



CRIME SCENE STAGING

Investigating Suspect Misdirection of the Crime Scene

Arthur S. Chancellor Grant D. Graham

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Publication Number 1

AMERICAN SERIES
IN
LAW ENFORCEMENT INVESTIGATIONS

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CRIME SCENE STAGING

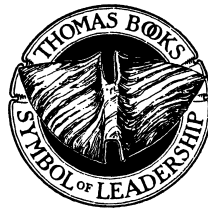
Investigating Suspect Misdirection of the Crime Scene

By

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and

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CHARLES C THOMAS • PUBLISHER, LTD
Springfield • Illinois • U.S.A.

Published and Distributed Throughout the World by

CHARLES C THOMAS • PUBLISHER, LTD.
2600 South First Street
Springfield, Illinois 62704

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ISBN 978-0-398-09139-2 (paper)
ISBN 978-0-398-09140-8 (ebook)

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*Printed in the United States of America
TO-C-1*

Library of Congress Cataloging-in-Publication Data

Names: Chancellor, Arthur S., author. | Graham, Grant D., author.
Title: Crime scene staging : investigating suspect misdirection of the crime
scene / by Arthur S. Chancellor and Grant D. Graham.
Description: Springfield, Illinois : Charles C Thomas, Publisher, Ltd.,
2017. | Series: American series in law enforcement investigations |
Includes index.
Identifiers: LCCN 2016037434 (print) | LCCN 2016045140 (ebook) | ISBN
9780398091392 (pbk.) | ISBN 9780398091408 (ebook)
Subjects: LCSH: Crime scene searches. | Crime scenes. | Criminal
investigation.
Classification: LCC HV8073 .C4556 2017 (print) | LCC HV8073 (ebook) |
DDC 363.25/2--dc23
LC record available at <https://lcn.loc.gov/2016037434>

FOREWORD

This book on *Crime Scene Staging* is the first of its kind and long overdue. Chancellor and Graham are presenting their life experiences where, collectively, they have worked hundreds if not a thousand criminal investigations that contained simple to complicated crime scenes involving many different crimes. To that point, the book is the first attempt by anyone to evaluate staging where it encompasses the whole concept and is not just about homicides. That, in itself, extends its value well beyond other attempts to explain crime scene staging.

Collectively the two authors have about seventy years of experience in law enforcement related fields. Chancellor is a retired US Army CID Agent and a graduate of the FBI National Academy. After retiring from the Army he was employed by the Mississippi State Crime Lab as a Senior Crime Scene Analyst. He later transferred to the Mississippi Bureau of Investigations where he created and managed the Mississippi Bureau of Investigations cold case unit. After his tenure in Mississippi, Chancellor returned to the US Army Criminal Investigation Command as a senior civilian investigator where he is responsible for the review of death investigations ensuring completeness and accuracy as well as supervising agents on their day-to-day investigative activities. He co-authored a book on *Death Investigations* and has published another on *Investigation Sexual Assaults*.

Mr. Graham has spent his entire career working crime scenes from his early days with the US Air Force to the Mississippi State Crime Lab and the Mississippi Bureau of Investigations to his present position as the Forensic Supervisor for the Fayetteville, Police Department, Fayetteville, NC. In the midst of all those years he was task by the FBI to assist in the investigation of war crimes in Kosovo and assisted the FBI in the Juarez Drug Cartel task force, El Paso, TX, to investigate cartel drug related deaths. While he is a member of many professional organizations he is also a certified Bloodstain Pattern Examiner and a certified Senior Crime Analyst by the IAI.

This book is well presented in a simple yet thorough manner of how to recognize and evaluate a crime scene for misdirection by using techniques and easy to understand terminology. To their credit, both authors are still

very active in their fields providing consultations and lecturing around the country so others can learn from their many years of experience helping all to obtain the truth of the matter at hand. This book will become one of the most important reference pieces on the shelves of criminal investigators and crime scene processing personnel around the world. Congratulations to both Chancellor and Graham for a job well done and thanks for providing us with new concepts and avenues to evaluate those crime scenes.

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PREFACE

The genesis of this text started with a simple conversation about staged crime scenes while we were teaching a death investigation course at the Mississippi Law Enforcement Training Academy in Pearl, Mississippi. Steve had just testified in a homicide case where the defense had called another expert to testify the scene had been staged. Steve had been called as a rebuttal expert witness as there was no evidence of staging at that scene and the expert's testimony was really an attempt to confuse the jury. The offender was eventually convicted, but as we talked, we realized that this tactic was possible because of the historical definitions of staged scenes and how this concept was actually used. We had both processed some staged homicide scenes in the recent months and as we recounted the cases and the red flags that lead us to the conclusions that the scenes had been staged, we realized we were both cueing in on the same types of scene, evidentiary, offender/victim, and timeline consistencies and inconsistencies.

It was that day we began to develop the basics of an investigative concept for recognizing staged crime scenes during the initial scene examination and shortly thereafter, started to include it in a one-hour block of instruction in our death investigation and crime scene training classes. This initial one-hour presentation was well received and with some more work and research, it developed into a two-hour block of instruction in each course.

As we continued to research this topic, we noted that most of the professional literature focuses almost exclusively on the concept of staging a homicide scene; but from our own personal experience, we knew that there were many other crimes, that are staged or altered by an offender to misdirect a police investigation, including property crimes, traffic accidents, and even some false rape complaints. We also knew that there are other instances wherein the scene is altered or the victim is purposely posed within the scene based on some internal need of an offender, but this alteration was not based on any intent to misdirect a police investigation.

We also began developing new terms that better describe these offender behaviors and thus could be used to categorize different types of staging based on the motive and offender behavior. Eventually, we combined our

research and developed an eight-hour training workshop concerning staged crime scenes designed for detectives, crime scene investigators, and prosecutors on how to recognize a staged scene and how this offender behavior could be used as evidence in subsequent trials. This workshop has been presented multiple times to several professional organizations such as the American Academy of Forensic Sciences, the parent body and several chapters of the International Association for Identification (IAI), the North Carolina and Wisconsin Homicide Associations, South Carolina Coroners Association, and even the Las Vegas Metro Police Department's Crime Scene Unit. After every workshop, many students who were either crime scene investigators or detectives commented that they had similar cases themselves but had never really considered what they had observed at their scene as staging. Many indicated they were going to go back and look at their old unresolved cases and apply our concepts for evidence of staging. We were also asked for more information or if we had a book to go along with the training, which made us think that the time was right to put our workshop into printed form.

But, we didn't want to write a text as some scholarly research on the subject. We wanted to write a text that can be used as a reference for practitioners as they conduct their own crime scene examinations and recognize when a scene may have been staged; or that the offender or "victim" is trying to misdirect a police investigation. We wrote this text for detectives, crime scene investigators, and prosecutors and it is designed to help those actively engaged in conducting criminal investigations identify the *red flags* or those common findings at a crime scenes that point to the scene being staged or altered and thereby assist in the investigative process. This text is based not only on our own research but also on our personal observations and experience gained through over 30 plus years of actually conducting hundreds and hundreds of different crime scene examinations and criminal investigations ranging from homicide and death, burglary and other property crimes, to rape and other sexual crimes. Our experience also includes personally interviewing hundreds of victims and suspects, and conducting investigations from the initiation of a case through prosecution.

However, some of our findings and conclusions have been critiqued by some professionals and academics because our conclusions are based primarily on personal experiences and not on what is considered as a serious academic study. For those academicians, our research and findings are flawed because our process did not involve a careful study of selected cases, and using some special criteria developed before the study to validate any hypothesis. Pettler,¹ for example, recently published a text on the staging of homicide scenes and much of her text is based on her study of a number of

1. Pettler, Laura G. (2015). *Crime scene staging dynamics in homicide cases*. CRC Press, Boca Raton. FL.

homicide cases that were previously identified as being staged. During her particular study, she took a slightly different tact on the concept of staging and believes she has identified certain personality characteristics or types of offenders that engage in certain types of staging. Whereas we think her research adds to the general working knowledge of staging, like most of the other professional writing on this topic, her text is limited to homicide or death scenes and not on any other crimes. It further seems to concentrate on identifying offender types but not on the actual recognition of staging and how to use it as evidence in a prosecution. As we emphasize in this text, staging is not limited to cases involving homicide and death. It is found in all types of crime and the same red flags are present or are exposed during interviews of victims or witnesses.

This text, however, is not just based on our personal experience; as part of our research, we located literally hundreds of examples of staging which we have included as selected case studies throughout the text. Many of the case studies that we present are based on our own personal involvement in the case, while others were obtained from simple internet searches of various media accounts of some event. Although these case studies obtained from the media did not involve a detailed analysis of the case, the description of events and recognition of various red flags makes it clear that the event was staged. In addition, we also found dozens of appellate court decisions from across the United States and Canada specifically addressing issues of staging.

Actual practitioners will recognize many of these same red flags and other offender behaviors found at staged scenes from their own investigative experience but probably never considered them as evidence of staging. In addition to defining and categorizing the various aspects of staging, we also introduce new terminology describing the different aspects of staging based on the motive of the offender and the dynamics of the event. In Chapter One, we introduce some basic concepts of staging and efforts to misdirect a police investigation and provide some historical examples. In Chapters Three and Four, we categorize an offender's effort to misdirect a police investigation as *primary staging* because this is the most common definition of a staged scene revolving around the misdirection of a police investigation. We then introduce two subsets of primary staging we identify as *premeditated*, wherein the event and staging were actually preplanned; and *ad hoc* where the staging or scene alteration takes place after some other event has taken place and the scene is altered to fit another theme.

In Chapter Five, we focused on another aspect of offender behavior we categorized as *secondary staging*, wherein the offender alters the scene for purposes other than misdirection of a police investigation. It is important to note that when defining *secondary staging*, we are not referring to a subset of staging, but rather a second type of staging that is different from the traditional

misdirection of a police investigation. These are the scenes that we often find in sexual homicides involving postmortem mutilation or the posing of the victim into sexually provocative positions. There are conflicts with some professionals who believe the posing of a body into a sexually provocative position or postmortem mutilation is not *staging* because it involves the body not the scene and rather than staging; such alteration is still part of the crime itself. This chapter highlights one of the difficulties in the concept of staging with different professionals using different terminology and definitions.

In Chapter Six, we cover those circumstances where the scene has been altered by someone other than the offender, but it is not designed to misdirect a police investigation. The typical motive in these cases is to save the family or victim from embarrassment or possible greater anguish over the true nature of the incident. As such, there is no criminal intent to misdirect the police investigation and the scene alteration does not meet the category of *secondary staging*. These incidents are now defined as *tertiary* or *incidental scene alteration* and are not considered “*staging*” in the same manner as the other examples.

In Chapter Seven, the concept of victimology and conducting a victimology assessment is detailed. This is an important key to understanding the victim and identifying the risk factors associated with the crime. The knowledge gained from a victimology is especially helpful in cases such as stranger v. stranger homicide and sexual assaults as well as suicide, child abduction, and false rape complaints. Understanding the victim and what was going on in his/her life at the time of the reported incident is a critical step in conducting any criminal investigation, but is really critical when confronted with potentially staged scenes.

Starting in Chapter Eight, we look at various types of crime and provide some general investigative concepts relating to each crime and identify red flags relevant to the crimes to help in recognizing possible staging during the preliminary investigation. These general concepts can be applied during any investigation, but there are some specific concepts to some of the crimes such as false burglary and other property crimes, robbery and other crimes against persons, accidental and suicide death investigation, and false sexual assaults that are all found in later chapters. Offender behavior is also differentiated between misdirecting a police investigation away from the true facts and other scene alterations better identified as MO-related behavior or what the offender did to get away with the crime and escape detection.

In each of the later chapters, we identify the common red flags found in those particular type of cases and provide case studies to identify those red flags. Chapter Nine offers false property crimes, especially burglary-type offenses. Chapter Ten covers staged robbery, kidnapping, and personal injury type of complaints. Starting in Chapter Eleven, various aspects of death

investigations are discussed wherein a homicide is staged to resemble some other event. In that chapter, we find homicides that are staged to resemble accidental types of death. Chapter Twelve discusses homicides that are staged to resemble a home invasion or interrupted burglary incidents. In Chapter Thirteen, we discuss homicides that are staged to resemble suicides or somewhat more unusual, actual suicides staged to resemble homicides. In Chapter Fourteen, the focus shifts to staging involving false rape complaints.

The final chapter is written especially for prosecutors and offers suggestions and references on how the concept of staging might be introduced in court. As part of our research, we found numerous court decisions that either specifically address the concept of staging or the decision included such detail about the facts of the case that offender staging could be easily recognized. These appellate court decisions are really better than any academic study because the same staging concepts that we outline in this text are readily identified in these court decisions from across the country. But more important, they were successfully used as evidence by prosecutors, obviously understood by jurors, and provide the best example of how powerful this type of evidence can be when properly presented in court.

For additional references, we added several appendixes wherein the concept of staging was actually used successfully or unsuccessfully in court cases. Appendix A is a collection of court decisions from across the country not used as case studies within this text but provide additional examples of the successful use of staging as evidence.

In Appendix B, we have added the complete appellate court decision in *Mason v. New Mexico* which is one of the more detailed court decisions that provides several examples or red flags of staging. Whereas the court does not specifically address the offender's behavior as *staging*, there are so many red flags present there is little doubt that staging was involved in this incident.

In Appendix C, we extracted the expert testimony from another appellate decision of *People v. Andre Jackson* highlighting how evidence of staging was actually introduced successfully in court by retired FBI Agent Mark Saferik.

Appendix D (*Smith v. Taylor*) is added to document another case involving staging and is added for review because although the offender was convicted, the case was actually overturned by an appellate court, not because the staging concept was used as evidence, but because the court was not satisfied that the evidence presented was sufficient to sustain the conviction.

One more case example is including Appendix E (*RR v. Clarke*) that is actually a Canadian case, but it outlines several important factors relating to staging the concepts of scene analysis that was brought up in this Canadian case.

This is one of the first texts specifically written covering aspects of *staging* focusing not just homicide or on identifying the profile or a certain type of

offender, but rather looking at the scene itself recognizing consistent or inconsistent offender behavior and the red flags pointing to efforts to misdirect an investigation or identify potentially false reports. Recognizing a staged scene or potentially false report during the initial scene examination is invaluable to the successful resolution of the complaint and identification of the actual offender.

A.S.C.
G.D.G.

ACKNOWLEDGMENTS

No venture of this nature can be successful without assistance from many different individuals. My wife and family have been supportive throughout this project and put up with a lot of late evenings and Saturday mornings locked away in my office putting this project together, and a simple thank you does not cover their support. I also want to thank James M. Adcock for his continuing friendship and helping us get this idea and vision to a publisher and finally into a book. I would be remiss if I didn't say a special thanks to my coauthor and friend, Grant Graham, who was with me the first time we ever started talking about this concept almost 10 years ago, and he managed to hang in there throughout the whole process. Thank goodness you are so organized buddy! Lastly, I would like to say thanks for the US Army CID and all of the training and experience I gained throughout my career. I would not have traded my time in CID to work in any other agency in the world.

A.S.C.

We are the sum of whom we let into our lives and I owe a great deal to those who I have been so fortunate to have in mine. For the patience and support of my wife and children throughout the many long nights away from home for casework as well as time sequestered completing this text; words cannot convey my deepest thanks and affection. My father, a first class investigator and man of utmost integrity, you have given me a goal to always reach for. My deepest respect and thanks to my good friend and coauthor Steve Chancellor; together we took this concept from an idea in conversation to this completed work that we hope will be of benefit to criminal and crime scene investigations. To Bob Blackledge and Bill Rodriguez, mentors extraordinaire, I still draw on your guidance today.

G.D.G.

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CRIME SCENE STAGING

Chapter 1

THE CONCEPT OF STAGING

WHAT IS STAGING OR A STAGED CRIME SCENE?

Most law enforcement practitioners are very familiar with the general concept of staging or staged crime scenes, which is when the offender changes or alters a crime scene by intentionally moving, adding, or taking away items of physical or forensic evidence in an attempt to avoid detection and prosecution and focusing the investigation away from themselves. When altering the scene in this manner, the offender is essentially attempting to create a false reality by making the scene resemble some other set of facts or circumstances. In most current professional literature, whenever the topic of staging or staged crime scenes is discussed, the homicide staged to resemble a suicide, accidental death, or a sexual homicide or using arson to cover up other criminal activity are all provided as examples of staged scenes.¹ Whereas, these are all well-known examples of offenders attempting to misdirect a police investigation, it is important to note that the act of staging and staged crime scenes can be found within the full spectrum of crimes and are altered for many different reasons. For example, there are homicide scenes where the offender may intentionally pose the victim's body in sexually provocative positions, may engage in post mortem mutilation of the body, or where the offender intentionally places the victim's body in a public venue where it can be easily discovered more so to enjoy the public outcry or reaction, rather than misdirecting the investigation. Another very common example is when a scene is staged to provide what the offender believes is evidence of a burglary or forced entry into a residence to validate a false report for an insurance claim.

In the brief examples above and others provided throughout the remainder of the text, we can see there are really many different motives behind

1. Gebreth, Vernon J. (2006). *Practical homicide investigation, tactics, procedures, and forensic techniques* (4th ed.). Boca Raton, FL: CRC Press, p. 23.

staging a scene. Generally speaking, when we discuss the concept of staging we are referring to those efforts the offender takes to alter the scene to resemble some other event and *misdirect any subsequent police investigation, thereby diverting attention away from the offender and the true facts of the crime*. Later, we will note this basic motive to misdirect an investigation is really the primary intent of the offender's scene alteration and thus will be referred to as *primary staging*. In later chapters, we will note that not all scene alteration is designed to misdirect the police investigation, rather particular aspects of the scene are changed to satisfy some other offender need. This type of scene alteration is very important offender behavior and is known as *secondary staging*.

HISTORIC AND FAMOUS EXAMPLES

Crime scene staging, or just staging, is not a new or even a modern concept; in fact, there are several well-known historic and contemporary examples of staging and one only really needs to take a look at the many contemporary cases in the American media to see additional examples of staging. From a historical perspective, perhaps the most readily recognized example comes from the Biblical story of Joseph found in Genesis. In this story, Joseph's brothers became very angry and jealous over the attention Joseph was getting from their father and conspired to have Joseph removed from the family by claiming he had been murdered by a wild animal. Both the conspiracy and the efforts to alter or stage the event are seen in the following case study.

Case Study 1-1 (Genesis Chapter 37)

¹⁸They saw him from afar, and before he came near to them they conspired against him to kill him. ¹⁹They said to one another, "Here comes this dreamer. ²⁰Come now, let us kill him and throw him into one of the pits. Then we will say that a fierce animal has devoured him, and we will see what will become of his dreams." ²¹But when Reuben heard it, he rescued him out of their hands, saying, "Let us not take his life." ²²And Reuben said to them, "Shed no blood; throw him into this pit here in the wilderness, but do not lay a hand on him"—that he might rescue him out of their hand to restore him to his father. ²³So when Joseph came to his brothers, they stripped him of his robe, the robe of many colors that he wore. ²⁴And they took him and threw him into a pit. The pit was empty; there was no water in it. ²⁵Then they sat down to eat. And looking up they saw a caravan of Ishmaelites coming from Gilead, with their camels bearing gum, balm, and myrrh, on their way to carry it down to Egypt. ²⁶Then

Judah said to his brothers, “What profit is it if we kill our brother and conceal his blood? ²⁷Come, let us sell him to the Ishmaelites, and let not our hand be upon him, for he is our brother, our own flesh.” And his brothers listened to him. ²⁸Then Midianite traders passed by. And they drew Joseph up and lifted him out of the pit, and sold him to the Ishmaelites for twenty shekels of silver. They took Joseph to Egypt. ²⁹When Reuben returned to the pit and saw that Joseph was not in the pit, he tore his clothes ³⁰and returned to his brothers and said, “The boy is gone, and I, where shall I go?” ³¹Then they took Joseph’s robe and slaughtered a goat and dipped the robe in the blood. ³²And they sent the robe of many colors and brought it to their father and said, “This we have found; please identify whether it is your son’s robe or not.” ³³And he identified it and said, “It is my son’s robe. A fierce animal has devoured him. Joseph is without doubt torn to pieces.” ³⁴Then Jacob tore his garments and put sackcloth on his loins and mourned for his son many days. ³⁵All his sons and all his daughters rose up to comfort him, but he refused to be comforted and said, “No, I shall go down to Sheol to my son, mourning.” Thus his father wept for him. ³⁶Meanwhile the Midianites had sold him in Egypt to Potiphar, an officer of Pharaoh, the captain of the guard.²

In the above case, the staging really only consisted of tearing and putting animal blood on Joseph’s robe, accompanied with a false statement, explaining what happened so their father would believe Joseph was indeed dead. But, it was not what many might think of as a staged scene since it was not a physical location. As discussed in greater detail throughout the text, the concept of crime scene staging is really a relevant term; meaning, there are no absolutes as to what constitutes a staged crime scene. There is no limit on how or what form the offender may use to change the scene, or what evidence alterations may take place. It literally depends upon the offender, what crime or circumstances are attempting to be portrayed, the amount of “false evidence” available, and the general intelligence or willingness of the offender to produce the erroneous evidence. In this manner, it is not uncommon in some cases for some *pseudo* victims to present self-inflicted injuries to the police in order to substantiate their claim. The following case study is an unusual case that is really an example of a staged event.

2. What is interesting in the story of Joseph is that he will in later chapters of Genesis also, become the victim of one of the first recorded false rape reports when Potiphar’s wife tries to seduce him; and when spurned, claimed he tried to rape her and Joseph is sent to the mines as punishment.