

THE PROSECUTOR'S PERSPECTIVE



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EDUCATION, TRAINING, & EXPERIENCE

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In a criminal prosecution, opinions of officers, criminalists, and/or physicians can assist a judge or jury with understanding important facts and provide persuasive evidence to support a conviction. During jury trials, preliminary examinations, and/or other evidentiary proceedings, the law typically limits testimony of witnesses to facts they observed. Witnesses are precluded from expressing their opinions about the facts unless the opinion is rationally based on the perception of the witness and the opinion is helpful to a clear understanding of the testimony, or the witness testifies as an expert.

To express an expert opinion, two requirements must be satisfied: (1) The opinion must be related to a subject that is beyond common experience; and (2) The opinion must be based on special knowledge, skill, experience, training, and education perceived by or personally known to the witness or made known to him at or before the hearing. (California Evidence Code Section 801(a) and (b))

Because a prosecutor seeks an opinion from an expert to assist the judge or jury with comprehending particular evidence, the opinion sought likely covers a subject beyond the common experience. As a result, the beyond the common experience requirement generally presents no issue.

Problems within the opinion evidence context commonly arise in the area of the qualifications of the witness to testify as an expert. To qualify a witness as an expert, the prosecutor will examine the witness about their special knowledge, skill, experience, training, and education (California Evidence Code Section 720(a)). Witnesses who know the details of their prior education, training and experience demonstrate their proficiency within their field while establishing their credibility as reliable witnesses.

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EDUCATION, TRAINING & EXPERIENCE

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At a recent trial, the opinion of several witnesses became critical to educating the jury about the subtle aspects of blood spatter, DNA, and blunt force impacts. Before the witnesses could provide their opinions in court, they must demonstrate to the judge their qualifications to render such opinions.

During my examination of Kari Killian, an evidence technician with the Office of the Shasta County Sheriff, Ms. Killian thoroughly articulated her training in the field of blood spatter evidence. Ms. Killian advised the jury of her informal training with experienced officers, the duration of her formal training, the name of the instructor, and the focus areas of the blood shed interpretation training, and the information taught within the focus areas. By knowing the specifics of her education and training, Ms. Killian made qualifying her as an expert simple.

Educating the jury about the complexities of DNA evidence became essential during the trial. Simone Pugh and Laurel Vela, criminalists with the California Department Justice, provided opinions relating to the collection and analysis of DNA evidence during their testimony. Before Ms. Pugh and Ms. Vela could express their opinions of the evidence to the jury, both needed to qualify as experts. Ms. Pugh and Mrs. Vela informed the jury of their impressive educational credentials and detailed the specifics of their experience with the Department of Justice collecting and analyzing DNA. Because Ms.

Pugh and Mrs. Vela could explain the specifics of their education, training, and experience, the judge had no problem deeming each an expert.

Another valuable opinion came from Dr. Arthur-Kenny, a forensic pathologist, who explained to the jury the type of injuries inflicted upon the victim. Based on the nature of injuries, she concluded the injuries were caused by blunt force impacts. To render this opinion, Dr. Arthur-Kenny needed to establish her expertise in the area of forensic pathology. Dr. Arthur-Kenny described the details of her educational background in medicine, the approximate number of post mortem examinations she had performed, and the estimated number of autopsies she conducted involving blunt force impact injuries. Due to her ability to describe the specifics of her education, training, and experience, Dr. Arthur-Kenny qualified as an expert and enhanced the reliability of her testimony.

The ability to assess facts admitted into evidence and express an opinion based on those facts can provide essential evidence during the prosecution of a case. Whenever a witness can describe the details of their education, training, and experience, like Ms. Killian, Ms. Pugh, Mrs. Vela, and Dr. Arthur-Kenny, the witness presents as a confident, knowledgeable professional. Such witnesses increase the likelihood of favorable judicial decisions and jury verdicts.



HERO SHEETS: EXPERIENCE REFLECTS CREDIBILITY

By Deputy District Attorney, Rachel Donahou

Have you updated your hero sheet lately? A hero sheet is an important part of a search warrant because it is where you list your training and expertise. This section introduces you to the judge reviewing the warrant. While the hero sheet is often not considered that important, it really is.

Part of the probable cause for a search warrant is establishing your expertise in a particular area. For example, a judge may want to know why the affiant is qualified to give an opinion that narcotics are possessed for sales or that a crime was committed in association with a criminal street gang. If your hero sheet doesn't list your experience in these areas, the judge may not believe you are qualified to give such opinions, decide there is not probable cause, and reject your warrant.

If you've recently switched assignments, it may be a good idea to update your hero sheet. I often see search warrants for stolen property when the only expertise listed in the hero sheet is in narcotics and vice versa. A lot of you may work various cases so you would be changing your hero sheet back and forth if you make your hero sheet case specific. If you do not want to change your hero sheet for every case, you can list all the areas of expertise you have along with the training and experience to back it up. There's nothing wrong with being too awesome. It's not called a hero sheet for nothing.

If you are new to search warrants, I would be happy to sit down and work on your hero sheet with you.



PROVING GREAT BODILY INJURY AT THE PRELIMINARY EXAMINATION

By Deputy District Attorney, Timothy Weerts

Great Bodily Injury (GBI) enhancements under Penal Code § 12022.7 are one of the most useful tools available for securing meaningful convictions. In addition to adding several years to the maximum exposure, a GBI enhancement makes any felony a strike, which can be particularly helpful in cases involving repeat offenders such as domestic violence or DUIs. Unfortunately, GBI is also often difficult to prove up at preliminary hearing.

Many different types of injuries qualify as GBI; however, some injuries will require an expert medical opinion to prove. The Jury Instructions unhelpfully defines GBI as “significant or substantial physical injury. It is an injury that is greater than minor or moderate harm.” (CALCRIM 3160). Fortunately, there are specific injuries which will typically be enough at prelim: broken bones, loss of consciousness, extensive suturing and injuries requiring surgery almost always qualify as GBI.

When such injuries are discovered during an investigation, it becomes important to ensure that foundation for the injuries can be established at prelim. GBI prelims often take place in custody, within 10 court days of arraignment. This makes it difficult to subpoena medical records or doctors in time for prelim. Nevertheless, an officer can usually prove up a GBI enhancement as long as they asked the right questions. For some injuries, the simple observation can suffice, for example, if there are obvious stiches or even amputations, simply noting those injuries and being told by the victim that they came about as a result of the defendant’s conduct will likely suffice. Similarly, if a victim reports that they lost consciousness during the commission of the crime, that alone can show GBI occurred. Problems arise when GBI

has to be established by a medical professional.

Deputy Steve South of the Sheriff’s Office recently investigated a case involving a Domestic Assault, in which the victim reported losing consciousness and was diagnosed with a fractured tailbone, four fractured ribs, and a torn stomach lining at the hospital. Every one of those injuries on their own would likely establish GBI at prelim, but only the loss of consciousness could be proven with the victim’s statements alone. In order to use the broken bones or torn stomach lining at prelim, an officer would need to speak directly to the diagnosing physician. Furthermore, they would have to ask the doctor about their training and experience that would qualify them as an expert in court for medical diagnoses, then ask what steps were taken to arrive at the diagnosis.

In this case, Deputy South conducted a thorough interview of the victim and GBI was established from the lost consciousness; however, if the victim had not reported that injury, Deputy South would have had to track down the treating physician and obtain further statements. The reason for this is that Prop 115 testimony would only cover the statement from the victim to the officer, and the victim only knows about internal injuries from speaking to the doctor; since no hearsay exception covers the doctor talking to the victim, the victim’s statements about her own diagnoses are inadmissible. For best practices, if an officer hears of injuries which sound like they might amount to something greater than moderate harm, they should speak with the diagnosing doctor or medical professional, take down their name and contact information, and note their training and experience. Taking this step during the initial investigation can save a second trip to the hospital, or even a second prelim on the same case.

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DOMESTIC VIOLENCE STRANGULATION: KEEP ASKING THE RIGHT QUESTIONS

By Senior Deputy District Attorney, Benjamin Hanna

In recent years in the world of domestic violence investigation and prosecution, we have seen an increased focus on strangulation as a means to inflict injury in domestic violence assaults. California's primary domestic violence statute, Penal Code section 273.5, has even been amended to include any injury from strangulation within the definition of a "traumatic condition." This increased focus is well founded, as it has been documented that abusers who strangle their victims are far more likely to inflict serious injury or death than those who do not.

Over the last several months, I have noticed improvement in the way our local law enforcement documents strangulation in police reports. Officers are remembering to ask the right questions and document their observations. Keep it up! As a reminder, here are several signs of strangulation that you may see in a victim:

- Redness/bruising to neck area
- Scratch marks on victim or suspect
- Petechiae of eyes, face, mouth, or scalp
- Voice changes or loss of voice
- Difficulty swallowing or breathing
- Involuntary urination or defecation during strangulation incident
- Dizziness or vision changes
- Loss of consciousness

Keep in mind that the above factors are not an exhaustive list. Many victims may not immediately display clear external injuries, making it even more important to document other symptoms. The district attorney's office has available handy laminated cards that can be used as a quick reference when questioning a strangulation victim. Use them as an aid to communicate to the reviewing prosecutor the true seriousness of the offense. This will result in the right charges being filed and accountability for the offender.

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DRUG IMPAIRED DRIVING UNDER THE INFLUENCE INVESTIGATIONS: DOCUMENTING FOR EXPERT REVIEW

By Deputy District Attorney, Laura Smith

We're seeing more and more drug impaired drivers on our roads, and some complaints I hear more than others from officers, is that some are intimidated to do a drug impaired driver investigation and arrest, or that they are concerned that if they go through all the work to make the arrest, we won't file the case, or it will get dismissed...

Every time you arrest an impaired driver, you are very possibly saving a life (or many lives) by taking that person off the roadway. And if you are concerned about your ability to testify as an expert once the case makes it to a jury trial, if you do a good investigation, we can give your report to a certified Drug Recognition Expert (DRE), and possibly have them assist by testifying as an expert witness.

I recently spoke to Redding Police Department Sergeant Chris Smyrnos, a certified Drug Recognition Expert, about what he and other DREs would like to see in reports to help them render an expert opinion on the issue of impairment.

He asks that officers in Drug Impaired Driving cases document the driving pattern of the defendant as thoroughly and descriptively as possible. If witnesses observed the driving, try to get a thorough statement about all of the bad driving they saw.

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DRUG IMPAIRED DRIVING UNDER....

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Sergeant Smyrnos also stated that beyond the observations you would typically make in an alcohol impaired driving case, DREs also would like to know things like whether the defendant was sweating, “on the nod”, twitching or fidgety, etc. He would like the defendant’s pupil size documented (or at least compared to other non-impaired people at the scene if you don’t have a handy way to measure them). Also look for signs of drug ingestion, such as track marks, burn marks on their finger pads, red nostrils, poor dental hygiene, a green coating on their tongue, red eyes, and drugs or paraphernalia present in their vehicles. Also, ask the defendants about their drug use: When did they last use? What did they last use? How much did they last use? How did they ingest the drugs?

Note anything odd that the defendant does—and be descriptive of how they are not behaving like a normal driver. When asking them to perform the standardized field sobriety tests, also check for Vertical Gaze Nystagmus and a Lack of Convergence, in addition to checking their eyes for Horizontal Gaze Nystagmus. Also, in addition to the usual Walk and Turn and One Leg Stand tests, ask the defendants to perform the Romberg test and the Finger to Nose test, as these are tests routinely utilized by DRE officers.

Other helpful pieces of information to document are the defendant’s pulse (preferably taken several times, such as at the scene and at the jail), the defendant’s pupil size in different lighting conditions and their reaction to changes in lighting conditions, their blood pressure and temperature (maybe ask during the booking process).

Being comprehensive and descriptive won’t just help a DRE later, but it will also help you later, too. Often the Department of Justice takes months to finish the analysis in Drug Impaired Driver cases, and so by the time this arrest makes it to trial, nearly a year may have passed (or more). Good documentation is critical to help make these arrests successful convictions!

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BUSINESS OWNERS & UNWANTED PATRONS: THE LAW OF TRESPASS

By Deputy District Attorney, Rachel Donahou

I have received a lot of questions lately regarding what do to when a business is requesting that someone be removed from their store. A business owner may ask you to remove people they don’t want in or around their stores. They may want someone “criminally trespassed” so they can never return to their business. Unfortunately, Penal Code section 602 doesn’t apply to a number of situations that are commonly considered violations.

Read PC 602 in its entirety. You will not find a section that allows a store that is open to the public to kick people out during business hours simply because they want to. PC 602(m) looks like it might work, but there was a 2014 case (*In re Y.R.* (2014) Cal.App.4th 1114) that interpreted the occupying requirement to mean occupying for more than a transient purpose. (Thank you to RPD Officer Josh Siipola for bringing this case to my attention.) PC 602(o) requires that the location not be open to the public so that is also out of the mix.

So what can be done? The best way is for the businesses to identify those who continually cause problems and seek a civil restraining order. This would allow an officer to remove the person from the business simply for being present. If a person has been convicted of a crime that occurred at that location, an officer may arrest a person for trespassing if they refuse to leave after the owner has requested it. This can be found in PC 602(t). The catch is that the timeframe for this depends on the level of the crime (Violent Felony – indefinitely, Felony – five years, Misdemeanor – two years, and PC 490.1 Infraction – one year) and Shascom may not always have access to the information needed.

Our office recognizes this is an issue and we are trying to get probation terms that include stay away orders when people are continually causing problems. If there is an express probation term mandating the suspect stay away, an officer can arrest the suspect for a violation of probation.

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BUSINESS OWNERS & UNWANTED PATRONS...

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Shascom's access to the information may also be an issue in this scenario so please feel free to contact our office during normal business hours and I will be happy to check for you.

So what do you do when none of this applies and a business owner wants you to remove someone from their business? Start by asking why they want that person removed. You may find that a different crime has been committed. For example, if someone is checking door handles in a parking lot, you may

have a prowling case. If someone is harassing customers and making it hard for them to shop, you may have a PC 602.1 case. If the person is threatening customers or staff, you may have a PC 422 case.

The bottom line to remember is that unless there is a court order you are enforcing or a crime that can be articulated, your job is to keep the peace. You may not be in a position where you can arrest the subject.



SURVEILLANCE VIDEO: PLAY IT BEFORE YOU BOOK IT!

By Deputy District Attorney, Josh Brown

We all know that video evidence of a crime being committed is typically some of the best evidence we can get our hands on. Technological advancements in recent years have made video surveillance systems cheaper to purchase and maintain, easier to install, and simpler to use. Fortunately, the increased availability and lower cost of these systems has made them more prevalent in homes and businesses throughout our community.

Although there is an increased likelihood that your next case will be caught on video, there are some issues to be aware of when obtaining video evidence from a victim or witness. In the past, surveillance video systems recorded the captured video directly to VHS tape or DVD. Securing those videos in evidence was as simple as making a copy onto a new tape or disc. Unfortunately, as modern surveillance video systems are more likely to store content on computers and hard drives, booking that video into evidence, in a useable form, has become more challenging.

Our biggest challenge is making sure that the video discs or storage devices we receive from victims and witnesses are playable. Many current surveillance systems use proprietary computer software to record and play videos. Owners of these systems, many of whom do not regularly make copies for evidentiary purposes, are not aware that they may need to provide a copy of the software, or make sure that the video is copied in a universally compatible format.

Investigating officers often watch surveillance video on scene with witnesses prior to receiving a copy provided to them by the witness, and booking that copy into evidence. While it is fair to assume that a video that plays correctly on a witness' system would play correctly on our own computers, unfortunately that is not always the case.

In some circumstances, we are able to obtain the correct software to play a video, that has been booked in evidence, through an online download or from the owner of the surveillance system after the fact, but both of these options are laborious and time consuming. While commercial surveillance systems may retain video for weeks or months, some personal systems only retain video for a few days before it is overwritten by new video. In most cases when we cannot locate the appropriate software, videos are lost for good because they have been erased by the time our inability to play them has been discovered.

When surveillance video of a crime is unplayable and a new copy cannot be made, difficulties may arise during prosecution; some cases are more difficult to file or prove without a video that was referenced in an investigating officer's report, defendants may be reluctant to enter a plea without seeing the video, and a jury may be less likely to render a guilty verdict if they are aware that surveillance video was captured but was not presented at trial. Although it may take some additional time, making sure surveillance video can be played on computers in your office before booking them into evidence will ensure that your cases are more successful from start to finish.



A BRIEF THOUGHT ON IDENTITY THEFT CASES

By Deputy District Attorney, Brandon Storment

With identity theft cases, usually the call to law enforcement is the same: the reporting party indicates their bank told them that their card was used at a store at certain date and time. That's a good lead, and typically prompts a trip to the store where surveillance footage is accessed to see who transacted at that time. Pretty open-and-shut case, right? Well, yes and no.

With the above outlined information, we know that, factually, the perp committed the crime. But, we have to be able to prove it, legally, with competent, admissible evidence in court. And, in the above-scenario, we don't have it. At an evidentiary hearing, we can't call the victim to testify about what their bank told them. That's inadmissible hearsay and lacks foundation.

So, what do we need? We need the records straight from the bank itself. We can admit those. And, we can help obtain them via a subpoena. But, in order to subpoena such records, we need specific information, such as: the name of the financial institution (Bank of America, Wells Fargo, American Express, etc.); the account number (probably best not to put this in a report; but including the last four digits is a good idea so that when we speak with the victim, we know we're all on the same page when it comes to the account that was compromised); the location where the card was used; and, the time of the fraudulent transaction. With this information in hand we can subpoena the appropriate records and successfully present the case in court.

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LAW ENFORCEMENT INVOLVED PC 69 AND PC 422 CASES

By Deputy District Attorney, Tom Toller

It seems these days that the spirit of AB 109 and Prop 47 has contributed to a growing attitude among arrestees, resentful at being taken into custody, that they should react by threatening the officer or deputy who is involved. Angry threats to kill an officer or violently assault him or her, even threats of violence directed at family members, have become more frequent. The threat may be motivated by a desire to prevent or deter you from doing your duty as a law enforcement officer (PC 69); or it may be intended as a threat of retribution designed to cause you fear (PC 422). In either case, you are the victim of a crime and you'll be testifying to how you perceived the defendant's words and gestures. As professionals, officers and deputies understand that threats are often part of the interaction with angry and resentful arrestees. They may be reluctant to admit feeling fear or giving significance to a defendant's words. But, if a defendant's threat genuinely caused you fear, you ought to use the "f-word" on the stand. Saying that you felt fear is honest and does not diminish your professionalism. On the other hand, if you really weren't afraid of the threat so much as concerned about the defendant's intentions toward you, there are ways to convey the significance of the threat without using the "f-word."

Penal Code section 422 – Criminal Threats – requires that the threat actually cause sustained fear for oneself or one's immediate family, and that the fear be reasonable under the circumstances. Penal Code section 69 – Trying to Prevent an Executive Officer from Duty – requires that defendant use a threat of violence to prevent or deter an officer from performing his or her duty, and that the defendant intended to prevent or deter the officer. Since defendants rarely state their intention, it must be inferred from their actions and your reaction. The immediate ability to carry out the threat is not required; so the fact that an arrestee will be in jail does not diminish the threat's significance.

Two recent examples of officer's testimony at the preliminary hearing illustrate just how challenging it is to establish the required elements of these crimes. In the first, a female custodial officer was escorting the defendant back from court to his cell.

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LAW ENFORCEMENT INVOLVED....

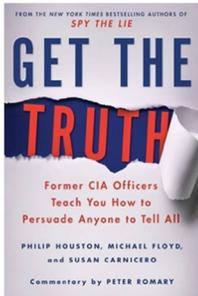
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He threatened her with violence for doing her duty, remarking about violence he'd done to other women and telling this officer that he would assault her when she least expected it. When asked how the threats made her feel, she did not testify to feeling fear. She did however testify that she considered the threats significant and that she asked for a new duty rotation so that she would not have to encounter that particular defendant alone again. This testimony allowed the judge to draw an inference that the defendant had intended his threat to prevent or deter her from doing her duty; and the defendant was held to answer on the count of PC 69.

In the other example, a sheriff's deputy was transporting an arrestee from the Burney area to the jail in Redding. During the almost hour-long trip, the defendant kept up a constant barrage of vile and horrific threats of violence to the deputy and his family. The deputy testified at preliminary hearing that he took the threats seriously because he was aware of the defendant's violent background. He testified that he felt actual fear; that when he arrived home after his shift, he placed additional weapons

around his house as a defensive measure; and that for the next few days he was hypervigilant, exercising a heightened sense of situational awareness for his surroundings. Again, the judge used this evidence to hold the defendant to answer for both the PC 69 and the PC 422.

So, if you are threatened with violence while on duty, be prepared not only to articulate the defendant's threatening words and gestures; but also how the threat made you feel, whether the threat caused you to alter your usual behavior and how, whether you took the threat seriously as an attempt to prevent or deter you from performing your duty, and any reasons why you considered the defendant's words and actions significant, such as knowledge of the defendant's criminal history or reputation for violence. All these factors should be included in your incident report so that the assigned prosecutor will be prepared to ask the questions that can establish the required elements of a PC 69 or a PC 422.



BOOK REVIEW: *GET THE TRUTH*

By Senior Deputy District Attorney, William Bateman

Persuading a suspect to disclose information he/she has reason to conceal can be a challenge. In *Get the Truth* the authors provide a process for improving the chances of eliciting information from suspects and/or witnesses. In the book, the authors share their experiences with eliciting information in a variety of circumstances. Each of the authors possesses a strong background in the area of conducting examinations of suspects. Phillip Houston, Michael Floyd, and Susan Carnicero each worked for the Central Intelligence Agency.

The process outlined in the book is based on keeping the subject in short-term thinking mode, eliciting information, noticing evidence of deceptive behavior, and presenting a monologue. The method is presented throughout the material by utilizing the actual experience of the authors. Applying the method to factual scenarios allows the reader to observe the strengths and weaknesses of the recommended approach.

According to the book, the goal is to keep the number

of factors in the subject's decision making narrow and as immediate as possible. You don't want suspects considering the potential consequences of their actions because such thoughts can create resistance to disclosure. The book provides strategies to direct the subject's focus to the immediate, such as, utilizing the correct words whenever speaking with the suspect. While keeping the suspect focused on the immediate, the examiner should carefully observe the suspect for deceptive indicators.

The authors advise gathering information in a non-confrontational manner. The authors take a position against utilizing an aggressive, confrontational, and overbearing approach to interrogating a suspect. The gathering information stage, which occurs at the beginning of the interview, should lead to a suspect committing to a version of events. After the suspect discloses the information he/she is willing to reveal, the interview transitions from gathering information to interrogation.

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BOOK REVIEW...*Continued from page 8*

According to the book, a transition statement is "...The first sentence or two of the monologue. It takes the form of a direct observation of concern, a direct observation of guilt, or some variant that falls between the two." An example of a direct observation of concern would be the following: "Jan, I want you to know that your cooperation is very helpful, and I really do appreciate it. The thing is, some of what you're saying just isn't adding up, and I need you to help me understand what I'm missing." An illustration of the direct observation of guilt would be: "Jan, I have to tell you, based on our conversation, based on the inquiry we've conducted, based on all the facts we've collected, there's no doubt that you're the person who took the oxycodone." The transition statement you employ will depend on your confidence level that Jan is guilty.

The writers point out the importance of the words utilized in these approaches. For example, the interviewer employs the word "inquiry" instead of "investigation." In addition, the interviewer says "took" instead of "steal." Word choice assists with keeping the subject thinking short term and prevents the subject from thinking about the consequences of their actions. Once you transition into the interrogation, you commence the monologue.

Recognizing deceptive behavior during the interview can assist with creating an effective transitional statement. The book identifies several nonverbal deceptive behaviors, such as, creating a pause before responding to the question, putting a hand to the face, and/or hiding mouth or eyes. Some verbal deceptive behaviors include inappropriate levels of politeness, repeating the question asked, and offering a psychological alibi. According to the authors, a psychological alibi is a suspect's "...attempt to deceive through the use of selective memory or ostensibly limited knowledge." (P. 251)

When creating the monologue, remember "...a guilty person just wants to be understood because being understood allows him to feel that he's been forgiven." (P.42) While presenting the monologue, the writers suggest, slow your rate of speech, engage the person your interrogating, and lower your voice. In addition, tailor the monologue to the circumstances. The monologue should consist of the following elements: (1) rationalize the action of the suspect; (2) project the blame elsewhere (society, school, something general); (3) Minimize the seriousness; (4) socialize the situation (others have done it); and (5) emphasize the truth ("This is a fixable problem. To fix, we need to get everything out in the open.").

The book includes the following example of a portion of a monologue.

We talk with guys all the time who think they have to be perfect. That's not the way it works, Lee. It just isn't. Listen, this is a little bit awkward for me, too, you know?... But that's just it, Lee-it doesn't have to be bad news. There's no reason in the world why it has to be bad news. Because whatever it is that's bothering you, you have to understand it can be fixed. It's a fixable problem. It's nothing we haven't dealt with before, nothing that would surprise us. I've been doing this for a long time, Lee, and I can tell you, there's not a single problem that's ever come up in this kind of a situation that we haven't been able to work through and fix. Because we know that people do things for all kinds of reasons, and sometimes those reasons just involve things that lie outside their control. Sometimes they just don't realize how serious something might be, or that it's a problem at all. They simply haven't thought their way through the whole thing. (P.36)

According to the writers, whenever a subject is lying, you do not want them speaking. Instead, you want to deliver your monologue. Resistance from the suspect during the monologue can arise in a few ways: (1) convincing statements by the subject; (2) displays of emotion; and (3) denials. To neutralize a convincing statement, the writers recommend agreeing with the subject. Whenever confronted with a subject employing emotion, work through the emotional outburst. For example respond by stating something like, "Only way to fix this is to remain calm and levelheaded so that you can help us understand what happened." (P.75) To halt a subject attempting to deny, the writers suggest either (1) calling the person by their first name; (2) tell the subject to give you a chance to make this clear; and/or (3) hold your hand up. (P.76) Once you cause the subject to stop speaking, you return to the monologue.

Improving the ability to persuade people to tell the truth requires practice, patience, and preparation. Reading *Get the Truth* will provide you with a methodology developed by experienced former Central Intelligence officers. The book presents the approach in an easy to understand manner by illustrating the method within a factual context. I strongly recommend reading *Get the Truth* to those who want to improve their interrogation skills.

Up Coming Events

*Crime Victims Assistance Center
would like to see you at the
following upcoming events!*

September 23
Homicide Victims Memorial Day

October 14
Strike Out Domestic Violence
Bowl-a-Thon

If you would like more information
about these events or want to be
involved please contact our office at
530-225-5220.



*Homicide Victims Memorial
April 2015*



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A NOTE FROM THE EDITOR

To those closest to the slain officers of the Dallas Police Department, we send our heartfelt condolences and best wishes. During these dangerous times, we especially appreciate the continuous effort, commitment, and personal sacrifice made every day by people working in law enforcement. Thank you for considering the articles presented and we hope the information assists you with reaching your performance goals.

William Bateman
Senior Deputy District Attorney
Shasta County