



THE INDIANA INVESTIGATOR™

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From the President

Greeting INSPI Members,

I hope that business has picked up for each of you as we approach the summer months. As folks begin to move around and be more active, I believe that all facets of our business - from process serves to surveillances to investigations – will also improve dramatically.

I have just returned from attending the Quarterly meeting of the Michigan Council of Professional Investigators (MCPI) and what an outstanding meeting it was! I tip my hat to Paul Dank and his staff for providing one of the best programs that I have attended. The event was sponsored by CLEAR, one of the leading resource companies in the private investigation field.

The speaker for the evening was Bill Proctor, who is an Investigative Reporter for WXYZ-TV Action News, Channel 7 in Detroit. In addition to his career job, Bill has founded an organization called “Proving Innocence”. His presentation was titled “Freeing The Wrongfully Convicted”.

Bill’s organization reaches out to men and women who are behind bars in our prison system who did not commit the crimes that they have been convicted of. He stated he is in the business of “saving wasting human lives.” In attendance at the meeting was a man who spent over 9 years in prison for a rape crime that he did not commit. This man was sentenced to 40-60 years. Thanks to assistance from Proving Innocence, he was #142 (?) out of the 272 nationwide that have been freed due to the work of this organization.

It is estimated that up to 10% of the current prison population are not guilty of the crimes they have been incarcerated for. Mr. Proctor stated that DNA is the key element in proving the innocence and that the absence of DNA makes the case much harder to turn around. He made an appeal to the members of MCPI that were in attendance to think about joining his organization as private investigators can be a valuable asset in their mission.

More information about Proving Innocence can be found on their website at: www.provinginnocence.net. An excellent program – not only hearing Mr. Proctor, but also hearing a success story from a very grateful man who has been set free.

If you are not a member of our sister organizations, I encourage you to consider membership. The networking possibilities are endless. Meeting new PI’s, hearing their stories and sharing yours can be a win-win for all of us.

I hope that you have taken the time to look over the offerings of The Campbell Group and compared it to what you currently have. I personally know of someone who saved 45% by going with their program. See if it will work for you!

Another tool in our investigative toolbox is the Case Point Management Program. I challenge you to look into to this valuable program to further enhance your investigative skills.

Don’t forget to check out our website from time to time as it is being updated and tweaked on a regular basis.

We are looking forward to our next meeting in August – it will be here before we know it; several locations are being researched and as soon as a decision is reached, we will pass the information on to each of you.

Have a great summer – stay in touch – I am as near as your phone – day or night. Be safe!

It’s great to be your President,

Ken Shelton



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INSPI Insurance Program

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Membership Training

Thursday, August 25, 2011

At: Marriott Indianapolis East, 7202 E. 21st St., Indianapolis
See Registration form (page 4 for more details)



*Do you have a specific topic or technique that
you would like presented?
Let us know. Call 855-40-INspi.*

Welcome New Members

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George Gergis, Investigative Support Unit

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Darcy Garwood, Truth Investigations, LLC.

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NEW at

www.indianainvestigators.com

http://www.indianainvestigators.com/resources_2011.php

We are pleased to provide a listing of useful web resources!

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The Danger of Threatening Inevitable Consequences During an Interrogation

A recent Frontline episode dealt with interrogation techniques and false confessions.¹ The presented case involved the 1997 rape and murder of Michelle Bosko from Norfolk, VA. The following is a synopsis of facts as reported by Frontline:

The victim's husband, who was a sailor in the navy, discovered her body and sought help from the next door neighbor, a fellow sailor named Daniel Williams, who then contacted the police. While the husband had an air-tight alibi, suspicion focused on Williams. Therefore, they asked him to come to the station for a voluntary interview which eventually turned into an 11 hour interrogation. During the interrogation, Williams was administered a polygraph examination which he was falsely told indicated deception. After being threatened with the death penalty, Williams confessed to the rape and murder to avoid execution. In his initial confession he stated that he struck the victim with a shoe and beat her to death. Following the autopsy it was determined that the victim died from stab wounds and strangulation. Williams was re-interrogated and, after the detective revealed the victim's actual cause of death, gave a second confession consistent with the autopsy findings.

Four months later, the crime lab determined that Williams' DNA did not match crime scene evidence. Rather than doubt the integrity of Williams' confession, the police were convinced that there must have been another perpetrator. Williams was again interrogated and threatened with the death penalty if he did not name his accomplice. He named Joseph Dick Jr., a fellow sailor who was given a polygraph examination which he purportedly failed, and threatened with the death penalty if he continued to lie. Believing that he would be exonerated based on DNA evidence, Dick confessed to helping Williams rape and murder Michelle Bosko. When the DNA analysis came back negative, Dick thought charges against him would be dropped. Instead, the investigator was convinced that there must have been a third person involved in the crime.

By this time Dick was represented by counsel who was convinced, based on Dick's confession, that his client must be guilty. The defense attorney recommended that Dick cooperate with the police to avoid the death penalty. Dick provided the name of another accomplice, Derek Tice, who was subjected to lengthy interrogations (after his request for an attorney was ignored) and threatened with the death penalty. Like the others, Tice confessed. However, the crime scene DNA did not match Tice so he was re-interrogated to find out who else was involved in the crime. Tice selected the photo of a sailor named Eric Wilson who also was persuaded

to confess, but whose DNA also did not match the crime scene. This cycle was repeated until eventually seven sailors were named as being involved in the murder of Michelle Bosko. Despite the fact that none of the seven defendants' DNA matched crime scene evidence, all were charged with the rape and murder. During the course of the trials, Dick backed out of a plea bargain, and refused to offer testimony against the latter three defendants. Because his confession and testimony was the only evidence implicating these defendants, charges against them were dropped.

Before the first of the four remaining trials began, a woman approached the police with a letter she received from an inmate named Omar Ballard. Ballard was serving time for beating a woman in the same apartment complex where Michelle Bosko lived, and raping a 14-year-old girl two miles from Bosko's apartment complex. In the letter, Ballard confessed to killing Michelle Bosko. Ballard was questioned by police and, in a short period of time, confessed that he alone raped and murdered Ms. Bosko. Ballard's DNA matched the crime scene DNA.

The prosecution had to either acknowledge that the police obtained four false confessions or somehow attempt to reconcile all of the evidence, which is the path they chose. The theory presented at trial was that the seven sailors wanted to rape and murder Ms. Bosko but couldn't get into her apartment so they approached a stranger, Omar Ballard who agreed to get them into her apartment and commit the crime with them. As part of a plea agreement Joe Dick testified against Eric Wilson and Derek Tice, both of whom were found guilty and sentenced to 8 1/2 years and life in prison respectfully. After realizing the futility of persuading a jury that their confessions were false, Williams and Dick both plead guilty and received life sentences.

In 2007, after reviewing legal appeals, the Virginia Governor granted conditional pardons to Williams, Dick and Tice (Wilson had already been paroled). A team of attorneys is still working to clear the names of what the media has called the "Norfolk Four." If the information presented by Frontline is accurate, certainly there is a high probability that these four confessions are false.

Why Did the Norfolk Four Confess?

These suspects were adults suffering from no diminished mental capacity and were not deprived of basic biological needs. The length of the interrogations (8-11 hours) were substantial, but not so long as to automatically cause a false confession. This is especially true considering that, reportedly, more than an hour was spent in prepping the suspects to give an audio-taped confession that was consistent with the current police theory. Lying to a suspect about failing a polygraph examination certainly would not cause an innocent suspect to confess. While the interrogator was described as intense, tenacious and unrelenting this, in and of



Indiana Society of Professional Investigators

Membership Training

August 2011

Marriott Indianapolis East

7202 E. 21st Street, Indianapolis, IN 46219 (near I-70 and I-465)

Thursday, August 25, 2011

Speakers: Dave Shelton

- Low Tech Surveillance Techniques for High Quality Results

Don Johnson

- Rising from the Ruins: A brief history of the Indiana Society of Professional Investigators
- Caucus on the Codes: A review of the PISG licensing board's recommendations to the Governor's Committee

Nicole Bocra

- From Forensics to Social Networking: Finding your Subject

Time: 9:00 am - 5:00pm Training (Includes Lunch)

Plan now to attend this event! If you know someone who would benefit from this training or think it might be of interest to a colleague, please invite them. INSPI meetings are open to everyone.

Please RSVP by August 18, 2011 to the INSPI office. Toll Free: 855-40-INSPI



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The Danger of Threatening Inevitable Consequences During an Interrogation = continued from page 3

itself, would not be apt to cause an innocent person to confess. The other tactic common to each interrogation was that these four suspects were threatened with an inevitable consequence -- each of these suspects reported that he confessed to avoid the death penalty.

The standard rule of thumb relating to improper interrogation techniques is that the investigator should not offer the suspect any threats or promises. In this context, threats are often thought of as threats of physical harm, isolation or deprivation of biological needs. There is, however, a much more powerful threat that can be made during an interrogation -- threatening the suspect with inevitable consequences. These four suspects were offered the most potent threat possible - the threat of death i.e., "If you continue to lie about this you will die. Do you want to die? That's what will happen if you continue to tell me you didn't do this". This was then coupled with the promise of life, i.e., "I can help you out on this thing. If you tell me the truth I will work it out so you will not face the death penalty. You will be able to live." Who in their right mind wouldn't accept life over death?

When an innocent suspect is convinced that he is helpless to avoid consequences of a crime (a long prison sentence, having children placed in foster homes, being deported to a foreign country, having a license or certificate revoked, etc.) this suspect will do anything in an effort to reduce those perceived consequences. As illustrated by this case, when threatened with inevitable consequences, innocent suspects will not only confess, but adjust their confession to please the interrogator (Dick offered seven different statements) and testify against defendants the suspect knows are innocent.

Concepts within the Reid Technique have been criticized under the guise of threatening inevitable consequences. Specifically, interrogating a suspect on the presumption of guilt, discouraging denials from surfacing and the use of an alternative question, e.g., "Did you plan this out for months in advance, or did it just happen on the spur of the moment?" These criticisms are baseless. Expressing high confidence in a person's guilt certainly would not motivate an innocent person to believe that it would be in his best interest to falsely confess. Rather, the innocent person would be motivated to more strongly maintain his innocence or terminate the interrogation. Similarly, discouraging a suspect from voicing denials will cause the typical innocent suspect to become more forceful in their denials or terminate the interrogation, not to believe that because the interrogator is not accepting their denial that it would somehow be in their best interest to confess.

Finally, it has been argued that the alternative question forces the innocent suspect to incriminate himself. Nothing could be further from the truth. A suspect always has a third choice which is to reject the alternative question and maintain his innocence. None of the tactics or techniques within the Reid Technique would cause an innocent person to believe that they would benefit by offering a false confession. However, this is not the case when a suspect is threatened with inevitable consequences, which is why we are adamantly opposed to this interrogation tactic.

The case involving the Norfolk Four was rife with failures within the criminal justice system. The police department was negligent in allowing the detective, who had a reputation for unethical practices, to conduct these interrogations. The detective was eventually convicted of multiple counts of extortion and lying to federal law enforcement agents. The prosecutor stubbornly refused to acknowledge that four uncorroborated confessions were probably false. A defense attorney failed to challenge a confession his client claimed was false because of coercion. The prosecution's primary case was built on confessions and testimony from individuals who were motivated to avoid the death penalty. Interestingly, when the prosecutor offered Ballard a deal to avoid the death penalty if he testified that the other four defendants committed the crime with him, he refused. The lesson from the Norfolk Four is clear: threatening a suspect with inevitable consequences has no place in a properly conducted interrogation.

1 The Confessions, PBS 2010

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PRACTICAL ANALYSIS OF BODY LANGUAGE DURING A FIELD INTERVIEW

By George Gergis

Many have noticed recent television shows and news programs analyzing and explaining people's body language for insight of how a person truly feels or thinks. The Fox Television Network has even launched a series ("Lie to Me") based on detecting deceptions through facial expressions. Is this possible that someone can actually determine actual thoughts and feelings even lies from body language?

Throughout my career I have attended numerous training sessions with countless of experts from federal law enforcement or military originations as well as training and educational institutions that provided a plethora of information on how to detect if a person is lying by interpreting body language. A problem that I noticed is that many experts actually disagree or provide inconsistent interpretations of the same body movements.

Apparently some of the most creditable information regarding non-verbal behavior has been demonstrated by the research and studies of Dr. Paul Ekman regarding facial expressions. According to his published works, Dr. Ekman has been able to demonstrate emotional sources to facial expressions that are consistent throughout cultural barriers. He further suggests that a person attempting to disguise a particular emotion may involuntary display that emotion with a facial expression that may last a fraction of a second, known as micro-expressions. By analyzing the micro-expressions one may be able to potential detect deception.

Dr. Ekman's findings have been of great assistance and continue to assist with a variety of programs and in various fields; however, for a legal private sector investigators conducting a field interviews in most likely uncontrolled environments such as a witness's home, or business, or in street, or in a car, while taking notes and/or recordings, expecting to notice every facial expression that may last 1/5th of a second is impractical.

The fact remains that being able to notice potential deception during a field interview is of great importance to the investigator. This may dictate if a line of questioning should continue into a particular subject or even what path the entire investigation may take. Although there are a number of techniques, the use of the following three key categories of non-verbal behavior, greatly assist us during the field interview in detecting or suspecting deception:

ONE: The subject's emotional response to a question: Although, we may not have the luxury of analyzing a

person micro-expressions in a controlled environment, deception does trigger certain emotional responses or body movements that may not match the answer given verbally. During an interview of a driver that had left the scene after crashing into our client with a company vehicle, the driver nodded his head downwards just before answering "No" to the questions if he had been drinking. Recognizing potential deception, a line of questions was later introduced into the interview regarding the driver's whereabouts prior to the crash. Although, the information learned was minimum it was enough to conduct a canvass and develop several witnesses that observed the driver consuming large of amounts of alcoholic beverages prior to the crash.

TWO: The subject's cognitive response to a question: During an interview lying may become a complex task, since different approaches are used for the same question. In an effort not to provide contradicting answers a subject becomes mentally busy and they may speak slower, pause more often, repeat questions etc.

THREE: The subject's attempt to control body movements: Many realize that body movements may give away a liar, or to appear honest a person may unnaturally control body movements after a question.

Monitoring the three key responses (Emotional, Cognitive and Body Movements) is more practical during a field interview and can assist an investigator to retrieve additional information and leads. Developing this skill and utilizing it properly many times makes the difference between an average and above average investigator.

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