I. Cover Page

Sabbatical Leave Report - Cover Page

(to be completed upon return from sabbatical leave and submitted with your report)

Attached is my comprehensive Sabbatical Leave Report. I certify that I have fulfilled the objectives of my sabbatical leave and will render the amount of service required by District Policy – Administrative Procedure 7341.

NAME: Patrick L. Connolly

DATE SUBMITTED: 2/20/2012

ACADEMIC SCHOOL YEAR IN WHICH LEAVE WAS TAKEN: 2011-2012

SEMESTER IN WHICH LEAVE WAS TAKEN: Fall, 2011

(NOTE: If this was a full-year leave or a variable leave, please indicate this. Do not include any unbanking as part of a sabbatical leave)

CHECK (X) TYPE OF SABBATICAL LEAVE: ______ Advanced Academic Studies, or X Non-Traditional Activities

SIGNATURE: Patrick L. Connolly

________________________________________________________________________

(hard copy must include your actual signature on line above)

Applicant should not write below this line.

APPROVALS

<table>
<thead>
<tr>
<th>Title</th>
<th>Approved? (Y/N)</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>SLC Chair</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academic Senate President</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Superintendent/President</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
II. Re-statement of Abstract of Leave Proposal

APPLICANT’S NAME: Patrick L. Connolly

DEPARTMENT: Behavioral Sciences/Administration of Justice

CHECK (X) THE TYPE OF SABBATICAL LEAVE: _____ADVANCED ACADEMIC STUDIES, or __X__ NON-TRADITIONAL ACTIVITIES (may partially include academic studies)

SABBATICAL LEAVE PROPOSAL

This is a modification of my original proposal which approved a temporary position involving overseas deployment to areas of conflict to assist U.S. Government agencies in the area of law enforcement, terrorism and/or Rule of Law issues. Since approval, it appears that the timing of any job offer and deployment would exceed the 2011-2012 academic year. The modified proposal would have as its purpose the development of a better understanding of the typology of homicides to include relevant statistics, investigative procedures, offender motivation, applicable forensic science techniques, legal issues, best practices related to homicide investigation and prosecution, and the types of related jobs/careers. The focus would be on San Diego County generally and North County San Diego specifically.

III. Completion of Objectives, Description of Activities

**Objective #1:**

a. My objective: As a former prosecutor and retired FBI agent, I have prosecuted and investigated numerous types of criminal violations but have had relatively limited experience conducting homicide investigations. Therefore, my objective is to develop a better understanding of the procedures, issues, and best practices related to homicide investigations and prosecutions to include crime scene management, offender motivation, legal issues common to homicide investigations, relevant forensic science procedures, and statistics related to homicide generally and homicides in San Diego/North County specifically. In addition, I plan on developing additional information about careers that are associated with the study, investigation, and prosecution of homicides.

a. In order to meet Objective #1, I identified and reviewed numerous books, articles, reports, and other resources that were relevant to homicide investigations and prosecutions. They are listed at Appendix A. I also conducted numerous interviews with detectives and other individuals directly involved in current homicide investigations. Identified at Appendix B, those interviews were crucial in updating my material on the investigation of homicides and suspicious deaths. At Appendix C is an example of one of the
interview/survey sheets that I developed at the beginning of the sabbatical to be used with homicide investigators, prosecutors, medical examiners, etc. Coincidentally, during this time period, the Michael Jackson/Conrad Murray murder trial was being televised and I was able to view portions of that trial where many of the issues my interviewees identified were being argued. Observing this particular trial allowed me to add to my own real world experience, additional examples to demonstrate issues involving crime scene management and the use of conflicting expert witnesses. I also reviewed several videos and CDs that I may incorporate into my curriculum. Finally, I attended a day-long conference related to forensics which had excellent material on cold case investigations and investigations involving skeletal remains. It led to contact with a criminalist who works at the very busy LA Coroner’s office and a tour of that facility. The videos/CDs and the conference are identified at appendix D.

My objective was to take a fairly expansive view of homicides to include examining relevant statistics, the homicide investigative and prosecutive process, and the best practices and careers of those involved in the process. The rather broad scope of the effort was really too expansive to delve into any one particular issue. However, given the nature of the 100- and 200- level Administration of Justice (ADM) survey courses that I teach, the scope was probably more beneficial for the students and curriculum because it allows me to update many issues in several courses. One of the more interesting parts of my sabbatical research was attempting to develop material that viewed homicides from another discipline’s perspective. In this regard, I was able to identify several good resources that approached homicides and violence from various disciplinary perspectives (e.g. anthropology, biology, sociology, psychology, etc). I have also incorporated this into my discussion of criminology in the various classes and into the ADM 100 Introduction to the Administration of Justice (hereinafter referred to as ADM 100 Intro) Honors team research projects discussed below. This should offer an excellent opportunity for our students to develop a more multi-disciplinary approach to homicides.

b. In completing the objective, I identified excellent resources and contacts (see Appendix A and B) that will not only be used to update course material, but also the contacts made during the sabbatical should serve as excellent sources of information for a significant team research project in the ADM 100 Intro Honors course. The project, a direct result of the sabbatical, will require that a team of students pick a homicide case and conduct extensive research to include interviews whenever possible of appropriate law enforcement, prosecutors, defense counsel, media, survivors, CSI personnel, Medical Examiner, other experts, etc. The team must prepare a written report and also conduct an in-class briefing with regard to their cases. Each team will assign one or more of its members to specific issues such as:
1. Relevant facts
2. Investigative process/issues/challenges
3. Forensics
4. Legal/Prosecutive issues
5. Media
6. Analysis of the case from the perspective of another discipline such as sociology, psychology, anthropology, economics, etc. At the very least, this must include a discussion of how the victim/offender data and circumstances of the homicide relate to national/regional statistics.
7. Any other issue that is a major issue in the case study. (e.g. insanity pleas, death penalty issues, or even the determination of manner of death – such as the recent suspicious death in Coronado, ruled a suicide even though the victim was found nude hanging with her hands and feet tied together.)

c. Completion of Objective #1 required 573 hours (and is ongoing in terms of incorporating the material into the curriculum.).

**Objective #2:**

a. My objective: prepare a multi-media presentation on the criminal typology of homicide and the legal/practical issues associated with investigating and prosecuting such crimes with emphasis on homicides in San Diego County. The presentation will be the basis of future lectures in several classes I currently teach where such information is relevant: Introduction to the Administration of Justice, Criminal Law, Criminal Procedure, and Criminal Investigations. In addition, it will be the basis for presentations made as part of FLEX and to outside public groups as a result of my participation in MiraCosta’s Speakers Bureau. Finally, I anticipate that I might have an opportunity to present the information to area police departments within the MiraCosta District, thus enhancing our relationship with these departments.

а. In completing objective #2, I identified several Police Officer Standardization and Training (POST) homicide videos that can be used in various discussions related to homicides. (POST is the state commission that certifies training for new police recruits and ongoing training for already POST certified “peace officers”.) In addition, I prepared a “master PowerPoint presentation” from which I can draw for the various courses where homicides are relevant. A copy of those PowerPoint slides is attached at Appendix E. I am currently scheduled to present my findings to MiraCosta’s Police Department (PD) on 3/30/2012, and have been asked by Cal State University San Marcos’ (CSUSM) OSHER Life Long Learning Institute to present to one of their classes in the fall.

The sabbatical involved an extensive amount of information; most of which was incorporated into the attached PowerPoint presentation which also includes class handouts. However, for purposes of briefing various law enforcement agencies, conducting Flex workshops, and other presentations such as the OSHER lectures, I have tried to distill the lessons learned during my sabbatical into what I refer to as “Homicide Truths”;
each designed to be somewhat entertaining, while thought and dialogue
provoking. One or more of these “truths” will be displayed on a
PowerPoint slide and used as the basis for further explanation and
exploration of issues related to my research. Those “truths” are:

- Homicides come in all flavors.
- Stats – a dead victim is 100% dead and don’t care about stats but …..stats paint a
  picture; provide leads or point to a reduction strategy.
- “Show me how, when, and where, and I’ll figure out the who. The why’s just
  interesting.” Or is it more than just interesting?
- Best Homicide Investigator - experienced, a team player, good interviewer, and a
caring people person.
- Best Homicide Unit - teams of good homicide investigators experienced in all types of
death investigations with exceptional support from all.
- Best Homicide Supervisors - former homicide investigators who understand all
aspects of homicide investigations to include survivor dynamic.
- Homicide investigation is the “Lord’s work” – Justice for silenced victim and
survivors. There’s no 9-5, but there is the “Holy Trinity” – physical evidence,
witnesses, and confessions.
- The best witness is DEAD.
- Fresh is best; keep it that way. You only get one shot at a crime scene.
- It’s easier to make a perimeter smaller than larger.
- Crime scenes – You own it so manage it, taste it, smell it, feel it, see it - then
document, document, document.
- Then document again (especially to refute defenses) and put some salt and pepper on
your paperwork!!
- Indoor crime scenes – please!
- “Bunky, you can’t take everything!”
- Confessions – hard work and “Everybody lies.”
- The guilty sleep.
- It’s good to be good but it’s better to be lucky, especially if you got a “whodoneit”.
- Some cases just ain’t ripe enough to solve.
- Homicide detectives love/hate prosecutors.
- “Expert opinions” – Really?
- Everybody’s a CSI Expert and Everybody is subject to being labeled a liar.
- Juries – nice theory. Reasonable Doubt; Reasonable Doubt; REASONABLE Doubt!
- The 13th Juror – the media
- Pleas please.
- Homicide Language (10-7, cutting, 187, ADASTW)
- Demonic Males and other ways to look at Homicides
- Eye for an eye….. – the Death Penalty

c. Completion of objective #2 required 83.5 hours during the sabbatical and is ongoing.

IV. Explanation of Contribution to District

A. Impact of Project On My Professional Development:

This study has enhanced my understanding of homicide investigations and the
latest techniques, forensic procedures, and legal issues related to such
investigations and prosecutions; all of which is directly related to several courses
that I currently teach. In addition, I developed a better understanding of the career tracks of those involved in such investigations, with specific attention to the characteristics of the successful homicide investigator and homicide unit. Most significant, the sabbatical allowed me the time to begin to consider other disciplinary perspectives relevant to the homicide phenomenon. This is an area that I would like to continue developing especially through the Honors’ homicide case studies. Finally, the interview process served to enhance the relationship between area law enforcement and me as a representative of MiraCosta.

B. Impact of Project On:

1. Students

   Students will benefit in getting the latest information on issues relevant to homicides, careers, and to the classes that I teach. Moreover, I feel that I am in a much better position to encourage students to view homicides/aggressive criminal behavior from other perspectives; an ability that will not only enhance their performance in the criminal justice system, but should facilitate their incorporation of that multi-disciplinary perspective throughout their continuing education. Those students who participate in the Honors Team Case Studies will have an excellent opportunity not only to gain new knowledge about homicides but also to gain insight into criminal justice related jobs and whether they are interested in pursuing such careers. For those interested in such a career, the project will offer an opportunity to develop contacts in the field. In addition, I plan on preparing a FLEX presentation that will be open to my ADM Associate Faculty and to all MiraCosta Instructors that will enable them to obtain/update any information that is relevant to their discipline, and/or classes, thus multiplying the beneficial effect for our students.

2. Department

   I will be sharing my research and presentation material with my associate faculty and with colleagues from other disciplines who may have an interest. The associate faculty within my own department – all experienced police officers, federal agents, and prosecutors – have all been invited to the MiraCosta PD briefing referred to above. Given the level of experience of the associate faculty, I anticipate that the informed dialogue there will generate even further insights into the subject matter. This will benefit not only our own PD, but all the attendees, who can then incorporate some of the material into their classes. This should further enhance the department’s reputation for providing quality up-to-date instruction by experienced instructors who really know what they are talking about.

3. College

   The liaison with area law enforcement agencies and the enhanced reputation of the ADM department as a result of my sabbatical research can only inure to the college’s overall benefit. Further, the multi-disciplinary approach that I intend to further
incorporate into classes as a result of the sabbatical will be beneficial to the relevant disciplines and the college as a whole as we all try to get students to look at issues from various perspectives. In addition to flex workshops, I will be briefing the MCC Police Department and providing presentations to area community organizations as part of our Speakers Bureau. I believe these events serve the College well as they enhance our reputation in the community; a factor that may become increasingly important if the College pursues a bond issue.

4. **Community**

Finally, the community will enjoy the positive impact of their community college being able to offer to their students in the ADM program the very latest information related to homicide investigations, to include career information. In addition, community members can attend the community presentations, educating themselves about some of the very important issues related to homicides specifically and to law enforcement in general. Such education and informed discussion can only enhance our community as it makes critical decisions related to such issues.
V. Documentation

### TABLE OF HOURS LOGGED

<table>
<thead>
<tr>
<th>Week of:</th>
<th>Objective I:</th>
<th>Objective II: Multi media lecture Prep</th>
<th>Hrs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug 7</td>
<td>Contact interviewees &amp; schedule interviews; Jim Mahar, Gary Morrison, and Frank McCoy; read primary literature sources; develop surveys for interviews</td>
<td>Meet with Apple Technical Staff re: PP/KeyNote; begin preparing PP</td>
<td>18.5</td>
<td>6</td>
</tr>
<tr>
<td>Aug 14</td>
<td>Continue contacting interviewees and scheduling interviews; begin reading and note-taking of primary source documents; develop stats; continue survey development; telephone interview of SANDAG rep; contact Ed Pecinovsky POST</td>
<td>Set up Stats Tables for PP</td>
<td>23.5</td>
<td>10</td>
</tr>
<tr>
<td>Aug 21</td>
<td>Read and take notes on primary source; schedule ME interview</td>
<td>PowerPoint (PP) prep</td>
<td>16.5</td>
<td>3</td>
</tr>
<tr>
<td>Aug 28</td>
<td>Read, Contact SDSO, CPD; e-mails; review SANDAG stats and LEB article; being review of POST video.</td>
<td>Continue PP prep</td>
<td>22</td>
<td>22</td>
</tr>
<tr>
<td>Sept 4</td>
<td>Read, review ME stats, online searches re: homicides; review POST video; contact Jim Cooke and Mark Evlin SDSO</td>
<td>Continue PP Prep</td>
<td>30</td>
<td>2</td>
</tr>
<tr>
<td>Sept 11</td>
<td>Interview prep, interview Chuck Gaylor and Damian Jackson EPD, and continue reading</td>
<td>Continue PP prep</td>
<td>26</td>
<td>2.5</td>
</tr>
<tr>
<td>Sept 18</td>
<td>Contact FBI, LECC, continue reading primary; review POST video; and attend Forensics Conference</td>
<td>Continue PP Prep</td>
<td>41.5</td>
<td>1.5</td>
</tr>
<tr>
<td>Sept 25</td>
<td>Read, prep for interviews; interview Sgt Nelson LECC and Scott Gikking, FBI; contact Kathy Dishkin and David Gaylor, review Michael Jackson/Conrad Murray (MJ/CM) murder trial</td>
<td>Continue PP prep</td>
<td>36</td>
<td>2</td>
</tr>
<tr>
<td>Oct 2</td>
<td>Read; MJ/CM trial; Interview Dan Simas and Phil Sowers; telephone interview SANDAG</td>
<td>Continue PP prep</td>
<td>38</td>
<td>1</td>
</tr>
<tr>
<td>Oct 9</td>
<td>Read; MJ/CM trial, prep and interview Kelly Cain</td>
<td></td>
<td>36.5</td>
<td>0</td>
</tr>
<tr>
<td>Date</td>
<td>Activity</td>
<td>Time</td>
<td>Worktime</td>
<td>Total</td>
</tr>
<tr>
<td>--------</td>
<td>--------------------------------------------------------------------------</td>
<td>-------</td>
<td>----------</td>
<td>-------</td>
</tr>
<tr>
<td>Oct 16</td>
<td>Read; MJ/CM trial Contact Tina Young and Tammy Ballard Interview Sgt Williams CPD and Tom Manning SDDA</td>
<td>35</td>
<td>PP Prep</td>
<td>2</td>
</tr>
<tr>
<td>Oct 23</td>
<td>Read; MJ/CM trial; interview Roy Frank and Sandy Curry</td>
<td>25.5</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Oct 30</td>
<td>Read; MJ/CM trial; set up interview</td>
<td>27</td>
<td>PP Prep</td>
<td>1.5</td>
</tr>
<tr>
<td>Nov 6</td>
<td>Read; MJ/CM trial; set up interview; Interview Det Hagget</td>
<td>30</td>
<td>PP Prep</td>
<td>2</td>
</tr>
<tr>
<td>Nov 13</td>
<td>Read; prep and interview Ernie Herbert and Kevin Rooney, SDPD; travel to LA Coroner’s office for tour and interview Margaret Kaleuati.</td>
<td>32</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nov 20</td>
<td>Read; contact Kris Robinson, FBI</td>
<td>30</td>
<td>PP prep</td>
<td>1</td>
</tr>
<tr>
<td>Nov 27</td>
<td>Read; prep and interview SD ME; review Coronado suicide/murder? Tape; begin development of Honors case study</td>
<td>24</td>
<td>PP Prep</td>
<td>5</td>
</tr>
<tr>
<td>Dec 4</td>
<td>Read; review notes, continue Honors development; contact other disciplines and detectives re Honors and review Coronado tape</td>
<td>32.5</td>
<td>PP prep</td>
<td>5</td>
</tr>
<tr>
<td>Dec 11</td>
<td>Read, review notes, interview Jan Caldwell</td>
<td>33.5</td>
<td>PP Prep</td>
<td>6</td>
</tr>
<tr>
<td>Dec 18</td>
<td>Read</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jan 1  2012</td>
<td></td>
<td>PP Prep</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Jan 8</td>
<td></td>
<td>PP Prep</td>
<td>23</td>
<td>23</td>
</tr>
<tr>
<td>TOTALS</td>
<td></td>
<td>573</td>
<td></td>
<td>83.5</td>
</tr>
<tr>
<td>Post Sabbatical Jan 16- Feb 16</td>
<td></td>
<td>PP Prep</td>
<td>20.5</td>
<td></td>
</tr>
</tbody>
</table>
Appendix A

Books/Articles/Reports


Institute of Criminal Investigation (ICI) (undated) ICI Homicide Expanded Course outline: CA POST

Institute of Criminal Investigation (ICI) Advanced Homicide Investigations Course Outline: CA POST


San Diego Medical Examiner Annual Reports found at http://www.sdcounty.ca.gov/me/press/stats.html

San Diego Police Department (SDPD) Major Crime Briefing Script obtained from Lt Kevin Rooney

San Diego Sheriff’s Office (SDSO) First Responder Briefing Sheet, Homicide Checklist for Detectives, Homicide Briefing Sheet, Area Canvas Form, Crime Scene Checklist, Homicide Summary Report obtained from Sgt Roy Frank.


Appendix B

Individuals Interviewed/Contacted:

Carlsbad Police Department (CPD)
Gary Morrison, Chief of Police CPD
Kelly Cain, Lieutenant, CPD
Mickey Williams, Sgt., Crimes of Violence, CPD
Bryan Hargett, Detective, Crimes of Violence, CPD

Escondido Police Department (EPD)
Jim Mahar, Chief of Police, EPD
Chuck Gaylor, Cold Case Homicide Investigator
Damian Jackson, Family Protection Unit

Oceanside Police Department (OPD)
Frank McCoy, Chief of Police, OPD

San Diego County Sheriff’s Department (SDSO)
Jim Cook, Undersheriff, SDSO
Mark Elvin, Commander, Investigations, SDSO
Roy Frank, Sgt, Homicide Unit, SDSO
Sandra Curry, Investigative Specialist, Homicide Unit, SDSO
Jan Caldwell, Public Information officer, SDSO

San Diego Police Department (SDPD)
Ernie Herbert, Lieutenant, Homicide Unit, SDPD
Kevin Rooney, Lieutenant, Homicide Unit, SDPD

Federal Bureau of Investigation
Jeff McKinney, Special Agent/Training Coordinator
Kris Robinson, Special Agent, VICAP
Scott Gikking, Supervisory Senior Resident Agent, Carlsbad/North County
Kathy Diskin, FBI Asst. Legal Attache (ALAT) London

San Diego County District Attorney’s Office
Tom Manning, Deputy District Attorney
Daniel Simas, Supervising Investigator, Bureau of Investigations
Phil Sowers, Supervising Investigator, Bureau of Investigations

San Diego Law Enforcement Coordinating Council (LECC)
Kenn Nelson, Sgt, SDSO/LECC

San Diego County Department of the Medical Examiner
Dr. Glenn Wagner, Chief, Medical Examiner
Julio Estrada, Investigator

L.A. Coroner’s Office
Margaret a. Kaleutai

Forensics
Tina Young, Grossmont College
Tammy Ballard, Criminalist, SDPD

San Diego Association of Governments (SANDAG)
Sandy Keaton

CA Police Officer’s Standards and Training Commission (POST)
Ed Pecinovsky

International Homicide Investigator’s Association (IHIA)
David Gaylor, Sussex Police Department, United Kingdom, IHIA Advisory Board
## Appendix C  Interview/Survey Sheet

<table>
<thead>
<tr>
<th>Department</th>
<th>Questions/Issues for LEAs</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(updated 10/24/11)</td>
<td></td>
</tr>
</tbody>
</table>

Best contact/phone/e-mail for
Statistics:
Homicide Investigations:

### Homicide Statistics
Homicides 2000-2011
Any reports?
UCR/Supplementals
Offender Data
Victim Data
Survivor Data:
Costs
Homicide Clearance Rate(s) 2000-2011

### Questions/Issues for Investigators/Supervisors:
What is the size/structure of your homicide unit?
How are your homicide investigators chosen?
- any stats: time in Department/Uniform Patrol/Detective/Homicide/Age/Education
- Training?
  What is Homicide Detective most important skill?
- Do they handle all death investigations/other matters?
- Rotation policy?
- Caseload?
- Investigative Tools available/not available?
  - Polygraph/VSA
  - BSA
  - Profiling
  - Statement Analysis
  - CompStat
  - CCMS (w relationship capability)
  - Intel Assets
  - Standardized FI/Car Stop/Neighborhood Canvas
OT Policy for Homicide Investigators:
Cold Case Capability:
How do you emphasize TeamWork (case review/briefings/Patrol/ME/Prosecutors/other agencies)

### Initial Response
Do you have a standard Homicide SOP/Checklist for First Responders/Patrol/Investigation?
What generally is the status of the investigation when Detectives respond to scene?
Is DA notified of homicides? Do they respond? Good/bad?
SOP for handover/transition from Patrol to Detectives?
How important is First Responder/Patrol response/actions?
Do you use ICS at homicide scene? If so, how?
General SOP/Homicide Checklist for Detectives arriving at scene?
Investigative Techniques/documentation at crime scene? (photos/sketches, etc)
Crime scene management issues at crime scene?
Legal Issues at crime scene?
Most common forensic techniques/issues at crime scene?
Most notable new forensic techniques used at crime scene and after?
Other issues at crime scene?
Do you have a death notification SOP/survivor counseling/followup?

**Post scene Investigation**
Any general SOP?
Investigative techniques used post scene during investigations:
Most significant legal issues post scene?
Roughly how many of your cases involve significant involvement of other jurisdictions?
Other Issues/challenges re:
- DA/DA Investigator
- ME Office/Investigator
- Info sharing/liaison with other agencies
- use of Intelligence and request for intel tasking/collection
- NCAVC/Profiling
- training
- Media
- digital evidence
- pre-trial prep
- witness reluctance to cooperate
- during trial (witness location/testimony/evidence, etc)
- Other
Most significant issues after trial? (evidence retention, Investigator burnout, etc)
What is the most significant operational issue(s) during investigation? (resources/scene management/tactical/documentation/etc.)
Have you seen any patterns in homicides? (victim/offender profile, motivation, weapons used, etc)
What is the most challenging/frustrating aspect of homicide investigations?
What is the most common mistake(s)/pitfalls in Homicide Investigations?
What is the best background/experience for a homicide investigator?
How could you make any aspect of homicide investigations/prosecutions more effective?
Other significant issues not covered in this survey?
Most interesting issue/case you have worked or heard about?
Any aspects of this you consider law enforcement sensitive or wish to remain confidential?
Any recommendations for other interviews? (Survivors, judges, defense counsel, etc)
Appendix D

Training Material Reviewed/Conferences Attended

CA POST Training Network Courses / Videos reviewed
ICI Advanced Homicide Course Outlines
Homicide Investigations Video
Homicide and Death Investigations Video, Parts 1 and 2

CENTREX, United Kingdom
Murder Investigation Manual on CD with Supplementary Reading

Conference attended:

Rose Tyson 19th Seminar in the Forensic Sciences
Homicide Investigation

Prosecution and Other Issues

Patrick L. Connolly
Professor, MiraCosta College

Homicide

Appendix E

Process

- Update Homicide Material/PP/Briefings/outside presentations/Publish?????
- Part I
  - Stats/Trends Nationally and NC specifically (BJS Fox Report)
  - age, race, ethnicity, religion, circumstances, manner of death, weapons, stranger/intimate, DV, socioeconomic status,
  - UCR and supplemental reports
- Part II (pre-stat collection contacts w FBI/PP/SD)
- Homicide - investigative/prosecutive
- Meet w Chills/ADA's/Survey Questions
- Agency Contact/Interviews
- Prepare PowerPoint and Case Study Material

Homicide and the Law: Modes of Death

- Justifiable
- Excusable
- Criminal

Natural Causes

- Suicide
- Suicide/Homicide
- Suicide by Cop
- Accident

Homicide and the Law: "Truths"

- Patrick L. Connolly
  - Professor, MiraCosta College

- Meet w Chiefs/ADA's/Survey Questions
- Agency Contact/Interviews
- Prepare PowerPoint and Case Study Material

- Expert opinions" – Really?
- Everybody's a CSI Expert and Everybody is subject to being labeled a liar.
- Juries – nice theory! Reasonable Doubt; Reasonable Doubt; REASONABLE Doubt !!!!!!!!
- Better a guilty man go free than an innocent man be unjustly convicted – The system is working!!
- The 13th Juror – the media
- Pleas please.
- Homicide Language (10-7, cutting, 187, ADASTW)
- Demonic Males and other ways to look at Homicides
- Eye for an eye…. the Death Penalty

Modes of Death

Homicide
- Justifiable
- Excusable
- Criminal

Natural Causes

- Suicide
- Suicide/Homicide
- Suicide by Cop
- Accident

2009 Manner of Death by Jurisdiction (SDME)

<table>
<thead>
<tr>
<th>Manner of Death</th>
<th>Camp P</th>
<th>Camp S</th>
<th>Unincorporated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>44</td>
<td>13</td>
<td>1,127</td>
<td>1,300</td>
</tr>
<tr>
<td>Homicide</td>
<td>13</td>
<td>1</td>
<td>81</td>
<td>105</td>
</tr>
<tr>
<td>Natural Causes</td>
<td>21</td>
<td>0</td>
<td>106</td>
<td>127</td>
</tr>
<tr>
<td>Suicide</td>
<td>29</td>
<td>2</td>
<td>23</td>
<td>35</td>
</tr>
</tbody>
</table>

2010 Manner of Death by Jurisdiction (SDME)

<table>
<thead>
<tr>
<th>Manner of Death</th>
<th>Camp P</th>
<th>Camp S</th>
<th>Unincorporated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>46</td>
<td>11</td>
<td>1,233</td>
<td>1,800</td>
</tr>
<tr>
<td>Homicide</td>
<td>12</td>
<td>1</td>
<td>98</td>
<td>131</td>
</tr>
<tr>
<td>Natural Causes</td>
<td>23</td>
<td>1</td>
<td>102</td>
<td>136</td>
</tr>
<tr>
<td>Suicide</td>
<td>28</td>
<td>2</td>
<td>22</td>
<td>35</td>
</tr>
</tbody>
</table>

2011 Manner of Death by Jurisdiction (SDME)

<table>
<thead>
<tr>
<th>Manner of Death</th>
<th>Camp P</th>
<th>Camp S</th>
<th>Unincorporated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>52</td>
<td>13</td>
<td>1,324</td>
<td>1,979</td>
</tr>
<tr>
<td>Homicide</td>
<td>14</td>
<td>1</td>
<td>93</td>
<td>108</td>
</tr>
<tr>
<td>Natural Causes</td>
<td>26</td>
<td>2</td>
<td>104</td>
<td>132</td>
</tr>
<tr>
<td>Suicide</td>
<td>30</td>
<td>2</td>
<td>22</td>
<td>35</td>
</tr>
</tbody>
</table>

2012 Manner of Death by Jurisdiction (SDME)

<table>
<thead>
<tr>
<th>Manner of Death</th>
<th>Camp P</th>
<th>Camp S</th>
<th>Unincorporated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>56</td>
<td>14</td>
<td>1,426</td>
<td>2,106</td>
</tr>
<tr>
<td>Homicide</td>
<td>16</td>
<td>1</td>
<td>105</td>
<td>118</td>
</tr>
<tr>
<td>Natural Causes</td>
<td>29</td>
<td>2</td>
<td>112</td>
<td>142</td>
</tr>
<tr>
<td>Suicide</td>
<td>35</td>
<td>2</td>
<td>23</td>
<td>39</td>
</tr>
</tbody>
</table>

UPDATE

Homicide - investigative/prosecutive

Meet w Chills/ADA's/Survey Questions
Agency Contact/Interviews
Prepare PowerPoint and Case Study Material

Homicide and other issues

Patrick L. Connolly
Professor, MiraCosta College

- Meet w Chiefs/ADA's/Survey Questions
- Agency Contact/Interviews
- Prepare PowerPoint and Case Study Material

- Expert opinions" – Really?
- Everybody's a CSI Expert and Everybody is subject to being labeled a liar.
- Juries – nice theory! Reasonable Doubt; Reasonable Doubt; REASONABLE Doubt !!!!!!!!
- Better a guilty man go free than an innocent man be unjustly convicted – The system is working!!
- The 13th Juror – the media
- Pleas please.
- Homicide Language (10-7, cutting, 187, ADASTW)
- Demonic Males and other ways to look at Homicides
- Eye for an eye…. the Death Penalty

Homicide and the Law: "Truths"

- Patrick L. Connolly
  - Professor, MiraCosta College

- Meet w Chiefs/ADA's/Survey Questions
- Agency Contact/Interviews
- Prepare PowerPoint and Case Study Material

- Expert opinions" – Really?
- Everybody's a CSI Expert and Everybody is subject to being labeled a liar.
- Juries – nice theory! Reasonable Doubt; Reasonable Doubt; REASONABLE Doubt !!!!!!!!
- Better a guilty man go free than an innocent man be unjustly convicted – The system is working!!
- The 13th Juror – the media
- Pleas please.
- Homicide Language (10-7, cutting, 187, ADASTW)
- Demonic Males and other ways to look at Homicides
- Eye for an eye…. the Death Penalty

### 2007 Manner of Death by Jurisdiction (SDME)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Accident</th>
<th>Homicide</th>
<th>Natural</th>
<th>Suicide</th>
<th>Undetermined</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Diego County</td>
<td>11</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>North County</td>
<td>23</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>10</td>
<td>36</td>
</tr>
<tr>
<td>Camp P</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>10</td>
<td>18</td>
</tr>
</tbody>
</table>

### 2006 Manner of Death by Jurisdiction (SDME)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Accident</th>
<th>Homicide</th>
<th>Natural</th>
<th>Suicide</th>
<th>Undetermined</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Diego County</td>
<td>10</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>North County</td>
<td>22</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>10</td>
<td>36</td>
</tr>
<tr>
<td>Camp P</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>10</td>
<td>18</td>
</tr>
</tbody>
</table>

### 2001 Manner of Death by Jurisdiction (SDME)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Accident</th>
<th>Homicide</th>
<th>Natural</th>
<th>Suicide</th>
<th>Undetermined</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Diego County</td>
<td>11</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>North County</td>
<td>23</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>10</td>
<td>36</td>
</tr>
<tr>
<td>Camp P</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>10</td>
<td>18</td>
</tr>
</tbody>
</table>

#### Homicide

**Unlawful Killing**

By another human being

With malice aforethought (Intent)

### An Overview of the American System

**FEDERALISM – The Dual System**

- **Federal Jurisdiction**
  - U.S. Constitution
  - Federal Congress
  - Federal Judges
  - U.S. Attorneys

- **State and Local Jurisdiction**
  - State Constitution
  - State Legislature
  - State Attorneys General
  - State Courts

**The System**

- **Federalism**
  - Federal Law
  - Federal Courts
  - Federal Government

**The U.S. Constitution**

- **Core Principles**
  - Separation of Powers
  - Checks and Balances
  - Federalism

- **Federal vs. State**
  - Federal vs. State Powers
  - Federal vs. State Jurisdiction

### Elements of Proof

1. **1st Degree** — Knowingly causing the death of another person with malice aforethought

2. **2nd Degree** — All other homicides with malice aforethought

3. **Voluntary** — Intentionally or knowingly taking the life of another with malice aforethought

4. **Involuntary** — Causing a person’s death without malice aforethought

5. **Vehicular Manslaughter**

- **Elements**
  - Death
  - Vehicle
  - Injury

6. **Other Law**

- **Other Law Agencies**
  - U.S. Department of Justice
  - F.B.I.
  - U.S. Attorneys

- **Other Law Enforcement**
  - State Law Enforcement
  - Local Law Enforcement

### Homicide and the Law

**1st Degree**

- Felony Murder

**Capital Punishment**

- 1st Degree with special circumstances

**2nd Degree**

- Manslaughter

**Voluntary**

- Vehicular Manslaughter

**Involuntary**

- Vehicular Manslaughter

- Fatalities

**Federal Homicide/Statutes**

- Capital Punishment – 1st degree w special circumstances
- Federal Homicide/Statutes
- Felony Murder
- Manslaughter/3rd Degree
- Vehicular Manslaughter
- 1st Degree – Knowingly causing the death of another person w. Malice aforethought
- Manslaughter/2nd Degree
- Voluntary – Rashly causing another person’s death
- Involuntary – Intentionally or knowingly taking the life of another with malice aforethought
- Vehicular Manslaughter
- Felony Murder
- Federal Homicide/Statutes

### 2007 Manner of Death by Jurisdiction (SDME)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Accident</th>
<th>Homicide</th>
<th>Natural</th>
<th>Suicide</th>
<th>Undetermined</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Diego County</td>
<td>11</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>North County</td>
<td>23</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>10</td>
<td>36</td>
</tr>
<tr>
<td>Camp P</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>10</td>
<td>18</td>
</tr>
</tbody>
</table>

### 2006 Manner of Death by Jurisdiction (SDME)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Accident</th>
<th>Homicide</th>
<th>Natural</th>
<th>Suicide</th>
<th>Undetermined</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Diego County</td>
<td>10</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>North County</td>
<td>22</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>10</td>
<td>36</td>
</tr>
<tr>
<td>Camp P</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>10</td>
<td>18</td>
</tr>
</tbody>
</table>

### 2001 Manner of Death by Jurisdiction (SDME)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Accident</th>
<th>Homicide</th>
<th>Natural</th>
<th>Suicide</th>
<th>Undetermined</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Diego County</td>
<td>11</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>North County</td>
<td>23</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>10</td>
<td>36</td>
</tr>
<tr>
<td>Camp P</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>1</td>
<td>10</td>
<td>18</td>
</tr>
</tbody>
</table>
Felony Murder Rule – California
1st Degree Homicide
CA PC 189

- Any homicide committed in the perpetration of, or attempt to perpetrate, arson, rape, carjacking, robbery, burglary, mayhem, kidnapping, train wrecking, or any act punishable under Section 206, 286, 288, 288a, or 289, or any murder which is perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person outside of the vehicle with the intent to inflict death, is murder of the first degree.

Manslaughter

- 192. Manslaughter is the unlawful killing of a human being without malice. It is of three kinds:
  1. Voluntary—upon a sudden quarrel or heat of passion,
  2. Involuntary—in the commission of an unlawful act, not amounting to felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection.
  3. Vehicular—

Homicide and the Law

Intent versus Motive

Legally, you only need one?????

Except

Hate Crime Gang
Enhancement
Enterprise Statutes

Causation
Rebuttable Presumption

- Common Law – 1 year and a day
- California Law – 3 years
- Federal law – 1 year and a day

Federal Law - Homicide

Quantums of Proof/LEO Action

Reasonable Suspicion
Probable Cause
More than a hunch
Less than P/C
More likely than not
51% Reasonable Doubt
More than a hunch
Less than P/C
More likely than not
51% Reasonable Doubt

Homicide rates recently declined to levels last seen in the late 1960's

Homicide victimization rates, 1950-2005

Number of homicides, 1950-2005
Homicides by Region

In recent years, all regions have experienced a decline in homicide rates.

Changes in homicide trends have been driven by changes in the number of homicides in large American cities.

Homicides - Large Cities

Small Cities

Suburbia

Rural Areas

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

Legal Suspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.

UNODC Intl. Homicide Statistics 2004

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

Legal Suspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.

UNODC Intl. Homicide Statistics 2004

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

Legal Suspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.

UNODC Intl. Homicide Statistics 2004

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

Legal Suspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.

UNODC Intl. Homicide Statistics 2004

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

Legal Suspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.

UNODC Intl. Homicide Statistics 2004

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

Legal Suspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.

UNODC Intl. Homicide Statistics 2004

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

Legal Suspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.

UNODC Intl. Homicide Statistics 2004

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

Legal Suspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.

UNODC Intl. Homicide Statistics 2004

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

Legal Suspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.

UNODC Intl. Homicide Statistics 2004

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

LegalSuspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.

UNODC Intl. Homicide Statistics 2004

Other Categories/Circumstances

Killing Spree/Mass Murders/Rampage Murders Serial Murders/Loot/City Murders Auto-Erotic Deaths Infanticide Suicide Homicide Suicide by Cop (2 SID examples) Organized versus Disorganized Felony Murder Sensational Murders Murder for Hire Enterprise Murder Argument Gang related Domestic Violence Heat of Passion/Lust/Beauty Revenge Rape Crime Drugs/Kodak Child/Elder Abuse Planned vs Unplanned Organized vs Unorganized Murder for Hire Stranger vs Intimate

Quantums of Proof/LEO Action

Subpoena/Court Order

Reasonable Suspicion

Probable Cause

Proof Beyond Reasonable Doubt

Legal Suspects

Arrest

Search

Seize

Charge

Use Deadly Force

Homicide by Circumstances

The mix of circumstances surrounding homicides has changed over the last two decades.
Stranger or Known Offender

Most homicides with known victim/offender relationships involved people who knew each other.

Intimate Relationships

The number of homicides by victim/offender relationship, 1976-2005

There has been a decline in homicide of intimates, especially male victims

Homicides of intimates by gender of victim, 1976-2005

Homicides of intimates by gender and race of victim, 1976-2005

Proportion of all homicides involving intimates by relationship of victim to offender, 1976-2005

Intimate homicides by type of weapon and gender of victim, 1976-2005

Multiple Offenders

Few homicides involve multiple offenders and fewer involve multiple victims

Percent of homicides involving multiple offenders or multiple victims, 1976-2005

Percent of homicides involving multiple victims by number of victims, 1976-2005

Percent of homicides involving multiple offenders by age of offender, 1976-2005

Percent of homicides involving guns by number of victims, 1976-2005

Family Homicides

Family homicides most often involve spouses or ex-spouses, although such crimes declined recently

Family homicides by relationship of victim to offender, 1976-2005

Family homicides by relationship and race of victim, 1976-2005

Number of homicides of parents by gender of victim and offender and age of offender, 1976-2005

Number of homicides of siblings by gender of victim and offender and age of offender, 1976-2005

Age - Children

The number of homicides of children under age 5 increased through the mid-1990s, but declined recently

Homicides of children under age 5 by relationship to the offender, 1976-2005

Homicides of children under age 5 by gender of victim and offender, 1976-2005

The number of homicides of children under age 5 increased through the mid-1990s, but declined recently

Age - Seniors

For persons age 65 or older, both the number of homicides and homicide victimization rates declined through 2000 and then stabilized

Homicides of persons age 65 and older by gender of victim, 1976-2005

Homicide victimization and offending rates for persons age 65 and older, 1976-2005

Percent of homicides committed during a felony by age of victim, 1976-2005 aggregate

Age - Children

Age - Seniors
Most victims and perpetrators in homicides are male.

Patterns of victimization/offending vary by age, gender, and racial group.

Homicides are most often committed with guns, especially handguns.
Justifiable Homicides

The number of justifiable homicides has been declining

Homicides Clearance Rates

The percentage of homicides cleared by arrest has been declining

Keys to a Successful Homicide Unit

• Success = higher clearance rate
• Detective Selection (next slide)/Team Effort
• No more than five cases per year as a primary for each detective
• Handle all Death Investigations
• Maintain offices, two-person units responding initially to crime scene
• Case review by all involved personnel within the first 24 to 72 hours
• Compstat-style format
• Effective working relationships with medical examiners/prosecutor early on
• No rotation policy for homicide detectives
• Accessibility to overtime when needed/Frontload resources
• Cold case squads
• Investigative tools, such as polygraph, bloodstain pattern analysis, criminal investigative analysis, and statement analysis

Defenses

• Self Defense/Defense of Others
• Insanity
• Causation - Year and a Day
• Mitigating factors (non death penalty)
• Mitigating/Aggravating factors (death penalty)
• Statute of Limitations
First Responder - Principles

• Patience
• Be Cautious (Safety and evidence)
• Be Prepared limited info on arrival info may be wrong or worse
• Be Alert use all senses/multi-task/no tunnel vision/keep mind
• Be Specific be detailed/precise, thorough
• Be Responsible (do your job)

First Responders - General

Police IPad

• Life-saving Priority
• Only one team of handling investigators
• All assignments known to all
• Prevent overlap and waste
• Good communication/documentation
• Early contact with DA/Call out

First Responder - General (cont)

First Responder cont

• Be familiar ICS
• Establish Command Control Center
• Rally point for oncoming assets
• All assignments known to all
• Prevent overlap and waste
• Only one team of handling investigators
• Good communication/documentation
• TIP management part of ICS protocol
• Early contact with DA/Call out

Death Confirmation

• Appearance
  - In death, the face becomes pale/ashen/cyanotic, lower jaw drops a bit, and the mouth may sag open.
  - The eyes become soft to the touch, and the eyelids may be open slightly but will show no sign of movement or reflex action when touched.
  - Pupillary reaction: The pupils of a living person's eyes contract when a bright light, such as a flashlight beam, is shined into the eyes.
  - Pulse: A check for a pulse may be made on the wrist, inside the upper arm at the elbow, or under the chin at the neck.

• Visible breathing: Note the movement of the chest or abdominal area; a mirror placed just below the nostrils may also detect breath (as a fogging of the mirror).

First Responder - Particulars

Neighborhood Canvas

• Document/Document/Document
  • Defendant/Defendant/Defendant
  • Victim/Defendant/Defendant
  • Documentation documentation documentation

Death Confirmation

• Nose
  - Listen or place hand at nostrils to hear or feel breathing.

• Muscle resistance or muscle reflex
  - Muscle resistance and reflex are present in the body to some degree until death.

• Cynosis
  - In death, the lips become cyanotic, or bluish, as do the nail beds.
Handling Special Situations at the Scene

- Dead body
  - Precursory determination of cause of death or injury
- Hanging victim
  - Careful attention to protect the knot on the noose
- Firearms, casings, etc.
  - Remain untouched
- Biohazardous materials
- Chemicals and other materials

Detective Response

- Transition Brief (what’s been done, who’s been notified, anything tampered/ altered) Names/shoes, etc.
- Dead body
  - Precursory determination of cause of death or injury
- Primary Brief
  - Ensure Reports are submitted
  - Assignments/logistics/apprehension efforts
  - Delegation/simultaneous action
- Homicide – Detective response
  - Prepare for trial/future cold case
  - Scene contained and vacant
- Firearms, casings, etc.
  - Remain untouched
- Biohazardous materials
- Chemicals and other materials

Forensic Tools

- Electrostatic dust print lifter
- Blood/statin analysis/DNA/CODIS
- Trace Evidence
- AFIS (different systems)
- Drug Fire (cartridge/ballistic ID system)
- Forensic entymology
- Skeletal reconstruction/sketching
**Investigative Techniques**
- Informants/Cooperating Witnesses
- Citizen Complaint
- Interviews/Interrogations
- Neighborhood Crimes
- Physical Surveillance
- Electronic Surveillance – T-III/FISA
- Genetic/Forensic Examinations
- Undercover Operations/Reverse Stings
- Buy-Sell Drug Walk/Controlled Delivery
- Record/Data Base Checks (ISIS/MIU)
- Skype and Yahoo Wiretapping
- Grand Jury Indictment/Information
- Toll Records/Pen Registers
- Mail Cover
- OCDETF/Safe Streets/HIDTA

**Interrogations - Background**
- Persuasive Evidence But...
- Coercive atmosphere
- Psychological manipulation
- Physical abuse
- Historical Abuse/Discrimination

**Interviews**
- Like all other interviews/Prepare/Theme/Place
- Know type of info needed
- Experienced investigators
- Separate interviewees
- Re-interview traumatized
- Patience
- Listen
- Be careful of bluffing/lying
- Know the law of homicide and interrogation

**Case Considerations**
- Victim Notification
- ME’s Office
- Autopsy (include criminalist)
- Lab Capabilities and timely call out
- Relationship with Lab
- Effect on Investigators
- One shot at the crime scene
- Don’t cross contaminate scenes
- Minimize evidence planting defense

**Preparation for Trial**
- Preparing for court
  - Time for court is critical from the beginning to end of investigation (months, even years in some cases)
  - It is critical to be fully prepared to display knowledge of your investigation

**Preliminary Conference**
- The prosecutor and the investigator discuss:
  - The case
  - The role of different articles that will be offered
  - The overall strategy of the case

**The Criminal Trial Process**
- Lead Investigators may not attend the entire trial
- Selection of the jury
- Opening statements
- State’s Case
- Direct examination
- Cross-examination
- Objections
- State Rests/Defense Motion for Acquittal
- Defense Case
- Rebuttal/Summary
- Closing arguments
- Jury instructions and the verdict
HEARSAY EVIDENCE and Exceptions

- Out of Court statement offered for the truth of the matter asserted.
- The fact that stories tend to be changed when they are repeated makes their reliability and truthfulness questionable.
- For this reason, the hearsay rule was created. Hearsay is derived from “heard say”.

The Investigator As a Professional Witness

- Above all, your job is to tell the truth as best you know it.
- Dress appropriately.
- Be confident.
- Concentrate on the absolute truth, avoid police jargon.

Types of Evidence

- Direct Evidence
  - Direct evidence generally is the testimony of witnesses that ties the defendant directly to the commission of the crime.
- Real Evidence
  - Sometimes referred to as “physical evidence,” real evidence is connected with the crime scene and can be produced in court.
- Circumstantial Evidence
  - This broad definition of circumstantial evidence encompasses all evidence other than direct evidence, provided that logically relates the defendant to the crime.
- Demonstrative Evidence
  - Demonstrative evidence is illustrative evidence that consists of maps, diagrams, sketches, and visual tests and demonstrations produced to assist witnesses in understanding complex or technical matters.
- Expert Opinion
  - The are responsible for collecting and preserving evidence for use by prosecutors
  - They must be able to distinguish between:
  - Admissions
  - Former Confessions
  - Confessions
  - Dying Declaration
  - Insanity
  - Expert Witness - A person with special skills or knowledge permitted to assist the judge or jury in understanding complex or technical matters (accident reconstruction, ME cause of death, DNA, gang culture, etc).
  - Judicial Notice - Evidentiary shortcut designed to speed up the trial and eliminate the necessity of formally proving the truth of a particular matter when the truth is not in dispute. (day of the week)
  - Privileges - Defendants and other witnesses have a right to have certain matters of communication barred from disclosure in court.
  - Confidential communications between husband and wife
  - Grand jury proceedings that are confidential requirements of law are barred
  - Privileges - Defendants and other witnesses have a right to have certain matters of communication barred from disclosure in court.

Demonstrative Evidence at Trial

- Demonstration evidence includes items such as:
  - maps
  - diagrams
  - sketches
  - photos
  - tape recordings

Knowing Rules of Evidence

- Criminal investigators need a good working knowledge of rules of evidence.
- The are responsible for collecting and preserving evidence for use by prosecutors.
- They must be able to distinguish between:
  - Factual material that is admissible in court and
  - That which is worthless as evidence and/or which must be developed in another way in order to make it admissible.

Evidence – Selected Issues

- Material to the charges
- Relevant - Anything that tends logically to prove or disprove a fact at issue in a judicial case or controversy
- Competent – proper
- Foundation/appropriate
- competent party provides testimony
- Beyond Reasonable Doubt?
WHY?
The Search for Causes

BUZZ - Criminology

1. Why should we care what causes or explains criminal activity/behavior?
2. Identify one factor which causes or explains criminal behavior?
3. What policy would you institute, if any, based upon the factor which you identified as causing or explaining criminal activity/behavior?

REMEMBER – WE ARE NOT EXCUSING CRIMINAL ACTIVITY/BEHAVIOR; WE ARE IDENTIFYING THOSE FACTORS WHICH MAY CAUSE/EXPLAIN THAT BEHAVIOR.

Theories of Crime Causation
Nature or Nurture???

E = MC
NO UNIFIED THEORY

Crime Causation - Theories/Perspectives

Historical
- Demonic/Moral
  - Age of Enlightenment (17/18th Century)
  - Classical (1700s) / Neoclassical (1970s)
  - Biological/Positivism/Atavism (1800s)
  - Psychological (1920s)
  - Psychobiological (1960s)
  - Sociological/Sociocultural (1920s)
    - Social Structure (1920s)
    - Social Policy (1930s)
    - Social Conflict Theory (1960s)

Classical/NeoClassical
- Biological
- Psychological
- SocioCultural
- Social Disorganization Theories
- Strain Theories
- Culture Conflict theories
- Social Process
- Social Development

Another Perspective

- Differences in Individual Criminal Behavior
- Differences in Crime during the LifeCycle
- Differences in rates among societies, cities, communities, neighborhoods, or other sociopolitical units
- Differences in Criminal Behavior among Situations

Crimetheory.com

BUZZ

- Demonic/Evil
- Moral
- “Evil” – Lance Morrow
- “The Biological Basis of Good and Evil” – Michael Schermer

General Categories

- Classical/NeoClassical
- Biological/Anthropological
- Psychological
- SocioCultural
- Social Disorganization Theories
- Strain Theories
- Culture Conflict theories
- Social Process
- Social Development

Classical School

- Free Will/Choice
- Hedonistic Calculus
- Rationality
- Due Process
- Swift Punishment
- Hedonism/Seductions of Crime versus
- Positivism/Hard Determinism
  (Rejects Free Will - Biological)
### General Categories

- Classical/NeoClassical
- Biological
- Psychological

**SocioCultural**
- Social Disorganization Theories
- Strain Theories
- Culture Conflict theories
- Social Process
- Social Development

### SocioCultural Theories

**Social Structure**
- Crime is a result of Society's Institutional Structures.
- Macro Perspective focusing on the disadvantaged/low economic status
- Poverty, lack of education, subcultural values.

**Social Disorganization Theories**
- Social Disorganization Theories
- Strain Theories
- Culture Conflict theories
- Social Conflict Theories
- Social Process Theories
- Social Development Theories

### Social Disorganization Theories

- Ecological Theories
- Chicago School of Criminology
- Cocentric Zones (crime rate/delinquency)
- Environmental Criminology
- Criminology of the Place (Situational Crime, Routine Activity)
- Broken Windows Thesis
- Defensible Space
- COPP's Program - Vista

### Group Dynamics

- Germany 2007 (hydrogen Peroxide)
- London - Transatlantic plot
- Madrid Train Bombings
- Hamburg 9/11
- Lackawanna 6 m
- Virginia Jihad network
- California/Georgia/Pennsylvania
- Toronto, California areas - 2005/11
- WTO led subsequent Conspiracy
- El, etc., etc.

### Profile AQ - Sageman

- **Early profile**
  - Social Bonds in the Diaspora/user group phenomena
  - 1 out of 9 radicalize the group
  - 12 ngoại, worldwide account for 1% of all radicalization
  - Historically Saudi funding
  - Visible Jihadi look
  - Sacrifice for the Group
  - Moral Outrage
  - Worldview – Warriors against GWO Islam
  - Personal Experiences (Europe vs U.S.)
  - Group Dynamics
  - In Group Love
  - Out Group Hate

### Motivation

- Poverty/Socio-economic
- Change
- Power
- Ideology
- Mental Illness?
- Nationalism
- Religion
- Group Dynamics

### Motivation

- It's not Right
- It's not Just; it's Unfair
- It's someone else's Fault (Blame)
- The Enemy/Adversary is Evil

### The Human Delivery System

- Marriage
- Birth
- Parenting
- Family Support

### Lone Wolf/Beserkers/Sudden Jihad Synd

- Charged attempted
  - 1st-degree murder
  - ADW
  - Asserted motive
  - Mir Amal Kasi
  - Executed in VA
  - 11/14/02
  - Motivation
  - Poverty/Socio-economic
  - Change
  - Power
  - Ideology
  - Mental Illness?
  - Nationalism
  - Religion
  - Group Dynamics

### Eric Rudolph

- 4/15/2005
- Motivation
  - To "avenge the deaths of Muslims around the world."
  - Execution

### Hesham Mohamed Hadayet

- 7/4/2002
- El Al Counter Lax 2
- Killed 4 injured before Egyptian flight was shot down.
- Motive Unknown

### Buford O. Furrow Jr.

- 8/21/1999
- Self-proclaimed supremacist pled guilty to spraying automatic gunfire into an LA Jewish Day care Center on Aug 10, 1999, then murdering a letter carrier because he was Filipino.
- Plea accepted because of Furrow's history of mental illness.
- They Hate. They Kill. Are They Insane? - NYT

### It's not Right

- It's not Just
- It's Unfair
- It's someone else's Fault (Blame)
- The Enemy/Adversary is Evil

### Civil Constraints

- Removed

### Appendix E

2/22/2012
The Tactics of Terrorism
- Bombing (most common)
- Hijacking
- Assault
- Kidnapping
- Hostage taking

Propaganda
By
The New Terror

Civilian Targeting Home
International Terrorism
Cyber/terror
Propaganda/Training/Communication
Suicide/Hazardous Bombings (Human Delivery System)
Weapons of Mass Destruction (WMD)

Level of Threat

High Threat
- Biological Pathogens
- Chemical Weapons
- Nuclear Devices

Low Threat
- Radioactive isotopes
- Chemical toxins
- Industrial chemicals

WMD - Escalation of Terror Tactics
- Chemical
- Biological
- Nuclear
- Radiological
- Doctrine
- Acceptability

Death Penalty
The Ultimate Sentence

Pros
- A deterrent
- Eye for an eye (revenge)
- Cost
- Vindication for survivors
- Incapacitation

Cons
- Not a deterrent
- Immoral/unethical/illegal
- Cost
- Innocent convicted
- Discrimination
- Not as punishing as life imprisonment
- Redemption not possible

Death Penalty Cases

Pro/Cons
- A deterrent
- Eye for an eye (revenge)
- Cost
- Vindication for survivors
- Incapacitation
- Not a deterrent
- Immoral/unethical/illegal
- Cost
- Innocent convicted
- Discrimination
- Not as punishing as life imprisonment
- Redemption not possible

Death Penalty

The New Terror

Civilian Targeting Home
International Terrorism
Cyber/terror
Propaganda/Training/Communication
Suicide/Hazardous Bombings (Human Delivery System)
Weapons of Mass Destruction (WMD)

Death Penalty

35 States and Parts 7th degree murder
15 States - no death penalty

BOJ Capital Punishment 91
BUZZ Death Penalty?

While serving various sentences for murder, rape, kidnapping, and aggravated assault, petitioner escaped from the Ware Correctional Institution near Waycross, Ga., on September 2, 1974. At approximately 11 o’clock that night, petitioner entered the home of Allen and Elnita Carver through an unlocked kitchen door. Threatening the couple with a “board,” he tied up Mr. Carver in the bathroom, obtained a knife from the kitchen, and took Mr. Carver’s money and the keys to the family car. Brandishing the knife and saying “you know what’s going to happen to you if you try anything, don’t you,” Coker then raped Mrs. Carver. Soon thereafter, petitioner drove away in the Carver car, taking Mrs. Carver with him. Mr. Carver, freeing himself, notified the police, and not long thereafter petitioner was apprehended.

Coker v. Georgia, 433 U.S. 584 (1977)

- Facts of the Case
- In 1974, Erlich Anthony Coker, serving a sentence for murder, rape, kidnapping, and assault, escaped from the Ware Correctional Institution near Waycross, Ga. He entered the home of Allen and Elnita Carver through an unlocked kitchen door and attacked the couple. After threatening the man with a “board” and tying him up, Coker took the woman’s money and keys and drove away in the family car, raping Mrs. Carver along the way. The police apprehended Coker some distance away, and he was tried and sentenced to death.

- Issue
- The issue presented is whether the Eighth Amendment is violated by imposing the death penalty for the crime of rape.

- Applicable Law
- The Court considers the Eighth Amendment analysis, noting that the death penalty is not automatically barred for rape, but requires a constitutional inquiry into whether the Eighth Amendment violates the death penalty in this case.

- Holding
- The Court finds that the imposition of the death penalty for the crime of rape is not a violation of the Eighth Amendment.

- Rationale
- The Court concludes that the death penalty is not disproportionate to the crime of rape, as it is not arbitrary or racially discriminatory, and there is a national consensus among the states that supports the use of the death penalty in such cases.

- Consequences
- The Court holds that the imposition of the death penalty for the crime of rape is consistent with the Constitution and does not violate the Eighth Amendment.
On the night of 8/16/96, after a day of drinking and smoking marijuana, Daryl Atkins and William Jones went to a convenience store to buy beer. Atkins was, at that time, in possession of a firearm that was concealed behind his seat. He asked several people around the store for money. Eric Nesbitt, a 21-year-old airman stationed at Langley Air Force Base, entered the store and had a short conversation with Atkins. Upon exiting the store, Atkins and Jones forced themselves into Nesbitt’s truck. Atkins instructed Nesbitt to give him money from his wallet and then forced him to withdraw money from an ATM. Atkins and Jones took Nesbitt to a deserted field in Yorktown and shot him eight times.

Death penalty
... the Constitution does not preclude the existence of all types of pain... In light of the safeguards Kentucky's protocol posits in place, the risk of administering an inadequate sodium thiopental dose identified by petitioners is not so substantial or imminent as to amount to an 8th Amendment violation.

Case vs. Marine's widow is dropped

Motion for a New Trial


- Death Penalty – 121 countries
- 87 “ordinary crime”
- 36 “exceptional circumstances”
- 21 no executions during past 10 years
- No Death Penalty – 75 countries
- Use of the death penalty around the world (as of 2005)
- Abolished for all offenses (11)
- Abolished for all offenses except under special circumstances (11)
- Retains, though not used for at least 10 years (11)
- Abolished for all offenses except under special circumstances (11)
- Use of the death penalty around the world (as of 2005)
- No Death Penalty – 75 countries
- Use of the death penalty around the world (as of 2005)
- Abolished for all offenses (11)
- Abolished for all offenses except under special circumstances (11)
- Retains, though not used for at least 10 years (11)
- Abolished for all offenses except under special circumstances (11)
- Use of the death penalty around the world (as of 2005)
The Future of the Death Penalty

- Modification to ensure procedural safeguards.
- Recommendations include:
  - Tighter controls on police investigations.
  - Apply techniques to enhance eyewitness testimony.
  - Statutory reform to eliminate application based solely on the testimony of one person.
  - Additional screening and review
  - Super standard for death
  - Scientific Evidence

Homicide "Truths"