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The Defects of the Situation : a Typology of Staged Crime Scenes

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The Defects of the Situation: A Typology of Staged Crime Scenes

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of Doctor of Philosophy
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ABSTRACT

A staged or simulated crime scene is the physical manifestation of deception. It involves the deliberate alteration of the physical evidence by the offender to simulate events or offenses that did not occur for the purpose of misleading authorities or redirecting the investigation (Geberth, 2006; Turvey, 2008). This thesis examined 141 staged homicide scenes from Australia, USA, Canada and the UK to determine elements common amongst these crimes, victim and perpetrator characteristics, and offender aims. The goal was to identify red flags indicating staging. The cases were analyzed using a descriptive analysis and multi-dimensional scaling to identify themes in the data. Common characteristics include: multiple victims and offenders; blunt force or strangulation being the cause of death; a previous relationship between offenders and victims; victims being discovered in their own home by the offender; items being disrupted in the scene but not necessarily removed; the body or weapon being arranged; evidence being cleaned up or destroyed; and no alibi being established. Staged scenes were separated by type, and staged suicides, burglaries, sexual homicides, accidents, car accidents and self-defense homicides were examined to assess the proposed typology. It was determined that while each type of scene displays differently with separate indicators, the main differences surround whether the offender was attempting to stage a legitimate or illegitimate death.

The findings are relevant to forensic pathologists and medical examiners, police, and legal professionals as they allow for determinations to be made regarding what constitutes a staged scene and what indicators exist. These findings contradict the previous literature on staged scenes and beliefs about common characteristics. The results suggest a lack of sophistication, where simple staging behaviours were not utilised despite the credence they would have offered the facade. This is the first empirical study to examine a large international sample with advanced methodologies.

Declaration

This thesis is submitted to Bond University in fulfillment of the requirements of the degree of Doctor of Philosophy. This thesis represents my own original work towards this research degree and contains no material which has been previously submitted for a degree or diploma at this University or any other institution, except where due acknowledgement is made

Claire Ferguson
2010

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PART I: INTRODUCTION

The process of lying and manipulating evidence in order to escape suspicion of criminal behaviour has been written about for centuries. In William Shakespeare's 'The Tragedy of Macbeth' (1892), originally written in the early 1600's, Macbeth and his wife murder King Duncan, and smear his blood on the watchmen to give the illusion that they themselves were not the guilty parties. Shakespeare provides the following description (1892, ACT II, SCENE II):

LADY MACBETH

Go get some water,
And wash this filthy witness from your hand.
Why did you bring these daggers from the place?
They must lie there: go carry them; and smear
The sleepy grooms with blood.

MACBETH

I'll go no more:
I am afraid to think what I have done;
Look on't again I dare not.

LADY MACBETH

Infirm of purpose!
Give me the daggers: the sleeping and the dead
Are but as pictures: 'tis the eye of childhood
That fears a painted devil. If he do bleed,
I'll gild the faces of the grooms withal;
For it must seem their guilt.

Perhaps even from the days of Shakespeare, investigators charged with determining how a crime came to be and who is responsible have been keenly aware of this potential for deceit, and have tried to combat it through various investigative techniques and philosophies. The earliest of investigators opining on these issues was Dr. Hans Gross (1924, 1936) who referred to the clues which give away attempts to have the scene present as something it is not as 'defects'. Gross writes (p. 433):

The "defects of the situation" are just those contradictions, those improbabilities, which occur when one desires to represent the situation as something quite different from what it really is, and this with the very best intentions and the purest belief that one has worked with all the forethought, craft and consideration imaginable.

It is the responsibility of investigators then to be able to recognise and identify these defects, which have also been called incongruities, inconsistencies, deceptions, improbabilities and paradoxes. The type of investigator, be they a law enforcement officer, a forensic scientist, a pathologist or an accident reconstructionist will determine what 'defects' they need to take note of. However, for the most part the procedure used to make this identification, and what the opinion is based on, is a topic which has been given little attention in the literature.

It is important to acknowledge the fact that these efforts to have the scene present a facade instead of the actual scenario, perpetrated by offenders who are attempting to evade suspicion and capture, are for all intents and purposes attempts to deceive. They are the physical manifestation of a lie, presenting a scenario which is false. Deceit, including its origins and how it can be detected, has been given extensive attention in the criminological, psychological, and even biological literature, although very few have explicitly appreciated that lies which are told verbally may also be told physically by carrying out behaviours designed to lend credence to the false story. That is, lies can be told through the physical evidence of a crime, as well as through the mouths of the criminal. These attempts at deceit by manipulating the physical evidence have been referred to as crime scene staging or simulation in the literature, and will be the center of this analysis.

Before endeavouring to address some of the issues alluded to above, it is important to first operationalise the terms which will be used to describe the concepts making up the basis of this study.

Definitions

It is not uncommon in many homicide cases for the offender to engage in precautionary acts (Turvey, 2007). According to the criminological literature precautionary acts (Turvey, 2008, p. 212):

Are behaviours that offenders commit before, during or after an offense that are consciously intended to confuse, hamper, or defeat investigative or forensic efforts for the purposes of concealing their identity, their connection to the crime, or the crime itself.

A few examples include: using a mask, clothing or disguise to conceal physical features of the offender; using a secluded or less travelled location for the offense; using gloves to prevent the transfer of fingerprints or biological fluids; staging the crime scene; and so on (Turvey, 2008).

As noted, staging or simulating a crime scene is one of many precautionary acts offenders may carry out in order to distance themselves from a criminal act. According to literature on the topic, this precautionary act is not uncommon in criminal investigations (Geberth, 2006; Turvey, 2008; Hazelwood & Napier, 2004). The behaviour known as crime scene staging or simulation will be defined, for the purposes of this research, as the deliberate alteration of physical evidence at the location where a crime has actually or allegedly occurred, in an effort to simulate events or offenses that did not occur for the purpose of misleading authorities or redirecting an investigation (Geberth, 2006; Turvey, 2008). For example, after killing a person an offender may relocate the deceased's body into a car, position it as if the victim was driving, and send the car into a body of water to give the impression the victim died in an automobile accident. In such a case, the act of relocating the body, positioning it in the car, and driving (or otherwise allowing it to roll) into the water would be considered acts of staging.

The easiest way to conceptualise the difference between other precautionary acts and staging is to note that, where a precautionary act generally involves taking something away or preventing something from being left at the scene, staging involves an attempt to prevent offender identification by depositing or doing something additional to the criminal act, in order to make it appear something has taken place which has not. It should additionally be noted that staged or simulated scenes are not those involving a family member or loved one of the victim covering or dressing them when they have been found unclothed or in an otherwise embarrassing situation or position despite the contention in some of the literature¹ (Geberth, 2006). The defining factor involved in staged/simulated scenes is the goal behind it, which is to thwart investigative efforts or set the investigation in the wrong direction. It is for this reason that acts committed by a non-offender after the fact are not considered staging, as the aim to thwart investigative efforts is not present. This intention is the essence of the difference between other behaviours carried out at the scene, and acts which constitute staging.

Rationale

The current study is a systematic and intensive examination of homicide cases in the United States, Australia, Canada and the United Kingdom which involve elements of staging. The central purpose of the doctorate is to address not only the common behaviours or 'red flags' which will allow

¹ See Douglas & Munn, 1992; Douglas & Douglas, 2006; Hazelwood & Napier, 2004; Meloy, 2002. Each of these works and the definitional issues within them will be dealt with in detail in the literature review section.

investigators to identify these homicide scenes, but also to test a proposed typology of staging behaviours and the intentions behind them.

This research is original in that it is the very first study of its kind on staged crime scenes, and only the third on the topic area in general. The originality of this analysis is therefore two-pronged. First, unlike the previous studies (Turvey, 2000; Hazelwood & Napier, 2004; Keppel & Weis, 2004) this project seeks to identify the common characteristics in different types of staged scenes which can be used to improve investigative procedure and educate investigators and academics about what evidence to seek out and why. This is divergent to other analyses, namely Turvey (2000), which combined all types of staging behaviours for an overall examination of general red flags. Second, this study goes above and beyond the previous as it examines cases involving staging more comprehensively, the sample size has been increased dramatically, and the cases have been separated into subsamples to increase homogeneity in the sub-samples and thus the generalisability of the results. The level of detail in this analysis will allow for a typology of staging behaviours to be developed and tested, which may be used to discriminate between those who stage crime scenes to present as different scenarios, and study those groups specifically. Said typology will be discussed at the end of the literature review section.

The rationale behind the thesis is twofold as it is both theoretical, as well as practical. From a strictly conceptual standpoint, and as will become clear from the literature reviewed later, there is a paucity of systematic empirical research devoted to studying these scenes, the crimes they are likely to involve and the offenders who commonly perpetrate them. And this, despite the acknowledgement by many that these behaviours occur with some regularity, and that all investigators regardless of their experience or expertise run the risk of encountering them and therefore being misled. The criminological community is therefore at a distinct disadvantage, because although we have recognised these offender behaviours happen, we have done very little to educate ourselves in regards to them.

On a theoretical level, this research is of benefit to criminology as it seeks to allow investigators, policy makers and students a more complete comprehension of and appreciation for the behaviours, as well as motivations involved in such cases. Certainly, one of the most universal goals in criminology is to better understand how and why people commit crimes, the risk factors leading to those crimes and the intervention strategies which may be implemented to prevent them. This thesis adds to this endeavour by compiling the first intensive systematic study of staged scenes, with the goal of educating efforts related to prevention, intervention, and investigation.

The rationale and goals behind this examination also have a less abstract purpose than simply gaining knowledge for academic purposes. This project is also applicable to practicing criminology in real life, with real cases. As is clear from the daily news, crime in general and violent crime specifically is a problem within much of the industrialised world. The factors which lead to these crimes being resolved are many and varied, and have been discussed at length in various works. Perhaps one of the major difficulties with crime detection, and one that is overarching across all crime types, is that offenders in all jurisdictions often do not wish to be caught and may go to great lengths to prevent this. This can be done using precautionary acts discussed above, by lying to the police, or by staging the crime scene to draw attention away from themselves and onto some other person or group. Many authors (Geberth, 1996; 1996b, 2006; Turvey, 2000; Douglas & Munn, 1992; Douglas & Douglas, 2006) have opined that simulating crime scenes to misdirect investigators are a determining factor in whether these crimes can be solved. This opinion is intuitive, as it is clear that if investigators are duped by staging efforts, they are significantly hampered when it comes to catching the offender, as the person they are looking for may be a figment of the actual offender's imagination. This becomes even more of an issue when investigators do not have the benefit of a statement from the victim to combat the staging efforts, as is the case if the victim is killed during the offense. The authors above have further explained that cases of crime scene staging are not uncommon within homicide cases, meaning that these behaviours may regularly and significantly affect the ability of investigators to solve such cases.

In terms of practical use, endeavouring to determine how investigators could be better able to detect staged scenes is valuable to the criminological community for three reasons. First, if demonstrated reliably, red flags which may indicate where staging has been used will allow investigators to recognise staged scenes more easily based on elements of the crime which are readily available, and in a more timely fashion as they may avoid waiting for extensive forensic testing to be completed or receiving tips from the public. This leads to the second element of value. When red flags are identified which make it easier to recognise simulated crime scenes, crimes of this type may be better understood by investigators, including a clearer indication of who may be responsible. This is the case because the possible suspect pool may be narrowed significantly if staging behaviours are noticed. However if the staging is not discovered, investigators may spend time looking for the wrong person, or may fail to collect necessary evidence. For example, if one identifies that a homicide has been staged to appear as a stranger burglary, stranger burglars may be eliminated as suspects and those with a motivation to stage the scene examined more closely. These two factors lead to the third which makes this research of value. If a suspect is identified easily and early on in an investigation, allowing for more evidence to be collected, trials may be assisted by a more

competent demonstration of the motive, means and opportunity for the crime and thus a more complete case may be made for or against the accused.

Furthermore, both the prosecution and defense may be strengthened if determinations regarding staging are accepted in a defined scientific community through some empirical support, as opposed to being based on the examiner's independent experience. This is the case in many jurisdictions where the rules of expert evidence require an expert's opinions to be anchored in some empirical knowledge, and not the product of guesswork or speculation². All of the elements explained above allow for more informed and perhaps efficient investigations, as well as less expense to the investigating agency and decreased risk of these crimes remaining unsolved or unprosecuted. Further, being able to identify these scenes will reduce the risk of investigators being duped by these efforts which may lead to miscarriages of justice if a suspect is falsely accused and/or convicted.

Thesis Overview

This thesis is divided into five main parts, including the current section. The introduction has thus far provided some background and context to the critical issues under examination, and now provides the following outline of the thesis by its parts.

Part II is broken down into four distinct chapters. It first provides a discussion relating to the psychological and evolutionary processes behind human deceit, as well as how deceit is perpetrated and the problems with detecting it. Chapter 2 considers the history of crime scene investigation techniques, and how they have evolved across time, going from idiosyncratic and unsystematic to sometimes complex scientific methodologies. The literature specific to crime scene staging will then be addressed, followed by a discussion of the importance of crime reconstruction, and the theories behind how staging behaviours may be learned, including the CSI effect. Chapter 3 provides an in depth discussion of the issues related to violence and homicide, and specifically those cases involving people who are known to each other or intimate partners. The motivational theories which surround the perpetration of crimes against known victims will also be addressed there, including the motivational typologies of criminal behaviour which have been proposed. The final section of the literature review will build on the previous works outlined and discuss in some detail what the

² For some of the explicit rules regarding expert evidence, see *Frye v. United States*, 293 Fed. 1013 (1923). Although this is a strictly American rule, many other jurisdictions, such as those relevant to the current thesis (Australia, Canada, United Kingdom), have similar thresholds for expert evidence. For a thorough discussion of the general elements of these rules see Field, 2010.

current research will address, the hypotheses which have been put forward as well as the key research questions involved with this doctorate.

The issues of how the materials for this project were acquired will be described in Part III. This section will also explain the thresholds for inclusion involved in determining the final sample of 141 homicide cases, and the procedure used to examine the data in both the descriptive and iterative analyses.

Part IV will outline and describe the results of the analyses in detail. The descriptive results will be explained using tables and text in order to determine the behaviours common to the entire staged sample, as well as the sub-samples of each specific type of staging that were found. The more advanced quantitative results will be presented through the use of figures as well as tables and text, and will outline in some detail the findings of the smallest space analysis employed, and the distinct themes of staging identified.

The final section, Part V, will provide contextual information regarding the results described in Part IV based on the literature examined in Part II. The red flags for each type of staging in homicide cases, as well as staging in general will be proffered based on a comparison of the current findings with a control sample from a number of general homicide cases. This section will also suggest directions for future research endeavours, as well as outline the limitations of the current project and how they affect the generalisability of the findings. Finally, conclusions will be drawn regarding the state of this community, and the work available based on the findings of this thesis. Recurring themes will include the necessity to work as a team, differentiate between different types of staging, base determinations on research as opposed to idiosyncratic experience, and remain sceptical.

The impetus for this research was to determine whether those opining on staging, both in the academic community and in ongoing cases, were accurate in their recommendations and to examine what investigators need to be cognisant of in their determinations surrounding each of the distinct types of staging. This was done by first breaking the cases down and compiling several subsamples, examining each of their characteristics and then determining what the common threads were. The hypothesis that different types of homicide staging would present in different ways was tested, and the notion that all staging behaviours could be combined was challenged.

Considering that the definitions of behaviours described in this thesis have now been made clear, as well as the rationale behind this project and a breakdown of how the thesis will proceed, it is

possible to move on to a detailed discussion of the theoretical underpinnings, namely the theories relating to deception and its behavioural manifestation. Following that, the discussions in the literature which are specific to crime scene staging can be examined, as well as how they came to pass. In so doing, the next section will move from the abstract biological, psychological and criminological literature to a more concrete explanation of the information that has traditionally been available to those seeking to better understand or investigate these types of offender behaviours and the scenes they generate.

PART II: LITERATURE REVIEW

Chapter 1: Deception

This section will attend to the reasoning behind scenes being staged- the evolutionary motivations for deception, as well as the possible solutions to how these scenes can be identified based on the research on detecting deceit. These theories will provide a basis for how lying through staging is accomplished, how the real nature of the event is hidden, as well as the personal characteristics and evidence necessary for investigators to readily detect deception.

Staging as Deception

Although the connection may seem limited to the uninitiated, the investigation and recognition of crime scenes which have been staged is, for all intents and purposes, a variation of deception detection. When investigating a scene which has been manipulated to present as something it is not, one is unsure whether they are observing the actual evidence of the crime as it happened, or the evidence of how the offender wished to present the crime (Gross, 1936). For the most part then, the investigator observing a complex crime scene is no different from one observing or conversing with a possibly deceptive suspect. They are both charged with determining whether or not they are being deceived based on the evidence available to them and their interpretation of it. The difference is that much research has been undertaken on how to tell the liars from the truth-tellers when it comes to face to face conversations or interrogations (See Vrij, 2000; Ekman, 2001; Inbau et al., 2001; Park et al, 2002; Stromwall, Granhag & Hartwig, 2004; Caso, Gnisci, Vrij & Mann 2005; Bond & DePaulo, 2006; Porter et al, 2008). Unfortunately, as will be discussed in detail in subsequent sections, those investigators seeking to determine the liars from the truth-tellers based strictly on the physical and behavioural evidence left at a crime scene do not have the luxury of this wealth of literature behind them. Indeed there is almost no systematic research on how to determine if a crime scene has been altered to deceive those investigating it. It is these individuals who are at an extreme disadvantage when attempting to detect deceit in the form of a staged scene, or even understand it after it has been detected. It seems possible that since staged scenes are, in actuality, a physical form of deception and trickery, perhaps the same theories which apply to traditional deception detection could also apply to detecting these scenes. However, those theories that address why and how people lie, as well as how to detect deception are plagued by their own limitations. In order to determine if these theories can be utilised as a way to investigate and understand staged scenes, they must first be explained in some detail.

Definition of Deception

Despite, or perhaps in light of, our best intentions no one is completely honest all the time. Although lying to cover up a homicide may be on the more extreme end of the spectrum, everyone is guilty of deceiving others at some point, if not regularly. Perhaps the most comprehensive analyses of naturalistic deceptions come from Bella DePaulo and her colleagues (DePaulo & Bell, 1996; DePaulo & Kashy, 1998; DePaulo, Kashy, Kirkendol, Wyer & Epstein, 1996; Kashy & DePaulo, 1996). In these works, DePaulo has concluded: lying is a daily event, people lie approximately twice per day or in one fourth of their interactions with others; people lie less often to those they are emotionally close with (with some exceptions); most people do not feel uncomfortable lying; and for the most part these lies were successful, that is they were not detected by the person they were directed at or by any observers.

One of the most famous academicians opining on the issue of deception is Aldert Vrij. In his work on detecting lies he points out (2000, p.1), “[d]eceiving others is an essential part of everyday social interaction...[w]e try to dupe others more than once each day, and we often try to find out whether others are deceiving us.” According to Mitchell (1986 as cited in Vrij, 2000, p. 5), deception may be defined as “a false communication that tends to benefit the communicator”. To this Vrij (2000) adds that in order for something to be classified as a deception it must also be a deliberate attempt to mislead on the part of the deceiver. Therefore, unknowingly misrepresenting something cannot be classified as lying. The same can be said of staged crime scenes, where the intent behind the act determines whether or not a scene has been staged. A number of behaviours which could be utilised for other goals can also be considered staging if the intention behind them is to evade detection or thwart investigative efforts. For example, moving a deceased’s body may be done to facilitate medical intervention in some cases which would not be considered a deceptive action. In cases where the body is moved to have the scene present as something alternate to what it really is, this same behaviour would be considered deceitful.

Vrij (2000) also notes that lies may be unsuccessful, and they do not necessarily have to be believed or believable in order to constitute deceit. Finally he explains that you cannot lie to someone who is expecting it. For example a magician does not lie to his audience as they know that it is a trick, and therefore deception is only present when no forewarning is given to the person being presented with the lie. Thus, deception should be defined as “a successful or unsuccessful deliberate attempt, without forewarning, to create in another a belief which the communicator considers to be untrue” (Vrij, 2000, p. 6). This definition falls nicely in line with the notion of staging, in that staging

is an active attempt to create a scenario, or a belief in the investigator which is untrue, without forewarning, regardless of whether or not it is successful.

Why do we lie?

According to Vrij (2000) there are five different reasons why someone may lie. There are two broad rationales behind lying and the five reasons fall under one of these two rationales. The two rationales include lying for your own benefit (self-oriented lies) or lying to make someone else appear better or for their benefit (other-oriented lies). Specifically, those who are deceitful for the sake of others may lie to make others feel better, or to avoid hurting a person's feelings. Those who lie for their own benefit may wish to obtain some sort of advantage, for example to get a better job. They may also wish to make a good impression or to protect themselves from disapproval, or they may deceive others as a way to avoid punishment (Vrij, 2000). It is these self-oriented lies which are of greatest importance to the current discussion surrounding attempts to thwart investigative efforts and/or evade suspicion and capture for criminal behaviour.

Although it is the case that people lie quite often, and for a number of different reasons, the question still remains as to what causes a person to lie. In order to better explain this, evolutionary theories shall be called upon.

Evolution and Deception

Human nature was built from our ancestors' effort to survive and produce viable offspring. The human condition thus evolved in a fashion similar to other physical structures, because it contributed to the reproductive success of the organism. Those capacities which allowed human beings to proliferate were naturally selected, while those which were unhelpful eventually faded away. Ostensibly then, behaviours were tested throughout generations using trial and error until those most helpful to survival were well-established, and those least helpful disappeared. Since deception assisted in the survival and reproductive success of the species, natural selection made it a part of human nature. Thus "we are deceptive animals because of the advantages that dishonesty reaped for our ancestors, and which it continues to secure for us today" (Smith, 2004, p. 12).

Research conducted by Smith (2004, p. 2) reasons, "deceptive creatures have an edge over their competitors in the relentless struggle to survive and reproduce that drives the engine of evolution. As well-honed survival machines, human beings are also naturally deceptive". However, the question which necessarily results from this assertion is- how does deception facilitate survival and

reproductive success? In order to answer such a question, perhaps several steps backwards should be taken to examine the less complex deceptive behaviours of other non-human species.

Deception occurs at every level of life, including viruses, bacteria, plants, insects, reptiles, mammals and so on. This can be through behaviours such as camouflage, mimicry, posture or refraining from notifying others of the availability of food. In terms of how deceit is used by a species, Trivers writes (2010, p. 374):

Deception infects all the fundamental relationships in life, parasite and host, predator and prey, plant and animal, male and female, neighbor and neighbor, parent and offspring (including mother and fetus), and even the relationship of an organism to itself... Deception can allow you to steal or induce the transfer of food and other resources, engage in extra-pair copulations undetected, manipulate your parents, your mate, your offspring, your neighbors even the maternal (or paternal) half of yourself.

To answer the question posed above then, deception can be used in innumerable ways, by innumerable species to avoid being preyed upon by predators, to gain resources or prevent others from gaining resources, as well as to facilitate reproduction with more or better mates. These functions are not to be taken lightly, as the ability to deceive in order to facilitate them is so important a feature of life that it has altered the entire evolution of species, and sub-species of organisms. For example, if one considers stick insects, it is apparent that deceitful morphology was so crucial to their survival that otherwise advantageous adaptations were sacrificed to facilitate the trick (presenting as a stick). These insects evolved to include only one kidney and ovary or testis in order to maintain their stick-like appearance. In the trade-off between a better chance of survival and reproduction through a more robust anatomical structure, the ability to avoid predators through deceit was victorious. So necessary was the stick-like camouflage to avoid predators that other adaptations were forfeited (Trivers, 2010).

On a more conscious level, recent research has shown that primates also use deception to surreptitiously gather or consume food in order to hide the resource from their counterparts. Specifically, chimpanzees have shown their capacity to gauge other's ability to see them approaching food, and use this information to hide their approach strategies from competitors. This was done by the chimpanzees both to selfishly gain access to food, as well as to prevent access by the competitor (Hare, Call & Tomasello, 2006). In research by Hare and colleagues (2006) these chimpanzees approached food indirectly, approached food a competitor was not watching, and actively concealed their covert approach in order to trick the competitor. By doing so it was demonstrated that these higher order mammals possess knowledge not only of the importance of hiding their approach, but

also the usefulness of hiding their attempt to hide! Apparently, the necessity to prevent competitors from securing the food, as well as securing it for oneself has led to fairly complex deceptive behaviours evolving in these species. In this way, chimpanzees were able to access resources before their counterparts did so, increasing their relative chances of survival.

In terms of human's ability to deceive, it is thought that people differ from other animals in their deceptive abilities because most non-human animals do not intentionally deceive others, but use deceptive behaviours unconsciously (such as camouflage) (Hare, Call & Tomasello, 2006). This would be the case with the above stick-insect example, as the insect has no control over its physical appearance. It has been theorised historically that perhaps conscious deceit (such as that involved with deceiving a partner), or lying to manipulate the psychological states of others (such as what a competitor believes to be happening), is strictly a human condition (Cheney & Seyfarth, 1990; Hauser, 1997; Tomasello & Call, 1997). Although certainly verbal lying would be considered mostly a human behaviour, the above chimpanzee example suggests that perhaps the notion of other forms of deceit as only being in the purview of humans has been overly vain. Put another way, it seems that higher order animals may be similarly adept at manipulating the perceptions of others through deceit, thus enhancing their chance of survival.

With the two examples provided above it is clear the ability to deceive has been beneficial to these species, as the chimpanzees accessed more food than their honest counterparts, while the stick-insects were less likely to be preyed upon as a result of their deception. Without a doubt, deception in many species, including humans, can allow us to reproduce more successfully, gain access to resources or maintain territory during disputes. As can be seen in research on the use of trickery and deception in the animal kingdom, fooling our predators or possible mates into thinking we are something we are not has often given species a considerable edge over their less deceptive counterparts. Although deceptive behaviours were evolutionarily selected for on a basic survival level (such as being able to camouflage ourselves into our environment to avoid predation), in contemporary human societies these behaviours may still meet evolutionary ends by allowing us to survive and reproduce in other, more indirect fashions. This indirectness is present, as in a modern human society lying may not directly lead to food being available (such as with the chimpanzees), but may allow for employment to be maintained, which allows resources to be spent on securing food. It is in this indirect fashion that deceiving investigators in order to avoid prison may be seen as an evolutionary behaviour, where the investigator (or whoever else threatens a person's freedom) could be considered a predator. As such, deceiving investigators could be seen as an evolutionarily

selected behaviour, as it allows the perpetrator to continue to survive and reproduce. In this sense then, crime scene staging behaviours are just one way these deceptive efforts may manifest.

Although it is irrefutable that human efforts to deceive predators through crime scene staging are much more complex, and caused by a more conscious intention than those present in the non-human animal kingdom, several examples exist which illustrate that many species aside from humans attempt to create facades in order to escape becoming prey³. In biology, those organisms that mimic members of their own species are called automimics (Smith, 2004; Guilford, 1994). Through automimicry, an organism can pretend to be another member of their species in order to facilitate mating, or the organism can manipulate the environment somehow in order to have predators perceive something which is not actually there. This automimicry has evolved over the generations, and the behaviours have become quite intricate and convincing to their prey (Hanlon & Messenger, 1996; Guilford, 1994). For example, some species of squid release ink in a shape that mimics their own body, providing a distraction to the predator which allows the squid to escape (Smith, 2004).

With this in mind, it may not be a long bow to draw to theorise that behaviours meant to have an investigator focus on someone other than the real perpetrator at a crime scene have some evolutionary underpinnings. The difference is, with other species the predator is hoping to eat the organism, while with humans the predator is attempting to send the organism to prison. Regardless though, from a strictly biological standpoint the result is the same: the person who does not fool the investigators, or the organism that is eaten by the predator, either directly or indirectly will not have the opportunity to reproduce. It is perhaps for this reason that humans have become so adept at deceit, and why this deceit has often been directed at law enforcement or others seeking to punish us in ways which may interfere with our basic, instinctual goals of survival and reproduction.

Now that the possibilities for why people lie from a biological perspective are evident, a discussion of how human lies are facilitated, and what behaviours can be involved is necessary.

How do we lie?

Adding to the above discussion on evolutionary theories of deception, Hinton in *Natural Deception* (1973), remarks that nature as well as man actively distorts perceptions for their own benefit. He notes that in nature deceptions may be purposeful or not (such as a mirage), and those which are

³ See Smith, 2004

purposeful are always to the advantage of the species involved. Similarly, according to Whaley (1982, p. 183):

Man's deceptions are also either without purpose (unintentional misrepresentations) or purposeful- with intent to deceive. Nature does this unconsciously; man does it either unconsciously (as with self-deception and some deceptions of others) or consciously and, then, always to some perceived advantage.

This advantage, as alluded to above, may involve securing resources or mates, as well as avoiding punishment.

In terms of how these lies are perpetrated, there are two functions which may be present. According to Solomon (1920), every deception, whether perpetrated by man or nature involves elements of dissimulation and simulation. Dissimulation requires hiding what is real, concealing or obscuring the truth from the person or target to be deceived in a covert manner (Solomon, 1920; Whaley, 1982). Whaley (1982, p. 183) explains “[o]perationally, dissimulation is done by hiding one or more of the characteristics that make up the distinctive pattern of a real thing.” In so doing, the truth is covered up, thus paving the way for a new ‘truth’ to be shown to the person or target. Simulation, on the other hand, is the new perception given to the target, “showing the false” (p. 183). The simulation shows the intended lie by pretending or portraying the “distinctive characteristics that comprise the distinctive pattern of a false thing” (Whaley, 1982, p.183). Therefore, in the context of a homicide staged to look like a suicide, the dissimulation is the act of removing those features from the scene which would be distinctive of a homicide (such as signs of a struggle, defensive injuries and so on), while the simulation would involve adding those elements which the offender believes to be distinctive of a suicide (such as the presence of a suicide note, a weapon being in the victim’s grasp and so on).

Whaley (1982) explains there are three different methods of dissimulating a situation or obscuring the truth involved in natural and human deceptions, these are masking, repackaging and dazzling. These behaviours will later be used in a proposed typology of staging behaviours, and will therefore be addressed in detail. According to Whaley, then (1982, adapted from p. 183- 184):

Masking hides the real by making it invisible. It either interposes a screen, shielding it from the senses (and any intermediating sensors) or the deceivee so it is truly covert, or integrates it with its environment so it is unnoticed, blending into its background, literally overlooked, hiding in plain sight. Operationally, masking is done either by concealing all distinctive characteristics (at least those thought to be available to the target’s sensors) or by matching them to surrounding characteristics. This is done in order either to conceal or blend its original pattern.

...

Repackaging hides the real by disguising. It wraps a thing differently, modifying its appearance. It is simulated metamorphosis. Repackaging is done by adding or subtracting characteristics to transform them into a new pattern that resembles something else.

...

Dazzling hides the real by confusing. It bewilders, confounds, baffles, perplexes, reducing certainty about the real nature of a thing. Dazzling is done by randomizing or otherwise partially obscuring the characteristics of an object (its precise location, size, colour, etc.) or an event (its exact timing, method of operation, etc.) in order to blur their distinctive pattern. Ideally, this modified pattern carries less conviction, conveys less certainty, than the real but underlying one.

Similarly, according to Whaley (1982) there are three ways which a situation may be simulated as well, or by which falsities are shown. These are mimicking, inventing or decoying. These will also make up part of the typology of staging behaviours and should be paid particularly close attention (adapted from Whaley, 1982: p. 185):

Mimicking shows the false by having one thing imitate another. It duplicates a sufficient number of aspects of the other to give a passable replica. The ideal example is the double (doppelganger). Operationally, mimicking is done by copying one or more of the distinctive characteristics of the thing to be imitated to approximate its distinctive pattern.

...

Inventing shows the false by displaying another reality. Unlike mimicking which imitates an existing thing, inventing creates something entirely new, albeit false. Inventing is done by creating one or more new characteristics to create an entirely new pattern.

...

Decoying shows the false by diverting attention. It offers a distracting, misleading option and is therefore a matter of feints and diversions, literally misdirection. Decoying is done by creating alternative false characteristics that give an additional, second pattern. Ideally, this alternative pattern carries more conviction, conveys more certainty, than the real one.

In some types of deceptions these methods of dissimulation and simulation are overlapping and non-exclusive. An offender may use any number of these in an attempt to conceal what has actually happened, as well as attempt to display something new. Although not originally designed to explain the behaviour of criminals, or more specifically offenders who stage events which never occurred, these categories are useful for explaining exactly what may or may not be involved in staged scenes. For example, through repackaging behaviours, an offender may modify the appearance of a homicide scene making it appear as though the victim has killed themselves or died in an accident. This may be facilitated through the offender removing the firearm from where it originally rested and placing it in the victim's hand. They may also move the victim's body from its original location,

to a place which is consistent with the façade. Through this behaviour two ends have been met, what actually took place has been hidden, and the false scenario implied.

Whaley (1982: p. 189) further notes that in order for someone to be fooled by the dissimulation and simulation:

The target must accept ('buy') the *effect*, perceiving it as an *illusion*. Deception will fail at this point only if the target takes no notice of the presented effect, notices but judges it irrelevant, misconstrues its intended meaning, or detects its *method*. Conversely the target will:

- take notice, if the effect is designed to attract his *attention*;
- find it relevant, if the effect can hold his *interest*;
- form the intended hypothesis about its meaning, if the projected pattern of [characteristics] is *congruent* with patterns already part of his experience and memory; and
- fail to detect the deception, if none of the ever present [characteristics] that are *incongruent* are accessible to his sensors.

It is the job of the person doing the staging then to attempt to anticipate these four contingencies and monitor the target's (investigator's) response, while it is the responsibility of the investigator to remain objective, and uninterested, and to be cognisant of these incongruities in order to not be fooled. The fact that these four elements are necessary also highlights the importance of research which will allow for these incongruities to be more easily recognised, and thus accessible to the investigators' 'sensors'.

Detecting Deception

Whaley (1982: p. 190) contends that any and all deceptive efforts can be found out, regardless of the effort employed by the liar as long as the detective has the right tools. He explains:

The possibility of detecting deception, any deception, is inherent in the effort to deceive. Every deception operation necessarily, inevitably, leaves clues. The analyst requires only the appropriate sensors and cognitive hypotheses to detect and understand the meaning of these clues. The problem is entirely one of technology and procedures and never one of theory.

Because everything (whether objects or events) can to some extent be both simulated and dissimulated, deception is always possible. However, because this can *never* be done to the *full* extent, counter-deception is also always possible. In other words, incongruent characteristics (clues) inevitably are present in every deception operation. These incongruent [characteristics] form alternative patterns (hypotheses) that themselves are incongruent (discrepant, anomalous, paradoxical) with reality. As there are no paradoxes, no ambiguities, no incongruencies in nature, to detect incongruity is to detect the false.

Since it is theoretically always possible to uncover deceit, how to detect these incongruities when we know them to be present becomes the challenge. In Vrij's discussions of detecting deceit he proffers the notion that at certain times lying is more difficult for the liar than others, and as such, sometimes detecting deceit is easier for the detective. It is in these instances that discovering lies may be less difficult. The ease with which a lie can be uncovered has to do with the complexity of the lie, as well as the consequences of telling the lie. Specifically, Vrij (2000, p. 11) notes that:

[L]ying is more difficult when the other person has some form of evidence that a person may well be lying... [L]ying is also more difficult if the other person is suspicious... Finally a lie is easier to tell when the liar has the opportunity to prepare the lie.

Although not often touched on in the deception detection literature, Vrij here highlights an important and relevant aspect of uncovering lies, the use of evidence.

Traditionally, the literature maintains there are three ways to determine whether or not someone is being deceitful. However, based on Vrij's discussion, and that of several other authors (Park et al, 2002), it is also possible that there is a fourth method which may be useful. In terms of the first three methods, according to Vrij (2000: p. 213):

The first is by observing liars' non-verbal behaviour such as the movements they make, whether or not they smile or show gaze-aversion, the pitch of their voice, their speech rate, whether or not they stutter and so on. The second way is by analysing what is being said. The third way is by examining physiological responses (blood pressure, heart rate, palmar sweating, and so on).

The additional method is the interpretation and analysis of any physical evidence which may betray the lie. That is, through evidence of a person's previous behaviour, as opposed to their face to face movements, their speech patterns, and their physiological response, a deceit may be evidenced. As mentioned, this has been mostly overlooked in the deception literature previously, although a few authors have touched on using anomalous evidence to raise suspicion, and then using the above techniques to actually detect the lie. Although this method of deception detection has not been given much attention, many of the principles related to traditional detection efforts also work to improve detection efforts based not on the liar and their behaviour in an interrogation, but their prior behaviour at a crime scene. One such theory is that related to the motivational impairment effect.

Not all lies carry the same consequences, and therefore not all liars are motivated to pull off the misperception to the same degree. In their study of motivation and detecting deceit, Zuckerman and Driver (1985) determined that the more motivated a liar is to avoid getting caught, the more likely it is their behaviour will give their lies away. It is this concept which the three methods above are based on, those with a greater motivation to lie experience stronger emotions (like a fear of being found out), they may think harder than those who are less motivated (because of this fear) and they may try harder to control their behaviour. This has been termed the *motivational impairment effect* (DePaulo et al, 1988), and purportedly allows for a better indication that the person is lying based on their verbal, non-verbal and physiological responses. The motivational impairment effect inherently works in favour of those attempting to detect the deceit, making the lie more obvious in these three ways.

However, it is also possible to expand this motivational impairment to an offender's ability to deceive via manipulating the evidence at a scene. It is possible that, those who are thinking harder, and trying harder to cover their tracks may be more likely to panic after the crime has taken place, or forget their plan. By virtue of the fact they are highly motivated to create a scene which did not occur; these individuals may actually leave more evidence of themselves and the real scenario (such as leaving more DNA, footprints, bloodstains and so on). As explained by Svensson and Wendel (1974, p.292):

Even when the murderer has carefully planned the crime and taken all imaginable precautions to avoid leaving traces, they are still found. As a rule, the murderer comes to a sudden realization of the terrible results of his deed after the killing. He may then lose his head completely and try to obliterate the evidence of his act, but in his confused state of mind only works against himself by leaving new clues.

Therefore the motivational impairment effect may not just work for detecting deceit in a more traditional fashion, but may also allow for this detection based strictly on the physical evidence available. This effect is important to the current discussion because, for the most part, those who simulate crime scenes often have a lot at stake if the lie is not believed (such as significant time in prison, or the death penalty), and may have gone to great lengths to prepare the lie, thus increasing their motivation to be believed.

Like the determination of deceit in a more traditional sense then, using incongruities left at crime scenes can assist investigators in determining whether or not a scene has been staged. These cues take the form of physical and behavioural evidence, and instead of looking for such things as

stuttering, speech rates and so on, investigators may seek out evidence of paradoxical offender behaviour, inconsistencies in the physical evidence and the like. Undoubtedly though, these incongruities will be similar to more traditional indications of deceit in that they will become more or less obvious based on the time the offender has to prepare the lie (or staged scene), the consequences of the lie, and complexity of the lie (Vrij, 2000).

Along with the motivation an offender has to be believed, the motivation an investigator has to discover the lie can also have an affect. In terms of the personal characteristics of an investigator necessary to be able to uncover lies, Vrij (2000) remarks that there are several guidelines to keep in mind. These guidelines are as follows (adapted from Vrij, 2000: p. 222-225):

Be suspicious

Lies often remain undetected because observers have too much good faith- too often they assume that people speak the truth. It is essential for a lie detector to be *suspicious* and to distrust what people are saying. This is sometimes difficult.

...

Be Informed

It is easier for the observer to catch a liar if he or she is *well informed about the topic of the lie*. The more details the observer already knows, the more likely it is that he or she will notice that what the liar is saying is untrue.

...

Watch and Listen Carefully and Abandon Stereotypes

There is no typical non-verbal behaviour that indicates deception, nor do all liars say specific things or avoid saying certain things. It is therefore not useful to make judgments about deceit on the basis of stereotypical beliefs (e.g. 'liars show gaze-aversion', 'liars fidget', 'liars stutter'). Instead, observers should judge each case individually. *To look carefully at how someone is behaving and to listen carefully to what they are saying* is thus essential.

Although fairly unspecific, these guidelines dovetail nicely with the characteristics of a good investigator which have been offered in the criminology literature related to investigations. This fact lends credence to the notion that although previously existing independently, there is much overlap between detecting deceit, and generally investigating criminal behaviour. It is possible to take from this that deception detection, and the theories and principles that surround it can be applied to detecting anomalies in the physical evidence at crime scene, and an additional, and seemingly useful method of deception detection may be to make use of the physical evidence as opposed to, or in addition to, traditional techniques. More will be said of this possibility in the next section, devoted to the problems with these traditional techniques, and the need for reform.

Problems with deception detection

In terms of determining how a person detects deception, and how good people are at it, there are a number of useful studies to consult. Most of this literature, with a few exceptions, works on the assumption that people detect lies based on verbal and non-verbal behaviours of the person lying, and that those behaviours are different from those of a truth-teller. Although this assumption has recently been challenged, it has pervaded the research on determining lies from truths. A review of this research is helpful.

According to Bond and DePaulo (2006) research on detecting lies has revolved around a premise originally developed by Freud (1905), who states “no mortal can keep a secret. If his lips are silent, he chatters with his finger-tips; betrayal oozes out of him at every pore.” This notion is utilised in the empirical research by measuring verbal and non-verbal behaviours that are exhibited by liars, and whether and how other people pick up on these cues. As explained by Park and colleagues (2002, p. 145) most deception detection research therefore includes:

[O]ne group of participants recruited to serve as message sources. Sources are either instructed or induced to lie, to tell the truth, or both. A different group of participants is recruited to judge the honesty of the sources' messages. Judges are typically exposed to a number of messages where half of the messages are true and the other half are lies. Each message is judged for honesty, most often with a dichotomous truth-lie judgment. Accuracy is then calculated as the proportion of correct truth-lie judgments to total judgments.

When it comes to actual accuracy rates, the research shows that most people have some ability to accurately detect when someone else is lying to them. According to a meta-analysis done by Bond and DePaulo (2006) which summarised the research of 216 studies, people can generally judge deception with about 54 percent accuracy, which is significantly better than chance. These judgments can be affected by the medium under which the deception takes place, the motivation to lie by the perpetrator, the motivation to detect deceit by the judge, preparation of the lie, previous exposure to the potential liar, the type of interaction that takes place and the expertise of the judge (Bond & DePaulo, 2006). These researchers found (p.231):

Rather than marveling at the outliers in this literature, we are more impressed by the regularity of the results obtained. Despite decades of research effort to maximize the accuracy of deception judgments, detection rates barely budge. Professionals' judgments, interactants' judgments, judgments of high-stakes lies, judgments of unsanctioned lies, judgments made by long term acquaintances- all reveal detection rates within a few points of 50%. We wonder if it is premature to abort the quest for 90% lie detection

and accept the conclusion implied by the first 384 research samples- that to people who must judge deception in real time with no special aids, many lies are undetectable.

Although rates of lie detection vary within a narrow range, the variation is not random. Some factors facilitate lie-truth discrimination, and others impede it, our meta-analytic results confirm. The medium in which deception is attempted affects its likelihood of detection- lies being more detectable when they can be heard. By contrast, facial behaviours provide no indication of a speaker's veracity, corroborating the theory that the face is well controlled...

[C]ontrolled experiments show no difference in lie detection by interaction partners as opposed to onlookers. As common sense might have predicted, judges achieve better lie-truth discrimination if they have a baseline exposure to the sender and if the sender is unprepared. The accumulated evidence suggests that people who are motivated to be believed look deceptive whether or not they are lying. Expert judges may be slightly more sceptical than novices. Relative to novices, experts may (or may not) be better at lie-truth discrimination; in any case, they make many mistakes.

This passage highlights several important issues. First of all, people are not very good at determining whether someone is telling the truth based on the verbal and non-verbal cues of the potential liar. Secondly, those who are motivated to be believed, regardless of whether they are telling the truth, may appear as liars. Third, experts may not be better at determining who is lying from these cues, despite training in the area of deception detection. Each of these issues needs to be discussed in more detail as it relates to the current discussion of staged crime scenes.

Generally speaking, people judge lies based on the 'leakage' they expect liars to exhibit because of their reaction to lying. This may include guilt, anxiety and shame (Ekman & Friesen, 1969). According to Stromwall, Granhag and Hartwig (2004, p. 230) "people believe that a liar will feel nervous, and act accordingly". Judges look for cues which indicate these emotions when determining if someone is telling the truth. Many of these inferences, however, may be mistaken (Ekman, 2001). As discussed by Bond and DePaulo (2006), people who are telling the truth, and are highly motivated to be believed may also show signs of these emotions, or others which may be mistaken for cues indicating lying. The authors add (Bond and DePaulo, 2006, p. 231):

Indignant at the prospect of being duped, people project onto the deceptive a host of morally fuelled emotions- anxiety, shame and guilt. Drawing on this stereotype to assess others' veracity, people find that the stereotype seldom fits. In underestimating the liar's capacity for self-rationalisation, judges' moralistic stereotype has the unintended effect of enabling successful deceit. Because deceptive torment resides primarily in the judge's imagination, many lies are mistaken for truths. When torment is perceived, it is often not a consequence of deception but of a speaker's motivation to be believed. High stakes rarely make people feel guilty about lying; more often, they allow deceit to be easily rationalised. When

motivation has an impact, it is on the speaker's fear of being disbelieved, and it matters little whether or not the highly motivated are lying. The impact of motivation is most evident when judges can see the speaker's resemblance to a visual stereotype of the liar.

To put it simply, those who are highly motivated to be believed may appear as a liar (in terms of the verbal and non-verbal cues they exhibit) regardless of whether or not they are lying. This is undoubtedly a problem when judging any lie that may be high stakes, and thus when the source has a high motivation to be believed. This high stakes, high motivation scenario is surely present in those instances where someone is suspected of a serious crime such as homicide, regardless of guilt or innocence.

This brings about the second problem with detecting lies. Because those being questioned may appear as if they are lying even when they are telling the truth, those charged with determining the veracity of their statements are at a disadvantage. It is perhaps because of this problem that experts involved in detecting lies regularly (such as parole boards, police officers, and so on) are much more critical of the statements of individuals, and have a tendency to make more untruthful judgments than non-experts (Bond & DePaulo, 2006). Experts are more sceptical, and more likely to correctly judge a lie than a regular person. However, they are also more likely to incorrectly judge a truthful statement than a non-expert. This may be due to the fact that a higher proportion of the people they are dealing with are highly motivated to be believed, and therefore exhibit the stereotypical cues of deception. As explained by Caso, Gnisci, Vrij and Mann (2005, p. 200):

Rather than focusing on the differences between liars and truth-tellers, which typically happens in police manuals, the similarities between liars and truth-tellers should be taken into account...Indeed, as our results show, when the stakes get higher, being tense is likely to become more dominant. However, truth-tellers will also become more tense, making signs of nervousness less diagnostic than people might expect.

Further compounding the problem is the idea that offenders may be particularly adept at lying. Researchers have postulated that those who have been convicted of a crime may have more practice lying, they may have better knowledge of what cues indicate deceit, or they may find lying easier than non-offenders based on some aspect of their personality (for example psychopaths may find it extremely easy to deceive others) (Porter et al., 2008). Furthermore, offenders may not experience the feelings that are typically associated with lying, such as guilt or anxiety, and may even enjoy lying. There is some empirical support for the notion that offenders are better, or at least different at lying than regular people, as noted by Porter and colleagues (2008, p. 36):

In many ways offenders and non-offenders behave similarly when lying about personal experiences. Notable differences included that offenders smile less and show more self-manipulations during deception. This pattern likely reflects a greater sophistication in offenders' knowledge of how to appear credible.

This research certainly only takes into account those offenders who have been caught, meaning that captured offenders may have these characteristics when lying, whereas more adept offenders may not. It may also be that those who have evaded capture are even better at lying than their less fortunate counterparts, although this would be very difficult to measure. In terms of staged crime scenes, the ambiguity of cues indicating deception and truth telling, and difficulties in dealing with possible skilled liars, may mean that determining whether these scenes are legitimate or staged has to hinge on more than the investigators judgment of the truthfulness of the suspect and their statement. Despite this somewhat obvious conclusion, training of law enforcement or those dealing frequently with liars in traditional deception detection techniques has been proposed as opposed to relying on less criticised, or more concrete measures. This training has not-surprisingly presented some problems, namely it has shown to be particularly unsuccessful.

In order to alleviate the fact that very few investigators are particularly skilled at lie-detection (O'Sullivan & Ekman, 2004) several methodologies have been outlined which seek to educate them on how to better detect deceit. One of these is Inbau and colleagues' method, which trains officers to recognise specific nonverbal cues to deception (Inbau et al., 2001). According to Vrij and colleagues (2006, p.752):

Whether Inbau's training indeed improves the ability to distinguish between truths and lies remains to be seen. Kassin and Fong (1999) found that participants who were trained to look for the nonverbal cues to deception outlined by Inbau et al. (2001) performed significantly worse in a lie detection test than those who received no training. Mann et al. (2004) found a significant but negative correlation between officers reportedly attending to the Inbau et al. cues and accuracy in the lie detection task.

Apparently, at least this type of training is counterproductive; however a dearth of training for officers does not seem to help the situation either. In their study of non-deception trained police officers, Vrij and colleagues (2006) determined that although the officers studied had slightly higher rates of deception detection than those found with lay people in other studies, these rates were not nearly as high as some police maintain. For example, in the study mentioned previously by O'Sullivan and Ekman (2004), no one reached accuracy levels consistently over 80 percent. The study done by Vrij and colleagues (2006) showed quite positive results, with accuracy rates around 64 percent. However, despite the fact that these rates are better than what has been found

previously, this rate does not inspire much confidence in the judgment of these investigators as they are still endorsing incorrect judgments 36 percent of the time.

If the training which has been offered does not work, and no training leads to accuracy rates of slightly above chance, perhaps the notion of detecting deception is a lost cause. As discussed in Park and colleagues work (2002, p. 148):

As active deception researchers, we have sensed a growing dissatisfaction with the state of the deception literature. Authors are beginning to question if nonverbal behaviours are linked to deception. The writer of a recent anonymous review boldly asserted that deception detection research has been “the greatest waste of effort and resources in the history of social science, and was doomed from the beginning,” and another reviewer has recently remarked “perhaps we need to stop looking to prior deception literature for illumination about deception processes.” Perhaps it is time to question the strongly held assumptions about deception.

In their exploratory study of how people detect deception in reality, Park and colleagues (2002) have sought to do just that. Instead of assuming that people judge deception based on verbal and non-verbal behaviours, these researchers actually tested how people know that others are lying to them in real life settings. They found that most people use information from third parties, physical evidence, direct solicited confessions or some combination of discovery methods in order to determine whether people are lying or telling the truth (Park et al., 2002). Furthermore, they found that (p. 151) “solicited confessions, when they happen, are most often obtained by confronting the liar with third party information, physical evidence or suspicious verbal and nonverbal behaviours.” This is particularly relevant to the current discussion as some of the only research to date on staged crime scenes has indicated that people who confess (and many do) are likely to do so when confronted by inconsistencies which have been recognised in the physical evidence available in a given case (Turvey, 2000).

This study, although basic and exploratory indicates that instead of judging lies based on verbal and non-verbal cues, there is a better method which may have accuracy rates higher than slightly above chance (Park et al, 2002). This method, combining physical evidence, witness statements, and the verbal statement and nonverbal behaviour of the suspect will undoubtedly help with determining deceit in general, but will more importantly allow investigators to better judge when they are being lied to by suspects, and thus allow for better determinations of whether or not the physical evidence at a scene has been manipulated. This, of course, all hinges on the investigator correctly identifying elements in the scene which may be inconsistent or incongruent with the known scenario and thus

suspecting deception in the first place. If investigators can do this, they may be more likely to detect when a suspect is not being truthful, and they may also be better able to present these inconsistencies to the suspect, possibly eliciting a confession.

Since the research on staged scenes indicates that these crimes often, if not always, involve a person who would be a logical suspect staging the scene to draw attention towards someone else or away from themselves, and because the perpetrator is often the person to ‘discover’ the deceased’s body (Turvey, 2000), the perpetrator is often someone who is interviewed by law enforcement. In fact, part of the staging efforts often also involves lying to the police or others about some aspect of the crime. The question then remains as to whether it would be easier to analyse the person and their statement as opposed to the crime scene in order to determine which scenes have been staged. In light of the problems addressed above when it comes to detecting deceit through verbal and non-verbal methods, it should now be clear that face to face deception detection techniques are insufficient for determining when deceit is being attempted through staging behaviours at the crime scene. It is also evident that the concept of needing physical evidence as opposed to judging statements based on traditional indicators is not a new one. Even 80 years ago, the import of determining truths from lies in criminal investigations was recognised to be paramount. In 1934, in his discussion of the examination of physical evidence with the attitude of a skeptic, Dr. Hans Gross wrote (1934, p.xvi):

Evil design and artful deception, mistakes and errors, most of all the closing of the eyes and the belief that what is stated in evidence has really been seen, are characteristics of so many witnesses, that absolutely unbiased testimony can hardly be imagined... The trace of a crime discovered and turned to good account, a correct sketch be it ever so simple, a microscopic slide, a deciphered correspondence, a photograph of a person or object, a tattooing, a restored piece of burnt paper, a careful survey, a thousand more material things are all examples of incorruptible, disinterested, and enduring testimony from which mistaken, inaccurate, and unbiased perceptions, as well as evil intention, perjury and unlawful co-operation, are excluded... “[C]ircumstances cannot lie,” witnesses can and do.

Conclusion

Despite the numerous different strategies for telling the liars from the truth-tellers based on verbal, non-verbal and physiological techniques, even seasoned investigators rarely detect lies at levels much above chance. Even with advanced training regimes, the rates of correct detection barely fluctuate, and sometimes even get worse. Recently, some researchers have come to the realisation that simply talking to a suspect will not be enough to determine whether they are lying or telling the truth (Park et al, 2002). That is, these lie detection techniques are not the best way to determine when scenes

have been staged, because investigators must first have physical indicators which go against the statement of a suspect in order to be better able to determine when they are lying. Investigators are therefore in need of reliable signals from the physical evidence or witness statements in order to make these determinations. The necessary physical and behavioural indicators are what the current research seeks to identify, so that investigators have evidence on which to base their conclusions as opposed to conjecture and guesswork as a product of highly criticised methodologies.

Although it is evident that theories behind lie detection itself may not be useful due to their limitations, those surrounding how and why we lie allow for a much better understanding of the mechanisms behind deception, as well as the possible motivations. This will enable much more educated research approaches to determining deceit in other ways, such as through physical evidence, as will be undertaken in this doctoral research.

It is with this in mind that we may now proceed to a discussion of the theories surrounding how physical evidence can and should be examined. First, a description of the history of crime scene investigation will be undertaken, as it is difficult to understand the limitations of the research without first understanding how they came to be. Secondly, the criminological and forensic science literature relating to crime scene staging will be addressed, highlighting some of the strengths and weaknesses present therein. Specific note will be made of issues relating to crime reconstruction, as they may be particularly relevant. Finally, the acquisition of the knowledge and experience offenders possess relating to avoiding suspicion and capture will be addressed briefly. It is to this discussion that we now turn.

Chapter 2: Physical Evidence

The History of Crime Scene Investigation

In order to properly understand any field or academic discipline it is crucial to first examine how the field came to be, and what has been done previously. It is with this in mind that we discuss the field of criminal investigation. For the sake of this discussion it is not necessary to analyse each of the works in minute detail, except to note their major strengths and how they advanced the field. Furthermore, although there are many texts on the issues of criminal investigation, only the most widely referenced will be discussed herein, for reasons that should be evident. It is to these original authors that we now turn.

When we endeavour to examine the history of crime scene investigation, one name immediately comes to mind, Dr. Hans Gross. In his seminal work on criminal investigative techniques (*Criminal Investigation*, 1924) the Austrian Magistrate discusses in detail the importance of the scientific method, critical thinking, minding our own biases and avoiding preconceived theories. Although Gross's work did not study criminal investigation empirically, it emphasised a methodical and systematic analysis of every case, and thus paved the way for others to empirically examine the data in this field. In this work, Gross noted the fallibility of witnesses, victims and even investigators' reports, making note of the importance of relying on physical evidence. He went to great pains in order to describe the necessity of objectivity and theory falsification in any investigation no matter how simple or obvious it seems at first glance. Although a century has passed, Gross's cohesive principles and practices of forensic analysis, crime reconstruction⁴ and scientific criminal investigation cannot be understated (Chisum & Turvey, 2007).

It is not unlikely that the work of Hans Gross greatly influenced many subsequent authors, including John J. O'Connell and Harry Soderman. In 1936, when the first edition of *Modern Criminal Investigation* was published, O'Connell was the deputy chief inspector of the NYPD and Soderman was the head of the Institute of Police Science at the University of Stockholm (Turvey, 2008). This text outlined different methods of criminal investigation, and was for the most part directed towards police detectives. In this work, which went on for several editions over many years, the authors outline a systematic method for investigating homicides in order to solve cases quickly and efficiently. Similar to Gross (1924) these authors emphasise analysis of the physical evidence and critical

⁴ The term 'crime reconstruction refers to the process of determining "the actions and events surrounding the the commission of a crime...[it] is performed by forensic scientists and is based on the evidence processing that is done at the scene, the results of the scene investigation, and the subsequent analysis of physical evidence" (Chisum & Turvey, 2007, p. 2). It is not to be confused with crime scene reconstruction, processing or investigation. A reconstructionist is the person performing in this capacity.

thinking. They provide investigative guidelines for identifying and reconstructing the physical evidence in a manner that will unequivocally establish the facts and thus be most beneficial to the investigation.

Dr. Paul Kirk, professor of biochemistry at UC Berkley is perhaps the most well-known, and well-regarded author in the history of forensic criminology and forensic science. In 1953 Kirk published *Crime Investigation* which endures today as an industry standard (Turvey, 2008). According to the second edition of the text (1974, p. 1) which was co-authored by John Thornton after the death of Dr. Kirk, “the purpose of this volume is to aid the conscientious investigator, in the field and in the laboratory, to realize all the advantages that can accrue from a careful collection and intelligent examination of [physical evidence]”. The text outlined for investigators, students and criminalists the importance of recognising and reconstructing the physical evidence, as well as (and perhaps more notably) the limitations of that evidence. With chapters on many different topic areas, Dr. Kirk focused on the forensic generalist, believing that many areas of expertise were necessary in order to understand what the physical evidence can and cannot illustrate. Agreeing with Hans Gross (1924), Kirk notes that witnesses, victims and even forensic experts can be, and often are, mistaken or fraudulent. He maintains that a reliance on the physical evidence is the only way to establish the facts of a case. As the description of physical evidence in the introduction states (Kirk and Thornton, 1970, p. 2):

This is evidence that does not forget. It is not confused by the excitement of the moment. It is not absent because human witnesses are. It is factual evidence. Physical evidence cannot be wrong; it cannot perjure itself; it cannot be wholly absent. Only in its interpretation can there be error. Only human failure to find, study and understand it can diminish its value. The laboratory must be devoted to this study and understanding if the all-important traces that can speak so eloquently of guilt or innocence are to be heard.

Building on the work of both Gross (1924) and Soderman and O’Connell (1936) was Arne Svensson and Otto Wendel. Svensson and Wendel, working out of Sweden, contributed greatly to the body of police literature, most notably with their text entitled *Techniques of Crime Scene Investigation* (1965) for detectives and forensic scientists. Of note is the fact that this text continues to be updated and republished. In its sixth edition, it is mandatory reading for many police, detectives and forensic examiners. Again, like the authors above, these individuals highlighted the importance of the physical evidence as well as a systematic analysis of this evidence. These authors also stress the

importance of a methodical, calm and level-headed attitude when it comes to crime scene investigation, noting (1965, p. 2):

First of all, the officer must not approach the scene hastily. Rather, his moves should be calm and deliberate. He should always suspect the worst, and thus take what may seem to be precautions too extensive for the conditions. He should not approach his task with a mind already made up about the crime because this may lead him to carelessness and false moves which may prove disastrous.

This discussion of a wariness to avoid preconceived theories and bias is undoubtedly particularly relevant to the current topic of staged crime scenes, and despite being over forty-years old, is still, at times, an unlearned lesson plaguing the most seasoned homicide investigators.

More contemporarily there are several authors who dominate the field in terms of criminal investigation literature. These individuals are mostly American practitioners, as opposed to academics, and consist of Vernon Geberth, (1983, 1990, 1996, 2003, 2006), Charles O'Hara (1949, 1959, 1970, 2003) and Gregory O'Hara (1975, 1998, 2003), and John Douglas (1992, 1995, 2000, 2006) Ann Burgess (1992, 1995, 2006, 2008), Allen Burgess (1992, 2006) and Robert Ressler (1992, 1993, 1995, 1998, 2006, 2008). The majority of these authors are current or previous police detectives or agents working for or with the Federal Bureau of Investigation (FBI).

Those working for the FBI, namely Douglas, Burgess, Burgess and Ressler (1992, 2006) developed the Crime Classification Manual (CCM). This came out of several FBI studies of sexual homicides, rapists, child molesters and so on, which were then compiled into a book to allow investigators to more easily extrapolate common characteristics from these data. The purpose of this text, which has since become a training manual for law enforcement, is: to standardise terminology within the field; to facilitate communication within the field and between the criminal justice and mental health fields; to educate the system and the public to the types of crimes that are being committed; and to develop a database for investigative research. Within this work the classification of each crime is based on the primary intent of the criminal and has been broken down into: criminal enterprise; personal cause; sexual intent; and group cause. Although many elements of this text have not been well-received by much of the criminological community, and have been criticised extensively here as well as in many other works, it is included in this summary of the history of investigation as it is used as a training manual for many police agencies and it is also widely referenced in the literature.

Both O'Hara and O'Hara and Vernon Geberth have authored detailed texts on criminal investigative techniques and procedures. These works can be considered fundamental readings for those involved in the area of criminal investigation, although they take a somewhat different approach. Geberth (1996) writes from a police perspective, noting various practical techniques for carrying out a homicide investigation, such as photography, evidence collection and dealing with the media. Notably, Geberth provides one of the most detailed examinations of identifying staged crime scenes, which will be discussed later on. Alternatively, O'Hara and O'Hara (2003) provide a less technical, more theoretical approach to investigations, noting issues such as differential definitions, interrogation strategies, the investigator in court, and the use of informants. It should be noted that despite this volume being over 900 pages, it makes no mention of staged crime scenes.

Since the historical treatment, and the basis for today's theories of crime scene investigation are now evident, a more specific examination of staged scenes in the literature can be undertaken. The next section will address separately those authors who have opined on efforts to simulate crime scenes in the past, and what specific advice or investigative mantras they endorse. Throughout this discussion each author will be compared to the others before them, and the strengths and many weaknesses of their work will be considered in detail.

Staged Crimes in the Literature

Staging and Criminal Investigations

Despite elements of staging in crime scenes being somewhat common (Gross, 1934; Geberth, 1996; Turvey, 2000; Hazelwood & Napier, 2004), the forensic criminology and forensic science communities actually know very little about them. Investigators are therefore forced to accept the only available literature on the topic. This data is outdated and subjective at best. Because of this lack of systematic data on staged crime scenes, investigators may be unknowingly led astray by the previous speculative literature. Without developing better ways of identifying staged crime scenes, many investigators are left at a standstill, searching for the wrong person. In some cases this may result in a colossal waste of time and resources for local law enforcement agencies, while in others it leaves the general public in danger of being victimised by offenders who have eluded apprehension through crime scene staging, and in others still this void in the research leaves open the possibility for miscarriages of justice when innocent people are convicted of serious or violent crimes.

As noted previously, *staging* refers to a conscious attempt by the offender to thwart investigative efforts (Burgess et al, 1992). Notwithstanding the fact that staged crime scenes are not uncommon

(Gross, 1934; Geberth, 1996; Turvey, 2000), there is a paucity of published literature devoted to studying them in many forensic communities (Douglas and Munn, 1992; Geberth, 1996; Gross, 1934; Soderman and O'Connell, 1936; Svensson and Wendel, 1974; Turvey, 2000). In fact, thus far only two published studies (Turvey, 2000; Hazelwood & Napier, 2004) have ever been conducted on staged crime scenes. One attempted to describe them by their common features (Turvey, 2000) while the other asked seasoned law enforcement agents to give their opinion on common indicators (Hazelwood & Napier, 2004). Because they are so few and far between, each author to have commented on simulated scenes can be discussed in a timely fashion. The following section seeks to outline what has been done to date on the study of staged scenes and alternatively to highlight what research is necessary.

Early Works

As mentioned previously, Dr. Hans Gross is one of the most influential authors when it comes to forensic criminology. It is no surprise then, that he is one of the few authors that has confronted the issue of staged crime scenes, and regardless of his works being nearly a century old, he maintains some of the most detailed and relevant treatments of the issue. In a section dedicated to discussing the injuries present in homicides manipulated to appear as suicides by hanging, he states (1934, p. 430):

It is a fair presumption that a considerable proportion of so-called suicidal deaths by hanging are really caused by another hand. Of course in such cases the murderer will not select a mode of death leaving too distinct traces. One would not hang up, under pretense of suicide, a person killed by a gunshot wound or with a fractured skull; but this is frequently done in cases of poisoning, strangling, or even killing by means of a fine and long stabbing instrument

In order to prevent being duped by these efforts, Gross (1934) notes that investigators must be constantly aware of the fact that simulated crime scenes and false reports do occur with some frequency, and therefore each case must be examined through a lens of relative scepticism. He advised investigators to consider what each circumstance of the case would signify if the crime actually occurred the way it presents, as well as what it would signify if the crime were a false-report or something else. Gross stressed this scepticism must be maintained to protect the innocent who may be accused as well as to expose the self-made victim (false reporters). Gross (1934) makes three specific recommendations to investigators charged with determining what happened at these scenes, which will each be addressed.

To investigate these possible staged scenes, Gross first recommends that the ‘exterior’ circumstances be examined (Gross, 1934, p. 431):

To begin with he will read any farewell writing which may have been left by the supposed suicide, without however deeming it a conclusive proof, and if possible will compare the handwriting with an authentic manuscript of the deceased. If it be impossible to do that on the spot, he can at least see if the handwriting, orthography, and style of the document disclose any motive for suicide and it be easy to verify whether such motive be well founded, as for instance, financial embarrassment, family troubles, bodily suffering, the suicide will appear less suspicious; but if no motive be disclosed or only such vague motives as disgust of life or fear of some unknown disaster, suspicion will be increased. It will be the same if the terms of the document are such as to suggest some sudden mental disturbance not existing beforehand.

His second recommendation when investigating possible staged deaths is to make detailed and exact notes on the instrument used. He details that investigators should note (p. 432) “whence it comes, its nature and size, and the mode in which it has been used”. This is done for two reasons, first to facilitate later investigation should further suspicion develop down the line, but also so that the weapon choice may be factored into the analysis. He notes that although some people seeking to hang themselves will choose any convenient object to use, most choose their instrument with great care. They select those ligatures which are strong and safe, and also those which will not hurt the skin. Although Dr. Gross is speaking specifically of deaths involving hanging or strangulation, this would arguably be true of investigating all equivocal deaths.

Gross’ third recommendation when investigating a possible staged scene is to document everything meticulously. He explains (1934, p. 433):

It must be remarked again that the best means of observing important details is to write down with scrupulous exactitude the description of how everything is found on the spot. So long as one only looks on the scene, it is impossible whatever be the care, time and attention bestowed, to detect all the details and especially to note various incongruities: but these strike us at once when we set ourselves to describe the picture on paper as exactly and clearly as possible.

Finally, he notes that through carrying out the above procedures the investigating officer can determine the contradictions, paradoxes and the ‘defects of the situation’ that lead the officer to discover the “grand blunder” which, he explains, “the most experienced and crafty criminal rarely fails to commit” (p. 433).

Throughout this work, Gross provides multiple case studies to illustrate his opinion on the importance of recognising staged crime scenes. His recommendations were not based on any formal or academic research, and are presented simply to illustrate that such cases are in existence (Turvey, 2002). This is perhaps the only criticism which can be made of this seminal text in the area, aside from those errors or omissions which are simply an outcrop of the age of the text. One such example would be Gross' notion that staging is normally not facilitated by those of a lower socio-economic status. He explains (p. 432): "It must be remembered that carefully disguised crimes of this nature rarely occur among very poor people, whose ordinary motives are robbery, succession to property, jealousy, revenge; but such ingeniously contrived crimes are, so to say, the *privilege* of the better classes" (italics in original). Although perhaps true when this work was written, more contemporary literature argues that it is just these motivations (anger, revenge and profit) that are more likely to be present in crimes which are 'carefully disguised' (Turvey, 2000).

Although treated much more briefly, the work of O'Hara and Osterberg (1972, reprinted from 1949) should also be noted. They state that miscarriages of justice can and do occur when an offender seeks to frame someone else, and stages the crime to indicate that person as the offender. This is the first treatment of the issue in relation to homicides being staged as other types of homicides in the literature. Being a text on criminalistics, this work describes how this simulated evidence can be detected using forensic science. They explain (1972, p. 683):

The laboratory in the majority of these cases will be able to detect the simulated evidence. The reasons for this are simple. The criminal is frequently suffering an emotional disturbance when committing the crime and while substituting the fraudulent clue materials. This in addition to the fact that he usually has little, if any, experience in the appearance or requisites of physical evidence, enables the deception to be uncovered.

These authors go further, giving case examples and warning criminalists that those intending to frame others may do so, and very well, by starting rumours and innuendo against the person they wish to frame. They add that the real perpetrator may also mutilate the body of a victim, so that one person's body may be mistaken for another's and the framing made complete. This notion is related to staging, as of course simulating evidence can be used as a way to frame someone thus diverting suspicion from the actual offender, however this passage from O'Hara and Osterburg (1973) gives the impression that this recommendation is for cases when the framing itself is the end goal as opposed to thwarting suspicion for a crime already committed. This type of staging, when there is no primary offense aside from the framing, is not mentioned in other works, and may be

more difficult to carry out due to current advanced technologies such as DNA identification being employed.

Contemporary Works

In terms of the more recent references to staged crime scenes, there are several which bear mentioning. These are generally works dedicated to criminal investigation or some part thereof, which have a small section or chapter devoted to staged or simulated evidence. Each will be discussed in turn.

In the FBI's Crime Classification Manual (1992, 2006), Douglas and Munn and Douglas and Douglas discuss staged crime scenes as occurring for one of two reasons, "to redirect the investigation away from the most logical suspect or to protect the victim or the victim's family" (1992, p. 251). In very few other works is the second part of this definition endorsed (Hazelwood & Napier, 2004; Meloy, 2002), due to the fact that these actions do not involve criminal intent on the part of the person employing the 'staging'. In other definitions, staging is a separate intentional act on the part of the offender to alter the interpretation of the circumstances of a crime; it is not simply a concealment of the circumstances of a prior act or event perpetrated by someone else.

When it comes to actually investigating the scene, Douglas and Munn note (1992, p. 249):

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

This concept has been referred to previously in much of the literature related to criminal profiling. In that literature, it is termed *behavioural consistency* (Petherick & Ferguson, 2009) or more specifically *interpersonal coherence* (Canter, 1994). This involves the basic notion that an offender will behave consistently between his or her criminal and non-criminal actions (Petherick & Ferguson, 2009). Although this concept sounds obvious at first blush, it has been contradicted by most opinion in historical as well as contemporary literature. For example, in 1945, Reik explained (p. 42): "It is still not sufficiently realised that the criminal at the moment of the act is a different man from what he is after it- so much so that one would sometimes think them two different beings." This apparent confusion rings true today, as Douglas and Munn (1992) still seem to be toeing the line for

behavioural consistency as evident in their passage above. In fact, much of the criminal justice system is based around the notion that there is no behavioural consistency. This would be the purpose of having offenses which involve ‘heat of passion’ circumstances, or mitigating evidence. The justice system in most countries recognises, through these types of legislation, that people do not behave consistently between their criminal and non-criminal offenses, and that there are circumstances which cause people to act uncharacteristically. Certainly this notion of the lack of behavioural consistency must be addressed in any study of staged crimes, for if people’s behaviour was so consistent an investigation may be much simpler. Douglas and Munn (1992) have failed to acknowledge this notion in their work, however they do go on to discuss staged crime scenes without much further mention of interpersonal coherence and how it relates to studying and investigating these incidents.

In their discussions of staged scenes Douglas and Munn (1992) and then Douglas and Douglas (2006)⁵ offer a list of questions to ask and things to be cognisant of to assist investigators in determining when a crime scene has been staged, including red flags at both the crime scene and in the laboratory. They first consider though, that often the inconsistencies which are noticed by investigators are due to the fact that the offender staged elements at the crime to appear as he *thinks* they should appear, not as they necessarily would if the scenario was legitimate, this is reminiscent of the work of O’Hara and Osterburg (1972), as well as Gross (1934). For instance, if staging a domestic homicide to look like a stranger burglary/homicide, the offender may have no insight into how a real stranger burglary/homicide actually presents, having never committed, investigated or been the victim of one. They will be forced to stage the scene to resemble how they think a burglary would look, all while under the stress of having committed, or being about to commit a homicide. Because of this stress and possible panic the pieces may not fit together in any logical way. According to these authors the queries which need to be made include (adapted from Douglas and Munn, 1992, p. 253- 255 and republished in Douglas and Douglas, 2006):

Red Flags at the Crime Scene

The crime scene often will contain these red flags in the form of crime scene inconsistencies. The investigator should scrutinize all crime scene indicators individually, 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?...

⁵ Douglas and Douglas republished an almost identical chapter in 2006 in the second edition of the Crime Classification Manual. Notwithstanding the second work being nearly an exact replica of the first, no reference is made to the original.

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 in daylight hours in a populated area, with obvious signs of occupation at the house and/or involving highly visible entry points?

...

Another red flag apparent with many staged domestic murders is the fatal assault of the wife and/or children by an intruder while the husband escapes without injury or with a non-fatal injury. If the offender does not first target the person posing the greatest threat or if that person suffers the least amount of injury, the police investigator should especially examine all other crime scene indicators. In addition, the investigator should scrutinize forensics and victimology (any recent insurance policies on the victim?) with particular attention.

Forensic Red Flags

Do the injuries fit the crime? The presence of a personal type assault utilizing a weapon of opportunity when the initial motive for the offense appear to be for material gain should raise suspicions... Sexual and domestic homicides will demonstrate forensic findings of this type: a close range, personalized assault. The victim (not money or goods) is the primary focus o[f] the offender. This type of offender often will attempt to stage a sexual or domestic homicide to appear motivated by criminal enterprise...

Other discrepancies may arise when the account of a witness/survivor conflicts with forensic findings...

Investigators will often find forensic discrepancies when a subject stages a rape murder. The offender frequently positions the victim to infer sexual assault has occurred. An offender who has a close personal relationship with the victim will often only partially remove the victim's clothing (e.g. pants pulled down, shirt or dress pulled up, etc.). He rarely leaves the victim nude. Despite the positioning of the body and partial removal of clothes, the autopsy demonstrates a lack of sexual assault. With a staged sexual assault, there is usually no evidence of any sexual activity and an absence of seminal fluids in the body orifices.

Finally if the investigator suspects a crime has been staged, he or she should look for other signs of close offender association with the victim (e.g. 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... Offenders often will manipulate the victim's discovery by a neighbour or family member or will be conveniently elsewhere when the victim is discovered.

It should be noted that the above list is not the entire section of Douglas and Munn's (1992) discussion. Several anecdotal case examples have been removed as they are unnecessary here. Although some case examples were given in their discussion, this checklist was presented with no reference to any supporting data. Attention should also be drawn to the fact that the author's use

qualifiers, including ‘most’, ‘often’ and ‘likely’ throughout this discussion. These descriptors give the impression of some reference to research, although none is explicitly given.

For all the pronounced and numerous criticisms of this work, Douglas and Munn (1992) are the first contemporary authors to recognise explicitly that homicides can be staged to look like other types of homicides, and to make specific recommendations of red flags to be cognisant of when investigating these scenes. Perhaps the errors noted above can be forgiven in light of the fact that this is the first work of its kind which deals with this issue. It should be considered, however, that the Crime Classification Manual in which this piece is published has been republished in other areas at least twice, once in recent years (Douglas & Douglas in Douglas et al, 2006). During this lengthy time between republications, these errors have not be addressed or corrected; in fact the mistakes have even been compounded with other more serious ones such as erroneous or absent referencing to previous works. Certainly this calls into question the veracity of the conclusions, and from where these authors are getting their information.

In their piece on staged scenes in fatal and false report cases, Hazelwood and Napier (2004) canvassed 20 consultants who have testified as experts or worked cases involving staged scenes. The rationale behind this study is in agreement with other authors (for example Geberth, 1996, discussed below), who opine that staging behaviours are on the rise due to the effect of mass media and the portrayal of forensic techniques therein. This issue specifically will be addressed in a subsequent section discussing the C.S.I. effect, however presently the study conducted by Hazelwood and Napier (2004) will be examined.

Of the 20 consultants surveyed, Hazelwood and Napier (2004) asked how many cases they had worked, how many were staged and the types of staging that were commonly found. The authors report (p. 754-755):

[T]he 20 law enforcement professionals that participated in the survey reported that in their experience, nonfatal false allegations of sexual assault were the most common form of staging, followed by staging homicides as burglary-related or robbery-related crimes, staging the manner of death, and finally staging the homicides as sexually-related crimes.

This survey also found that approximately 3 percent of violent crimes are staged (Hazelwood & Napier, 2004). If these figures are to be trusted, of the 4.9 million non-fatal violent crimes in the United States in 2008 (Rand, 2009), approximately 147,000 would involve elements of staging.

Similarly, of the nearly 17,000 homicides in the United States in 2005 (Fox & Zawitz, 2007), 501 would involve such elements. Although the research design employed here is certainly problematic, if these figures are even remotely accurate they indicate a very large number of criminal acts involving various levels of staging, making the lack of sound research in this area ever more daunting.

These estimations were given by the law enforcement consultants over the phone, and were based strictly on their off-hand memories. They were not asked to go back and review the cases they had worked or make any exact determination of how many involved staging. Because of the use of this specific methodology, availability biases⁶ will certainly be an issue in the reliability of these results.

Furthermore, these authors did not address whether and how many of these cases were worked by more than one of the consultants participating. This is an important element of the survey to address as some of the cases which made it into the results of this study may have appeared over and over again. More concerning, the authors note that the results of this survey lack generalisability, as it was designed to “report investigative perceptions” rather than to “provide detailed predictive analyses” (p. 746).

In this discussion, Hazelwood and Napier (2004) endorse a similar definition for staging to that of Douglas and Munn (1992). They note that staging behaviours have one or both of two possible motivations behind them. They state that staging can be done in order to mislead the investigator as to “a) the manner of death (i.e., homicide, suicide, accident, natural or other), b) the cause of death (i.e., the medical reason for the death), or c) the motive for the original act (i.e., greed, anger-revenge, attention, game playing or other)” and that the motivation behind these goals is either ‘self preservation’ or ‘embarrassment-shame’ (p. 751). The first motivation (self preservation) is that which is typically endorsed in the other literature, applying to the perpetrator who wishes to manipulate evidence of the crime in order to evade suspicion and capture. The embarrassment-shame motivation is where the offender “is attempting to provide the victim with a degree of dignity or to allow the family to remember the victim in a more generous sense than the original scene would have allowed” (p. 751). This embarrassment-shame motivation is typically not endorsed in other definitions, and is heavily criticised in Geberth (1996) and Turvey (2002). Hazelwood and Napier defend this part of their definition, saying that “when the location has been intentionally

⁶ An availability bias refers to the subjective likelihood of certain events increasing based on one’s ability to imagine it. This could be due to having previous experience with such an event (Carroll, 1978). Therefore, having experienced cases involving staging previously, participants in this study may be more likely to judge those events as probable because they have a scenario under which those events could occur available to them.

rearranged to mislead the investigation as to the means or manner or death, it has been staged, and the classification is certainly applicable” (p. 753). This statement is both confusing and paradoxical. It begs the question, how can an act intended, by definition, to avoid embarrassment or shame for the victim or the family be classified along with criminal behaviour of an offender motivated by a desire to pervert the cause of justice? That is, there is no criminal intent behind embarrassment and shame motivations, and therefore this should be treated as a different constellation of behaviour. The intention behind staging is to thwart the investigation and evade capture, not embarrassment. The authors further note that “sparing the relatives embarrassment or shame should not enter into the decision on whether to categorise or investigate a scene as staged” (p. 753). This notion is somewhat more agreeable, however they fail to mention that determining whether an offender or a relative manipulated the scene is extremely important, and the conclusion will alter the suspect pool for the primary offense dramatically. Therefore this distinction is paramount.

In terms of how to investigate staged scenes, Hazelwood and Napier (2004) provide many recommendations and general commentary which is similar to that provided by Douglas and Munn (1992) and Douglas and Douglas (2006). They note that an investigator has two main sources of information for any given crime, those being the scene and the victim. In order to determine whether and what inconsistencies are present which may indicate staging, they recommend a careful victimology be undertaken. They also postulate that there are three areas where inconsistencies may be discovered: victim-centered, immediate location and distant locations. They expand (p. 757):

The term victim-centered refers to information about the victim (i.e., victimology) and those elements of the crime that directly impact upon the victim (i.e., sexual assault, injuries, clothing disarray, etc.). Immediate location refers to significant facts or conditions present at the scene, near the scene or around the alleged assault location (i.e., forced entry, items taken or destroyed, signs of a struggle, TV on or off, etc.). Finally the term distant locations refers to other geographic locations associated with the crime, such as where the body was disposed of, car disposal site, or even a location where a pseudo victim alleges she was taken.

All behaviours and other significant facts about the crime are placed in one of these three categories. The investigator then compares what he observes in and across each category with what he would expect to observe in similar situations, basing those expectations on his education, training and experience. In other words, does what he observes make sense? If the investigator observes inconsistencies, they must be explained.

This categorisation system makes sense, and may be useful in the conceptual study of these cases. However what is absent is any reference to a proper crime reconstruction being undertaken as well

as a wound pattern analysis by a qualified forensic examiner. This is a notable omission, as many of the other authors refer to this as being an absolute necessity in these scenes. Interestingly, this work does include a 'profile' of an offender who stages a crime scene, noting that they are usually someone known to or an intimate partner of the victim and a white male between the ages of 26-35. Although based on the 'observations of highly trained and experienced investigators' it is unknown exactly how this profile, or the recommendations above for that matter, are meant to be put to use. Both of these elements of this work lack the detail necessary for other examiners to actually use the recommendations offered here, and therefore they may be of limited value.

Again similar to Hazelwood and Napier (2004) as well as Douglas and Munn (1992), Meloy (2002) also endorses a definition of staging as that involving either alteration of the crime scene by the offender to thwart or confuse investigative efforts, or by someone close to the victim to save them embarrassment, dishonour or humiliation in his case report on a spousal homicide staged as a sexual homicide. Although an interesting case, Meloy provides no empirical data on staged crime scenes, and fails to mention whether he, in fact, investigated the homicide. He does note that in a personal communication with A. Eke (June 2001 as cited in Meloy, 2002, p. 398) he learned that common motivations for staging are "the desire to suggest another unknown perpetrator, a suicide, an accident, death by natural causes or an act of self-defense". Meloy provides no further detail on Eke or her expertise, and fails to note that these so-called motivations are not, in fact, motivations at all, and that the desire to have the evidence appear as something it is not is inherent in the definition of staging.

Although writing in a criminology text and not a forensic pathology one, Geberth (1996) examines staged crime scenes in the context of equivocal death analyses that is determining whether a death was accidental, natural, a suicide, a homicide or undetermined. He discusses staging in terms of how a criminal investigation should proceed at a death scene of unknown origin. In his illustration of staging, several cases are used to warn investigators to be aware of the possibility that crime scenes may be staged to mislead them, or redirect an investigation. In defining this concept he notes that staging is a "conscious criminal action on the part of an offender to thwart an investigation" (p. 22). He also makes note of the fact that previous authors (Douglas & Munn, 1992; Douglas & Douglas, 2006; Hazelwood & Napier, 2004; Meloy, 2002) have referred to the actions of an embarrassed family member as an effort to stage the scene. Geberth disagrees with this definition, and explains that these actions are understandable in the bereaved. However, he maintains these actions have a completely different intent, and therefore cannot be considered under the rubric of staging.

Geberth further notes that in his experience he has come across three types of staged crime scenes, which are (adapted from Geberth, 2006, p. 23):

1. The most common types of staging occurs when the perpetrator changes elements of the scene to make the death appear to be a suicide or accident in order to cover up a murder.
2. The second most common type of staging is when the perpetrator attempts to redirect the investigation by making the crime appear to be a sex related homicide
3. Arson represents another type of staging. The offender purposely torches the crime scene to destroy evidence or make the death appear to be the result of an accidental fire.

Although the above ‘types’ of staging seem obvious at first blush, this list is likely not particularly useful for investigative purposes. First, Geberth offers no evidence as to the increased likelihood of a staged suicide as opposed to a staged homicide. It is unclear how, and based on what he has determined the commonality of these types of scenes. Second, the types are not discrete in that both type one and three seemingly include deaths staged to appear as accidents. Not only that, but it is not clear as to how one differentiates a staged suicide from a staged accident, nor why they have been combined into one type here.

In his text on Practical Homicide Investigation, Geberth (1996, p. 23) also recommends investigators remember “things are not always what they appear to be” and to listen to gut feelings. He notes that in his experience these events are increasing due to the public having better knowledge of death investigations through the media, television, movies and books. This issue has been addressed in other works (Hazelwood & Napier, 2004), and as such some literature on the so-called ‘CSI effect’ will be discussed in a subsequent section.

In terms of strategies for investigating these scenes, Geberth (1996, p. 29) provides a checklist to assist investigators. He states:

1. Assess the victimology of the deceased.
2. Evaluate the types of injuries and wounds of the victim in connection with the type of weapon employed.
3. Conduct the necessary forensic examinations to establish and ascertain the facts of the case.
4. Conduct an examination of the weapon(s) for latent evidence, as well as ballistics and testing of firearms.
5. Evaluate the behaviour of the victim and suspects.
6. Establish a profile of the victim through interviews of friends and relatives.
7. Reconstruct and evaluate the event.
8. Compare investigative findings with the medicolegal autopsy and confer with the medical examiner.

9. Corroborate statements with evidential facts.
10. Conduct and process all death investigations as if they were homicide cases.

Whilst at a glance these guidelines may seem fairly thorough, they have been heavily criticised elsewhere. Turvey (2002) has critiqued this checklist as being vague, redundant, and out of order, and therefore offering very little to the investigating agency. Specifically, in the checklist above it is clear number one and six are actually making the same recommendation, as is number five although it adds in the element of determining the suspects' behaviour, which is also part of number seven. Number three and nine are also very much the same, as the point of establishing forensic findings and the facts of the case is to compare those to witness statements and determine the sequence of events. Similarly, number seven is also tied in with three and nine, as it too involves the analysis of the forensic findings. Number two and eight are also repetitive, as the wound pattern analysis usually comes under the purview of the medical examiner, or at least requires a large element of input from them.

Similar to the authors mentioned previously, Geberth offers no evidence to support his advice, and even fails to reference the original works that conceptualised staged crime scenes formally. Interestingly, he does include a reference section at the end of his discussion; however the only author referenced in said section is himself.

Citing Geberth (1996), Keppel and Weis (2004) discuss the rarity of staging as well as posing of bodies. They first differentiate between staging and posing behaviours, and then give case examples and common characteristics of each. Although some of the only empirical research in the area, this piece has several irreconcilable errors.

The first issue with this research is that posing is viewed as discrete from staging behaviours. The authors fail to address the fact that posing a body can be utilised as an element of staging. They note (p. 1310): "Posing is not to be confused with staging, because staging refers to manipulation of the scene around the body as well as positioning of the body to make the scene appear to be something that it is not". Whereas posing is designed to leave the victim in a position which would be considered sexually degrading. This could be done, according to Keppel and Weis (2004, p. 1310) for one of two reasons: "1) to shock the finder of the body or police investigators, and 2) for the killer's own pleasure". These authors have failed to take note of the fact that posing a body in a sexually degrading position may be used as a way of staging the scene as well. Failure to recognise this fact may lead to investigators, or the authors themselves, doing exactly what they warn against

and confusing staging for posing. Given the stark contrast between the data presented by Keppel and Weis (2004) on the profile of those who commit each of these types of behaviours, this would be a serious misjudgment.

Another problem with this research is the sampling method utilised to gather cases involving staging. Although the authors recognise that staging involves many more behaviours than simply repositioning the body, and in fact may not even involve such repositioning, cases were included or excluded from the sample of staged cases based on the question “did the offender intentionally place the body in an unusual position? (e.g. staged or posed)” (p. 1310). Through this sampling procedure, many cases involving staging where the body was not positioned were surely excluded. The subsequent statements about the infrequency of staging, is therefore misled. The authors would be more accurate in stating that cases involving repositioning of the body for the purposes of staging the crime scene may be rare. Despite this major oversight in the sampling approach, these authors inexplicably state “posing a victim’s body or staging a murder scene occurs so infrequently that it is unlikely that most violent crime investigators will ever investigate a murder that has been staged or posed”. This is contradictory to what other authors have noted pertaining to the commonality of these scenes (Gross, 1934; Geberth, 1996; Turvey, 2000). Perhaps what Keppel and Weis (2004) mean, and what can be shown in their research, is that based on their sample from one year in Washington state, posing or repositioning a body for the purpose of thwarting investigative efforts occurs infrequently.

Keppel and Weis (2004) go on to address the characteristics common to cases involving either staging or posing according to their definitions. This is again problematic as the word ‘staging’ is used to describe only those cases where the offender altered the body as part of their efforts to deceive investigators. Furthermore, the characteristics do not take into account that posed bodies may also be staged bodies, and therefore the characteristics may not be discrete but overlapping. Perhaps the most egregious issue with this work is not those addressed above, but the statements made about premeditation without any evidence whatsoever. The authors state (p. 1308): “staging a murder scene requires the killer to spend time before the murder, planning its execution”. This is again reiterated at the end of the paper (p. 1311): “[placing bodies in unusual positions] requires that the offender spend time planning the events leading up to murder and rearranging the body and crime scene after the victim’s death”. As mentioned, these statements are not referenced to any previous work or study, and there is no indication where the authors are getting the notion that these behaviours must be planned in advance. This passage not only shows the lack of credible evidence

and research pertaining to staging behaviours, but also the inaccuracy of the claims made by those few who are publishing in this area.

Upon identifying the palpable lack of systematic research on staging, Turvey (2000) conducted a preliminary study to identify common characteristics associated with staged crime scenes. The research examined only 25 homicide cases in the United States from 1980 to 2000, where crime scene staging was confessed to, witnessed, or proven using physical evidence. Because of the link between staged crime scenes and domestic homicide, the study compared its findings to those found in similar studies (BJS, 1998; Mukherjee et al, 1983) of domestic homicides in the United States.

Because it is one of the only studies previously done in this area, Turvey's (2000) research needs to be discussed in some detail herein. The findings will therefore be replicated almost in their entirety in the following section (from Chisum & Turvey, 2007, p. 446)⁷:

1. In the 25 cases studied, staging was used to conceal the crime of domestic homicide. This is certainly not the only type of criminal act or event that staging may be used to conceal, as shown by Gross (1924) and Adair and Doberson (1999). However, it may be the one that investigators are most familiar with, and subsequently the most prepared to recognise.
2. Not surprisingly, given that the sample is composed exclusively of domestic homicides, the motives involved anger, profit or both. This includes 15 (60%) cases involving an anger motivation and 12 (48%) cases involving a profit motivation.
3. Eleven (44%) cases involved a confession by the offender, and six (24%) cases involved a confession by a co-conspirator or confidante of an offender. Only 3 (12%) cases studied involved a confession by both. This means that a total of 14 (56%) cases involved some form of confession. In almost every case, the confession was achieved in no small part through the confrontation of the offender or co-conspirator with the inconsistencies of their statements in relation to the physical evidence at the scene. That is, crime reconstruction played a major role in identifying the factual inconsistencies and 'defects of the scene' and subsequently assisted greatly in achieving a reliable confession of some sort. This also means that 11 (44%) cases studied did not involve a reliable confession. In those cases crime reconstruction was ultimately used to prove, through the testimony of police officers and forensic experts, that staging had occurred, again demonstrating its importance in such cases.
4. The findings provide preliminary support for the hypothesis that crime scene staging is most commonly used to conceal an offender's close relationship with the victim(s). It would be a mistake to conclude from this that every case of staging is the result of an offender trying to conceal a close relationship with his victim based on the data presented here. However, viewed as an investigative tool, this finding

⁷ This passage is a summary of the results of a study originally published in Turvey, 2000. This later reference was chosen for inclusion based on its conciseness. It should be noted that despite the number of publications, all of the reproductions of this work provided by Turvey (2002, 2007, 2008), and cited herein, are based on the same original study (2000).

can be used to place that possibility at the top of the list of investigative possibilities and narrow the initial suspect pool.

5. The most popular form of staged offense remains the offender burglary gone wrong, involving 13 (52%) of the cases. Suicide was a distant second, involving 4 (16%) of the cases. Most commonly, the staging would occur with the body found in the bedroom, present in 17 (68%) of the cases. It is difficult to refrain from speculating that this is a functional effect as opposed to something deliberately planned in advance. That is, the type of staging most commonly seen may be born of an association with a domestic homicide.
6. In 18 (72%) of the cases studied, the offender was the one who initially “discovered” the victim’s body. In more than a few of these cases, this involved elaborate presentations of shock and grief, and even the enlistment of others to “discover” the body with them. This finding is in direct conflict with the common notion that offenders who commit such crimes wish to leave the body to be found by others and dissociate themselves from the scene entirely.
7. Seven cases (28%) involved valuables that were removed from the scene. This becomes more significant when we consider that this accounts for only 43.73% of the 16 total staged burglaries and robberies. A reasonable person might imagine that in order to effectively stage a crime in which the offender was interested in stealing valuables, those staging the scene would think to remove valuables from it to help complete the illusion. This was not the case.
8. Only 2 (8%) of the cases studied involved the transportation of the victim’s body to a secondary scene.
9. Five (20%) of the cases involved an offender who was currently, or had recently been, in law enforcement.

Briefly then, this study found that all offenders had a current or prior family or intimate relationship with their victim. This finding supported Geberth’s (1996) hypothesis that crime scene staging is most commonly used to conceal an offender’s close relationship with the victim (Turvey, 2000). The research also found that offenders were more likely to stage the homicide to appear as a stranger burglary than any other crime, and in many cases, although staged to appear as a burglary, no valuables were taken by the offender. Offenders used available weapons in about half the cases, and were often the person to discover the body. Together these findings illustrate the lack of sophistication that was present in the cases studied, and also highlighted the somewhat troubling notion that those involved in law enforcement may be more likely to stage scenes than non-law-enforcement offenders in order to thwart identification (Turvey, 2000).

Although simple and preliminary, this research has set the stage for more detailed and exhaustive studies to be conducted in order to more systematically describe staged crime scenes. This research was the first empirical study of this topic conducted, however it failed to address a major area of relevance, that is, the red flags or common characteristics of different types of staged scenes as opposed to all scenes combined. It is intuitive to recognise the notion that those who stage accidents are likely to carry out different behaviours than those who attempt to stage sexual homicides.

Undoubtedly, those who attempt to simulate sexual homicides likely carry out different behaviours to lend credence to the illusion than those who stage suicides as well. Therefore, it is important to separate out the types of staging attempted in order to get a more accurate and specific set of behavioural indicators which can be used as red flags.

The study above highlighted the need for a detailed reconstruction to be undertaken in those scenes where there is some suspicion regarding whether it has been staged. In their text on crime reconstruction mentioned previously, Chisum and Turvey (2007) discuss the importance of keeping the science, and the forensic science in the efforts of those analysing and reconstructing possible staged scenes. They offer several suggestions on how this can be undertaken, which will be examined momentarily. However, first these authors offer advice which is similar in its sentiment to that of the earliest works relating to staged scenes. They offer more of an investigative philosophy than any specific red flags or indices to be cognisant of. These will be reviewed presently.

First, Chisum and Turvey (2007) address the importance of the use of the scientific method in any criminal investigation. They make note of the fact that there is a huge amount of information available at almost any crime scene, which can be used to disprove theories relating to staging. They warn it can often be very difficult to identify this information, however, and that sometimes even investigators with much experience and expertise can fail to see it. It is possible that the evidence of staging can actually be hiding in plain sight, hidden to anyone unmotivated to scrupulously investigate it. They discuss the fact that there are undoubtedly many cases, therefore, that have involved staging which have not been identified as such, due to changes in the evidence over time which can alter or completely obliterate it, making it very difficult or impossible to detect. Being keenly aware of these evidence dynamics is specifically under the purview of the crime reconstructionist, and therefore they may be better able than others to make note of these changes and what they might signify.

Second, Chisum and Turvey (2007) explain that simply having the skill set necessary to identify possible staged evidence is not sufficient. The investigator or reconstructionist must also possess a mind-set which is conducive to scepticism, disproving theories, and avoiding biases. They note that fitting the evidence to an endorsed theory of how the crime came to be will never allow for the true nature of the evidence to be revealed. This can, however, lead to miscarriages of justice and embarrassment for whatever agency employs them. They stress the importance of allowing oneself to let go of personal theories when they have been proven inaccurate by the evidence. The reconstructionist cannot exclude or ignore the evidence simply because of their belief in the theory

or a given witness's statement. They explain (p. 462), "a witness' statement, like an investigator's theory, represents one person's view of the crime that may or may not be accurate. In other words, the witness statement is one more description of events to test against the physical evidence".

Again similar to Gross (1934), Chisum and Turvey (2007) note that staging must be considered possible, and ruled out in every case. A reconstructionist (or any investigator for that matter) cannot go into an investigation with the intention of proving evidence has, or has not been staged. Every theory, including staging, must be repeatedly tested against the established evidence of the case using the scientific method. Finally, the authors explain that the reconstructionist, must seek out evidence which does not fit in with the known context or circumstances of the crime, evidence which is inconsistent. Certainly this is also applicable to anyone investigating the crime scene, not just reconstructionists. They also add that this inconsistency may be incredibly overt, or it may be incredibly miniscule, it may also be a series of small things, which add up to be an inconsistency collectively. It may be the presence or absence of some evidence, or it may be evidence which is in the wrong order or position. The point is that each case will present differently no matter how similar it is to those which have been perpetrated in the past. Regardless of their expertise, every reconstructionist or investigator must work with the vigor of their first case, in order to detect those elements which are out of step.

Aside from this mantra of scepticism, Chisum and Turvey (2007) go on to offer several topic areas and the queries that the reconstructionist should address within various elements of the scene in order to determine if it has been staged. Because this work was recently cited in the National Academy of Science's recent publication entitled *Strengthening Forensic Science in the United States: A Path Forward* (2009), and because so few other well-received examinations are available, the specific queries recommended by these authors will be presented in almost their entirety here. These recommendations are as follows (taken from p. 463- 476):

Point of Entry/Point of Exit

Among the most commonly staged crime scene elements is the open or broken window (Turvey, 2000). In the mind of the crime scene simulator, this creates the illusion that an offender could possibly, if not certainly have entered the scene at that location. Examination of the point of entry and point of exit is therefore of greatest consequence to the reconstructionist. The following general guide is helpful:

- Establish all points of entry and exit throughout the scene (doors, windows, paths, roads, etc.).
- Establish whether or not these locations were passable at the time of the crime (e.g., some windows and doors may be barricaded or permanently sealed, and some windows may be too high).

- Determine their involvement in the crime by virtue of documenting transfer evidence (blood, fingerprints, broken glass, dropped items, etc.) and negative transfer (the absence of footwear impressions in mud outside a window, the absence of any signs of forced entry, etc.).
- Determine whether or not entry and exit were possible in the manner required for the crime at hand, in terms of breaking in from the outside, removing any valuables and the existence of requisite transfer evidence- this may require some experimentation by the reconstructionist

Determining whether or not there is sufficient evidence that an offender could have entered or exited the crime scene in the manner required, with the evidence that must necessarily be altered or transferred at that location is often the single most dispositive feature with respect to establishing crime scene staging. Most staged homicide scenes are domestic homicides committed in the victim's home. The stranger offender needs to get in, and the stranger offender needs to get out. In disproving this possibility, by virtue of an entry/exit point that is a locked double dead-bolted door, or a window that is covered with undisturbed dust, what remains is the possibility of staging.

Weapons at or removed from the Scene

Of every weapon found at a crime scene, ask at least the following: Is the weapon found with the victim the one that caused the injury, and, if not, what was its purpose at the scene? Was there another weapon found at the scene? Does it have a known purpose?

...

Sometimes there is evidence of weapon use at a crime scene but no weapon can be found there. For each crime scene it must be asked whether there exists evidence that a weapon has been removed and, if so, what purpose could its removal have served? If the answer to the first part of the question is no, answering the second part of the question becomes unnecessary.

Firearms

A firearm of some kind is the most likely weapon of choice in a staged crime scene (Turvey, 2000). It follows that the reconstructionist must be prepared to ask of each firearm certain basic questions in order to determine its involvement in the crime.

First, are the wounds to the victim consistent with the story presented? In suicides, could the victim have shot himself or herself?

Then we must ask whether the firearm is loaded correctly, in a manner consistent with the evidence and the statements of witnesses.

...

Next, is the hammer down on an empty casing? And is it the right casing?

Furthermore, is the rotation of the cylinder consistent with the way the shots were fired?

...

Another question to consider is whether the firearm found at the scene is defective or not? Is it capable of chambering and firing rounds?

Gunpowder Deposits

Gun powder deposits are composed of carbon, soot, unburned gun powder, and the components of gunshot residue (GSR). Burning powder comes out of a gun barrel (and elsewhere, depending on the

firearm design) and will, upon contact with skin, cause powder burns. These deposits must be consistent with the supposed act.

Most suicides are contact or near contact shots. The powder distribution must be something that can be caused by the person holding the gun. A lack of powder indicates that there is a greater distance or that there was an intervening target.

...

Movement of the Body

It is not at all common for staged crime scenes to involve movement of the victim's body to a secondary scene or "dumpsite" (Turvey, 2000). Typically, the scene is staged at the location where the body has fallen, perhaps even because of where the body has fallen, out of convenience. This may include the inability to move the body or the inability to sufficiently clean the scene before the body may be discovered. To determine whether this is the case, care must be taken to examine the conditions and circumstances that best address the issue. In each scene this will depend on the interaction between the victim and their environment, and the expected transfer evidence. This can include consideration of (but is certainly not limited to):

- Evidence of drag trails and drag stains on the ground and against environmental surfaces (i.e., bunched carpet, heels dragged across mud, bloodstains leading in from another room, etc.)
- Bunched or rolled up clothing on the victim's body
- Livor mortis inconsistent with the final resting position of the body (blood pooling against gravity)
- Rigor mortis inconsistent with the final resting position of the body (joints stiffened against gravity)
- Blood evidence in places there should not be any
- Trace evidence on the body from locations unassociated with the crime scene

Clothing

Is the clothing pulled or rolled in a particular direction? A person being pulled by the feet will have their shirt pulled up, with most deviation on the side that was in contact with the surface. A person pulled by the hands will have the pants pulled down and the shirt stretched tight, and the legs will be extended. The hands may be placed in a 'normal' position. Consider also the following:

- Has the clothing been removed from the victim or the scene? What purpose may this have served?
- Have the pockets been searched? Are they pulled out even partway?
- Has the body been rolled, causing the clothing to be unevenly distributed?
- Are there smears of something on the clothes that indicate the body was dragged through (soil, vegetation, water, etc)?
- Is there anything unusual about the clothing? Is anything inside out or backwards?
- Does it appear as though the victim may have been redressed after being attacked? If so, why were the clothes off in the first place, and why would the offender bother to redress the victim- what purpose would that serve?

The reconstructionists may need to conduct experiments in order to determine how the clothing got the way that it did.

Shoes

In traffic accidents, the bottoms of the shoes will have parallel scratches indicating direction and location of the injuries to the body and the foot on which the victim was standing. If these scratches are missing,

either the accident was at a very low speed or the body was dumped at this location. Consider the following:

- Are the shoes on the correct feet?
- Do the shoes have any transfer evidence inconsistent with the scene?
- Was the victim wearing them during the commission of the crime? Or do the bottoms of the victim's feet indicate that the shoes may have been off during the crime (blood, injury, or scene transfer)?
- Where are the knots in the shoelaces?

A person tying their shoes will bend over and tie them in the middle, or lift the leg, cross it over the other, and tie the shoe so the knot is on the inside. A mother tying a child's shoe may tie it so that the knot is on the outside. When putting shoes on a dead person, this mistake is easy to make.

Bloodstains

Bloodstains are a record of actions that occurred when blood was shed. The one rule that is always in effect with blood is that gravity works. Blood runs down, only going in a different direction if acted upon by another force. Again, blood runs down, never horizontal.

First, is the blood going in the direction it should, given the position of the body and gravity?

...

Next, are the bloodstains consistent with the purported actions of the victim and the suspect?

...

Hair

The position of the hair is a frequently overlooked clue. Decedent hair can show how the person came to the position in which she was found. This is particularly true with longer hair but not exclusively, because shorter hair may also show movement.

When a person is dragged, her hair will extend in the direction from which she came. If the head is raised and then lowered, the hair will be in a "pompadour" style, and in fact, it may be on just one side if only one arm was used to pull with. A person with long hair who falls backwards to the ground will have her hair flare out away from the head in a halo-like array. If falling to the front, the hair will also flare out from the head. It should not be under the face.

Hair also obeys the law of gravity. It will hang down unless something is acting on it. An injury that occurs sometime before death can cause hair to stick to the side of the head in drying blood. Drying blood can also capture hair movement on flat surfaces. Hair makes a pattern of very fine streaks.

In discussing all of these clues, one must know how the body can bend and move and one must accept that gravity works.

Along with presenting a number of case examples, similar to many of the other authors, Chisum and Turvey (2007) finish their discussion by stressing the importance of testing theories against the known evidence. Nearly any piece of evidence's presence or absence at a certain scene can raise suspicions of staging. There are no set guidelines, and therefore all suspicious circumstances must be

investigated. As noted by the authors (2007, p. 476), “[s]uspicion justifies further investigation; it tells the investigator where to look for more evidence. Suspicious circumstances are not themselves evidence however.”

Staging and Death Investigations

Whereas criminal investigators usually determine whether a crime has taken place; who is responsible; and where, when, why and how it happened, they also often rely heavily on the opinions of forensic pathologists, coroners and medical examiners who determine the manner of death in equivocal cases. However, investigators can often complement the strictly clinical findings with much circumstantial or contextual evidence in order to assist these experts in making such a determination. Therefore, a number of criminal investigative texts have also touched on how to examine equivocal deaths (differentiating between accidents, suicides, homicides, naturals, and undetermined), and will be addressed here.

In Soderman and O’Connell’s (1936) text, there is some reference to what these authors refer to as *simulated* crime scenes in their discussion of distinguishing homicides from suicides. In this section, they treat each type of weapon, or cause of death separately including: shooting, hanging, choking, slit wounds, chop wounds, stab wounds, death due to traffic accidents or leaps from great heights, and poisoning. This piece stresses the need to identify inconsistencies in injuries and wound patterns to the victim, which do not correspond with the alleged facts of the case. Nowhere in this work is there presentation of, or reference to, any published research. However because this is such an early and heavily cited work relating to the issue of crime scene staging, each of their recommendations will be discussed in more detail.

In the case of an equivocal shooting, Soderman and O’Connell (1936) stress the importance of determining the distance from which the victim has been shot. They advise that victims almost always shoot themselves from a distance less than 20 inches, usually pressing the weapon to the skin or holding it very close to the skin. This was similarly addressed in Turvey and Chisum (2007). The former authors note (p. 261):

If the direction of the canal in the body seems plausible and the wounded part of the body (heart, forehead, temple, mouth) is so situated that the suicide may have fired the shot from a comfortable position, a conclusion of suicide may be well founded, especially when the wounded part of the body has been uncovered...Naturally attention should always be paid to fingerprints, footprints, traces of violence etc., which may indicate murder. If several bullet wounds are found in a dead man a conclusion of

homicide may be reasonably drawn, but it should be kept in mind that suicides may and sometimes do shoot themselves several times.

These authors go on to explain the importance of examining both entry and exit wounds in shooting cases and what can be expected.

In terms of deaths by hanging, Soderman and O'Connell (1936) note that it is a very simple method of suicide which may be carried out with nearly any available material. They stress that the victim need not be completely off the ground in order to cause death, but that when they are, investigators should determine exactly how they were able to bring themselves into the hanging position (perhaps by stepping on a stool or something else), and may need to carry out experiments in order to determine whether and how this apparatus would have functioned. Evidence of the victim's shoes and feet should also be sought out on the thing used for stepping. They also go into some detail on the types of markings to be expected on the skin depending on the material used for the strangulation, as well as what markings should not be expected. For instance they mention that "there will be an interruption in the mark at the place where the knot was tied" (p. 264). Perhaps more importantly, these authors explain *Goddefroy's method*, which can be utilised to determine whether someone has been hung up by someone else. They state (p. 264):

By hanging a murdered person practically the same marks as those caused by strangulation may be produced. There is no sure way, either by autopsy or by microscopic examination of the marks, of determining whether a person was hanged after death or not...In most cases strangulation will be used to simulate suicide, although poisoning and especially choking may have caused death...The examination of the rope may reveal most important information. This question has been studied by the Belgian detective, E. Goddefroy, and such examinations have led, in the last few years, to the solution of quite a few crimes on the Continent.

Goddefroy's method is one of the only specific techniques ever proposed which can address whether a crime has been staged based on known and fixed indicators. According to these authors, it works on the principle that the outer fibers of the rope used for the hanging will lie in the opposite direction to which the person (either the victim or the offender), pulled. The theory is that a human body is extremely heavy, being dead weight. Maneuvering such a weight into a noose or rope that is hanging up is extremely difficult. Instead of doing this, an offender may choose to tie the ligature around the victim's neck while they are lying down or otherwise supine, loop it over another object and pull down on the rope thus hoisting the body into the air. Goddefroy postulates that in so doing, the fibers on the rope will be directed upwards, opposite the pulling by the friction caused between the

rope and the substructure. This is a good indication that the limp body has been hoisted up, instead of stepping into the noose as one would expect in a suicide. However, the authors note that a lack of these directional fibers does not necessarily indicate suicide, as the perpetrators may have lifted the body up into the noose or already hanging rope. Additionally, if a different type of ligature is utilised this method may not be helpful. They also make mention of the fact that the knots utilised in these cases can be of great importance, and every measure should be taken to preserve and document them in as much detail as possible.

In the case of strangulation deaths, Soderman and O'Connell (1936) maintain that there is no interruption in the patterns of injuries, as can be expected with hangings. Similarly, there is also a more horizontal marking across the throat or neck. They draw attention to the fact that any indication of manual strangulation is also evidence of homicide, as it is physically impossible to manually strangle yourself to death (as soon as you lose consciousness your hands would fall away from your throat, precluding death).

In terms of slit or stab wounds, Soderman and O'Connell (1936) explain the importance of determining the handedness of the decedent. The wounds in suicides are most often found in places which can be reached comfortably, with enough pressure and in normal positions, by the dominant hand, including the front of the neck, upper arm, elbow, wrists or thighs (Soderman & O'Connell, 1936). They add that several parallel cuts are more typical of suicide, whereas irregular and deep cuts accompanied by bruises and other injuries are more indicative of homicide. Despite the common notion of wounds to the hands, outside of the arms and fingers indicating defensive wounds (and thus probable homicide), these authors maintain that wounds running across the fingertips are found in many suicides (p. 267):

These arise from the fact that the suicide, in stretching the skin with the finger of one hand over the area which he has selected to incise, involuntarily cuts them with the knife carried across by the other hand. These finger wounds may also be due to the grasping of the knife blade with both hands so as to exert more power during the performance of the act. These wounds are not to be mistaken for the 'defense wounds' found in the palm of the hand, which are signs of homicide.

These authors' treatment of determining between suicide and homicide in cases involving chop wounds, traffic accidents and leaps from great heights is fairly brief. Basically, they add that it is very difficult to tell from the wounds of a decedent whether they jumped from a height or in front of a car or train, or were pushed. They explain that in these cases, secondary information and evidence should be sought out including suicide notes and the like. They also note that chop wounds are

usually not found in suicides, but when they are they are generally more likely to be parallel and close together than if inflicted during a homicide. Presumably this is based on the notion that a non-compliant victim would be difficult to ‘chop’ more than once in the same place because they would be moving and possibly attempting to escape or fight.

When it comes to drowning deaths, Soderman and O’Connell (1936) state that this is the most common type of suicide. Presumably, they mean the type of drowning where someone voluntarily goes into a deep body of water, as it is likely extremely difficult for someone to purposely drown themselves in a small amount of water without drugs or alcohol rendering them unconscious. This presumption is made based on the following statement “Direct homicide by drowning is unusual, and can hardly be accomplished on a male adult in possession of his full powers and knowing how to swim” (p. 270). Regardless, they further indicate that it is nearly impossible to determine whether a drowning is the result of a suicide or a disguised homicide caused by something else. This is even more so the case, when it is unknown if the body collided with other objects while in the water, as any additional injuries may not be attributable to a known source. They do note however, that homicides are often hidden, by throwing the deceased into a body of water (Soderman & O’Connell, 1936). Be that as it may, this may not be done as an attempt at staging the scene to appear as a homicide, the intent may be to destroy evidence or delay/preclude discovery.

Finally, these authors discuss poisoning as a cause of death for both suicides and homicides. In order to determine whether the case involves a homicide, an investigator must determine what the poison is, and what its general properties are. They explain that for the most part, murderers will not utilise poisons which are not odourless or colourless, because these would arouse suspicion and may not be successful. “On the other hand, the suicide may take an evil-tasting and evil-smelling poisonous substance” (Soderman & O’Connell, 1936, p. 270).

In terms of determining between homicides and suicides, Soderman and O’Connell (1936) place great importance on the need for a proper wound pattern analysis. The role of the forensic pathologist in these cases can therefore not be understated. This is elaborated on in several more contemporary works, and will be a large part of the current research. This will be returned to below in a section on the importance of forensic pathologists, however first the discussion will continue chronicling those authors who have touched on equivocal deaths in the literature.

Svensson and Wendel (1974) stress the importance of systematic analyses and proper comparisons of physical evidence in their work on the various methods of crime scene examination. As discussed in

a previous section, they also note that the frailties of any perpetrator of homicide can be used to the advantage of the investigation (p. 292):

Even when the murderer has carefully planned the crime and taken all imaginable precautions to avoid leaving traces, they are still found. As a rule, the murderer comes to a sudden realization of the terrible results of his deed after the killing. He may then lose his head completely and try to obliterate the evidence of his act, but in his confused state of mind only works against himself by leaving new clues.

In terms of determining between equivocal deaths, Svensson and Wendel (1974) note that investigators examining these scenes must always err on the side of caution and suspect the worst, for if there is any confusion, it is less harmful to rule a suicide as a homicide than vice versa. In terms of how to actually go about determining between accidents, suicides and homicides, they stress the importance of a thorough and detailed investigation, stating (p. 293):

A clever murderer may very well arrange an accident, or make the death appear to be due to suicide. Such a murderer has every opportunity of arranging matters to deceive those who treat their task of investigating the circumstances too lightly. But a systematic and accurate investigation will reveal the homicidal intent.

Although not cited anywhere, this advice is reminiscent of Gross's (1934) discussion of the defects of the situation. Also similar to Gross's work, as well as the previous works mentioned, nowhere in this discussion is any published research referenced or presented on the topic of staged death scenes. However, these authors do provide a list of inquiries which the investigator should make early on in the investigation in order to facilitate the accurate determination of the manner of death. They recommend the following queries be addressed (p. 293):

1. What are the causes of death?
2. Could the person himself have produced the injuries or brought about the effect which caused death?
3. Are there any signs of a struggle?
4. Where is the weapon, instrument or object which caused the injuries, or traces of the medium which caused death?

The rationale given behind the latter two of these questions is treated in turn below.

It is necessary to determine whether there are signs of a struggle, according to Svensson and Wendel (1974) because this may be the first indication that a death was a violent one at the hands of

someone else. One of the most important signs of a struggle, whose presence will also help facilitate a crime reconstruction, is the amount, location and distribution of bloodstains (p. 294):

Generally, no bloodstains are produced during the first stage of the attack, before bleeding has commenced. If the victim does not immediately become unconscious at the first blow, stab, cut or shot, it can nearly always be reckoned that his hands will become covered with blood from touching the injured parts of his body. If the victim tries to escape or to put up a resistance, his blood-covered hands leave marks which often indicate his position in certain situations.

Along with bloodstains, torn out hair, overturned furniture, crumpled rugs, marks of weapons or parts thereof should also be examined in great detail as they can tell the investigator a lot about the direction of movement, the behaviour of the perpetrator after the fact, the location of the victim during the struggle, the escape routes they attempted to use and how and where they fought back (Svensson & Wendel, 1974). These authors also explain the importance of distinguishing defensive injuries from accidental injuries or concurrent suicidal injuries. Although these innocent behaviours may cause suspicion, through a careful reconstruction the true series of events will be deciphered.

In terms of determining the weapon used, and its current location, Svensson and Wendel (1974) explain that if the weapon or instrument is missing, a homicide has taken place. Presumably, this is because after someone commits suicide or dies in an accident, it would be impossible for them to remove the weapon from the scene. However, this may not necessarily be the case, especially in light of what is known about evidence dynamics. Also, some suicides involve weapons which were inadvertently removed by an innocent person who was unaware of the death. For example, if a person attempting suicide purposely swam into an open water way with boat traffic in the hopes of being hit, their body may be discovered later without a weapon (the boat) nearby, and with wounds whose source may be equivocal. In this case, a homicide may be rightfully suspected, although it will not always be the case.

In their discussion of the need for investigators to systematically reconstruct every crime, these authors also address the importance of step by step documentation. This is again similar to the work of Gross (1934), although without citation. They recommend that everything in the scene be documented, especially the position of any clothing, its folds, twists, creases, tears, button-holes, fasteners, stains, size and so on. Bloodstains, smears, spatters, froth and droplets on the body or clothing must also be examined and photographed. The absence of blood should also be documented as an offender may have cleaned a victim after death. Recall each of these recommendations was similarly addressed in Chisum and Turvey (2007). Svensson and Wendel

(1974) go on to discuss each type of injury which may be present in suicides, accidents and homicides, the characteristics which are typical for each of these manners of death, and each type of injury such as stab and chop wounds, shootings, drownings, poisonings, stranglings, suffocation and so on. This discussion is in much the same vein as the one mentioned by Soderman and O'Connell, (despite having been written nearly 40 years later) and therefore will not be reproduced in any detail herein. However it should be noted that Svensson and Wendel (1974) additionally mention the importance of utilising a qualified forensic pathologist to determine the cause and manner of death, and warn against equating experience (which seasoned investigators may have) with expertise (which is the province of the pathologist). They are also the first authors to mention the importance of what is now termed victimological information. They explain that determining whether someone has committed suicide is also based heavily on an investigation of the victim, or a psychological autopsy⁸ including interviews with friends, family and physicians. The fact that most people who end up eventually killing themselves have previously attempted suicide, or talked about attempting it, is also highlighted.

Although Svensson and Wendel (1974) provide some insightful philosophies on how to investigate these scenes, there are some pitfalls with their discussion which relate mostly to the technologies available at the time it was written. For instance, they note that chalk marks should be made around the body, and in any places where evidence is discovered. This technique is no longer in favour within the forensic community, as it may actually do more harm than good. It also needs to be noted that, along with many of the other works cited above, there is no real mention of investigating staged scenes where a homicide of one type is disguised as a homicide of another type. Because the explanation of staged scenes is couched in an analysis of determining the manner of death, this issue may have been perceived as unrelated. This, however, is surely not the case, as it is as important to make the correct determination of what kind of homicide one is dealing with, as it is to determine that it is a homicide at all, for if this is not done correctly the suspect pool will be detrimentally affected. Also, being a criminal investigations text, this is an important possibility to address. Determining whether staging has been employed to make a homicide appear as a different type of homicide is addressed in several of the more contemporary works, and its absence in this work may also be due to the time at which it was written. Other than these criticisms however, and the fact that no empirical evidence is cited herein, this work does provide some thorough and insightful advice in its explanation of examining staged scenes.

⁸ A psychological autopsy is a detailed examination of a person's life including physical, psychological and environmental factors in order to better understand his or her death, and his or her role in hastening it (Knoll, 2008).

Medico-Legal Death Investigations

Although some of the authors cited above touch on the importance of equivocal death analyses when determining if staging is present, they are mostly criminologists, law enforcement agents, and forensic scientists, not forensic pathologists. This is somewhat unexpected given that many of these practitioners have noted explicitly that the individual who often makes a determination of whether a crime was staged or legitimate is the medical examiner, coroner or pathologist. In fact, almost nowhere has a forensic pathologist, ME or coroner written about how to detect these types of deaths, except for in a few case studies which have been addressed below. This certainly shows a disconnect between those charged with carrying out criminal investigations and those charged with carrying out medico-legal investigations, which leads to some problems with identifying these scenes more reliably. Saferstein (2004) comments on the collaboration necessary between these professionals, which is seemingly not present here. That is, it seems necessary for both practitioners to work together in order to achieve the best result in these cases, and therefore information should be disseminated to both groups from the other. The fact that there is so little data on staged scenes and detecting them from a forensic pathology point of view is therefore concerning. What we do know about who these practitioners are and how they make their determination and detect inconsistencies must therefore be addressed next.

Medico-legal death investigations basically involve investigating the death of an individual by combining medical, scientific and circumstantial information in order to determine the cause, mechanism and manner of death. According to DiMaio and DiMaio (2001, p. 3-4):

The cause of death is any injury or disease that produces a physiological derangement in the body that results in death of the individual... the mechanism of death is the physiological derangement produced by the cause of death that results in death... [And] the manner of death explains how the cause of death came about. Manners of death can generally be categorised as natural, homicide, suicide, accident or undetermined.

They add (DiMaio & DiMaio, 2001, p.1):

The major duties of the a medicolegal system in handling deaths falling under its jurisdiction are:

- To determine the cause and manner of death
- To identify the deceased if unknown
- To determine the time of death and injury
- To collect evidence from the body that can be used to prove or disprove an individual's guilt or innocence and to confirm or deny the account of how the death occurred.
- To document injuries or lack of them

- To deduce how the injuries occurred
- To document any natural disease present
- To determine or exclude other contributory or causative factors to the death
- To provide expert testimony if the case goes to trial

Generally speaking, a medicolegal death investigation is carried out by a forensic pathologist. A forensic pathologist is a physician who undertakes 4 years of training in general or clinical pathology and at least 1 year of further training in forensic pathology, depending on the jurisdiction (Dolinak et al, 2005). Usually in the USA they work under the auspices of either a medical examiner's (ME) or a coroner's office. In Canada, the Lieutenant Governor appoints medical doctors to work as coroners or medical examiners who report to the chief coroner/medical examiner. They undertake the examination of all equivocal deaths or deaths not in attendance by a doctor, although the autopsy itself is usually conducted by a pathologist who also works on living patients, or, in small or rural areas, a general practitioner (Lett, 2007). The system is similar in Australia and the UK, where autopsies are carried out by forensic pathologists in large cities, pathologists in smaller ones, and other doctors in rural areas all under the auspices of the coroner's office (Coroner's Court of Western Australia, n.d.; Mayer, 2006). However, in Australia and the United Kingdom the coroner is usually a Magistrate (Lawyer), not a medical professional (Coroner's Court of Western Australia, n.d., Mayer, 2006).

Medical examiners and coroners offices decide which cases warrant an autopsy being performed, and perform them. Ordinarily, these are cases involving violent, suspicious, sudden or unexpected deaths, or those occurring without a physician in attendance (DiMaio & DiMaio, 2001). Medical examiners offices usually function under a police agency, or the public health system and the medical examiner is usually an appointed physician with qualifications in pathology and forensic pathology (Edwards & Gatsonis, 2009). A coroner, on the other hand, is usually someone who is elected, at least in the United States. The qualifications necessary to become a coroner are different depending on the jurisdiction, as explained by the National Academy of Science's recommendations for forensic sciences in the United States (Edwards & Gatsonis, 2009, p. 9-5):

Coroners as elected officials fulfill requirements for residency, minimum age, and any other qualifications required by statute. They may or may not be physicians, may or may not have medical training, and may or may not perform autopsies. Some serve as administrators of death investigation systems, while others are responsible solely for decisions regarding the cause and manner of death. Typical qualifications for election as a coroner include being a registered voter, attaining a minimum age requirement ranging from 18-25 years, being free of felony convictions, and completing a training program, which can be of varying length. The selection pool is local and small (because work is inconvenient and pay is relatively low), and

medical training is not always a requirement. Coroners are independent of law enforcement and other agencies, but as elected officials they must be responsive to the public and this may lead to difficulty in making unpopular determinations of the cause and manner of death.

This can be more or less problematic depending on who the coroner is, and their expertise. By and large, coroner systems are fraught with issues regardless of the specific coroner. DiMaio and DiMaio add (2001, p. 12):

[T]he coroner system often produces inferior and inaccurate results. Non-physicians cannot make medical decisions, no matter how many weeks of training they have. General pathologists can get through most cases, but the difficult case, the one that they often do not even recognise as difficult, can result in the imprisonment of innocent individuals and the release of the guilty. Just as we are guaranteed certain basic rights by our legal system, we should also have the right to a competent scientific medical investigation following a death, especially if there is the potential for civil or criminal litigation.

Edwards and Gatsonis (2009, p. 9-7) of the National Academy of Science report on forensic sciences expand, “the disconnect between the determination a medical professional may make regarding the cause and manner of death and what the coroner may independently decide and certify as the cause and manner of death remains the weakest link in the process”. This is an outcrop of the fact that coroners are forced to think politically, because their role is a political one. Politicians are subject to elections and therefore, regardless of how many good experts they hire, they may also be subject to pressures to ignore these experts in any given case. Or, they may inadvertently fail to consult the necessary or qualified expert on a case simply by virtue of having no experience, let alone expertise in the area. This is especially relevant to cases involving equivocal deaths, or possible staging, because these cases may involve law enforcement (Turvey, 2000) (which undoubtedly increases political pressures) or may involve complex determinations which require advanced forensic knowledge. An unknowing coroner may decide that a death such as this is an obvious suicide or accident, and therefore fail to order a body for autopsy in the first place, thus rendering the expertise of the physician who would have carried out the autopsy completely moot.

For those cases involving complex wound pattern analyses, the need for an ME or coroner with advanced forensic knowledge becomes even more marked as every wound pattern can present differently. Not only must the person performing the autopsy have the wherewithal to make a determination based on what they see and what the circumstances suggest, they must also be willing to limit the conclusions, possibly admitting that the cause or nature of the wound is not known. As explained by Dolinak and colleagues (2005, p. 1):

A grievous error is the assumption that an observation at autopsy cannot represent what the circumstances suggest because that pattern does not appear in a book or has not been encountered during prior experience. An autopsy pattern that is new to the observer is most likely associated with the particular case's circumstances. To opine that something is not simply because one has not previously seen or heard of it is illogical.

In order to avoid this error, the circumstances which are present at the scene then become extremely important to the forensic pathologist, medical examiner or coroner. Nothing happens in a vacuum, and these professionals are therefore charged with rendering not only an opinion on the nature of the wound, but also whether it is congruous with the account of the incident given by police, witnesses or anyone else who may be involved. These incongruities or a lack of correlation between scene information and autopsy findings may become the basis for an opinion that a crime scene has been staged. This may especially be the case in those instances involving manner of death determinations, such as when the scene information indicates an accident but the autopsy reveals homicide. The importance of a qualified, objective and thorough forensic pathologist/ME/coroner cannot, therefore, be understated in these cases. The necessity of collaboration between criminal investigators and medicolegal investigators is also evident.

Suicides Staged as Homicides/Accidents

Aside from the aforementioned works which deal directly with homicides that are staged to appear as something else, several other authors have broached the subject from other standpoints including psychological/psychiatric pathologies (Munchausen Syndrome) and various motivations for suicide. Adair and Doberson (1999), Imajo (1983) and McDowell (1987) have all published case reports which outline and explain suicide cases in which the victim staged their own death to appear as a murder or accident. Each author's work will be described, and then the problems with defining these cases as 'staged' will be addressed.

In his case analysis of a suicide staged to appear as a homicide, McDowell (1987) addresses the issue of Munchausen's Syndrome and the pathology which goes along with it that may lead a person to wish to commit suicide while implicating another person or scenario. Munchausen's Syndrome is a factitious disorder which involves patients who fake symptoms of various disorders and ailments, for psychological reasons as opposed to malingering for monetary gain or some other secondary gain. These individuals enjoy the role of being sick, and will often follow through on receiving serious medical intervention and procedures to 'cure' their supposed ailments (Factitious Disorder-Munchausen Syndrome, n.d.). In his treatment of this related area, McDowell (1987) stresses the

need for any forensic examiner, be they a medical or law enforcement practitioner, to validate complaints objectively and create a critical patient history or victimology.

Although studying suicide by purposeful car accident as opposed to a supposed homicide, Imajo (1983) again stresses the importance of a thorough victimology, including addressing the victim's: traumatic situations before death; guilty feelings; self-punishing behaviours; increased or decreased activity, withdrawal or drinking; weight loss or gain; depression and feelings of worthlessness; physician visits; substance abuse; and mental illness. He also reiterates the problems outlined above, that there is very little information available on these types of scenes, people and how to investigate them. Imajo (1983) notes the importance of publishing more information on this area for medical examiners, although the sentiment clearly rings true for anyone charged with determining what happened at these scenes, including law enforcement.

Similarly, Adair and Doberson (1999) describe one case involving a suicide staged by the victim to appear as a homicide. They note that cases such as this, although rare, provide a great challenge to medical examiners and police. They further explain the importance of thorough and careful crime scene investigation, so that any elements which may indicate that the victim has put themselves in that position can be discerned (in the case used for the report the victim utilised quick-release magician's handcuffs which gave the impression that he was restrained but they were actually very easily removed).

While each of the three works explained above describe cases where suicides are 'staged' to appear as something else (either homicides or accidents) it could be argued that this term is not appropriate for these instances. Similar to Douglas and Munn (1992), Douglas and Douglas (2006), Hazelwood and Napier (2004), and Meloy, (2002) it is clear that the above authors are endorsing a definition of staging which is not limited to altering the crime scene in order to thwart or confuse investigative efforts. Instead, these authors are utilising a much more broad definition, which includes any alteration of the crime scene in order to confuse or mislead anyone viewing the scene. That is, these suicides staged to look like something else may be designed as vengeful acts against others left behind. As stated by Adair and Doberson (1999, p. 1309), "[s]taging a suicide as a homicide, by the victim, may be a final effort by the victim to gain notoriety or exact revenge against friends or family". Cases of this type do not meet the definition of staging utilised herein, as the intent behind these efforts is different, despite them being attempts to deceive through manipulation of crime scene indicators. More importantly, in the cases discussed by Imajo (1983), there may be no staging based on even the broadest definition. Choosing to purposefully get into a car accident may simply

have been viewed as an easy and available way to commit suicide, and there may have been no real desire on the part of the victim to have others believe that it was an accident. In fact, in one of the cases cited by Imajo (1983), the victim told someone he was leaving to commit suicide by “roll[ing] his car” certainly any expectation of the crash being ruled accidental would be greatly diminished by this statement. This highlights the importance of addressing issues related to staging of any type on a case by case basis.

Although not involving staging per se, instances such as the ones described by the authors above are undoubtedly related to staging behaviours used to thwart or confuse investigations as they too are attempts to deceive. Because so little has been done in this area, these works have been included for completeness, and in order to illustrate the manifestation of behaviours that will and will not be addressed in the present work. Despite the constellation of behaviours being discrete, the need for more information and better tools to investigate these scenes is universal. Not only that, but it is possible that an advocate defending a suspect accused of killing a person and staging a homicide could argue that the victim actually killed themselves, and then staged the suicide to appear as a homicide. Therefore, these behaviours are inextricably interrelated, and more robust literature is clearly necessary to decipher between the two.

It should now be apparent that aside from the anecdotal case studies presented by the previously reviewed texts, very little work has been done on the subject of staged crime scenes, and more notably, bar a few studies, no intensive systematic research has been conducted on the topic. This is problematic due to the fact that elements of staging are such a consistent characteristic of criminal Modus Operandis (MO) (Geberth, 1996; Gross, 1934; Turvey, 2000), and because these determinations often necessitate successful collaborations between medical professionals and investigators. The authors noted above, with the exception of Turvey (2000), and Hazelwood & Napier (2004), offer suggestions on how to identify these characteristics, however these suggestions are based solely on their so-called expertise or the expertise of others, and therefore run the risk of being at best inaccurate, and at worst misleading and detrimental to serious criminal investigations. Certainly, more reliable and detailed research is necessary.

Since crime reconstruction has been touted, both explicitly and implicitly as a necessary addition to investigations involving staging, a discussion of what this involves is necessary. The next section will tackle the reasoning behind utilising a reconstructionist, what they can offer as well as the actual procedure involved. Through this discussion, the importance of reconstruction efforts in possible staged cases will be highlighted.

Crime Reconstruction

To date, one of the most thorough ways of investigating a crime, and therefore perhaps the most successful ways, is through the use of a crime reconstructionist. It is through this reconstruction that investigators may understand more completely the abilities and strengths of the physical evidence. Through this recognition and understanding, investigators may conclusively comment on whether or not a scene was staged. As Kirk (1974, p.1-2) states:

However careful a criminal may be to avoid being seen or heard, he will inevitably defeat his purpose unless he can control his every act and movement so as to prevent mutual contamination with his environment, which may serve to identify him. The criminal's every act must be thoroughly reasoned in advance and every contact guarded. Such restraint demands complete mental control. The very fear of detection, which must almost always be present, will make such control next to impossible... Large numbers of criminals still remain free because the physical evidence is not fully understood and utilised, and innocent men may be accused of crimes of which they would be instantly cleared if the physical evidence were allowed to tell its story of what happened and who was present.

In order to investigate the importance of understanding the physical evidence the notable literature relating to crime reconstruction is discussed below.

Ogle (2004) defines crime reconstruction as describing what happened during a specific crime. More specifically Chisum and Turvey (2007, p. 2) explain that "crime reconstruction is the determination of the actions and events surrounding the commission of a crime". They note that by using the available physical and behavioural evidence, as well as statements and confessions, crime reconstructions describe the context and circumstances of a crime. Through a collaborative effort by medical examiners, forensic scientists, law enforcement and criminalists the goal in crime reconstruction is to determine what took place prior to, during and subsequent to the crime in question (Saferstein, 2004). According to Walton (2006, p. ii) in his discussion of examining 'cold case' homicides:

[H]omicide investigation reflect modern, professional investigation methods and techniques. Both entail positive interpersonal relationships among working professionals in the law enforcement, legal, and forensic spectrums. Hot or cold case investigators must exhibit teamwork that fosters a positive exchange of information and knowledge and disregards personal or personality differences.

The reconstruction helps gain information about what other evidence to investigate, who the victim is and why the crime was committed (*Crime Scene Reconstruction*, 1991). According to Chisum (2002) knowing what happened, in what order, helps gain information about who is capable of committing

such a crime, what other evidence to investigate, how to interview witnesses and prosecute a suspect, and most importantly assists in preventing possible miscarriages of justice.

According to Chisum and Turvey (2007), many elements are involved in reconstructions including interpreting statements from witnesses, suspects and victims as well as analysing any evidence that is left, taken or disturbed at the scene of the crime. They note that crime reconstruction is not simply putting the pieces of the crime back together: it involves rebuilding the actions that took place before, during and after. They go on to explain there are numerous professionals involved in reconstructing a crime, each with their own perspective. Forensic scientists, identification technicians, police and profilers all interact with the evidence and their expertise may play a significant role in its reconstruction. The knowledge of these individuals is generally used in concert with a reconstruction analyst to achieve maximum accuracy in a reconstruction (Chisum & Turvey, 2007). Ogle (2004) further notes that it is important for a reconstruction analyst to be aware of many facets of evidence examination and to ensure that members of his/her team are qualified to make the conclusions they come to. He notes that regardless of experience or reputation, a crime reconstruction analyst must never assume their colleagues are drawing informed and objective conclusions. Although no mention of it is made, this is reminiscent of the earliest work on criminal investigation conducted by Dr. Hans Gross (1924). Although it is intuitive that experts know what they are doing, the above point regarding verification of their methodology is not fleeting.

According to Chisum (2002) crime reconstruction begins with the first investigator on the scene. He highlights the importance of the investigator making an immediate effort to maintain the integrity of the evidence. Although not in the sphere of crime reconstruction per se, this notion appears in many of the general texts on crime scene investigation and criminalistics, including O'Hara and O'Hara (2003), Geberth (1996, 2003) and Saferstein (2004). These authors stress that the investigator must identify anything about the scene which may have been effected by a previous intervention. This is necessary because of the recognition that any changes made by these individuals could have an effect on the reconstruction and or interpretation of the evidence (Chisum, 2002). Saferstein (2004) adds that after establishing any prior damage to the evidence, its protection becomes of utmost importance. This is also maintained in Geberth (1996) and O'Hara and O'Hara (1996). These authors further note, in all cases, it is beneficial to complete reconstructions as early and thoroughly as possible. Not only because the evidence is fresh and more abundant, but an accurate reconstruction may lead investigators to more evidence (Chisum, 2002; Saferstein, 2004).

In the rest of Chisum's discussion he notes that a reconstructionist's first interaction with the scene begins the reconstruction. From here, they can make preliminary observations and decide how to proceed. Once the evidence has been collected, photographed and documented, the first step in an effective crime reconstruction is classifying this evidence according to its role in the crime. Chisum proposed three categories under which each piece of evidence can be classed based on what it says about the crime. Evidence may assist in determinations of: *relational* aspects of the crime (where an object was in relation to others); *functional* aspects (how something functions or was used); or *temporal* aspects (what happened at what time) (Chisum, 2002).

As explained in Chisum and Turvey (2007), it is only after each piece of evidence has been analysed that theories to account for all the evidence are proposed. The authors note that this is done in an attempt to decrease the likelihood of misleading preconceived theories and bias. This notion is not new to contemporary criminology, it was discussed in detail in some of the earliest works on investigations, including Gross (1934), Soderman and O'Connell (1936), and Kirk (1974). According to Chisum and Turvey (2007), it is only through experimentation and observation that the feasibility of each theory is tested and alternative explanations incorporated until all the evidence is logically accounted for. If every piece of evidence is explained by a theory and if no other reasonable explanations exist, the theory is accepted as a valid reconstruction based on the current available evidence. Ogle (2004) also supports use of the scientific method, and refers to this process of putting everything together as *synthesis*. He notes that *synthesis* basically entails explaining all components of the evidence as a whole in the only possible, tested, and confirmed scenario for the crime. Through this theory building and testing, inconsistencies in the evidence or the 'defects of the situation' can be identified, thus lending support to staging theories.

Chisum (2002), Turvey, (2002) and Ogle (2004) agree that by testing theory against evidence, analysts are able to develop improved explanations and alternatives, which lead to a better understanding of the crime and identification of any staging behaviours. This understanding assists in examining who may have committed the crime as well as evaluating the accuracy of statements given by suspects, witnesses and victims. Attorneys may base their case on the scenario argued in the reconstruction. Therefore, assessing whether this reconstruction supports a person's guilt or innocence is key in determining how effective their testimony might be. Furthermore, these authors note reconstructions assist everyone involved in the justice process, because they are relatively static. If a reconstruction has been tested, re-tested and eventually accredited as reasonably accounting for all the evidence available, it will remain that way unless new evidence surfaces (Turvey, 2002; Chisum and Turvey, 2007).

In Saferstein's (2004) work on criminalistics, he gives support to the above methods, explaining that crime reconstruction is a collaborative effort to assess what took place prior to, during and subsequent to a crime. The reconstruction aims to objectively determine the circumstances surrounding a given crime based solely on the evidence present. Chisum and Turvey (2007) describe how accurate reconstructions allow investigators to effectively gather victim information from people that knew them and decide what is relevant. Reconstructions also enable a detective to identify whose statements are accurate and whose are inconsistent with the evidence. This is particularly relevant to the current discussion, as often one of the behaviours employed by offenders staging scenes is lying to the police. Without physical evidence these lies are very difficult to identify as was made clear in the section on detecting deceit.

Because a reconstruction becomes the lens through which the crime is perceived, its role in criminal investigation is central (Turvey, 2002). A major step in conducting a thorough investigation is ensuring a crime reconstruction is carried out effectively. Any corruption of the evidence and subsequent inaccuracy of the reconstruction in an investigation will have a compounding effect, which may lead to precious time being wasted for investigators or possible miscarriages of justice. An accurate reconstruction provides the information necessary for investigators to narrow a suspect pool and subsequently effect an arrest, which otherwise may have been years or more victims in the making. In the context of the current discussion, an accurate crime reconstruction will identify staging efforts more consistently and reliably, and thus is a crucial piece of the investigation, the importance of which cannot be understated.

In light of the fact that many authors have opined that staging behaviours may be on the increase, and because crime reconstruction efforts are perhaps the best tool in the arsenal of investigators examining these scenes, the knowledge of forensic techniques possessed by offenders and crime reconstruction efforts used to combat this knowledge are inextricably linked. Because of this link, it is also important to address how offenders may acquire the knowledge they use to evade capture. This will be briefly addressed in the following section.

Staging as a Learned Behaviour

There is some speculation as to whether or not the recent popularity of crime investigation entertainment has led to offenders becoming smarter, and being better able to stage crime scenes effectively. In the literature on staged scenes, both Geberth (1996) and Hazelwood and Napier (2004) opine that staging behaviours carried out by offenders may be increasing in light of new

forensic awareness obtained from consuming media related to crime scene investigation and the techniques available. That is, offenders are learning, through this media, to be more adept at committing crimes. This could be referred to as an outcrop of the *CSI effect*, after the popular television show *Crime Scene Investigation* (Podlas, 2006). However, it is also possible that offenders do not learn how to evade capture vicariously or indirectly through media, but through more traditional influences such as time spent in prison or previous criminal activity. The theories of how people learn to commit crimes as opposed to behaving non-criminally will first be addressed, as they assist in explaining the initial criminal behaviour relating to the homicide. Subsequent to the examination of learning theories, it is possible to discuss how staging behaviours specifically may be learned either directly or vicariously.

Explaining Criminal Behaviour

There is vast literature which maintains that homicides are often precipitated by less serious violence. Thus, when explaining serious criminal behaviour, such as homicide, general theories of violence are often cited. In order to account for how violent behaviour manifests, many theories of crime have been offered which view violence and homicide as behaviours along a continuum resulting from similar factors (Dutton, 1988; Gosselin, 2000; Mouzos, 1999). These theories often explain domestic violence, which is particularly relevant here as much of the literature notes that crime scene staging almost always takes place after a homicide involving domestic or intimate partners (Turvey, 2000; Douglas & Munn, 1992; Douglas & Douglas, 2006). The issues specific to domestic violence and homicide will be addressed in the next chapter, however it is first important to address how staging behaviours are learned. Psychological, sociological and criminological theories have been proposed which may account for violent behaviour, and they may be extended to also explain offenders' efforts to avoid capture. Five of the most relevant will be presented next.

According to the social learning theory of psychology, as well as the differential association theory of criminology, tendencies towards violence are not innate characteristics (Adler et al, 1996; Curran & Renzetti, 2001; Marsh, 2006; Sutherland & Cressey, 1977). These theories propose that criminal behaviour is not inherited and people do not just invent it- people learn to be violent through experience, and learning these types of behaviours involves all the same mechanisms as learning any other behaviour. According to Adler, Mueller and Laufer (1996) this learning process is the result of childrens' communications with and observations of others, while Sutherland and Cressey further note that learning criminal behaviour often occurs within intimate personal groups. Through these learning processes children may learn techniques for committing the crime (and presumably how to get away with it), as well as the direction of motives, drives, rationalisations and attitudes (Adler et

al, 1996; Curran and Renzetti, 2006; Sutherland & Cressey, 1977). When children witness violence bringing about the desired result, they learn that violence is an acceptable means of acquiring what is desired. It is proposed that because children spend so much time in the home, a violent home life in childhood is a major precursor to violent behaviour as an adult (Gosselin, 2000). Sutherland and Cressey (2008, p. 39) explain “a person becomes delinquent because of an excess of definitions favourable to violation of law over definitions unfavourable to violation of law”.

Control theories postulate that violence is a result of an individual having weak or broken bonds to society (Hirschi, 1969). This can be the result of a lack of attachment to other people, a lack of commitment to conformity, under-involvement in other non-violent activities, as well as rationalisations that allow people to violate the rules of society (such as ‘do not kill your wife’) while maintaining a belief in those rules (‘I believe it is wrong to kill my wife, but...’) (Hirschi, 1969). It is this rationalising and a lack of attachment which may be particularly relevant to the notion of attempting to evade the consequences of a homicide through various behaviours, including staging. Put another way, an offender may believe they had no other choice but to kill the victim, or that they deserved to be punished, and therefore they may take no issue with lying and manipulating the physical evidence in order to avoid accountability. These issues are relevant to the previous discussion of deceit and its detection, where those who are able to rationalise their behaviour may not feel negative about lying, making the deception much more difficult to detect with traditional physiological and verbal/non-verbal measures.

In combination with other learning and control theories, many authors suggest that sociological explanations can explain tendencies towards violence (Adler et al, 1996; Curran & Renzetti, 2001; White and Haines, 2008). These theories often blame the traditional socialisation process of children into gender specific roles for the prevalence of violence today. It has been proposed that traditional gender roles, which are still upheld by many individuals, are conducive to violence by men. Supporters of this theory suggest that these positions in society make women more susceptible to abuse by stereotyping them into positions of marriage, child-rearing and domestic responsibilities, while men become vulnerable to violent behaviour because of society’s view of aggression and self-reliance as acceptable, or perhaps even desirable male traits (Adler et al, 1996; Curran and Renzetti, 2001; White and Haines, 2008). In this sense, young women are taught to be passive and submissive to the physically stronger sex, while young men are taught to be in-control and protective of their position (Gosselin, 2000). Through these mechanisms, children and adults alike learn to behave in a fashion consistent with their gender role.

Similarly, when attempting to explain domestic violence, Dutton (1988) calls upon sociological theories, citing the presence of a patriarchal society, in which men are encouraged to act aggressively towards women in order to control them, and to communicate their feelings through physical actions. Theories such as Dutton's (1988), which fault male gender roles, gain support when long-term spouse abusers are examined more carefully. It is clear that although noticeably angry when abusing their partners, these individuals act in a planned and controlled fashion even during the assaults (Turvey, 2002). This suggests the problem may not be that the perpetrator loses control in the heat of passion, but that their anger is directed and purposeful. Turvey (2002) adds that spouse abusers are often selective about where, when and with whom they are violent, they are sometimes specific in where they intend to injure the victim to avoid being caught or keep the victim from leaving the house, and they are often careful to ensure that the injuries will not interfere with other things. As such, these behaviours may suggest that the offender has no alternative method of showing anger, or that they believe this punishment is justified. This is reminiscent of Hirschi's (1969) control theory discussed above. These scholars maintain that such characteristics lend support to the theory that individuals who developed in an environment encouraging violence against women have learned, and are therefore more likely to commit domestic violence or homicide. This ability to maintain control even when carrying out inexplicable actions may further be related to the planning and deliberation apparent in some staged homicides.

Combining these basic psychological, criminological and sociological theories it is apparent that crime may actually be a learned behaviour, similar to anything else⁹ (Sutherland & Cressey, 1977). This extends to not only the propensity to commit a crime, but also techniques of carrying out the act, which can be complex (Thio, Calhoun & Conyers, 2008). Certainly if the propensity to commit crimes, including how to actually carry them out, is a behaviour which can be learned from interactions with others, it is intuitive to extend this idea onto the fact that offenders, or anyone else for that matter, can also learn how to evade capture from both personal experience (committing and being apprehended for past crimes), as well as available materials such as television. Although Sutherland and Cressey (1977) note that the propensity of some people to commit crimes is more often learned from intimate social groups, with impersonal agencies of communication playing a relatively unimportant role, it is not a far stretch to imagine that those who have already learned to commit criminal acts may learn how to prevent apprehension through these relatively impersonal mediums. Since it is plausible that staging behaviours may therefore be acquired both directly and

⁹ For a complete discussion of differential association theory, see original works by Sutherland and Cressey, 1977.

remotely, it is necessary to address each of these impacts and the relevant literature. Direct influences will be confronted first.

Direct Experience

Although it is surely the case that some offenders learn how to carry out criminal behaviours from vicarious references, it is helpful to recognise that more salient influences often effect offender's behaviour to a greater extent (Sutherland & Cressey, 1977). The impact of time in prison or police contact has been discussed in detail in the criminal profiling literature, where learning to commit crimes more efficiently, or acquiring knowledge related to investigative techniques has been referred to as 'forensic awareness' (Canter, 1994). Muller (2000, p. 242) explains "[t]he particular type of forensic awareness displayed by the offender should be a direct indication of the offender's previous police contact, and should help narrow the range of offenders to those with records for particular prior offenses". However, nothing is said of how, exactly, this awareness is acquired, and what influences will and will not be salient. In Turvey's (2008) discussion of case linkage¹⁰ several additional influences and their affects on offender's Modus Operandi (MO) behaviours are described. These influences include: the media; educational and technical materials; criminal experience and confidence; contact with the criminal justice system; trade or professional experience; offender mood; and x-factors. For the purposes of this thesis the first few are outlined in more detail.

As also noted by Canter (1994) and Muller (2000), previous criminal experience and contact with the CJS may lend itself towards more efficient criminal behaviours as offenders become more proficient at committing the same types of crimes and as they learn from other criminals around them. Indeed, getting experience committing certain types of crimes, and also being caught, may increase the criminal learning curve significantly. This theory is illustrated extensively in the literature relating to prisons which refer to these institutions as 'schools for criminals' (Mercier, 1919; Siegel, 2009; Letkemann, 1973). These theorists maintain that offenders who are exposed to other like-minded or more experienced individuals in jail (gaol) or prison, may increase their criminal knowledge through these relationships. It is the position of Turvey (2008) that these arenas offer opportunities for offenders to increase their portfolio of MO behaviours, and therefore should be taken into account when investigating an offense. Because this knowledge may be gained from actual personal experiences, or the experiences of others trusted by the offender, these opportunities may provide an environment more conducive to learning than other, more indirect impacts.

¹⁰ According to Turvey (2008, p. 309) the term 'case linkage' refers to "the process of determining whether or not there are discrete connections between two or more previously unrelated cases through crime scene analysis.

However, Turvey (2008) explains that educational and technical materials can also influence offender behaviours as they learn to avoid apprehension. Educational materials may affect offender's means of carrying out their offense by virtue of the fact that they are so widely available. That is (p. 313):

Criminals have equal access to the same learning opportunities as any other citizen. Professional journals, college courses, textbooks, and other educationally oriented media available at a public library or via the internet can provide offenders with knowledge that is useful towards refining their particular MO.

This means through the use of criminology or forensic science classes, crime reconstruction texts or journal articles, offenders may be able to garner a wide range of knowledge on investigative techniques, similar to the knowledge held by investigators (or other offenders) with years of experience, despite having never committed or investigated a crime. In the same vein then, it is conceivable that, along with personal experience and actively seeking out educational materials, offenders may also learn from other, perhaps fictional, accounts such as those available through entertainment media.

Indirect Experience: The C.S.I. Effect

The term *CSI effect* has traditionally been used to describe two separate but related phenomena involving the popularity of crime media. According to Podlas (2006, p. 433) the CSI effect can be considered both the “unreasonable expectations on the part of jurors, making it more difficult for prosecutors to obtain convictions. [And,] CSI raises the stature of scientific evidence to virtual infallibility, thus making scientific evidence impenetrable”. Although interesting, the affects of such programming on the infallibility of forensic science in courtrooms is not particularly relevant here. It is, however, important to address the issue of forensic awareness in order to determine whether or not popular media affects the way offenders commit their crimes and thus whether or not, and what elements of, staging may be utilised.

According to Mann (2006), throughout history no other popular media has so greatly impacted society's understanding of the Criminal Justice System (CJS) as much as criminal investigation programming. In much of the literature devoted to studying the effects of this media on the CJS, the CSI effect has been touted as a positive phenomenon as the public's interest in and awareness of forensic science has been heightened, and their ability to act as jurors has benefitted (Cole & Dioso-Villa, 2007; Podlas, 2006). However, very few if any authors have confronted the confluent issue of media affects on the offender. It is important to recognise that if the general public is learning about the CJS through viewing such materials, so too must those individuals who will subsequently commit

crimes. This may lead to increased precautionary acts being carried out, better planning, more elaborate staging efforts, and offenders who are more forensically aware.

In a study of over 1000 individuals randomly selected from the general population as part of a jury pool, the National Institute of Justice (Shelton et al, 2006) demonstrated that viewers of media related to criminal investigations were more aware of what forensic evidence could be available in different types of cases than their non-viewer counterparts. Moreover, when Judges in Louisiana were asked whether they believe this type of media was affecting their juries, all reported at least some effects (Toobin, 2007). These findings show some indication that the general public is being influenced by the materials presented on these types of programming. It is therefore not a great leap to propose that, by extension, offenders may change their MO or take extra precautions in an attempt to delay or inhibit apprehension based on knowledge garnered from such media.

Although vast amounts of criminological research has been conducted on the effects of media on criminality and deviant behaviour¹¹, and how the general public views those in the CJS¹² (Blackburn, 1993; Browne, 1998; Cumberbatch & Howitt, 1989; Fowles, 1999; Harrower, 1998; Hinds, 2005; Jewkes, 2004; Passer & Smith, 2001; Pennell & Browne, 1998; Poynting & Morgan, 2007; Warner, 2004; White & Perrone, 2010), less work has been undertaken on how the media affects offenders in an idiographic fashion. In his analysis of the effects of media on offenders' behaviour, Turvey (2008) discusses how news coverage and stories related to a specific case or cases may influence an offender to change their offense behaviours. He notes that in serial cases, any information released to the media may affect the future crimes of the perpetrator, providing them with specific insight into what to avoid, or how to mimic a different offender working in the same area.

In 1995, Elliott, Browne and Kilcoyne studied child sex offenders and how they reacted to portrayals of their crimes on news programming. They found that many offenders admitted to changing their MO when they saw aspects of it portrayed in the media, and that this change was to avoid apprehension. This notion can be extended onto less specific media as well. If it is apparent that offenders can learn from news coverage specific to their crimes, there is no reason to suggest they could not be influenced by fictional programming as well. However, although theoretically

¹¹ For a thorough discussion on the role of media in shaping violence behaviour see Fowles, 1999.

¹² For a well rounded examination of how the media effects the public's view of criminality and deviance refer to Jewkes, 2004

conceivable, no empirical research has, to date, be conducted to examine the role that fictional and non offender-specific media may have on individuals.

In summary then, along with traditional or direct methods an offender may use to actively enhance their ability to commit crimes, it should be noted that there is some research to support the notion that media might also be influencing them. Due to these media influences, some criminals may be getting smarter and more aware of the forensic tools available to investigators. However, it is also the case that these media are often markedly inaccurate. Vicarious experience, through the media, provides offenders with false perceptions of how crime scenes should appear, and how the CJS works. The difference between these false, and often sensationalised perceptions, and reality can be used as red flags for investigators, highlighting the inconsistencies in the scene's presentation. That is, the mismatch between how these scenes really present and how offenders imagine they present are the defects which can be used to identify the staging. It is because of this fact that studying staged crime scenes, and developing resources to more accurately identify them, is possible and necessary.

Since the theories and resources surrounding the historical as well as contemporary treatment of staged crime scenes have now been described in detail, it is possible to move on to describing when these behaviours actually take place, how they are manifested in the relationship between victim and offender, and just how large an issue homicides of these types can be. The next section will therefore address the prevalence of homicide internationally, why people engage in domestic violence and domestic homicides specifically, and how this relates to staged scenes and our ability to detect them. First a brief discussion of homicide worldwide is offered, followed by a much more detailed presentation of domestic violence, and domestic homicide. Subsequent to that, the theories relating to motivations behind criminal behaviour generally, and intimate partner crime specifically are necessary.

Chapter 3: Violence & Homicide

Homicide Internationally

According to the World Health Organisation (2002), conservative estimates suggest that internationally 500,000 people died as a result of homicides in the year 2000. According to the United Nations Office of Drugs and Crime (UNODC, 1998-2000) the international average for reported homicides per capita was about 10 per every 100,000 people between 1998 and 2000. The World Health Organisation (2002) reports these crimes are twice as likely to occur in poorer countries as in Western Nations. Some places like Columbia and South Africa have five to six times this average, and others like Saudi Arabia and Japan have less than five percent of the homicides in this average. Industrialised countries, including Australia, Canada, the United States and the United Kingdom fall somewhere within the low to mid range of this average (UNODC, 1998-2000). Since the current research considers cases from 1970-2010¹³, it is important to address the rates of homicides in the four regions (USA, Canada, Australia, UK) across time as well. Not surprisingly, from 1976-1996, the USA had the highest rate of homicide for all four jurisdictions, ranging from 7.3 to 10.2 out of every 100,000 people (House of Commons, 1999). Canada and Australia had similar rates, ranging from 1.9 to 2.6 and 1.7 to 2.4 respectively. England and Wales (information was not available for the entire UK combined) had the lowest rate of the four, with a range from 1.0 to 1.5 out of every 100,000 people (House of Commons, 1999). Although interesting just on its own, these rates, and more importantly the discrepancy between them will become important in the examination of the sampling method which will be undertaken in the discussion section of this thesis.

Much research has been done on homicide besides that which simply describes its prevalence. Internationally, the study of homicide has generally been conducted with an eye towards identifying factors of victimisation, therefore increasing and enhancing prevention strategies (Cantor and Cohen, 1980; Zahn, 1989). Research by Mouzos (2003) and the Australian Institute of Criminology suggests that although a noble goal, identifying factors leading to victimisation is a complex task as there are many motivations and contexts under which these crimes occur (Doerner and Lab, 2005).

For the most part, homicides have been categorised and studied independently based on the victim/offender relationship present within them. This began with Marvin Wolfgang (1958, 1967) who has been touted as one of the world's most influential criminologists for his discussion of the dynamic between victim and offender in these cases. Wolfgang also discussed the patterns involved in

¹³ The rationale behind this sampling period will be discussed in Part III of the thesis

criminal homicides developing eight categories which could be used to classify crime. His study of 588 homicides in Philadelphia which was the earliest comprehensive study of its kind, set the stage for much of the homicide literature available to date. The classification of homicides based on relationships between victims and offenders will also be utilised here, since much of the literature on staging reports intimate relationships between them (Turvey, 2000; Douglas & Munn, 1992; Douglas & Douglas, 2006). However, this is not the only characteristic of these cases that is necessary to address.

Taking a more comprehensive view, Polk (1994) aired a similar sentiment to Wolfgang in his various writings on the issue of homicide and the situational factors and theories explaining it. The most notable contribution Polk has made to the framework set up by Wolfgang is his questioning of long held constructs relating to studying homicide. He has challenged the simple categorisation of offenses based on the victim/offender relationship, and added that the context under which the crime occurred is equally as important to address. According to Brookman (2003), this kind of categorisation, based strictly on the relationship between victims and offenders, is limited in its ability to inform theoretical developments on the nature and causes of different types of homicides. Certainly it is also true that these categorisations have limited ability to further inform the investigation of these homicides as well. In other words, simply explaining that the victim and offender were involved in an intimate relationship does little to inform on the nature of that relationship, the circumstances that led to the homicide, the motivation behind it, or how to investigate it and prevent future occurrences. Polk (1994, p. 21) maintains that victim/offender information should be combined with an analysis of “what it is that transpired to bring the victim and offender to a point where lethal violence is employed”. Polk highlights not only the relationship characteristics of the victim and offender, but also the situational aspects that led to the homicide. This attention to contextual information has been endorsed by other authors (Daly & Wilson, 1988; Dobash & Dobash, 1992; Newburn & Stanko, 1994) who have also begun to study the circumstances leading to the violence as well as traditional relationship styles as addressed by Wolfgang. It is therefore clear that as well as studying those relationships involving intimate or domestic partners, the nature of that specific dyad should also be addressed. Therefore, the following two sections will address domestic and intimate partner violence as well as homicide, how the violence manifests and progresses, as well as the motivations for these types of violence. In so doing the context of the violence, and the emotions involved will become evident, allowing for a better theoretical basis to be laid in terms of the offender behaviours expected in the homicide sample here, and why and how they are carried out.

Domestic and Intimate Partner Homicide

In any discussion of staged crime scenes, it is important to recognise their inextricable link with intimate partner and domestic violence (Turvey, 2000; Douglas & Munn, 1992; Douglas & Douglas, 2006). It is intuitive that offenders seeking to stage a crime scene would generally be considered initial suspects, if not, there would be no reason to stage a scene as they would likely not be considered a possible suspect by investigators in the first place. Put another way, those who do not stage scenes are relying on their anonymity to avoid suspicion for the crime, while those that do stage them are attempting to regain anonymity to prevent capture. Those who are logical suspects in homicide investigations are those who have unfettered and private access to the victim, those that have reason to be upset with the victim, or those involved in conflicts with them. Both these situational and relational elements are therefore important to investigate. Undoubtedly, intimate partners and others in close or domestic relationships with the victim often have this access and opportunity for conflict. In light of this, a brief review of the factors surrounding domestic violence in general are outlined below, followed by a discussion of intimate partner homicide (IPH) specifically. This research is relevant to the topic as it helps explain some background and situational characteristics of both the offenders and victims in homicides that become cases involving staged evidence. With these elements in mind, a more comprehensive understanding of the contributing factors in these homicides will be possible. Additionally, in case it is not clear from the previous chapter, the reason behind including a discussion of domestic assaults in a thesis related to homicide is the fact that many theorists endorse the notion that most homicides can be more accurately described as a fatal assault (Fyfe et al, 1997; Harries, 1990). Whether or not an action is labelled an assault or a homicide is, for all intents and purposes, a function of the outcome of the action, as opposed to the action itself. This sentiment is also endorsed by Goddfredson and Hirschi, who explain (1990, p. 34), “the difference between homicide and assault may simply be the intervention of a bystander, the accuracy of a gun, the weight of a frying pan, the speed of an ambulance or the availability of a trauma centre”.

Although not necessarily the case in every homicide (as some involve premediated and purposeful attempts to kill), it is possible that this rings true for many cases, especially those involving relationships between victims and offenders that may become situationally violent during confrontations or arguments. It is with this in mind that we may proceed to a brief summary of the relevant issues related to intimate partner violence (IPV).

Intimate Partner Violence

Intimate partner violence is violence that takes place in the context of a close interpersonal relationship. According to the US Department of Justice's (2007) website: "[h]istorically called 'domestic violence,' 'intimate partner violence' describes physical, sexual, or psychological harm by a current or former intimate partner or spouse. This type of violence can occur among heterosexual or same-sex couples." The World Health Organisation adds ('WHO facts on Intimate Partner Violence and Alcohol, n.d., p.1):

Intimate partner violence refers to any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in that relationship. It includes acts of physical aggression (slapping, hitting, kicking or beating), psychological abuse (intimidation, constant belittling or humiliation), forced sexual intercourse or any other controlling behaviour (isolating a person from family and friends, monitoring their movements and restricting access to information or assistance).

Violence between partners is not a new phenomenon, although it has only in relatively recent times been perceived as problematic. As early as the 8th century B.C., the laws of marriage in Rome stated that a husband had the right to control and punish his wife as he saw fit, including killing her if necessary (Hirschel & Hutchinson, 1992). This view remained for centuries in Europe and was adopted by the church, which subsequently brought the acceptance of spousal abuse to the New World (Hirschel & Hutchinson, 1992). After the mid 1800's, courts began to reject the right of men to physically abuse their wives, but upheld their right to physically punish them as long as it left no permanent injury. Courts believed that this moderate violence was a private matter that should be left in the home, outside of the law (Taub, 1983). This selective attention to the issue, although no longer completely held in a legal sense, has remained. Based on a detailed review of domestic violence across North America, Dutton (1988) estimated that still more than 90 percent of domestic violence was not reported in the late 1980's. Instances of domestic violence frequently happen in private homes, and the stigma associated with them often leaves both the offender and victim feeling ashamed and humiliated (Dutton, 1988). According to Dutton, these experiences of stigmatisation, along with the desire to avoid getting the perpetrator into trouble, and fear of not being believed, prevent many victims of domestic violence from reporting these crimes. The Australian Institute of Criminology lends support to this view, noting that victims often believe there is nothing the police can do (Johnson, 2005). This lack of reporting, as well as the longstanding prevalence of this type of violence is relevant to the theories behind these types of crimes which were discussed in the section on learning staging behaviour above. It is certainly conceivable that the absence of reporting, and history of violence in these relationships is illustrative of the fact that violence is learned, as well as passed down from one generation to the next. This may lend further credence to the possibility of

staging behaviours being learned, as these efforts seem to go hand in hand with domestic violence according to the literature on staging (Turvey, 2000; Douglas & Munn, 1992; Douglas & Douglas, 2006).

In light of the issues relating to underreporting, any attempt to determine the actual prevalence of this type of violence is greatly hindered. However, even without the benefit of acknowledging even the majority of domestic violence in any jurisdiction, the number of cases which are reported is great. In their report on the policing of domestic violence in Queensland, the Crime and Misconduct Commission of Queensland explained the extent of the problem (2005, p. 1):

[T]he national Women's Safety Survey (ABS 1996) found that 23 per cent of women who had ever been married or in a de facto relationship had experienced violence in that relationship and that 2.6 per cent of these women had experienced violence by their current partner in the previous 12 months. Women aged from 18 to 24 years old were at greater risk of violence than older women (ABS 1996), as were Indigenous women and women in remote and regional areas (Carrington & Phillips 2003).

The consequences of such a widespread social problem are varied, ranging from the emotional, psychological and physical costs to the individual and their family members, through to social and economic costs to society (Laing & Bobic 2002). The ABS Women's Safety Survey found that 38 per cent of women who reported current abuse also reported that children had witnessed the event. Children who witness domestic violence can experience a range of emotional and behavioural problems including poor school performance, post-traumatic stress and adult criminal behaviour (Lehmann & Rabenstein 2002).

According to the US Department of Justice, similar levels of domestic violence are present in the United States. Resources for police from the US Community Oriented Policing Services indicate that 20 percent of non-fatal violence experienced by women can be attributed to domestic violence (Sampson, 2007). This paper also includes statistics from the National Violence Against Women Survey (1995-1996) which indicates that over their lifetime one in four women experienced rape or physical assault at the hands of a domestic partner (Sampson, 2007).

As is likely clear from the small cross section of data outlined above, much domestic violence literature is that which involves studying violence against women. Although women are undoubtedly violent towards men as well, it seems as though women are overwhelmingly over-represented in the population of people injured by their partner's violence (Howitt, 2006). However, Straus (1992) argues that numerous family violence surveys indicate violence by women against men is almost as prevalent as violence by men against women. The surveys which generally measure this violence have been criticised extensively though, as they cannot account for motivations behind the violence

or repeated violence. In so doing, the concept of husband-battering has also been criticised (Howitt, 2006). In a study seeking to determine whether violence against men and women was symmetrical, Dobash and Dobash (2004) found that women were less likely to behave violently, men were more likely to carry out repetitive or serial violence, men were more likely to perpetrate almost every type of violence (including slapping, kicking, punching, choking, and so on), women were more likely to be injured, and average severity ratings were higher for males as perpetrators than females. In fact, most homicide is perpetrated by men against women across a number of cultures including Canada, the USA, Australia, and the UK (Campbell et al., 2003; Statistics Canada, 2005; BJS, Fox & Zawitz, 2007; House of Commons, 1999; Dearden & Jones, 2008). For example, in Canada in 2003, 78 people were killed by their spouses, and of those, 64 were women (Statistics Canada, 2005). Despite this being convincing nomothetic data on violence perpetrated by males, it does not discount the fact that there are numerous cases in existence where women initiated and perpetrated serious acts of violence against their partners, including homicide.

It is clear then that both women and men use violence against their partners, although there may be very different motivations both within the sexes and across them (Miller, 2001; Renzetti, 1999; Swan, 2001; Swan & Snow, 2003). It has been demonstrated that men are generally more violent towards their partners and that women who are violent towards their partners are almost invariably the victims of violence in general, and they use violence during episodes of violence against them (Abel, 1999; Dasgupta, 1999; Hamberger & Potente, 1994; Swan & Snow, 2002, 2003). However, this violence is not always used as self-protection, as some women report behaving violently in retaliation (Hamberger & Potente, 1994).

Intimate Partner Homicide

In their 1985 study of violence in American families, Gelles and Straus noted that aside from the military and the police, the family unit historically has been, and continues to be, the most violent social group, and the home the most violent social environment, in the United States (Gelles & Straus, 1985). Several other sources, such as the Australian Bureau of Statistics support this view in other jurisdictions (Johnson, 2005). Having detailed such high levels of domestic violence, it is not difficult to recognise the connection between such a prevalence of domestic abuse and intimate partner homicides. Not surprisingly, Australian data indicates that most intimate partner homicides occur in relationships where there is previous domestic violence (Easteal, 1992), and many take place during an instance of domestic violence in the home (Mouzos, 1999).

It is indisputable that intimate partner violence and homicide is a problem on various levels in many areas. Violent crimes are much more likely to happen between those who know each other than strangers (Gelles & Straus, 1985; Johnson, 2005). It is equally indisputable that at least some of the perpetrators for these crimes do not wish to be held accountable for these behaviours, and therefore may seek out opportunities to avoid suspicion and capture. Since this is the case, it is not a far stretch to agree that some of these crimes would involve elements of staging. In fact, the only research done investigating staged scenes indicates that the vast majority of the cases studied involved some form of intimate or domestic relationship between the victim and at least one of the offenders (Turvey, 2000; Douglas & Munn, 1992; Hazelwood & Napier, 2004). For example, in 17 of the 25 staged cases analysed in Turvey's (2000) research, the victim was a current or previous intimate partner of the offender. It is for these reasons that we must look at the literature on intimate partner homicide in some detail here.

Generally speaking, intimate partner homicide is the killing of one partner by another where partners can be spouses and ex-spouses as well as current or former un-married long-term relationships and partners of the same or opposite sex (Rennison, 2001). These homicides are also referred to as domestic homicides in many instances and the terms will be used interchangeably here.

Although these homicides are quite complex to study due to the intimacy and dynamics of relationships, their prevalence illustrates how the home can be a very dangerous place. In a number of western countries, homicides between intimate partners account for a significant proportion of total homicides. According to Rennison (2001), in the United States over a twenty-four year period, 11 percent of reported homicides were between intimate partners. Similarly, the United Kingdom and Australia report very high rates of partner homicide relative to total homicide rates. In the UK over one year, nearly 50 percent of all female victims of homicide were killed by their partner (Richards, 1999), whereas in Australia over a seven year span, about one-quarter of homicides were committed by an intimate partner of either sex (Carcach & James, 1998). Not surprisingly, in Canada between 1994 and 2003 homicide by only spouses represented about 18 percent of the total homicides, and half of all family homicides (Statistics Canada, 2005). These incidents clearly account for a major proportion of homicides across western cultures. The relative frequencies with which these crimes occur are indicative of a high level of violence within private homes across many jurisdictions.

Domestic homicides can happen for several reasons, as a result of several different situations. It has been suggested that certain types of criminal behaviours are the result of offenders feeling angry,

helpless or trapped (Browne, 1987). In historical data, the feeling of being oppressed with no ability to change the circumstances is cited as playing a significant role in the origin of violence (Halleck, 1967 cited in Browne, 1987). For both men and women, intimate relationships often provide the vulnerable environment in which these feelings may manifest in different ways. Gosselin (2000) has theorised that this violence is a result of the very nature of deep relationships, allowing for both the opportunity and intense emotional investment necessary to precipitate homicide, and therefore leading to this prevalence.

In terms of situational variables whose importance was outlined in the section above on the research of Polk, there are many which may cause the home to become a potentially dangerous environment. According to Gosselin's (2000) discussion on family violence, there are three factors inherent in intimate relationships which precipitate intimate partner homicides. These are: intense emotions, ability and opportunity. Intense emotions develop in many long-lasting relationships. When partners share personal information they open themselves up to being loved and loving in return. This sharing of information is a personal investment, which may be very healthy originally, however, this investment may also influence a person to remain in a failing relationship. The investment each partner puts into the relationship is magnified when the relationship becomes sexual. A sexual relationship may bring about intense emotions for both partners, which can turn love and happiness to hate and anger if the partner does not meet expectations (Gosselin, 2000).

The second element of intimate partner homicide, according to Gosselin (2000), is ability. Clearly, if a person does not have the physical strength or means to carry out serious violence or homicide, it will not occur. In most countries, men are more likely to perpetrate domestic violence against their partners (Eastal, 1993) and in general, males possess the physical strength required to overcome and use lethal force against their partners (Gosselin, 2000). However, women often do not have the same physical strength, thus their ability to injure or kill their partner may be equalised by the use of a weapon, such as a firearm or knife (Browne, 1987). The availability use of such dangerous weapons may increase the chance of serious injury or death (O'Hara and O'Hara, 2003).

Gosselin's final element facilitating homicide between partners is opportunity. The availability of guns and other weapons is important for this element, as is the amount of time partners spend together and without others. In 1998, Greenfeld and associates found that 65 percent of partner homicides involved the use of a gun. Langan and Dawson (1995) found that women more often use a gun or a knife to inflict death (95 percent), while Burnley (1996) adds that often the weapon is present at the scene prior to the homicide, or is opportunistic. Also, in many cases the weapon was

brought to the scene by the victim to be used on the perpetrator (Browne, 1987). In some cases this suggests elements of planning or premeditation, while in others it suggests that during instances of violence, the presence of a weapon provides some people with an opportunity to use lethal force without intervention from someone else. Had the opportunity not been present, including both the availability of weapons and the relative privacy of the environment, the perpetrator may not have had the ability to commit the homicide, especially if the victim was physically stronger than the offender. The opportunity presented by weapons may also assist in explaining different frequencies of violence across different jurisdictions, where laws and culture surrounding weapon ownership may differ from place to place.

Now that the common background characteristics, as well as contextual components leading up to intimate partner violence and homicide have been delineated, it is possible to address why these behaviours happen, for although necessary to commit a domestic homicide, recognising the three elements above does not shed any further light on what the specific motivation for this behaviour may be or what situations may lead up to it. This is, of course, a very important element to identify when attempting to investigate or to better comprehend homicides between intimate partners. Many theories have been proposed to account for the motivations behind these types of crimes and others, and therefore the following discussion on the motivation behind homicides of this type will be couched in an examination of the driving forces behind homicide in general. Here, various theories relating to what motivates offenders will be outlined and then examined in detail.

Motivational Theories

When seeking to learn more about staged crime scenes, it is critically important to understand not only why the scene was staged, but also why the crime was committed in the first place. Indeed, there may be some link, currently uncovered, between offenders with certain motivations or psychological issues (such as narcissism or Munchausen's Syndrome) and a belief in their ability to inhibit the efforts of police and outsmart investigators. It is for this reason that the current project must discuss various motivations in detail, and recognise their existence in the sample studied herein. Because of this necessity, we must present the literature on motivations for violent crime. It is to this which we now turn.

According to Geberth (1996, p. 449), "no one acts without motivation". In any homicide investigation be it a domestic or stranger homicide, one of the important determinations to make is the motivation behind the crime. In fact, many criminal investigative texts address the fact that

investigators' jobs revolve around determining the 'who, what, where, when, how' and also 'why' (O'Hara & O'Hara, 2003; Gross, 1934; Geberth, 2006; Soderman & O'Connell, 1974). In his examination of motivations for violent crime, Turvey (2000) suggests that although it is not always necessary to determine a motive in order to successfully prosecute a homicide, this failure is a major investigative shortcoming. He defines motive as "the emotional, psychological and material needs that impel and are satisfied by behavior" (p. 307). He also makes a point of distinguishing motive from intent, where "motive is the general need, and intent is the specific plan or aim" (Turvey, 2000, p. 307).

According to Petherick and Turvey's (2008) work on criminal profiling, there are several reasons why it is necessary and beneficial to study motive in criminal investigations, prosecutions or defenses and sentencing. These include (adapted from Turvey and Petherick, 2008, p. 274):

1. It reduces the suspect pool to those individuals with a particular motive
2. It assists with the investigative linkage of unsolved crime with a similar motive
3. Along with other class evidence (i.e. means, opportunity, associative evidence), motive can provide circumstantial bearing on offender identity.
4. Along with other contextual evidence, motive can provide circumstantial bearing on offender state of mind
5. Along with circumstantial evidence, motive can provide circumstantial bearing on whether a crime has actually occurred.

In their work on Fundamentals of Criminal Investigation (2003) O'Hara and O'Hara similarly outline the importance of determining motive, which in association with other facts, may point out the identity of the offender. They explain (p. 14),

Motive. It may be inferred from circumstances and from the statements of witnesses that the suspect could have been motivated by a desire for revenge or personal gain...In crimes of personal violence such as assault and murder, the existence of a strong hatred would be significant, and evidence of quarrels and angry statements would be relevant. Closely related to motive is a desire for criminal action formed by a pathologically disordered mind...Some forms of rape and other sexual offenses indicate the work of a deviate. Evidence relating to motive or state of mind is usually obtained by interviewing witnesses. A study of the crime scene and a reconstruction of the occurrence, including the suspect's prior and subsequent acts, may often be helpful.

According to Yarvis's (1991) work on the causative factors of homicide, as discussed in Petherick and Turvey (2008), there are at least thirteen different influences which may be present in any individual dictating whether a violent crime occurs and the degree to which the violence escalates. They note

that it is absolutely necessary for investigators to first understand the context of the situation before any attempt can be made to discuss an individual's motivation. This is further endorsed by Polk (1994) and others mentioned previously. The influences which must be taken into account are (adapted from Yarvis, 1991, p. 5 and Petherick and Turvey, 2008, p. 276):

1. The status of interpersonal relations (the ability to place value on others)
2. The status of impulse control (the ability to check danger and self-destructive behaviour)
3. The status of reality testing (ability to tell what is imaginary and what is real)
4. The status of rational thinking (the ability to think and reflect without disruption)
5. The status of cognition (the ability to accumulate information and recall it later when making decisions)
6. The status of self-image (the ability to maintain self-worth, avoiding depression and anger)
7. The status of internalized values (the ability to refrain from anti-social beliefs and actions)
8. The status of integration/alienation and enfranchisement/disfranchisement (the degree to which people feel connected to and invested in their respective homes and communities-how much do they feel they have to lose in terms of friends, family and reputation)
9. The presence of mental health disorders
10. The presence of substance abuse problems
11. The presence of specific rationalizing or justifying motives
12. The presence of intoxication
13. The presence of significant stresses

As is clear from this list, Yarvis (1991) is stressing historical features, as well as situational and personal factors which may influence the offender or offense dynamics. Although there is no evidence to suggest this list is exhaustive, and every case should be assessed on its own merits, this discussion does highlight the effect that personal and situational factors may have on normal human motives which may otherwise lead to non-violent or non-fatal reactions.

Speaking from a more simplistic perspective, Rosenfeld and Messner (1991) propose that homicide may be committed for reasons involving: a need for power and control; greed; a manifestation of mental illness; drug/alcohol abuse; passion; gender, ethnic, religious and racial differences; sexual needs and so on. Through his work on homicide investigation case studies, Nordby (2000, p. 107) adds:

Motives for murder remain boringly simple. Sex, money, power, anger, greed, love, jealousy, hate or any of their various combinations usually supply adequate motive for such crimes. Many murders have motives that first appear quite illogical. Whatever lacks logic cannot be explained logically. Mass murders at a fast food restaurant or the local grade school playground supply obvious examples. But as their investigations proceed, detectives discover that even these random killings possess their own logic.

Since Groth's work on male rape in 1979, many authors have taken a more nomothetic approach to studying criminal motivation (Douglas et al, 1992; Geberth, 1996; Hazelwood, 1995; Turvey & Petherick, 2008; Rosenberg, Knight, Prentsky & Lee, 1998; Turvey, 2000). The current consensus within the criminological community is that despite the 'reasons' for committing crimes noted above, there are a small number of psychological needs (motives) that may be met by criminal behaviour. These authors maintain that although some of the motivations put forth by previous authors make sense, others, such as racial differences, are not by themselves motivations for criminal behaviour. Relationship dynamics between people or groups may lead to psychological needs which are met through criminal behaviour, however these so-called motivations are not themselves psychological needs which impel behaviour. This was first endorsed in discussions of motivations for sexual assault or rape, and has since been expounded onto criminal behaviour in general. This progression will be outlined below.

According to the early work of Groth (1979) and other authors since (Groth, Burgess & Holmstrom, 1977; Geberth, 1996; Rosenberg, Knight, Prentsky & Lee, 1998), there are at least four motivational classifications under which each rapist falls. The Crime Classification Manual (CCM) (1992) built on the work of Groth, and these systems were subsequently used to classify offenders in terms of their behaviours while committing the crime. Working for the National Center for the Analysis of Violent Crime (NCAVC), Hazelwood endorsed similar classification systems, adding 'opportunistic' and 'gang rape' classifications, although seemingly without any empirical basis. This classification system distinguishes between two different offense types, the aggressive type and the sexually dominant type. According to the CCM, aggressive offenders include those that are angry or sadistic, while the sexually dominant offender is one that is compensatory or exploitative. The categories are as follows (adapted from Douglas et al, 1992, p. 194):

1. Power-reassurance: the assault is primarily an expression of his rape fantasies. The core of his fantasy is that the victim will enjoy the experience and perhaps even fall in love with him. The motivation derives from the rapist's belief that he is so inadequate that no woman in her right mind would voluntarily have sex with him. This is an individual who is compensating for his acutely felt inadequacies as a man.
2. Exploitative: (aka power-assertive) sexual behavior is expressed as an impulsive predatory act. The rape is an impulsive act determined more by situation and contact than by conscious fantasy. The assailant can best be described and understood as a man on the prowl for a woman to exploit sexually. The offender's intent is to force the victim to submit sexually, and hence, he is not concerned about the victim's welfare.
3. Anger: (aka anger-retaliatory) sexual behavior is an expression of anger and rage. Sexuality is the service of a primary aggressive aim, with the victim representing, in a displaced fashion, the

hated individual(s). This individual is misogynistic; hence the aggression may span a wide range from verbal assault to brutal murder.

4. Sadistic: (aka anger-excitation) sexual behavior is an expression of sexual-aggressive (sadistic) fantasies. It appears as if there is a fusion or synergism between sexual and aggressive feelings. As sexual arousal increases, aggressive feelings increase; simultaneously, increases in aggressive feelings heighten sexual arousal.

Building on the work of Groth (1979) and his followers, Turvey (2008) proposes there are five general classes under which all criminal behaviours fall. As mentioned, these typologies were first used to categorise motivations for rape, not crime in general. Despite their original purpose, later work determined that the system could be used as a general framework for classifying all violent crime, as it has been used since¹⁴ (Petherick & Turvey, 2008; Turvey, 2000). This is due to the fact that the underlying needs that motivate offenders to act are generally the same for all types of offenses, despite how those needs may manifest in action. Similarly though, these predictions are also without any empirical backing. The five types proposed are: power-reassurance (compensatory); power-assertive (entitlement); anger-retaliatory (anger or displaced); sadistic (anger-excitation); and profit (material gain). It should be noted that Turvey's modification to the previous typologies seeks to classify behaviours, not offenders themselves. This is an important difference, as Turvey (2008, p. 280) explains, "this changes the typology from a nomothetic offender labeling system to an idiographic tool for crime scene analysis". This difference certainly increases the applicability of this typology, however attention should also be drawn to the fact that although criticising others for including elements in their typologies that were not, in and of themselves motivations, Turvey has done just that by adding the 'profit' motivation. Specifically, profit is not, in itself a psychological need being fulfilled by the criminal behaviour.

In terms of empirical analysis of motivations for homicide, most of what is available classifies motivation more generally than the authors above. For example, the annual report on homicide in Australia published by the Australian Institute of Criminology (AIC) (Mouzos, 2005) which utilised data from the National Homicide Monitoring Program (NHMP) classifies motive into 6 categories including: revenge, domestic argument, alcohol related argument, other argument, money/drugs, no apparent motive. This research indicates that there are great differences concerning the motivations behind killing males versus females. For female victims in this study, 49 percent were killed because of a domestic argument and 23 percent of cases had no apparent motive. For male victims, the crime most likely occurred after a non-domestic, non-alcohol related argument or

¹⁴ Recently, this classification system has also been used to explain victim behaviour. For a comprehensive discussion see Petherick, forthcoming.

because of no apparent motive. It should be noted that domestic arguments were not uncommon motivations to kill a man, accounting for 15 percent. The Home Office in the United Kingdom compiles similar information regarding motivations for violent crime in general. In the Violent Crime Overview for homicide and gun-crime (Coleman, Hird and Povey, 2006) offenders most commonly reported being annoyed or angry at someone as a reason for behaving violently (47% of all offenders). These offenders also reported acting in self-defense and taking out revenge or thrills as the reasoning behind their offenses. Of course, because this information is self-reported by offenders, some level of scepticism must be maintained when considering the findings. As above, attention should also be drawn to the fact that although presented as such, a number of these are not motivations for violence, but contexts under which it occurs. Recall the definition of a motivation is the psychological needs which incite behaviour. The above are situations under which these motivations may arise, whereas the actual motivation may be unknown.

In order to more properly address the motivations behind crimes which are subsequently staged, it is important to not only understand the motivations of violent crime in general (discussed above) but also to more specifically address the motives for domestic homicide, as these have been demonstrated to be the most common types of homicides staged (Turvey, 2000; Douglas & Munn, 1992; Douglas & Douglas, 2006; Hazelwood & Napier, 1996). Although generally falling under the same banner of motivations listed above, there is certainly a unique dynamic between domestic partners. For the current research it is important to note the way these motivations may manifest differently in intimate relationships. Many studies of domestic violence and women's safety have done so, and have examined the continuum of violence from minor assault to homicide.

According to such research, intimate partner homicides may be the result of extreme emotions and a building of tensions that occurs over a long period of time. An investigation into these intense emotions and tensions by Gosselin (2000) offered insight into the motivations behind these homicides. Gosselin proposes that in order to study the motivations and actions that come from intense emotions in a relationship, it is imperative to understand the dynamics between victim and offender. Although theories have been offered to illustrate why people are violent and why others become and remain victims, in instances of intimate partner homicides the dynamic between more than one individual may enhance these effects.

In the opinion of Burnley (1996) the vast majority of intimate partner homicides occur during an argument, in relationships that have a history of domestic abuse. Having noted previously that incidents of domestic assault are often well controlled (like when an offender only hits a victim

below the neck, to ensure no one will notice the injury)), the question arises as to why offenders often do not use this previous self-control and restraint on occasions when homicides occur. Burnley (1996) adds that although domestic assault is a very angry crime, the evidence of its planning often indicates that it is not the result of rage in the heat of passion, but may be due to a desire to have power over the victim or to punish them. Conversely, instances of domestic abuse that lead to intimate partner homicides often do not show these levels of control, and in fact many have evidence of a loss of control by the offender. Specifically, many domestic homicides present examples of overkill behaviours (Geberth, 1998). According to Burgess (1992) overkill is present when an attacker inflicts more injuries to the victim than are necessary to kill them, such as multiple stab wounds, or excessive beating. Turvey (2000) adds that these behaviours are evidence of an emotional interpersonal attack where the homicide is an expression of rage felt by the offender. If this is the case, despite the chronic abuse being the result of a generalised need for power and control, the homicide may be due to situational anger or rage.

Websdale's (1999) discussion of intimate violence in Florida explains that because perpetrators of intimate homicides often had a positive relationship previously with the victim at some point in time, these homicides are commonly the result of a change in the relationship and therefore may also be motivated by revenge as well as anger. This is borne out in Burnley's (1996) data, which indicates that many couples were recently estranged or involved in a major argument immediately prior to the homicide, meaning levels of planning may also have been low. The work of Wilson and Daly (1993), based on homicides in Canada, Australia and The United States concurs. In fact, it is not uncommon for a victim to be stalked by her estranged lover prior to being killed (Johnson et al, 2000; Turvey, 2000). According to these authors, these motives seem to be consistent across jurisdictions, as similar manifestations of them are evident in different locations. This fact speaks to the universality of these situations and reactions, and highlights the necessity for cross-jurisdictional study.

Websdale (1999) and Wilson and Daly (1993) also discuss how offenders who feel they have been rejected through the failure of the relationship may become excessively angered and jealous. These individuals may again resort to abuse in order to teach the victim a lesson, or make themselves feel better. However, at this point, their intense feelings of rejection may manifest into rage, to the extent that they are no longer able to restrain themselves during an attack on their partner and subsequently kill them (Wilson & Daly, 1993; Websdale, 1999).

On the other hand, Browne's (1987) examination of domestic homicide indicates that although not uncommon, some instances of intimate partner homicide do not involve extreme anger. In fact, in many instances when a female killed a male, police noted their surprise at the perpetrator trying to save the victim and wanting to stay with the body (Browne, 1987; Wilson & Daly, 1993). These situations usually involve a female victim of chronic abuse by a male killing her attacker to end the abuse, to self-protect or as retaliation (Browne, 1987). In Wolfgang's (1967) historical research it was noted that 60 percent of husbands who were killed by their wives behaved in some fashion that precipitated their murder (termed victim-precipitated homicide). For example, the males often produced the weapon, struck the first blow or used physical force immediately prior to their deaths. Alternatively, the female victims in this study initiated their own death in only 9 percent of cases. This highlights that female killers often report being fearful for their lives, thus demonstrating a self-preservation motivation. In contrast to the angry homicides mentioned previously, females in this study also used less violence in the killing of their partners, exhibiting less overkill, where men generally used more than five acts of violence (Wolfgang, 1967). Such a finding may evince a lack of rage, as opposed to the large amounts discovered in various male samples.

In her study of battered women, Browne (1987) interviewed 42 women who had seriously injured or killed their mates. She found that the homicides were almost always unplanned and identified three circumstances under which women were most likely to use lethal force in these violent relationships, usually surrounding a motive of survival/self-preservation. These were: during the protection of a child, during an assaultive incident or when assault was imminent. Every homicide took place when the woman felt that she had no other choice but to kill the male or have herself or her children killed by him. However, Browne (1987) also notes that in some cases these women waited until the male was asleep or inattentive after an assault before using lethal force against him and thus their lives were not in immediate danger. These women reported they felt the assault would resume shortly, and that the man had made explicit threats to her life during the previous assault. Unlike the males who killed their partners, these homicides were therefore seemingly unplanned or spontaneous. These common contexts of intimate partner homicides point out the difference in motivations often present between males and females or chronic victims and chronic offenders. Apparently the usual perpetrators of domestic abuse are more likely to become angry and resort to violence, while the usual victims were more likely to become fearful for their safety or that of their children and thus act violently (Browne, 1987).

Although the motivations outlined here, such as anger, revenge and self-preservation are intuitive, they do little to explain how these motivations manifest between offenders and victims. The question

remains- what is it about these individuals that leads them to commit crimes to fulfill their desires, as opposed to others who deal with these normal human emotions in a non-violent fashion? The psychological, criminological and sociological theories behind violence or criminality were explained earlier, and therefore will not be re-examined here. However, specific note should be made of the fact that for the most part the motivations above are part of the average human condition. It is perhaps the reaction to these emotions which is unusual in these violent cases. This fact opens the door to theories of whether environmental or psychological characteristics of offenders differ from those of the less violent. Although this is not relevant to a discussion of staging, for the sake of completeness it must be noted.

This section of the literature review has outlined the issue of homicide internationally, as well as that of domestic violence and domestic homicide specifically. The prevalence of these behaviours, the influences within our society that lead to them, as well as the specific motivations have all been examined in some detail. Since just how vast a problem this is can now be appreciated, it is possible to move on to a discussion of the specific aims and rationales behind the current research.

Chapter 4: Current Research

Steps Necessary

Since the research, motives and factors involved in studying staged homicides have now been addressed, what needs to be done in this area may be considered. As is obvious from the review above, the basic answer to this question is- just about everything. The aim of this study is to fill the gap within the forensic science and forensic criminology literature. According to Edwards and Gatsonis (2009, p. 6-4)

In many areas of forensic science little systematic research has been conducted to validate the field's basic premises and techniques, and often there is no justification why such research would not be feasible... The forensic science disciplines need to develop rigorous protocols for performing subjective interpretations, and they must pursue equally rigorous research and evaluation programs.

This is certainly the case for the area of staged scenes, for although much discussion has taken place surrounding staged crime scenes in many communities, very little research has touched on these issues except to mention them anecdotally. No authors address the fact that different staging behaviours may be carried out when the intention behind the staging is different, and the fact that crimes can be staged to appear as various scenarios has been brushed over in almost every work presented. It is thought that this may be the case because, as with a number of forensic science and to a lesser degree criminological fields discussions of staging have grown out of necessity, usually within a specific investigation. Therefore those experts writing about staging may perceive themselves as part of a law enforcement agency, as opposed to the scientific community (Edwards & Gatsonis, 2009). Indeed, many of the contemporary works perused above were written by those with some role in law enforcement, not the sciences.

This substantial gap, although somewhat surprising, is unacceptable given that so many in these fields have acknowledged that staged crime scenes are commonplace, and that those charged with investigating them are significantly disadvantaged. Moreover, empirical research studies which have been done on these types of crime scenes (Turvey, 2000; Hazelwood & Napier, 2004) are basic, problematic, and need to be enlarged, refined and more analytical. That is the purpose of this project.

Research Questions

There are three key research questions, or aims of this research. These include, first, determining what elements of staging are commonly evident in these homicides, and what constellations of behaviours generally co-occur. This will be done first on a general level, by determining the context

under which staging regularly occurs and then more specifically by examining which staging behaviours are present and most prevalent in staged homicides. Second, this research will determine whether different types of staging are present in this sample, and if so, it will examine the behaviours in each of these types specifically. Finally, the previous two endeavours will be utilised to meet the major aim of the research which is to identify the behaviours common to each type of staging which can be used as red flags to assist those investigating these homicides.

Before continuing to a discussion of the hypotheses proposed herein, a brief explanation of the types of staging which have been proposed is necessary.

Proposed Typology

As noted, crime scene staging can be used in a variety of ways to hamper investigations. Given enough time and resources, offenders can stage scenes to look like car accidents, train wrecks, suicides, sexual homicides, home invasions and so on. One primary aim of this research is to determine empirically whether people staging crimes to look like different scenarios carry out different behaviours at the scene. Put another way, do those whose aim is to make the scene appear as a suicide carry out different behaviours than those who intend for the scene to appear as a stranger burglary? Although the answer seems obvious, there has been no empirical study to determine whether this is, in fact, the case. Several intentions behind staging as well as the common behaviours that go along with them have been identified in the anecdotal literature (Geberth, 2006) and this project will test whether these exist in real cases. In order to carry out this test, a typology of staging behaviours has been proposed which (if supported by the results herein) may also be utilised in the future to categorise staging behaviours, to distinguish between them, and to study them in more detail.

Before outlining the proposed classification system, it is necessary to explain why a typology of intention, as opposed to a motivational typology has been offered herein. This is the case because the term ‘typology of intent’ is novel, and has not been utilised historically in any community known to the author. Traditionally the term ‘motivational typology’ has been used in general and criminological research alike to describe a classification system based on the need that is satisfied by the act. That need may be emotional, psychological or material (Turvey, 2002). In essence these systems categorise behaviours depending on the need which impelled them. Several examples of motivational typologies were outlined in the previous section on motivational theories of crime. Conversely, the typology offered here categorises staging behaviours not based on the need for why

they were carried out, but instead on the intent behind them, that is, the aim, or planned result. The reason for this is that the motivation inherent in all staging behaviours, by definition, is to redirect the investigation and avoid suspicion or capture, thus, a motivational typology for staging behaviours would have only one category and would be redundant.

An offender may stage a scene with the intention of conveying a variety of differing scenarios. A scene may be manipulated in order to direct attention onto a specific person or group, to conceal the fact that the offender had a previous relationship with the victim, to hide evidence of a crime entirely, or it may be used to simulate a crime when none has occurred (although this is extremely difficult in homicide cases). It is hypothesised that the intentions behind staging behaviours can be broken down into seven categories based on the relationship between staging behaviours and more general deceit explored in detail in the literature review section. These seven categories have been adapted from the writings of Whaley (1982) on how people and animals deceive others in nature. The behaviours include implicating, mimicking, masking, repackaging, dazzling, decoying and inventing. Each will be described in detail below.

1. **Implicating:** has the purpose of implicating another or directing attention away from the real offender onto another person or group (for example making a spousal homicide appear as a mob hit by shooting the victim once in the back of the head, rolling them in carpet and throwing them into a body of water)
2. **Mimicking:** shows the false scenario by having one thing imitate another. An offender may conceal their relationship to the victim by seeking to mimic another type of relationship through staged elements at the crime scene (for example staging a point of entry or exit to mimic a stranger burglary, when in fact the offender lived in the home of the victim and had legitimate access to the victim)
3. **Masking:** these behaviours hide the real event by making it invisible. This could involve staging behaviours designed to conceal the crime entirely (for example cleaning up the crime scene and reporting the victim missing, thus masking the fact that the victim has been murdered and the body hidden)
4. **Repackaging:** these behaviours are designed to hide the real scenario by disguising it. This could be used to not conceal the death entirely, but to repackage it so that it appears as something which is not criminal at all, such as an accident or suicide (for instance placing a noose around a strangled victim's neck so it appears they purposely hung themselves)

5. **Dazzling:** this hides the real events through confusion. These behaviours could involve staging a crime scene in a non-specific way designed to confuse the nature of the crime thus drawing attention away from themselves (for example, after a domestic homicide an offender may ransack the home, set the victim on fire as well as position the body and a weapon to indicate suicide)
6. **Decoying:** these behaviours show the false scenario by diverting attention. This could involve behaviours carried out with the intention of having the homicide appear as though it was justified or excusable (for example the offender may injure themselves and place a weapon in the victim's hand in an attempt to make it appear as though they killed the victim in self-defense)
7. **Inventing:** these behaviours show the false event by displaying another reality which does not exist. This may involve staging efforts designed to simulate a crime when none has occurred wherein the simulation itself provides the desired end (for example those who injure themselves to facilitate a false claim of sexual assault) or when the false report extends to another criminal act (for example those who set fire to a vehicle in order to gain access to the insurance money)

Based on the literature to date, it is believed that the typology in its infancy here is all encompassing in terms of explaining the intention of offenders who stage crime scenes. That is, it is proposed that this typology has accounted for all of the possible desired results or aims that an offender may have to stage a scene. However this is the first empirical testing of this categorisation system. This study will test not only whether people who stage scenes actually fall into these categories, but more importantly, whether and how staging behaviours differ between these types.

Now that the aims of the research have been clearly identified, it is possible to move to the hypotheses of this work.

Research Hypotheses

The hypotheses of this research project are basic and are based on the literature available on these types of scenes. The hypotheses relate to three different elements of the homicide, first the context under which the crime occurred and victim and offender characteristics, then the elements of staging that were commonly present, and finally the type of staging attempted. The expected findings are as follows:

Contextual Variables

H1: There will be some previous relationship between the majority of offenders and victims. This is likely to be a domestic or intimate partner relationship

H2: The victim will be discovered in their own home

H3: The majority of offenders will be male

H4: The most common motivations for the homicide will be anger and profit

H5: There will be a disproportionately high number of offenders employed in law enforcement

Staging Behaviours

H6: The offender will be most likely to 'discover' the body of the victim

H7: The majority of cases will not involve valuables being removed from the scene

H8: Most cases will not involve the body being transported to a secondary location

H9: Suicide notes will be an uncommon occurrence

H10: Attempts will often be made to clean up or destroy evidence at the scene

Types of Staging

H11: Different types of staging will exist in the sample

H12: The staging behaviours present will differ between the types

H13: The red flags for identifying staging will differ between the types

These hypotheses will be tested using both a qualitative and quantitative analysis which will be described in detail in the next section. The findings relating to each of these hypotheses will be delineated in the results section, and expanded upon in the discussion section.

Conclusion

As is clear from the literature reviewed, much research is necessary in this specific area. Not only is it crucial to identify the features common in these cases, but also those features which discriminate different types from one another. This is necessary in the fields of criminology, and forensic criminology specifically in order to narrow suspect pools more efficiently, more accurately describe and explain offender behaviour from a research and legal point of view, and to decrease the probability of miscarriages of justice stemming from these cases not being identified properly.

It is clear from the literature review section above that staging is theoretically an attempt to deceive. Deception is a normal part of the human condition, and may be beneficial to the individual on a number of levels. However in contemporary society, deception when it comes to the commission of crimes is considered something which needs to be prevented or at least recognised. Since the traditional methods of detecting deception, which have been tested and honed for a number of

years remain fraught with problems, a better way to detect this type of deception is through the physical indicators left at the scene, or the ‘defects of the situation’.

The importance of physical evidence and its proper interpretation has been highlighted in the criminology literature for a century. Several authors, both historically and contemporarily have opined on the necessity for investigators to be able to recognise and make sense of physical evidence and what it can tell us about the behaviours that were carried out and the person responsible. This is also true of those authors who have opined on staging specifically, where the importance of identifying red flags, inconsistencies, incongruities, improbabilities and paradoxes have been highlighted. However, very few of these authors have proffered any solid techniques for doing this based on anything other than their own idiographic experience. Not only that, but there seems to be much confusion and infighting between these authors, undoubtedly because each has different experiences they believe to be representative of the population of staged cases as a whole. Some have highlighted the fact that a thorough reconstruction is necessary in these instances, while others maintain that despite the best efforts of investigators, these acts are increasing as offenders are influenced by media portrayals of criminal investigations. It seems the only way forward is to conduct a large scale analysis of these behaviours to test the recommendations offered by each of these works.

The resolution of homicide cases is a conspicuous worldwide problem, necessitating detailed study and analysis. Homicides between intimate or domestic partners are but one type which have their own constellation of risk factors, common behaviours, and issues hindering their investigation and prosecution. Crime scene staging is one of those issues, however, before the current study could be addressed, it was important to explain in detail the context under which violence and homicide happens within these relationships, and the motivations behind them. The importance of such an explanation has been described by several authors, including Polk (1994) and Wolfgang (1958), and was therefore addressed herein. It is now irrefutable that there are several reasons why intimate relationships leave people vulnerable to behaving violently, and although these reactions may be severe, they are often the product of normal human emotions.

Having outlined the literature above, what needs to be done and the expected results, it is possible to now move on to an explanation of the methods used in this study to acquire the sample, how the data was entered and analysed, as well as a brief description of why these steps were taken. This will be embarked upon in the Methodology section of this work.

PART III: METHODOLOGY

This chapter presents an overview of exactly how this research was conducted. It will begin with a discussion of the data sampling, followed by the thresholds for inclusion in the sample. Following that, a discussion of the measures utilised, their definitions and the rationale behind their inclusion will be offered, as well as a brief description of the analytical instruments employed.

Materials

For the purposes of this thesis, staging will be studied based only on homicide cases or attempted homicides where the victim cannot give a statement to police. The reasons for this are two-fold. First is the issue of time constraints and the depth of this project. Non-violent crimes staged for the purposes of monetary gain or other motivations where no person is harmed most definitely exist with some commonality. However, looking at both violent and non-violent staged scenes is not feasible given the scale of this thesis. Therefore insurance fraud involving staging burglaries, arson and the like will not be covered, nor will scenes staged in order to facilitate false reports for attention, custody battles and so on. Secondly, only homicide cases were chosen from the category of violent crimes for several reasons. Arguably there is a very different dynamic between a person who murders their victim than there is between victims and offenders of other violent crimes as homicide is certainly a much higher threshold of criminal behaviour. In the case of a homicide, the motivation is so great that a person is willing to end a life to get what they want. This is a much different desire than the one present in those who are willing to rob, fight or stalk. Further, it is the author's belief that it is much more difficult to stage other violent crimes where the victim is not deceased, because they can then provide information as a witness which may limit the effect of any staging efforts. It is due to the psychodynamics involved, combined with the ease of examination and the necessity to maintain homogeneity that only homicide cases will be studied herein.

Because this research is utilising only those cases where a homicide occurred, and where there was staging involved, it is important to not only define the concept of staging, but also the concept of homicide. It should be noted that the terms murder and homicide, although often used this way, are not synonymous. Murder is a legal term describing a homicide which is criminal, or a homicide that breaks the law. There are various types of murder which differ from jurisdiction to jurisdiction and across time. Homicide on the other hand is a clinical term used to describe "the killing of one human being by another" (Dolinak & Matshes, 2005, p. 665). When a medical examiner or forensic pathologist determines that a death is the result of homicide (as opposed to an accident, suicide or natural causes) this does not indicate that a crime has been committed, or that the person

committing the homicide should or will be held accountable. It simply means that one person died at the hands of another, as stated by Dolinak and Matshes (2005, p. 665) “[t]he certification of a death as a homicide is purely a medical diagnosis”. This is a very important distinction to make for the purposes of this study, as all the cases involved were homicide cases, however not all were cases where a murder occurred. This will be discussed in more detail below in the section on how the sample was acquired.

In order to assess the features of staged crime scenes, a number of cases were sourced. These were derived using two separate methodologies. First, cases were gathered from the personal files of experts working in this area in North America and Australia. It was originally hoped that the availability of these files, including crime scene photographs and various other materials, would be much better than it actually was. Upon realising that using a sample garnered strictly from the experts in the field would greatly disadvantage the project, it was determined that an additional sample would be added. This second sample was sourced from the legal database ‘Westlaw’. Both sampling approaches will be discussed below, however it is first important to address the reasoning behind why archived data was selected for this project as opposed to ongoing cases.

Archived data was selected for use as the primary resource in this thesis for a variety of reasons. First, archived data has a greater ability to demonstrate more reliably that staging has actually occurred. This is strictly due to the luxury of time and technology. Having had access to the case for a number of years, having the benefit of more people examining it and more technology applied to investigating it, researchers and investigators of older cases are at a distinct advantage when it comes to determining whether the evidence makes sense in the context present. This is the case to an even greater degree in those instances which took place before the advent and widespread use of DNA technology. Being able to tell whose DNA was and was not present at any given scene gives investigators and researchers a lot more insight into whether that evidence could be present legitimately.

Although it may have been more interesting to use ongoing cases for this thesis, because these cases have yet to be resolved the issue of staging is somewhat equivocal. Suspect confessions may be years in the making, forensic testing may take months or years to conduct, and experts require time to conduct their investigation and may not be hired until just before the case is meant to be adjudicated or even before an appeal. Because the criminal justice system in many places works

slowly, it is not feasible for this project to use ongoing cases if the thresholds for inclusion discussed below are to be met. It would simply take too long for these cases to be resolved unequivocally.

Third, although studying current cases would have provided more information about how investigators react to the scene, the population of cases to draw from would be much smaller, and finding enough cases could involve traveling long distances or waiting long periods of time. Similarly, if only ongoing cases were used in this project the results would not generalise to any area outside of where the cases were collected. Because this work has an international focus, it is the author's opinion that using readily available and consistent archived data is a better approach.

Since the reasoning behind the selection of this type of data has been considered, an explanation of how the sample was sourced can be undertaken. Each of the two sampling methods will be discussed in turn, beginning with the approach involved in gaining access to the personal case files of experts working in the field.

Expert Files

In order to gain access to materials for this project, several experts working in the forensic criminology or forensic science communities were sought out. The definition of who is an expert depends on the jurisdiction where the individual is seeking to be admitted into court. The determination is usually made based on some sort of threshold test. In the United States, the test is generally the Frye or Daubert test. In Australia, a similar threshold is utilised. According to Justice Heydon of the High Court of Australia (*Makita (Australia) Pty Ltd v. Sprowles* in Field, 2010, p. 527):

...[I]f evidence tendered as expert opinion is to be admissible [in Australia], it must be agreed or demonstrated that there is a field of "specialised knowledge"; there must be an identified aspect of that field in which the witness demonstrates that by reason of specified training, study or experience, the witness has become an expert; the opinion proffered must be "wholly or substantially based on the witness's expert knowledge"; so far as the opinion is based on facts "observed" by the expert, they must be identified and admissibly proved by the expert, and so far as the opinion is based on "assumed" or "accepted" facts, they must be identified and proved in some other way; it must be established that the facts on which the opinion is based form a proper foundation for it; and the opinion of an expert requires demonstration or examination of the scientific or other intellectual basis of the conclusions reached: that is, the expert's evidence must explain how the field of "specialised knowledge" in which the witness is expert by reason of "training, study or experience", and on which the opinion is "wholly or substantially based", applies to the facts assumed or observed so as to produce the opinion propounded. If all these matters are not made explicit, it is not possible to be sure whether the opinion is based wholly or

substantially on the expert's specialised knowledge. If the court cannot be sure of that, the evidence is strictly speaking not admissible, and, in so far as it is admissible, of diminished weight.

Although this sounds incredibly complicated and like a very high threshold, it is actually a fairly low-standard. Essentially, experts are generally deemed as those who have more knowledge than the average person or juror in their field. Put another way, they have the ability to testify to issues which are not considered common knowledge by the court.

The experts used in this project were approached via email or face to face meetings. They were asked for any homicide cases on which they worked where they, or a competing expert, opined in court or had the expectation of testifying in court, that the scene had been staged to appear as something else (the definition for staging cited in chapter 2 of this work was utilised). Five experts were approached, two of which work in both the United States and Australia and three of whom work exclusively in the USA¹⁵. These experts were selected as the author had personal relationships with each of them, and believed they would allow her access to these sensitive materials. Through this process, fifteen relevant cases were garnered. These cases were from both Australia and the United States.

For a case to be deemed relevant in this instance it must have reached the thresholds for inclusion outlined below. For the most part, the case information available from these sources was detailed and complete. The case details provided were entire case briefs given to these experts during the investigation or discovery. The briefs generally included: initial and supplemental police reports including witness and suspect statements; evidence logs; crime scene photographs and photograph logs; forensic examination results; autopsy reports; expert reports done for either the defense or the prosecution; and other related items depending on the case details.

Although only a small sample was sourced through this process (hence the additional sampling approach), it should be noted that the author has been fortunate in her ability to gain access to these detailed case files from professional colleagues. However, the cases sourced through this process are often those involving defendants who can afford to hire defense experts, or those that were high profile enough to warrant the court making funds available to hire experts. This is inherent in the sample gathering method, and simply cannot be avoided presently. However, as mentioned next, the case information available with this restricted sample was detailed and complete, allowing for a

¹⁵ Those who were asked to make available staged cases on which they have opined include, Dr. Wayne Petherick, Dr. Jerry Chisum, Mr. Brent Turvey, Dr. Stan Crowder, and Mr. Ronald Miller

thorough analysis. Sampling issues such as this, as well as the possibility of false positives will be addressed in the discussion section of the thesis.

Since a sample of fifteen cases was not enough to meet the goals of this project, the additional sampling method, using the Westlaw database, was added. It will be discussed presently.

Westlaw Cases

Westlaw is a legal database which allows subscribers' access to over 16,000 other legal databases worldwide, including both state and federal court decisions since 1825. With more than forty industrialised countries contributing to these databases, Westlaw makes available both criminal and civil cases from these regions.

The author selected cases from national databases of published and unpublished cases from the United States, Canada, Australia and the United Kingdom. This was deemed necessary in light of the universality of the criminal behaviours involved (as discussed above), as well as the desire for the largest possible sample size. The cases were selected using various search queries within the case materials. First, each regions' 'ALL-CASES' database was selected. These databases include all federal and state (or provincial) civil and criminal cases. They provide for the largest number of cases to be queried. For each of these regions 'ALL-CASES' database, the following search queries were utilised: 'staged & homicide'; 'staging & homicide'; 'staged & scene'; 'staged & crime & scene'; "make it look like a suicide"; "made it look like a suicide"; "make it look like a burglary"; "made it look like a burglary"; "make it look like an accident"; "made it look like an accident"; "make it look like self-defense"; "made it look like self-defense"; "make it look like a sexual homicide": "made it look like a sexual homicide"; "make it look like a drug killing"; "made it look like a drug killing"; "make it look like an execution"; "made it look like an execution"; "make it look like a missing person"; "made it look like a missing person"; "make it look like a runaway"; "made it look like a runaway".

For each of the regions queried, the original results were then examined manually on a preliminary level to determine whether the case involved a homicide, and whether the term 'staging' or 'staged' was used to describe staging behaviours in the context desired for this sample. For example, several cases existed that involved a homicide where the term 'staging' or 'staged' was used to describe something completely unrelated, such as "the prosecution's argument was two-staged". It was noted there were a number of cases where the terms 'staged' or 'staging' referred to carrying out the crime in a regular fashion, such as "the homicide was staged on the 4th of November". This was

specifically a problem in much older cases, such as those dating prior to 1950. These cases were eliminated from the sample. Cases which did not have these issues, ranging from 1970 to 2010 were included in order to maximise the sample size.

The preliminary analysis also eliminated those cases which did not involve homicide cases, but simply had the word homicide somewhere in the text, for example when citing legal precedent. Several cases where individuals simply talked about making something look like a burglary, perhaps in an insurance fraud case, were also removed from the initial sample.

After the preliminary analysis, the initial sample took shape. This sample consisted of 215 cases from the USA, 10 Canadian cases, 7 Australian cases, and 2 from the United Kingdom which occurred between 1970 and 2010. This sample was then manually analysed a second time, but in a more detailed fashion, and was compared against the thresholds for inclusion which will be discussed below.

Thresholds for Inclusion

For the purposes of this research, it was imperative that the cases being examined were *actually* those involving elements of staging. In order to meet this end, there were two thresholds which must have been met before a case was considered for inclusion. These were:

- The case had to have involved a homicide or attempted homicide where the victim(s) could not give a statement against the accused¹⁶.
- There must have been either an expert who opined that there were elements of staging involved, or a confession by the accused or a co-conspirator that they staged the scene.

At first glance this threshold may seem high as there are numerous cases where police officers or detectives opine as fact witnesses that they did not believe the presentation of the scene to be legitimate. In order to meet the goals of this research, it is not enough to set a threshold of inclusion at a judgment made by police, a prosecutor or defense attorney involved in the case. This is so for two reasons. First, the attorneys involved undoubtedly have their own personal, professional and political agendas which are at work in every case. Although some may argue that those asked to

¹⁶ One case involving an attempted homicide was included as it involved an expert opinion that the scene had been staged, and the victim was severely injured to the point of being in a near vegetative state. Because the assault was near fatal and the victim could not offer any assistance to investigators in light of these injuries, this attempted homicide was included. However, other attempted homicides where the victim survived were not sought out, nor were any others happened upon in the sampling process

educate the court as experts have the same biases, these individuals are, at least theoretically, held to a much higher level of objectivity. It is the role of prosecutors and law enforcement agents to make a case against the accused. It is the role of the defense attorney to defend their client within the confines of the law. The job of an expert witness is to educate the court and not take sides. As discussed by Thornton (1983, p. 86-88 as cited in Turvey, 2009):

The attorneys in a case are aligned with only one side, and it is entirely appropriate under the adversary system for them to advocate a particular point of view, even without full and fair disclosure of all relevant facts. Subject only to the rules of evidence, the rules of procedure, and the Code of Professional Responsibility, attorneys are free to manipulate scientific evidence to maximize the opportunity for their side to prevail. Not only is behavior of this sort countenanced by the law, it is the ethical responsibility of the counsel to attempt to do so.

As this passage highlights, including cases where the presence of staging was determined by an attorney is an irresponsible research practice which would certainly skew the findings. Secondly, requiring only that cases be deemed staged by the prosecution or defense would open the flood gates to many cases. This would force the author to determine which cases have more reliable indicators of staging and which should be discarded. This may be detrimental to the representativeness of the sample, and could be considered cherry-picking. This is clearly not conducive to valid and reliable research, and thus this was avoided.

Despite this threshold, it should be noted that there are still limits which exist with these cases. As many innocence projects have demonstrated over the years, a criminal conviction based in part on the testimony of an expert does not always mean a person committed the crime, and a confession does not always demonstrate guilt. The author has considered these limits, and has struggled to find a way to avoid them. This issue will be confronted in more detail in the discussion section of this work.

It also bears mentioning that one of the thresholds which is absent from the above list is that of a conviction against the accused. In all cases taken from the Westlaw database, defendants who purportedly staged the scene had been convicted of the homicide on some level (whether that was a conviction for capital murder, first degree murder, second degree murder, manslaughter, and so on). As all the case files from Westlaw involved an appeal, those cases involving confessions where the conviction was overturned were eliminated in an effort to reduce the chance of false positives in the

sample¹⁷. However, in a number of the cases taken from the personal files of experts working in forensic criminology, a conviction had not been handed down. In these instances, no one had been charged and the case was technically unsolved¹⁸. However, the experts still made some decisions and gave opinions on how the crime was staged and why. The rationale behind not requiring a conviction in this analysis is that legal truth is negotiated, whilst scientific fact is not. Whereas the scientist establishes facts based on their interpretation and examination of all the evidence available in a given case to a reasonable degree of scientific certainty and through use of the scientific method, the court establishes their decision based on a sometimes narrow factual record they deem as admissible, in order to resolve a legal conflict. This decision is not necessarily final, as the court is really deciding the legal outcome of the case only until the next round of the legal cycle, such as in the appellate process. As stated by Thornton and Peterson (2002, p. 148-9 as cited in Petherick & Turvey, 2010, p. 109):

The courts are interested in forensic science only from the standpoint of how science may be used by the Trier of fact to resolve technical issues.

But there is a fundamental conflict here. The classical goal of science is the production of truth, while the goal of law is the achievement of justice.

...

Scientific “truths” are established when the validity of a proposition is proven to the satisfaction of a prudent and rational mind. Legal “truths” are not established by the exercise of the scientific method, but by the processes of the adversary system.

The role of physical evidence in the administration of justice may reasonably be described as follows: Science offers a window through which the law may view the technological advances of our age. Science spreads out a smorgasbord of (hopefully) valid facts and, having proudly displayed its wares, stands back. The law now picks out those morsels that appear most attractive to it, applying selection criteria that may or may not have anything to do with science. These selection criteria may appear sensible, even obligatory to the law, but may appear illogical or even whimsical to science.

Therefore, making a determination based on scientific fact is actually a much higher standard than a legal truth could offer. That is, regardless of whether someone has been arrested and convicted for the homicide- the scientific facts, whether they are consistent or inconsistent with that person’s

¹⁷ The issue of false confessions and their role in the current sample is addressed in the limitations section of the discussion chapter.

¹⁸ For a definition of this term see Appendix 11

involvement, do not change. In light of this, it was deemed appropriate for those cases which had not be adjudicated in the courts to be included in this sample so long as the scientific facts confirm that staging is present¹⁹. In order to protect against false positives though, those cases involving confessions and convictions which were later quashed on appeal were not included as they did not have the benefit of an expert opinion regarding staging.

Upon meeting the above threshold for inclusion, each case was further classified in order to determine whether it should be included in the final sample. When determining whether or not a crime scene has been staged, there are four categories under which each case can fall. Since any cases making it to this point had previously met the thresholds above, none should fall under the first two categories below, however this will not be so in regular case work when approaching a previously unexamined scene. In light of this, all four categories were included for the sake of completeness. They are as follows:

- *Staging excluded*: this means the possibility of staging in this case has been excluded. This indicates that all the physical evidence available in the case lines up with the known scenario, and therefore there is no indication that any elements of staging exist.
- *Inconsistent with staging*: this category holds those cases where there are variables in the case which may not line up with the proposed scenario, however these elements are not consistent with staging. In this case staging cannot be eliminated as a possibility.
- *Consistent with staging*: these cases have indicators which are consistent with staging, however all other possibilities have not been ruled out and therefore it cannot be unequivocally ruled as a staged case.
- *Confirmatory staging*: in this category are cases where all other possibilities for the physical evidence to present in this way have been eliminated, and the only theory remaining is that the scene was in fact staged.

It was evident under which of the above categories each case fell depending on what the expert or confession said about the staging, and what tests were performed on the evidence. In order to be included in this sample, each case had to be a confirmed staging case. That is, the evidence must have unequivocally demonstrated that there are elements of staging, and any other possibilities were ruled out.

¹⁹ For those instances where the case had not led to a conviction, some of the background information on the offense and offense characteristics will not be known.

Now that the thresholds have been outlined, an overview of how they were actually applied to the cases can be undertaken. Using the preliminary sample described above, each case was compared against these thresholds to ensure that they were confirmed staging cases. In order to be included in the preliminary sample, each case had to have involved a homicide, so this second analysis was done to determine the second element of the threshold, which was whether or not an expert opined that the crime was staged, or the offender(s) admitted such. In order to do this, each case was read thoroughly. Those that involved neither an expert opinion on staging, nor a confession were removed from the intermediate sample, and the remaining cases became the final sample for this project. Those which were removed during this phase of the analysis were almost all cases involving staging, however the standard under which this conclusion was drawn was too low to be considered for this project.

The cases which were gathered in the first phase of sampling (via contacting the experts directly) necessarily bypassed this step in the analysis, and were immediately moved to the final sample. This was due to the fact that these cases were sought out originally based on the fact that they involved a homicide and an expert opinion on confirmed staging, and therefore these thresholds had already been met.

During the second stage of the sampling analysis, 109 cases were eliminated. The final sample thus consisted of 141 cases. One hundred and thirty-three of these cases were American, 3 were Canadian, 4 were Australian and 1 was from the United Kingdom.

After gathering the sample, the procedure utilised to examine the cases was undertaken.

Procedure

Measures: Definitions and Rationale

This thesis involved both a descriptive and an iterative element of research. This was done to first describe the cases in the sample, and then test the typology which was proposed in Chapter 3. Although two separate analyses were involved, the initial data which was garnered from the sample was the same for both analyses. Before proceeding it is important to outline exactly what characteristics of the scene and circumstances were measured, and the importance of measuring them.

This examination evaluated cases where staging was involved in order to determine what elements were common amongst these crimes, who the victims and perpetrators of these crimes were, what the motivation was for the staging, and what staging behaviours were present. In order to facilitate the subsequent analyses, several questions were asked of each case. These questions made up thirty-four variables, all of which were addressed for each case specifically. Each variable is addressed below including the definition utilised to determine whether that element was present or absent, as well as the reasoning behind including such a measure.

Before examining the necessary measures, a name was given to the case. This was the case name or descriptor which could be used to identify it later on. This was usually the last name of the primary offender, but could also be the name of the primary victim when the case has not been solved.

Following the assignment of a case descriptor to identify the homicide, the variables were broken down into several areas outlined above, including offender characteristics, victim characteristics, offense characteristics, staging behaviours and the intent behind the staging. The variables studied in each of these sections, their definitions and the rationale behind their inclusion are presented below in some detail, and with reference to the relevant literature (for the coding dictionaries utilised, see Appendix 8 and 9).

Offender Characteristics

First, who the offender was, the number of offenders and their background in law enforcement was addressed. This was relevant strictly for determining who was more likely to stage a scene and who was less likely. This lent itself to possible red flags, and allowed for the analysis of hypotheses 1, 3 and 5. The specific measures associated with offender characteristics, and their reasons for inclusion are described below.

Number of offenders. The first variable relevant to offender characteristics was the number of offenders perpetrating the homicide. This includes those involved in the actual homicidal act, as well as those conspiring to commit the act. It was expected that this would range from one to five. Although most homicides are perpetrated by only one person (Fox and Zawitz, 2007), it may be that staged homicides are more likely to involve accomplices or conspiracies and hired hit men (Turvey, 2002). In light of this fact, the number of offenders was addressed. Offenders were deemed involved, and included in this tally, if they had been formally charged with the homicide, if they had been charged

with a lesser offense involved in the same crime, or if they confessed. Also, if an expert opinion on staging determined unequivocally that one, two or more people were involved, this was added to the number of offenders.

Sex of offender. The sex of the primary offender was also assessed where the primary offender was the offender who engaged in the majority of the attack or assault, or who instigated or ensured the attack or assault was carried out. Their intention to have the attack take place could be illustrated through planning, funding or physically carrying out the crime. In a case where a person hired another person to kill someone else, the person doing the hiring would be the primary offender while the hit-man or woman would be considered a secondary offender. In a case where several people were involved in a homicide that happened without preplanning, the offender who inflicted the majority of the injuries would be considered the primary offender. This was addressed in order to determine whether offenders were more commonly men or women, and what the proportions are of each. It may be the case that, like regular homicides, men are more likely to commit homicides and stage the scene. However, this has not been addressed in any detail previously.

Law enforcement offenders. According to Turvey (2002), offenders who are currently or previously involved in law enforcement are more likely to stage scenes than non-law enforcement offenders. This may be due to their awareness that they will be a logical first suspect, or based on the fact that they are more confident than others that they can fool investigators. The next variable, then, addressed the occupation of the primary offender, paying specific attention to those involved in law enforcement. Being deemed ‘involved in law enforcement’ required offenders to currently work, or have worked previously in some capacity at a local, state or provincial, federal or military police agency.

Victim Characteristics

The identity of the victim and their relationship to the offender was assessed. As above this characteristic of the offense contributed to determining red flags and the link between staged scenes and domestic or intimate violence. It also facilitated the analysis of hypotheses 1 and 2. Each of the variables encompassed in this section is explained and defined below.

Number of victims. The number of victims of the homicide was counted. It is unclear whether staged homicides often involve more or less victims than regular homicides, so this was addressed here. Victims were included in this tally if they were found dead at the scene, or if the offender attempted to murder them but was unsuccessful. Non-deceased victims were included only if an attempt was

made to fatally injure them. For example if the offender stabbed one victim and punched another, the second victim would not be included, as it is clear that the injury had little potential to be fatal.

Relationship. Because the literature says that most staged scenes involve some previous relationship between the victim and the offender, this relationship was measured. This could take many forms including: spousal (or ex-spousal) whether the participants are hetero or homosexual; defacto, common-law or an otherwise cohabiting relationship including both hetero and homosexual ones; other domestic relationships, such as various levels of family members and so on; co-workers or business partners; friends, acquaintances or non-cohabiting family members; or strangers. People considered spouses were those who were legally married. Those who were considered defacto, or common-law were boyfriends, girlfriends or fiancé(e)s (both hetero and homosexual) who lived together in the same dwelling. Family members that share a domestic relationship were those who were related by blood or marriage and also lived under the same roof in the same household. Co-workers were those who worked together at the same company or business, whereas business partners were those who shared a financial interest in the same company or business. Friends were those people who had a close personal relationship that was not sexually intimate, who did not live in the same dwelling, whereas acquaintances were those who were known to each other but did not share a close personal relationship. Strangers were those who have never met before, or who were unfamiliar to each other. For the sake of this research, those people who met the day of the homicide, or immediately before it, but shared no previous relationship were considered strangers.

Offense Characteristics

Recall from the discussion by Polk (1994) that it is equally important to determine the context underwhich a homicide occurred, as it is to determine the type of homicide it was. What weapons were utilised, whether the offender brought them to the scene with them or got them from the scene, where the victim was discovered and by whom, as well as whether the attack happened during a confrontation were therefore each examined in this section. Determining the weapon used as well as when and where it was acquired was important due to the necessity to explain whether staging behaviours were more likely planned or decided after the fact. A better understanding of how these cases present to investigators, as well as under what context they occur will certainly aid in identifying red flags. These elements are each explained below.

Victim discovery. The location at which the victim's body was discovered is an important characteristic of these cases to measure. It may be that, because of the link between domestic violence/homicide and staged scenes, these crimes are more likely to involve the victim's body being discovered in their

own home or the home of the offender. To explore this, where the victim was discovered was examined, and one of several levels were possible including in the bedroom, bathroom, living room, kitchen, foyer, vehicle or outside of the home of either the offender, the victim or both. Who discovered the deceased or fatally injured victim was also addressed. In research done by Turvey (2000) the body of the victim was most likely to be discovered by the offender and they often displayed grief at the discovery. There were six possibilities for who discovered the victim here, including: the offender; family (by blood or marriage) of the victim; family of the offender; friends, acquaintances, employees or roommates of the victim; friends, acquaintances, employees or roommates of the offender; or others including police, random passersby, and so on.

Cause of death. The next variable was the cause of death or the weapon utilised by the offender in order to inflict the fatal injuries on the victim. The injuries that led to the victim's death were measured as coming from a firearm, blunt force trauma or being hit with an object, sharp force trauma or being stabbed, slashed, or chopped, being hit by a vehicle, manual strangulation, strangulation with an instrument or tool, a drug overdose, a manual beating (no weapon), multiple weapons, suffocation, drowning, poisoning, or a fall. This needed to be measured because it may be the case that staged cases are more likely to involve more personal violence, such as strangulation or manual beatings because of their high emotional content and association with domestic violence. Alternatively it could be that these homicides are more likely to be premeditated and planned in advance, and therefore may involve more elaborate attempts by the offender to distance themselves from the crime, therefore utilising less personal forms of violence such as gunshot wounds from afar.

Availability of weapons. It was equally important to measure the availability of weapons at the scene, or how the weapon came to be present at the scene. This fell under one of four possibilities. The weapon may have been brought to the scene by the offender, it may have been brought to the scene by the victim and subsequently used against them, it may have been already available at the scene (an opportunistic weapon), or the offender may not have used any weapon at all. This was a necessary measure as the availability of weapons speaks to whether the offense was planned or spontaneous, which is important as it may lend towards establishing red flags that investigators should look for in these scenes.

Motive. What the motivation was behind the crime itself was also measured. This is a different question than that of determining the intention of the staging behaviour. It has been demonstrated that cases of staging often involve intimate partners. This question is therefore clearly relevant to the current discussion, as there may be some link between certain types of intimate partner homicides

and crime scene staging. For example it may be the case that intimate homicides which involve anger motivations are more likely to involve staging behaviours after the fact. Investigating this link should contribute to identifying red flags. Through preliminary case analysis it was apparent that motive could be easily determined, as the court discussed it or it was self-evident. In order to codify these motivations into something that could be analysed statistically, the typologies proposed by Groth (1979), and expanded upon by Turvey (2002, 2008) and Douglas and colleagues (1992) were utilised. These typologies are discussed at length in the Literature Review section above and the definitions discussed there will be used here. Recall the motivation can take one of five forms, including: anger-retaliatory, anger excitation, power-assertive, power-reassurance, and profit. These levels were used to codify this variable.

Overkill. The next measure took into account any indication of overkill on the part of the offender when committing the crime, and whether that overkill also involved a clear anger motivation or not. This was measured in order to determine whether the overkill was due to the anger motivation behind the crime, or whether it was actually part of the staging effort. It is possible that there could be evidence of overkill without an anger motivation, evidence of anger and overkill, evidence of anger and no evidence of overkill, or neither anger nor overkill. For the purposes of these analyses, overkill was defined as injuries above and beyond those required to cause the death of the victim, where additional injuries are repeatedly inflicted after lethal force has already been applied (Turvey, 2008).

Confrontation. According to Burnley (1996) the vast majority of intimate partner homicides occur during an argument, in relationships that have a history of domestic abuse. In light of the link between previous violence and domestic homicide, and domestic homicide and staged crime scenes, it is important to examine the context under which the fatal attack occurred. The next variable, therefore, examined whether the attack happened during a confrontation between the victim and the offender. Confrontation was simply coded as present or absent. Those cases that evidenced some sort of violence or verbal abuse before the fatal assault were coded as having a confrontation present. This evidence of confrontation may come from witness reports, neighbours, or the offender him or herself.

Jurisdiction. The next variable examined the country in which the homicide took place, so that it could be determined how many cases in the sample were from each of the regions. Recall the countries from which the sample was drawn were, the United States of America, Canada, Australia

and the United Kingdom. Similarly, how it became evident that the scene had been staged was also addressed. This evidence came from an expert opinion, a confession from the offender(s) or both.

Staged Elements

What elements of the scene were staged, what the offender did specifically to stage the crime and what they took with them or left behind was assessed. This would lend itself to determining whether or not those who stage crime scenes intended to deceive law enforcement prior to committing the crime, or whether staging efforts were more likely an afterthought designed strictly to conceal their involvement, not necessarily an elaborate effort to frame another. This was important as it will allow for an analysis of whether previous anecdotal references to staging examined representative cases. It will also allow for the analysis of hypotheses 6, 7, 8, 9 and 10. Each of the elements is expanded upon below.

Type of staging The first variable in this section is the situation or offense that the homicide was staged to look like, or the type of crime that the offender was attempting to have the scene present as. This can take on a number of possible levels including: a burglary, break in or home invasion; a suicide; an accidental death; a car accident; a car-jacking or car-robbery gone wrong; a drug deal gone wrong; a sexual homicide; an execution or 'hit'; a kidnapping; a runaway; a non-specific stranger attack; a frame-up; a natural death; a hate crime; or a self-defense/justifiable homicide. This was measured based on two dimensions, first, how the scene presented and what the offender said in their statements to police was addressed, followed by what investigators and experts believed the scene was meant to present as, or the scenario that the offender admitted to trying to have the scene display as. It was expected that this would be a fairly straight forward determination to make, as it should be fairly obvious what the offender was trying to portray with the staging efforts. For instance, if the victim was found hanging by a noose and there was a fake suicide note present, it was clear that the offender was trying to stage the scene as a suicide. The offender's statements of what they believe to have happened at the scene were very helpful here. In case the scenario which was meant to be displayed was unclear, there was a level of this variable which could be coded as unknown or unspecific. It is possible that those offenders who were under the influence of drugs or alcohol (or withdrawing from the effects of either), those who are not particularly intelligent or forensically aware or who were otherwise in a panic, would not actually attempt to portray any series of events, and would simply manipulate the scene sporadically with no real direction. In these cases the type of staging attempted was unclear, and was thus coded as such.

Point of entry/exit. The next measure examined revolved around the point of entry which may have been staged by the offender. This was not the actual point of entry for the offender, but the point they desired to be perceived as where they entered or exited. According to Chisum and Turvey (2007), this is one of the most common elements of staging. It can be done by cutting a window screen, opening or breaking a window, or breaking in a door. It could also be done by simply leaving a door open or unlocked. In this case the specific point of entry or exit was not examined, but simply whether this behaviour was carried out in any form. This behaviour was deemed present if it was the opinion of the expert that there was some evidence the offender did not actually use this point of entry or exit, such as dust on the window sill which is inconsistent with someone coming through the window. It may also be the case that under questioning the offender admitted that he/she staged a point of entry or exit.

Valuables. The next measure examined whether or not any valuables such as cash, credit cards, jewelry, electronics, or firearms were taken or disturbed by the offender in an effort to simulate a robbery or burglary. Offenders may remove items from the scene in order to lend credence to the story that a burglary has taken place, or they may simply disrupt or alter valuable items at the scene in order to give this impression. This could be done by moving these items around in the scene, removing them from their usual locations to another within the scene, or taking them away all together.

Personal items. Similarly, whether non-valuable personal items were removed or disturbed by the offender at the scene in order to stage the offense was also measured. These items could also be disrupted, altered or removed entirely. These two characteristics were measured in order to determine what the offender perceived as necessary to give the impression that a burglary-homicide had occurred, or whether they viewed it as important to remove or alter items in cases not involving staged burglaries. These two things will also help to determine the possible red flags for staged scenes as they speak towards the sophistication of the staging efforts.

Weapon arrangement. Whether or not a weapon was arranged or positioned at the scene in order to give the illusion of something that did not occur was addressed. According to Chisum and Turvey (2007), determining whether the weapon found at the scene inflicted the injuries on the victim, or what the purpose of the weapon may be if not, is an important determination to be made at all crime scenes. Of course, to any rational person it seems logical that in order to stage a homicide as anything other than what has actually taken place it would be important to give some indication of how the victim came to be deceased. However, whether people who stage scenes think of this needs

to be examined. Therefore, it is imperative to determine whether weapons exist in the scene or near the body that did not inflict the fatal injuries, and also whether those weapons could have been used in the way their positioning indicates to inflict the injuries. In the current analysis this was a dichotomous variable, where the presence of an unrelated weapon, or the positioning of a related weapon was coded together as the arrangement of a weapon. This could take the form of pulling a car over the victim's body to imply they have been run over when they have actually died of a gunshot wound, or putting a firearm in a victim's hand to imply they shot themselves in the temple at close range when they were actually shot from some distance.

Transportation of deceased. Chisum and Turvey (2007), discuss that it is not common for bodies to be moved or transported from the primary crime scene (where the majority of the attack took place) to another location or dumpsite. In order to further delineate this aspect of staging, this was measured. Those cases where there was evidence that the homicide did not take place at the discovery site were coded as those involving transportation of the body. This evidence could be a lack of bloodstains at the crime scene which would be expected, drag marks or other indications that the body has been moved, as well as transfer evidence that came from another location.

Body arrangement. A related issue is whether or not the body was arranged or moved at the scene of the crime. Instead of moving the body to another location entirely, the offender may arrange or position the body where it fell to hide what actually took place, to imply that something else took place, or both. This repositioning of the body can also include dressing the victim after death, or undressing them. Evidence that the body has been positioned could be things like nudity or sexualised positioning despite the absence of evidence of a sexual assault, or a lack of consistency between the livor mortis and rigor mortis present and the positioning of the body. Wound patterns, bloodstains and other physical evidence inconsistent with the discovery positioning may also be an indication that the body has been moved. In this case, the opinion of an expert was important, as was the statements made by the offender.

Fake notes. In cases which are staged to appear as suicides, runaways or kidnappings the offender may attempt to provide a note or letter indicating where the victim has gone or why they are doing what they are supposedly doing. Providing a fake note may be perceived by offenders as a good way to legitimise the presentation of the crime scene. The potential for this to happen in staged scenes was addressed in the work by Gross (1934). The next variable was therefore used to code for whether or not a fake note was used in the simulation of the crime. This could take the form of a fake suicide note, a fake letter of revenge from the apparent offender and so on. If there was a note at the scene,

which the offender admits to writing, or which is opined by an expert as not having come from the victim, then this variable was coded as present.

Drugs planted. Equally important was the determination of whether any drugs or illicit substances were planted at the scene. These may be arranged near the body to give the illusion of instability on the part of the victim, or possible overdose. It is also possible that while no illegal drugs were present, paraphernalia were arranged in order to give the same appearance. This was coded as present when an expert opined that the paraphernalia or substance has been planted or staged at the scene, or when the offender admitted to doing so.

Simulated self-injury. The next measure of staging involves whether the offender attempted to simulate self-injury to the victim. This can be done by giving the victim hesitation marks on the throat or wrists, inflicting other injuries to the throat or wrists, gunshot wounds to the temple, under the chin, inside the mouth or to the chest, as well as superficial cuts to the stomach, arms, wrists and genitals. Evidence of pseudo self-injury was coded as present or not, and would most likely be a determination made by the medical examiner or forensic pathologist.

Telephone/lighting. The next two variables were used to examine whether the offender disabled the telephone or lighting at the scene in order to prevent the victim from calling the police, prevent the victim or eyewitnesses from seeing them or as an elaborate staging effort. These efforts could be construed as ‘Hollywood’ behaviours, typically happening more in fictional cases than real ones. Therefore they may be carried out by individuals who are attempting to create a scene similar to how they believe legitimate scenes would present, based on their experiences with the media as opposed to real experience. Both of these elements were coded as either present or absent.

Ransacking. The next variable examined whether any ransacking was evidenced at the scene. Ransacking was defined as going hurriedly through a scene in an attempt to look for something or steal things, in so doing the scene will become disordered, and may sustain damage. In the staged cases, ransacking may be used to imply that things were stolen when in fact they were not, or more simply to give the impression that someone was looking for valuables within the scene and disrupted it in the process. Although this element has not been specifically addressed in the literature, the author’s experience with a number of cases indicates that this may a common element, and this theory was therefore measured in the current analysis.

Bloodstains. The next element examined whether any bloodstains were staged at the scene. This could come in the form of placing blood around the supposed point of entry or exit, planting blood on items belonging to, or on the person of, another in order to make it appear as though they were somehow involved, or placing the victim's blood on a weapon or instrument to imply its use in the homicide. Coding this element as present required an opinion on the part of an expert that the bloodstains present could not have been deposited in the way they were presented, or the confession of a perpetrator that they purposefully applied the stains to the area in order to mislead investigators.

Clean Up. Any case involving staging something that did not happen may also involve hiding, concealing or cleaning up what did happen (see the research above on dissimulation when it comes to deceit). Therefore, the clean up or destruction of evidence carried out by the offender as part of the staging effort was examined. This may come in the form of taking the weapon away from a scene and disposing of it, removing or destroying clothing or other materials used during the offense, or physically cleaning up the scene in order to make it appear as though something else happened there. It was thought that this would be a fairly easy indicator to deem as present. For example, in those cases where expected items or evidence were absent, it was clear that someone had removed them. In other cases instead of an absence of evidence which indicated clean up, there may have been a presence of evidence such as the smell of cleaning products or bloody clothing in the washing machine.

Mutilation. Another way to mask what truly occurred, and make it appear as though something else happened is by mutilating the body of the victim after death. For example, if the staged scene is meant to portray that the victim died as a result of an accidental fire, the body of the deceased may be set ablaze after death. Similarly, if a victim has been beaten to death, they may then be placed in a car and the car rolled off a cliff with the goal that the injuries sustained while going over the cliff would mask the injuries from the beating, and give the impression that death resulted from the fall. The next variable then examined whether the body was mutilated in any way by the offender as part of the staging effort. Mutilation, for the purposes of this work, was defined as a disfiguring injury which happened after death. The reason that the postmortem stipulation was put on this definition was to ensure that this measure was valid, in that it measured injuries sustained by the victim as part of the staging, not injuries which led to the death itself. Because the victims studied here were deceased, it was possible that a number of them would have injuries associated with the homicide which could be considered disfiguring. This measure was not tapping into those injuries which caused the death of the victim, but those sustained later as part of the staging effort. If weapons or

other objects were placed into the victim's orifices after death, this was also considered mutilation. Although these behaviours may not have involved actual disfiguring injuries, they did involve manipulation of the victim's body after death aside from simply moving or repositioning the body. Therefore, these behaviours were also classed as mutilation. Mutilation was coded as either present or absent, and was deemed present based on the findings of the wound pattern analysis conducted by the medical examiner or forensic pathologist.

Self-injury of offender. In an effort to legitimise the scenario which the offender seeks to portray, they may self-injure. Several anecdotal cases have involved offenders hitting themselves somewhat superficially on the head, and then claiming long periods of unconsciousness when the crime supposedly took place. This is one of the more sophisticated staging behaviours, and clearly necessitates a real commitment to the effort on the part of the offender. The next variable examined whether the offender attempted to self-injure as part of the staging effort, and was deemed present or absent based on the opinions of the experts working the case, the medical professionals involved if the offender sought medical attention, or the admissions of the offender. Those individuals who solicited others to injure them were also coded as present for this measure, as the intent behind the behaviour is the consistent.

Alibi. The next element assessed whether the offender arranged, or attempted to arrange for some sort of alibi for themselves. It seems that this would be one of the simplest ways to divert suspicion away from yourself, and it was therefore necessary to determine whether this was something the offender did or attempted to do. It was possible that these behaviours would run the gamut from elaborate attempts to be seen on surveillance video at places other than the crime scene, to simply asking a friend to vouch for an offender's whereabouts. Whether an alibi was arranged will also speak to the sophistication of these efforts. This aspect was coded as either present or absent, and was dependent on two things. First, it was necessary to be aware of the estimated time of death according to the medical examiner or forensic pathologist, and secondly it was determined what the suspect's statement was as to where they were and what they were doing at that time.

Intent of Staging

What the offender was staging the crime to look like was pertinent, as it allowed for the evaluation of the typology mentioned previously. Since this was a major goal of the project, this issue was assessed extensively for each case. In terms of actually determining the intent, it was theorised from preliminary case reading that this would be self-evident in each case, or the expert would have opined as to the nature of the staging behaviours.

Goal. The final measure then, categorised what the offender's goal for staging the crime is/was. This was coded into six different levels, including: to implicate another person or group (frame-up); to conceal a relationship to the victim (make it appear as though there was a different relationship between the victim and offender); to conceal the crime entirely (make it appear as though the victim has runaway or gone missing); to make the crime look like an accident or suicide; to draw attention away from themselves in a non-specific way (simply to confuse); or to make it look like self-defense. This section facilitated the analysis of hypotheses 11, 12 and 13.

Each of the six elements mentioned above were assessed for each case in the sample. The results of this assessment were coded into a Statistical Packages for the Social Sciences (SPSS) which was then analysed.

Descriptive Analysis

This part of the analysis was carried out using SPSS Version 16.0 and was utilised for a qualitative assessment of the data. That is, it was designed to describe general trends and results in the data. This examination described the basic information contained in the sample such as the most common weapon utilised, the mean number of victims and offenders, the types of relationships most oftenly involved and the likelihood of an offender carrying out various behaviours during their commission of the crime.

General Analysis

Specifically, the descriptive analysis took each variable of the coding dictionary (see Appendix 8 for Coding Dictionary A) which was designed for this project, and tested the likelihood of each possible answer, thus obtaining frequency data. Put another way, for each question in the coding dictionary each answer was examined to determine its proportionality in relation to the other possibilities. This was done in order to determine what behaviours were the most and least prevalent in these cases and therefore the common features of these types of offenders, victims, scenes and so on.

Analysis by Type of Staging

Upon reviewing the frequency charts for each of the variables, it was determined that breaking the cases down by the type of staging attempted would provide a much more useful analysis. This was because there were several different types of staging attempted by the offenders in these cases, and combining those behaviours carried out in a staged car accident with those carried out in a staged sexual homicide did not make sense when attempting to determine red flags. Certainly, the red flags for a staged car accident may be different, or should at least be analysed separately than those of a

staged sexual homicide. Therefore, a cross-tabs analysis was completed which determined the frequency data for each of the variables by staging type. Revisiting the previous example, each of the possible manners of death in the case (whether the fatal injuries were inflicted by firearm, blunt force, sharp force, strangulation etc) were broken down by staging type. Therefore, instead of determining how many cases of the total sample had injuries sustained from blunt force, it was possible to examine how many staged burglaries involved blunt force, versus how many staged suicides, accidents, car accidents, self-defense homicides, sexual homicides and so on. This allowed for a much more in depth analysis of each of the offender, victim, offense, and staging characteristics by staging type instead of combining them. The importance of separating out each of the staging types will be addressed in the following section which also outlines the second phase of the research conducted, the iterative analysis.

Iterative Analysis

The second part of this examination was the iterative analysis. This was done using Multi-dimensional Scaling (MDS). MDS and its benefits will be outlined in detail momentarily, however first it is imperative to explain the necessity of the typology developed for this project, and more importantly, what the typology assumes and how it will be tested.

The importance of developing a typology of staging lies in the fact that determining whether a crime has been staged or not is really about determining what the distinguishing characteristics of crime scene staging are, and then being able to recognise them. In some instances, depending on the sophistication of the staging effort, this may be very simple. In other cases this will be more difficult. It is in these more difficult cases that it is important to have some empirical leg to stand on when it comes to making a determination of whether a crime has been staged. Of course, it is crucial to understand the general characteristics of staged crime scenes which is why the descriptive analysis will first be undertaken, but since the literature makes it clear that there are a number of varying scenarios which an offender may intend for the scene to resemble, it becomes ever more pertinent to identify the features of each of those scenarios separately. This can be done by classifying staging behaviours into a typology. Typologies have been utilised in several relevant communities by several noted scholars, perhaps the most famous being Marvin Wolfgang. Wolfgang (1958) developed a framework for categorising homicides which set the stage for the use of typologies and classification systems throughout criminology. Since then it has become well known and well-documented that developing a typology makes several assumptions. These have been discussed in some detail in the work by Canter on typologies for criminal profiling (2004). Although the work is on the issue of

classifying individual offenders, the assumptions are the same when classifying their behaviour instead of them as a person (Canter, 2004, p. 8-9):

Inherent Assumptions of a Typology

The central hypothesis of any typology is that each type can be defined by the occurrence of characteristics that are typical of it. This hypothesis makes two crucial assumptions. Firstly it is assumed that within each type the characteristics that define that specific type are likely to co-occur with one another with regularity. Secondly, specific characteristics of one type are assumed not to co-occur with any frequency with the specified characteristics of another type. For such typologies to have any utility each type needs to have characteristics that are found to be distinct from those of other types. Or, if there is a mix of characteristics belonging to different types, a clear set of criteria would need to be in place to determine how an individual is to be categorised.

In essence, then, the empirical test of this typology is that: a) the characteristics within each type consistently co-occur with one another; and b) that these characteristics do not co-occur with characteristics of other types. If the patterns of co-occurrences and lack of co-occurrences do not reflect the proposed characteristics of each type then there is no empirical support for the typology.

It is these two things, the consistency of the characteristics co-existing within each type, and the absence of features co-existing between types which will be tested herein using multi-variate statistics, specifically Multi-Dimensional Scaling (MDS) methods. Within MDS, the specific procedure selected for use was that which is referred to as Smallest Space Analysis (SSA) (Lingoes, 1973). In criminology, research has shown MDS methods generally and SSA procedures specifically to be useful in analysing different features among offense styles (Canter & Fritzon, 1998, Fritzon, Canter & Wilton, 2000; Bennell & Canter, 2002), profiling methodologies (Petherick, 2007), as well as rape (Canter & Heritage, 1990) and homicide cases (Salfati, 2000). On the same note, it should be beneficial in identifying whether different types of staging exist, and the salient features that investigators and researchers can expect to find within those types.

There are several statistical procedures which would have met the goal of identifying themes within this data set (such as factor analysis or principle component analysis), as noted by Canter (2004 p. 9):

However, it is important to emphasise that although the power of SSA has been revealed in a number of publications, it is only one of a family of procedures that can be appropriately used. Indeed, it is often thought that other procedures, such as factor analysis, principal component analysis, cluster analysis, discriminant function analysis and all those related procedures known collectively as multi-variate statistics, with acronyms such as ALSCAL, LISREL, POLYCON, etc. are radically different from SSA and from each other. However, the difference is not in the mathematics. Most of these procedures start with an approximate solution that derives from finding the latent roots (eigenvalues) of the matrix of

associations between all the variables. This principal component analysis is then modified by one of a number of algorithms. The consequence of this is that all these procedures have similar starting points and the differences in the results they produce are somewhat superficial developments of the starting point. The underlying similarity in the mathematics means that the end results of the different procedures will have a lot in common with each other. The differences between them are therefore in the way these results are represented, for example as vectors, path diagrams, dimensions, clusters or regional structures.

Because of the easy-to-read nature of the cluster output given with SSA procedures this approach was selected for the project. This was done in order to provide a graphical representation of the relationships between variables and determine whether and where themes were present as a result of these relationships. Using SSA, each feature becomes a point in space, with the distance between points indicating the relationship between those variables. Hence the name ‘smallest space analysis’. Those features which co-occur frequently appear close together in the space, while those which do not co-occur appear farther apart. The placement of the variable in relation to the others indicates the strengths of the relationships between those variables. As discussed by Breakwell, Hammond and Fife-Schaw (2003, p. 390):

The basic idea of MDS is to represent data spatially by plotting variables as points in n-dimensional space. The distance between the points represents the similarity of the variables. Thus, if variable *X* is highly correlated with variable *Y* then these two variables will be situated close together on the plot. The advantage of MDS is that the structure of the data can be examined in a number of ways. For example, we can examine the regionality of the space by identifying regions occupied by a particular group of variables. Alternatively, we can examine the shape of the plot; for example, whether the variables arrange themselves in a straight line or a circle.

In essence, a MDS output shows the correlation of every feature or variable with every other variable (Petherick, 2007). This relationship is presented in a graphical format, so the relationship between variables is pictorial as opposed to numerical. Within this graphical space, the characteristics that cluster together may indicate a type or class if they occupy a distinct area. Those features which are common to all types appear in the centre of the graph as they co-occur frequently. In this way, those features which are the general red flags of staging will be presented in the core variables at the center of the graph (before variables are removed via the subjective evaluation to increase the index of fit, R^2), and those features which are common within, and distinct between, each type of staging will occupy separate clusters outside of the center.

Having described how the sample was gathered, the thresholds for inclusion as well as the importance of them, it was possible to move on to a detailed description of each of the measures

utilised to examine this sample, and the rationale behind them. Each of the two analyses that were carried out on this data (the descriptive and the iterative), and the necessity of and reasoning behind why these procedures were selected was also presented. Now we may discuss the results of these analyses, and more importantly what they mean to the research questions and forensic criminology.

RESULTS

This chapter will describe the results of both the descriptive and iterative analysis conducted. First, the basic findings will be given, followed by the findings specific to each of the types of staging and finally the results of the smallest space analysis described.

Descriptive Analysis

General Findings

The qualitative analysis of the data yielded extensive information about the victim, offender and scene characteristics in cases involving a staged homicide. The basic information about the 141 cases in the sample is presented in the following section.

In terms of the number of offenders involved in the cases sampled, there was most often one offender (60.3% of cases). The number of offenders ranged from one to five people involved (Minimum=1, Maximum=5), with one offender being most likely and five offenders the least likely (1.4%). Two offenders were present in 17 percent of the cases, three were present in 7.8 percent and four were involved in 5.0 percent. It should also be noted that in 12 cases (8.5%) the exact number of offenders involved was unknown. These cases were those where an expert opinion was unclear or unsure as to how many people were involved in the staged crime, or when the crime had not been solved. For proportions and percentages of number of offenders involved refer to Table 1.

Number of Offenders	N	Percent
Unknown	12	8.5
1	85	60.3
2	24	17.0
3	11	7.8
4	7	5.0
5	2	1.4
Total	141	100.0

Table 1: Frequency and Percentage of Number of Offenders involved in Total Sample

When it comes to the number of victims killed in the cases sampled, the most likely scenario was only one deceased victim (80.9%). Similar to the number of offenders, the maximum number of victims was five (0.7%), and the minimum was one. Two victims were deceased in 19 cases (13.5%), three were deceased in five cases (3.5%) and in two cases four victims were killed (1.4%). Refer to Table 2 for a breakdown of the number of victims involved.

Number of Victims	N	Percent
1	114	80.9
2	19	13.5
3	5	3.5
4	2	1.4
5	1	0.7
Total	141	100.0

Table 2: Frequency and Percentage of Number of Victims involved in Total Sample

The primary offender in a crime can be defined as the offender who engaged in the majority of the attack or assault, or who instigated or ensured the attack or assault was carried out. Their intention to have the attack take place can be illustrated through planning, funding or physically carrying out the crime. In this sample, the sex of the primary offender was male in over three quarters of the cases (75.2%). In only 24 cases (17.0%) the primary offender was female, and in 11 cases (7.8%) the sex of the primary offender was unknown. These were again cases which were unsolved but involved an expert opinion, or where several co-conspirators were involved and a determination could not be made as to who was the primary offender. Table 3 outlines the proportions and percentages of male and female offenders.

Sex of Offender	N	Percent
Unknown	11	7.8
Male	106	75.2
Female	24	17.0
Total	141	100.0

Table 3: Frequency and Percentage of Male vs Female Offenders involved in Total Sample

The occupation of the primary offender was also measured, however this was done using a dichotomous categorisation system based on the previous research into staged scenes. Turvey (2000) found that a number of offenders in his sample had law enforcement backgrounds or were currently involved in law enforcement. In light of this finding, primary offenders were classified as either from a current or previous law enforcement background, or not. In this sample, seven cases involved offenders from current or previous law enforcement backgrounds (5.0%), while primary offenders in 73 cases (51.8%) were not. However, this finding becomes problematic as the law enforcement background of the primary offender was not available or unknown in 61 cases (43.3%). Refer to Table 4 for the frequency and percentages related to offenders involved with law enforcement.

Occupation of Offender	N	Percent
Unknown	61	43.3
Law Enforcement	7	5.0
Non Law Enforcement	73	51.8
Total	141	100.0

Table 4: Frequency and Percentage of Offenders Employed with Law Enforcement in Total Sample

Because this characteristic is unavailable for many cases, it is difficult to determine whether the hypothesis that offenders with current or previous experience in law enforcement were more common was borne out in this sample. In the known cases, less than 10 percent of offenders were from a law enforcement background. Since little data is available for homicides on this level the determination of whether support was given to the corresponding hypothesis is difficult. Because so little information is available, the null hypothesis must be supported.

As is clear from the literature review section, the relationship between the victim and offender is an important one, because these cases are traditionally believed to involve some previous relationship between the parties. In this sample, all but three cases involved some previous relationship between the victim and the primary offender (90.8%) and in a further ten cases (7.1%) the relationship was unknown because the homicide was not solved. In only 2.1 percent of cases, the victim and primary offender were strangers. However in at least one of these cases the victim and offender met under normal circumstances the day of the offense, and the offense was related to a conflict between them. In this case the offender did not randomly or opportunistically select the victim. Table 5 outlines the frequency of the various relationship types within the total sample.

Relationship between Victim and Offender	N	Percent
Unknown	10	7.1
Spousal	63	44.7
DeFacto	9	6.4
Domestic	22	15.6
Coworkers	9	6.4
Friends	25	17.7
Strangers	3	2.1
Total	141	100.0

Table 5: Frequency and Percentage of Victim/Offender Relationships in Total Sample

In terms of the specific relationships present between victims and primary offenders, the most common relationship in this sample was spousal or ex-spousal (both hetero and homosexual relationships). These relationships were present in nearly half the cases (44.7%). Surprisingly, intimate and cohabiting relationships of a defacto or common-law (or ex) nature were not nearly as common, occurring in only nine cases (6.4%). After spousal relationships, the next most common types were friends, acquaintances, or non-domestic family, occurring in 25 cases (17.7%). Domestic family relationships occurred with similar frequency, in 22 cases (15.6%). This category included any type of family relationship where the victim and offender lived together, for example parent-child, sibling-sibling, uncle-nephew and so on. Co-workers or business partners perpetrated violence against each other with relative infrequency in this sample, occurring in only 6.4 percent of cases. When added together, domestic or ex-domestic relationships were extremely common, accounting for 66.7 percent of cases. Because of this finding, it could be said for hypothesis one, that domestic and/or intimate relationships would be present in most if not all cases, the null hypothesis is rejected.

Regarding the cause of death in the staged homicides, or the weapon which ultimately caused the injury which led to the victim dying, several options were present including: firearms, blunt force from an object, strangulation, sharp force or knife wounds, and injuries from multiple sources. The most common cause of death in this sample was due to injuries from a firearm (33.3 %). Blunt force injuries accounted for 14.9 percent, where multiple weapons were used in 19.1 percent of cases, and knives or sharp instruments in 9.2 percent. Strangulation resulted in the death of the victim(s) in 14.2 percent, and suffocation and poisoning was the manner in two cases each (1.4%), drowning in three cases (2.1%), and a fall or a manual beating in one case each (0.7%). Refer to Table 6 for a breakdown of the various causes of death which were present in the total homicide sample.

Cause of Death	N	Percent
Unknown	4	2.8
Firearm	47	33.3
Suffocation	2	1.4
Drowning	3	2.1
Poison	2	1.4
Fall	1	0.7
Blunt force	21	14.9
Sharp force	13	9.2
Manual strangulation	10	7.1
Ligature strangulation	10	7.1
Manual beating	1	0.7
Multiple weapons	27	19.1
Total	141	100.0

Table 6: Frequency and Percentage of Causes of Death in Total Sample

The final element that should be explained is the context under which the homicide occurred. In the staging sample, 24.8 percent of cases happened during, or immediately after, some sort of confrontation between the victim and offender. This may have been due to an argument, a physical fight or some other conflict. In the staged cases, 32.6 percent of the cases did not happen during a confrontation. Notably though, in 42.6 percent this was unknown. Table 7 illustrates the proportions and percentages of cases involving confrontations prior to the homicide.

Confrontation	N	Percent
Unknown	60	42.6
Present	35	24.8
Absent	46	32.6
Total	141	100.0

Table 7: Frequency and Percentage of Total Sample Involving Confrontations prior to Homicide

Before breaking down the cases by type and discussing the characteristics common to each, it should also be mentioned that of the 141 cases, 60 were determined by an expert to involve staging (42.6%), while 78 involved a confession by one or more of the offenders (55.3%). In three cases (2.1%), both an expert opinion and an admission of the homicide/staging were present. This is

outlined is Table 8. For a list of each of the case names, as well as whether they involved confessions or experts, and who those experts were, refer to Appendix 1.

Case Type	N	Percent
Expert	60	42.6
Confession	78	55.3
Both	3	2.1
Total	141	100.0

Table 8: Frequency and Percentage of Cases Involving Confessions, Experts or Both in Total Sample

Findings by Type of Staging

After the basic information discussed above was gathered, the 141 cases were differentiated by how the offender sought to stage the scene, such as by portraying an accidental death, car accident, sexual homicide, self-defense homicide, suicide, home invasion homicide and so on. Before considering more detailed analyses, the breakdown of the cases into these various types will be presented. For proportions and percentages of feigned scenes refer to Table 9.

Staged Scene	N	Percentage
Burglary/Home Invasion	61	43.3
Suicide	18	12.8
Accidental Death	16	11.3
Car Accident	17	12.1
Sexual Homicide	7	5.0
Self-defense Homicide	6	4.3
Frame-up	1	0.7
Natural Death	1	0.7
Hate Crime	1	0.7
Car Jacking/Robbery	1	0.7
Drug-related Homicide	2	1.4
Execution	2	1.4
Stranger Attack	2	1.4
Unknown	6	4.3

Table 9: Proportions and Percentages of Feigned Scenes

Cases were classified into one of the above categories based on the staging behaviours present in the case (according to the expert) and the statements the offender made to authorities investigating the death. For example, if the victim's body was placed at the bottom of the stairs and the offender told police that he/she saw the victim fall down the stairs, but the medical examiner testified the victim died as a result of a gunshot, the case was classified as a staged accidental death because it is clear the offender was trying to make the scene present as such.

As is evident from the above table, the most likely type of staging present in this sample of 141 was Burglary/Home Invasion (43.3%). The next most frequent types of scene staged were suicide (12.8%), car accident (12.1%) and accidental death (11.3%). Sexual homicide and self-defense homicides were next most frequently staged, although they were not particularly common (5% and 4.3% respectively). It should also be mentioned that an approximately equal number of cases (4.3%) had an unknown goal behind the staging, and the staging behaviours may have been carried out non-specifically or simply to confuse. In these unknown cases, the expert made no opinion about what the crime was staged to look like, and/or the offender offered no information on what scenario they were attempting to portray. Drug-related homicides, executions, and stranger attacks were equally unlikely (1.4% each), and frame-ups, natural deaths, hate crimes and carjacking/robberies were the least likely, each occurring in less than 1 percent of cases (0.7% each). Because cases involving drug related homicides, stranger attacks, executions, frame-ups, natural deaths, hate crimes and carjacking occurred so infrequently, these types of staging behaviours were difficult to measure and any conclusions drawn from analyses of so few cases would lack any generalisability whatsoever. In light of this fact, these cases were removed from the sample. Similarly, those cases where the nature of the staging behaviours were unknown or unclear were also removed. The final sample size then was 125 cases involving crimes staged to appear as burglaries/home invasions, suicides, accidental deaths, car accidents, sexual homicides, and self-defense homicides. The cases involving each of these types will be discussed in turn.

Staged Burglaries/Home Invasions

Crime/Victim/Offender Elements. As mentioned above, there were 61 cases involving a staged burglary or home invasion. This made up almost half the sample (43.3%). In terms of the number of offenders and victims, cases involving staged home invasions had a similar distribution to the sample as a whole. Refer to Table 10 for a breakdown of the number of offenders involved in this subsample.

Number of Offenders	N	Percentage
Unknown	3	4.9
1	30	49.2
2	12	19.7
3	7	11.5
4	7	11.5
5	2	3.3

Table 10: Proportions and Percentages of Number of Offenders Involved in Staged Burglaries

As is clear from the above table, most of the cases involving homicides staged to appear as burglaries/home invasions involved one offender (49%). Twenty percent of these cases involved two offenders, three or four offenders were present in 11 percent each, while five were present in only two cases (3.3%). It was unclear how many offenders were involved in an additional three cases.

Table 11 shows the number of victims present in cases involving homicides staged to appear as burglaries/home invasions.

Number of Victims	N	Percentage
1	43	70.5
2	12	19.7
3	3	4.9
4	2	3.3
5	1	1.6

Table 11: Proportions and Percentages of Number of Victims Involved in Staged Burglaries

Most cases in the sample involving a homicide staged to present as a burglary or home invasion involved only one victim (70.5%). Two victims were present in nearly 20 percent of these cases (19.7%). While three, four and five victims were present in three (4.9%), two (3.3%) and one (1.6%) respectively.

The offender characteristics in this type of staged scene were again similar to those in the sample as a whole. Most offenders were male (70.5%), most did not have a law enforcement background (49.2%) or their background was unknown (41.0%).

The most common victim/offender relationship in these cases involved current or previous cohabitation (77.0%), including spousal (47.5%), defacto (4.9%) or family relationships (24.6%). Friendships accounted for 11.5 percent of these cases, while unknown relationships or working relationships accounted for 4.9 percent each.

Victims of staged burglaries or home invasions were almost always discovered in or around their own home (in a number of cases this would also be the home of the offender given the likelihood of a domestic relationship described above). They were most likely to be discovered in their own bedroom (39.3%), in their lounge or living room (18.0%), outside of their house or in a garage or basement (9.8%), in their foyer, hallway or on their stairs (8.2%) or in their kitchen, or dining room (6.6%). An additional two cases involved victims being discovered in their own vehicle (3.3%). Victims of this type were never discovered in the offender's bathroom, lounge or living room, kitchen or dining room, vehicle, or foyer, hall or stairway (unless this was a home they shared with the offender, see above). Five cases (8.2%) involved victims being discovered in 'other' locations such as at a place of work or a random dumpsite, and a further three cases involved unknown discovery sites (4.9%). This data supports the hypothesis home discovery would be most likely in staged burglaries.

The person who discovered the deceased victim was also measured. Those cases which were staged to appear as a burglary/home invasion were most likely to involve victim discovery by the offender (39.3%), supporting hypothesis six. Many victims were also discovered by friends, acquaintances, roommates or co-workers of theirs (14.7%), or 'others' such as police, neighbours and so on (18.0%). There were also a large number of victims who were discovered by unknown individuals (14.7%), that is, the information about who discovered them was not available for this data. In four cases the victim was discovered by a member of their family (6.6%) and in two they were discovered by a member of the offender's family (3.3%). In one additional case the victim was discovered by a friend of the offender (1.6%).

When it comes to how the victims were killed, those who were involved in staged burglaries/home invasions were likely to be killed by either a firearm (34.4%), or with multiple weapons (24.6%) such as manual strangulation and blunt force trauma. A number of these victims were also killed with sharp force injuries (13.1%), or blunt trauma injuries (16.4%). No victims' cause of death was from suffocation, drowning, poison or a fall, and only three cases had victims dying from manual strangulation (4.9%), two from ligature strangulation (3.3%) and one from a manual beating (1.6%).

Several options were present for how the weapon came to be available at the scene. The weapon could have been brought to the scene by the offender, or by the victim, it may have been already available at the scene (a weapon of opportunity) or there may have been no weapon utilised. In most of these cases, weapons were either brought to the scene by the offender (42.6%), or they were already available at the scene (27.9%). In fact, in none of the cases where it was known how the weapon was acquired by the offender did the victim bring the weapon and subsequently have it used against them. However, in several cases how the weapon came to be at the scene was unknown (24.6%), and in a few there was no weapon used (4.9%).

In a number of the cases studied herein, the motivation was unclear. In the cases involving staged burglaries/home invasions, almost two-thirds of the cases had an unclear motive (62.3%). In the cases where the motive was discernible, eight cases were anger-retaliatory (13.1%), 14 were profit related (23.0%) and one was power-reassurance oriented (1.6%). Given this, the null hypothesis must be supported, that anger or profit motivations are not necessarily the most common. The inability to identify a motive in the majority of these cases made it also difficult to determine whether overkill was present and whether or not it was an aspect of staging or a real manifestation of the emotions in the bona fide crime. In 41 cases it was unknown whether anger and/or overkill was present (67%). In nine cases an anger motivation and evidence of overkill behaviours were present (14.8%), in ten neither an anger motivation nor evidence of overkill was present (16.4%), and in one case there was evidence of anger, but no evidence of overkill.

The context under which the homicide occurred was a very important element due to the fact that many of these crimes are domestic or intimate partner homicides. In order to determine whether these were crimes of passion, data was collected on whether or not the crime occurred during a confrontation of some kind. It was found that in 29 cases (47.5%) the homicide did not happen during some kind of conflict between the victim and offender, and in only seven cases (11.5%) was there a conflict at the time. However, in 25 cases (41.0%) it was unknown whether the violence was precipitated by a conflict or confrontation between victim and offender.

Elements of Staging Now that the common characteristics of the homicides themselves, the victims and the offenders have been described the behaviours which were carried out in order to stage the scene can be detailed. These are presented in no particular order.

When it comes to the goal behind staging the scene in cases involving staged burglaries/home invasions, almost every case involved an attempt to conceal the relationship of the offender and

victim (90.1%). Three cases involved an attempt by the offender to draw attention away from him/herself in a non-specific way (4.9%), while two cases involved an attempt to implicate a specific person (3.3%). The remaining case involved attempting to make the crime appear as self-defense (1.6%). However that case was extremely rare, and difficult to classify as it involved the offender staging the victim to appear as a burglar outside of their residence after they had murdered him.

Whether or not a point of entry or exit for a pseudo offender was staged is an important element to staging a home invasion/burglary. Interestingly however, in more than half of these cases (54.1%) no point of entry or exit was staged. In 22 cases (36.1%) a point of entry or exit was staged, and in six cases (9.8%) no information was available on this behaviour. Although all of these 61 cases were intended to appear as burglaries, valuables were removed in only about half the cases (50.8%) while they were disrupted but not removed in 14 cases (23.0%) and not altered at all in 12 cases (19.7%). This information was not available for the other four cases (6.6%). This finding does not allow hypothesis seven to be either supported nor refuted for this type of staging, as valuables were removed about half the time. As far as personal items go, they were only removed in one quarter of the cases (24.6%). In 21 cases these items were disturbed but not removed (34.4%), and in 17 cases they were left untouched (27.9%). This information was not available in a further eight cases (13.1%). Similarly, in only 26 cases was ransacking of the residence present (42.6%), and it was not present in 23 cases (37.7%). In almost one quarter of cases this aspect of the staging behaviour was unknown or not reported. The number of offenders who failed to present the scene as if a burglary had occurred speaks to the sophistication of these crimes and will be discussed in detail in the next chapter.

Perhaps the most commonly utilised elements of staging in this section of the sample were alibis and clean up or evidence destruction. In 35 of the 61 cases there was evidence of some clean up or evidence destruction (57.4%). This could be in the form of actually cleaning up the scene and destroying evidence there, or removing and disposing of evidence somewhere else. These acts were not carried out in only 17 cases (27.9%), and in a further nine cases it was unknown what, if any, clean up was done (14.8%). This refutes the null hypothesis for hypothesis ten, in that most cases did involve some clean up. Alibis were arranged in 18 of the 61 cases (29.5%). This was judged as being present if the offender went to some lengths to ensure an alibi. Simply lying to the police without soliciting someone else to give one or manufacturing evidence of an alibi was not sufficient. Surprisingly though, 27 of the primary offenders did not arrange for any sort of alibi at all (44.3%) however in 16 cases this aspect was unknown (26.2%).

Other behaviours which may have been carried out in order to make the scene appear as though a burglary had taken place include things like tampering with the phone, manipulating lighting, or mutilating the victim's body by setting it on fire, delivering wounds after death and so on. Very few of these elements were carried out. Only eight offenders disabled or tampered with the phone (13.1%), most did not (77.0%, 9.8% unknown). Only four offenders manipulated lighting (6.6%), while 49 did not (80.3%, 13.1% unknown). A further six offenders mutilated the victim's body (9.8%), while another 49 did not (80.3%, 9.8% unknown).

In these 61 cases, bloodstains were planted in only three cases (4.9%). They were not planted in 52 cases (85.2%), and it was unclear whether they were present in six cases (9.8%). Similarly, the offender injured him or herself to give the appearance of a violent confrontation between them and the 'intruder' in ten cases (16.4%). The offender did not injure themselves purposely in 49 cases (80.3%), and this element was unclear in two cases (3.3%)

When it comes to other crime scene elements which may be staged, very few behaviours were present in cases involving burglary/home invasion staging. For example only 4.9 percent of offenders arranged a weapon in the scene (86.9% did not arrange a weapon, 8.2% unknown), only 8.2 percent of offenders transported the body of the victim to a secondary scene or disposal site (88.5% did not move the body, 3.3% unknown), the body of the victim was rearranged, positioned or undressed/redressed in only six cases (9.8%, 70.5% left the body where it fell, 19.6% unknown), a fake note was present in only one case (1.8%, 96.7% did not stage a fake note, 1.8% unknown), illegal drugs were planted at the scene in only 6.5 percent of cases (91.8% did not plant drugs, 1.8% unknown), and self inflicted injuries to the victim were not staged in any of the cases (0%, 98.4% had no pseudo self-injuries present, 1.8% unknown). The rarity of these behaviours is likely due to the fact that going to the trouble of staging them may not have added any credibility to the appearance of the scene given that the goal was to have it appear as a burglary or home invasion that resulted in a homicide. Part of these results support hypothesis eight and nine, that the body of the victim would rarely be transported away from the primary crime scene, and that fake notes would not be common. For a case example which is representative of the staged burglaries/home invasions, see Appendix 2.

Staged Suicides

Crime/Victim/Offender Elements. There were 18 cases involving homicides staged to appear as suicides. These cases made up 12.8 percent of the total sample. However, there were some differences in the elements of these crimes compared to the general data outlined above. When it came to the number

of offenders in these pseudo suicide cases, only one case (5.5%) involved more than one offender (3 offenders), while two cases had an unknown number of offenders (16.7%). The remaining 15 cases all involved only one offender (83.3%). A similar pattern was observed for the number of victims, where every case save one involved only one victim (94.4%). The case involving more than one victim was a staged murder-suicide (Commonwealth of Pennsylvania v. PEREZ) where the offender staged the scene to appear as though one victim had killed her daughter, and then taken her own life.

Similar to the general data, homicides staged as suicides were more often perpetrated by males than females (83.3% and 5.5% respectively), however the sex of the primary offender in two of these cases was unknown. This was due to the case being unsolved, or there being some discrepancy in determining who the primary offender was. Also similar to the general data, most of the offenders in these cases were not currently or previously involved in law enforcement (61.1%), in fact only one offender who staged a suicide was (5.5%), while in several cases this element was unknown or unclear (33.3%).

The most common victim/offender relationship in these cases involved current or previous cohabitation or friendships (44.4% each). Cohabiting relationships included spousal (39.9%) or defacto relationships (5.5%). Unknown relationships or stranger relationships accounted for 5.5 percent each.

In terms of where victims were discovered, most were in their own homes (72.2%), including their bedroom (38.9%), bathroom (16.7%), lounge or living room (5.5%), outside (5.5%) or in their vehicle (5.5%). Again, this supports hypothesis two, that home discovery would be most likely. An additional 16.7 percent were found in 'other' locations, while one victim was found in the offender's bedroom (5.5%), and one in the offender's lounge room (5.5%). In the majority of cases, victims were discovered by the offender (44.4%), their own family (11.1%) or by 'others' including police (16.7%). However, in five cases (27.8%) it was unclear who discovered the victim. These results also support hypothesis six, that victims would be most often discovered by offenders.

When it came to the cause of death, the most popular type of death was due to a gunshot injury (55.6%), followed by ligature strangulation (22.2%), manual strangulation (11.1%) or multiple weapons (11.1%). No victims were killed by suffocation, poisoning, drowning, fall, blunt force, or manual beating. The weapon was most often an opportunistic weapon (27.8%), however in the majority of cases how the weapon was acquired was unknown (44.4%). In two cases each (11.1%)

there was no weapon utilised, or the weapon was brought to the scene by the victim and subsequently used against them. In one case the offender brought the weapon to the scene (5.5%). In seven of the 18 staged suicides, the homicide took place during a confrontation between the victim and the offender (38.9%), in an additional seven it was unclear what brought on the homicidal violence, and in four cases there was no conflict which led to the violence (22.2%).

The motivations involved were almost always unknown, as was the level of overkill present (72.2% and 61.1% respectively). When the motive was known, it was always anger-retaliatory (27.8%), but since the proportion of unknown motives was so high, null hypothesis four must be accepted. When levels of overkill could be measured, anger but no overkill was present in four cases (22.2%), while no anger or overkill was present in three cases (16.7%).

Elements of Staging. The elements of staging present in the pseudo suicide cases were somewhat different to those present in the staged burglaries. This is likely due to the fact that a different constellation of behaviours would undoubtedly be necessary in order to make a scene appear as a suicide as opposed to something else. Obviously when staging a crime to appear as a suicide the goal is not to conceal a relationship between the victim and offender, to frame someone else, to conceal the crime entirely or to make it look like self-defense. The goal in these cases is to have the crime appear as not a crime at all. This was borne out in the data with the intention behind the 18 staged suicides always being to make the scene appear as though a crime had not occurred.

Perhaps the other most logical elements one would look for in a staged suicide are things like a weapon being arranged near the body, a suicide note, evidence of simulated self-injury to the victim, the body being transported, positioned or rearranged, drugs being present at the scene, an alibi for the offender, and mutilation of the body postmortem. When it comes to weapon arrangement, the vast majority of cases did have a weapon arranged at the scene (83.3%), while only three cases did not (16.7%). However, in only two cases was there a fake suicide note present (11.1%), thus supporting hypothesis nine. In 15 cases there was no supposed suicide note (83.3%) and in one case it was unknown whether a note was present (5.5%). Evidence of simulated self-injury to the victim was present in all but one case (94.4%), while the body of the victim was rearranged in 12 cases (66.6%). The body was not rearranged in two cases (11.1%), and this element was unknown in four cases (22.2%). In 12 cases the body was not transported from the primary crime scene (66.7%), in four cases it was transported to a secondary location (22.2%), and in two cases the primary scene was unknown (11.1%) again supporting the hypothesis that bodies would not commonly be transported. Drugs were present at the scene in only one case (5.5%) and they were not present in

the other 17 (94.4%). Surprisingly, in only two cases did the offender arrange for some sort of alibi (11.1%). In 14 cases no alibi was sought out by the offender (77.7%), and in two it was unclear whether the offender arranged for an alibi (11.1%). In 4 cases there was mutilation of the deceased's body (22.2%). However in the majority of these staged suicides no mutilation was present (77.8%).

The other elements of staging which were analysed herein include missing items, point of entry for the offender, the state of the telephone and lighting at the scene, whether ransacking was present, the planting of any bloodstains, whether clean up was done and whether the offender staged any injuries to him/herself.

Interestingly, valuables were removed from the staged suicide scenes in five cases (27.8%), supporting hypothesis seven, although this high level of valuables removed is somewhat surprising. In two cases, personal items were removed from the scene by the offender (11.1%). Clean up or attempted clean up and evidence destruction was done in about half the cases (44.4%) whereas no clean up was done in an equal number (44.4%), this does not allow a conclusion to be made about whether the null hypothesis was supported or refuted. In two cases it was unclear whether there had been any attempt to clean up the scene (11.1%).

A point of entry was never staged in these supposed suicides, the phone was never tampered with, and lighting was intact in all 18 cases. Ransacking of the scene was also never carried out by these offenders, bloodstains were never manipulated, and the offender never made an effort to self-injure in order to lend credence to their claims. For a representative case example, see Appendix 3.

Staged Accidental Deaths

Crime/Victim/Offender Elements. There were 16 cases involving homicides staged to appear as accidental deaths. These cases made up 11.3 percent of the total sample. There were some differences in these cases, compared to the total sample data outlined in the previous sections.

With regards to the number of offenders, 13 of the 16 cases involved only one offender (81.3%), and the remaining three cases involved two offenders (18.8%). No staged accidental deaths involved three, four, five, or more offenders. In 14 cases these offenders were male (87.5%), and in two they were female (12.5%). No offenders currently or previously worked in law enforcement, however for this element nine out of 16 cases were unknown (56.3 %). It was known that the primary offender did not work in law enforcement in the remaining seven cases (43.8%). The most common relationship between victims and primary offenders in these cases was spousal (50.0%), followed by a

family relationship (domestic) or a friend, acquaintance or non-domestic family member (18.8% each). Not surprisingly, the majority of cases involving staged accidental deaths had only one victim (93.8%), in fact in only one case there was more than one victim (6.3%). This case involved two victims.

In staged accidental deaths, the body was most likely to be discovered by the offender (75.0%), however, who discovered the victim was unknown in three cases (25.0%). The victim's body was discovered by an 'other' person (such as police or random passersby) in one case (6.3%). The location in which the victim's body was discovered was quite variable for staged accidental deaths. In four cases each the victims' bodies were discovered in their own bedroom, or in an 'other' location (25.0% each), in two cases the body was found outside the victims' residences (12.5%), and in one case each the body was discovered in an unknown location, in the offender's kitchen or dining room, in the victim's bathroom or laundry room, in the victim's living or lounge room, in the victim's vehicle, or in the victim's foyer, hallway or stairs (6.3% each). In ten of the 16 cases the victim was found in their own home or vehicle (62.5%), while in only one case was the body found in the home of the offender (6.3%). This refutes the null hypotheses for both hypothesis two and six.

The death of the victim was most likely to be caused by firearm in the staged accidental deaths (4 out of 16 cases), meaning that in 25 percent of the cases the scene was a staged accidental shooting. In two cases each the mechanism of death was drowning, poisoning, blunt force trauma, manual strangulation, or involving multiple mechanisms (12.5% each). In one case the manner and mechanism of death was asphyxiation due to suffocation by a pillow, and in an additional case the manner and mechanism was asphyxiation due to ligature strangulation (6.3% each). In one-quarter of the staged accidental deaths the weapon used to inflict the fatal injuries was brought to the scene by the offender, in another quarter the weapon(s) were opportunistic, and in three cases there was no weapon utilised (18.8%). In one case the weapon was brought to the scene by the victim but was eventually used against them (6.3%), and in four cases (25.0%) it was unknown or unclear who brought the weapon to the scene or how it was made available.

Similar to the general data, the motivation, level of overkill and context of the homicide in these cases was mostly unknown, thus not allowing hypothesis four to be either supported or refuted. In fact, in only one case was the motivation clear, and in that instance it involved a monetary profit (6.3%). In three cases no anger or overkill was present (18.8%), and in the other 13 this was unclear (81.3%). The violence took place during a confrontation in seven cases (43.8%), and no

confrontation was present in two cases (12.5%). In an additional seven cases it was unclear whether a confrontation preceded the violence (43.8%).

Elements of Staging. In terms of the elements of staging present, the pseudo accidental cases also presented differently than the staged burglaries/home invasions. Not surprisingly, the goal behind staging these cases was always to make the crime appear as though no crime had occurred (16 out of 16 cases, 100.0%). Other than the goal for the staging, the staging behaviours which would be expected in order to have a homicide present as an accident are, arranging a weapon or instrument of death around the victim, arranging or transporting the body so it is proximal to the pseudo mechanism of death, having drugs present near the body in order to indicate a lack of motor control leading to a fall or an accidental drug overdose, injuries which would be consistent with injuries carried out by the victim on him or herself, the presence of clean up to hide the actual cause, manner and mechanism of death, an alibi for the offender and body mutilation after death in order to give the appearance of an accidental death (such as in a fire or drowning after a fall). Each of these aspects will be addressed in turn.

In a little over half of the cases involving a staged accidental death, a weapon was arranged at the scene to give the illusion of something that did not occur (56.3%). In the other seven cases, no attempt was made by the offender to arrange a weapon (43.8%). The body of the victim was transported to another location in only four cases (25%), in the other 12 cases, the body was left at the primary crime scene (75%) thus refuting null hypothesis eight. However, at ten of the 16 staged accidental deaths the body was rearranged at the scene in order to make the scene present as an accident (62.5%). In six cases the body was left where it fell (37.5%). Drugs were almost never present at these staged accidents, in fact, in only one case were drugs or paraphernalia left at the scene (6.3%). Similarly, in only three cases was evidence of self-injury staged at the scene (18.8%), in the other 81.3 percent there was no attempt at making the injuries appear self-inflicted. Furthermore, an alibi was arranged by the offender in only one case (6.3%), while the offender(s) did not arrange for an alibi in 13 of the cases (81.3%), and in two cases this was unknown (12.5%). In two cases the body was mutilated after death (12.5%), whereas no mutilation was present in the other 14 cases (87.5%), in both of these cases the mutilation was in the form of burning the corpse, and was used to give the appearance of an accidental death in a fire. On the other hand, some clean up or destruction of evidence was attempted at ten of these scenes (62.5%), while no clean up was attempted in five cases (31.3%), and in one case this was unclear (6.3%). The level of clean up refutes the null hypothesis that no clean up or destruction of evidence would be attempted.

With regards to the other elements of staging behaviours that were measured, most of the findings are negative. In support of hypothesis nine, no offenders left fake notes at the scene, the telephone was never tampered with or disabled, lighting at the scene was always functioning normally, and ransacking was not present in any known cases, and this was unknown in one case (6.3%). At these scenes, bloodstains were never planted or interfered with and the offender purposely injured him or herself as part of the staging effort in only one case (6.3%). No point of entry or exit was staged at almost all of these scenes (93.8%), valuables were removed or disrupted in only two cases (12.5%) (again refuting null hypothesis seven) while in one case this was unknown (6.3%), and personal items were removed or disrupted at only one scene (6.3%), however this aspect was unknown in two additional cases (12.5%). For a representative case example, see Appendix 4.

Staged Car Accidents

Crime/Victim/Offender Elements. Seventeen cases involved homicides staged to appear as automobile accidents. These cases made up 12.1 percent of the entire sample. The general elements present in these cases were similar to those of the staged accidental deaths (not involving an automobile) and suicides. Nine of these 17 cases involved only one offender (52.9%), Five cases involved two offenders (29.4%), and two cases involved three offenders (11.8%). In all but two of these cases the primary offender was male (88.2%). The previous employment of the offender(s) within a law enforcement agency were unknown in the majority of cases (58.8%), and in those cases where this was known (7 out of 17), all offenders had not previously held a law enforcement position (41.2%). When it comes to the relationship between victims and offenders in these cases, the majority involved a spousal or ex-spousal relationship (52.9%), while three cases involved defacto or common-law relationships (17.6%), and two cases each involved domestic family relationships or friendships/acquaintanceships (11.8%). Moreover, in all but one case there was only one victim involved in the staged car accident (94.1%). In the remaining case, two victims were involved.

These victims were most likely to be discovered by ‘other’ people, such as police and random passersby (64.7%), or the offender (29.4%). In fact, no victims were discovered by family or friends of themselves or the offender, and in only one case was this unclear (5.9%). This finding partially supports null hypothesis six, as it was predicted that victims would be discovered by offenders most commonly. Not surprisingly, most victims were discovered in their own vehicle (76.5%), again refuting hypothesis two. Three victims were discovered in ‘other’ locations such as outside of the car after a staged wreck (17.6%), and one victim was found in the offender’s car (5.9%). The mechanisms of death for these cases were quite variable, in six cases a blunt force weapon or object caused the fatal injury (35.3%), in three cases the mechanism was unknown (17.6%), in two cases

each firearms, ligatures, or multiple weapons caused the injury (11.8%), while in one case each drowning or manual strangulation was involved (5.9%). Interestingly, in no cases was a vehicle actually used to inflict the fatal injuries. In six cases the weapon which caused the fatal injury was already available at the scene (opportunistic weapon, 35.3%), in five cases it was unknown how the weapon arrived at the scene (29.4%), and in three cases each the weapon was either brought by the offender or there was no weapon utilised (17.6%).

As with the types of staging discussed above, in the majority of cases the motivation behind the homicide was unknown (58.8%), thus supporting null hypothesis four. When the motivation was known, it was likely to be either profit related (23.5%) or anger-retaliatory (17.6%). Similarly, the presence of overkill behaviours and anger were unknown in the majority of cases (82.4%). In one case both overkill and an anger motivation were present, in one case anger was present without overkill, and in one case neither anger nor overkill were present (5.9%). When it comes to the context under which the attack took place, in eight cases this was unclear or unknown (47.1%). In three cases the attack happened during a confrontation between victim and offender (17.6%), and in six cases there was no confrontation (35.3%).

Elements of Staging. Similar to the non-automobile staged accidental deaths, the goal behind the majority of the staged car accidents was to make the homicide appear as though no violent crime had been committed. In 16 of the 17 cases this was the goal (94.1%), in the remaining case, the offender staged a hit and run, where the victim was purportedly walking along the road-side, in this instance the goal was to conceal his relationship to the victim (NSW v. CROFT).

The other elements which one would perhaps expect to find in these cases include the body being transported to the supposed wreck site, the body being arranged in the automobile, evidence of self-injury to the offender, evidence of clean up or destruction of evidence at the scenes, mutilation of the body after death to make it appear as though injuries were sustained in the accident, and the arrangement of an alibi by the offender.

In these staged car accidents, a weapon which the offender wished to be associated with the victim's injuries was arranged in most of the cases (88.2%), and the body was transported to a secondary location in 16 of the cases (94.1%), in the other case it was unknown whether the body was transported, or if the fatal injuries occurred at the location where the body was discovered. This supports the null hypothesis that victim's bodies would be transported. The victim's body was arranged in 13 of the cases (76.5%), and in three cases it was not (17.6%). In one case it was

unknown whether the body was arranged or left where it fell (5.9%). In nine cases the body was mutilated after death (such as by inflicting additional injuries or burning the body) and in eight cases it was not (52.9 and 47.1% respectively).

In these staged car accidents the offender arranged for an alibi in only one case (5.9%), however this behaviour was unknown in five cases (29.4%) and was definitely not present in 11 (64.7%). The offender cleaned up or destroyed evidence in the majority of these cases (64.7%), but whether this behaviour was present was unknown or unclear in two cases (11.8%). No clean up or destruction of evidence was present in the remaining four cases (23.5%). This too supports hypothesis ten. It should also be noted that in three cases, the offender staged or faked injuries to him/herself in an effort to support the presentation of a car accident scene (17.6%). In one additional case it was unknown whether the offender injured him/herself as part of the staging effort (5.9%), and in 13 cases the offender did not self-injure (76.5%).

When it comes to the other elements of staging that were measured, many of the behaviours were not present. A point of entry or exit was staged in only one case (5.9%), valuables and personal items were never removed or disrupted by the offender (supporting hypothesis seven), no fake notes or letters were staged (supporting hypothesis nine), drugs were never planted at or near the victim's body, the phone and lighting were never tampered with or disabled, ransacking was never present, and bloodstains were never planted or interfered with. Similarly, evidence of self-injury to the victim was not staged in any of these cases. For a case example which is representative of the staged car accidents, see Appendix 5.

Staged Sexual Homicides

Crime/Victim/Offender Elements. Seven cases in the sample of 141 involved homicides staged to appear as sexual homicides, or those with some sexual elements. These cases made up five percent of the total sample. Much like the other staged crime types, as well as the general data, most of these cases involved only one offender (57.1%), while there were two or three offenders in one case each (14.3%). In one additional case, the number of offenders was unknown (14.3%). The offenders in these staged sexual homicides were almost always male (71.4%), in fact in only one case was the primary offender a female (14.3%). In one case the sex of the primary offender was unclear (14.3%). Most of these offenders were not currently or previously employed by law enforcement agencies (71.4%), however this was unknown in two cases (28.6%). The relationship between the victims and offenders in these cases was spousal or ex-spousal in two cases, co-workers or business partners in two cases (28.6% each), friends, acquaintances or non-domestic family in one case, and

strangers in one case (14.3% each). In one case the relationship type was unclear (14.3%). In the staged sexual homicides there was almost always one victim (85.7%), in fact, in only one case was there more than one, and this instance involved three victims (14.3%).

The most common mechanism of death for these victims was by use of multiple weapons (42.9%). In one case a firearm was used to cause the fatal injuries (14.3%), in one case a blunt object was used, and in an additional one case each a knife or manual strangulation was used (14.3% each). These victims were most likely to be discovered in their own bedroom or foyer/hallway/staircase (2 cases each or 28.6%, supporting hypothesis two). In one case each the victim was discovered in the offender's car, in their own kitchen, or in another location such as a dumpsite or place of work (14.3% each). Interestingly, in these cases the victim was not most likely to be discovered by the offender, refuting hypothesis six. In two cases the victim(s) were discovered by a family member (28.6%), and in one case each the victim(s) were discovered by the offender, a friend of theirs, a friend of the offender's or another individual unrelated to the victim or the offender (14.3%). In one case it was unclear or unknown by whom the discovery was made (14.3%).

In the majority of cases, the weapon utilised to inflict the fatal injuries was already available at the scene (57.1%). In one case each the weapon was brought by the offender, no weapon was used or the availability of the weapon was unknown (14.3% each). The motivation behind these homicides was mostly unknown (71.4%) thus supporting null hypothesis four, in fact in only two cases was the motivation clear, and in these instances it was either anger-retaliatory or profit related (14.3% each). Similarly, the level of overkill, and the presence of an anger motive was also unknown for the most part (42.9%). In two cases, there was evidence of both anger and overkill (28.6%), and in two additional cases there was no evidence of anger nor overkill (28.6%). In five of the staged sexual homicide cases the context under which the fatal attack took place was unknown (71.4%). In one the fatal attack happened during a confrontation between the victim and offender, and in one case it did not (14.3% each).

Elements of Staging. In almost every case involving a staged sexual homicide the goal behind the staging effort was to conceal the relationship between the victim and the offender (85.7%), that is, in most of these cases the staging was meant to make it appear that a stranger had attacked the victim for sexual purposes and a homicide had followed. In one case, the goal of the staging effort was not necessarily to conceal the relationship between the victim and offender, but to draw attention away from the offender in a non-specific way (14.3%). Specifically, this staging effort was meant simply to

confuse without any tangible goal of how the offender sought to have the scene present although some sexual aspects were in existence.

The elements of staging which may be expected in cases of this type include: some effort to establish a fake point of entry or exit; valuables and personal items missing or disrupted at the scene; the body being transported to a secondary location and rearranged, positioned or undressed; the telephone and lighting in the scene being disabled or tampered with; ransacking of the scene; some clean up or destruction of evidence being present; mutilation of the body (for example inserting objects into orifices); and some attempt to establish an alibi being made.

In these staged sexual homicides, most offenders made no effort to stage some point of entry or exit (71.4%). In fact, in only two cases was a point of entry/exit staged by the offender (28.6%). Valuables were removed from the scene in four cases (57.1%), and in an additional case valuables at the scene were altered or disrupted, but not removed (14.3%). In two cases no valuables were removed or altered at the scene (28.6%). This refutes hypothesis seven, as valuables were taken from these scenes more often than not. Similarly, personal items of the victim's were removed from these scenes in three cases (42.9%), they were altered or disrupted in two cases (28.6%), and they were not removed or touched in an additional two cases (28.6%). In most of these cases the body of the deceased (or fatally injured) victim was not transported to a secondary location (57.1%), however it was moved in two instances (28.6%), and it was unknown whether the wounds were inflicted at the discovery site in an additional one case (14.3%). This lends some support to hypothesis eight. Not surprisingly, the body of the victims were rearranged, repositioned or undressed in every case that was staged to appear as a sexual homicide. When it comes to cleaning up or destroying evidence, this element was present in three of the seven cases (42.9%), in the remaining four cases no effort was made to clean up the scene or destroy/remove any evidence (57.1%). This finding refutes hypothesis ten, and is quite dissimilar to the other staging types. Moreover, the victims were mutilated after death in three cases (42.9%), and were not in four cases (57.1%).

For most of the other expected elements of staging, negative results were found. No offenders disabled or tampered with the phone at the scene and in no cases was the lighting available at the scene altered in any way. Ransacking was also never present at these scenes, and in only two cases did the offender(s) make some effort to establish an alibi for themselves (28.6%). In the other five cases, no alibi was sought out by the offender (71.4%).

The other elements of staging that were measured had similar negative results. In only one case was a weapon arranged in the scene (14.3%), fake notes were never present (thus refuting null hypothesis nine), drugs or drug use paraphernalia were staged in only one case (14.3%), and the offender staged self-inflicted injuries to the victim in no cases. Bloodstains were also never planted or manipulated at the scene, and the offender(s) never self-inflicted injuries to themselves purposely. For a representative case example, see Appendix 6.

Staged Self-Defense Homicides

Crime/Victim/Offender Elements. Cases where homicides were staged to appear as justifiable or self-defense homicides made up 4.3 percent of the total sample. There were six cases wherein this was the scenario which the offender sought to portray via the staging efforts. As with the other types of staging, these cases were most likely to involve only one offender. In fact, in every case of this type there was only one offender involved. In most cases the offender was a male (83.3%), except in one the offender was a female (16.7%). In none of the known cases was the offender a current or previous law enforcement agent (83.3%) and in one case this element was unknown (16.7%). The relationship between victims and offenders in these cases was most likely to involve a friendship, acquaintanceship or non-domestic family relationship (33.3%), however in one case each the offender was a current or previous spouse, a current or previous defacto or common-law spouse, a family member residing in the same household as the victim, or a co-worker (16.6% each). So, in half the cases there was a domestic relationship, and in the other half there was a non-domestic relationship (50% each). Similar to the other case types, these cases only ever involved one victim.

The mechanism which caused the death of these victims was most likely to be a firearm (50%). However in two cases a sharp instrument was used (such as a knife, 33.3%), and in one case a blunt object was used (16.6%). The victim's body was most likely to be discovered by the offender in these cases (83.3%), and in only one instance was it discovered by any one besides the offender (family member of the victim, 16.6%). This supports hypothesis six. The victim's body was most often discovered in their bedroom (50%), however in the remaining three cases it was discovered somewhere in/at the offender's home or vehicle (50%). In one case it was found in the offender's bedroom, in one it was found in their living room or lounge, and in an additional case it was discovered on the offender's property outside of the home (16.6% each). This finding differs from those in the other types of staging, and refutes hypothesis two. In two cases the weapon used to inflict the fatal wounds was brought to the scene by the offender, in two cases it was a weapon of opportunity, and in the remaining two cases it was unknown how the weapon came to be at the scene (33.3% each).

In most of the cases involving a staged self-defense homicide the motivation behind the homicide was unknown (66.7%), thus refuting hypothesis four. However, in the cases where the motivation was known, it was always an anger-retaliatory motive (33.3%). Whether anger was paired with overkill was unknown in half the cases (50%), in one case overkill and anger were present (16.6%), in one case anger was present without overkill (16.6%), and in one case neither were present (16.6%). Whether or not the fatal attack happened during a confrontation was unknown in 50 percent of the cases. When there was enough evidence to make a determination of whether the attack happened during a confrontation, this was always the case (50%). That is, in three cases the fatal attack happened during a confrontation between the victim and the offender.

Elements of Staging. Not surprisingly, the intent behind the staging efforts in all of these cases was to have the scene appear as justifiable, that is, to make it look like the victim first attacked the offender, and the offender was forced to defend themselves which ended in the death of the victim (the original aggressor). The other elements of staging which may have been anticipated in these types of scenes included the arrangement of a weapon, the arrangement or repositioning of the victim's body, the planting or manipulating of bloodstains at the scene, clean up or destruction of evidence by the offender, and pseudo injuries being present on the offender.

A weapon was arranged at the scene or near the victim's body in all of the homicides which were staged to appear as self-defense, however the body was rearranged or positioned in only four of the cases (66.7%), and this was not done in the other two (33.3%). Four of the six offenders did not injure themselves purposefully, despite claiming that the homicide was in self-defense (66.7%). In fact, only two of the six offenders self-injured (33.3%). Evidence was cleaned up or destroyed in only two cases as well (33.3%), meaning that four offenders did not carry out this behaviour (66.7%) and refuting hypothesis ten. In these types of cases, bloodstains were never manipulated or planted.

With regards to the other possible elements of staging measured, many of the results showed no evidence of these behaviours. The body of the victim was not transported in any of the staged self-defense homicides, nor was a fake note ever present which supports hypotheses eight and nine. Drugs or paraphernalia were never planted on the victim nor at the scene, neither were the phone or lights ever tampered with or disabled. Ransacking of the scene, or mutilation of the deceased body was never carried out by the offender, in no cases did the offender take or disrupt any of the personal items belonging to the victim at the scene, nor did the offender ever arrange for an alibi. Interestingly, in two cases the offender staged a point of entry/exit at the scene (33.3%), and in one case valuable items were disrupted/altered at the scene as part of the staging effort (16.6%). This

finding decreases the support for hypothesis seven, although this was still supported in the majority of cases. Additionally, in one case, the offender staged injuries on the victim to appear self-inflicted (16.6%). For a representative case example, see Appendix 7.

Now that the general analysis of the descriptive data, as well as each of the six types of staging data has been summarised in detail, the results of the iterative analysis will be presented and explained.

Iterative Analysis

The aim of the iterative analysis was to see whether different types of staged crimes present with different manifestations of behaviour. In order to facilitate this analysis, two steps were taken in regards to the raw data. First, the cases which did not present as one of the six most prevalent types of staging (burglary, suicide, sexual homicide, accident, car accident or self-defense) were removed. However, those cases where staging was present but the type of staging attempted was unclear or unspecified were not removed as it was thought that they may be a type of their own, that being staging behaviours with no real goal, designed simply to confuse. After removing these cases and replacing the non-specified ones, 131 remained in the sample. Second, all string variables were changed to nominal variables and each of the original levels were expanded into separate variables (refer to Appendix 9 for Coding Dictionary B which outlines the coding dictionary for the dichotomous variables). This was done simply to facilitate the MDS analysis as this type of testing requires only dichotomous, nominal variables. One-hundred and one variables ended up in the sample, with each of these being dichotomous. Thus, for each of the 131 cases, each of the variables were coded as either present or absent. After taking these steps to allow the data to be analysed using the Multi-dimensional Scaling techniques, the SSA plot was garnered from the raw data.

The results of the SSA can be seen in Fig. 1. Stress values were measured using Kruskal's Stress Formula 1. Stress and squared correlation (R^2) indices were calculated to determine the proportion of the scaled data in the partition which was accounted for by their corresponding distances, or how well the raw data fit into the MDS model. R^2 values over 0.60 are considered acceptable (Hair et al, 1998). The configuration was derived in two dimensions with the stress for the matrix at 0.2096 and the R^2 at 0.7865. This indicates a good fit, meaning that a large proportion of the variance was accounted for by the MDS procedure. Put another way, the raw data fits well into the MDS model that was applied by this analysis. This also means the variables did not have to be spatially manipulated to represent their correlations, which is also a positive result.

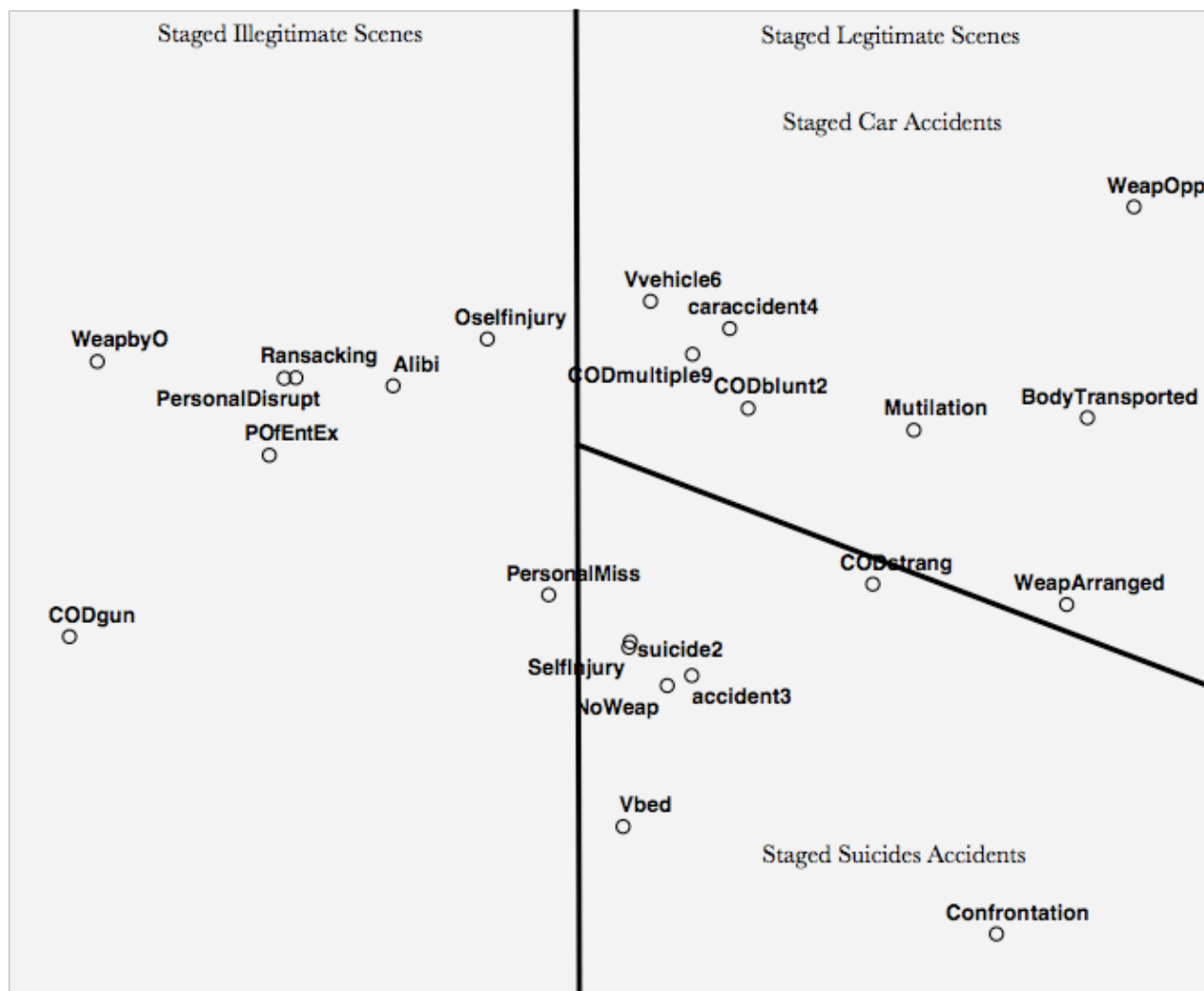


Figure 1: SSA of 23 Staged Scene Characteristics Indicating the two Themes of Staged Illegitimate Scenes, and Staged Legitimate Scenes and the two sub-themes of Suicide/Accident and Car Accident for the Legitimate Theme

As mentioned in the section on this type of analysis in Chapter 2, the further away two variables are in multi-dimensional space, the less likely they are to occur together. This means that variables which are far apart on the plot are not likely to co-occur in any given case, while those close together co-occur more often. For example, a staged suicide is not likely to involve the victim being discovered in their own vehicle, as these variables lie on opposite sides of the plot. However, a staged suicide is likely to also involve pseudo self-injuries to the victim, as these variables are very close together in the SSA space.

After running the MDS and acquiring the SSA output, several variables were removed based on a number of thresholds. First, those variables that were frequent in the entire sample (referred to as core variables) were excluded in order to sort the constellations of behaviours that indicate the various types of staging from those that simply indicate a homicide. That is, all variables that were

present in over 40 percent of the sample were removed. Variables such as the offender being a male (76.3 percent), one victim being present (83.2 percent) and the victim being discovered in their home or vehicle (77.9 percent) were too frequent to be diagnostic of any type of staging or homicide and they tended to confuse the readability of the plot. They were therefore removed. The core variables which were removed through this process were: one offender, one victim, offender is male, victim and offender are spouses, victim discovered in their own home or vehicle, homicide staged to appear as a burglary/home invasion, the offender discovered the deceased, the deceased's body was arranged or positioned at the scene, the intent behind the staging was to conceal a relationship to the victim, the offender cleaned up or destroyed/removed evidence, an expert opined that the scene was staged, and the offender(s) confessed to committing the crime and/or staging it. Those variables which were quite infrequent, appearing in less than 10 percent of cases were also removed as they may have been a one-off occurrence, and seemed to unnecessarily skew the data. After removing all variables that tended to confuse the plot, 34 variables remained.

Additional MDS analyses were run, adding and removing variables that were considered outliers or appeared to skew the plot. This subjective interpretation is a standard procedure involved in MDS analyses where the researcher must determine the relevance of each variable. In so doing, they must ensure that each of the relevant variables are included, because the perceptual mapping technique places variables on the plot relative to the other variables. This relative positioning can be influenced greatly by the omission or inclusion of inappropriate variables. As stated by Hair and colleagues (1998, p. 529):

If irrelevant or non-comparable objects are included, the researcher is forcing the technique not only to infer the perceptual dimensions that distinguish among comparable objects but also to infer those dimensions that distinguish among non-comparable objects as well. This task is beyond the scope of MDS and results in a solution that addresses neither question well.

In light of the importance of including and excluding relevant and irrelevant variables respectively, those involving any level of subjectivity were removed. This included those such as the motive behind the actual crime, and the intent behind the staging. Others were removed based on whether they were outliers in previous analyses, and whether their inclusion was reasonable based on the research questions being addressed. The final MDS analysis involved 23 variables, including: the victim was discovered in their own bedroom, or in their own vehicle; the cause of death was by gunshot wound, blunt force trauma, strangulation, or multiple weapons; the weapon utilised to cause the death was an opportunistic weapon, was brought by the offender, or no weapon was used;

the crime presented as a suicide, an accidental death, or a car accident; a point of entry or exit was staged; personal items were disrupted or taken; a weapon was arranged or positioned at the scene; the deceased's body was transported from the primary crime scene; pseudo self-injury was present to the victim; ransacking of the crime scene was present; the deceased's body was mutilated after death; the offender injured themselves purposely; the offender arranged for some sort of alibi; the death happened during or immediately after a confrontation between the victim and offender. Each of the variables included in the final MDS analysis is described in Table 12, along with the prevalence (in percent) of that variable in the original sample.

Label	Descriptor	Prevalence
Vbed	Victim Bedroom	32.8
Vvehicle	Victim Vehicle	13.7
CODgun	Cause of Death- firearm	33.6
CODblunt	Cause of Death- blunt force	16.0
CODstrangulation	Cause of Death- strangulation	13.7
CODmultiple	Cause of Death-multiple weapons	19.1
WeapbyO	Weapon brought by Offender	28.2
WeapOpp	Weapon of Opportunity	29.8
NoWeap	No Weapon Utilised	10.7
Suicide	Staged Suicide	13.7
Accident	Staged Non-vehicle Accident	12.2
Caraccident	Staged Car Accident	13.0
POfEntEx	Point of Entry or Exit Staged	22.1
PersonalMiss	Personal Items Missing	16.0
PersonalDisrupt	Personal Items Disrupted	19.1
WeapArranged	Weapon Arranged/Positioned	37.4
BodyTransported	Body Transported	26.7
SelfInjury	Pseudo self-injuries to Victim	16.0
Ransacking	Ransacking of the Scene	20.6
Mutilation	Mutilation of Body Postmortem	19.1
Oselfinjury	Offender Self-injury	13.0
Alibi	Offender Arranged for an Alibi	19.8
Confrontation	Attack During/after Confrontation	23.7

Table 12: Variable Labels and Descriptors for the SSA Solution

Next, the SSA plot was inspected for a regional split reflecting any possible themes in the data. A reasonably clear partition into legitimate and illegitimate staging behaviours was possible, thus refuting null hypothesis eleven which indicated that different types of staging behaviours would not exist in the plot. The region including homicides staged to look like legitimate deaths included 15 common behaviours, whereas the region containing homicides staged to look like illegitimate deaths of another type included eight.

Legitimate deaths

The region of the plot which is associated with the crime being staged to appear as a legitimate death can be broken into two smaller regions. These regions encompass those deaths staged to appear as suicides or non-vehicular accidents, and those staged to appear as vehicular accidents. The lower half of the 'legitimate deaths' side of the plot contains those behaviours common to staged suicides and staged accidents. These behaviours include not utilising a weapon in order to inflict the fatal injuries, such as by beating the victim manually or causing them to fall. In these cases the victim's body was likely to be discovered in his/her own bedroom, and they often had injuries which could be considered 'pseudo self-injuries'. The causes of death associated with these types of homicides were often the result of strangulation. These staged suicides or accidents were also correlated with the violence happening during or immediately after a confrontation. In all then, scenes which are staged to appear as suicides or non-vehicle related accidents often involve strangulation, injuries which are consistent with those made by the offender to appear as though they were made by the victim either accidentally or on purpose. Usually no weapon was utilised to inflict the fatal injuries, they were discovered in their own bedroom, and the death happened during a confrontation between the victim and offender(s). Refer to Table 13 and 14 for a summary of the behaviours common to staged legitimate deaths, and those specific to staged legitimate deaths involving accidents or suicides.

Staged Legitimate Deaths		Staged Illegitimate Deaths
Accident/Suicide	Car Accident	
Pseudo Self-Injury to Victim	Body Transported	Personal Items Disrupted
Staged Accident	Mutilation	Offender Self-Injury
No Weapon Utilised	Staged Car Accident	Ransacking
Victim Bedroom	Weapon of Opportunity	Weapon brought by Offender
Cause of Death- Strangulation	Victim Vehicle	Alibi
Confrontation	Multiple Weapons	Point of Entry or Exit
Staged Suicide	Cause of Death- Blunt force	Cause of Death- Firearm
	Weapon Arranged/Positioned	Personal Items Missing

Table 13: Regions and Regional Characteristics

Behaviour	Burglary	Suicide	Accident	Car-Acc	Self-Def	Sex-Hom
Pseudo Self-Injury to Victim	1.7	94.4	18.8	0	16.7	0
Staged Accident	0	0	100.0	0	0	0
No Weapon Utilised	6.7	20.0	25.0	25.0	0	16.7
Victim Bedroom	41.4	44.4	27.6	0	66.7	28.6
Cause of Death- Strangulation	8.3	29.4	18.8	21.4	0	14.3
Confrontation	21.6	63.6	77.8	33.3	100.0	50.0
Staged Suicide	0	100.0	0	0	0	0

Table 14: Characteristics associated with Staged Legitimate Deaths (Suicides/Accidents)

All numbers are presented as percentages of the total known cases, and most prevalent are in bold typeface

The upper half of the ‘legitimate deaths’ region of the plot contains those behaviours that are common to staged car accidents. These behaviours include utilising multiple weapons to inflict the fatal injuries, and the cause of death being blunt force trauma. The victims’ bodies in these cases were often transported to a location other than the primary crime scene, and they were often discovered with post-mortem mutilation, as well as in their own vehicle. Further, the weapons utilised to inflict the blunt force trauma were often those which were opportunistic in nature, or previously available at the crime scene. Weapons in these cases were also more likely to be positioned at the scene. For example, the victim may have died as a result of blunt force injuries from a baseball bat, and the scene was arranged to appear as though they had sustained those injuries after being thrown from a car during an accident. In summary then, scenes which were

staged to appear as car accidents often involved multiple weapons, the fatal injuries being the result of blunt force, and weapons of opportunity being used and possibly arranged. The body was often transported, discovered in the victim's vehicle and mutilated after death. See Table 10 for a summary of the common elements present in staged legitimate deaths, and Table 15 for those common to legitimate deaths staged to appear as vehicle accidents and the associated prevalence of those behaviours.

Behaviour	Burglary	Suicide	Accident	Car-Acc	Self-Def	Sex-Hom
Body Transported	8.6	25.0	25.0	100.0	0	33.3
Mutilation	10.9	22.2	12.5	52.9	0	42.9
Staged Car Accident	0	0	0	100.0	0	0
Weapon of Opportunity	37.8	50.0	33.3	50.0	50.0	66.7
Weapon Arranged/Positioned	7.1	83.3	56.3	88.2	100.0	14.3
Victim Vehicle	3.4	5.6	6.7	76.5	0	0
Multiple Weapons	25.0	11.1	12.5	14.3	0	42.9
Cause of Death- Blunt force	16.7	0	12.5	42.8	16.7	14.3

Table 15: Characteristics associated with Staged Legitimate Deaths (Car Accidents)

All numbers are presented as percentages of the total known cases, and most prevalent are in bold typeface

Illegitimate deaths

The region of the plot which is associated with the crime being staged to appear as an illegitimate death contained a different defining constellation of behaviours. Those cases which were staged to appear as illegitimate deaths such as the result of a burglary/home invasion or sexual homicide were associated with the offender(s) attempting to organise some sort of alibi for themselves. These cases were also correlated with deaths as a result of firearm injuries, where the firearm or other weapon was brought to the scene by the offender. Ransacking of the scene was also very common, and more often personal items belonging to the victim were disrupted at the scene, as well as removed. For example the offender(s) may empty drawers, knock items over or generally mess up the scene, removing or disrupting personal items but not necessarily valuables. These types of scenes were also correlated with entry and exit points for the offender being staged, and the offender often purposely injured him/herself as part of the staging effort. See Table 13 for a summary of the common elements present in staged illegitimate deaths, and Table 16 for a breakdown of those common behaviours and their prevalence within the sample.

Behaviour	Burglary	Suicide	Accident	Car-Acc	Self-Def	Sex-Hom
Personal Items Disrupted	37.8	0	0	0	0	28.6
Personal Items Missing	28.3	11.1	7.1	0	0	42.9
Offender Self-Injury	16.9	0	6.3	18.8	33.3	0
Ransacking	51.0	0	0	0	0	0
Weapon brought by Offender	53.3	10.0	33.3	25.0	50.0	16.7
Alibi	37.8	12.5	7.1	8.3	0	28.6
Point of Entry or Exit	40.0	0	6.3	5.9	33.3	28.6
Cause of Death- Firearm	36.7	55.6	31.3	14.3	50.0	14.3

Table 16: Characteristics associated with Staged Illegitimate Deaths (Burglary/Home Invasion)

All numbers are presented as percentages of the total known cases, and most prevalent are in bold typeface

In light of the fact that these regions could be seen, and the prevalence of the staged characteristics differed between them, it is clear that staging behaviours did differ between the types of scenes that were portrayed. As a result, hypothesis twelve can be accepted.

Conclusion

In order to round out the section on the findings of this project, it is important to finally summarise the findings as they relate to the research hypotheses. The hypotheses were fairly basic and were based on the literature available on these types of scenes. The hypotheses related to three different phases of the research, first the context under which the crime occurred and victim and offender characteristics, then the elements of staging that were commonly present and finally the type of staging attempted by the offender.

In terms of the contextual variables at these scenes, five predictions were made. First, it was expected that there would be some previous relationship between most, if not all, of the offenders and victims. It was thought this relationship would most likely be spousal or the result of a domestic or intimate partnership. This hypothesis was supported by the findings herein, while the null hypothesis was refuted. Secondly, it was thought that most of the victims would be discovered in their own home, which was also supported except for cases involving car accidents. The third prediction was that most offenders would be male, similar to the gender distribution in other types of homicides. This too was supported by the results of this study. Although the fourth hypothesis in this section was that the most common motivations for these homicides would be anger and profit, in a great number of cases the motivation was unknown. Therefore, this hypothesis could not be

supported, and therefore no conclusion can be drawn. The final contextual hypothesis was that there would be a disproportionately high number of offenders employed in law enforcement. Again, due to the fact that this information was not given for the majority of cases, the null hypothesis must be supported.

When it comes to the staging behaviours that would be present in these cases, an additional five predictions were made. First, it was thought that the offender would be most likely to discover the body. This hypothesis was supported in the overall data, but was refuted in some of the data when it was broken down into types, specifically in relation to staged car accidents. Second, it was predicted that in most cases valuables would not be removed from the scene. The null hypothesis was supported by the findings here, with about half the cases having valuables removed or disrupted, while the other half did not. Again however, there were differences here when the staging behaviours were broken down by type, with more staged burglaries involving valuables missing than staged accidents or suicides. The third notion put forward was that most cases in the sample would not involve the body being transported to a secondary location. Although this was supported for some types of staging, the null hypothesis was supported for cases involving staged car accidents and sexual homicides. Fourth, it was expected that suicide notes would not be common in the staged suicides. In this case, the null hypothesis was refuted. Finally, it was hypothesised that these cases would often involve offenders attempting to clean up or destroy evidence at the scene. The corresponding null hypothesis was rejected for some types, as the majority of cases in the sample did involve some type of clean up. However for staged sexual homicides or self-defense homicides, clean up was not as common.

The last hypotheses involved those surrounding the types of staging that were thought to be involved in this sample. It was predicted that different types of staging would exist, and would be clear in the SSA plot. This was supported, although not in the fashion expected. This will be addressed in more detail in the discussion section. Next, it was thought that the staging behaviours utilised would differ between the types, which was also supported. Finally, it was theorised that the red flags for each of the types of staging discovered would differ, and this too was supported and will be discussed in detail in Chapter 6. As the findings of the current research, and whether the null hypotheses were supported or refuted should now be clear, the discussion section can be undertaken. The next section will interpret the findings in light of the previous research, and provide context and future direction for these findings.

PART V: DISCUSSION AND CONCLUSION

This thesis has provided an in depth view, not only of elements of crime scene staging as a research endeavour but also of specific red flags which can be used to identify the various types of staging behaviours based on the intention behind them. In this regard, it provides a detailed and systematic evaluation of individual types of staging and how they can be recognised by investigators. The lack to date of such a systematic review is surprising given many working in criminology and forensic science communities have commented on such scenes and the need for further research to be conducted. Most of these authors, however, have relied on speculation and intuition in order to come to conclusions surrounding these cases, simply based on their past experience without any empirical support. There has been very little, if any, research into the quality of the recommendations these authors and practitioners offer, nor to the actual analysis they base their conclusions upon. It is possible, if not proven herein, that many of these authors' theories, based on their previous unique experience, are incorrect and potentially dangerous.

From a more analytical standpoint, it is also the case that very little has been written about how staging relates to theories of homicide, domestic homicide, deception and the like. It was therefore necessary to undertake an examination of the theoretical underpinnings related to these offender behaviours, in order that they may be better understood. Thus, because a lack of sound research in this area has the potential to be dangerous in practice, and due to the lack of conceptualisation of these behaviours in criminology, this research project was endeavoured.

With these objectives in mind, this doctorate was designed to provide sound evidence about the way different types of crime scenes are staged, and the nature and intent of the behaviours within them in both theory and practice. The first part of the analysis provided a theoretical backdrop, followed by a descriptive examination of staged homicides, including the number of offenders and victims generally involved, the relationships between them, the cause of death and so on. It further examined the different types of staging that were employed, the behaviours carried out in order to stage the scene and the intent behind the staging efforts in this sample. The second part of the analysis focused on the behaviours present to test the hypothesis that different types of staging do exist, they each present differently, and they have individual red flags.

The following sections will discuss the above results in detail. First, the staged cases will be compared to a sample of general homicides in the USA to determine how they differ. Following that, the red

flags which have been identified by this comparison will be elucidated and the literature pertaining to those indicators reviewed. Each type of staging examined in the descriptive analysis will then be addressed, including the common behaviours and specific indices. Finally, the results of the iterative analysis will be reviewed, including an explanation of the new typology which has been proposed to categorise staging efforts. The last section will describe the limitations of the current work, the future research which is recommended, as well as provide some final thoughts.

Interpretation of Results

Staged v Control Cases

In order to compare the staged cases with homicides in general, information on the number of victims and offenders, the relationship between them, the cause of death, the context under which the homicide took place, and the sex of the offender will be compared to data from the US Bureau of Justice Statistics (BJS) report on trends in homicide in the USA from 1976 to 2007 (Fox & Zawitz, 2007). These statistics will serve as a comparison of typical homicides in the USA, and how the current sample of staged scenes differ from those. Homicide statistics from the USA were chosen as the comparison data here since the majority of the cases in the current sample are also from the United States (82.6 %). Before proceeding, a brief overview of the BJS data is necessary.

The data in Homicide Trends in the United States (Fox & Zawitz, 2007) is gathered from three FBI sources, the Uniform Crime Report (UCR), the Supplemental Homicide Report (SHR), and the Law Enforcement Officers Killed and Assaulted (LEOKA) data. This data comes from homicides which occurred between 1976 and 2005²⁰, where homicide is defined as “murder and non-negligent manslaughter which is the willful killing of one human being by another” (Fox & Zawitz, 2007, p. 181). Importantly, it should be noted “these data are based solely on police investigation, as opposed to the determination of a court, medical examiner, coroner, jury or other judicial body” (p.181). These sources are compiled in order to determine the trends apparent in various homicide cases over the two decades examined. The report which provides most of the information that will be discussed herein is the Supplemental Homicide Report (SHR). Information about the victim, offender and offense characteristics are submitted to this report, as well as the victim/offender relationship, weapon use and circumstances or context surrounding the crime (Fox & Zawitz, 2007). According to the report, “for the years 1976-2005 contributing agencies provided supplemental data for 538,210 of the estimated 594,277 murders. Supplemental data were also reported for 597,359 of the estimated 659,862 offenders” (p. 181).

²⁰ Recall the current sample was taken from 1970-2010

It should also be made clear that there are some problems with the data reported by the BJS. For one, when supplemental data is not available on the unsolved homicides, offender characteristics are inferred from previous similar cases and the characteristics of the victim. This adds a level of unreliability. Moreover, many police agencies within the USA do not submit crime data from their jurisdiction to the FBI so that it can be included in these statistics. This further compromises the generalisability of these data, and the representativeness of the sample they utilise. However, despite these issues, the BJS data does serve as a good comparison, especially with such a robust sample size. The data presented by the BJS is only being used as a tool for comparison in the descriptive analysis, providing assistance in determining whether the characteristics present in the staged sample differ from the more general sample and in what ways. The BJS data will not be used to make any generalisations to the population, and therefore the problems with it should not affect its use for the current purposes.

Comparing the results of the current analysis to more general homicide data was also the methodology used by Turvey (2002). However, Turvey did not use data about all types of homicides, but those related strictly to domestic or intimate partner homicides (see BJS, 1998; Mukherjee et al, 1983). This was not done in the current sample for two reasons. First, many of the staged scenes were designed to present as stranger homicides in this sample. If attempting to determine the red flags for staging, it would certainly be much more beneficial to investigators if they were able to understand the differences between stranger homicides and staged stranger homicides. If the investigator is already aware of the fact that the scene is actually a domestic homicide, the red flags indicating staging behaviours will be much less indicative of whom the offender may be. Therefore it is more beneficial to be able to determine the staged cases from the general homicide as opposed to domestic homicide cases as this will be the task more often facing investigators in real life. Secondly, as the sample indicated that many of the offenders in the staged cases were not domestic partners of the victim but family members or others who lived somewhere else, it was not deemed appropriate to use comparison data where only these types of relationships were present.

Now that the control data has been outlined and explained in some detail, the findings of the current analysis, and how they compare to the BJS data can be undertaken.

In terms of the number of offenders involved in the cases sampled, there was most often one offender (60.3% of cases). The number of offenders ranged from one to five people involved (Minimum=1, Maximum=5), with one offender being most likely and five offenders the least likely (1.4%). According to the BJS data (Fox & Zawitz, 2007), multiple offenders were not unlikely in the

homicides analysed from 1976-2005; however the rates of multiple offenders were not as high as those in the staged sample. Over those years, up to 20.3 percent of recorded cases involved more than one offender. Additionally, in almost 30 percent of these cases the number of offenders was unknown. The percentage of multiple offenders in the known cases of the report differs to a large degree from the staged cases. In almost 40 percent of the staged cases multiple offenders were involved, whereas the same could be said for less than 20 percent of the comparison cases. This may suggest that those offenders who stage scenes may also enlist the help of others to assist them after the fact, or may plan and execute the crime with the help of others. Certainly it is possible that at least certain types of staging behaviours may require more than one offender, such as moving a deceased's body.

When it comes to the number of victims killed in the cases sampled, the most likely scenario was only one deceased victim (80.9%). Results similar to those involving multiple offenders can be seen in regards to multiple victims in the BJS data. From 1976 to 2005 multiple victims were present in only a small proportion of the general cases, ranging from 2.9 to 4.9 percent. Although not particularly likely in the staged sample, multiple victims were significantly more likely to present there than in the general sample. Whereas more than one victim was killed in less than 5.0 percent of the general sample, more than one was killed in the staged sample about 20 percent of the time. In regards to the specific number of victims, in 2005 four percent of cases involved two victims, 0.6 percent involved three, 0.1 involved four, and 0.05 percent involved five or more victims. These results are not dissimilar to the ones found in the staged sample, although multiple victims were more prevalent there.

Recall the primary offender in a crime can be defined as the offender who engaged in the majority of the attack or assault, or who instigated or ensured the attack or assault was carried out. In this sample, the sex of the primary offender was male in over three quarters of the cases (75.2%). Similar data were apparent in the BJS findings, where male offenders were at least three times as prevalent as female offenders. It is unknown in how many cases both a male and a female were involved in the comparison sample, however.

The occupation of the primary offender was also measured to determine whether they were from a law enforcement background. In this sample, seven cases involved offenders from current or previous law enforcement backgrounds (5%). In the cases where this element was known, less than 10 percent of offenders were from a Law Enforcement background. No measurement of offender occupation was taken in the SHR or the UCR which was used in the BJS statistics. Although

focusing specifically on Law Enforcement, the LEOKA data measured only when members of law enforcement agencies were victimised, not when they perpetrated violence. Therefore no comparison data is available for homicides in general on this level, making the determination of whether support was given to the corresponding hypothesis all the more difficult.

In terms of the specific relationships between victims and primary offenders, the most common relationships in this sample were spousal or ex-spousal, followed by friends acquaintances or non-domestic family, and domestic family relationships. According to the BJS data, intimate relationships were much less likely in general homicide cases than in the staged sample. In 2005 about 16 percent of homicide victims were killed by an intimate partner or an ex-spouse, where intimate partner was defined as a spouse or girl/boyfriend. It is unknown how many of these cases involved same sex relationships, if any, nor how many of these individuals were cohabiting at the time of the victimisation. The discrepancy between the over 50 percent of staged cases involving spousal or intimate relationships, and the only 16 percent in the BJS data is not surprising as it is in line with the previous research in the area. It should be noted here, that although domestic relationships were common in the staging sample, not all the homicides involved such relationships. In fact, many involved offenders who were not intimately involved with the victim, although almost none were strangers. In light of the literature on staged scenes, this is certainly a significant finding.

When it comes to family members perpetrating homicides, victim/offender relationships involving parents, siblings, children and 'other family' were examined by the BJS. All together, these cases made up 7.4 percent of the homicides sampled. In the staged sample, domestic family relationships made up 15.6 percent, again a much larger proportion. In the BJS data for 2005, 28.7 percent of homicides were perpetrated by a friend or acquaintance, while in the current sample, the data was not completely comparable as the category with friends and acquaintances also involved family members who did not live together (17.7%). However, if all the data is combined, 36.1 percent of homicides were perpetrated by friends, acquaintances or family in the BJS data, whereas in the staged cases 33.3 percent were carried out by the same group. These data show that rates of homicide between these individuals are similar across both staged and non-staged cases. Not surprisingly, those cases involving strangers were much more prevalent in the general sample, at 13.9 percent. They made up only 2.1 percent of the staged homicides. This is in line with the theoretical underpinnings involved with staging behaviours, as it makes little sense, from an offender's standpoint, to take the time necessary to stage a scene if that offender would not be considered a suspect in the first place. This may be the case if the offender was a stranger to the victim.

The most common cause of death in the staged sample was due to injuries from a firearm (33.3 %). Blunt force injuries accounted for 14.9 percent, where multiple weapons were used in 19.1 percent of cases, and knives or sharp instruments 9.2 percent. Strangulation resulted in the death of the victim(s) in 14.2 percent, and suffocation and poisoning was the manner in two cases each (1.4%), drowning in three cases (2.1%), and a fall or a manual beating in one case each (0.7%). According to the data presented by the BJS (Fox & Zawitz, 2007), in 2005 the most common type of weapon utilised to facilitate the general homicides was a firearm (68.0%). Knives were used in this sample 12.0 percent of the time, while blunt objects were used 4.0 percent. ‘Other weapons’ made up the other 15.1 percent. This differs from the staged scenes data, as firearm use was only half as likely in that sample. Blunt force injuries were much more likely in the staged scenes (14.9 vs. 4% respectively). Sharp instruments were used about equally between the two samples, however the remaining weapons measured in the staging sample were not measured separately in the BJS data. It should be noted that strangulation accounted for 14.2 percent of the deaths in the staging sample, but was not measured in the BJS sample. This could indicate that strangulation is more likely in staging cases. It may also be that staging was not detected in a portion of the BJS sample, and that strangulation was missed. It is also possible that jurisdictional differences in firearm legislation played a role in this finding, as those deaths which occurred outside of the United States may have been less likely to involve firearms and more likely to involve other causes of death. Since the BJS data did not measure homicides in Canada, Australia or the UK, it is possible that non-firearm deaths were over-represented in the staging sample and this comparison may not be generalisable. This issue, along with others related to generalisability will be confronted in a later section.

The final element in the sample that should be compared to the BJS data is the context under which the homicide occurred. In the staging sample, 24.8 percent of cases happened during, or immediately after, some sort of confrontation between the victim and offender. The circumstances under which the homicide took place were frequently unknown in the BJS cases. In fact, in 37.7 percent it was unclear under what context the violence erupted. In 28.7 percent the homicide took place during an argument between the victim and offender. This is quite consistent with the staged cases examined here. For an illustration of the comparison across several characteristics in the staged sample and the BJS control sample, see Table 17.

Characteristic	Staged Sample	BJS Sample
>1 Offender	39.7	~20.3
>1 Victim	19.1	~4.9
Victim/Offender Relationship		
Intimate partner/spouse	50.0	~16
Family members	15.6	7.4
Friend/acquaintance	17.7	~28.7
Friend/acquaintance and family	33.3	36.1
Strangers	2.1	13.9
Cause of Death		
Firearm	33.3	68.0
Blunt Force	14.9	4.0
Sharp Force	9.2	12.0
Confrontation	24.8	28.7

Table 17: Percentages of Characteristics in Staged Sample compared to Control BJS Sample
The BJS figures above are best approximations for the relevant time periods

Red Flags for Staging in General

The results of this study suggest that, overall, staged cases were more likely to have multiple victims and/or multiple offenders than general homicides. Firearms were less likely to be used in staged cases than non-staged, but blunt force or strangulation may be more likely to be used in this sample than in the general homicide sample. Therefore the red flags for all types of staging would be multiple victims and multiple offenders and the use of blunt force or strangulation to cause the fatality. It is possible that these two things are actually not a construct of staging, but of domestic homicides in general. However, the Bureau of Justice Statistics (Fox & Zawitz, 2007) indicates that, in fact, the most common weapon in domestic homicides (involving spouses, ex-spouses, boyfriends, girlfriends) are firearms or knives, and that most cases involve only one offender and one victim. The presence of these two basic characteristics should arouse suspicion in investigators to the fact that the homicide may have been staged. This, coupled with how the scene seemingly presents will allow investigators to seek out and interpret any evidence of the red flags specific to each type of staging which will be addressed momentarily. Before doing so, however, it is important to make note of the fact that most of the findings here were not predicted by the authors whose work was outlined in detail in the literature review section of this thesis. In fact, very few of the predictions made by the

authors opining on staging and the behaviours common to it have been endorsed by these findings. More detail is necessary.

First, in 1934, Dr. Hans Gross made the prediction that strangulation deaths would be common in staged suicides, which was partially supported here. Recall that Soderman and O'Connell (1936) aired the same sentiment. Douglas and Munn (1992) and Douglas and Douglas (2006) made note of the fact that weapons of opportunity would be most common, which was partially supported by strangulation and blunt force often being used, although weapons were equally likely to be brought to the scene by the offender in the findings here.

The staged cases were much more likely to involve intimates or spouses and ex-intimates or spouses, while they were much less likely to involve strangers than the general homicide sample. Hazelwood and Napier (2004), Meloy (2002), Turvey (2000) and Turvey and Chisum (2007) all maintained that victims would most often be known to the offender, or would be an intimate/domestic partner of theirs, which was also borne out in this data for the most part, although friends and coworkers were common in certain types of staging.

The most common types of staging found were staged burglaries, followed by suicides, car accidents, non-vehicle accidents, self-defense, sexual homicides and non-specific staging behaviours. Geberth (1996) opined that the most common types of staging involved suicides or accidents (he made specific note of accidental deaths in a fire), followed by sex-related homicides, while Douglas and Munn (1992) and Douglas and Douglas (2006) speculated that drug-related homicides or 'criminal enterprise' murders would be most common. Meloy (2002) cites Eke (2001) who apparently believed that suicides, natural deaths, accidents, or justifiable homicides would be the most likely types staged, while Soderman and O'Connell (1936) endorse the idea that suicides and accidental drownings are most probable. None of these notions were entirely supported herein, with burglaries being staged three times as often as any other type. This was also supported by Turvey's preliminary study (2000). However, Geberth (1996) may have been at least partially correct in his prediction that staged suicides or accidents would be common, as they were often found in this sample. The same rings true of Meloy's (2002) endorsement of Eke's opinion. Of interest, none of the authors other than Turvey highlight the fact that most staged scenes present, or are meant to present, as staged burglaries. Each of these authors made other, perhaps more detailed, predictions which will be addressed in sections relating to the behaviours specific to each type of staging, presented below. However it should also be noted that, although most commonly found here, staged

burglaries may not necessarily be staged most often, but may be the type investigators are most prepared to recognise. This will be discussed in detail in the limitations section.

More than half of the offenses involved a confession by the offender after being contacted by police. This too was predicted in Turvey's (2000) study, and means that upon becoming aware of the fact that investigators have not been fooled by their efforts to manipulate the scene, offenders may be willing to admit their role. This is important, as it indicates that recognising the deceptive efforts through inconsistencies in the physical evidence may preclude the use of traditional deception detection techniques. Since these traditional techniques have often proven unreliable, the importance of identifying inconsistencies in the physical evidence is highlighted.

Also important to note is the fact that most of these cases did not involve offenders who were currently or previously involved in law enforcement positions. Turvey (2000), found in his sample that 20 percent of offenders involved had some role with law enforcement either presently or in the past. This finding was strongly refuted in this sample, with very few of the offenders having a known occupation relating to law enforcement. It is possible the cases chosen by Turvey or his sampling approach was skewed to include more cases involving law enforcement than the general population of staged homicides.

Finally, it should be recognised that, despite the notions presented in the literature review section, it was not possible to make any determinations regarding red flags related to motive and staging. Specifically, there was not enough information available regarding elements such as overkill and motivations for the homicidal behaviour to make determinations as to what is most prevalent and why. It was hypothesised in the literature that female offenders would exhibit less overkill behaviours as they generally have survival motives as opposed to the anger-retaliatory ones common in males (Wolfgang, 1967; Browne, 1987; Wilson & Daly, 1993). Because of the lack of detail in this aspect of the sample, it was not determined whether or not this was the case. That is, at this time no link has been uncovered between motives for homicide and staging behaviours, although profit and anger were most common in those cases where this was known.

Before continuing, the above findings should be expanded upon. Generally speaking, it seems as though many of the predictions made by the authors explored in the literature review section of this thesis are not correct in light of this data. As alluded to above, the findings suggest that, in fact, all except the most basic predictions have been refuted by the current analysis. This may indicate the

state of the previous literature, and the necessity of further, more comprehensive research. Each of these issues will be addressed in subsequent sections.

With the general trends in the data, and how they relate to the previous literature on staged scenes now apparent, we may proceed to a more detailed and specific interpretation of the red flags for various types of staging, including burglaries, suicides, car accidents, accidents, self-defense homicides, and sexual homicides and how they compare to the earlier works on staged crime scenes. Throughout this section of the discussion it will become clear that hypothesis 13, which theorised that red flags for each type of staging would differ, has been supported. Each of the types, as well as their specific indices will now be addressed.

Red Flags for Staged Burglaries/Home Invasions

In light of the findings explained in detail in the results section, the red flags for staged burglaries include those for general staged homicides, such as multiple victims and offenders. Those red flags which indicate staged burglaries specifically are things such as no point of entry or exit being apparent, the offender not sustaining any injuries, no alibi being available for the suspect, no evidence of a confrontation between the victim and the offender, personal items being disrupted at the scene as opposed to removed, valuables being removed in only some cases, ransacking being present, and evidence that the offender brought the weapon to the scene. Each will be addressed in light of the literature presently.

In the cases that were staged to mimic another type of illegitimate death besides the one that genuinely occurred, valuables were removed about half the time, and personal items belonging to the victim were more likely to be disrupted than removed. Ransacking was present in about half of these cases. In terms of the literature that is available from previous authors on staged burglaries, some interesting conclusions can be drawn. Douglas and Munn (1992) and Douglas and Douglas (2006), suggest that items removed from the scenes of staged burglaries will often be inappropriate items. This was partially borne out in the present findings, as some offenders did remove personal items belonging to the victim which would seemingly have no real value to a burglar. However, these authors fail to note the fact that often no items at all are removed from the scene, but that items are disrupted within the scene, or ransacked, to give the appearance that things have been removed. This finding was also supported by Turvey's (2000) study, which found that often items were not removed. However, although technically correct in light of this data, Turvey also fails to mention the fact that a great number of offenders did manipulate the valuables or personal items at the scene to give the appearance of things missing, and an even greater number of offenders ransacked the

scene. This highlights the importance of not only looking for whether things are missing and what their value is to a stranger, but also those which are not missing, and whether the scene has been disrupted.

Surprisingly, a point of entry or exit was usually not staged in these cases. Douglas and Munn (1992), and Douglas and Douglas (2006) provide that investigators should be wary of inappropriate points of entry or exit in possible staged cases. Although this advice is surely not detrimental to an investigation, perhaps a more useful piece of advice would be to look for no apparent point of entry or exit, as most offenders did not bother to stage one. This finding also refutes the work of Turvey and Chisum (2007) who note “[a]mong the most commonly staged crime scene elements is the open window or broken window” (p. 463). In this sample, this was not the case.

Usually there was no evidence of simulated self-injury in this sample. This could be for one of two reasons. First the offender could claim they were in the house when the burglary/home invasion took place and that they were not injured, or that they were internally injured but it could not be seen externally. Conversely the offender could claim they were out of the location when the pseudo crime occurred. Douglas and Munn (1992) rightly predicted that the person posing the most threat to the non-existent ‘offender’ in these cases (such as the stranger burglar who supposedly broke in), would sustain the least injury. This was partly supported by the finding that most of the actual offenders did not self-injure here if their claim was that they were in the home while the offender attacked the other occupant(s). However, these authors made no mention of the fact that most offenders would not claim that they were in the house when their loved ones were victimised. Although not explicitly examined, it is the author’s impression that the majority of the offenders involved in the staged burglary sample claimed that they were not in the house when the fatal assault occurred.

In these cases the weapon was usually not arranged or positioned at the scene, and the body was not transported to another location or rearranged at the scene. Although not necessarily surprising, and in line with the idea of a stranger burglar entering the house, this finding is different to the other types of staging where weapon arrangement and body positioning were quite common. This is a crucial differentiation to make, as it may allow investigators to understand more completely exactly what the scene was designed to present as, and as a result who would be capable of, or likely to have such an intention. This also goes against the work of Douglas and Munn (1992) and Douglas and Douglas (2006) who recommended that investigators look for evidence of undoing or remorse at

these scenes which could manifest itself in the offender placing the victim in a sleeping position, or making them more comfortable. This was not often the case in this sample.

Staged burglaries were more likely than other types to involve firearms which were brought to the scene by the offender and the relationship between victims and offenders was often a spousal one. However, the offender did not often try to dissimulate, clean up or destroy evidence, that is, more effort was taken to mimic or simulate the pseudo crime as opposed to concealing the true crime. The violence did not often take place during a confrontation, while offenders often did not try to establish an alibi for themselves.

Finally, these supposed burglaries and home invasions more often involved confessions than experts. This is also distinct from cases involving staged accidents, car accidents or other legitimate deaths, in that the most important determination in those cases is often the manner of death which falls under the purview of the medical examiner, coroner or forensic pathologist. In the staged illegitimate deaths, the fact that a homicide has occurred is often obvious. This requires much more expertise on the part of the investigators, as they no longer have an inconsistent manner of death as positive evidence of staging. It is likely that these staged illegitimate deaths may therefore provide the biggest challenge for investigators. The finding that confessions are common highlights the importance of investigators being able to present inconsistent evidence to offenders, and garnering a confession as a result. Recall the sentiments of Park and colleagues opining on detecting deceit, who maintained (2002, p. 151) “solicited confessions, when they happen, are most often obtained by confronting the liar with either third party information, physical evidence or suspicious verbal and non-verbal behaviours”. Without the ability to identify the red flags mentioned above, these cases may not result in a confession and thus may be much more difficult to solve.

Although some of these red flags point towards planning and premeditation (such as the weapon being brought by the offender and the violence not happening during or immediately after a confrontation), others, such as the lack of an alibi and no valuables being removed suggest spontaneity, and perhaps a lack of planning or a lack of adequate planning. It may be that these homicides were preplanned, as indicated by the weapon being brought to the scene by the offender, but that these offenders lacked any real knowledge of police procedures, and therefore failed to remove items from the scene or establish an alibi. This may be a further indication of the offender’s lack of experience with the criminal justice system, which may allow the suspect pool to be narrowed substantially. This may also indicate that, despite the theory that the prevalence of staging is increasing through the ‘CSI effect’, the sophistication of the efforts may not be. It is also certainly

possible that some of these staged burglaries did involve thorough preplanning while others did not. More research is necessary to determine if two separate types of these scenes exist, one where the offense is planned in advance and the burglary is actually carried out, and one that is more spontaneous or perhaps planned but with less foreknowledge and experience behind it.

Red Flags for Staged Suicides

Staged suicides were most likely to involve a firearm in this sample. This is likely not much help to investigators, as one of the most common weapons for genuine suicides was a firearm between 1985 and 2004 (Barber, n.d). Although this is a possible element of sophistication, it is more probable that offenders staging suicides with a firearm were not purposely choosing the most common suicide weapons as a function of their awareness that this weapon is often used, but that this method of staging was chosen after a spontaneous homicide with a firearm because it was convenient and more plausible than other scenarios. As a large number of the victims in this study were female, it is important to note that suicide trends may be changing, and that for females the most common mechanism for suicide between 2002 and 2006 was poisoning (CDC, 2002-2006). Gross (1934) made note of the fact that strangulation deaths were often staged to appear as suicides, along with Soderman and O'Connell (1936). Although in this sample staged suicides by firearm were most common, deaths involving strangulation were a close second. Interestingly, deaths by 'suffocation' were not as likely in the Center for Disease Control and Prevention's examination of real suicides, despite including deaths by hanging, drowning, and suffocation with an instrument. Therefore, the use of a firearm by a female, or the supposed hanging or asphyxiation death of either a male or a female may be viewed as a potential red flag for a staged suicide.

Unlike the other types of staging, the relationship between the victim and offender was most commonly that involving friends, acquaintances or non-domestic family members in the supposed suicides. This is an interesting finding as traditionally staged scenes have been thought to have involved mostly intimate or domestic partners. Although not a red flag for staging, this finding will certainly be helpful in theory building when attempting to resolve these cases after the staging has been properly identified.

The findings suggest that when investigating possible staged suicides, investigators should be wary of victims being discovered by friends, acquaintances or non-cohabiting family members. In many of the other types of staged scenes, save the pseudo car accidents, the offender was most likely to discover the victim. Although this was also the case here, discovery of the staged suicide victim was much more evenly distributed across both offenders as well as their friends, acquaintances and the

like. If an intimate should have been present to discover the victim of a supposed suicide, or should have been concerned about their whereabouts or welfare but was not, this would certainly be a red flag to investigators. For example, investigators may get extensive information from telephone records indicating not only who was in contact with the victim, or attempting contact, but also who was not attempting to contact them.

Weapons were almost always arranged at these scenes, although the body was not transported but was often rearranged or repositioned at the primary scene. Investigators should therefore take note of any indication that a weapon or the body has been purposefully arranged or positioned which does not have to do with resuscitation efforts. There are some discrepancies between this finding and the previous research on staged scenes. Most notably, Keppel and Weis (2004) discuss the fact that repositioning of a victim's body is 'extremely rare' in these cases. This notion was not borne out in the current project, as over two-thirds of the staged suicides involved repositioning of the victim's body. In fact, this was one of the only staging behaviours that was carried out in these types of scenes. Interestingly, in 1934, Dr. Hans Gross accurately predicted that weapon positioning was an important factor in these staged deaths, as did Turvey (2000). Apparently, even after 75 years these lessons have still not been heeded by others working in the field despite their accuracy. In terms of how the weapon came to be at the scene, Douglas and Munn (1992) and Douglas and Douglas (2006) predicted that weapons would often be those of opportunity, which was found herein.

Despite his other accurate predictions about staged suicides, Gross was one of the only authors to comment on the commonality of forged suicide notes. Writing a fake note was not a common behaviour for the offenders in these staged suicides, although this may be in light of the fact that some are aware of forensic techniques in handwriting comparison. This could also be due to the likelihood of these homicides being spontaneous and unplanned, and therefore a suicide note may not have been feasible in light of time constraints or panic.

Svensson and Wendel (1974) commented that evidence of a struggle would be an important red flag for staged deaths, which was supported by the findings as the violence was more likely to happen during a confrontation. Evidence of a confrontation before the death is a red flag which could be easily evidenced by overturned furniture, witness reports of yelling or perceived conflict or other physical or behavioural indicators. These authors also mention that evidence of, and an attempt to, clean up or destroy signs of the actual events would be common. This too was supported here, although only partially, as half the cases did not involve the destruction of evidence. It should also

be mentioned that this desire to not only stage events that did not happen, but also to destroy or mask the evidence of what did happen was discussed in the section of detecting deception.

These types of staged scenes, not surprisingly, often involved experts as opposed to confessions. This finding highlights the important role that a medical examiner, coroner or forensic pathologist may play in these cases. Experts of this nature generally opined not only on the manner of death, but also the tendency for the offenders to attempt to simulate self-injuries to the victims by applying hesitation marks, or gunshot wounds to areas such as under the chin, the temple, or the chest. Interestingly, the victim's body was usually not mutilated after death, meaning that these supposedly self-inflicted wounds were perpetrated before the victim died. It could be that the offender planned on inflicting these wounds prior to death, or more probably, it may be that having shot the victim in the head or strangled them, the offender believed that a plausible option to cover up the homicide may have been to stage a suicide as opposed to some other type of scene.

The weapons in these cases were usually opportunistic, which may indicate, along with the probability of a confrontation, that these homicides are not preplanned but spontaneous or post-offense. The lack of an attempt to establish an alibi in these cases lends credence to the lack of preplanning. Certainly the absence of suicide notes or other elaborate behaviours also speaks to the sophistication of these efforts.

Offenders in these cases attempted to dissimulate the actual scenario through clean up or destruction of evidence, while they simulated the new scenario most often by the positioning of the body, weapon and the wounds. Evidence of these three actions in combination, therefore, should be paid particular attention.

Red Flags for Staged Car Accidents

The car accidents staged in this sample had a very different constellation of behaviours than the other types of staged scenes. Although this research indicates that one of the most likely forms of staging in homicides involves car accidents, very few of the authors outlined in the literature review section of this thesis discuss what to look for in terms of staged car accidents or that these scenes even exist. This, in itself, is a significant finding. Several of the authors do address more general staging behaviours that can be extrapolated onto examining staged vehicle accidents, and some even touch on staged accidents in general. Each will be addressed presently.

In terms of the cause of death utilised in these cases, most staged car accidents involved blunt force trauma and the weapons were most often opportunistic. They were similarly perpetrated most often by spouses or ex-spouses. Thus red flags which indicate the possibility of staged car accidents are often inconsistencies in the injuries, where there is evidence of blunt force with opportunistic weapons as opposed to in a vehicle accident.

Gross (1934) commented on the necessity to examine in detail the weapon which was used in the death, and the position of that weapon in order to determine whether there are any inconsistencies in the scene. That advice rang true for the vehicle accidents staged here, as nearly none of the accidents could have been enough to cause the death, and this was evident to the investigators attending the scenes as well as the offender in some cases. Some offenders attempted to, or were successful in, send the car (with the deceased inside) over a cliff or an embankment, but the damage was still fairly insignificant in light of the slow speed at which it went over. The positioning of the pseudo weapon (the vehicle), in these cases was therefore pertinent to their resolution. It is also possible, as Gross notes, that weapon selection was a red flag in these cases. It is perhaps the case, that having not planned the homicide, and after utilising opportunistic weapons, the offenders realised that some steps had to be taken to distance themselves from the homicide. Realising the victim's wounds would be inconsistent with other types of staged scenes, such as a suicide (it is very difficult, if not impossible, to beat yourself to death), the offender selected a fake car accident as an optimal solution. If this is recognised early on, investigators may be better prepared or more aware of the fact that the injuries may have been caused by blunt force, and therefore may be able to search for the real weapon right away, as opposed to waiting for advice from the medical examiner, coroner or forensic pathologist.

In this sample there was often evidence of mutilation of the victim's body after death, which is one of the most significant red flags, especially in light of the fact that the true crime scene was often not cleaned up or destroyed. This may indicate that instead of attempting to dissimulate the real scenario through the scene evidence, these offenders tried to dissimulate the victim's injuries through mutilation (such as setting them on fire) while simulating the scene by moving the victim's body into a vehicle, positioning it in a normal way in the seat, and arranging the car to appear as though it had crashed. O'Hara and Osterburg (1972) postulated that mutilation would be a common factor in staged deaths, although recall they note that this is often done to make one body appear as a different body in order to implicate a person. Although this type of staging was never done in the cases herein, the bodies of the victims were regularly mutilated. Perhaps in light of new technologies which facilitate the proper identification of even mutilated bodies, the deceased's bodies are now

being mutilated in an attempt to dissimulate the actual scenario or repackage the cause of death as opposed to substituting one body for another.

Although Svensson and Wendel (1974) touch on the idea that homicides can be staged as suicides by jumping in front of a train or automobile, they do not address the fact that homicides can also be staged as car accidents (or non-vehicle accidents for that matter). However, in their general treatment of the topic they mentioned that weapons would often be removed in cases of staging. This was the case in some of the staged car accidents, where the weapon was not brought to the accident scene along with the body. However, often offenders did not remove the weapon from the primary crime scene (which was later discovered), nor did they clean it up presumably because they assumed this scene would not be discovered, at least not immediately. Unlike many of the other types of staging, aside from in some cases, setting fire to the victim and the vehicle, very little effort was put into destroying evidence of what genuinely occurred. Although at least somewhat correct in their advice to be cognisant of weapons being removed, Svensson and Wendel (1974) incorrectly predicted that clean up would be common, which it was not in these types of staged scenes.

Douglas and Munn (1992) and Douglas and Douglas (2006) predicted that third party discovery would be common for staged scenes. They note that offenders will often arrange for this discovery and will be conveniently otherwise engaged. Although incorrect for every other type of staged scene, this was, in fact, the case in the staged car accidents. These scenes were almost never discovered by the offender as was the case in all other types. This makes a lot of sense, as it may seem suspicious if someone known to the victim happened to stumble upon their accident site before any random passersby. It should be addressed, however, that the above authors did not necessarily imply that this third party discovery would be in cases of homicides outside the home on public roads, they also theorised that the discovery would often be at the request of the offender who would be absent, and that the person discovering the victim would be a family member or neighbour. This was not the case in these scenes, as victims were almost always discovered by random passersby or police who were called by random passersby, and in a public place.

Douglas and Munn (1992) and Douglas and Douglas (2006) also advised that special attention should be paid to scenes where one person has fatal injuries, while the other has little to no injuries. They specifically addressed that if the person posing the greatest threat to the offender sustained the least serious injuries, this should be a red flag in cases involving home invasions or burglaries. This advice can ring true for staged car accidents as well, as some involved one person (the offender) having no injuries (most offenders did not self-injure in these cases) while the victim or victims had

fatal injuries. This would surely be cause for suspicion in these cases, as it seems counter-intuitive that one person could sustain fatal injuries while the other walks away from such a serious accident with minor or no injuries. However, it should also be noted that often these so-called accidents did not also involve the offender, as they usually did not claim they were also in the vehicle with the victim when it crashed.

Similar to the above discussion on staged suicides, staged car accidents often involved the repositioning of the victim's body in order to give the impression that they were either driving or a passenger in the car when it was involved in the accident. Also, weapons were arranged in almost all these cases, that is, the car was positioned somewhere as to imply a wreck and the body was usually transported to a secondary crime scene before being rearranged or repositioned. This refutes Keppel and Weis's (2004) comment on the rarity of the repositioning of a victim's body. This finding also refutes the results of Turvey's (2000) study, that made specific reference to the rarity of victim's bodies being transported away from the primary scene. It may be the case that these authors were not aware of the regularity with which car accidents were staged, and they may have been only addressing non-vehicle accidents, or staged suicides and homicides.

Finally, homicides which are then staged as car accidents usually do not occur during a confrontation between the victim the offender, and said offender often does not attempt to establish an alibi for themselves. Despite some offenders claiming to be in the car during the 'accident' they did not self-injure very often as a means to legitimise their story. This could speak to the level of planning on the part of the offender, where perhaps easily carried out behaviours which would lend support to their claims were not done. The fact that many offenders also left the supposedly crashed vehicles in states which made it clear there had not been a fatal accident also speaks to the sophistication of, and commitment to these efforts.

Despite involving manner of death determinations being made by medical professionals in these cases, most did not involve experts, but confessions. This finding may also evince the lack of sophistication in these efforts, as offenders may be aware of the absurdity of the notion that the fatality was the result of a minor, slow speed crash, and may surrender to investigators. Because of this potential for confession, the importance of being able to identify the inconsistencies at these 'accident' scenes becomes ever more salient.

Red Flags for Staged Accidental Deaths

In this sample, the staged accidental deaths mostly involved firearms, although a wide-range of causes of death were apparent. Interestingly, almost as many cases involved strangulation as firearms, indicating that some offenders attempted to stage scenarios which may have been completely contradicted by the cause of death. These homicides were most likely to be perpetrated by spouses or ex-spouses. The offender was often the one to discover these deaths as they were sometimes admittedly at the scene when it happened and therefore did not usually try to establish an alibi.

The dissimulation of the true scenario was usually facilitated by cleaning up elements indicating homicide, or by destroying the evidence which would have been available at the scene. The new scene the offender desired to present was regularly simulated through rearranging or repositioning of the body, weapon, or both. Therefore, when investigating these scenes, evidence of clean up or missing evidence should be specifically sought out. Investigators should also pay special attention to any inconsistencies which may indicate that the body or weapon has been moved from where it originally came to rest. The medical examiner, coroner or forensic pathologist may be particularly able to assist with determinations of whether the body has been moved after death by examining the livor and rigor mortis, although looking at the clothing, hair, and shoes of the victim can also be of assistance in making this determination (Chisum & Turvey, 2007). Examining the bloodstains at the scene may also be of particular importance, as they allow for conclusions to be drawn about the victim's movements after they were injured and bleeding.

Although very few, if any, of the works outlined in the literature review section addressed staged car accidents specifically, a number of them addressed more general accidental deaths. As mentioned above, Gross (1934) made note of the fact that weapon selection, and weapon position need to be addressed in any investigation. This was certainly borne out here, as one of the only staging behaviours carried out by offenders staging accidents was placing the weapon in a location to imply an accident. This could come in the form of putting a firearm near the victim, or purposely drowning them and subsequently capsizing a boat and claiming they drowned accidentally. Turvey and Chisum (2007) aired the same sentiment, drawing attention to the fact that every weapon available at the scene should be examined thoroughly to see if it was capable of causing the death. Similarly, Turvey (2000) advised that each crime needed to be reconstructed meticulously if staging were suspected, which would have identified those cases where the cause of death and the weapon arranged were less palpable, such as in the drowning example explained above. Svensson and Wendel (1974) draw attention to the fact that weapons would often be removed from the scenes, and

that there would be some evidence of a struggle, which could be partially supported by these findings. Although it is known that weapons were arranged at the scene, it is unknown how many of those weapons were the actual weapon which caused the death. These cases also often involved some confrontation before the attack, which did end in a struggle in a number of instances.

Unlike the staged car accidents, these non-vehicle accidents almost never involved transporting the victim away from the primary crime scene, although they did often involve repositioning the body within that scene. Similar to the other types above then, it was clear that Keppel and Weis were, once again, incorrect in their assertion that repositioning of the victim's body was rare, as that was one of the more common elements of these scenes.

Soderman and O'Connell (1936) drew specific attention to the fact that homicides involving drownings can easily be concealed as accidental drownings, and that was supported in this sample as two cases did involve staged accidental drownings. Meloy (2002) and Geberth (1996) were not incorrect in their assertions that staged accidents would happen with some commonality, although these were not the type most regularly seen.

The fact that these pseudo accidents normally happened after a confrontation indicates the staging of them was often not planned but spontaneous or post hoc. This is supported by the fact that a number of these cases involved weapons being opportunistic, many did not involve any attempt at an alibi, as well as the use of very unsophisticated staging efforts which could easily be carried out after the fact without much thought. Moreover, the body of the deceased was usually not mutilated after death, but simply repositioned, cleaned up, or placed with a weapon beside it. This may suggest the lack of commitment by the offender to the staging efforts, where causing injuries to the victim after death was not done despite the possibility it may have lent considerable support to the staged accidental scenario. However, inflicting further injuries on a person who is already dead may be a particularly difficult act to carry out, especially for those victims who are known to the offender.

Despite some of the predictions of the above authors being correct. Few addressed in any detail the elements that would be present at these staged accidents, such as the regularity of the body being moved or positioned as well as the weapon. Specifically, no one addressed the importance of investigating whether any clean up or destruction of evidence was undertaken. This is a clear oversight, as these three elements are the most common and most indicative of staging of accidental deaths.

Red Flags for Staged Self-Defense Homicides

The staging behaviours which were commonly utilised in staged self-defense homicides were quite simple, including arranging a weapon which was supposedly used against the offender, as well as rearranging or positioning the victim's body after death. Once again, Hans Gross' (1934) recommendations which were made nearly a hundred years ago rings true when it comes to staged self-defense homicides. The selection, as well as positioning of the weapon at the scene must be explained. Svensson and Wendel (1974) made a similar recommendation, which would also be helpful in light of the findings here. Weapons were arranged in all of the cases in the sample, and the body was never transported but was usually repositioned.

The offenders in these types of homicides usually did not try to dissimulate what happened through cleaning up or destroying evidence, but simply lied about the sequence of events that led to the death. Svensson and Wendel (1974) maintained that clean up would be common in staged scenes, as well as evidence of a struggle. Signs of cleaning up or destroying evidence were not common in these scenes, refuting the advice of Svensson and Wendel. Similarly, although confrontations, and by association, signs of a struggle were common in these cases, this red flag would not necessarily be of any help to investigators as a genuine self-defense homicide would likely also involve a struggle, and signs thereof. These recommendations then may not be investigatively relevant.

Similarly, Keppel and Weis's (2004) conclusion that bodies are normally not repositioned or staged was still incorrect with regards to these types of cases, as was Turvey (2000) and Turvey and Chisum's (2007) finding that staged cases often involve domestic relationships. These cases did not involve strangers, but the relationships were often not domestic ones which the above authors found. In fact, Douglas and Munn (1992) and Douglas and Douglas (2006) were more accurate in stating that the victim and offender would be known to each other, as opposed in any type of specific relationship. Unlike other types of staged scenes, the victims and offenders in these cases were more likely to be friends or acquaintances and less likely to be in a domestic relationship, although this was a small sub-sample and there was a somewhat equal distribution across different types of relationships.

Interestingly, there was usually no evidence of simulated self-injuries to the offender in these pseudo self-defense cases. That is, the offenders in these cases did not purposely injure themselves in an attempt to legitimise their apparent fear for their safety. This is specifically important as it may be in contrast to real self-defense cases. In the Bureau of Justice Statistics (Fox & Zawitz, 2007) data, almost 50 percent of justifiable homicides by citizens in 2005 involved the victim attacking a citizen

physically. Another 40 percent involved the offender disrupting the victim while they were committing a crime. Therefore, it may be common for offenders in real justifiable homicides to be injured before they believe they must kill the other person to survive, whereas in staged cases very few were injured. This should certainly be addressed in any subsequent study. Douglas and Munn (1992) and Douglas and Douglas (2006) may also have been correct in their recommendation that paradoxical wounds be examined in detail although they were not necessarily referring to the context under which these injuries occurred here. Instead of looking for the person posing the most threat having the least amount of injuries, investigators should seek to determine what exactly it was that made the offender feel as though their life was in danger if they were not injured physically. If this threat came from the presence of a weapon, it must be established that the offender did not introduce this weapon to the scene after the fact, or position it near the victim post offense.

Sharp weapons were more common in this sub-sample than other types of staging. In terms of these instruments being often present in these cases, Soderman and O'Connell (1936) were the only authors that touched on this. However, their treatment of the issue surrounds making a determination between whether sharp force injuries were inflicted by the victim themselves or by the offender. These recommendations are therefore of little help, as a wound pattern analysis may be able to identify that an offender inflicted the injuries, it cannot identify whether they did so fearing for their own safety or out of some other motivation.

These homicides often happened during a conflict between the offender and the victim and were most likely to involve weapons which were brought to the scene by the offender or were opportunistic. The body of the victim was commonly discovered by the offender, and it was usually found in the victim's bedroom. The offender often made no attempt to clean up the scene. Because the violence happened during a conflict, and the offender remained at the scene to call the police and tell them their story, it is quite possible that a number of these homicides were not planned beforehand, but that the staging efforts were quickly carried out immediately afterwards. Although some offenders did bring a weapon to the scene, it is very much plausible that they went there with the intention of confronting the victim, but ended up killing them and then attempted to have the scene present as justifiable. The lack of sophistication in the staging efforts, and the fact that they could have been carried out in a matter of minutes supports this notion of a lack of forethought.

This combined with the location where most victims were discovered (in their own bedroom) may indicate that most offenders were not trying to imply that the victim had committed some crime against them, as happens often in real self-defense cases (Fox & Zawitz, 2007) but that the homicide

came out of a confrontation within the home which resulted in the offender killing the victim for fear of their life. That is, the offender may not have been staging a different relationship to the victim as in staged illegitimate deaths, but more often a different context under which the homicide occurred.

All in all, the treatment of the characteristics found in staged self-defense homicides is sorely lacking in the literature. Out of everyone discussed above, only Meloy (2002)(citing Eke, 2001), even mentions that these types of staged deaths are in existence. Of course, before any adequate examination of the topic can be undertaken, the fact that these behaviours exist must first be addressed. In light of the regularity with which these scenes appear, it is clear that this needs to be done from now on.

Red Flags for Staged Sexual Homicides

Despite the assertions of Geberth (1996), Douglas and Munn (1992), Douglas and Douglas (2006), and Hazelwood and Napier (2004), staged sexual homicides did not happen all that often in this sample. In fact, of the six types specifically addressed herein, they were the least common. This finding may be helpful in allowing investigators to focus their attention on staged cases that take place with greater regularity, as it seems that although perhaps more prepared to recognise these scenes, investigators may encounter them less often.

Also of interest is the finding that a number of these homicides were perpetrated by co-workers or business partners as opposed to domestic partners. This goes against the findings of Turvey (2000) who found that staged scenes often involve domestic relationships between the victim and the offender.

Unlike any of the other types examined above, the majority of staged sexual homicides involved multiple injuries as the cause of death. Since it was usually unknown whether the fatal assault happened during a confrontation, it is difficult to determine whether the injuries happened across a period of time during the conflict, or were the result of overkill or something else. The fact that the weapons used were most often opportunistic lends credence to the notion that these homicides were not planned in advance, this is also supported by very few of these offenders establishing an alibi for themselves, which would seem like an obvious first step even for someone who is not aware of police procedure. It may be the case that these offenders instead relied on lying to the police if asked to give a statement. There was never any evidence of simulated self-injury to the offender, meaning these offenders may not have commonly claimed they were at the scene when the victimisation

occurred, or that they were there but were uninjured. Svensson and Wendel's (1974) recommendation that evidence of clean up be investigated was also partially supported in the research on this type of staging, although in about half the cases no clean up was done. The lack of clean up attempted by a number of these offenders similarly evinces the lack of sophistication or planning.

In many of the other types of staging, victims were most likely to be discovered by the offender in their own bedroom, however in these cases they were most likely to be discovered by their own family, and were equally likely to be in their own home in areas other than the bedroom. Being discovered by their family may have been a construct of the small sub-sample size, or the fact that the offender often did not live with them and they were discovered in their own home. This is in support of Douglas and Munn (1992) and Douglas and Douglas's (2006) idea that offender's may recruit others or at least be conspicuously absent at the time of discovery. The fact that victims were more often discovered outside of the bedroom in these cases than in other types may be a construct of the fact that these crimes were often perpetrated by coworkers or business partners, as opposed to domestic partners. Coworkers or business partners may be less likely to interact in a noncriminal fashion with the victim in their bedroom, and that could be a reason behind this discovery location.

Again, in stark contrast to the claims of Keppel and Weis (2004), the rearrangement, repositioning or posing of the victim's body happened frequently in these cases. However, Svensson and Wendel (1974), and Turvey (2000) were both accurate in their recommendation for investigators to pay close attention to whether or not a weapon had been planted, rearranged, or removed as this was also common. Although these scenes often involved very few staging behaviours, mutilation of the victim's body after death happened with some regularity. It may be that this was deemed necessary to give the appearance of a sexual attack in some cases, while in others it was the offender's belief that nudity or sexualised positioning of the body would be enough to indicate a sexually motivated attack.

Interestingly, in these cases personal items or valuables were often removed or disrupted at the scene more than in other types of cases despite there being a lack of ransacking. This may be indicative of a dual intention to stage the scene as both a burglary and a sexual homicide, or a lack of foreknowledge of what usually constitutes elements of a sexual homicide. These dual intentions were not addressed in the previous literature, and can only be speculated upon here as this was not anticipated in the research. However, it should be noted that in very few cases of this type was a point of entry or exit staged by the offender. This may refute the idea of dual intentions, and also

goes against the notion of Turvey and Chisum (2007) who maintained that this is one of the most common elements of staging.

Overall then, it is clear that despite the positions of many of the authors reviewed above, staged sexual homicides are not all that common, and when they are, they are likely defined by a constellation of behaviours including removing or disrupting items from the scene, positioning the body and a weapon, as well as possible mutilation of the deceased's body after death. With this in mind, investigators may be better able to identify these scenes early on in investigations, and begin to more closely examine the possible perpetrators.

Summary

In light of all the findings explained above, and their relationship to the previous works in this area, several conclusions can be drawn. First and foremost, the results above suggest that the red flags previously offered by the literature in this area are for the most part imprecise, and sometimes even blatantly incorrect. Secondly, the null hypothesis for hypothesis 13 is refuted, each type of staging does have individual red flags, or similar red flags that manifest in different ways within the scene (for example mutilation was used as a dissimulation effort in the staged car accidents to destroy evidence of what happened, where it was used as a simulation effort in the staged sexual homicides to imply a sex attack). More will be said of this specific hypothesis in the section discussing the results of the iterative analysis.

Finally, an overall lack of sophistication when it comes to staging efforts was clear. Although a few cases were well-planned in advance and involved a number of detailed and elaborate staging behaviours, this was certainly not the norm. For the most part, it is clear that many of the scenes staged in this sample were manipulated after the homicide took place, and without much thought. Evidence of planning was somewhat rare, save for perhaps some of the staged burglary cases. Most of these cases involved very few staging behaviours aside from one or two, such as moving the body or ransacking the home. In fact, in a number of cases no effort was even made to destroy or clean up the evidence of what occurred. In very few cases were drugs planted at the scene, lights or phones tampered with, bloodstains planted or manipulated or notes forged. An absence of these more elaborate behaviours, along with the utilisation of the more simple ones indicates the overall lack of sophistication and planning behind these efforts. Certainly this must be recognised by investigators. As Gross (1934, p. 5) wrote:

It has happened hundreds of times that criminal investigators, already on the right track, have left it thinking: "The man who has committed this crime could not have been so foolish as to do that," but innumerable cases prove that he has been so foolish; it matters not whether he was confused, suddenly frightened, has made a miscalculation, acted hastily or what not. It is therefore always best for the Investigating Officer to take the simplest view at the outset.

It is clear that either the offenders involved had little idea of how a genuine scene would present, or they had little time and were panicked by unexpected events. It is also the case that even by destroying evidence of what happened, and simulating evidence of what the offender wished to have happened, more evidence of their efforts was created. That is, despite cleaning up evidence of the homicide, the offender was then faced with evidence of a clean up, which may have been equally or more damaging as this behaviour is easily recognised and uncommon for stranger offenders. The same could be said for assimilating evidence, for wherever the offender planted evidence, they were then left with evidence of the planting as well as the original evidence itself. For example if a body was transported to a second location, the offender was left with evidence of the transfer, as well as the staged evidence at the new crime scene, and the original evidence. When looked at from the offender's point of view, it is clear that less is more when it comes to staging behaviours, especially since it is obvious that in the well-planned and executed homicides, no offender thought of everything. The more behaviours they attempt to carry out, the more opportunity they have for leaving inconsistent evidence, or evidence of themselves, behind.

Although the specific predictions made by many of the contemporary authors were not supported in the evidence discovered here, some of the earlier, more general philosophies of investigation were borne out, such as that made by Svensson and Wendel (1974, p. 292) which was cited previously:

Even when the murderer has carefully planned the crime and taken all imaginable precautions to avoid leaving traces, they are still found. As a rule, the murderer comes to a sudden realization of the terrible results of his deed after the killing. He may then lose his head completely and try to obliterate the evidence of his act, but in his confused state of mind only works against himself by leaving new clues

The works of O'Hara and Osterburg air much the same sentiment, which is equally relevant (1972, p. 683):

The criminal is frequently suffering an emotional disturbance when committing the crime and while substituting the fraudulent clue materials. This in addition to the fact that he usually has little, if any, experience in the appearance or requisites of physical evidence, enables the deception to be uncovered.

Despite being incorrect or too vague on many other levels, these sentiments cannot be refuted, and should be taken on board by those investigators charged with determining exactly what took place at these scenes, and more importantly, by whom.

Now that the red flags for each type of staging behaviour have been addressed, and the literature interpreted in light of those findings, it is possible to move on to a discussion of the more intensive part of this thesis, the iterative analysis. Although this part of the analysis had the goal of being put to use by those charged with investigating these cases in the field, it was also designed to shed some theoretical light on the manifestations of staging behaviours in real cases. The proposed typology was addressed, and below the findings will be examined in regards to the predictions made previously.

Iterative Analysis

In terms of the iterative analysis, two different types of staging were identified, as well as two subtypes. The constellation of behaviours involved in the staged cases seemed to split between those designed to portray an illegitimate death, and those meant to present as a legitimate death. This finding therefore refutes null hypothesis eleven which held that different types would not exist. These types did exist in this sample, and the staging behaviours which were present differed between the types, thus also refuting null hypothesis twelve. In order to determine the common behaviours carried out at these two different types of scenes, as well as the red flags for those types, it is important to first address what was expected in this analysis, and how the findings relate to those expectations.

Recall at the beginning of this thesis a typology for staging behaviours was proposed based on the previous literature on the topic. It is now clear that an offender may stage a scene to give the appearance of a variety of differing scenarios. A scene may be staged to conceal the fact that the offender had a previous relationship with the victim, to hide evidence of a crime entirely, or it may be used to justify the criminal actions of the offender. It was hypothesised that the intentions behind staging behaviours could be broken down into six categories including²¹ (some of these behaviours were adapted from Whaley, 1982):

²¹ The final type outlined in this typology, the ‘inventing’ type was not tested herein as it involved staging elements of a scene for the purpose of false reporting. No false reporting cases were sampled in this project, the research focussed solely on homicide cases.

- ***Implicating***: has the purpose of implicating another or directing attention away from the real offender onto another person or group
- ***Mimicking***: shows the false scenario by having one thing imitate another. An offender may mask or conceal their relationship to the victim by seeking to mimic another type of relationship through staged elements at the crime scene
- ***Masking***: these behaviours hide the real events by making them invisible. This could involve staging behaviours designed to conceal the crime entirely
- ***Repackaging***: these behaviours are designed to hide the real scenario by disguising it. This could be used to not conceal the death entirely, but to repackage it so it appears as something which is not criminal at all, such as an accident or suicide
- ***Dazzling***: this hides the real events through confusion. These behaviours could involve staging a crime scene in a non- specific way designed to confuse the nature of the crime thus drawing attention away from themselves
- ***Decoying***: these behaviours show the false circumstances by diverting attention. This could involve behaviours carried out with the intention of having the homicide appear as though it was justified or excusable
- ***Inventing***: these show the false scenario by displaying another reality which does not exist. This may involve staging efforts designed to simulate a crime when none has occurred wherein the simulation itself provides the desired end

Based on the literature to date, it was believed that the typology proposed was exhaustive in terms of identifying the intention of offenders who stage crime scenes. This was the first empirical testing of this categorisation system. As detailed above, this study tested not only whether people who stage scenes fell into these categories, but more importantly, how staging behaviours differ between these types.

Although anecdotal support was found for parts of this typology, much of what was proposed was not borne out in the quantitative data. That is, despite a number of cases involving decoying, dazzling, and to a lesser extent implicating in the descriptive data, these behaviours presented in a fashion similar to the repackaging or mimicking types, despite the distinct intentions behind them. Therefore there is only evidence of two separate types of staging in the iterative analysis. The repackaging and mimicking types have the most support, however the evidence of repackaging could also be said to include those behaviours which were previously thought to be a separate type, namely decoying. In light of this finding, a different, perhaps more useful typology can be proposed.

The new and improved typology will be presented below including a summary of the findings for each type of staging. The split in the plot between legitimate and illegitimate death scenes being staged also carries over to the planning and sophistication of the offender's efforts, which will similarly be addressed separately. However, before this new typology is addressed, it is important to also examine why the original typology was not supported by the quantitative data, and what this means in light of the previous research.

As discussed in detail above, most of the previous research on staging behaviours was only partly supported by the findings of this project, if at all. It is now apparent that most of what the previous authors have written about staging is simplistic in its treatment of the issues, mostly due to the failure to separate out different types of staging and address the behaviours specific to each type. It may be due to this failure that the above typology was inaccurate, and theorised each intention would involve a distinct constellation of staging behaviours.

However, it is certainly possible, and even probable, based on the behaviours seen in this sample that the other four types which were not supported by the SSA output do actually exist but were not represented adequately by this specific sample. That is, each of the types outlined above did exist in the sample to some degree (save the masking type), however they may have been so rare as to not have shown up as a separate constellations of behaviours in the iterative analysis.

They also may have involved more behaviours not examined here, or the behaviours may have manifested differently between the different types. Specifically, it is possible that although each of the proposed intentions does exist, the behaviours carried out by perpetrators with those intentions are the same as those carried out by individuals with different intentions. For example, while one person may put a weapon in the grasp of a victim to imply they killed the victim in self-defense, another may carry out the same action to imply the victim committed suicide. Despite the behaviour being the same, the goal behind it is different. Since the behaviours were coded as present or absent, this goal could not be measured in this analysis. Therefore, it is possible that with a larger, and more balanced sample between the different types of staging, each category of the typology originally proffered may have been borne out. Each of these issues will be addressed in more detail in the limitations section below, however for the time being it is important to address what this study *has* been able to conclude, instead of what it has not. As mentioned above, the types of staging intentions that were discovered here will now be addressed, along with the common behaviours, red flags, and evidence of sophistication and preplanning.

The first type of behaviour which was evident in the SSA plot was mimicking behaviours designed to imitate a relationship between the victim and offender which did not exist:

Mimicking Illegitimate Deaths:

This type of behaviour shows the false circumstances by having one thing imitate another. An offender may mask or conceal their relationship to the victim by seeking to mimic another type of relationship through staged elements at the crime scene. This can be done by making a non-stranger homicide appear as a stranger homicide by implying, through staged elements at the scene, that the motivation was sexual or profit oriented.

The region which encompassed those characteristics associated with illegitimate deaths contained behaviours such as ransacking, a point of entry or exit being staged at the scene, the offender attempting to organise an alibi for him/herself, as well as personal items being removed or altered at the scene. A weapon of opportunity was also correlated with this region of the plot, as was the use of a firearm to inflict the fatal injuries, and the offender injuring themselves in an attempt to lend credence to their story. Therefore, the likely red flags which are most indicative of staging for this type would involve the removal or disruption of personal items as opposed to those with street value, points of entry or exit which were not actually utilised, or injuries to the suspect which may have been self-inflicted. Although some were not particularly common in the sample as a whole, when these behaviours were present they were most often correlated with staged illegitimate deaths or an attempt to make the relationship between the victim and offender appear as something other than what it was in reality.

Those characteristics which indicate staged illegitimate deaths took place are also those which may have required greater preplanning, and perhaps sophistication than the other types, such as establishing an alibi, as well as self-injuring. This may indicate that deaths which are staged to appear as illegitimate (such as burglaries or home invasions gone wrong) involve some sort of preplanning on the part of the offender. The relative sophistication element comes into play when one considers that it is not common (in the general sample) for offenders to try to establish an alibi, or self-injure. The fact that these extra efforts are carried out speaks to the experience of the offender, their preparation, or their commitment to making the scene believable and not being caught.

The second type of staging behaviour which was evident in the iterative analysis section was repackaging designed to present the death of the victim as something innocent:

Repackaging as Legitimate Deaths:

These behaviours are designed to hide the real scenario by disguising it. This could be used not to conceal the death entirely, but to repack it so it appears as something which is not criminal at all, such as an accident or suicide. This type could be further broken down into two sub-regions in the plot making up two subtypes involving different constellations of behaviours.

- a. *Vehicle accident:* The region of the plot devoted to car accidents included behaviours such as the body being transported and mutilated, a weapon being arranged at the scene, the victim being attacked with blunt force or multiple weapons, and being discovered in their own vehicle. The red flags for this type of death, according to the SSA, are evidence that the fatal injuries were incurred at another location (this could be due to a lack of evidence in the vehicle or a presence of evidence somewhere else), as well as mutilation of the body after death, and indicators of multiple weapons. The automobile accident scenes often involved more staging efforts, and therefore perhaps greater sophistication, but they usually involved elements which were not particularly difficult to detect (such as the victim apparently dying as a result of a very minor vehicle accident), and therefore may not have been well planned. In these cases, the offender was more likely to transport the body (which may require planning as corpses can be extremely heavy, awkward and can also increase the chance of detection), as well as mutilation. In some instances the offender brought accelerants with them to be used in setting the victim on fire, and in others the offender brought the vehicle to a location which would facilitate the mutilation, such as a cliff or embankment to roll the car over, thus implicating a crash. These elements could suggest preplanning in some instances, but not necessarily. Certainly they suggest at least moderate sophistication in comparison to the staged accidents and suicides.
- b. *Suicide/Non-vehicle accident:* The region devoted to staged accidents or suicides contained behaviours such as evidence of simulated self-injury to the victim, no weapon being used to inflict the fatal injuries, the victim being discovered in their own bedroom, and the assault happening during or immediately after a confrontation between the victim and offender. The red flags which investigators should be cognisant of in order to identify these scenes, according to the SSA are evidence of a confrontation or struggle, and no weapon being used on the victim. Those cases involving staged accidents or suicides were perhaps the least

planned or sophisticated efforts, often only involving the body and weapon being arranged or positioned to facilitate repackaging the scene to appear as something else.

As discussed in the methodology section on typologies, the idea behind categorising behaviour is to be better able to determine what the common characteristics of those types of behaviours are, and to differentiate them from other types. The assumptions inherent in any typology are that the characteristics of each type co-occur within that type, and that the characteristics do not co-occur between the types. The testing of whether there is empirical support for a typology revolves around testing these assumptions (Canter, 2004).

After the descriptive analysis outlined the behaviours common to all six types of staging (burglaries/home invasions, sexual homicides, accidents, car accidents, suicides, self-defense), it was clear there were no bright yellow lines between the staging types, as expected originally. This was especially true of the decoying, and repackaging types, as many of the behaviours which described staged self-defense scenes were common to staged accidents and suicides as well. It was also clear that staged sexual homicides and their features likely fell within the mimicking type, or illegitimate staging, as these scenes often involved many of the behaviours which were also common to staged burglaries or home invasions. As a result of the findings here, the new typology was proposed combining several of the similar types into those which are more discrete, while also forging out a new type that was not previously thought to present with a different constellation of behaviours (staged car accidents). In so doing, the assumptions inherent in a typology have been borne out in the data, therefore empirically supporting the new typology outlined above. That is, the characteristics which occur within the types happen with some regularity there, and they do not often co-occur together between types.

This finding was not predicted by the previous authors who have opined on related issues, although none of them addressed the issue specifically. Despite some authors writing about how the staging of various wounds can be detected (Soderman & O'Connell, 1936), or making note of the fact that crimes can be staged to present as different scenarios (Meloy, 2002; Geberth, 1996; Turvey 2000, Hazelwood & Napier, 2004) none sought to address the constellations of behaviours that were common to each type. Hazelwood and Napier (2004) identified that staging behaviours can be categorised as victim-centered, immediate location, or distant location, and that staging could be carried out in order to present different scenarios, however they did not address how the staging differed between them. The findings of this work then are neither confirmed nor denied by the previous research on the topic. Although this fact does not tell us a lot about the support for the

current study in the literature, it does tell us that there is certainly a problem with the state of said literature. It is anticipated that the current work will fill that rather large gap.

With the three categories of staging behaviours being easily and reliably differentiated here, it is possible that more informed research as well as case analysis can be undertaken. It is also clear that different types of literature are applicable to the different types of staging, and specific literature should be sought out for reference. For example, where wound pattern analysis may be very helpful in a repackaged (staged legitimate) death, it will be less so in a mimicked one (staged illegitimate). Lumping all the types together, as has been done in the past in the criminological literature, is no longer a responsible research practice as they involve such different constellations of behaviours. Researching all types of staged scenes together can now be viewed for what it truly is, mostly an analysis of staged burglaries without attention being paid to the intricacies of the behaviours as they exist in real incidents.

While mimicking behaviours (staged illegitimate deaths) present as homicides and will therefore be investigated by law enforcement, repackaging behaviours (staged legitimate deaths) involve more esoteric expertise which is usually under the purview of a forensic pathologist. Previously, those publishing criminological works have rarely touched on the differences between staged illegitimate deaths versus legitimate ones, despite them involving completely different procedures in terms of their investigation. In supposedly legitimate deaths, investigators are at the mercy of the medical professionals who are charged with determining the manner of death and therefore whether the possibility even exists that a crime has occurred will hinge on their results. With the findings of this study in hand, investigators may now be better able to assist medical experts with identifying the inconsistencies in the scene or statements of suspects in equivocal cases, thus complementing the clinical findings or calling them into question if the post-mortem exam has been conducted hastily. As discussed by Saferstein (2004), collaborative efforts between medical examiners, law enforcement, forensic scientists and criminalists are necessary if what took place prior to, during, and subsequent to the crime is to be determined. The current research will assist with this, while just as importantly, these practitioners will be able to address the fact that each of these scenes presents differently in the literature they publish. Through this assistance, investigators and medical professionals may be able to combine their previously discrete expertise to allow for more informed investigations, prosecutions and literature on the topic of staging.

This basic typology will assist researchers working from a purely academic standpoint as well as investigators working pragmatically, as to who the necessary experts are, what behaviours are

commonly associated with each type of staging, and what red flags need to be accounted for in each suspected staged scene. Like all systematic empirical research, this study is not without its drawbacks, despite examining previously untapped resources related to staging. These shortcomings and their implications to the findings will be discussed in the next section.

Limitations and Implications

Sample

Size and Proportionality

Because each type of staging has hitherto not been studied in any distinct or systematic way, and because very few authors have made note of the fact that different types of staging may present in different ways, this is the first and largest sample of its kind. Previously, the only other published study similar to this (Turvey, 2000) had a sample size of 25 cases from the USA, and was a superficial examination. Hazelwood and Napier (2004) analysed the survey data of 20 investigators who worked staged cases in the USA, while most other authors looked at only one or two case examples in their works. As the sample in this study was comprised of 141 cases from four regions, it represents the largest sample in this area thus far by almost six times.

The limitations with the sample therefore do not necessarily surround the issue of size, but more the notion of comparability between different types. Since so many of the cases in the total sample were staged burglaries (N=61), a conclusion could be drawn about what type of staged scenes are most common, or at least what investigators are best prepared to identify. However, because such a large proportion of cases were from only one type, the representativeness of the other types in the sample may have been affected. A larger sample size may have allowed for more of the other types of scenes to be examined, and thus would likely have increased the reliability of the findings. Despite the issue of sample size though, the results do conform, at least partially, to the theoretical basis which was proposed suggesting that the sample may have been an accurate reflection of the larger population of staged cases.

The current study served to address the shortfalls of the previous literature, specifically the Turvey (2000) study and the Hazelwood and Napier (2004) study, by increasing the sample size to the maximum attainable number of cases available at the time of the research. Furthermore, it served the purpose of examining cases not only generally but also to achieve a sample of cases across the individual types for the purposes of comparison. Although the proportions of each individual type possibly limits the strength of the conclusions that can be drawn and the generalisations made, this

survey of cases is considered a necessary step and provides much more understanding of the common behaviours and their red flags than was previously available.

It should also be mentioned here that the cases selected, as well as the material contained within them may have been affected by the sampling approach. Since the sample used court documents, it is possible that some information which would have been considered relevant to the current analysis was not deemed so by the presiding judge for the purposes of trial or appeal, and was thus not included in the factual summaries provided. It is also possible that some behaviours, not related to the criminal behaviour of the offender, were assumed to be relevant by investigating officers, and were presented to the court as well as contained in the factual summaries examined. Unfortunately there is no method to determine whether, and to what extent this was the case in the current sample. Although not thought to present much of a limitation to the generalisability of the results, it is important to note that in rare cases some of the information may have been affected by these factors.

Representativeness

There are four key limitations when it comes to the representativeness of the current sample. These are: first, that it is possible there may be cases where confessions or expert opinions were used as evidence of staging, where there was no actual staging present (false positives); second, that those offenders who are adept at these staging efforts will never be caught (false negatives); third, that the cases which make up the expert files may contain cases unrepresentative of the population; and finally, that the findings are only generalisable to American cases. Each of these issues will be addressed in turn.

False Positives: Confessions. Since a large portion of the cases in this sample involved confessions, it is necessary to briefly explain the problems of false confessions and the limitations they may put on the conclusions of this study. False confessions can be caused by a number of factors, including stress, coercion and persuasion (Ofshe & Leo, 1997; Howitt, 2006). Research on how often false confessions happen is difficult to come by, and its accuracy may be called into question when it is available. This is for a number of reasons, as explained by Leo and Ofshe (1998, p. 1):

Yet no one knows precisely how often false confessions occur in the United States, how frequently false confessions lead to wrongful convictions, or how much personal and social harm false confessions cause. This is because: (1) no organization collects statistics on the annual number of interrogations and confessions or evaluates the reliability of confession statements; (2) most interrogations leading to disputed confessions are not recorded; and (3) the ground truth (what really happened) may remain in genuine

dispute even after a defendant has pled guilty or been convicted. These problems prevent researchers from defining a universe of confession cases, sampling a subset, and confidently determining the truth or falsity of each underlying confession.

Because of this lack of data, it is difficult to determine approximately how many, if any, of the confessions in the current sample may be false. Specifically, it is unclear whether any cases in this sub-sample were false-positives (deemed to be confirmed staging cases when they actually were not). However, according to some of the data on wrongful convictions, a large proportion (14-25%) have been caused primarily by the offender falsely confessing to the crime (Gross et al, 2005). It is sincerely hoped, and measures have been taken to ensure that none of the cases sampled here were wrongful convictions, although this is a very difficult assurance to make after the case has been litigated. In the sampling process utilised presently, those cases involving confessions which were overturned on appeal were not included, and therefore if a wrongful conviction was detected early on by the appeal court the case would not have made it into the current research. This step, however, does nothing to assure that the cases which were not overturned on appeal, where the offender might still be incarcerated, were not included. This is a problem inherent in utilising a sample of this nature, and can never be completely protected against. The fact that the sample size was fairly small relative to the number of crimes committed during the years sampled, and that the cases date back 40 years (allowing a lot of time for appeal), offers some reassurance that no cases used herein involve false confessions or wrongful convictions. However, the possibility still exists that a small portion of the confessions relied upon were false, exaggerated or not completely accurate, and that consequently the crime scenes were not staged. It is certainly the case that the large number of cases in the sample has the ability to account for the small effect that one or two non-staged cases would present in the analysis, and therefore this limitation should not skew the results to any great extent.

False Positives: Experts. Aside from the potential for the confession cases to be false positives, there is also this risk with the cases that were deemed ‘confirmed staging’ by an expert. The miscarriages of justice data have elucidated the fact that forensic experts are not infallible, in fact after the first DNA exonerations in the USA it was concluded that one-third of these miscarriages involved poor forensic science (Saks & Kohler, 2005). Although determinations relating to whether or not staging is present have not, for the most part been touted as a science by practitioners, certainly some of them involve scientific determinations, and therefore similar issues may be present. Forensic science errors can come from poor funding, little or no science being utilised, a lack of independence from law

enforcement, or little to no standards being implemented (Cooley, 2010). Perhaps the most relevant of these is the latter, the lack of standards.

According to Cooley (2010, p. 333), “[d]eveloping and implementing standards are vital in science because science is premised on replication. Standards must be clearly articulated and represent the consensus of opinion among a profession’s members”. This has not been done in relation to the community of people opining on staging. There are no standards explaining when and how positive determinations of staging should be made, nor is there any research on the consensus of opinions within this community. Furthermore, there is no accreditation necessary to make these determinations, and no established means of reporting findings or procedures is present. According to National Academy of Sciences (2009, p. 2-1) report of forensic science in the USA, “[s]ome analysts say that the lack of standards and oversight can result in deliberate deception of suspects, witnesses and the courts; fraud; and ‘honest mistakes’ made because of haste, inexperience, or lack of a scientific background”. This is problematic to the current research sample as it provides no real assurance that the opinions of experts in these cases are based on anything besides their speculation and conjecture. Although the experts in these cases were, for the most part, deemed reliable enough to testify in court as to their opinions (or they were hired with the expectation of testifying), that threshold does not necessarily ensure the results of the analysis in that case were accurate. This certainly opens the door to additional false positives in this sample, as some of these cases may not have actually involved elements of staging despite the perception of the expert. In order to combat this potential, two different types of samples were used (those from the personal files of experts as well as those that had been litigated based on the confession of the offender or an expert opinion), in the hopes that the various sampling approaches would reduce the effect of any false positives from either sub-sample. However, as with false confessions, regardless of the safeguards implemented, no sample is able to both meet the research goals, as well as have no potential limitations. It is important to note this is a possibility here, and that it cannot be protected against in a study of this nature. The same is true for many criminological studies, as the ground truth is very difficult to establish in light of the covert nature of some criminal behaviour.

False Negatives: Unsuspected Staging. The third limitation which must be addressed in this section is the issue of which cases are being examined in this sample, or the probability of false negatives. Of course, because the current research sought to examine cases where staging was confirmed, those cases where the staging was never identified by investigators nor admitted to by offenders were not included in the sample. Therefore, those offenders who are most adept at staging, who did a particularly thorough job of making the scene appear as though it was something else, as well as

those who were just lucky enough to be investigated by unsuspecting police (or those who were too busy or over-worked), were not examined in this thesis. Since those individuals who were never suspected were not included in the sample, it may be more representative of cases involving elements investigators are able to recognise as well as those involving less planning, less effort, or less luck on the part of the offender. This is an unavoidable limitation, as it would likely be very difficult if not impossible to convince those who had never been apprehended for a homicide they committed to admit to it for the sake of this research, let alone the difficulties in identifying these cases in the first place. Furthermore, these behaviours could not simply be assumed when they were only suspected by law enforcement as the threshold here was for confirmed staging cases in an attempt to rule out false positives. This threshold could possibly be relaxed in the future, although such an action may open the door to hundreds of cases where someone suspects staging but there is a lack of evidence. The point is that those who are very good at staging crime scenes will never be caught, examined, or included in research of this type. Unfortunately this is an inevitable limitation here, as well as in many criminological studies utilising archived reported crime data.

Before moving on to the other limitations inherent in the methodology employed here, it is also important to note in this section on cases which were not suspected of being staged that the database employed for gaining access to the sample would invariably contain only a fraction of the total staged cases. Again, there would be numerous cases in existence where staging was not suspected, and therefore never prosecuted. It is also possible that although suspected and prosecuted, the staging was not mentioned in the case files available on Westlaw, and therefore those cases would have been excluded from this sample. That is, the database utilised for the second sample of this analysis may have contained limited resources. Similar to above, this is an unavoidable limitation of using archived data. Given the time and resource constraints of this project, it was not feasible to avoid such issues presently, although it is suspected that they played only a minor role.

Expert Case Files. Another limitation which needs to be addressed in terms of the representativeness of the sample of staged cases taken from expert files is whether or not these cases were more likely to involve high profile, or higher socio-economic status defendants than the general population of staged homicides. Most of the cases taken from the expert files were from experts who were hired by defense attorneys. This means that these experts may have been paid for by the defendant or their family, or deemed necessary by the court and therefore funded. Although this is not necessarily a major drawback, it does mean that the sample may not be representative of the general population in terms of the type of defendants involved. Those defendants who were not able to afford experts

of this nature, or who were involved in cases where they were not deemed necessary, would not be represented in this sample. Therefore the results may be skewed towards those cases that were high profile enough to warrant the court paying for defense experts, or where the defendant was wealthy enough to pay for their own experts. This issue was addressed through the second sampling method, which sought to even out the sample by including a number of other expert cases where most were hired by the prosecution, as well as additional cases where no experts were involved but someone confessed to the crime. Since the expert personal files made up only 11 percent of the sample, this representativeness issue should not affect the results. However, it should at least be recognised that those cases involving indigent defendants, where the case did not warrant the expense of defense experts being funded by the court, and where there was no prosecution expert or confession are not represented in this sample. The results therefore may not generalise well to these types of cases in the future.

International Generalisability. Of the 141 cases in this sample, 133 were from the USA. It was expected that the sample would not be evenly split across the four regions included (UK, Canada, USA, Australia), although this exceedingly large proportion from the USA was not anticipated. In hindsight, it makes sense that a large number of cases would come from the USA, simply based on the size of the population and the homicide rate²². However, in light of this large proportion coming from America, the generalisability of the results to other regions may be called into question. Alison, Goodwill and Alison (2005, p. 251) address the issues of generalising data on homicides in one culture to another, stating that caution should be exercised when interpreting the extent to which data from one location transfers to another. Certainly this same warning may be given for the current sample, especially when it comes to various weapons being employed as some regions in the sample have strict firearm regulations while others do not. While an effort was made, and cases were included from various jurisdictions internationally, the vast majority of the cases examined were from the USA, meaning that that is also the location where the results will apply with the best fit. Although this warning must be heeded, it is important to also recognise that in light of the same sampling method being used across the four regions, it is clear that the USA is also the location where the majority of these cases are taking place. Therefore, the ability to generalise most to the USA may also be considered a strength of this research. It is also the case that deception is universal, and therefore measuring it internationally may be a benefit as opposed to a limitation.

²² Recall the homicide rate in the USA between 1976 and 1997 was between 7.3 to 10.2 per 100,000 while the UK, Canada and Australia were all between 1.0 and 2.6 per 100,000

Smallest Space Analysis

The smallest space analysis employed as part of the Multi-dimensional scaling method utilised is a relatively robust method which is useful for finding patterns in large or complex sets of data. The method, however, does have some limitations. As mentioned in the results section, some of the variables within the types found in the SSA were a part of that type based not on a particularly strong correlation to the other variables within that type, but a lack of correlation with the other variables in the plot. Also, some of the variables were not particularly common, such as a staged point of entry, although when they were present they were most correlated with the other behaviours associated with staged illegitimate deaths.

According to Petherick (2007) and McGrath (2000), a SSA treats behaviours like they are distances, in fact, the point of this scaling model is to portray correlations as distances on a plot. This is only problematic because in presenting behaviours in groups with the smallest distances denoting the strongest correlations, the method places the behaviour into a category regardless of the motivation behind the behaviour. This was touched on briefly in the iterative analysis discussion above. According to Petherick (2007, p. 216):

This is reflective of the part of the SSA process that relies on subjective interpretation, such as assigning variables to categories. This is not limited to the selection, labeling or categorisation of individual variables though, and extends in to the thematic division once the variables have been plotted.

The problem then, is that the researcher is forced to subjectively examine the plot, and determine where the divisions in the themes lie based on their knowledge of the sample, and the theoretical underpinnings of the examination. Canter and Wentick (2004), as well as Petherick (2007) and Turvey (2000), have made note of the fact that this is a definite limitation of the method. As addressed by Hair and colleagues (1998, p. 531):

[T]he researcher has little guidance, other than generalized guidelines or a priori beliefs, in determining both the dimensionality of the perceptual map and the representativeness of the solution. Although some overall measures of fit are available, they are nonstatistical, and thus decisions about the final solution involve substantial researcher judgment.

It can be said, however, that the current research may not suffer from this limitation to the same extent as research relating to inductive profiling (to which the above authors were referring), where the themes and divisions between them are meant to distinguish between different types of people, as opposed to something more tangible such as the presence or absence of various behaviours in the

coding dictionary. There is more variety within people and their background characteristics than with staging behaviours as some are complementary to each other while others make little sense together. For example transporting a victim's body and also rearranging it at a new scene are behaviours that go together to some degree, whereas simulating self-injury to the victim, and positioning them to imply a sexual homicide do not make sense together. It is true that this analysis has not factored in the specific intent or motivation behind each of the staging behaviours, but this is a necessary shortcoming of the current research agenda as it would be very research intensive to formulate any kind of analysis that would be able to factor in this level of detail, not to mention the difficulty in having access to these details for every behaviour, of every offender, in every case.

It has now been well established that there are several limitations to the current study, which each should each be addressed in the future. In general though, it is clear that this research is a necessary development, providing exponentially more information than has ever been published to date on the issue of crime scene staging. The next section will outline what needs to be done in the future, and how this can be accomplished knowing what we now know.

Future Research

According to Edwards and Gatsonis (2009, p. 6-5) in their recommendations for further research into the forensic sciences in the USA:

A complete research agenda should include studies to establish the strengths and limitations of each procedure, sources of bias and variation, quantification of uncertainties created by these sources, measures of performance, procedural steps in the process of analysing the forensic evidence, and methods for continual monitoring and improving the steps in that process

As a general guideline, this is certainly applicable to the area of staging, as so little is currently known about what is involved, the process of making a determination regarding the presence or absence of staging, nor the reliability of these decisions. Given the findings of this project, it is clear that there is a large scope of research necessary which should be undertaken in the future. This could involve a number of elements, including the expansion of the sample in general and the expansion of the sub-samples (the sample of staged suicides, accidents, vehicle accidents, sexual homicides, and self-defense homicides) to allow for greater generalisability. Further examination of the differences between, and the behaviours common to each of these sub-samples is also very much necessary. This could be accomplished with an entirely new sample, perhaps with better

representation from countries other than the United States, which would allow for a comparison to be made between the concordance of the results of these two samples and across nations.

It is exceedingly apparent that in the future, the different types of staging need to be separated out and analysed on their own, or compared to the other types. This is the case because it is now proven that each type of staging behaviour, whether it be mimicking or repackaging, has a different constellation of behaviours that defines it. Similarly, the other proposed categories such as dazzling, masking, implicating or inventing also need to be addressed, as they were not disproved here in light of their regularity in the descriptive analysis. Simply combining all these behaviours as a supposedly homogeneous sample is no longer necessary nor recommended. In that sense, future research may use the current project as a template to examine a broader range of staging behaviours which may be specific to each individual type, as well as the intent behind these behaviours, as they too likely differ.

The behaviours which are specific to each of these types should also be addressed in more detail, as the necessity has been made clear for the actual intention behind the behaviour to be addressed as well. This will take some ingenuity on the part of the researchers, however it would certainly shed additional light on the behaviours carried out at different types of staging scenes, and what the offender hoped to gain by utilising such efforts. This could lend towards additional red flags being discovered, or a more complete understanding on the mechanisms behind these actions.

It may also be beneficial to examine the cases involving confessions and experts separately. In the case of confessions, it would be helpful to examine in more detail exactly what inconsistencies in the statements or physical evidence were brought to the attention the offender that led to their confession or whether it was spontaneous. If this were examined in more detail, investigators would be better able to seek out that information, and present it to suspects in a consistent fashion to maximise sound confessions. This would likely facilitate more guilty pleas, allowing for less expensive resolutions to these homicides. Not only that, but from a purely theoretical standpoint, confessions allow for a much better understanding of the staging behaviours and the intent and motivation behind them as much more solid and confirmed information is available.

Separating out the cases involving experts would similarly allow for faster case resolutions, as well as a better understanding of the expert's role from a purely academic point of view. If the cases involving experts were studied on their own, it would be possible to determine the thought processes that led to the their conclusions, the accuracy and reliability of said conclusions, as well as the steps

necessary for others to be able to make similar ones. This would also facilitate an evaluation of how these experts are conducting their examinations, allowing a greater level of peer review to identify their possible shortcomings or biased results. Of course, research of this nature would be both time and resource intensive, requiring assessments of individual experts applying their skills to cases in real time, thus providing an assessment of the processes they employ. Certainly this would provide others in the community with an opportunity to observe their reasoning and insight, but also to learn from their mistakes in order to improve their own skills, as many in the field seem to have been working these cases in a fragmented and isolated fashion. This would be extremely beneficial.

It is also possible that additional research could address whether or not the CSI effect, as discussed in the literature also applies to offenders getting smarter or becoming more forensically aware. Since the cases here were not differentiated based on when they occurred, this analysis was not possible. In the future it would be beneficial for an examination of whether staging efforts were more or less prevalent, or more or less sophisticated before the recent trend of crime scene investigation techniques being portrayed regularly in the media. Further, it is necessary for additional systematic research to be carried out determining how often these behaviours are used to evade capture, how that prevalence differs across jurisdictions, and in what types of cases it is most common. For example, staging of the physical evidence may be more prevalent in insurance fraud cases than it is in homicide cases. This needs to be addressed.

As a final note, it is absolutely clear that the most important research to be done in the future of this field is that which seeks to examine the cases systematically, as opposed to adopting an anecdotal methodology. If the current project has taught us anything, it's that the previous works on staging, even the more contemporary ones, are at best inaccurate in their claims, and at most misleading and detrimental to investigations of serious violent crimes. Failing to address the fact that many of the authors have been incorrect in their recommendations runs the risk of potentially allowing dangerous offenders to evade capture or, more concerning, to suspect, prosecute and convict an innocent person. Research carried out in the future needs to refrain from addressing these cases from a strictly experiential perspective, and continue building on the foundation which has been built herein. These cases need to be addressed empirically, the red flags need to be validated by systematic research before they are presented as accurate, and the authors previously writing in this area need to take note of the fact that their previously held notions may have been wrong and therefore abandon them. Once this is accomplished, the future of this area of research is almost limitless as elements of staging can be present in numerous different crime types, for numerous reasons previously unrecognised.

Conclusion

The tendency to lie, either outright or by omission, has been an element of human behaviour for centuries. Historically, this may have been done for any number of reasons, one of which was self-preservation or to avoid negative stimuli. If people do not lie, they risk suffering the consequences of their poor behaviour, which evolutionarily could have led to a lack of resources or an inability to reproduce effectively or efficiently. Contemporarily, those individuals who are under threat of going to prison for long periods of time endure the same dilemmas or face the gallows. Therefore they may lie in an attempt to preserve their ability to carry out the most basic of human behaviours, including reproduction, as well as to enable a more pleasant existence presumably outside of prison.

The current research, although criminological and forensic in its focus has really been a study of the physical manifestations of lies that people perpetrate in anticipation of, or after committing a homicide in order to evade suspicion and capture. The intention behind staging, by definition, is to thwart investigative efforts. This intention is more basically about an attempt to remain outside of correctional custody through deceit. This deceit can be facilitated through any number of actions carried out at a crime scene including dissimulation and simulation, as well as more traditional lying in face to face interactions with others.

The empirical research on explaining and detecting lies in person is helpful for theoretically interpreting staging behaviours, including the motives and intentions behind them, as well as categorising them from a research perspective. However it has now become clear in the deception detection community, after years of theory building and systematic testing, the techniques utilised in laboratory testing are not those used in real life. Lie detection in reality is based on a much greater number of factors than just analysing a person and their statements, and accurate lie detections are more often based on that which cannot lie, the physical evidence available at the scene. Because the physical indicators of these types of deceptions are so crucial, and have a substantial effect on whether they are discovered, the analysis of physical indicators of staging must be focused upon as opposed to the verbal and non-verbal behaviour of a suspect in an interview. As discussed by Kirk and Thornton (1970, p. 2) “only human failure to find, study, and understand [the physical evidence] can diminish its value”.

Although no authors explicitly present discussions on staging under the rubric of deception detection (save one anecdotal reference by O'Hara & Osterburg, 1972), for a number of years the acknowledgement has been made that the physical evidence is much more illustrative of what

happened at a given crime than the statements of suspects. In fact, detecting offenders' efforts to make scenes appear as something other than they are have been discussed in the criminological literature for nearly 100 years. Despite the long history though, researchers and practitioners alike are still basically working in isolation, from only their own experience, and without reference to work on deception, in order to study, investigate and resolve these cases.

The investigation and research into techniques devoted to identifying these types of offender behaviours have been given basically no scrutiny in the literature to date, despite many authors criticising the works of each other without any solid empirical basis. The experts working staged cases have, for all intents and purposes, been given a free pass to utilise whatever methods they see fit based on their past experiences and training, despite the recognition that when it comes to these instances, experience does not equate with expertise (Svensson & Wendel, 1974). Through the lack of real empirical knowledge and literature on the topic, each expert or investigator has been working in cloistered fragmentation, without the benefit of learning from mistakes made by others in the past, and this even with the acknowledgment that collaborative efforts are necessary (Saferstein, 2004). Although some of these practitioners, including investigators and medical professionals are extremely good at what they do, there have also been some inexplicable failures with dire consequences in this community, as well as a lot of disagreement and confusion about what to expect and how to recognise it. The recent movement away from traditional anecdotal advice towards more systematic analysis has led to some improvements, although there is undoubtedly a long way to go before researchers and practitioners will have enough information to more reliably and consistently identify these behaviours, as well as explain the reasoning behind them.

The first criminologists opining on the topic offered investigative philosophies as opposed to specific advice, such as to avoid preconceived theories, to look at the evidence and the scene from the standpoint of it being staged as well as legitimate, to constantly be sceptical, to proceed slowly and methodically, and to record everything (Gross, 1934; O'Connell and Soderman, 1936). Gross (1936,p. 433) explains:

It is easy to understand that one takes note of contradictions, omissions, improbabilities, when one reasons from the general to the particular, from cause to effect, from preceding to succeeding, from intention to action. Artists readily appreciate this when they recollect that defects in a drawing are most easily and surely detected when it is looked at in a mirror. So here; the exact description of the surroundings is, so to speak, the mirror in which all "defects of the situation" are reflected.

It is through this procedure the “‘grand blunder,’ which the most experienced and crafty criminal rarely fails to commit” (Gross, 1934, p. 433) can be discovered. More contemporary authors address specific behaviours to be cognisant of, although this analysis has proven that those are often inaccurate or too non-specific to allow for much assistance to be given to practitioners. With very little reference to any systematic research, it is clear that many of the authors writing about staged scenes and their investigation have done little to advance the field as a whole. Although several theories have been offered about how and why people commit homicides against those who are known to them, this too offers little assistance in establishing the intent behind the staging behaviours specifically and how better to investigate and resolve those cases. Several authors have noted that after being exposed to criminal behaviour, criminals, or the media, offenders are becoming more forensically aware, and better able to actually carry out these deceptions without being caught (Geberth, 1996; Hazelwood & Napier, 2004). The results discovered here beg to differ, as a distinct lack of sophistication is clear, however the current results did not compare staging efforts across time, so this cannot be completely refuted. As alluded to above, perhaps the only real help to those investigating these offenses is the historical data on staged scenes and crime investigation in general which elucidates an investigative mantra of being sceptical.

Despite the criticism with which the previous literature has been viewed, there is room for optimism in this field as well. The results of the current study show that the advice given in years previously, which is more about mind-set than specific recommendations, is still helpful today. The authors opining on deceit and its detection have similarly given good advice when it comes to more basic tenets of suspicion as opposed to endorsing specific methodologies. For example, Vrij (2000) recommends to be suspicious, informed, to abandon all stereotypes as well as watch and listen carefully, while Whaley (1982) explains deceptions can invariably be detected so long as the analyst is open to interpret the clues which are left behind.

These recommendations lend themselves to assisting in making determinations about whether deception through the manipulation of evidence at the crime scene has been attempted, especially in light of the fact that many of these instances are unsophisticated and unplanned, and even more involve very few actual staging behaviours aside from one or two. With the current research but one tool in the arsenal of investigators, they may now be better able to detect and identify these scenes, resolve cases and put guilty offenders behind bars. This study has opened the door to much more informed research, which will certainly involve many other types of crimes running the gondola from false reports of sexual assault to insurance fraud and homicide. With this project as a jumping off point, the future of this area promises to be both exciting and informative.

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Appendix 1: Case Descriptors, Staging Type and Expert

	Case Name	Staging Type	Case Type	Expert Name
1	Brothers	burglary	expert	Turvey
2	Cordova	Unknown	expert	Turvey
3	Russo	burglary	expert	Turvey
4	Davis	frame-up	expert	Turvey
5	Johnson	burglary	expert	Chisum/Turvey
6	Barron	natural death	expert	Turvey
7	Dupre	suicide	expert	Turvey
8	Phillips	sexual homicide	expert	Turvey
9	Morrisset	burglary	expert	Turvey
10	Singh	burglary	expert	Petherick
11	Misquandance	burglary	expert	Turvey
12	Harrison	hate crime	expert	Turvey
13	Grant	burglary	expert	Turvey
14	Watkins	Unknown	expert	Turvey
15	King	stranger attack	expert	Turvey
16	Nyce	car accident	confession	-
17	Perez	suicide	confession	-
18	Ross	suicide	expert	Haynes
19	Ginn	self-defense	confession	-
20	Hernandez	suicide	confession	-
21	Hopkins	suicide	confession	-
22	White	self-defense	expert	Keil
23	Smith	burglary	confession	-
24	Duvarado	burglary	expert	Safarik
25	Bolin	drug deal gone wrong	expert	Laskowski
26	Henderson	burglary	confession	-
27	Walker	burglary	confession	-
28	Slocum	accidental death	confession	-
29	Koritta	suicide	confession	-
30	Lannert	burglary	confession	-
31	Mills	execution	confession	-
32	Ryan	self-defense	confession	-
33	Bailey	execution	confession	-
34	Whittington	car accident	expert	McCormick/Scarborough
35	Hornoff	burglary	expert	Oscarson/Lee
36	A.M. Smith	burglary	confession	-
37	Brown	burglary	confession	-
38	Croft	car accident	confession	-
39	Jagroop	Unknown	confession	-
40	Marshall	burglary	confession	-
41	Clark	burglary	expert	Lines
42	Kinhead/Ranger	burglary	expert	Lines
43	Howard	suicide	expert	Ward
44	Young	car-jacking/robbery	confession	-
45	Kennedy	burglary	confession	-
46	Hunter	sexual homicide	confession	-
47	Klymchuk	burglary	expert	Brantley
48	Bailey	sexual homicide	expert	Gifford

49	Leenders	burglary	expert	Exp. Unnamed
50	Green	stranger attack	confession	-
51	J. Fletcher	burglary	expert	Safarik/Turvey
52	Robinson	sexual homicide	expert	Lee
53	Cope	accidental death	confession	-
54	M. Fletcher	accidental death	expert	FP Unnamed
55	Wlasiuk	accidental death	expert	Cobb
56	Milliken	burglary	confession	-
57	Carlson	burglary	expert	Safarik
58	Robertson	accidental death	confession	-
59	Dendy	burglary	expert	Exp. Unnamed
60	T. Patton	burglary	expert	Brantley
61	Finkes	self-defense	confession	-
62	Bhutto	suicide	both	FP Unnamed
63	Richee	burglary	expert	Bartlett
64	Allen	sexual homicide	confession	-
65	Ewell	burglary	confession	-
66	Byrne	accidental death	expert	Keith
67	Gales	suicide	expert	FP Unnamed
68	Adams	car accident	expert	ME Unnamed
69	Scher	accidental death	expert	Mihalikis
70	Cox	accidental death	expert	ME Unnamed
71	J B Clark	burglary	confession	-
72	Bane	car accident	expert	ME Unnamed
73	Rodriquez	burglary	confession	-
74	Caulley	burglary	confession	-
75	Cornell	burglary	confession	-
76	St Jean	suicide	expert	FP Unnamed
77	Dreher	burglary	confession	-
78	M Rice	car accident	confession	-
79	Paulinkonis	drug deal gone wrong	confession	-
80	Kunze	burglary	expert	Nolan/Gebo
81	Hricko	accidental death	expert	Fowler
82	Friend	burglary	confession	-
83	Raspberry	car accident	both	Harlan
84	J Patton	burglary	confession	-
85	McDaniel	burglary	confession	-
86	Heath	car accident	confession	-
87	Moosman	car accident	expert	ME Unnamed
88	Lawson	accidental death	confession	-
89	Barnes	car accident	confession	-
90	Spivey	burglary	confession	-
91	Aquino	self-defense	expert	Espinola
92	J Williams	self-defense	expert	Det. Unnamed
93	Roehler	accidental death	expert	Hunter
94	Martin	car accident	expert	FP Unnamed
95	Bartram	suicide	expert	Fisher
96	Posey	accidental death	expert	DiMaio
97	Kelly	burglary	expert	Lane
98	Smiley	burglary	confession	-
99	Harvey	burglary	confession	-
100	Rose	suicide	expert	Liuzza

101	Anderson	car accident	confession	-
102	Evans	burglary	confession	-
103	Thomas	car accident	both	FP Unnamed
104	Morton	burglary	expert	Bayardo
105	Hendricks	burglary	expert	Martin
106	Forsyth	burglary	confession	-
107	R Davis	Unknown	confession	-
108	B Andrew	Unknown	expert	Exp. Unnamed
109	Soler	sexual homicide	confession	-
110	Torres	suicide	expert	Nine
111	Ford	burglary	confession	-
112	Marcus	car accident	expert	Radford
113	Bradley	burglary	confession	-
114	Randle	burglary	confession	-
115	Beck	sexual homicide	confession	-
116	Matney	suicide	confession	-
117	James	suicide	confession	-
118	Kawai	suicide	confession	-
119	Galusha	suicide	confession	-
120	Barker	burglary	confession	-
121	McKeithan	burglary	confession	-
122	Duke	burglary	confession	-
123	Govan	burglary	confession	-
124	Seawright	burglary	confession	-
125	Bellmore	burglary	confession	-
126	Jacobs	burglary	confession	-
127	Murphy	burglary	confession	-
128	Borrego	burglary	confession	-
129	Palafox	burglary	confession	-
130	Jay	car accident	confession	-
131	Stumes	burglary	confession	-
132	Singleton	burglary	confession	-
133	Stanley	accidental death	confession	-
134	J Murphy	burglary	confession	-
135	Pertz	Unknown	confession	-
136	Neumuller	car accident	confession	-
137	Braunreiter	accidental death	confession	-
138	Alderman	car accident	confession	-
139	S Brown	accidental death	confession	-
140	Hanes	accidental death	confession	-
141	Edwards	suicide	expert	Turvey

Appendix 2: Staged Burglary Case adapted from *The People of the State of Illinois v. Keith SEAWRIGHT*, 1992, No. 1-90-0935 (593 N.E. 2d 1003)

The following is a case example of a staged burglary. The details presented below are part of the factual summary of the case. The irrelevant details have been removed, as well as the appellate decisions and legal arguments.

Appellate Court of Illinois

The People of the State of Illinois v. Keith SEAWRIGHT

A jury convicted the defendant, Keith Seawright, of the murder of his wife, Estralita; he was sentenced to 30 years imprisonment followed by a three year period of mandatory supervised release.

Around 8 am on June 23, 1986, the police were called by the defendant to his home at 262 Arcadia in Park Forest. The police found the defendant's wife, Estralita, in bed; she had been shot twice in the face. She was revived by paramedics but died on the way to the hospital. The defendant subsequently told the police that he conspired with a co-worker, Tim Reynolds to kill his wife and that Reynolds did the killing. After the police investigated and exonerated Reynolds, the defendant confessed that he had shot his wife.

...

The officers [who arrived at the scene of the possible homicide] asked [SEAWRIGHT] what he had done before calling them. The defendant said that he had left for work around 10:30 pm the previous night and worked the 11 to 7 shift at a paper company in Alsip. He left work around 7:10 am and arrived home approximately 20 or 25 minutes later. He parked in the driveway and used his key to enter the house through the back door. He saw several items of paper scattered about the kitchen and the living room, and all the lights in the house were on. He called to his wife but received no answer. He went into the bedroom and saw his wife lying on the bed. He tried to find her pulse and to wake her. He then went into the living room where he found the phone unplugged; he plugged it into the wall and called the police. He ran next door to get his neighbor; he brought the neighbor back to his house, showed her his wife and told her that he had called for the police and an ambulance.

...

[Detectives] walked up the driveway and observed the exterior of the house and the back yard. They found a shell casing in the driveway and a cassette tape on the air conditioner in the back yard. They found some jalousie window slats on the ground outside the garage, and they also noticed broken glass on the ground outside the garage and through the window in the interior of the garage. There was a sizable opening into the garage. The doors to the garage were locked.

[Detectives] decided to look around the house to try to determine any offender's point of entry. They entered the kitchen and observed that the rear kitchen window was completely open. The screen from the open window was in the back yard near the window; it appeared to have been pushed out from inside the house. [One detective] noticed that the window on the storm door was loose from its frame. The storm door and the wooden door behind it showed no signs of forcible entry. The windowsill underneath the open kitchen window was clean and free of any marks. The aluminum kitchen sink below the window was free of any scuff marks or shoe prints. The window edge and glass were uniformly dusty with no marks suggesting entry or exit through the window. There was dust on the window and around the frame of the window.

In the living room, [detectives] saw various items, including department store bags and purses, scattered on the floor. The furniture, stereo equipment and television all appeared to be in the proper places. Books, papers, purses, and other small objects were lying on the floor; some of these items were stacked on top of each other. There were no signs of forcible entry on the front door.

In the first floor bedroom they saw a large water bed covered with blood. There was also blood on the floor near the bed. The blood was still in liquid form; some of it had started to coagulate. [Detective] found two shell casings in the bedroom. One on the east side of the bed and one on the west side. There were cosmetics, jewelry, some clothing, a clock radio and a fan on top of the dresser. The drawers in the dresser were closed. There was jewelry hanging out of boxes in the bedroom, but it appeared undisturbed.

...

[Detectives] did not think that the house appeared to have been burglarized.

...

[An evidence technician] examined the upstairs office/bedroom and found a purse lying on the floor. A wallet containing money, credit cards, and a checkbook was on the desk. There was a cosmetics bag on the floor, and its contents appeared to have been poured out onto the floor next to it. ... He noted that the automatic dialing portion of the alarm system had been disconnected from the phone line box.

...

Inside the defendants garage, [an evidence technician] noticed that the switch for the security light outside the garage was in the 'off' position. The light was equipped with a light sensor, enabling it to turn on automatically at night and turn off automatically in the morning; however the switch would have to be in 'on' position for the light to work. He examined the Lincoln Continental parked inside the garage and found that the cover on the steering wheel had been pried away and the turn signal lever had been broken off. He found both of these items in the garbage can in the garage. The ignition system on the car had not been bypassed; therefore it could not have been taken without a key. The car's alarm system had been deactivated.

[The evidence technician] noticed several markings on the car's trunk lock. He removed the lock and submitted it to the crime laboratory for comparison testing, along with a screwdriver he found on the workbench. During his examination of the scene, he recovered approximately 25 latent fingerprint lifts, as well as several footwear impressions.

While [the evidence technician] was examining the house, [the detective] used a key which he found in the house to open the garage. He found broken glass on a workbench underneath the jalousie window, but none of the tools or other items on the workbench appeared to have been disturbed. There were undisturbed cobwebs across the opening of the window. [The detective] said that he did not think anyone could have gone through the window without disturbing the cobwebs.

...

[The detective] also had learned that the security light over the garage turned on every night, but that it did not do so on the night of June 22.

...

In the statement the defendant said that he had shot Estralita twice so that he could collect the money from her life insurance policy. Estralita had incurred a lot of bills, and he needed the life insurance money to pay them. He admitted that he had scattered papers around, pushed the kitchen screen out, pulled the slats out of his garage window and his neighbor's garage window and damaged the car to make it look as if Estralita had been killed during a burglary.

The defendant's second confession is a detailed explanation of how and why he killed his wife. He told of her spendthrift habits, of which the police had no previous knowledge; he suspected her of of infidelity; and he contemplated divorce. He told of his attempts before going to work to do things he would not have time to do after shooting his wife: his damage to the car in the garage and the removal of the glass from his garage and from his neighbor's garage. His statement that he used a screwdriver to pry open the trunk of the car is particularly significant because crime laboratory tests taken later disclosed that the screwdriver had, in fact, been used on the trunk. The police could not have known of this fact at the time that the statement was made. Also significant is his statement that after punching out at work, he "drove home fast". He told of scattering papers and "other stuff" and of pulling out the screen in the kitchen "to make it look like a burglary" had occurred.

Appendix 3: Staged Suicide Case adapted from Kenneth KORITTA v The State of Georgia, 1992, No. A92A1325 (424 S.E. 2d 799)

The following is a case example of a staged suicide. The details presented below are part of the factual summary of the case. The irrelevant details have been removed, as well as the appellate decisions and legal arguments.

Court of Appeals of Georgia

KORITTA v. The STATE

Kenneth Koritta was convicted for voluntary manslaughter in the shooting death of Bruce Blankenship. Koritta appeals from the denial of his motion for a new trial, enumerating three errors in the court's charge to the jury.

The evidence adduced at trial established that on the night of February 8, 1991, paramedics responding to an emergency call from appellant's apartments found Blankenship seated on the living room couch with a .38 revolver in his right hand and a bullet wound in the back of his head. Blankenship was pronounced dead soon after he was taken to the hospital.

Appellant was questioned by police several times the next day. He first gave a statement indicating that Blankenship shot himself while appellant was out of the room. Later that day, appellant gave another statement recounting that Blankenship had been visiting at appellant's apartment and drinking alcohol during the afternoon; that appellant came home from work at 6:00 p.m. and began drinking with him; that Blankenship found appellant's gun hidden in the couch cushions and began toying with and cocking the gun; that appellant tried to wrestle the gun from Blankenship and it fired in the ensuing struggle; and that he staged the suicide scene out of fear and panic. In the third statement, given that evening, appellant said he became angry when he found Blankenship cocking the gun because appellant's son was asleep in a chair in the room and his daughters were in their bedroom; that Blankenship angrily refused appellant's demand to return the gun; that they struggled over the gun and appellant grabbed it; that Blankenship fell forward and appellant fired the gun.

At trial, the medical examiner testified that the physical evidence was most consistent with appellant's third statement, as the condition of the wound suggested the gun had been fired from two to three feet away, but acknowledged the second version could not be completely ruled out. Appellant testified that he found Blankenship playing with the gun, that Blankenship refused his demands to put down the gun, and that appellant then lunged at Blankenship and they struggled. Appellant wrestled the gun from Blankenship and pushed him onto the couch. Appellant testified that as he braced himself for a fight, the gun fired, hitting Blankenship in the back of the head. Appellant testified he did not intend to shoot the gun and had only intended to defend himself in a fight.

Appendix 4: Staged Accident Case adapted from *Michael John FLETCHER v. Kenneth T. McKEE*, 2008, No. 05-74659 (2008 WL 162589)

The following is a case example of a staged accident. The details presented below are part of the factual summary of the case. The irrelevant details have been removed, as well as the appellate decisions and legal arguments.

United States District Court

Michael John FLETCHER v. Kenneth T. McKEE

Petitioner was charged in Oakland County, Michigan with first-degree murder, assaulting a pregnant individual and intentionally causing a miscarriage of still birth, and two count of felony firearm. The charges arose from allegations that Petitioner shot and killed his pregnant wife. The facts leading to Petitioner's arrest have been summarized as follows:

Defendant and the victim, Leann Fletcher, were married in 1993 and had a daughter in 1995. In 1997, defendant became involved in an extramarital affair with Susan Chrzanowski, a local district judge. Thereafter, defendant exhibited a pattern of vacillation between continuing his marriage and ending his marriage to pursue his relationship with Chrzanowski. Defendant separated from Leann twice after August 1998, but reconciled and returned to the marital home both times. During this time, Chrzanowski informed defendant she was unwilling to continue her involvement with him if he were sexually active with Leann. Defendant assured Chrzanowski that he was not sexually active with Leann and that divorce was inevitable.

On the afternoon of August 16, 1999, defendant and Leann went to a shooting range. Defendant, who had owned a .45 caliber Smith & Wesson pistol for almost a year, had never before taken Leann to a shooting range. Defendant and Leann left the shooting range after Leann had fired the gun once. Shortly after returning home, defendant called 911 and reported that Leann had shot herself. Defendant informed the dispatcher that they had just returned from the shooting range and that the gun discharged while Leann attempted to reload it. Leann was dead before emergency medical services personnel and the police arrived.

...

The prosecutor's theory was that Petitioner killed his wife shortly after learning that she was pregnant because he did not want to jeopardize his relationship with Susan Chrzanowski, who testified that she would have ended her relationship with Petitioner if she had known Leann Fletcher was pregnant. Petitioner did not testify. His defense was that the prosecution did not prove beyond a reasonable doubt that he killed Leann.

...

A death obviously occurred and the forensic pathologist opined that the manner of death was a homicide. There was no evidence justifying, excusing or mitigating a homicide. Petitioner, however, argues that the evidence was inconclusive as to whether he killed his wife. He also contends that there was no evidence of an intent to kill her.

The Michigan court of Appeals pointed out that Petitioner was the only person other than Leann who was present at the time of the shooting. Expert testimony established that Leann was shot from a distance of twelve to eighteen inches. Prosecution witnesses established that a woman with Leann's arm length could not point the gun at herself from this distance with her finger on the trigger. Additionally, [Petitioner] stated he had been in the bathroom when Leann was shot. However, high velocity blood mist was found on [Petitioners] shirt cuff, and the medical examiner testified that no

such blood mist was found on Leann's hand. Expert testimony established that [Petitioner] could not have gotten blood mist on himself if, as he claimed, he was in the bathroom when Leann was shot. Thus there was physical evidence supporting the conclusion that Leann did not shoot herself.

Furthermore, the jury could have inferred from the evidence that [Petitioner] cleaned himself up before calling 911. The evidence showed [Petitioner] touched Leann's body during the 911 call after asking if he should turn over Leann's body. [Petitioner] continued to talk to the dispatcher and had a small amount of blood on his hands when the police arrived. [B]lood was found in the bathroom sink, indicating that [Petitioner] had washed his hands and that he had had a "fair quantity" of blood on his hands when he washed them. There was also a washcloth in the bathroom that was wet when the police arrived. From this evidence, the jury could infer that [Petitioner] killed Leann and attempted to wash away evidence of the murder before placing the 911 call.

...

Furthermore, there was blood under Leann's arm as she laid on the floor and blood under the gun and clip on the floor. A prosecution witness testified that, because Leann's brain stem was severed by the gunshot, her blood likely did not exit her body in a pumping motion. As a result, Leann's body and the gun would have reached the floor before the blood did. This evidence, coupled with the fact that the body obviously had been moved, suggested that the crime scene was staged. Although Petitioner claims that he moved the body with the approval of the 911 operator, he informed the responding officer that he did not know whether he moved the body before or after he called 911. He also could not tell the officer where he had touched Leann or how far he had moved her, and he denied having any recent marital problems.

Both a police officer and Leann's mother suspected that Petitioner had shot Leann. The officer's suspicions were aroused by the fact that Petitioner probably knew what evidence the police would look for, and he had no blood on him even though one would expect someone to cradle a dying relative.

Appendix 5: Staged Car Accident Case adapted from *Commonwealth of Massachusetts v Milton L. RICE*, 1998, (692 N.E. 2d 28)

The following is a case example of a staged automobile accident. The details presented below are part of the factual summary of the case. The irrelevant details have been removed, as well as the appellate decisions and legal arguments.

Supreme Judicial Court of Massachusetts

Commonwealth of Massachusetts v Milton L. RICE

A jury convicted the defendant of murder in the first degree by reason of deliberate premeditation and extreme atrocity or cruelty and of assault and battery by means of a dangerous weapon. The victim was the defendant's wife.

...

We summarize the evidence before the jury. On August 4, 1993 at approximately 5:50 A.M., police officers responded to a report of a car fire on Parker Road in West Barnstable. The car was off the road and contained the charred remains of a body in the front seat. After learning that the car was registered to Milton L. Rice of 120 Buttonwood Lane in West Barnstable, the police proceeded to that address and observed the defendant walking toward them from a wooded pond area behind the house. The police told the defendant that his car had been "in a very serious motor vehicle accident. Somebody had been deceased." He was asked who could have had access to the car. The defendant went inside the house, ostensibly to determine if the victim was at home, and on his return, stated that she was gone and that her bedroom "was a mess". After obtaining the defendant's permission to enter the house, two police officers went upstairs to the second floor bedroom and observed blood on the bedroom furniture, floor, carpet, walls and ceiling. The police officers went back outside and informed the defendant of his *Miranda* rights. The defendant waived his rights, and also signed a consent form for the search of his home. After being informed of his rights a second time, the defendant stated "My life is over. I screwed up big time. I had a divorce all worked out. She wouldn't go along with it. I hit her with a club. I punched her. I threw her in the car, staged an accident. What's going to happen to me? What's going to happen to my son...? I'm an embarrassment to all my friends."

The defendant was also taken to the police station, where, after once again waiving his *Miranda* rights, he gave a detailed confession.

...

An argument ensued, after which the victim went upstairs to the master bedroom at approximately 11:30 P.M. The defendant followed her to the bedroom, and then, according to his statement, "snapped", striking her with a club when she was sitting on the bed and looking the other way. She screamed and fought back, hitting him across the bridge of his nose and scratching his eyes. They fell to the floor and continued to struggle. The defendant stated that he hit her with the club seven times, then dropped the club and punched her with his fist. The defendant did not know how long they struggled, but stated that the victim "would not give up." At some point, she stopped moving.

The defendant realized that there was blood everywhere and that he had to clean it up. He carried the victim downstairs and placed her in the front passenger seat of their car, then returned to clean up the blood. After a few attempts to wipe down the walls, he abandoned the clean up and instead tried to disguise the blood by pouring red wine on the stains.

At approximately 4:15 A.M., the defendant drove the car containing the victim's body to Parker Road, which was located approximately one-quarter mile from his house. He caused the car to run off the road in an attempt to make it look like the victim's injuries had been the result of a car accident. The defendant stated that he knew the accident was not severe enough to have caused her injuries, but left the car and went home.

After returning home, the defendant gathered items that had too much blood on them to be cleaned, including a pillow and pillow case, a sheet, books, and a latex glove, and placed them in a plastic trash bag with a brick. He threw the bag, along with the sneakers that he had been wearing at the time of the murder into the pond behind his house.

Appendix 6: Staged Sexual Homicide Case adapted from *Christopher James BECK v. Ronald J. Angelone*, 2000, No. CIV. A. 2:99CV855 (113 F. Supp.2d 941)

The following is a case example of a staged sexual homicide. The details presented below are part of the factual summary of the case. The irrelevant details have been removed, as well as the appellate decisions and legal arguments.

United States District Court

Christopher James BECK v. Ronald J. Angelone

On June 5, 1995, Christopher Beck arrived in Arlington, Virginia, from Pennsylvania with the intent to kill William Miller, his previous employer and landlord, and a man that Beck believed had made sexual advances towards him in the past. Miller resided in Arlington with David Kaplan and Florence Marks (coincidentally Beck's cousin). The following morning, June 6, 1995, Beck arrived at Miller's residence but none of the occupants were home; presumably all had left for their respective jobs. Beck broke into the basement floor of the house through a window and proceeded to Miller's room, where he retrieved a gun. Beck was aware that Miller collected both expensive bicycles and expensive guns. Beck then returned to the basement where he waited in the laundry room for Miller to return from work. Early that evening, Beck heard someone entering the laundry room and raised the gun to arm level. When the door opened he shot the gun, believing it to be Miller returning from work. However, Beck was mistaken and instead he shot Florence Marks two times in the head. According to Beck, in an attempt to cover up the motive of murder, he removed Mark's lower body clothing, stabbed her in the buttocks and penetrated her vagina with a hammer. Beck claims that he threw a condom he had found in the washer onto the floor near Marks to make it appear that she had been raped by a stranger.

Beck waited for Miller to return to the residence. Following his day at work, Miller returned home on his bicycle. Beck waited inside the house. When Miller entered and proceeded up the stairs, Beck shot Miller in the face and elsewhere numerous times. Beck explained to the police that he turned Miller onto his stomach and covered him with a blanket to avoid looking at him after he had been shot. Beck remained in the house and eventually, Kaplan, the third house mate arrived home from work. When Kaplan entered the house, he apparently saw Beck and the then-dead Miller, and Beck proceeded to shoot Kaplan in the head as well. According to Beck, Kaplan did not die immediately, and as a result Beck shot him numerous times. Beck explained that Kaplan continued to talk to Beck after he had been shot in the back of the head. Beck claims that he finally stabbed Kaplan in the head, and then Kaplan finally stopped talking. After Kaplan died, Beck went through the house and removed money from the wallets of each of the victims. Consistent with Beck's statements, at the scene of the crime the police found Kaplan's emptied wallet at his feet, Miller's fanny pack on the nearby sofa with the contents spread on the sofa and containing no money, and Mark's purse upstairs in the house absent any money. Beck exited the house taking the victims' money, and Miller's car, bicycles and guns. Following a brief diversion in Washington D.C., Beck returned to Pennsylvania with the guns, bicycles and car he stole from the house.

After a short and successful investigation, on June 8, the police arrived at Beck's Pennsylvania home and questioned him regarding the murders...Beck [eventually] admitted to the police his involvement in the three murders. Beck was arrested and transported to Arlington where he gave a full confession.

Appendix 7: Staged Self-Defense Case adapted from *Jeremiah GINN v STATE of Tennessee*, 2008, No. M2007-01270-CCA-R3-PC (2008 WL 2780593)

The following is an example of a staged self-defense case. The details presented below are part of the factual summary of the case. The irrelevant details have been removed, as well as the appellate decisions and legal arguments.

Court of Criminal Appeals of Tennessee

Jeremiah GINN v STATE of Tennessee

The Appellant's conviction arose from his fatal stabbing of the victim Robert Webb on March 31, 2002. Medical testimony presented at trial established that Webb died as a result of fifteen stab wounds. The Appellant and Webb were good friends and had been involved in various illegal activities together. On the evening in question, the victim was extremely upset with the Appellant because the Appellant had failed to repay \$40 he owed the victim. According to the victim's wife, the victim left his home that evening with the intent of recovering the money and was "as angry as she had ever seen him." After arriving at the Appellant's mobile home, the victim began "yelling at the top of his lungs" and threatening the Appellant's sister, and ultimately, he and the Appellant began fighting. At one point, the victim proceeded to throw a can of lighter fluid inside the home. The Appellant, who was inside the home at the time, grabbed a knife and returned outside and stabbed the victim numerous times. The Appellant then retrieved a gun from inside the victim's vehicle and fired a shot into the "side" of the mobile home. The Appellant's sister informed the Appellant that the victim was still alive, and the Appellant proceeded to return to the victim and stab him several more times as he lay on the ground.

After sheriff's deputies arrived on the scene, the Appellant was transported to the county "Administrative building" for an interview. He initially told the investigators that the victim had fired a gun into the mobile home prior to the stabbing and that he had only stabbed the victim because he was afraid that the victim was going to shoot him. After investigators informed the Appellant that his version of events was in material conflict with the physical evidence at the scene, the Appellant admitted that he had staged the crime scene to reflect that the victim had fired his gun.

Appendix 8: Coding Dictionary A

Variable 1 is the case name or descriptor which can be used to identify the case.

Variable 2 is the number of offenders perpetrating the homicide. This includes those involved in the actual homicidal act, as well as those conspiring to commit the act

Variable 3 is the number of victims of the homicide.

Variable 4 is the sex of the primary offender. In cases where someone is hired to commit a homicide against another, the individual who conspired to commit the homicide is considered the offender, not the person who was paid and subsequently committed the actual homicidal act.

1. Male
2. Female

Variable 5 is the occupation of the primary offender. For this study only two types of offender occupation are considered, law enforcement or Criminal Justice System occupation , or not.

- Law Enforcement (current or previous)
- Non-law enforcement

Variable 6 is the relationship between the victim and the offender. This can take on one of six levels including:

- Spousal Relationship/ex-spousal (heterosexual or homosexual)
- Defacto/common law/cohabiting boyfriend or girlfriend or ex's (heterosexual or homosexual)
- Domestic relationship (parent/child, sibling/sibling, family members)
- Coworkers/business partners
- Friends/acquaintances/non-domestic family
- Strangers

Variable 7 is the location of the discovery of the victim's body. There are twelve different possibilities to account for this location:

Victim Residence :

4. Bedroom
5. Bathroom/Laundry room
6. Lounge/living room
7. Kitchen/dining room
8. Outside the home/garage/basement
9. Vehicle
10. Foyer/hallway/Stairs

Offender Residence:

8. Bedroom
9. Bathroom/Laundry room
10. Lounge/Living room
11. Kitchen/dining room
12. Outside the home/garage/basement
10. Vehicle
11. Foyer/hallway/stairs
15. Other location

Variable 8 is the weapon utilised by the offender in order to inflict the fatal injuries on the victim. This can take the form of:

1. Firearm
2. Blunt Force/Object
3. Sharp Force
4. Vehicle
5. Manual Strangulation
6. Strangulation with an instrument or tool
7. Drug overdose
8. Manual Beating (no weapon)
9. Multiple Weapons
10. Suffocation
11. Drowning
12. Poison
13. Fall

Variable 9 indicates the availability of weapons at the scene, or how the weapon came to be present at the scene. This can fall under one of three possibilities:

5. Brought to scene by offender
6. Brought to scene by victim
7. Was already available at the scene (opportunistic)
8. No weapon

Variable 10 is the situation or offense that the homicide was staged to look like. This variable can take on one of eight possible levels including:

5. Burglary/break in/home invasion
6. suicide
7. accidental death
8. car accident
9. car-jacking/car-robbery
10. drug deal gone wrong
11. sexual homicide
12. execution
13. kidnapping
14. Runaway
15. Revenge Killing
16. Stranger attack
17. Frame-up
18. Natural Death
19. Hate Crime
20. Self-defense/Justifiable homicide

Variable 11 is used to analyse who discovered the deceased or fatally injured victim. There are four possibilities for who discovered the victim:

8. Offender
9. Family member of victim/partner
10. family member of offender/partner
11. Friend of victim/acquaintance/employee/roommate
12. Friend of offender /acquaintance/employee/roommate
13. Other

Variable 12 revolves around the point of entry which may have been staged by the offender. In this case there are several possibilities:

1. no point of entry/exit staged by offender
2. point of entry/exit staged by offender

Variable 13 is used to determine whether or not any valuables such as cash, credit cards, jewelry, electronics, or firearms were taken or disturbed by the offender in an effort to simulate a robbery or burglary. This can take the form of:

1. No valuables removed
2. Valuables removed from scene
3. Valuables altered/disrupted at scene but not removed

Variable 14 is similar to variable 13 except for the fact that it accounts for whether non-valuable personal items were removed or disturbed by the offender at the scene in order to stage the offense. This can take the form of:

1. No personal items removed
2. Personal items removed from scene
3. Personal items altered disrupted at scene but not removed

Variable 15 accounts for whether or not a weapon was arranged at the scene in order to give the illusion of something that did not occur. This is a binary variable which can be coded either positively or negatively.

1. Yes, a weapon was arranged
2. No, a weapon was not arranged

Variable 16 accounts for whether or not the body of the deceased/fatally injured was transported to a secondary location. This variable also will be coded based on binary system.

1. Yes, Body was transported to secondary scene or disposal site
2. No transport of body

Variable 17 is used to determine whether or not the body was arranged or moved at the scene of the crime. This variable will be coded based on a binary system as well.

1. Yes, the body was moved or rearranged, positioned or undressed/dressed
2. No, the body was not moved from where it fell

Variable 18 will be used to code for whether or not a fake note was used in the simulation of the crime. This may take on the form of a fake suicide note, a fake letter of revenge from the apparent offender and so on. This variable will be coded for either positively or negatively.

1. Yes, there is a fake note present
2. No, there is no fake note present

Variable 19 will be used to determine whether any drugs or illicit substances were planted at the scene. These may be arranged near the body to give the illusion of instability on the part of the victim, or possible overdose. This variable will be coded with either a yes or no.

1. Yes, illegal drugs or paraphernalia were present near the body
2. No, illegal drugs or paraphernalia were present near the body

Variable 20 involves whether the offender attempted to simulate self-injury to the victim. This can be done by giving the victim hesitation marks on the throat or wrists, cutting the throat or wrists, gun-shot wounds to the temple, under the chin, inside the mouth or to the chest, as well as superficial cuts to the stomach, arms, wrists and genitals. Evidence of self-injury will simply be coded as present or not.

1. Yes, there is evidence of simulated self-injury to the victim
2. No, there is no evidence of simulated self-injury to the victim

Variable 21 will be used to determine whether the offender disabled the telephone in order to either prevent the victim from calling the police, or as an elaborate staging effort. This will be coded for either positively or negatively.

1. Telephone has been disabled
2. Telephone has not been tampered with

Variable 22 is present to determine whether or not the offender made any attempt to disable the outdoor lighting present at the scene. This can be done to decrease the likelihood of being identified by eyewitnesses, or as an attempt to simulate another crime such as burglary. This variable will be coded as either present or not.

1. Outdoor lighting has been disabled
2. Outdoor lighting still functional

Variable 23 will be used to determine what the motivation for the original homicide is/was. This can take one of five forms.

1. Anger-retaliatory
2. Anger-excitation
3. Power- assertive
4. Power-reassurance
5. Profit

Variable 24 will take into account any indication of overkill on the part of the offender when committing the crime. This can take one of four forms.

1. Presence of overkill behaviours
2. Presence of overkill and anger motivation
3. Presence of anger with no evidence of overkill
4. No evidence of anger or overkill

Variable 25 will seek to categorise what the offender's goal for staging the crime is/was. This will be coded into 5 different levels.

1. To implicate another person or group (frame-up)
2. To conceal a relationship to the victim
3. To conceal the crime entirely
4. To make the crime look like an accident or suicide
5. To draw attention away from themselves in a non-specific way (i.e. Simply to confuse)
6. To make it look like self-defense

Variable 26 will determine whether any ransacking was evidenced at the scene

1. Yes, ransacking was present
2. No, there was no ransacking present

Variable 27 will determine whether any bloodstains were staged at the scene

1. Yes, bloodstains were purposefully staged
2. No, there were no bloodstains which were not an artifact of the crime itself

Variable 28 will determine whether any clean up or destruction of evidence was carried out by the offender as part of the staging effort

1. Yes, there was an attempt to clean up/destroy evidence

2. No, there was no attempt to clean up/destroy evidence

Variable 29 will examine whether the body was mutilated in any way by the offender as part of the staging effort

1. Yes, there was mutilation of the body after death
2. No, there was no mutilation of the victim's body after death

Variable 30 this will look at whether the offender attempted to self-injure as a part of the staging effort

1. Yes, the offender injured themselves
2. No, the offender did not self-injure

Variable 31 will determine whether the offender arranged, or attempted to arrange for some sort of alibi

1. Yes, the offender arranged for an alibi
2. No, the offender did not arrange an alibi

Variable 32 will examine whether the attack happened during a confrontation between the victim and the offender

1. Yes, the fatal assault happened during, or immediately after a confrontation
2. No, the fatal assault did not happen during or immediately after a confrontation

Variable 33 will determine in what country the homicide took place

1. United States of America
2. Canada
3. Australia
4. United Kingdom

Variable 34 will address who identified the staging efforts in the case

1. Expert
2. Confession
3. Expert and Confession

Appendix 9: Coding Dictionary B

Variable 1 is the case name or descriptor which can be used to identify the case.

Variable 2, 3, 4, 5, and 6 are the number of offenders perpetrating the homicide. This includes those involved in the actual homicidal act, as well as those conspiring to commit the act

Variable 2- 1 offender

- 0. No
- 1. Yes

Variable 3- 2 offenders

- 0. No
- 1. Yes

Variable 4- 3 offenders

- 0. No
- 1. Yes

Variable 5- 4 offenders

- 0. No
- 1. Yes

Variable 6- 5 offenders

- 0. No
- 1. Yes

Variable 7, 8, 9, 10 and 11 are the number of victims involved in the homicide.

Variable 7- 1 victim

- 0. No
- 1. Yes

Variable 8- 2 victims

- 0. No
- 1. Yes

Variable 9- 3 victims

- 0. No
- 1. Yes

Variable 10- 4 victims

- 0. No
- 1. Yes

Variable 11- 5 victims

- 0. No
- 1. Yes

Variable 12 is the sex of the primary offender. In cases where someone is hired to commit a homicide against another, the individual who conspired to commit the homicide is considered the offender, not the person who was paid and subsequently committed the actual homicidal act.

- 0. Female
- 1. Male

Variable 13 is the occupation of the primary offender. For this study only two types of offender occupation are considered, law enforcement or Criminal Justice System occupation , or not.

- 1. Non-law Enforcement (current or previous)
- 2. Law enforcement (current or previous)

Variable 14, 15, 16, 17, 18 and 19 are the relationship between the victim and the offender. This can take on one of six levels including:

Variable 14- Spousal Relationship (heterosexual or homosexual)

0. No

1. Yes

Variable 15- Defacto/common law/cohabiting (heterosexual or homosexual)

0. No

1. Yes

Variable 16- Domestic relationship (parent/child, sibling/sibling, family members)

0. No

1. Yes

Variable 17- Coworkers/business partners

0. No

1. Yes

Variable 18- Friends/acquaintances

0. No

1. Yes

Variable 19- Strangers

0. No

1. Yes

Variables 20 to 33 are the location of the discovery site crime scene There are twelve different possibilities to account for this location:

Variable 20- Victim Bedroom

0. No

1. Yes

Variable 21- Victim Bathroom

0. No

1. Yes

Variable 22- Victim Lounge/living room

0. No

1. Yes

Variable 22- Victim Kitchen

0. No

1. Yes

Variable 23- Outside the victim's home

0. No

1. Yes

Variable 24- Victim's Vehicle

0. No

1. Yes

Variable 25- Victim Foyer

0. No

1. Yes

Variable 26- Offender Bedroom

0. No

1. Yes

Variable 27- Offender Bathroom

0. No

1. Yes

Variable 28- Offender Kitchen

- 0. No
- 1. Yes

Variable 29- Outside the offender's home

- 0. No
- 1. Yes

Variable 30- Offender Vehicle

- 0. No
- 1. Yes

Variable 31- Offender Foyer

- 0. No
- 1. Yes

Variable 32- Other location

- 0. No
- 1. Yes

Variable 33- Victim's home

- 0. No
- 1. Yes

Variable 34 to 41 is the mechanism utilised by the offender in order to inflict the fatal injuries on the victim.

Variable 34- Firearm

- 0. No
- 1. Yes

Variable 35- blunt force

- 0. No
- 1. Yes

Variable 36- Sharp injury

- 0. No
- 1. Yes

Variable 37- Manual Strangulation

- 0. No
- 1. Yes

Variable 38- Strangulation with a ligature, instrument or tool

- 0. No
- 1. Yes

Variable 39- Strangulation with either manually or with a ligature or tool

- 0. No
- 1. Yes

Variable 40- No weapon

- 0. No
- 1. Yes

Variable 41- Multiple weapons

- 0. No
- 1. Yes

Variables 42, 43 and 45 indicates the availability of weapons at the scene, or how the weapon came to be present at the scene. This can fall under one of four possibilities possibilities:

Variable 42- Brought to scene by offender

- 0. No
- 1. Yes

Variable 43- Brought to scene by victim

0. No

1. Yes

Variable 44- Was already available at the scene (opportunistic)

0. No

1. Yes

Variable 45- No weapon

0. No

1. Yes

Variable 46 to 51 is the situation or offense that the homicide was staged to look like. This variable can take on one of five possible levels including:

Variable 46- staged burglary

0. No

1. Yes

Variable 47- staged suicide

0. No

1. Yes

Variable 48- staged accidental death

0. No

1. Yes

Variable 49- staged car accident

0. No

1. Yes

Variable 50- staged sexual homicide

0. No

1. Yes

Variable 51- staged self-defense

0. No

1. Yes

Variable 52-57 are used to analyse who discovered the deceased or fatally injured victim. There are four possibilities for who discovered the victim:

Variable 52- Offender

0. No

1. Yes

Variable 53- Family member of victim

0. No

1. Yes

Variable 54- family member of offender

0. No

1. Yes

Variable 55- Friend of victim

0. No

1. Yes

Variable 56- Friend of offender

0. No

1. Yes

Variable 57- Other

0. No

1. Yes

Variable 58 revolves around whether the point of entry was staged by the offender.

- 0. No
- 1. Yes

Variable 59 and 60 is used to determine whether or not any valuables such as cash, credit cards, jewelry, electronics, or firearms were taken or disturbed by the offender in an effort to simulate a robbery or burglary.

Variable 59- Valuables missing from the scene

- 0. No
- 1. Yes

Variable 60- Valuables disrupted but not removed from the scene

- 0. No
- 1. Yes

Variable 61 and 62 is similar to above except for the fact that it accounts for whether non-valuable personal items were removed or disturbed by the offender at the scene in order to stage the offense.

Variable 61- Personal items removed from scene

- 0. No
- 1. Yes

Variable 62- Personal items altered disrupted at scene but not removed

- 0. No
- 1. Yes

Variable 63 accounts for whether or not a weapon was arranged at the scene in order to give the illusion of something that did not occur. This is a binary variable which can be coded either positively or negatively.

- 0. No
- 1. Yes

Variable 64 accounts for whether or not the body of the deceased/fatally injured was transported to a secondary location. This variable also will be coded based on binary system.

- 0. No
- 1. Yes

Variable 65 is used to determine whether or not the body was arranged or moved at the scene of the crime. This variable will be coded based on a binary system as well.

- 0. No
- 1. Yes

Variable 66 will be used to code for whether or not a fake note was used in the simulation of the crime. This may take on the form of a fake suicide note, a fake letter of revenge from the apparent offender and so on. This variable will be coded for either positively or negatively.

- 0. No
- 1. Yes

Variable 67 will be used to determine whether any drugs or illicit substances were planted at the scene. These may be arranged near the body to give the illusion of instability on the part of the victim, or possible overdose. This variable will be coded with either a yes or no.

- 0. No
- 1. Yes

Variable 68 involves whether the offender attempted to simulate self-injury to the victim. This can be done by giving the victim hesitation marks on the throat or wrists, cutting the throat or wrists, gunshot wounds to the temple, under the chin, inside the mouth or to the chest, as well as superficial cuts to the stomach, arms, wrists and genitals. Evidence of self-injury will simply be coded as present or not.

- 0. No
- 1. Yes

Variable 69 will be used determine whether the offender disabled the telephone in order to either prevent the victim from calling the police, or as an elaborate staging effort. This will be coded for either positively or negatively.

- 0. No
- 1. Yes

Variable 70 is present to determine whether or not the offender made any attempt to disable the outdoor lighting present at the scene. This can be done to decrease the likelihood of being identified by eyewitnesses, or as an attempt to simulate another crime such as burglary. This variable will be coded as either present or not.

- 0. No
- 1. Yes

Variable 71 to 75 will be used to determine what the motivation for the original homicide is/was. This can take one of five forms.

Variable 71- Anger-retaliatory

- 0. No
- 1. Yes

Variable 72- Anger-excitation

- 0. No
- 1. Yes

Variable 73- Power- assertive

- 0. No
- 1. Yes

Variable 74- Power-reassurance

- 0. No
- 1. Yes

Variable 75- Profit

- 0. No
- 1. Yes

Variable 76 to 79 will take into account any indication of overkill on the part of the offender when committing the crime. This can take one of four forms.

Variable 76- Presence of overkill behaviours

- 0. No
- 1. Yes

Variable 77- Presence of overkill and anger motivation

- 0. No
- 1. Yes

Variable 78- Presence of anger with no evidence of overkill

- 0. No
- 1. Yes

Variable 79- No evidence of anger or overkill

- 0. No
- 1. Yes

Variable 80 to 85 will seek to categorise what the offender's goal for staging the crime is/was. This will be coded into 5 different levels.

Variable 80- To implicate another person or group (frame-up)

- 0. No
- 1. Yes

Variable 81- To conceal a relationship to the victim

- 0. No
- 1. Yes

Variable 82- To conceal the crime entirely

0. No

1. Yes

Variable 83- To make the crime look like an accident or suicide

0. No

1. Yes

Variable 84- To draw attention away from themselves in a non-specific way (i.e. Simply to confuse)

0. No

1. Yes

Variable 85- To make the crime appear as self-defense

0. No

1. Yes

Variable 86 will determine whether any ransacking was evidenced at the scene

0. No

1. Yes

Variable 87 will determine whether any bloodstains were staged at the scene

0. No

1. Yes

Variable 88 will examine whether any clean up or evidence destruction was undertaken by the offender

0. No

1. Yes

Variable 89 will determine whether the victim's body was mutilated in any way by the offender as part of the staging effort

0. No

1. Yes

Variable 90 will endeavour to examine whether there was any self-injury present to the offender, by the offender or a co-conspirator as part of the staging effort

0. No

1. Yes

Variable 91 will examine whether the offender arranged for some sort of alibi during the time of the crime

0. No

1. Yes

Variable 92 will determine whether the fatal attack happened during or right after a confrontation between the victim and offender

0. No

1. Yes

Variable 93 to 96 is the country in which the homicide took place. This can take one of four options:

Variable 93- USA

0. No

1. Yes

Variable 94- Canada

0. No

1. Yes

Variable 95- Australia

0. No

1. Yes

Variable 96- UK

0. No

1. Yes

Variable 97, 98 and 99 is how the staging was determined. This can happen as the result of a confession, expert opinion, or both.

Variable 97- Expert

0. No

1. Yes

Variable 98- Confession

0. No

1. Yes

Variable 99- Expert opinion and Confession

0. No

1. Yes

Appendix 10: Acronyms

AIC	Australian Institute of Criminology
BJS	Bureau of Justice Statistics
CCM	Crime Classification Manual
CJS	Criminal Justice System
DV	Domestic Violence
FBI	Federal Bureau of Investigation
IPV	Intimate Partner Violence
LEOKA	Law Enforcement Officers Killed and Assaulted
ME	Medical Examiner
MDS	Multi-Dimensional Scaling
MO	Modus Operandi
NCAVC	National Centre for the Analysis of Violent Crime
NHMP	National Homicide Monitoring Program
SHR	Supplemental Homicide Report
SSA	Smallest Space Analysis
UCR	Uniform Crime Report

Appendix 11: Glossary of Terms

Case Linkage	The process of determining whether or not there are discrete connections between two or more previously unrelated cases through crime scene analysis (Turvey, 2008, p. 309)
Cause of Death	“An injury or disease that produces a physiological derangement in the body that results in the death of the individual” (DiMaio & DiMaio, 2001, p. 3)
Cold Case	Unsolved murders which were reported to law enforcement and investigated at the time they took place, but have since failed to result in criminal charges being filed against a person because the person responsible has not been identified. These cases are those which are no longer being worked by investigators because too much time has passed or no uninvestigated leads have come to fruition (Walton, 2006, p. 2)
Criminal Profiling	Involves an attempt to infer the personality or behavioural characteristics of an offender through an interpretation of the evidence they leave behind at a crime scene, the offenders own behaviour and their interaction with the victim (Petherick, 2007, p. 5)
Criminology	The scientific study of crime and criminals (Turvey & Petherick, 2010, p. xix)
Expert	“A witness who gives evidence designed to assist the court based on the witness’s specialized training, study or experience” (Ihle, 2010, p. 51)
Forensic Science	Science applied to legal problems (Gaensslen, Harris and Lee, 2008, p. 7)
Forensic Criminology	“The scientific study of crime and criminals for the purposes of addressing investigative and legal questions” (Turvey & Petherick, 2010, p. 3)
Forensic Victimology	“The scientific study of victims for the purposes of addressing investigative and forensic issues” (Turvey, 2009, p. xxxii)
Homicide	The term homicide refers to the killing of a human being. It may or may not be criminal, depending on the circumstances. An unlawful homicide is used to refer to an instance of killing another person or people which is not justifiable or excusable, where the term <i>justifiable</i> refers to that which is authorized or commanded by law, and the term <i>excusable</i> suggests the homicide is the outcome of an accident or misadventure when committing a lawful act, or is committed in self-defense (O’Hara & O’Hara, 2003). This is usually referred to as murder. Murder is defined differently by each jurisdiction, with definitions differing in specific wording in terms of degree, culpability and intent. The specific wording of each definition is not relevant in the current discussion.
Intent	“The specific plan or aim” (Turvey, 2000, p. 307) behind a given behaviour
Motive	“The emotional, psychological and material needs that impel and are satisfied by behavior” (Turvey, 2000, p. 307).
Mutilation	A disfiguring injury which happened after death

Overkill

Overkill is present when an attacker inflicts more injuries to the victim than are necessary to kill them, such as multiple stab wounds, or excessive beating (Burgess, 1992)

Precautionary Acts

Behaviours that offenders commit before, during, or after an offense that are consciously intended to confuse, hamper or defeat investigative or forensic efforts for the purposes of concealing their identity, their connection to the crime or the crime itself (Turvey, 2008, p. 212)

Primary Offender

The offender who engaged in the majority of the attack or assault, or who instigated or ensured the attack or assault was carried out. Their intention to have the attack take place can be illustrated through planning, funding or physically carrying out the crime. In a case where a person hires another person to kill someone else, the person doing the hiring would be the primary offender while the hit-man or woman would be considered a secondary offender. In a case where several people were involved in a homicide that happened without preplanning, the offender who inflicted the majority of the injuries would be considered the primary offender.

Primary Crime Scene

“The scene where the offender engaged in the majority of his or her attack/assault upon the victim or victims. This is the location where the most time was spent and where the most physical evidence was deposited during the offense” (Turvey, 2008, p. 205).

Ransacking

Going hurriedly through a scene in an attempt to look for something or steal things, in so doing the scene will become disordered, and may sustain damage. In the staged cases, ransacking may be used to imply that things were stolen when in fact they were not, or more simply to give the impression that someone was looking for valuables within the scene and disrupted it in the process.

Solved

For the purpose of this thesis a homicide will be referred to as solved when an offender has been arrested, charged and convicted of the homicide.

Staged/Simulated Crime Scene

One which involves the deliberate alteration of the physical evidence by the offender in an effort to simulate events or offenses that did not occur for the purpose of misleading authorities or redirecting the investigation (Geberth, 2006; Turvey, 2008).