fish in a higher risk level. He could have easily disappeared with Edward for a few weeks without raising questions. With Gracie, her family became suspicious that night when she was not returned home.

Ultimately the crime was premeditated. It was highly organized, and though the victim changed, the selection—a child, preferably small and weak—did not. The crime scene remained constant: Fish made first contact with the victim in his or her home or neighborhood. The location of the crime and the exit site were the same: a remote, hidden location where he could murder and dismember the victim, then return to his home with chosen body parts. The risk level for the victims seemed low, since they were in their neighborhoods, often on their own property and, in Gracie’s case, in her own home when meeting Fish. However, in all cases, there were either no adults present or, as in the Budds’ case, the adults allowed the victim to go off with Fish. The risk level for Fish was relatively high: there was always a chance of being seen as he stole children away, especially when he took them by train. In Gracie’s case, the risk was high: he charmed his way into her home. But he gave false information and was untraceable.

However unbalanced Fish appeared, the prosecution wanted the death penalty. They argued that Fish knew the difference between right and wrong when he killed Gracie Budd and that he understood the nature of his acts. They argued that Fish’s penchant for sadomasochism and coprophagia was “normal,” or at least acceptable by social standards. Their expert witnesses labeled Fish a “psychopathic personality without psychosis,” despite acknowledging his love for inflicting and enduring pain, his pedophilic and cannibalistic tendencies, and his religious fantasy. The defense’s case seemed simple: How could a jury not find a man who killed and ate children insane? The case for insanity, though, rested on the fact that Fish had eaten Gracie, something the defense could not prove. In questioning, the prosecution’s psychiatric team argued that cannibalism did not necessarily reflect a psychosis.

After ten days of trial, the jury deliberated for an hour. Albert Fish was found guilty of premeditated murder and sentenced to death by electrocution. He was executed on January 16, 1936.

Was Albert Fish insane? His logic was dangerously unsound, he was emotionless, and he could not explain his actions, though he said he felt badly about them. It is understandable that the prosecution wanted a killer of children executed, and they played on the emotions of the jury. At the high point of the trial, the lead attorney for the state described the murder in detail and then pulled Gracie's skull from a box of evidence. In 1936, the state did not care whether this man understood his actions or not. They wanted him executed.

At one point during the trial, Fish chillingly told his lawyer that he wanted to live: "God still has work for me to do." The lawyer did not ask what his client meant.

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### **CASE STUDY: GARY RIDGWAY**

**Case Contributed by Emily Dendinger**

In 1982, the bodies of three women were discovered in and around the Green River near Seattle, Washington. The cause of death was determined to be strangulation, and two of the three had triangular rocks inserted into their vaginas. Over the next twenty years, the bodies of numerous other women were discovered around the same area in eight clumps. Most were young prostitutes or runaways who had been dumped in water, muddy areas, or woodlands in a thirty-mile radius. A few were discovered in trash heaps and dumpsters by the Sea-Tac Airport. All of the bodies found were naked and left in degrading positions. The man responsible for these deaths and at least forty-eight more was dubbed the Green River Killer.

The criminal investigation to track this killer was extensive and exhausting. Numerous suspects were questioned, but women kept disappearing and more bodies in various degrees of decomposition kept being discovered. FBI serial killer profilers and criminal investigators were called in to aid the investigation. They were able to pinpoint that many of the victims had known one another, and most had a history of prostitution. From these observations, they figured they were looking for a man who most likely hated women and had a deep, fanatical religious sense.

The bodies that were found all had some things in common. All had been strangled, most of them with clothing that belonged to the victim but some with men's socks or trouser legs. Forensic reports showed that the victims had all recently engaged in oral, anal, and vaginal sex. Most of the victims were

young, unusually short, and plump. There was also a wide range of races present in the victims.

One of the first potential leads came in 1983. The boyfriend of Marie Malvar, who was a prostitute, saw her talking to a potential customer in a dark-colored truck who solicited her on the street. Suspicious of the man, the boyfriend followed them until he eventually lost them. He never saw Marie again. A few weeks later he spotted the truck and alerted police, who questioned the owner. The truck belonged to a middle-aged man named Gary Ridgway who denied knowing anything about the missing girl, and police let him off. Then the truck was later seen at the site of another missing prostitute.

As more women continued to go missing, things began to look desperate for the investigation. At one point, serial killer Ted Bundy, who had been following the killings of the man he dubbed "the Riverman," offered to help by letting the investigators interview him to get a glimpse into the mind of a serial killer. Although Bundy did little to aid this case, his interview led to his confession of more murders that had not previously been connected to him. It also helped profilers better understand the minds of serial killers.

In 1987 police returned to Ridgway as their chief suspect. He had previously been caught attempting to solicit an undercover officer in 1984 and had attempted to choke a prostitute in 1980. Although he passed a lie detector test, the chief investigator at the time continued to look at him as a suspect. It was discovered that he had been questioned earlier in 1982 with one of the prostitutes who later turned up missing. Questioning of Ridgway's ex-wife revealed that Ridgway had knowledge of the dump site clumps and often frequented the sites. He also drove past the strip where the prostitutes were usually taken from daily on his way to work. Although a warrant was obtained to search his home, there was not yet enough evidence to link Ridgway to the crimes, and he was released.

Over the next couple of years, more bodies continued to be found, alerting investigators that the Green River Killer was still at work. In 1990, the skull of one of the victims turned up in a wooded area different from the location of the rest of her body. It appeared as if the killer was taunting the police by moving bones around to purposely confuse them.

In 2001, new forensic technology helped get the evidence needed to link Ridgway to the crimes. Semen samples taken from the first three victims matched Ridgway's DNA, and he was arrested in 2001. In 2003 he confessed to the murder of at least forty-eight women. By agreeing to cooperate with the authorities on closing these cases, Ridgway bargained with the prosecution to exchange the death penalty sentence, which was being sought, for life in jail without parole.

Ridgway can be typed as a serial killer and demonstrates many of the characteristics associated with psychopaths. He told authorities that he did

not recall the names or even faces of many of his victims, but knew exactly where most of them were buried. He said that killing gave him a thrill, and the women he had chosen were all disposable, used only to satisfy his pleasure. He went out at night with the intent to kill, but did not pick the victim until he got to the scene. He also said that he picked prostitutes because he hated them, and they were easy targets because they were accessible and less likely to be reported missing. He demonstrated another behavior typical of serial killers in explaining that he liked to bury the bodies near one another so he could drive past the area, remember his crime, and relive the pleasure the experience gave him. One ex-wife said that Ridgway liked having sex outdoors and had had sex with her at one of the dump sites.

During his confession, Ridgway proved to be proud of his crimes. He told investigators that he considered killing prostitutes his “career” and the thing he was good at. He hated women because he felt that they always had power over him, and his actions were a compulsion to gain and maintain control. He viewed women as objects and lacked any kind of caring or compassion. Like many other psychopaths, Ridgway had an inability to demonstrate intimacy with anyone and had difficulty performing sexually unless he was in a dominating position. Even in death, Ridgway needed to be in control. He confessed to necrophilia, sometimes up to several days after killing. His obsession with maintaining control even affected the way Ridgway viewed his dump sites. He admitted that every time victims’ remains were discovered, he felt as though something was being taken away from him.

Much of Ridgway’s mental health can be traced back to his roots. He grew up in Salt Lake City, Utah, and was described to be “normal,” although not very bright and a poor student. His mother was reported to be domineering and dressed provocatively. Ridgway later told investigators that he was torn between a sexual desire toward her and an intense, murderous hatred. As a child, he had been a bed-wetter until relatively late, and his mother humiliated and taunted him for this. These early emotions and thoughts appear to have contributed to Ridgway’s killing fantasies.

As an adult, Ridgway remained close to home, leaving only briefly for a tour in the navy. He was married several times, had a son, and usually had a steady girlfriend. He worked at a paint store, went to church, and appeared to fit into the community. He believed that his first wife cheated on him while he was overseas, and he later said she became a “whore.” His ex-lovers claimed that Ridgway was preoccupied with sex, demanding it two or three times a day, and he liked to have sex outdoors. He also demanded anal sex and bondage from his partners on several occasions.

Over the next few years, Ridgway continued his obsession with sex and bondage and frequently interacted with prostitutes. During his second mar-

riage, it appears that Ridgway was either already killing or making preparations to begin. His ex-wife said that Ridgway was getting odder: he would practice walking noiselessly around the house and would jump out and put her in a choke hold. He carried tarps and blankets in the back of the cars and told her to stay away from the garage. During and after church services, he would often cry, and at night he would sit with an open Bible in front of him. Soon after their divorce, Ridgway's first known victim was discovered.

Once Ridgway began killing, it consumed him. He claimed that at the height of his killing spree, he was sleeping only a few hours a night and then would go out "patrolling" for his victim. He picked younger women because they were the easiest to control, and he liked the way they tended to be more vocal in pleading for their lives. Once he solicited the prostitute, he would try to get her to come back with him to his house or to a wooded area where he would have sex with her, kill her, and then deposit the body. As the killings went on, his modus operandi became more advanced. He would offer to give rides to two women and establish their trust so that later, if he saw one alone, she would be more willing to come with him. Sometimes he even used a picture of his son to put the women at ease. He also told investigators that he needed to be in the right mood to hunt, which was calm and easy-going.



# Homicidal Poisoning

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*Poisoning, of course, differs considerably from many other crimes, frequently committed in uncontrolled passion and in the heat of the moment. The innate character of the crime of homicidal poisoning demands subterfuge, cunning and, what is equally important, usually a period of careful planning, and also not infrequently the repetition of the act of administering poison. . . . Its characteristic being one of premeditation, it is a method of murder which therefore cannot be the subject of extenuation as some other forms of killing can.*

J. Glaisiter (1954)

When examined as a group, do empirical data concerning homicidal poisoners and their victims reveal relationships, patterns, and characteristics that may prove helpful to investigators? Surprisingly, other than a few published reviews of some famous historical poisoning cases, little has been written on the characteristics of the poisoner and his or her victim (see

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We thank the FBI/UCR program for providing the supplementary homicide reports data relating to poisoning homicides. We also thank John Trestrail for his insights on earlier drafts of this chapter and his contributions to earlier work in this area. Finally, we acknowledge those Behavioral Science Unit members who assisted at all stages of the process: intern Emily Noroski, who reworked initial drafts of this chapter, and supervisory special agents Harry Kern and Sharon Smith, who reviewed the final manuscript.

The cases in this chapter were contributed by Emily Lilly.



Westveer, Trestrail, & Pinizzotto, 1996, and Trestrail, 2000, for exceptions).<sup>1</sup> A further review of the international forensic literature does not reveal any previously published epidemiological studies dealing with criminal investigative analyses, or psychological profiles, of the homicidal poisoner. Building on the few empirically based studies that do exist, this analysis examines the most recently reported poisoning homicides.

In order to conduct this examination, the FBI *Uniform Crime Reports* (UCR) information concerning supplementary homicide reports (SHR) was drawn on to examine those incidents occurring in the United States between 1990 and 1999. These data were examined to isolate incidents involving homicides where a poisoning agent was reported to be the cause of death.<sup>2</sup> The time period was purposefully selected to permit comparisons to the earlier work of Westveer et al. (1996), which examined similar data for the decade 1980 to 1989. The factors that were examined included those that had been previously shown to offer explanatory and probative value to investigations: victim demographics, offender attributes, geographical and temporal features, and factors specific to particular incidents. The importance of cooperation between the medicolegal science community and law enforcement is underscored, and such findings serve as a foundation for the continued examination of behavioral attributes of homicidal poisoners.

## **METHOD**

The UCR program has traditionally been used to look for fluctuations in the level of crime and to provide criminologists with statistics for research and planning. From these data, the SHRs reveal much of what is known empirically about the nature and scope of homicidal behavior in the United States.

For this study, 186,971 SHR murders in the United States during the ten-year period from 1990 to 1999 were available for analysis. This volume of cases represents an 8 percent decline in reported murders when compared to the 202,785 homicides reported in the 1980s. From these cases, those homicides that involved a chemical (nondrug) poison or a drug or narcotic that had been used by an offender for homicidal purposes were extracted. Reports involving asphyxiation or fumes were excluded from the study, because it was not possible to differentiate asphyxiation by smothering from cases involving chemical fumes (such as carbon monoxide).

## **RESULTS**

Of the 186,971 SHR reports in the United States for 1990 to 1999, 346 (0.19 percent), or 1.9 per 100,000 total homicides, were poisonings involving a single victim and a single offender, or a single victim and an unknown number of offenders.<sup>3</sup> This compares with 292 similar homicidal poisonings

reported during the 1980s. Therefore, the 1990s saw an increase of 18 percent in reported homicidal poisonings, which equates to a 35 percent increase in the rate of these cases coming to the attention of law enforcement during the 1990s. The effective investigation of homicides generally, and poisoning cases in particular, often depends on a number of factors, including such basic investigative data as victim demographics, possible offender characteristics, geographical and temporal features of the case, and any particular incident attributes that may assist law enforcement. For these reasons, the results are presented with these investigative categories in mind.

### **VICTIM DEMOGRAPHICS**

The SHR data for the 1990s show that victims of homicidal poisonings were found to be almost equally divided between males and female. The victims' ages ranged from a single victim less than one week old to thirteen victims seventy-five years or older. The age range for the greatest number of victims was from twenty-five to forty-four years, which constituted 91 (37.2 percent) of the victims. The age of the victim was unknown in 4 (1.2 percent) of the homicides. By race, poison was used in 0.006 percent of all homicides on black victims. By gender, black males poisoned victims almost twice as often as black females did. White victims were almost equally divided between males and females in poisoning homicides. Victims of other races were as likely to be males as females.

### **OFFENDER ATTRIBUTES**

The data reveal that victim characteristics may dictate some contingency related to offender characteristics. That is, when the victim was a female, the offenders were found to be predominantly male. If the victim was a male, the offenders were found to be almost equally divided between males and females. Regardless of the sex of the victim, the poisoning offenders were found to be predominantly white. It would appear that homicidal poisonings, like other homicidal behavior, usually did not cross racial lines, with the offender typically being of the same race as the victim. However, this information also shows a slight increase from 1 percent to 3.5 percent among other races as victims compared to the analysis for the 1980s (Westveer et al., 1996). Additional findings show that whites were predominantly the victims of a male offender, blacks were almost equally the victims of male and female offenders, and people of other racial backgrounds were equally likely to be victims of female or unknown offenders.

By race, black poisoning offenders were males twice as often as females, and white poisoning offenders were also more likely to be males. By gender, the result that 168 (48.6 percent) of the poisoning offenders were male,

compared to 115 (33.2 percent) female offenders, would seem to challenge the perception that poisons are primarily used by female offenders. Of course, it must be emphasized here that these cases represent only murders that become known. It could be that females are the predominant gender for poisoners but are more successful at getting away with the crime. Furthermore, this information reflects a 50 percent increase in the participation of females in this criminal homicidal behavior compared to data from the 1980s (see Westveer et al., 1996). It must be noted that the gender of 63 (18.2 percent) of the offenders remained unknown. The offenders' ages ranged from one offender in the range ten to fourteen years, to four in the seventy-five years or older group. The age category twenty to thirty-four accounted for 111 (32.1 percent) of the offenders. The age of the offender was unknown in 73 (21.1 percent) of the homicides. These patterns have remained relatively stable in comparison to those of the 1980s.

However, a word of caution should be emphasized here: since the percentage of poisoning offenders with unknown characteristics was found to be twenty to thirty times higher than those with unknown characteristics among all homicide offenders, some of these demographic findings remain tentative. This problem is most likely due to a lack of witnesses to provide insight into offender characteristics.

### **Relationship of Poisoning Victim to Offender**

Homicides within families occur with some frequency and accounted for 125 (36.1 percent) of the poisonings in the 1990s. The four most frequent relationships within the family were son (9.5 percent), daughter (7.2 percent), wife (6.9 percent), and husband (5.2 percent). However, while it is widely believed that poisoning is predominantly a household or domestic crime, of the reports where the relationship of the offender to the victim was known, more of the victims were outside the family (63.9 percent) than were within the family (36.1 percent) of the offender. Victims found to be outside the family of the offender accounted for 221 (or 63.9 percent) of the poisoning homicides. The five most frequent relationships outside the family were acquaintance (69, or 19.9 percent), unknown (66, or 19.1 percent), other (31, or 9 percent), friend (22, or 6.4 percent), and girlfriend (13, or 3.8 percent). These results are in stark contrast to the Westveer et al. (1996) findings from the 1980s, which showed just 39 percent of victims outside the family of the offender. This analysis of Westveer et al. (1996) showed a more equitable distribution of relationships, whereas this study shows substantially more victimizations of individuals outside the family. Once again, 66 (19.1 percent) homicide victims had an unknown relationship to the offender. So the prevalence of unknown characteristics may dampen the significance of some

of the patterns noted here. In particular, the variance in the findings may be due to fluctuations in missing data relative to these cases rather than true compositional changes in homicidal poisoning behavior.

### **Type of Poison**

Thirty (8.7 percent) of the female offenders and 38 (11 percent) of the male offenders used a chemical (nondrug) poison. Eighty-five (25 percent) of the female offenders and 130 (37.6 percent) of the male offenders used a drug or narcotic as their homicidal agent. Although it was not possible from the SHR to determine the exact identification of the poison used, chemical (nondrug) poisons were used in a ratio of five-to-four by male offenders compared to female offenders. A drug or narcotic was used in a ratio of almost three-to-two by the male offender compared to the female offender. This represents a 33 percent increase in the use of drug or narcotic poisonings by women compared to analyses of 1980s data (Westveer et al., 1996). The exact identification of the poison used could not be made from the SHR report. This important piece of information will have to be obtained from a more in-depth analysis of the specific case reports on file in the various jurisdictions.

As to what could serve as a potential homicidal poison, one need only refer to the early, but accurate, definition: "What is there that is not a poison, all things are poison and nothing without poison. Solely the dose determines that a thing is not a poison" (Deichman, Henschler, & Keil, 1986). Any chemical substance has the potential of producing a poisoning homicide. Clearly, the prime candidate for the most effective weapon in homicidal poisonings is the chemical with the greatest lethality, the smallest dose, and the least likelihood of being detected.

### **Geographical and Temporal Features**

Forty-four (88 percent) of the fifty states reported poisoning homicides in the 1990s. The seven states with the most reported cases, accounting for 178 (51.5 percent) of the reported homicides, were California (63, or 18.2 percent), Washington (34, or 9.8 percent), Texas (23, or 6.6 percent), Pennsylvania (22, or 6.4 percent), Arizona (12, or 3.5 percent), Michigan (12, or 3.5 percent), and New York (12, or 3.5 percent). When the 346 poisoning homicide reports were analyzed by geographical region for the United States, the following results were obtained: Northeast (52, or 15 percent), South (87, or 25 percent), Midwest (56, or 16 percent), and West (151, or 44 percent). These findings are similar to the 1980s analyses of Westveer et al. (1996) with the exception of an increase of 9 percent in reported cases from the western United States.

The fact that fewer SHR reports were received from one geographical area over another, however, does not necessarily mean that there were lower poisoning homicide rates. Factors that could affect the number of reports received from a jurisdiction include legislation requiring autopsies or toxicology screens on all deaths of unknown cause, the sophistication of analytical toxicology laboratories in the area, or the workload of the local law enforcement or forensic pathology personnel.

### **Homicidal Poisonings by Year and Month**

The number of homicide reports per year for the decade varied from a high of 41 in 1995 to a low of 26 in 1999. The average number of poisoning homicide reports per year was 34.6. Yet little year-to-year variation was found in the data reported.

The incidence of poisoning homicide reports by month for the decade varied from a high of 40 in December to a low of 16 in August. The average rate of poisoning homicide reports by month was 28.8. (See this chapter's Appendix.)

### **INCIDENT CHARACTERISTICS**

From the SHR reports, it is impossible to determine an exact motive in 220 (64 percent) of the reports, as they fall into such generalized categories as "other—not specified," "other," or "unable to determine circumstances." This important information relating to motive will likely have to be obtained from a more in-depth analysis of specific cases among local jurisdictions. It is interesting to note that in only 2 (0.6 percent) of the reports was the circumstance reported to be related to a lover's triangle, which seems to be contrary to the general perception that poisons are often used in domestic situations to remove significant others.

Because of the large number of reports that fall into generalized unknown categories, it is impossible to determine the exact motive as related to relationship of victim to offender. In addition, it is not possible from the SHR to determine how the poison was administered. However, a summary of findings provided in Table 14.1 shows the consistency of patterns in homicidal poisonings and may provide an opportunity for investigators in developing investigative leads that may reveal the methods used by these killers.

### **CONCLUSION**

From this study, it can be concluded that the incidence of reported homicides due to poisoning was only a small portion of the SHR data for the decade.

**Table 14.1. Demographics of Homicidal Poisonings, 1990–1999 (N = 346)**

<i>Attribute</i>	<i>Victim</i>	<i>Offender</i>
Age	25–44	20–34 <sup>a</sup>
Sex	Male or female <sup>b</sup>	Male <sup>c</sup>
Race	White <sup>d,e,f</sup>	White <sup>g</sup>
Circumstances	? <sup>h</sup>	?
Relationship	63 percent outside family; 37 percent inside <sup>i</sup>	
Weapon	75 percent drug/narcotic; <sup>j</sup> 25 percent nondrug	
Unknown	20–30 percent higher than that of all homicides	

<sup>a</sup> Age and/or gender unknown in approximately 20 percent of the cases.

<sup>b</sup> With a male victim, the offender was no more frequently male or female; with a female victim, the offender was more frequently male.

<sup>c</sup> More frequent than female, but 50 percent increase in female offending compared to 1980s analyses.

<sup>d</sup> With a white victim, the offender was more frequently male; with a black victim, the offender was no more frequently male or female.

<sup>e</sup> Black male victims occur two times more often than black female victims, whereas white/other males occur with about the same frequency as white/other females.

<sup>f</sup> Other race victims increased from 1 percent to 3.5 percent compared to the analyses from the 1980s.

<sup>g</sup> Both white and black offenders were more frequently male.

<sup>h</sup> Circumstances were not informative in 64 percent of cases reported as unknown, other, or missing. Yet three times more husbands than wives were reported as victims in a lover's triangle. Some acquaintance victims were in this circumstance as well.

<sup>i</sup> The relationship was reported to be 39 percent outside family in the analyses in the 1980s.

<sup>j</sup> Drug/narcotic type poisoning involving female offenders increased 33 percent compared to 1980s analyses.

One can only wonder if more of these types of homicides remain undetected, as there are many holes in the investigative net through which homicidal poisoners can slip. It should also be highlighted that many of the demographics of poisoning offenders remain largely unknown, at least when compared to that of overall homicides during the decade. This would seem to indicate that homicide investigators may have been presented with a poisoned victim but were unable to identify the offender. An old and wise adage related to homicide detection is that “all deaths are homicides until facts prove otherwise.” As evident from the cases identified at the outset of this research and the statistical analysis offered here, perhaps this adage could be more relevant to poisoning cases if it were rephrased as follows: “All deaths, with no visible signs of trauma, may be considered poisonings until facts prove otherwise.”

What other factors may be important to the identification of a poisoning homicide offender? Among the many factors that need to be identified are the offender’s socioeconomic level, IQ, level of education, professional training, personality (introversion/extroversion), ethnicity, prior criminal history, marital harmony, and psychological status. These factors of homicidal poisoners cannot be elucidated from the SHR reports. This information can be generated only by in-depth research into actual circumstances surrounding such poisoning cases.

The research offered here, coupled with investigative experience, provides the basis for extending criminal investigative analysis. Such analyses may assist law enforcement personnel in their investigations by arming them with a clearer picture of the poisoner. Finally, while this work has focused on individual incidents of homicidal poisoning behavior, the importance of these patterns may be even more significant now. That is, the potential for toxic substances being used as a weapon of mass destruction may prove to be more of a substantial threat than in the past. In addition, the expanding elderly population may provide additional victims for those who wish to commit a homicide that appears to be death by natural causes. Understanding some of the attributes of homicidal poisoners as examined here may enhance the ability of the law enforcement and forensic communities when they are called on to assist in the prevention and investigation of homicides.

## **APPENDIX: HOMICIDAL POISONINGS**

Homicidal poisonings remain one of the most difficult crimes to detect and prosecute. Because there are often few visible signs of a homicidal poisoning, all too often the victim’s death may be certified as being due to a natural or unknown cause, and important evidence of the crime is often buried with the victim. Therefore, a great number of homicides by poisoning are de-

tected only when specific toxicological analyses are carried out after the exhumation of the victim's remains.

The following cases, selected from FBI and police files, as well as public source court documents, identify incidents in which the nature of the initial poisoning was either not detected or was misdiagnosed by criminal or medical investigators. In most of these cases, the initial causes of death were thought to be accidental or due to natural causes, but were later determined (through considerable legal and investigative effort) to be deaths due to homicide where poison was the weapon of choice.

### Case 1

In a small country town, a white male became suddenly very ill with what his family claimed was pneumonia. Upon admission to the local hospital, he was treated with antibiotics and painkillers. Ten days after the onset of his symptoms, he died from his illness. Unbeknown to the authorities, the victim's wife was involved in an adulterous affair and wished to marry her lover. When she returned some highly toxic herbicide to a fruit grower, he became suspicious and contacted the police. Investigation revealed that the victim's wife had collected on a fifty-five thousand dollar insurance policy and was pressuring her paramour into marriage. The police had the husband's body exhumed and discovered the highly toxic chemical paraquat in his body.

*Disposition:* As a result of these findings and other evidence, the wife was arrested and charged with the death of her husband. She was later convicted and sentenced to five years' imprisonment and treatment in a mental hospital.

### Case 2

In 1999, officers were called to a residence at 3:30 A.M. to treat an eight-month-old baby who had been reported to have stopped breathing. The boy was transported to the local hospital and died later that morning. It was presumed that the infant had suffered from sudden infant death syndrome. Autopsy revealed the child to have had a blood ethanol level of 0.12 (120 mg/dL). Upon further investigation, the father was found to have given the child a toxic dose of peppermint schnapps.

*Disposition:* The father was arrested and charged with negligent homicide for the alcohol poisoning of his son.

### Case 3

A thirty-three-year-old woman was found dead in her waterbed. A black substance was discovered around her mouth and nose. The investigating officer, recalling similar evidence from a case twelve years earlier, suspected possible



cyanide poisoning. During the autopsy, the distinctive bitter-almond-like odor common to cyanide poisonings was detected.<sup>4</sup> Laboratory tests confirmed the presence of cyanide in the victim's blood but not in her stomach contents. Due to this finding, it was thought that the victim was somehow forced to inhale hydrogen cyanide gas. Police later discovered that her husband worked at an exterminating company where hydrogen cyanide was readily available.

*Disposition:* Investigators combined this information with evidence of both marital and financial problems and arrested the husband. Prosecutors have sought a first-degree murder conviction and a possible life sentence.

#### **Case 4**

Dorothea Puente was born Dorothea Helen Grey on January 9, 1929, in California and led a tumultuous life that ended in a murder conviction in 1993 at age sixty-four. Until her arrest in 1988, Puente had committed several crimes of various sorts and spent years running from probation.

Puente was convicted of five types of crimes: forgery, living in a brothel, vagrancy, robbery, and eventually murder. Her first criminal conviction was in 1948 when she stole checks from a friend to buy a few clothing items. After serving time, she violated her probation and left town. Twelve years later, she was convicted of residing in a brothel and spent sixty days in a Sacramento jail, only to be released and convicted on vagrancy charges that brought her another sixty days in jail. She managed to stay away from the law until 1978, when she was caught again forging thirty-four checks from tenants living at her halfway house in Sacramento.

Puente committed what is believed to be her first murder in spring 1982 when a sixty-one-year-old acquaintance, Ruth Munroe, died of a drug overdose just after moving into Puente's house in Sacramento at 1426 F Street. Munroe overdosed on Tylenol and codeine, leading the coroner to dismiss it as a suicide. Despite Puente's questionable record to date, no one considered her greed a strong enough motive to warrant murder. Within a few months, Puente was charged with drugging four elderly people and robbing them while they were sedated. She served only three years of a five-year sentence and was released with orders to stay away from the elderly and not to handle government checks of any sort. These instructions would lead to part of her murder defense years down the road. In just three years from her release, Puente managed to lure at least seven people into her home under the patronage of a halfway house, murder them, and steal their social security checks that they gave her permission to cash.

The crimes for which Puente is best known occurred in the house at 1426 F Street, which was used as a boarding house for the elderly, with her personal residence on the second floor. It was not until November 1988 when

neighbors began complaining of a foul stench coming from her garden that she was discovered by two Sacramento detectives in search of a missing mentally retarded man, Alvaro "Bert" Montoya, who had been a tenant of Puente and was reported missing by his social worker.

Puente was calculating as she searched dive bars in the area for victims who had little or no family who would report them missing and investigated their social security benefits before offering them a room. She charged them \$350 a month for two meals a day and a room, and so as not to ignite neighbors' suspicions, she always planted a story before they disappeared saying they did not feel well or were going away. Puente did not let the tenants go in the kitchen, make phone calls, or touch the mail, and she made all of them sign over rights to cash their social security checks so she could distribute the money after she siphoned some off for herself. Despite having a full bar to herself in her second-story residence, she did not allow tenants any alcohol. When she found an opportunity, she would overdose her victims with the prescription-strength sleeping pill Dalmane, which was found in all seven bodies in her back yard. She let them die before burying them.

Puente was even able to obtain unwilling help from friends and neighbors. She had a close acquaintance, fifty-four-year-old Patty Casey, who drove a cab and later admitted to driving Puente to pick up fertilizer and cement, sometimes several times a week. Homer Meyers, a tenant who refused to sign over endorsement rights to Puente, was evicted but not until he unwittingly dug Montoya's grave after Puente asked him to dig a four-foot hole for a new apricot tree, which she planted over Montoya's body.

The seven victims, four female and three male, found in her yard were all at least fifty-five-years old, and the oldest two were both seventy-eight. Several were discovered underneath cement slabs, and most were so severely deteriorated that the cause of death could not be discovered. Vera Faye Martin, age sixty-four, wore a still-ticking watch when she was unearthed. Leona Carpenter, age seventy-eight, whose leg bone was mistaken for a tree root by detectives searching Puente's yard, was one of the three victims for whose murder Puente was convicted. Betty Palmer, also age seventy-eight, was buried under a statue of St. Francis of Assisi in the front yard; she was wearing a nightgown but missing her head, hands, and lower legs. Dorothy Miller, age sixty-four, one of two known alcoholics among the seven victims, was buried with her arms duct-taped to her chest, and Benjamin Fink, age fifty-five, also an alcoholic, was buried in his boxer shorts. The victims' attire led the court to believe most were killed at night and their murders were planned, although it also supported Puente's defense that all the deaths were the result of natural causes or suicide.

Puente was also associated with two other murders: those of Monroe and of her one-time boyfriend Everson Gillmouth, whom she wrote to while she

was in prison serving a robbery sentence from 1982 to 1985. He picked her up from jail in a 1980 red pickup truck, which she gave to her handyman, Ismael Florez, in November 1985. She had hired him to help her around the house, completing tasks such as building a wooden box six feet three inches by two feet that she filled with “junk” and had him drop into the river. A box fitting the description was found less than three months later, in January 1986, by two fishermen; the remains of an elderly man inside were unidentifiable, so Puente could never be charged with his murder.

***Puente’s Background.*** Puente survived a tumultuous childhood as the offspring of two alcoholics. She was the sixth child and lost her father to tuberculosis at age eight and her mother a year later to a motorcycle accident. By the age of seventeen, she had moved out on her own to Washington, where she began a life of pathological lying that led directly to crime. Puente constantly lied about her age and her background, confessing only to her cabby friend Casey. She had an obsession with expensive items and clothes. She married several times, usually to much younger or much older men whom she could control, and at least one, her fourteen-year marriage to Axel Johnson, is known to have been a violence-filled relationship.

She was an organized killer, targeting her victims in bars and those who were close to death, which made their slip from unconsciousness to death simpler. She hid behind her “granny” image and fooled neighbors with lies to cover up missing individuals or the stench from her yard. She would claim there was a sewer problem and that she had dead rats in the basement. She covered up most of the murders by burying the bodies in solid earth so they would decay.

***Classification.*** Puente was a serial killer, and her motivation for the homicides was financial profit. Everyone who knew her attested to her obsession with expensive things. Puente collected about five thousand dollars from the seven tenants buried in her yard, and she was still collecting Gillmouth’s pension well after his disappearance.

Puente’s crimes would be classified as criminal enterprise homicide whereby the weapon was poison. Detectives found expensive bottles of perfume in Puente’s room, as well as a huge closet filled with designer clothing. The crime scene was organized. Her home was familiar territory to her, and she had absolute control to protect the crime scene. She was a veteran criminal who was adept at talking her way into and out of things and had easily controlled her victims.

Could Puente have been stopped prior to the murders? Before her suspected first murder in 1982, Puente was in prison for nine years serving two separate forgery convictions, 180 days serving prostitution and vagrancy

charges, and at the end of these was let go early from a five-year sentence for robbery after just three years in prison.

### *Notes*

1. Some earlier attempts to identify characteristics of poisoners include Rowland (1960), who found that poisoners are likely to have had an unfortunate married life, have failed to make an impression on life, may be connected with the medical world, are vain, possess a mind without sympathy or imagination, and are likely to have been spoiled by their parents. Alternatively, Wilson (1988) described poisoners as weak-willed, prone to daydreaming and fantasy, possessing an artistic temperament, cowardly, and avaricious. While these depictions may have been anecdotally accurate when offered, the question of whether current law enforcement perceptions and medicolegal statements about poisoners' characteristics are still valid and reliable remains.
2. UCR data are believed to be the most reliable source of information concerning incidents that come to the attention of the police. They form the basis for all analyses presented.
3. For the purposes of this study, in reports where with an unknown number of offenders, it was assumed that at least one offender was involved. Therefore, all these cases are included even though the exact number of offenders remains unknown. While this may overcount some cases involving multiple offenders, two factors mitigate this problem. First, previous analyses in this area suggest that these offenses are more likely committed by lone offenders. Second, separate analyses of FBI NIBRS data confirm this by showing that when the number of offenders is known, approximately 90 to 95 percent of these involve a single offender.
4. It is estimated that only about 50 percent of the human population is able to detect the odor of cyanide. Therefore, the possibility exists that the use of this poisonous substance may often go undetected.



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## The Use of Biological Agents as Weapons

ANNE M. BERGER

The use of biological weapons in warfare is not new. It has been documented throughout history. Long before the nature of microorganisms was understood, an association between corpses and disease was made. Ancient Romans contaminated the wells of their enemies with dead animals. In the fourteenth century, the Tatar army hurled the remains of bubonic plague victims over the city walls of Kaffa (now Feodosia, Ukraine), a strategic seaport on the Crimean coast. In the fifteenth century, Pizarro gave clothing contaminated with the smallpox virus to South American natives, and during the French and Indian War (1754–1767), Lord Jeffrey Amherst gave blankets from smallpox hospitals to Native Americans who were loyal to the French (Lewis, 2002). In 1932, the Japanese began experimenting on human beings at Biological Weapons Unit 731 outside Harbin, Manchuria, China. At least eleven Chinese cities were attacked with anthrax, cholera, shigellosis, salmonella, and plague, and at least ten thousand died.

The mode of transmission has varied, but the intent has been the same: to deliberately disseminate disease-producing organisms among the enemy. While early perpetrators often took advantage of natural epidemics, scientific advances and the development of Internet technology have made access to biological pathogens relatively convenient for today's biowarriors. The World Health Association in 2001 concluded that the development of biological agents as weapons has kept pace with world advancements in the field of biotechnology. History proves that every major new technology of the

past has come to be exploited intensively not only for peaceful purposes, but also for hostile ones. Once predominantly a concern of the military, the use of biological agents as weapons against civilians is now a reality.

The Centers for Disease Control (CDC) (2001) defines *bioterrorism* as the intentional release of viruses, bacteria, fungi, or toxins from living organisms to produce death or disease in humans, animals, or plants. *Biological weapons* are devices that are intended to deliberately disseminate disease-producing organisms or toxins.

There are a number of reasons that biological agents are appealing as weapons. Frequently referred to as the poor man's atom bomb, they can be produced with an economic outlay that is significantly less than conventional weapons. There is the ability to cause large numbers of casualties with minimal logistical requirements. Since biological weapons are made up from living organisms, they are often considered more dangerous than chemical weapons because they are hard to control and it is difficult to predict how the organism will react, mutate, and spread. Hurlbert (1997) reported that biological toxins are among the most toxic agents known. For example, the quantity of botulinum toxin contained in the dot of an "i," when delivered properly, is enough to kill ten people. With the exception of the smallpox virus, the microbial agents used to make some of the most lethal biological agents occur naturally and can be cultivated in unsophisticated labs by individuals with little scientific training.

Weaponizing the agents is a bit more of a challenge but not insurmountable. Technical expertise is required to produce high-quality, military-grade biological weapons and a reliable means of dissemination. Terrorist applications are less demanding. Easily concealed and silently released, perpetrators can work from a distance or escape before detection of the event. There is separation between the act and the outcome. In contrast to chemical agents that result in illness fairly quickly after being released, the effects of biological agents may not be seen for several days to weeks later because of the incubation period. Cases are more likely to be dispersed throughout multiple areas with individuals seeking medical care from different providers. Early recognition is likely to require a high index of suspicion.

When evaluating the numerous biological agents that could be used as weapons, the CDC (2000) used a risk matrix based on the possible public health impact, the delivery potential, the stability of the agent, the special preparation requirements, and the ability to generate fear. Category A agents are those that are of the most concern. This is because they can be easily disseminated or transmitted from person to person, can cause a high number of mortalities with the potential for major public health impact, can cause public panic and social disruption, and require special action for public health

preparedness. This chapter discusses the top four Category A biological agents: anthrax, smallpox, botulism, and plague.

## **ANTHRAX**

Anthrax may be one of the oldest known biological weapons. The name is derived from the Greek word for coal (*anthrakis*), because the disease causes black coal-like skin lesions. Gerner (2001) reported that anthrax was well known to the Greeks and Romans and widespread in Europe for thousands of years. The disease may have made its literary debut in the Old Testament (Exodus 9:1–7) as the fifth of ten plagues. Moses took ashes from a fire and produced the symptoms of cutaneous anthrax among pharaoh's soldiers and livestock. We know today that the incineration of livestock is not sufficient to kill anthrax spores. Cieslak and Eitzen (1999) identified anthrax as the single greatest biological warfare threat. Research on anthrax as a biological weapon began more than eighty years ago. Today, at least seventeen nations are believed to have offensive biological weapons programs (Inglesby et al., 1999).

Anthrax is an acute infectious disease caused by *Bacillus anthracis*, a spore-forming bacterium. It is naturally occurring in the soil and is widely distributed on almost all continents, although it is more frequently seen in developing countries or those without veterinary public health programs. Anthrax is a zoonotic disease, which means that it can be passed from animals to humans. All mammals appear to be susceptible to anthrax, but it is more frequently seen in those that graze on grass, such as cattle, sheep, and goats. Because it is a spore, it can survive for many years in suboptimal conditions. It has been known to survive in the soil for up to sixty years. Areas with rich organic soil (pH below 6.0) and dramatic changes in climate such as prolonged drought or abundant rainfall appear to produce zones where the soil is more heavily contaminated with anthrax spores. In the United States, these zones closely parallel the cattle drive trails of the 1800s (Cieslak & Eitzen, 1999).

In humans, anthrax presents as three distinct clinical forms of the disease: cutaneous (skin), inhalation, and gastrointestinal. The symptoms of the disease vary depending on how it is contracted. Naturally occurring anthrax is usually acquired following contact with an infected animal or contaminated animal products such as hides, wool, bone, or meal. The most common route of infection is through the skin, but the most serious form is caused by inhalation of the spores. Historically it has been related to work in agriculture or industry. Once called wool sorter's disease, it was most frequently associated with tannery, wool, and goat hair mill workers. The largest recorded



outbreak of inhalational anthrax in the United States during the twentieth century occurred in the late fall of 1957 among workers at the Arms Textile Mill in Manchester, New Hampshire. Over a ten-week period, five cases of inhalation anthrax and four cases of cutaneous anthrax developed among men working in different areas of the mill. Four of the individuals with inhalation anthrax died. Coincidentally, the anthrax vaccine was being tested at the mill at the same time. No one who received the vaccine developed the disease (Belluck, 2001). Naturally acquired anthrax is usually susceptible to antibiotic treatment. The mortality rate for occupationally acquired cases in the United States is 89 percent, but many of these cases occurred before the development of critical care units and, in some cases, antibiotics (Inglesby et al., 1999).

In the United States there were 224 cases of cutaneous anthrax reported between 1944 and 1994. It is estimated that there are approximately two thousand cases reported globally each year (Inglesby et al., 1999). Once the anthrax spore enters the skin, it begins to germinate. Exposed areas of skin, such as the arms, hands, face, and neck, are the most frequently affected, particularly if there are abrasions or previous cuts present. After an incubation period of approximately seven days (the range is one to twelve days), an itchy red raised rash begins to appear. Initially it may resemble a spider bite or even acne (Altman, 2001). Within one to two days, it develops into a painless fluid-filled vesicle with swelling of the surrounding area. The fact that it is painless is important in differentiating between cutaneous anthrax and the bite of the brown recluse spider. On day five to seven, the vesicle dries and forms a depressed black scab that eventually falls off within a week or two. Fever, malaise, headache, swollen lymph nodes, and severe swelling may accompany the ulcers. It can take up to six weeks to fully recover, and there is usually no permanent scarring. Diagnosis is made by culture or smear. Without antibiotic treatment, the mortality rate for cutaneous anthrax can be as high as 20 percent. Although antibiotic therapy does not appear to change the course of the ulcer formation and healing, it decreases the chance of progression to a systemic infection (Inglesby et al., 1999).

Gastrointestinal anthrax is uncommon and generally follows the consumption of undercooked contaminated meat. Symptoms can occur from one to seven days after ingestion and result in two distinct patterns. If the spores are deposited in the upper gastrointestinal tract, ulcers may appear at the base of the tongue, along with a sore throat and swollen lymph nodes. If the spores are deposited in the lower intestinal tract, an individual may present with nausea, vomiting, and malaise, followed by bloody diarrhea. As with cutaneous anthrax, sepsis can follow advanced infection (Inglesby et al., 1999).

Inhalational anthrax is the most serious form of the disease. The mortality rate is 90 to 100 percent without antibiotic treatment and 75 percent with

treatment. Until the 2001 cases, there had been only eighteen cases of inhalational anthrax reported in the United States in the past one hundred years. The onset of symptoms generally occurs one to five days after inhaling a sufficient number of aerosolized spores into the lungs. Some cases have been as long as sixty days after exposure. The immune system responds by destroying some spores, but others are carried to the lymph nodes in the chest and begin to multiply there. As the bacteria germinate, a toxin is produced and released into the bloodstream. The disease then progresses rapidly as the toxin causes fluid collection, hemorrhaging, and necrosis.

There is generally a two-stage clinical presentation of the disease. During the brief early stage, which can last from hours to a few days, individuals may present with a variety of nonspecific symptoms such as a headache, fever, fatigue, cough, vomiting, diarrhea, chills, or muscle aches. These are the symptoms that are difficult to diagnose without a high index of suspicion. Early diagnosis improves the outcome because antibiotics can destroy the bacteria, but not the toxin that is abundantly produced. The second, or acute, phase of the disease follows rapidly with acute respiratory distress, cyanosis, fever, and shock, with about half of the cases developing hemorrhagic meningitis. The U.S. Army Medical Research Institute reported that almost all inhalational cases in which treatment was initiated after patients were significantly symptomatic have been fatal, regardless of the treatment. Many new technologies are being explored to facilitate a timely diagnosis of anthrax. Black (2001) reported that advanced diagnostic methods, from genetic analysis to breath analysis, are being examined. Progress is being made in developing new, faster techniques that would allow earlier diagnosis and treatment.

## **SMALLPOX**

Smallpox is thought to have first appeared in northeastern Africa or the Indus Valley of south central Asia nearly twelve thousand years ago. Throughout history, smallpox outbreaks occurred globally until it was eradicated through a worldwide vaccination program. It is a highly contagious disease caused by the variola virus and most commonly presents in two clinical forms: variola major and the milder variola minor. Because it is a virus, there is no specific treatment, and the only prevention is vaccination. This disease affected millions of people each year. Survivors often remained blinded or disfigured. The last case seen in the United States was in 1949 (CDC, 2001). The United States discontinued smallpox vaccinations in 1972 because the vaccine had potential risks, and the disease was no longer seen in the country.

More than five hundred specimens of the smallpox virus were kept, mainly for research purposes, at the CDC in the United States and the Russian State Research Center of Virology and Biotechnology in Koltsovo, Novosibirsk. Due to dwindling financial support for laboratories in Russia, some bioterror experts are concerned that smallpox samples, as well as technical expertise, may have fallen into the wrong hands (Hagman, 2001).

The disease is spread from person to person or through contaminated clothing or bed linens. After a two-week incubation period, the prodromal symptoms appear, including a high fever, headache, and body aches and abdominal pain. This is followed by a rash of small, red spots, which appear first in the mouth and throat and the face and forearms, spreading to the trunk and legs. The spots develop into sores within the mouth, and the fever generally falls. Within a day or two, the rash becomes raised, and deeply embedded vesicles filled with thick opaque fluid appear. They have a characteristic depression in the center. Unlike the superficial chickenpox lesions, which appear in crops at various stages, these lesions are all at the same stage and also appear on the palms of the hands and the soles of the feet. Individuals are contagious from the time that the rash develops until the last scab disappears (Henderson et al., 1999). Historically, about one-third of those infected died. Vaccination can be done preventatively and as postexposure infection control. Antiviral research is ongoing.

## **BOTULISM**

Botulinum toxin is the most poisonous substance known. Development of it as a possible biological weapon began more than sixty years ago. It is a spore-forming anaerobe that is naturally found in the soil and marine environments, although no cases of waterborne botulism have ever been reported (Arnon et al., 2001). There are seven distinct types of botulinum toxins that have been classified by the letters A through G. When absorbed into the body through the gastrointestinal system, inhalation, or a wound, the toxins block acetylcholine release and stop the conduction of stimulus across nerve synapses. All of the toxin types produce the same symptoms of bilateral descending flaccid paralysis. This includes cranial nerve palsies such as drooping eyelids, blurred or double vision, difficulty swallowing, and difficulty breathing. The onset of the symptoms is dose and route dependent.

Early recognition depends on a high index of suspicion. Confirmation is obtained by laboratory test that may take several days; therefore, clinical diagnosis is important. Administration of an equine antitoxin may minimize the severity of the disease (Arnon et al., 2001). The paralysis of botulism can persist for weeks, with the need for supportive therapies such as a ventilator and nutritional support.

## **PLAGUE**

The plague has had a significant impact on world history. Multiple outbreaks have swept over the population, resulting in population losses of 50 to 60 percent (Center for Civilian Biodefense Strategies, 2000). It is caused by the gram-negative bacterium *Yersinia pestis* and is transmitted by infected fleas or direct contact with animal tissue or droplet infection. Depending on the route of infection, it can present as bubonic (75 to 90 percent of cases), septicemic, or pneumonic. Plague is found in rodents and their fleas on every populated continent except Australia (Inglesby et al., 2000). In the United States, 390 cases of plague were reported from 1947 to 1996. Eighty-four percent of those cases were bubonic plague and were concentrated in California, New Mexico, Arizona, and Colorado. The last case of human transmission was in Los Angeles in 1924.

Naturally occurring plague is usually acquired through the bite of an infected flea. After a two- to ten-day incubation period, painful regional lymph nodes swell (buboes) along with fever, chills, and weakness. This is called bubonic plague. It can progress to septicemia if untreated, with a mortality rate of 40 to 60 percent. A small number of individuals may develop primary septicemic plague without having had buboes when bacteria are deposited directly into the bloodstream. Petechiae and ecchymoses mimic meningococemia.

If the bacteria are inhaled, pneumonic plague may develop. Two to three days after exposure, individuals may present with a fever, cough, severe chest pain, bronchospasm, cyanosis, and hemoptysis. Chest X-rays would show extensive, progressive consolidation. This is rarely seen in the United States. Early diagnosis and treatment are essential. Once again, a high index of suspicion is required.

The plague is one of three quarantinable diseases subject to international health regulations. The other two are cholera and yellow fever. It is a disease that must be reported to the World Health Organization. There are approximately one thousand to three thousand cases of the plague reported globally each year.

## **MOVING FORWARD**

In the light of the anthrax mailings, the World Health Organization rushed to revise its 1970 technical guidelines on the health aspects of biological and chemical weapons as a call for action for governments to be ready for possible biological and chemical terrorism. It also launched a global outbreak and response network: a cross-linked system of existing networks to continuously monitor reports and disease outbreaks worldwide. Glass and Schoch-Spana

(2002) emphasized the importance of extending these networks and enlisting the general public as a capable partner when planning response strategies. Bioterrorism policy discussions and response planning efforts have tended to discount the capacity of the public to participate in the response to an act of bioterrorism. They pointed out that the general public is an interconnected matrix of networks and subnetworks organized around social institutions and relationships that should be enlisted as capable partners. Resources, communications, and leadership structures can be used to facilitate a better and more coordinated response. Resourceful, adaptive behavior should be the rule and not the exception. Providing information will be as important as providing medication.

Increased knowledge and awareness of biological agents and their potential use as weapons build a strong first line of defense in facing future challenges. Maintaining a high index of suspicion, understanding the risks, and providing accurate information can help to decrease fear and improve effective responses. Microbiology is currently discussing the emerging science of bioterrorism forensics: using molecular epidemiology techniques to establish a chain of evidence rather than identifying the source of the outbreak. It raises the question of what will be legally binding types of evidence (Evans, 2002).

PART FOUR

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# **Issues in Crime**



CHAPTER  
**16**

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## **Wrongful Convictions**

### *Causes, Solutions, and Case Studies*

PETER SHELLEM

**N**o study of violent crime would be complete without a look at the rising tide of proven false convictions that began in the late 1980s with the advent of advanced DNA testing and continues to this day. It should be of special concern to investigators, whose job is to determine the truth. Each time a convicted murderer or rapist is released from prison, exonerated by DNA or other evidence, it represents a breakdown of the system and a black eye to law enforcement. More important, in most cases, the real perpetrator escaped apprehension and prosecution and likely will never be brought to justice.

The exposure of these cases is having an impact throughout what most agree is the best justice system in the world. Juries are becoming more skeptical and want more solid evidence in serious criminal cases. Government and law enforcement agencies also are responding to the problem.

One of the most dramatic repercussions came in January 2003, when outgoing Illinois governor George Ryan cleared that state's death row of all 171 prisoners, commuting their terms to life in prison, while pardoning four death-sentenced inmates who were challenging their convictions. Ryan, once a staunch supporter of the death penalty, made the decision in the wake of thirteen exonerations of death row prisoners. He said statistics showing more than half of the death sentences in his state were reversed on appeal also played a part in his decision to stop executions until reforms were made.



The Illinois legislature is currently working on reform bills that would dramatically change the way law enforcement agencies do business, and Ryan's successor has extended his death penalty moratorium.

In 2004, Congress passed the Justice for All Act, which gives federal convicts access to DNA testing and provides for improved defense for capital defendants. It also increased the maximum compensation the federal government can be required to pay wrongfully convicted defendants from a flat fee of \$5,000 to \$100,000 per year of imprisonment in capital cases and \$50,000 per year in noncapital cases.<sup>1</sup> States across the country have or are in the process of enacting legislation to give convicts access to DNA testing if it can prove their innocence, which will likely lead to more exonerations. Multimillion-dollar lawsuits have led some states to enact reparations legislation to pay unjustly convicted inmates for the time they spent in prison.

Several states and countries have also created commissions to study the problem and cases that are being challenged. In 2002, the Supreme Court of North Carolina created an innocence commission in the wake of several highly publicized exonerations. A year later, Connecticut became the first state in the United States to create an innocence commission by statute. Leaders in other states are considering proposals for similar commissions. Meanwhile, more innocence projects are popping up at law schools and journalism schools across the country.

The holy grail for many death penalty opponents is an innocent defendant who has already been executed. They believe once that can be demonstrated, it will lead to the abolition of the death penalty. In 2005, that quest was focusing on Larry Griffin, who was executed by the state of Missouri on June 21, 1995, for killing a nineteen-year-old drug dealer in a drive-by shooting on June 26, 1980, in a crime-plagued neighborhood. The victim was widely believed to have murdered Griffin's brother about six months earlier. He had been charged but released because of a lack of evidence. A year-long investigation by the National Association for the Advancement of Colored People found that a man injured in the same shooting, who was never called as a witness, says Griffin was not involved. The key witness in the case was a police informant with an extensive criminal history who later said police showed him a photo of Griffin and said they knew he did it.<sup>2</sup>

According to a study by University of Michigan Law School professor Samuel R. Gross, there were 340 exonerations nationally between when DNA testing became widely available in 1989 through 2003. The study found that half of the 327 men and 13 women spent ten years or more in prison, and 80 percent had served at least five years. The study also showed that the number of exonerations was dramatically increasing from an average of twelve a year from 1989 through 1994 to an average of forty-two a

year since 2000. The highest yearly total in Gross's study was forty-four in 2002 and again in 2003.<sup>3</sup>

Most innocence projects consider only murder or rape convictions with lengthy prison terms and will take cases only when biological evidence is available for testing. Experts agree that similar percentages of wrongful convictions would likely be found among other populations of convicts. Furthermore, they consider only cases in which DNA cleared the defendant as an exoneration. Under that standard, several of the cases cited in this chapter would not qualify, although the defendants were freed by courts. The Death Penalty Information Center, which lists only capital convictions in which the defendants were freed by courts, pardoned because of evidence of innocence or acquitted at retrial, counted 121 exonerations since 1973 as of 2005.<sup>4</sup>

Ninety-six percent of the exonerations in Gross's study were in murder and rape cases. An earlier study by Gross found that eyewitness misidentification occurred twice as often in robbery cases as in rape cases, leading him to conclude that if there was a way to identify false convictions in robbery cases like DNA in rape cases, there would be more exonerations in robbery convictions than in rape cases.

Indeed, the authors of this book, in writing a new edition, had to delete one of the case studies because it turned out that police had planted fingerprint evidence to get a conviction. The defendant, Shirley Kinge, was sentenced to twenty-two to sixty years in prison for what was believed to be her role in the brutal murder of an entire family in New York State.

Kinge spent two and a half years in prison and sued the state. David Harding, the officer who said he found Kinge's fingerprints on a gas can used in an arson after the murders, was sentenced to four to twelve years after admitting planting evidence in seven cases. The case against Harding, which eventually included the prosecution of his partner, supervisor, and three other troopers, revealed almost routine fabrication of evidence and showed they had planted fingerprints in forty cases involving murder, burglary, rape, and drugs. Prosecutors found out about the widespread corruption when Harding bragged about it while interviewing for a job at the CIA. In an *ABC News* interview, Harding blamed the intense pressure to solve violent crimes, but a special prosecutor in the case said it was "laziness, ego, self-glorification."

Obviously, not all investigators turn to lying and fabricating evidence because of the recognized pressure of their jobs. Honest officers can be led down the wrong path by any number of factors, including poor witnesses, false confessions, reliance on corrupt informants, bad science, and tunnel vision or a combination of these factors. Overzealous prosecutors and inept defense attorneys can also contribute to wrongful convictions.

Steven Drizin, the legal director of the Center on Wrongful Convictions at Northwestern University School of Law,<sup>5</sup> said officers can unintentionally create scenarios where false convictions occur. “Most wrongful convictions are not cases where police officers try to frame innocent people,” Drizin said. “They have a reason to believe that someone is a suspect in a crime and they view the entire investigation as confirming their belief that someone is guilty while ignoring or discounting evidence of innocence.” He said investigators may make mistakes in investigations when they become afflicted with tunnel vision on one theory of the case and may ignore cautions about the procedures they use.

Stanley R. Gochenour, a former police officer who as a private detective has investigated more than 500 homicide cases, said the investigator provides the bottom line to a case: “What the system depends on to avoid the conviction of innocent citizens is the active pursuit of the truth at the investigation level. Detectives use their education, training and experience to objectively search out the truth. After determining the actual truth, they turn that truth over to professional advocates for the crafting of a prosecution. Prosecutors are advocates interested in winning. Detectives should be analysts interested in actual truth. The system relies on the independence of detectives as a guard against the problems associated with advocacy and ostensible truths.”

The Innocence Project at the Benjamin N. Cardozo School of Law<sup>6</sup> has found that the most prevalent cause of wrongful convictions is mistaken identity. Of 157 people it has helped to exonerate nationwide, more than 75 percent were convicted based in whole or in part on eyewitness testimony.

The Innocence Institute of Point Park University in western Pennsylvania<sup>7</sup> concluded in a study in 2005 that most police departments in Pennsylvania were not following federal guidelines for conducting witness identifications and other lineups. The study also showed that other states plagued by unjust convictions had implemented scientifically tested techniques to prevent further false identifications.

Guidelines issued by the National Institute of Justice in 1999 recommend a double-blind method of presenting a photo array to witnesses using an officer not involved in the investigation so there is no possibility of influencing the response. They also say mugshots should be viewed one at a time and that investigators should warn witnesses that the suspect may not be in the array to reduce guessing.<sup>8</sup>

Rodney Nicholson did not need an innocence project to get him out of jail for two robberies he did not commit. A convicted robber aided him. Nicholson was arrested in December 1998 when he showed up in a checkout line at a central Pennsylvania supermarket that had been robbed twice the month

before. A store employee who had witnessed one of the holdups called police and identified Nicholson as the robber. Other employees supported the identification in one-on-one viewings. Police also looked at Nicholson's extensive criminal record in determining whether to arrest him. Nicholson was charged in both robberies, was convicted, and was awaiting sentencing when a convicted robber contacted his attorney. More than a year after Nicholson's arrest, Louis Greenley, who was serving a twenty- to fifty-year term for shooting an off-duty police officer during a robbery at a nearby pharmacy, took credit for the supermarket robberies. His claims of "wanting to do the right thing" were met with skepticism by prosecutors, who naturally suspected he had little to lose by adding a few more years to his lengthy sentence. However, he was able to support his claim with evidence that he had been involved in a traffic accident shortly after and near the scene of one of the robberies. After an investigation, prosecutors agreed to drop the charges and free Nicholson. Nicholson spent fifteen months in prison before his release.

Care should be taken when interviewing children or other easily influenced witnesses. Numerous child care cases involving multiple accusations of sexual abuse arose in the early 1980s. Convictions in most of those cases were later overturned because of how the children were repeatedly and intensively questioned. Most started with one accuser, but led to mass allegations of widespread abuse. Some led to changes in the law. In the case of Margaret Kelly Michaels, the New Jersey Supreme Court set new standards for interviewing children in abuse cases. Michaels, a college senior from Pittsburgh who was hired by Wee Care Day Nursery in Maplewood, New Jersey, was convicted of more than one hundred counts of abuse for allegedly molesting dozens of children under her care for the seven months she worked there. She was sentenced to forty-seven years in prison and served almost five years before an appellate court freed her because of improper interviewing techniques that the prosecution had used. Investigators repeatedly questioned the children, asking them leading questions, ignoring negative responses while reinforcing positive ones, and going so far as giving the children badges and telling them they could be "little detectives" if they helped keep Michaels in jail, tapes of the interviews showed.

In response, the New Jersey Supreme Court ruled that once a defendant can show some evidence that interviews are biased, he or she is entitled to a hearing in which the burden shifts to the prosecution to show they were not. And while experts are not permitted to testify about a witness's credibility, the court allowed psychiatric professionals to comment on the interview techniques and their effect on the reliability of the children's statements. Prosecutors chose not to retry Michaels.

## FALSE CONFESSIONS

A confession is the most powerful evidence that can be presented against someone charged with a crime. Few people believe an innocent person would admit to a serious crime. Yet it happens with surprising frequency. The Center on Wrongful Convictions found that 59.5 percent of the forty-two wrongful murder convictions it documented since 1970 relied in whole or in part on false confessions of either defendants or codefendants.

Project researchers have also identified more than one hundred cases where defendants or suspects falsely confessed, and they report a startling number of cases involving mentally retarded or impaired suspects. Two of those defendants spent years in prison and came within weeks of being put to death before they were exonerated.

In one of the most notorious false-confession cases, five New York City youths were convicted of the brutal rape and beating of an investment banker who was jogging in Central Park in 1989. Their videotaped confessions did not match the physical evidence in the case. The victim, who was left in a coma, was unable to identify her assailants. DNA evidence later corroborated the 2002 confession of a dangerous sex offender who was serving thirty-three years to life for murdering one woman and raping three others. By that time, most of the teens had already served their sentences.

Some false confessions come about because of police misconduct, while many involved suspects with mental infirmities that prevented them from holding up to pressure that normal people could withstand. Police promise leniency for a confession to a crime that would otherwise be met with harsh punishment. They tell suspects they have evidence against them that they do not. They question suspects for hours to wear them down. All of these techniques are valid but should be used with caution.

As of this writing, Victoria Banks remained in prison for a crime that most people who have reviewed the case say never happened. In May 1999, Banks, who has a reported IQ of 40, requested a furlough from the Choctaw County Jail in Butner, Alabama, claiming she was pregnant and about to give birth. A prison doctor who examined her did not believe she was pregnant, but another said he heard a fetal heartbeat, and she was freed on bond.

When she was taken back into custody in August, she did not have a baby. She initially said she had a miscarriage, but after intense questioning by authorities, Banks, her estranged husband, Medell, and her sister, Diane Bell Tucker, confessed and were charged with capital murder for the murder of the infant. Faced with the possible death penalty, all three pleaded guilty to manslaughter and were sentenced to fifteen years in prison. What authorities did not know at the time was that Victoria Banks had a tubal ligation in 1995 and could not get pregnant. In 2001, Michael P. Steinkampf, director of

Reproductive Endocrinology and Fertility at the University of Alabama School of Medicine in Birmingham, examined Victoria and concluded the tubal ligation was still intact and it was physically impossible for her to become pregnant.

In spite of the evidence, the prosecution in the case pursued vigorous appeals. Tucker was freed for time served on July 17, 2002, after agreeing not to appeal the case further. An appeals court found that a “manifest injustice” occurred in Medell Banks’s case and sent it back to the lower court. On January 10, 2003, Medell Banks was freed at the outset of his second trial, when he agreed to plead guilty to tampering with evidence after tapes of his interrogation showed he repeatedly said he knew nothing about a baby, but admitted he heard a baby cry after hours of questioning. Victoria Banks did not appeal.<sup>9</sup>

While police interrogators are reluctant to record interrogations because of the methods used to break a suspect down, some states are requiring video- or audiotaping of custodial interviews in response to the problem. The supreme courts of Alaska and Minnesota have held that defendants are entitled to have their interrogations recorded. Illinois lawmakers passed legislation in 2003 requiring the electronic recording of suspects in homicide cases. Some police departments across the country have implemented recording policies on their own. Experts say videotaped confessions would carry more weight in court and would dissuade dishonest officers from corrupting the process. One of the key problems is police contaminating the suspect by providing crucial information about the crime that would be known only to the perpetrator.

A taped interview did not help William M. Kelly Jr. In 1990, Kelly, a twenty-eight-year-old borderline retarded man, confessed to the murder of a woman whose body was found at a landfill outside Harrisburg, Pennsylvania. Kelly repeatedly confessed to the crime and reportedly led investigators to the scene of the murder, describing how he bludgeoned Jeanette Thomas to death with a tree branch. He confessed to police and his attorney and pleaded guilty to third-degree murder. He was sentenced to ten to twenty years in state prison.

It was not until two years later that investigators noted the similarities between Thomas’s slaying and those committed by serial murderer Joseph D. Miller, who dumped two of his victims in the same landfill. The DNA from the Thomas crime scene matched Miller, who ultimately confessed to her murder. Kelly was freed. Investigators were led to Kelly by witnesses who said they had seen him in a bar with Thomas prior to the slaying.

Although he was much taller than Miller, Kelly vaguely resembled him and had a similar speech impediment. A psychiatrist who interviewed Kelly at length said the combination of alcohol blackouts and his mental condition

made him susceptible to believing he had committed the crime when questioned by police. Kelly's confession was tape-recorded, but only after lengthy interviews that were not recorded.

Drizin said that is part of the problem: police record only the confessions, not the interrogations that precede them. "If the interrogation which preceded the confession is not taped, there is no way of knowing whether police officers used deception, trickery, threats, promises of leniency, et cetera to induce the confession," Drizin said. "There is also no way of knowing whether the details, which only the true perpetrator would know, were suggested to the suspect or originated from the suspect."

While some questions arose about how Kelly could have led police to the crime scene, a much more insidious process produced a confession from Barry Laughman, another mildly retarded man who spent sixteen years in prison for the rape and murder of an eighty-five-year-old neighbor before DNA evidence set him free in 2004. Laughman, then twenty-four-years old, was accused of the slaying of his distant relative, Edna Laughman, who was discovered by relatives in her home near Gettysburg, Pennsylvania, on the evening of August 13, 1987. She was found lying with her upper body on her bed and her feet on the floor, naked except for a bra pulled above her breasts and a dress thrown over her face. The victim had pills stuffed in her mouth and a pill bottle was in her right hand. Her belongings had been ransacked. A Marlboro cigarette had been extinguished on a chair next to the bed, and four more butts plus a Marlboro box lid were found throughout the home.

An autopsy showed she had been beaten and tried to defend herself. She was hit on the back of her head, and bruises covered her arms, legs, and nose. She had suffocated on the pills. Lacerations showed she had been raped, and semen remained on the body. The pathologist determined that sex had been performed during or after her death.

Despite being warned by Barry Laughman's family and coworkers that he was mentally disabled and would likely be so nervous during any police interview that he would seem suspicious, former Pennsylvania state trooper Jack Holtz zeroed in on Laughman as the prime suspect. At trial, Holtz, who was involved in other controversial cases in which the defendants went free, would say that he matched three bruises on Edna Laughman's arm with Barry Laughman's inability to use his pinky.

After telling Barry that a whorl fingerprint was found on the cigarette box lid and pointing out that Barry had whorl-type fingerprints (which make up 25 to 35 percent of all fingerprints), Holtz said he knew Barry did it and wanted him to tell the truth. He was joined by another trooper, who took notes while Holtz asked the questions. Barry admitted he had broken into Edna's house the night before her body was found. In his confession he said,



“I stopped at Edna’s house. I knew she was there and I wanted to have sex. I went inside her home through the front window. She was there, she heard me coming in. She had her bra on. She started to run toward the kitchen. I chased after her and hit her on the head with the flashlight. I knocked her down and dragged her back to her bed or pile of clothes. She had a bra on and I slipped it up. I was holding her around the arms. I asked her if I could have sex with her. She says no. Then I did it anyway. I had sex with her after I put pills in her mouth. She made a choking sound when I put the pills in her mouth. I dumped the whole bottle of pills in her mouth and was holding her nose. I then stroked her throat.”

At trial, Holtz said Laughman offered up details that should have been known only to the killer. However, given the results of the DNA test sixteen years later, that could not possibly have been the case. The troopers also ignored evidence that another man was seen lurking in the neighborhood and that Edna was seen alive the morning after Barry supposedly killed her.

Frank Donnelly, a cold case investigator with the Pennsylvania State Police whose work as a county detective helped lead to Laughman’s release, said the most important thing in evaluating a confession is corroboration. “I view a confession like any other evidence: with a bit of skepticism,” Donnelly said. “A lot of investigators think once they have a confession, they’re done. Sometimes that’s just the beginning.” He draws an analogy to auto repair: “If you’re fixing a car, if you have it right, the part should slide into place. A lot of time if you’re jamming the parts in, you either have the wrong parts or you’re putting them in wrong.”

Despite evidence that contradicted his confession, Laughman’s prosecution for capital murder proceeded. He became a victim of what has become known in legal circles as “junk science.”

## **JUNK SCIENCE**

Experts in the courtroom are given a privilege no other witnesses get: they are permitted to render their opinion on evidence. Their testimony can often make or break a case. Critics say junk science from forensic experts can lead to false convictions under a number of categories, including misinterpretation of test results, suppression of exculpatory evidence, exaggeration of statistics, an undue reliance on evidence that can only be said to be consistent, theories based on conjecture, and outright fabrication of testing results.

While some experts feel crime laboratories should be independent, the Innocence Project is recommending they at least be subject to the same oversight as private labs. Texas and New York now have forensic science commissions overseeing the labs. The Innocence Project recommends that they be subject to proficiency testing and accreditation. They also recommend



that defense attorneys be given funds to conduct independent testing in cases where lab results are being used by the prosecution.

Ray Krone, of Dover township, York County, spent more than ten years in Arizona prisons before DNA evidence cleared him of the 1991 murder of bartender Kim Ancona and led to a new suspect. Krone had been convicted twice, largely on the basis of expert testimony, which was later shown to be scientifically flawed, about a bite mark.

The prosecution hid the fact that a nationally renowned dental expert had rejected the theory that Krone's teeth matched a bite mark on the victim. Further analysis of the bite mark evidence showed that the orthodontist who claimed to be an expert in bite mark evidence had pressed a mold of Krone's unusual tooth pattern over the bite on Ancona's nipple, leaving a further impression that appeared to implicate Krone. Police were led to Krone because his telephone number was in Ancona's personal telephone book. A U.S. Postal Service employee and air force veteran, Krone had no criminal record before the homicide case. He was convicted and sentenced to death, but on retrial, the judge overrode the jury's sentencing recommendation and gave him life. DNA from saliva around the bite mark was fed into CODIS, the National Criminal Offender Database, and led to Kenneth Phillips, a sex offender who lived a few hundred yards away from the bar where Ancona was killed. Phillips was serving time in the same prison as Krone. Krone was released in 2002 after spending ten years in prison.

In Barry Laughman's case, evidence that should have cleared him before he went to trial was twisted and used against him. After his arrest, the troopers took blood samples to compare with semen found on Edna's body. The semen was from a person of type A blood who secretes his blood type into other bodily fluids. Barry also secretes his blood type, but he is type B.

At a trial where the prosecution was seeking the death penalty, Janice Roadcap, a chemist for the Pennsylvania State Police, explained the discrepancy with several different theories. She suggested that bacteria could have attacked the B antigens. She said Edna had type A blood, and that her vaginal secretions could have overridden Barry's blood type. She said that antibiotics Edna was taking for a urinary tract infection could have changed the blood type. In addition, Roadcap acknowledged at trial that she probably amended her notes after Laughman's blood type was verified as type B. She wrote in the margins of the report that the swabs were moist when placed in vials, and breakdown of B antigens could have occurred.

Serology experts said none of these explanations has any basis in science. They said Roadcap should have maintained the samples for further testing to try to prove her theories, but Roadcap returned them to a state police locker, where they deteriorated. That point was brought up by the judge in his charge to the jury on the death penalty. The jury opted for life in prison with-

out the possibility of parole. Laughman is suing Holtz, Roadcap, and the state police for civil rights violations. At the time of this writing, the suit was still pending.

Laughman's is not the only murder case where Roadcap has come under fire. Steven Crawford spent twenty-eight years in jail for the murder of his thirteen-year-old friend John Eddie Mitchell, based primarily on Roadcap's testimony. That testimony was contradicted by her original lab notes, found years later, that were never turned over to Crawford's attorneys through three trials.

Crawford, who was fourteen years old at the time of the murder, filed suit against Roadcap and a state police fingerprint expert who helped formulate the prosecution theory. The state refused to defend the pair, saying if Crawford's accusations were true, they were acting outside the scope of their employment. That suit was still pending in 2005.

Mitchell disappeared while making collections for his paper route on September 12, 1970. His body was found the next day in a garage behind Crawford's family home in Harrisburg, Pennsylvania, after a neighbor found a bloody hammer in an adjacent garage. Police searched the area and found Mitchell's body under a green 1952 Chevrolet in the Crawford family's boarded-up garage. A white 1957 Pontiac station wagon parked tightly next to it was splattered and smeared with his blood. An autopsy showed Mitchell had been struck on the back of the head at least three times with a blunt object that perforated his skull. He had a cut and a less severe fracture on his forehead, and two of his front teeth were knocked out. He also had been stabbed twice in the chest, with one of the wounds leaving a five-inch track to his backbone. The estimated time of death was 1:00 P.M. the day before. The thirty-two dollars he had collected on his rounds was missing.

The crime went unsolved for four years. In the meantime, Crawford was sent to juvenile hall for car theft and burglary charges. Despite an alibi, police were convinced he had a role in the slaying because he had told an officer searching the garages that there was nothing in his family's garage but two old cars. The arrest came four years later when Crawford turned eighteen. Investigators said they had identified three palm prints on the station wagon as Crawford's. It took them more than two years to make the match, which was never challenged in court because Crawford frequently played in the garage.

At some point, John Balshy, a state police fingerprint examiner, said he noticed microscopic red flecks in the fingerprint powder. The prints were given to Roadcap, who performed a presumptive test for the presence of blood using a reagent that turns blue when it reacts with blood. Through three trials, Roadcap, Balshy, and a city detective testified that they observed the chemical reaction give a positive indication for blood on the ridges of the prints.

This later became the whole theory of the case: since the blood was only on the ridges of the prints and not in the valleys, it had to be on Crawford's hand when it touched the car, rather than blood randomly splashed across an existing print or a print left on top of blood.

At trial, the only documentation of this test turned over to Crawford's defense was a two-sentence typed report saying the test "indicates the presence of blood deposited by the donor of the print." Bolstered by expert testimony, this finding indicated the blood had to be on Crawford's hand when it touched the car.

Crawford was convicted in three trials in 1974, 1977, and 1978. The case languished for years until the fall of 2001, when a briefcase belonging to a deceased detective in the case was found by two youths in a neighboring community. The case contained Roadcap's original handwritten notes, which were done contemporaneously with the testing. They said, "Numerous particles in the valleys also gave a positive reaction." Crawford's attorneys argued that would have bolstered the defense theory that Crawford's prints were already on the car when blood splashed on it. That part of the report was blacked out in the original that was later pulled from state police archives.

While prosecutors said the notes did not clear Crawford, they conceded he never got a fair trial and dropped charges against him, saying it was unlikely they could obtain another conviction. On July 19, 2006, the state settled with Steven Crawford for an undisclosed sum.

## **OVERZEALOUS PROSECUTION**

Prosecutors have a duty to seek justice, not just convictions. Sometimes, though, in the heat of battle, they become blinded by their belief that a defendant is guilty. This can lead to bending the rules of court to the point where their actions cause courts to free suspects whether they are guilty or innocent.

On September 18, 1992, the Pennsylvania Supreme Court, citing "egregious" conduct by prosecutors and state police, freed former high school principal Jay C. Smith from death row in the murders of English teacher Susan Reinert and her two young children. The notorious case had spawned two books and a television miniseries based on best-selling author and former police officer Joseph Wambaugh's *Echoes in the Darkness* (1987).

The court's ruling changed the double jeopardy law in Pennsylvania, determining a new trial was not a sufficient remedy when prosecutors act outrageously to obtain a conviction. The court based its holding on a deal with a prison informant that was hidden from the defense and on physical evidence that would have helped the defense but was not turned over during the trial.

“The record establishes the bad faith of the prosecution beyond any possibility of doubt; indeed it would be hard to imagine more egregious prosecutorial tactics,” Justice John P. Flaherty wrote in the court’s opinion. What was widely known at the time of the ruling, but not mentioned in the court’s opinion, was that Wambaugh had promised the lead investigator in the case, Trooper Jack Holtz, fifty thousand dollars for information on the investigation on the condition that Smith be arrested and tried. Evidence of that deal surfaced when a junk man removed trash from Jack Holtz’s attic earlier that year. Other evidence, including a comb that was supposedly introduced as a trial exhibit and notes contradicting his testimony, was found in the trash removed from Holtz’s home.

Smith was convicted of conspiring with William S. Bradfield Jr., another English teacher in Upper Merion School District, to kill Reinert, whose nude and battered body was found in the trunk of a car abandoned in the parking lot of suburban Harrisburg motel in motel in 1979. They also were found guilty of murdering her two children, whose bodies have never been found. While Bradfield, Reinert’s fiancé, stood to gain \$750,000 in life insurance proceeds from Reinert, Smith was being sent to jail on robbery charges in a Harrisburg courtroom the same day Reinert’s body was found a few miles away. Bradfield told friends and colleagues that Smith planned to murder Reinert and set up an alibi for himself at the New Jersey shore.

Bradfield was arrested first and was tried separately in a trial where the prosecution contended he was trying to frame Smith. A comb bearing the insignia of Smith’s army reserve unit was found under Reinert’s nude and battered body. A pin found in his car months after he went to jail was identified as belonging to Susan Reinert’s daughter. Smith was a likely fall guy. A retired U.S. Army reserve colonel and strict high school principal, he led a double life. He was involved in drug use and bizarre sex and had been convicted of dressing as a security guard to rob department stores. He also was suspected of killing his daughter and her husband, two heroin addicts who disappeared without a trace several years before Reinert’s murder.

The court based part of its ruling freeing Smith on rubber lifters that contained several grains of sand. A retired state trooper testified at trial that he had used the hinge lifters to remove sand from the victim’s toes. Since that testimony bolstered the defense theory that she had been killed at the Jersey shore by Bradfield, the prosecutor, Richard L. Guida, attacked the trooper’s credibility in cross-examination and initiated a perjury investigation against him. The lifters, which were found in a state police evidence locker by another trooper, were turned over to Holtz in the last days of the trial but were not turned over to the defense for almost two years after the conviction. After an investigation, prosecutors dated the ink used to mark the lifters to

the time of the 1979 autopsy, seven years before the trial. Nevertheless, they suggested a private detective working for the defense somehow planted them in a state police evidence locker.

The prosecution also steadfastly denied there was a deal with Raymond Matray, a cop turned burglar turned jailhouse informant, who testified Smith confessed to the slayings. Matray was released from jail a year before he was entitled to parole and to this day has never served the remainder of his sentence. Holtz retired from the force while under investigation. Several other convictions he obtained were later overturned, one at least in part on the basis of notes found by the junkman. By the time the court freed Smith, Guida was serving time in federal prison for distributing cocaine. Bradfield died in prison. Smith was freed after serving six years on death row. Many still believe he was involved in the murders.

## CONCLUSION

The authority to arrest another person is one of the most awesome powers in our society. It also carries with it an awesome responsibility. Sometimes law enforcement authorities, believing they have the right person, will do anything to obtain a conviction. In some of the cases cited in this chapter, as well as many other exoneration cases, authorities still maintain they had the right person in the face of overwhelming evidence to the contrary. But rationalizing, playing with the facts, or lying in the name of justice cannot be condoned and can lead to unintended consequences that may tarnish the name of law enforcement and the sanctity of the justice system. An innocent person imprisoned for a crime he or she did not commit used to be the stuff of novels and dramas. As technology advances, it is the reality of the twenty-first century, and it is up to law enforcement authorities to prevent it.

### *Notes*

1. [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_public\\_laws&docid=f:publ405.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ405.108.pdf).
2. <http://www.stltoday.com/stltoday/news/special/srlinks.nsf/story/9270DD9B25C367FB8625703B007B8C70?OpenDocument>.
3. <http://www.law.umich.edu/NewsAndInfo/exonerations-in-us.pdf>.
4. <http://www.deathpenaltyinfo.org/article.php?scid=6&did=110>.
5. <http://www.law.northwestern.edu/wrongfulconvictions>.
6. <http://www.innocenceproject.org/about/index.php>.
7. <http://www.pointpark.edu/default.aspx?id=1511>.
8. <http://www.ncjrs.org/pdffiles/linij/178240.pdf> Eyewitness Evidence: A Guide for Law Enforcement.
9. <http://www.justicedenied.org/choctawthree.htm>.

CHAPTER  
**17**

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# Criminal Confessions

## *Overcoming the Challenges*

MICHAEL P. NAPIER

SUSAN H. ADAMS

American law enforcement consists of dedicated, talented men and women of integrity and vision. Such officers would not sacrifice their sworn duty to catch a criminal by knowingly allowing the conviction of an innocent suspect. To do so would leave a criminal free to act again. Investigators attempt to identify, charge, and prosecute the criminal population by operating within an ethical framework in diverse and sometimes uncertain, but always challenging, circumstances.

Widely used law enforcement interview and interrogation techniques recently have come under scrutiny. Fundamental interview and interrogation principles can counter the criticisms, however, and safeguard the confessions by compiling solid, incriminating evidence.

### CHALLENGES TO CONFESSIONS

Some critics of law enforcement techniques have gained notoriety as well as some credibility. (The word *critics* is used throughout this chapter to denote a small number of social psychologists who have testified for the defense regarding the legal admissibility of some confessions.) Several criticisms earn merit by reminding investigators of practical procedures to safeguard the interviewers' most valued work product, the confession.

Critics use the term *coercive* to describe interview and interrogation tactics, claiming that they result in a coerced confession. The difficulty of identifying,

with certainty, the number of confessions obtained through coercion hampers the critics' position (Cassell, 1997). Acquiring an accurate representation of false confessions obtained under police questioning remains imperative, and ongoing research attempts to address this need (Jayne & Buckley, 1998). Even if each alleged false confession was indeed deceptive, the occurrence of alleged false confessions, when viewed in the framework of the millions of suspect interviews conducted annually, is statistically minuscule. Yet professional officers view a single false confession as one too many.

The challenges to law enforcement interview tactics can be grouped into five categories. The application of corresponding interview principles, which involve simple and appropriate adjustments in style and technique, can address the criticism of law enforcement interview tactics. The application of these principles will enhance the suspect interview processes and strengthen the admissibility of confessions. When used regularly, these principles will illustrate the good-faith efforts of law enforcement in handling the investigative responsibilities of identifying suspects and obtaining constitutionally admissible confessions.

## **CATEGORY 1: BEHAVIOR**

### **Challenge: Reading the Suspect's Behavior**

One censure of police procedures involves observing the behavior of suspects in the interview room and selecting specific suspects for more intense investigative inquiry. Critics allege that an officer's ability to interpret behavior, such as the aversion of direct eye contact, is inadequate to protect the innocent from unreasonable investigative focus (Leo & Ofshe, 1997), which may cause an improper concentration of limited police resources on the wrong suspect, thereby allowing the guilty party to escape detection. Critics accuse the police of placing excessive reliance on hunches and on-the-spot reading of verbal and nonverbal characteristics, using methods that are neither scientifically valid nor reliable. Investigations may focus on the wrong person because techniques do not distinguish between stressful responses caused by deception and responses to stress caused simply by accusatory interviewing (Ofshe & Leo, 1997a). Behaviors improperly interpreted by investigators may take on the weight of perceived evidence and increase the intensity of the police focus.

### **Interview Principle: Follow the Facts**

Some cases do not contain the gift of clear evidence to follow on the path to the case solution. Investigators therefore rely on investigative experience and anecdotal lessons to identify responses consistent with known deceivers or

individuals with guilty knowledge. Law enforcement must place “gut instincts” in context, however, by comparing them with investigative and evidentiary facts, which take precedence over instincts. Thorough investigative techniques will avoid a narrow focus on specific individuals by investigating all viable leads capable of identifying additional suspects and eliminating wrongly identified suspects. If the investigative hunch or the supposition does not align with known facts, investigators always should follow the facts.

## **CATEGORY 2: TRAITS**

### **Challenge: Identifying Personal Vulnerabilities**

Several critics point out that certain individuals possess traits that make them overly susceptible to police interrogation techniques, thereby leading to coerced confessions (Ofshe & Leo, 1997b). These impressionable traits include youthfulness, a low or borderline intelligent quotient (IQ), mental handicap, psychological inadequacy, recent bereavement, language barrier, alcohol or other drug withdrawal, illiteracy, fatigue, social isolation, or inexperience with the criminal justice system (Gudjonsson, 1992). These traits have sufficient strength to affect the suspect’s decision—making process, mental alertness, and suggestibility.

### **Interview Principle: Know the Suspect**

The most productive interviews are planned well in advance. Except in exigent circumstances, competent investigators have learned to invest time in the initial information-gathering process (Vessel, 1998).

Investigators can design the initial, low-key interview phase to obtain norming information about how suspects normally respond verbally and non-verbally. This also presents an opportunity to gather information from suspects about their education and language ability, difficulties in life, and the foundation for their successes in life. By learning details about all aspects of a suspect’s life and lifestyle, investigators can avoid subsequent problems.

For example, if officers believe that particular suspects have low IQs, they should not only check school records but also determine social-functioning ability. Do these offenders have below-normal intelligence but a reputation for being street smart? To what language levels do they respond? What are their language difficulties or drug use patterns? How do they function in the real world? As noted by one interrogation expert, although suspects may have below-normal intelligence, they also may possess “a Ph.D. in social intelligence” or what police officers call street smarts (Holmes, 1995).

By examining varied aspects of suspects’ lives and closely questioning each source of information, investigators can compile a witness list to later



defend their choice of investigative techniques. Law enforcement should not accept assertions of mental or personality disability. They should ask for specific examples and exceptions from witnesses who know the suspects. Vulnerable qualities should not exclude suspects from being interviewed. Such vulnerabilities as reduced mental capabilities, the ability to withstand pressure, bereavement, mental illness, age, or other personal traits that may increase suggestibility require special care when using questioning techniques. Investigators should place the suspect's vulnerability in context, adapt the investigative approach, and fully document any adaptations. In addition, law enforcement officers should plan specific word use to determine if suspects understand questions at a particular language level or if the investigator's terminology needs an explanation. If suspects understand language typically used with other offenders, investigators should document that fact, thereby substantiating concern for not overwhelming suspects or taking advantage of any declared vulnerability.

### **Case Example**

A ten-year-old girl suddenly disappeared from a public street while on an errand to a store. A twenty-nine-year-old man became a suspect, and through police investigation, he also became a suspect in a similar incident involving another prepubescent female ten years earlier. Although the suspect was labeled intelligence handicapped at an early age, carefully gathered background information indicated his capability of dealing with life and living alone. Based on this knowledge, investigators felt that language adjustments were not necessary. Later testimony clearly indicated that the suspect understood each question and that he responded appropriately. Challenges to his multiple confessions were denied. The suspect now is on death row; his convictions for the two murders were based on confessions.

## **CATEGORY 3: STATEMENTS**

### **Challenge: Contaminating Confessions**

Some critics believe that police officers inadvertently contaminate confessions by relying on questions that contain crime scene data and investigative results (Gudjonsson, 1992). Using crime scene or investigative photos in the questioning process may amplify this flaw. Through these procedures, the police might in fact "educate" suspects (Zulawski & Wicklander, 1998) by providing knowledge that suspects simply repeat in an effort to escape intense interrogation pressure. As a result, suspects appear to offer a valid confession.

**Interview Principle: Preserve the Evidence**

To avoid contaminating a suspect's subsequent admissions and unnecessarily revealing investigative knowledge, investigators should initiate the criminal involvement phase of questioning by using only open-ended questions, which avoid the pitfalls of leading or informing suspects. These questions begin with such phrases as, "Describe for me . . .," "Tell me about . . .," and "Explain how . . ." These questions force suspects to commit to a version of events instead of simply agreeing with the investigator; they also prevent disclosing investigative knowledge. Because suspects may provide a wealth of information in this free narrative form, open-ended questions make successful lying difficult (Gudjonsson, 1992). If, however, suspects decide to lie, open-ended questions provide a forum. This aspect of the open-ended question technique may help investigators because every lie forecloses avenues by which suspects may later try to defend themselves (Zulawski & Wicklander, 1998).

Investigators must receive answers to open-ended questions without any type of judgment, reaction, or interruption. By allowing suspects to tell their stories without interruption, investigators fulfill the basic purpose of an interview: to obtain information. In addition, they benefit from committing suspects to a particular position (Holmes, 1995), which may contain information that later becomes evidence of guilt or provides a connection to the crime, crime scene, or victim.

The questioning process does not become contaminated when investigators initiate the interview with open-ended questions. Investigators have not told suspects the details of the crime or subsequent investigation and thereby have preserved the evidence. After listening to the narrative responses to the open-ended question, skilled investigators will probe with additional open-ended questions and ask direct, closed questions later.

Displaying crime scene photos to suspects prior to obtaining admissions appears to have limited usefulness. By showing graphic details of the crime, suspects receive information that, when parroted back, gives substance to their confessions. Crime scene photos may include holdout information, which primarily serves to validate confessions. However, from a psychological perspective, few, if any, suspects will be shocked into confessing when they see reminders of their gruesome acts.

**Case Example**

A thirteen-year-old female was raped, murdered, and decapitated. A sixteen-year-old male was questioned as an alibi witness for the suspect. During his

questioning, the police became suspicious of his personal involvement in the crime. Eventually he provided a description of the crime and pointed out crime scene details indicative of his direct involvement in the murder and decapitation. Investigators remained persistent, and the youth later provided an explanation of how he knew incriminating details. He reported that while he was being questioned, an investigator sorted through crime scene pictures attempting to locate a specific picture. The suspect stated, “When he switched . . . the pictures real quick, I saw what was happening before them pictures [the pictures selected for the investigator’s specific question]. . . . He says, where do you think the body was? But when he was switching them, I saw where the body was. . . . Then he says, where is the head part. . . . Anybody’s going to know where a person’s place is when they got the big, yellow thing [crime scene tape] around the water thing, the toilet. They had that caution thing all around there. I says, ‘okay, right there’ [indicating the exact location of the head].” Of special note, this youth had an IQ of about 70. Subsequently the correct suspect was convicted of the crime and sentenced to life in prison. The charges against the alibi witness subsequently were dropped.

## **CATEGORY 4: OPTIONS**

### **Challenge: Creating False Reality**

Some critics allege that police use techniques that create a false reality for suspects by limiting their ability to reason and consider alternative options (Ofshe & Leo, 1997a). Some argue that the police intentionally present only one side of the evidence or options available to suspects, namely, only the ones that benefit the police. Once suspects accept a narrowed option, inferred benefits coerce them, such as avoidance of a premeditated murder charge in favor of describing the crime as an accident. The obvious benefit of accepting a suggested lesser alternative leads suspects to be coerced into a false confession out of fear of the police and possible prosecution.

### **Interview Principle: Adjust Moral Responsibility**

The interviewer should question suspects, not provide legal counsel (Caplan, 1985). The investigator’s purpose does not include providing options for guilty suspects to conceal their involvement.

Experienced investigators understand the following aspects of confessions (Holmes, 1995):

- Confessions are not readily given.
- Full confessions originate with small admissions.
- Guilty suspects seldom tell everything.

- Most offenders are not proud of their violence and recognize that it was wrong.
- Guilty suspects omit details that cast them in a harsh, critical light.
- Offenders usually confess to obtain a position they believe to be advantageous to them.

Astute interviewers use rationalization, projection, and minimization to remove barriers to obtaining confessions (Napier & Adams, 1998). These represent the same techniques that suspects use to justify and place their sometimes abhorrent behaviors in terms that assuage their conscience. Thus, these psychological techniques serve two purposes: they allow investigators to protect society by identifying guilty suspects and provide face-saving opportunities for suspects to make it easier for them to confess.

These techniques initially downplay the suspects' culpability by omitting their provocative behavior, blaming others, or minimizing their actual conduct. In certain circumstances, investigators might need to suggest that the suspects' criminality was an accident (Jayne & Buckley, 1998) or the result of an unexpected turn of events, which the victims might have provoked. Investigators attempt to obtain an admission or place the suspect near the scene or with the victim. From the original admission of guilt, experienced investigators refine their techniques by using all of the case facts to point out the flaws and insufficiency in the original admission and to obtain a fuller, more accurate description of the suspect's criminal behavior (Jayne & Buckley, 1998). Practiced interviewers use the initial admission as a wedge to open the door to additional incriminating statements.

The suggestion that investigators interrupt an admission of guilt in a homicide case to debate whether a suspect committed a premeditated or spontaneous murder is unrealistic. The final disclosure of case facts and laboratory results will provide details to reveal the most likely version of events. Seasoned interviewers know that the interview and interrogation phase constitutes only one portion of the entire investigation.

## **CATEGORY 5: CONSEQUENCES**

### **Challenge: Promising Coercive End-of-Line Benefits**

Investigators move into clearly coercive territory when giving clear and substantial identification of end-of-line benefits to confession. The coercive aspect comes from investigators' statements that remaining silent will lead to greater penalties but confessing to a minimized scenario will result in reward (Ofshe & Leo, 1997b). Investigators may openly suggest that suspects will receive the most serious charge possible without a consent to the offered lesser interpretation of their actions (Ofshe & Leo, 1997a). Many

interviewers blatantly and precisely state the suspect's expected penalty in unmistakable terms, such as the death penalty versus life imprisonment or life imprisonment versus twenty years. Similarly, investigators may threaten harm through investigation or prosecution of a third party, such as a wife, brother, or child, if suspects reject the lessened scenario. Some critics accurately have identified these tactics as being coercive enough to make innocent people confess to a crime that they did not commit.

### **Interview Principle: Use Psychology Versus Coercion**

The interview and interrogation system generally recognized as the most widely used and adapted in the United States follows the limitations imposed by the ethical standards, as well as the dictates, of the courts (Inbau, Reid, Buckley, & Jayne, 2001). U.S. courts have allowed investigators the breadth of creativity in interviewing suspects, but any coercive investigative acts are offensive to the skilled professional. Successful interviewing does not hinge on coercive techniques because talented investigators have a ready reservoir of productive, acceptable, and psychologically effective methods. Blatant statements by investigators depicting the worst-case scenario facing a suspect who does not accept a lesser responsibility are coercive and unnecessary. In general, these statements follow the pattern of, "If you don't cooperate, I am personally going to prove your brother was up to his eyeballs in this murder. He will go down hard." Statements of this type are clearly coercive and less effective than the use of psychological techniques of rationalization, projection, and minimization.

Nevertheless, a distinction exists between blatant statements and subtle references offered for interpretation as the suspect chooses. Suspects engage in a self-imposed, personal decision-making process that incorporates their life experiences, familiarity with the criminal justice system, and their time-tested psychological processes of rationalization, projection, and minimization. They may explain reasons for the crime (rationalization), blame others (projection), or lessen their culpability and express remorse even if it is unfelt (minimization). Guilty suspects attempt to describe their criminal acts as understandable, in a manner that places them in a better position to obtain the desired lenient treatment. They eagerly listen for any opportunity to look good. Investigators are not responsible if suspects choose to offer an explanation of guilt that places them in what the suspects perceive as a favorable position. Investigators achieve part of their goal because the suspect must admit culpability to achieve this desired perceived position.

Investigators must accept the admission, return to the basics of the investigation, and obtain a statement that comports to the reality of the crime. Investigators too must go well beyond the "I did it" admission. They must

press for minute details to tie suspects to the crime scene to disclose their active participation in the crime.

Corroboration anchors the most secure confession. Some suspects may not readily provide information to support their involvement in a crime for fear of exposing the true nature of their evil acts. However, a suspect's corroboration by providing details known to only a few individuals solidifies a confession. Evidence linking such details as the location of the body, the weapon, or the fruits of the crime provides a superior foundation for preventing the retraction of a confession or one otherwise successfully challenged in court.

## **PERSONAL DIGNITY**

A final principle that underpins the entire interview process involves the concept of dignity. All individuals are entitled to maintaining their personal dignity and self-worth. Convicted felons have explained that they more likely would confess to an investigator who treated them with respect and recognized their value as a person (Zulawski & Wicklander, 1998). Allowing suspects to maintain dignity, even in adverse circumstances, is professional and increases the likelihood of obtaining a confession. One experienced investigator provides advice for interviewing the suspect of a particularly serious crime: "Remember, he has to go on living with himself" (Holmes, 1995).

Many investigators now videotape their interviews to document the confession, which allows attorneys and the jury to view it. This also allows investigators to view their interviewing performance and thus learn from critiquing it. Videotaping can remind the investigator to treat the suspect with respect as a person, regardless of the nature of the crime.

## **CONCLUSION**

Law enforcement agencies are governed, sometimes invisibly, by their organizations' value systems. Although organizations are built from the bottom up, their values flow in both directions. The concept of professionalism for the investigator begins with basic duties and carries through to a legal responsibility, providing sworn testimony in open court about ethically and legally obtained evidence.

The manner in which an investigator approaches interviewing and interrogation may symbolize the ultimate reflection of the professional values of a department. Casual values appear as a casual attitude, which translates into matching behavior. The appearance of casual values in the interview room may result in suppression of admissions or confessions, but it also may reflect a casual approach to law enforcement at all levels. All aspects of law

enforcement must reflect vigilance to the highest policing values, but nowhere is this more important than in the interview room and in presenting the investigative product of the interview.<sup>1</sup>

***Note***

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## About the Editors

**John E. Douglas**, Ed.D., entered duty with the FBI in 1970 after serving four years in the U.S. Air Force. He received investigative experience in violent crime in Detroit and Milwaukee field offices and also served as a hostage negotiator. In 1977 Douglas was appointed to the FBI Academy as an instructor in the FBI's Behavioral Science Unit (BSU), where he taught hostage negotiation and applied criminal psychology.

In 1990 he was promoted as unit chief within the FBI's National Center for the Analysis of Violent Crime (NCAVC). Serving in that capacity, he had overall supervision of the Violent Criminal Apprehension Program (VICAP), Criminal Investigative Analysis Program (better known as criminal profiling), and the Arson and Bombing Investigative Services Program.

Douglas was a coparticipant in the FBI's first research program of serial killers and, based on that study, coauthored *Sexual Homicide: Patterns and Motives*. The University of Virginia awarded Douglas the prestigious Jefferson Award for academic excellence for his work on that study.

In 1992 Douglas coauthored the first edition of the *Crime Classification Manual* (CCM), the first study of violent crime to define and standardize techniques and terminology to be used by the criminal justice system and academia. Douglas again received the Jefferson Award for this research and the publication of the CCM.

Douglas has consulted on thousands of cases worldwide providing case analysis, interview and interrogation techniques, investigative strategies,

prosecutorial strategies, and expert testimony. Included in the list of Douglas's cases are Seattle's "Green River Killer," Wichita's "BTK Strangler," the O.J. Simpson civil case, and the JonBenet Ramsey homicide.

Since his retirement in 1995 from the FBI, Douglas has been providing pro bono assistance whenever possible to police and victims of violent crime.

Douglas has coauthored both fiction and nonfiction books, including two *New York Times* best sellers, *Mindhunter* and *Journey into Darkness*. He also has coauthored *Obsession*, *Anatomy of Motive*, *Cases That Haunt Us*, *Anyone You Want Me to Be*, *Broken Wings*, and his newest book, *Inside the Mind of BTK*.

Douglas does numerous public presentations yearly, belonging to the Greater Talent Network (GTN) agency in New York. His personal Web site, [johndouglasmindhunter.com](http://johndouglasmindhunter.com), contains crime information as well as an active online discussion board.

**Ann W. Burgess**, R.N., D.N.Sc., is professor of psychiatric mental health nursing at Boston College Connell School of Nursing. She received her bachelor's and doctoral degrees from Boston University and her master's degree from the University of Maryland. She, with Lynda Lytle Holmstrom, cofounded one of the first hospital-based crisis intervention programs for rape victims at Boston City Hospital in the mid-1970s. Her work expanded into the offender area when she teamed with special agents at the FBI Academy to study serial offenders of sexual homicide, rape, and child sexual offenses. This work advanced an understanding of the importance of the behavioral footprints in crime scenes and the profiling process.

Burgess served as the first van Ameringen Professor of Psychiatric Nursing at the University of Pennsylvania School of Nursing for seventeen years. She has been a sexual assault nurse examiner (SANE) since 1994 and continues as codirector of the SANE Training Program at the university.

Burgess served as chair of the first advisory council to the National Center for the Prevention and Control of Rape of the National Institute of Mental Health (1976–1980). She was a member of the 1984 U.S. Attorney General's Task Force on Family Violence and the planning committee for the 1985 Surgeon General's Symposium on Violence, served on the National Institute of Health National Advisory Council for the Center for Nursing Research (1986–1988), and was a member of the 1990 Adolescent Health Advisory Panel to the Congress of the U.S. Office of Technology Assessment. She was elected to the National Academy of Sciences Institute of Medicine in October 1994 and chaired the 1996 National Research Council's Task Force on Violence Against Women. She was a member of the 2003

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Burgess has been principal investigator of many research projects and has written textbooks in the fields of psychiatric nursing and crisis intervention and texts from her research in the crime victim area. She has coauthored over 160 articles, chapters, and monographs in the field of victimology. She also has testified in criminal and civil cases in over thirty states.

In 2000 she was appointed Professor Without Term at Boston College. She has received numerous honors, including the Sigma Theta Tau International Audrey Hepburn Award, the American Nurses' Association Hildegard Peplau Award, and the Sigma Theta Tau International Episteme Laureate Award.

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In addition to his industrial experience, Burgess has taught at Northeastern University, where he was an associate professor, and at Babson College, Boston College, Bentley College, and Boston University as a visiting professor.

**Robert K. Ressler, M.S.**, is a criminologist in private practice and the director of Forensic Behavioral Services, a Virginia-based organization dedicated to training, lecturing, consultation, and expert witness testimony. He is an expert in the area of violent criminal offenders, particularly serial and sexual homicide. He is a specialist in the area of criminology, criminal personality profiling, crime scene analysis, homicide, sexual assaults, threat assessment, workplace violence, and hostage negotiation. He is a twenty-year veteran of the FBI, serving sixteen years in the Behavioral Science Unit as a supervisory special agent and criminologist, retiring in 1990. He developed many of the programs that led to the formulation of the FBI's National Center for the Analysis of Violent Crime.

Ressler became the first program manager of the FBI's Violent Criminal Apprehension Program in 1985. His academic affiliations have been as an

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He received the 1991 Amicus Award from the American Academy of Psychiatry and the Law, the 1995 Special Section Award from the Section of Psychiatry and Behavioral Sciences of the American Academy of Forensic Sciences, and two Jefferson Awards in 1986 and 1988 from the University of Virginia.

Ressler is a member of the American Society for Industrial Security, the International and American Academies of Forensic Sciences, the Academy of Criminal Justice Sciences, the International Association of Chiefs of Police, the International Homicide Investigators Association, the Vidoqu Society, and other professional organizations. He originated and directed the FBI's first research program of violent criminal offenders, interviewing and collecting data on thirty-six serial and sexual killers, resulting in two textbooks: *Sexual Homicide: Patterns and Motives* (1988) and the *Crime Classification Manual* (1992). He also coauthored his autobiography, *Whoever Fights Monsters* (1992), *Justice Is Served* (1994), and *I Have Lived in the Monster* (1997).

Ressler's books and life experiences have been the inspiration for many books authored by Mary Higgins Clark and other authors and the films *The Red Dragon*, *Silence of the Lambs*, *Copycat*, and *The X Files*. He has testified as an expert witness in civil and criminal cases. He has lectured at and consulted to law enforcement agencies, universities, writers, television networks, and corporations in the United States and abroad. He has appeared on many major television and radio networks and has been featured in numerous printed media articles in major newspapers and magazines worldwide.

Ressler has served with the U.S. Army, ten years of it active duty during the Vietnam era. He served in the military police and as a criminal investigation officer (CID), with the Army CID Command Headquarters in Washington, D.C. He retired at the rank of colonel with thirty-five years of service.

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