

A Proposed Addition to the FBI *Criminal Classification Manual*:

Fraud-Detection Homicide

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Abstract

Behavioral data were located from 27 homicide cases in which fraud, a white-collar crime, occurred either prior to or contemporaneously with each homicide. The homicide cases in this study were classified as fraud-detection homicides because either white-collar criminals themselves, or assassins they hired, killed the individuals suspected of detecting their fraud. The white-collar criminals who committed murder were sub-classified as red-collar criminals.

Both the descriptive homicide data and the literature review lend support to three overriding impressions: red-collar criminals harbor the requisite *mens rea*, or state of mind, to physically harm someone that may have detected, or is on the verge of detecting, their fraudulent behavior; the victim of a red-collar crime does not have to be someone who profiteered, aided, or abetted in the fraud; and red-collar criminals have a history of antisocial and psychopathic tendencies. Given these conclusions, advocacy for consideration of forensic accountants and fraud examiners as members of homicide investigation teams to assist in the development of a motive to support the prosecution of red-collar criminals is in order.

Data gathered in the course of this study indicate the presence of a sub-classification of white-collar criminals who are violent and the need for a new homicide classification to be referred to as *fraud-detection homicide* for inclusion in the FBI's *Crime Classification Manual* (Douglas, 1992) as an appropriate system for classifying and profiling these murders.

Key Words: red collar crime, white collar crime, fraud, motive, detection, homicide, murder, psychopath, Perri's Matrix, the Perri-RCM

“I would have had the . . . wasted, but I’m not sorry for feeling this way. I’m sorry that I didn’t rub her out, real sorry.”

Statement of a convicted white-collar criminal regarding the woman who disclosed his fraud crimes to the authorities (Addis, 1986).

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One of the misconceptions commonly held of white-collar criminals is that they are not like criminals who lash out violently. In part, this perception is supported by a legal system that classifies white-collar crimes as non-violent. For example, the *Dictionary of Criminal Justice Data Terminology*, published by the Federal Bureau of Justice Statistics, defines *white-collar crime* as “non-violent crime for financial gain committed by means of deception . . . irrespective of the person’s occupation” (1981). The study at hand examined types of white-collar crime involving issues of fraud-based crime.

The descriptive data indicates that a sub-group of violent white-collar criminals exists and, moreover, that certain behavioral factors may contribute to or motivate a white-collar criminal to resort to violence. The data has

been examined with a single question in mind: Is imminent threat of detection a sufficient motive for the white-collar criminal to respond violently?

The Perri Red-Collar Crime Matrix (RCM)

Examining 27 murder cases revealed that for this sub-group of violent white-collar criminals, threat of fraud detection is a motive to kill: hence the name, *fraud-detection homicide*. This sub-group is referred to as red-collar criminals because they straddle both the white-collar crime arena and, eventually, the violent crime arena. In circumstances where there is threat of detection, red-collar criminals commit brutal acts of violence to silence the people who have detected their fraud and to prevent further disclosure.



In terms of societal perception, the work of Cullen, Clark, Mathers, and Cullen (1983) significantly indicated that people perceived white-collar offenses, though not associated with violence, as having greater economic and moral costs and repercussions than conventional street crimes. The public perception and criminal classification of such crimes as non-violent does not preclude the offender from being violent.

The different sub-classifications of criminal enterprise homicide

Contract killing: A contract killer is one who kills by secret assault or surprise for profit. There is usually an absence of relationship between the killer and victim.

Gang-motivated: A gang is an organization, association, or group that has as one of its primary activities the commission of antisocial behavior and criminal acts, including homicide. Homicides are associated with territorial struggles.

Criminal competition: Death in this type of homicide is a result of organized crime over control of territory.

Kidnap murder: Kidnap murder designates persons taken against their will and for a variety of motives, such as a demand for ransom.

Product tampering: Death results from contact with a commercial product that has been sabotaged by the offender whose motive is financial gain.

Drug murder: Defined as the murder of an individual deemed an obstruction in order to facilitate the proliferation of an illegal drug business.

Insurance/Inheritance: The victim is murdered for insurance and/or inheritance purposes.

Commercial profit: Murder to gain control of a business or to profit from the business.

Felony-murder: Property crime (robbery, burglary) is the primary motivation, where during the commission of a violent crime, a homicide occurs.

First, information from murder cases where fraud pre-dated the murder was assembled, and second, for the purpose of visual comparison, information from each case was broken down into identifiable variables (i.e., type of fraud, age and gender of defendant, relationship to victim, etc.). The Perri-RCM was developed to distinguish behavioral inferences from other evidence gathered during both the investigation and subsequent trials. Clearly, the pattern characteristics in the Perri-RCM are not all-inclusive, and as more cases are analyzed, the Perri-RCM can be modified to accommodate additional characteristics that may be useful for profiling.

Third, the information was structured into a matrix. In each case where the murderer (defendant) was involved in the fraud, the case is identified by the defendant's last name, which appears at the top of the matrix (see Table 1). For example, Case 1 is titled "Hansen." George Hansen served as the initial case study, thus the case is identified by his last name. The only cases not listed by the name of the defendant (but include the names of the victims) are the Gamov (23), Kholodov (24), Klebnikov (25), Hovasapian (26), and Kozlov (27) cases. In these cases, the killers have not been brought to justice.

To begin, the proposed crime classification, *fraud-detection homicide*, is compared to the existing FBI homicide classification to illustrate why fraud detection homicide should be considered as a separate classification. Secondly, where the behavioral aspects of red-collar criminals are compared to those of non-violent white-collar criminals, the focus is limited to concerns of psychopathy, societal misconceptions of murder defendants, ideation factors, and actual homicide case studies illustrating fraud-detection homicide.

In an interesting aside, red-collar Russian cases are compared to American murders. And lastly, the role of forensic investigators in uncovering homicidal motive and its importance in the prosecution of these defendants is discussed.

Fraud-Detection Homicide and Criminal Enterprise Homicide: A Distinction

A literature review does not reveal any classification or definition for white-collar criminals who murder due to their fraud crimes being detected; further, the FBI *Crime Classification Manual* (CCM) (Douglas, 1992) does not include an appropriate category for the murder cases scrutinized in this study.

The FBI classification most similar to the homicides presented in this study was the "Criminal Enterprise Homicide" classification; however, the classification does not fit this study's fact patterns. Criminal enterprise homicide "entails murder committed for material gain."

A review of the definitions for these sub-classifications demonstrates the distinctive nature of fraud detection homicide cases—cases that do not fit into any of the sub-classifications for criminal enterprise homicide most significantly because the killer's motive in fraud-detection homicide does not parallel the motives in the criminal enterprise homicide sub-classifications. None of the sub-classifications offers fraud detection as a motive to kill.

Secondly, by the sub-classification definitions, in order to receive the hoped-for material gain, the murder must first occur. However, in fraud detection homicide, the material gain pre-dates the murder—it is the threat of detection that motivates the kill. For example, in insurance/inheritance homicide, the murder is the conditional antecedent event that must take place in order to receive the gain; whereas, in the fraud detection homicide case, the killer already has received the material gain, and murder is not a pre-condition for its receipt.

A new homicide classification system is recommended to categorize the type of murders presented in this study, and the FBI *Crime Classification Manual* would seem an appropriate forum for categorizing and profiling these homicides. With the inclusion of fraud-detection homicide in the manual, further research may be conducted on collected data to refine what traits a red-collar criminal harbors in order to improve profiling these killers.

The Threat of Fraud Detection—A Motivation for Murder

In each of the 27 cases presented, the murderer(s) belonged to the sub-group of red-collar criminals, and each demonstrated the capability of unleashing heinous and brutal violence toward individuals they believed had detected, or were in a position to detect, their fraud schemes and potentially reveal such information to third parties.

Initially, and prior to any violent act, the white-collar criminal characteristics were predominant in each murderer. As white-collar criminals, they wished to divert attention from their fraudulent schemes. Unlike other homicides, violent white-collar criminals who turn red prefer to operate clandestinely without attracting attention to themselves, though it is fair to suspect that each red-collar murderer realized that in committing a violent act, he or she was potentially increasing the risk of exposure.

The data reveals the following: each murderer had fraud detection as a motive to kill; a blitz style attack occurred in 21 out of 27 murders; and the killers demonstrated sadistic tendencies—over-kill occurred in 19 out of the 27 murders. In referencing the Perri-RCM, it is interesting to note that

in the majority of the American cases revealing overkill, the defendant intimately knew the victim; for example, the victim was either a relative or had been a coworker.

The behavioral data raises questions about the extent to which red-collar criminals are willing to assume risk of detection (both for the violent act and for the underlying white-collar crime) in order to maintain anonymity. In some respects, the suggestion that the red-collar criminal is willing to risk exposure in order to maintain anonymity appears contradictory. Yet, the inclination to physical violence as a solution distinguishes these fraudsters from non-violent white-collar criminals.

Psychological Factors

The misconception that white-collar criminals are not like violent criminals is widely held. Those who hold this view argue that white-collar criminals experience a moral lapse, and then engage in fraudulent behavior. The misconception of nonviolence and moral lapse is reflected in our legal system where crimes involving fraud are referred to as crimes of moral turpitude. Crimes of moral turpitude reflect behavior that violates moral sentiment or accepted moral standards of the community. Although street criminals are assumed highly likely to recidivate, white-collar offenders are thought to be “one-shot” criminals, not likely to be processed into the justice system following an initial brush with the law.

Weisburd, Chayet, and Waring (1990), however, provide data that does not support this popular belief regarding the limited criminal activity of white-collar criminals. They found that adult defendants convicted under white-collar crime statutes are often repeat offenders. The results of the Weisburd et al. study contradict the prevailing notion that if white-collar criminals do engage in violent acts such as murder, the act is, somehow, a fluke—an act analogous to a crime of passion where the person’s state of mind would normally not commit such vicious violence, and where there is little or no likelihood for relapse.

Both literature and data suggest that the red-collar sub-group is capable of functioning in conventional society, to a large measure, because so few grasp, until a murder arrest is made, that red-collar criminals are truly different from both white-collar criminals and ordinary people. It is incorrect to assume that both white-collar and red-collar criminals share the same value system with the majority of society solely on the basis of the observation that they engage in many of the same “normal” societal activities—they work, go to school, have families—in other words they “blend in” (Hare, 1993).

Many cannot resolve the cognitive dissonance that occurs among members of a community who are asked to believe that a red-collar criminal who has assimilated so well—wearing suits and ties and belonging to many of the same social groups as they do—is capable of murder. In short, we resist the notion that people who look like “us” behave brutally. Red-collar criminals feed upon this misconception to create smoke screens about their motives.

A background investigation of the red-collar criminals identified on the Perri-RCM does not support the suggestion that these persons somehow acted out of character when they committed murder. In fact, quite the opposite holds true: the capacity to kill without remorse was a seed inherent in the red-collar criminal that germinated when the proper conditions surfaced.

Psychopathy

As suggested by the Hare Psychopathic Checklist (see Exhibit 1), the defendants listed in the Perri-RCM had documented histories of exhibiting both antisocial behaviors as well as moderate to above-moderate psychopathic traits—traits such as being superficially charming, egocentric, insincere, manipulative, and exploitative—all for the sake of self-gratification. For example, the forensic psychologist in the Sante Kimes cases, Dr. Arthur Weider, stated that Sante demonstrated psychopathic personality features with “no guilt, conscience, remorse, or empathy;” adding that Sante was “socially charming, arrogant, full of herself, [and] egocentric coupled with a superiority complex” (King, 2002). In the Hansen (1), Porco (6), and Kimes cases (17-18), professionals knowledgeable in psychopathy agreed that all these defendants exhibited psychopathic traits.

The murderers cited in the Perri-RCM are persons who considered themselves extremely clever and who rarely learned from past negative experiences. Prior police encounters had no bearing on their current antisocial behavior, as in the Petrick case (12), where the defendant had numerous prior convictions for fraudulent behavior. Even though many of the red-collar criminals did not have criminal histories, they had exhibited antisocial behavior—they simply had not been caught. A unifying characteristic of the defendants in the Perri-RCM was the ability to assess the vulnerabilities of both the organizations and individuals from whom they stole.

On the May 4, 2005, CNN airing of the *Larry King Show* titled, “Inside the Mind of a Psychopath,” veteran FBI profiler Gregg McCrary said, “I think psychopaths are the best natural psychologists out there . . . they read vulnerabilities, they read people, and they

“ White-collar criminals are not people who are threatening the lives of others. They are not violent people.”

Inaccurate statement of a Federal District Court Judge commenting on white-collar criminals (Wheeler, Mann & Sarat, 1988).

There were several e-mail correspondences between Porco and his parents that exemplified the tension between the parties when the parents confronted him about his fraudulent behavior and threatened to go to the authorities to take action against him. In one e-mail, his father wrote: “Did you forge my signature as a co-signer? What the hell are you doing? You should have called me to discuss it . . . I’m calling Citibank this morning to find out what you have done and am going to tell them I’m not to be on it as co-signer” (Lyons, 2005).

The next day, Citibank informed an amazed Peter Porco that his son had also obtained a line of credit to purchase his new Jeep Wrangler. Again, Christopher had used his father’s name as co-signatory to secure the auto loan. The parents tried to contact Christopher via the phone, but Christopher would not talk to them. In another e-mail, the father wrote, “I want you to know that if you abuse my credit again, I will be forced to file forgery affidavits in order to disclaim liability and that applies to the Citibank college loan if you attempt to reactivate it or use my credit to obtain any other loan” (Lyons, 2005).

Table 1: Perri's Red-Collar Matrix

Pattern Characteristics	Case 1 Hansen	Case 2 Dyleski	Case 3 Fawaz	Case 4 Farraj	Case 5 Porco	Case 6 Bernal	Case 7 Bernal	Case 8 Barajas	Case 9 Barajas	Case 10 Johnson	Case 11 D Antonio	Case 12 Petrick	Case 13 Adamson	
Underlying White-Collar Crime	Embezzlement Fraud	Credit Card Fraud	Mortgage Fraud	Mortgage Fraud	Loan Fraud	Mortgage Fraud	Mortgage Fraud	Mortgage Fraud	Mortgage Fraud	Insurance Fraud	Off-Book Fraud	Check/Credit Card Fraud	Land Fraud	
Idolatry	Mafia	Jack the Ripper	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	No	
Mental Disorder	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	No	
Weapon Used	Hammer	Blunt/knife	Blunt object	Blunt object	Ax	Gun	Gun	Gun	Gun	Gun	Gun	Tape/Chains	Bomb	
Source of Violence	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	
Place of Murder	Victim Office	Victim Home	Victim Office	Victim Office	Victim Home	Victim Home	Victim Home	Victim Home	Victim Home	Victim Home	Victim Home	Unknown	Public	
Fraud Detection by Victim/3 rd Party?	Victim	3 rd party	3 rd party	3 rd party	Victim	Victim/3 rd	Victim/3 rd	Victim/3 rd	Victim/3 rd	Victim/3 rd	Victim	Victim	Victim	
Victim participate in WCC?	No	No	Unknown	Unknown	No	No	No	No	No	Yes	No	No	No	
Victim (Gender)	Female	Female	Male	Male	Male	Female	Male	Female	Male	Male	Male	Female	Male	
Victim (Age)	69	52	27	27	52	56	64	56	64	Unknown	23	57	47	
Victim Injury	Head	Head	Head	Head	Head/body	Head	Head	Head	Head	Head	Head	Asphyxiated	Body	
Victim (Race/Ethnicity)	White	White	Arabic	Arabic	White	White	White	White	White	White	White	White	White	
Victim's Body Found?	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Victim's Occupation	Bookkeeper	Lawyer	Student	Student	Lawyer	Bus. owner	Bus. owner	Bus. owner	Bus. owner	Editor	Music Tracker	Musician	Reporter	
Victim Occupational Status	WC	WC	WC	WC	WC	WC	WC	WC	WC	WC	Unknown	WC	White Collar	
Victims Related to each other?	NA	NA	NA	NA	Yes	Yes	Yes	Yes	Yes	NA	NA	NA	NA	
Victim Related to Defendant?	No	No	No	No	Yes	No	No	No	No	No	No	Yes	No	
Victim Debt Problems	Unknown	Unknown	Unknown	Unknown	No	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	No	No	
Victim have a Prior Criminal Record?	No	No	Unknown	Unknown	No	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	
Defendant (Gender)	Male	Male	Male	Male	Male	Female	Male	Male	Male	Male	Male	Male	Male	
Defendant (Age)	64	16	30	28	22	31	31	27	27	60	42	51	Unknown	
Defendant (Race / Ethnicity)	White	White	Arabic	Arabic	White	Hispanic	Hispanic	Hispanic	Hispanic	White	White	White	White	
Defendant's Occupation	Salesperson	Student	Loan Proc.	Loan Officer	Student	Real Estate	Real Estate	Handyman	Handyman	Lawyer	Record Promoter	Consultant	Business Owner	
Defendant Occupational Status	WC	Student	WC	WC	NA	White-collar	White-collar	Blue Collar	Blue Collar	White-collar	White-collar	White-collar	White-collar	
Defs. Related to each other?	NA	NA	No	No	NA	Yes/Cousin	Yes/Cousin	Yes/Cousin	Yes/Cousin	NA	NA	NA	No	
Def. Debt Problems?	Yes	Unknown	Unknown	Unknown	Yes	Unknown	Unknown	Yes	Yes	Unknown	Unknown	Yes	Unknown	
Defendant Prior Criminal Record?	No	No	Unknown	Unknown	No	Unknown	Unknown	Unknown	Unknown	Yes	Unknown	Yes	Unknown	
Defendant Relationship to Victim	Coworker	None	Coworker	Coworker	Son	Bus. Assoc.	Bus. Assoc.	None	None	Co-conspir.	Coworker	Husband	None	
Found Guilty by Jury?	Yes	Yes	Yes	Yes	Yes	NA	NA	Yes	Yes	Yes	Yes	Yes	Yes	
Offense (murder)	1 st Degree	1 st Degree	2 nd Degree	2 nd Degree	2 nd Degree	1 st Degree	1 st Degree	1 st Degree	1 st Degree	1 st Degree	1 st Degree	1 st Degree	2 nd Degree	
Defendant Admit to Murder?	No	No	No	No	No	Yes	Yes	No	No	No	No	No	No	
Overkill?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Unknown	Unknown	Yes	Yes	
Incriminating Statements?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Unknown	Unknown	Yes	Unknown	
Concealment of Evidence?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Unknown	Unknown	Yes	Unknown	
Blood Splatter Evidence?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Unknown	Unknown	No	Unknown	
Computer Evidence?	No	Yes	No	No	Yes	No	No	No	Unknown	Unknown	Unknown	Yes	Unknown	
DNA Evidence?	Yes	Yes	Yes	Yes	Yes	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	
Murder Plan?	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	Unknown	Unknown	Yes	Yes	
Shoe Print Evidence?	No	Yes	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	

	Case 14 Dunlap	Case 15 Gaede	Case 16 Basile	Case 17 S. Kimes	Case 18 K. Kimes	Case 19 Hanson	Case 20 Hanson	Case 21 Hanson	Case 22 Hanson	Case 23 Gamov	Case 24 Kholodov	Case 25 Klebnikov	Case 26 Hovasapian	Case 27 Kozlov
	Land Fraud	ID Theft	Insurance Fraud	Mortgage Fraud	Mortgage Fraud	ID Theft/Forgery	ID Theft/Forgery	ID Theft/Forgery	ID Theft/Forgery	Money Laundering	Off-Book Fraud	Money Laundering	Tax Fraud	Tax Fraud
	No	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	No	No	Unknown	No
	No	Unknown	Unknown	Yes	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	No	No	Unknown	No
	Bomb	Gun	Gun	Gun	Gun	Gun	Gun	Blunt Force	Blunt Force	Arson	Bomb	Gun	Bomb	Gun
	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Defendant	Unknown	Unknown	Unknown	Unknown	Unknown
	Public	Def's. Home	Victim Home	Victim Home	Victim Home	Victim Home	Victim Home	Victim Home	Victim Home	Victim Home	Victim Office	Public	Victim Home	Public
	Victim	3rd Party	Victim	Victim	Victim	NA	NA	NA	NA	Victim	Victim	Victim	Victim	Victim
	No	No	No	Yes	Yes	No	No	No	No	No	No	No	No	No
	Male	Male	Female	Male	Male	Male	Female	Male	Female	Male	Male	Male	Male	Male
	47	Unknown	28	63	63	57	55	31	31	Unknown	Unknown	40	Unknown	41
	Body	Body	Body	Head	Head	Head	Head	Body	Body	Body	Body	Head	Body	Head
	White	White	White	White	White	White	White	White	White	White	White	White	White	White
	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Reporter	Painter	Unknown	Businessman	Businessman	Bus. Owner	Unknown	Bus. Owner	Bus. Owner	Gov. Employee	Reporter	Reporter	Gov. Employee	Gov. Employee
	White Collar	Blue Collar	Unknown	White Collar	White Collar	White Collar	Unknown	White Collar	White Collar	White Collar	White Collar	White Collar	White Collar	White Collar
	NA	No	NA	NA	NA	Yes	Yes	Yes	Yes	NA	NA	NA	NA	NA
	No	No	No	No	No	Yes	Yes	Yes	Yes	No	No	No	Unknown	No
	No	Unknown	No	No	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
	Male	Male	Male	Female	Male	Male	Male	Male	Male	Unknown	Unknown	Unknown	Unknown	Unknown
	47	42	Unknown	69	29	30	30	30	30	Unknown	Unknown	Unknown	Unknown	Unknown
	White	White	White	White	White	White	White	White	White	Unknown	Unknown	Unknown	Unknown	Unknown
	Land Developer	Manager	Unknown	None	None	None	None	None	None	Unknown	Unknown	Unknown	Unknown	Unknown
	White-collar	White-collar	Unknown	NA	NA	None	None	None	None	Unknown	Unknown	Unknown	Unknown	Unknown
	No	NA	No	Yes	Yes	NA	NA	NA	NA	Unknown	Unknown	Unknown	Unknown	Unknown
	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
	Unknown	Unknown	Yes	Yes	Yes	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
	None	Friend	None	Friend	Friend	Father	Mother	Brother-in-Law	Sister	Unknown	Unknown	Unknown	Unknown	Unknown
	Yes	Yes	Yes	Yes	Yes	Pending	Pending	Pending	Pending	NA	NA	NA	NA	NA
	1 st Degree	1 st Degree	1 st Degree	1 st Degree	1 st Degree	1 st Degree	1 st Degree	1 st Degree	1 st Degree	NA	NA	NA	NA	NA
	No	No	No	No	No	No	No	No	No	NA	NA	NA	NA	NA
	Yes	Yes	No	No	No	Unknown	Unknown	Unknown	Unknown	Unknown	Yes	Yes	Yes	Yes
	Unknown	Yes	Unknown	Yes	Yes	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
	Unknown	Yes	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
	Unknown	Yes	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
	Yes	Yes	Yes	Yes	Yes	Unknown	Unknown	Unknown	Unknown	Yes	Yes	Yes	Yes	Yes
	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown

Exhibit 1: The Personality and Behavioral Traits Identified by Hare (1991).

Psychopathy Personality Traits & Behavioral Characteristics

1. Glibness/superficial charm
2. Grandiose senses of self-worth
3. Need for stimulation/
prone to boredom
4. Pathological lying
5. Conning & manipulative
6. Lack of remorse or guilt
7. Shallow affect
8. Callous & lack of empathy
9. Parasitic lifestyle
10. Poor behavioral controls
11. Promiscuous behavior
12. Early behavioral problems
13. Lack of realistic short-term goals
14. Impulsive
15. Irresponsible
16. Fails to take responsibility for one's actions
17. Many short-term marital/interpersonal relationships
18. Juvenile delinquency
19. Revocation of conditional release
20. Criminal versatility

can exploit those things fairly well" (CNN, 2005). Another member of King's panel, Dr. Martha Stout, psychologist and instructor at Harvard Medical School noted, "a psychopath doesn't have to fit all of the traits. I think three or more [traits] begins to make you suspect that you're dealing with a sociopath or a psychopath" (CNN).

The criminals studied demonstrated an inability to accept defeat and had little remorse or guilt for their predatory attitudes. In some respects, the red-collar criminal exhibits reptilian qualities of deception and attack; they are true "intra-species predators" that use violence to control others (Hare, 1993). The presiding judge in one of the Sante Kimes cases stated, "It is clear that Ms. Kimes has spent virtually all of her life plotting and scheming, exploiting, manipulating, and preying upon the vulnerable and the gullible at every opportunity" (King, 2002). As for her son Kenny, he too was a "remorseless predator" (King).

In the case of fraud detection, red-collar criminals perceive the fraud detection as an existential threat, a blow to their self-concept, and, consequently, as an act of "self" preservation, they are willing to resort to violence. As the threat of detection increases, so does the probability that the individual will rationalize murder as a solution to his or her problems. In the Hanson case (19-22), when the sister had detected her brother's fraud, he threatened to kill her if she told their parents that he was stealing thousands of dollars from them through fraud schemes (Rozek, 2007).

In the Hansen (1), Porco (5), Dyleski (2), Bernal (6 & 7), Barajas (7 & 8), and Petrick (12) cases, sadistic violence was unleashed shortly after these criminals realized that their white-collar behavior might be exposed to the authorities. Either they had been confronted by the victim about their wrong-doing or the probability of detection was very high. The red-collar criminal's sudden outburst is a response to perceived provocation and is enough to propel him or her to commit violence (Hare, 1993). The case histories in the Perri-RCM further bear this out, and this is why so many of the murders have a "blitz-like" quality.

Poor behavioral controls and poor planning abilities also explain why the red-collar criminal is incapable of becoming a successful violent criminal (Perri & Lichtenwald, in press, b). For example, Christopher Porco used an axe to kill his sleeping father in bed, but tried and failed to murder his mother, who was sleeping next to her husband.

Warning signs of the younger Porco's psychopathic qualities were later confirmed by profes-

sionals evaluating the case. He had left a trail of deceitful behavior: he was known to have manipulated college transcripts, he had burglarized both his parents' home and that of his former employer, and he had fraudulently obtained loans using his parents as co-signers without their knowledge. During a six-hour police interview, he revealed further traits associated with psychopathy: lying, impulsivity, grandiosity, callousness, lack of remorse, and no emotional response to the murder (Porco, 2005).

Behavioral Distinctions between Red- and White-Collar Criminals

Non-violent psychopathic white-collar criminals share similar psychopathic attributes with red-collar criminals, however, the distinction for the red-collar criminal lies in the factors that contributed to and defined their personalities and allowed them to perceive violence as a viable solution (Belmore & Quinsey, 1994). In an email to the lead author of this project, Dr. Willem Martens (2003) wrote, "the internal world of the psychopath is very complex and is determined by many dimensions." Many white-collar psychopaths exhibit antisocial traits, but not violent traits, as verified by their criminal histories. What might be an explanation for the distinction?

Although not specifically referring to violent white-collar criminals, Martens' (2003) research indicates that violent psychopaths may have determinants such as deep-rooted antisocial coping strategies as a result of past negative environmental factors. Thus, if an individual already harbors psychopathic traits, being raised in an extremely antisocial environment may solidify the use of violence as a solution. Violence is perceived as an effective strategy to reach goals, especially if the psychopath perceives the world as a snake pit where there are only winners and losers. Psychological restraints on their criminal behavior are weakened by their jungle view of society (Stotland, 1977). In addition, research has shown certain neurobiological factors to be linked to impulsivity, recklessness, and violence; further, violent psychopaths may also have a need to restore their sense of self by silencing the victim whom they believe is threatening to them in some manner (Martens, 2003).

Dr. Martens' research is supported by other researchers who consider dysfunctional environment a factor to consider; however, one is compelled to examine cases where there is no evidence of a negative environment. Take, for example, the Porco case where all indicators pointed to anything but a poor environment. He came from an upper-middle class home, re-

ceived quality parenting, and had siblings who were well-adjusted. Chris Porco had the upbringing of a privileged child.

The Porcos of the world force researchers to consider that there are, perhaps, those who are simply born with psychopathic traits and who conceal them until the proper factors converge and reveal those traits.

Mal Animo: "Evil Mind"

One must consider what lies at the core of the violent psychopath's personality structure: red-collar criminals do not reject violence as a solution to a perceived problem, so killing is just as viable a solution as using deceptive and manipulative characteristics to satisfy their needs. At their core, they harbor a toxicity that does not exist in, or is not as pronounced in, the non-violent psychopathic white-collar criminal. The red-collar criminal is capable of hiding his or her "core" from others by relying on psychopathic traits such as charm and manipulation as an interpersonal strategy.

A case (not included in the Perri-RCM as information is still being collected on the case) deserving of disclosure as a bona-fide fraud-detection homicide case representative of the pure evil of the defendant's "core" is the Fredric Tokars case.

In this case, a prominent defense attorney in Atlanta, Georgia, hired one of his clients to kill his wife Sara because she had discovered documents concerning Fredric's tax fraud and drug money laundering. Fredric told one of his associates, "[Sara] knows too much . . . I'm going to have to have her taken care of" (McDonald, 1998).

One of the prosecutors in the case stated that Sara could have destroyed Fredric with the fraud she had detected. "Sara," he said, "was a ticking time bomb" (McDonald, 1998). Consequently, one of the hired killers shot Sara with a shotgun blast to her head while she was in the family car—their two young sons were in the backseat. Fredric's response to an associate who asked how his children would react to their mother's death was, "They'll be alright . . . they're young, they'll get over it." Dr. Katherine Ramsland noted in the Larry King interview, "we don't know this for sure yet, but it may be the case . . . [that some who commit evil] are born to be that [psychopaths]" (CNN, 2005).

The non-violent psychopathic white-collar criminal also has a core that is destructive, but one could, perhaps, characterize it as *bitter*, rather than *evil*. According to Martens (2003), fraudsters sublimate their aggression into conning activities to avoid physical violence that might cause a negative consequence, such as

getting arrested. Moreover, the non-violent psychopath may be able to better assess the risk-reward tradeoff associated with committing a violent act. Yet, Martens (2003) acknowledges that, although psychopathic white-collar criminals are non-violent, this does not imply that they are not destructive in their own way, but that they manifest their destruction differently. Their methods might be characterized as a "slow bleed." Thus, we have psychopathic white-collar criminals who bring down organizations that are forced to claim bankruptcy, leaving hundreds without livelihoods and/or investments.

In one white-collar crime study known as the Maxwell Scandal, Dr. Basia Spalek (1999) examines the impact of white-collar crime on the victims. In this case, the white-collar criminal, Robert Maxwell, had stolen countless millions of dollars from investors. In the study the author was able to reveal through interviews with the victims that they experienced psychological, emotional, physical, behavioral, and financial harm.

The results of the study revealed that the harmful impact of fraud is similar in its force to the experience of victims of physical violence and property offenses. Some had, in fact, been the targets of other property and assault crimes unrelated to the fraud, and they stated that the impact the fraud had on their lives in terms of victimization was worse than the impact of assault and property crimes (Spalek, 1999).

Too often the "non-violent" quality of white-collar crime is what incorrectly distinguishes between types of criminals; that somehow white-collar criminals are inherently different from other criminals. Yet, such may not be the case. A study by Walters and Geyer (2004) found that male white-collar criminals with a criminal background exhibited the same level of deviant criminal thinking as other criminals.

The Devil's Trident

Trying to categorize the seriousness of the criminal's harms into violent versus non-violent is incomplete, overly simplistic, and ignores the true social harms that non-violent white-collar criminals perpetrate on society. Examining the level of aggression as a continuum of social harm offers a more well-rounded approach in observing the extent and depth of a person's sense of malice, whether based on a violent crime or fraudulent crime.

Interestingly, the legal concept of malicious injury as defined by *Black's Law Dictionary* (1990) takes into account the evil aspect of one's intent not only as it applies to violent acts, but also as it applies to fraudulent behavior. The essentially different forms of harm by which the

“There are, perhaps, those who are simply born with psychopathic traits and who conceal them until the proper factors converge and reveal those traits.”

Exhibit 2: Fraud Detection Homicide Investigation Profile

- I. Employment of victim
- II. Business owner or employee
- III. Victim occupational status:
blue-collar or white-collar
- IV. Criminal history of victim
 - A. White-collar crimes
 - B. Violent crimes
- V. Victim's source of income (tax returns, bank statements, etc.)
- VI. Fraud detection by victim
 - A. Was the victim in a position to detect fraud?
 - B. Notice to defendant of the detection by victim
 - C. Did the victim cooperate and/or give notice to a third party concerning defendant's fraud?
- VII. Third party detection of the defendant's fraudulent behavior without victim's assistance
- VIII. Fraudulent behavior of the victim
 - A. Would the victim have had a reason to commit fraud?
 1. Support lifestyle
 2. Debt problems
 3. Addiction issues
 - B. How would the victim commit the fraud?
- IX. Type of fraud involved
- X. Potential fraud co-conspirators (examine computer evidence such as email)
- XI. Did the victim have reason to fear retaliation by the defendant for fraud detection or disclosures to witnesses?
- XII. History of business conflicts between victim, customers, or business associates
- XIII. Third party business records indicating fraudulent behavior (fraudulent loan applications, etc.)

Albert Walker: Investor Turned Murderer

By Kristin Crowe, Associate Editor

This is a story of deception, denial, false identity, and murder—the stuff novels are made of. In fact, a book, movie, and play have all been created from this story. However, this trail of deception is more than a good story. It is the real account of a Canadian man whose tale is finally coming to a close after 17 years.

In 1990, Albert Walker left Paris, Ontario, with his daughter and flew to Britain after embezzling between \$2.5 and \$3.2 million from his investment clients, many of whom were friends and fellow church members. After fleeing to Britain, he was charged in Canada with 18 counts of fraud, theft, and money laundering in 1993. However, in 1992 he had taken the identity of Ronald Platt, an Englishman who wanted to go back to Canada, where he had spent his youth. Walker paid for Platt's move to Canada in exchange for Platt's birth certificate and driving license. It seemed for a while that Walker had disappeared with the money and would get away with his fraudulent activity. However, Walker had not counted on Platt coming back to England. Dissatisfied with the Canadian economy, Platt returned to Britain in 1995, presenting Walker with a problem. Now, there were two Ronald Platts in Britain, and the real Platt decided to live near where Walker was living with his daughter, who was posing as his wife. In an effort to escape detection, police allege that Walker took Platt sailing, knocked him unconscious, and threw his body overboard after weighting it with an anchor, effectively murdering Platt to cover his fraudulent activity. Platt's body was discovered when caught in some fishing nets, and police were able to identify the body through a serial number on the Rolex watch Platt was wearing.

In the month between the time that Platt's body was identified and Walker was found, Walker had bought over 67,000 pounds in gold bullion and seemed to be preparing to run again. British police interrupted his plans, however. He was sentenced to life in prison by a British court in 1998 for the murder of Ronald Platt, although he maintained his innocence of the murder throughout the trial. That same year the Canadian court charged Walker with 37 counts of fraud, which was to replace the 18 counts he had been charged with in 1993. After his conviction of murder, he was sent to a British facility in 1999. He requested transfer to a Canadian prison in 2005 to finish the remainder of his life sentence (without parole for at least 15 years), which was granted. Now 61 years old, he appeared in court again in April of 2007, pleading guilty to 20 theft and fraud related charges. In July of 2007, Justice Rommel Masse sentenced Walker to 4 years for 19 fraud related crimes and an additional year for violating the Bankruptcy Act.

Fear of being caught in his fraud led Walker to flee to Britain, and fear of his fraud being uncovered led him to murder Platt. Fraudulent investor turned murderer, Walker's misdeeds were discovered, and \$1 million of the at least \$2.5 million has been recovered. It has, however, taken 17 years and about half a million dollars to do so.



References:

- Babbage, M. (2007). Convicted killer Albert Walker pleads guilty to 20 theft, fraud related charges. *thespec.com*. Retrieved October 3, 2007, from <http://www.thespec.com/article/188093>
- Babbage, M. (2007). Former fugitive Albert Walker expected in Ontario court on fraud, theft charges. *thespec.com*. Retrieved October 3, 2007, from <http://www.thespec.com/article/187485>
- Biography Channel, The. (n.d.). *Biography: Albert Walker*. Retrieved October 3, 2007, from http://www.thebiographychannel.co.uk/biophy_story/978:1144/1/Albert_Walker.htm
- Canadian Press, The. (2007, July 24). Albert Walker gets four more years. *thespec.com*. Retrieved October 3, 2007, from <http://www.thespec.com/article/223211>
- CBC News. (2007, April 26). Fugitive financier turned killer pleads guilty to fraud, theft. *CBC*. Retrieved October 2, 2007, from <http://www.cbc.ca/canada/ottawa/story/2007/04/26/walker-fraud.html> ■

psychopath can manifest his or her aggression may be visualized in terms of a devil's trident. There is a prong on the trident used to harm someone emotionally, another prong that can be used to harm someone financially, and another prong that can be used to harm someone physically. Some individuals use all the trident's prongs to impale a victim. Some choose to impale a victim using only the emotional and financial prongs; such is reflective, for example, of a non-violent fraudster. The predatory quality of some white-collar criminals resembles an exploitive nature analogous to a violent predatory criminal, yet manifested in a different form.

Ideation as an Influencing Factor

It has yet to be determined in what ways ideation can be a factor in the acceleration of violence as a solution for red-collar criminals. Two of the cases in the Perri-RCM appear to represent red-collar criminals who harbored an idealization of extremely antisocial characters. In the Hansen case, the defendant appeared to romanticize the idea of the mob. He associated with members of the Chicago Mafia and enjoyed their company ("People v. Hansen," 2004). Scott Dyleski enjoyed lifestyles associated with goth music, had a fascination with serial killers, idolized Jack the Ripper (Lee, 2006), drew "bloody death scenes" (Sweetingham, 2006c), and wrote dark poetry that included such troubled lines as "Live for the kill" ("Court TV News," 2006).

The behavioral data for the cases in the Perri-RCM does not include movies, books, music, clothing, posters, or other symbolic items that might link the murderers to those whom they may have imitated as a form of hero worship, but such material may be of interest in future cases of fraud detection homicide.

Ideation as idealization of mafia or Jack the Ripper legends may have further defined, solidified, and strengthened these killers' core personality structures, where these types of symbols represent a form of empowerment. In Scott Dyleski's mind, if Jack the Ripper had been a successful killer, then he too could emulate that success.

Societal Misconceptions of Murder

The question surfaced in the scrutiny of the Dyleski case as to how his anger at the possibility of not receiving the goods he had fraudulently ordered could escalate to the degree that he would commit murder (Sweetingham, 2006b), and herein lays the misconception. For Scott Dyleski, the issue was not about anger, but about using murder as a solution to a problem.

The fact that he performed the murder in a sadistic manner does not correlate the act to the amount of anger he felt. One observes how

societal perception incorrectly projects a non-psychopathic explanation onto the murder by attempting to inure an emotion to the killer to suggest that, somehow, the defendant's anger was the impetus for the killing. The data suggest that the killers had no doubt that the solution to their perceived problem of fraud detection would be successful, and like a reptile, emotions did not play a part in their decision-making process.

Fraud Detection Homicide Case Studies

The following case studies, which can be found in the Perri-RCM, provide detailed information concerning specific red-collar crimes that were committed.

Sante and Ken Kimes

After having detected that both Sante and Ken Kimes had committed mortgage fraud by attempting to obtain a loan in his name, the victim, David Kazdin, began to receive threatening telephone calls from the killers demanding that he cooperate with the fraud scheme. After speaking to Kazdin on several occasions, Sante told her son, "He knows too much and we got to do something about him" (Sweetingham, 2004a). "We're gonna have to kill him" (Sweetingham, 2004b). As Kenny was heading out the door she said, "Good luck. Do a good job" (Sweetingham, 2004b).

Ken Kimes said in a statement to authorities that he shot the victim in the back of the head because he and his mother believed that their fraud scheme to obtain \$280,000 was about to be exposed and that the victim had, in fact, notified the lenders (Sweetingham, 2004b).

George Hansen

During the Christmas holiday season of 2004, 69-year-old Mary Anne Clibbery was bludgeoned to death in the head with a hammer by her business partner George Hansen. According to both the court record and police reports, prior to the murder, Hansen had misappropriated more than \$50,000 from the business that year.

Throughout 2004, as Clibbery's detection of financial irregularities increased, a series of incidents began to surface; apparent attempts at drug-laced food, arson, and tampering with car brakes lent support to Mary Anne Clibbery's suspicion that George Hansen was trying to kill her. One of the toxicology reports had determined a pink substance found in her coffee to be a sleep aid known as Zolpidem, a generic form of Ambien.

After the coffee incident, Clibbery revealed to her doctor and a police officer that she believed

her business partner had committed fraud and was trying to kill her. Witnesses who were interviewed after her murder stated that Clibbery had told them she suspected George Hansen was taking money from the business and that she had begun to fear for her safety ("People v. Hansen," 2004).

Eric Hanson

In this case, the defendant, Eric Hanson was charged with the murder of his mother, father, sister, and brother-in-law. According to the prosecution, the defendant is responsible for the theft of tens of thousands of dollars from his parents through forgery and identity-theft schemes.

After his sister discovered his fraud schemes, he threatened to kill her if she disclosed what she knew to their parents. The prosecution believes that the defendant killed as a means to avoid discovery for his fraudulent schemes. The parents had been shot in the head, and the prosecution claims that he carried the bodies to his sister's home where he killed both his sister and brother-in-law (Rozek, 2007).

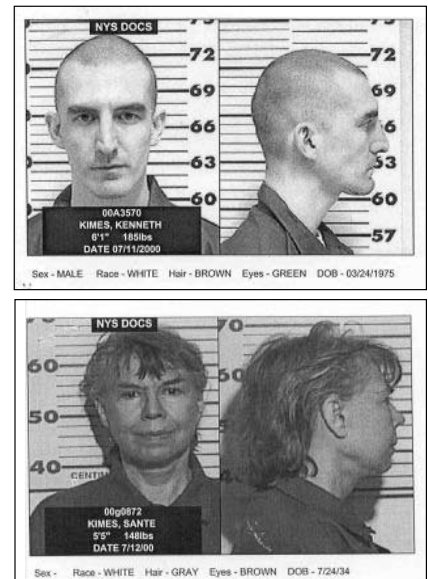
Comparison between the Russian Homicides and the American Homicides

In contrast to the American murders (Cases 1–22), the Russian murders (Cases 23–27) were largely committed on a contract basis, also known as "murder-for-hire." The contract killings are not to be confused with the criminal enterprise homicide sub-classification. It is the motive behind the contract killings that is the important differential.

The motive for the Russian murders is no different than the American murders: all had fraud detection as the motive to kill. The difference lies in the fact that in the majority of American murders, the red-collar criminal was, him- or herself, willing to commit the murder, while in the Russian murders, the red-collar criminal hired someone to do the killing.

The Russian murderers had the markings of skilled professionals who were capable of avoiding detection by developing and executing a murder plan with surgical precision. It is not a coincidence that such murders go unsolved. As stated by Russian prosecutors in the Klebnikov murder (Case 25), the killing was "carefully planned" (Yasman, 2004). To date, there is not even sufficient circumstantial evidence to bring a suspect to trial. In contrast, all of the American defendants in the study were found guilty of murder.

Furthermore, the foreign murderers go beyond silencing the victim that may have revealed their fraud. The murders were committed in such a way as to send a message to other potential vic-



▲ Sante Kime's and Kenneth Kime's mugshots

Both victims Klebnikov (Case 25) and Bolles (Adams and Dunlap, Cases 13 and 14) had been reporters investigating fraud; however, Bolles' death resulted in a conviction of murder for the defendants. It is quite improbable that the reporter in Case 25, Paul Klebnikov, will receive justice, since no suspect, or suspects, have been held responsible for the July, 2004, murder.

Today, the former Soviet Republic resembles a disorganized collection of organized crime fiefdoms, where it is highly unlikely that a contract killing would be properly investigated. Oleg Panfilov, director of the Moscow-based Center for Journalism in Extreme Situations stated, "When a journalist is threatened, he is threatened either in court or with death—either we will kill you or we will throw you in prison" ("Now, with Politovskaya's blood in the water," 2006).



The Role of Forensic Investigators in Uncovering Motive

Forensic accountants or fraud investigators should be considered part of all homicide investigation teams where the evidence infers that fraud detection may have been the motive for the murder. Given that occupational fraud alone, according to a recent report, has exceeded \$650 billion dollars (BackCheck, 2007), it is reasonable to infer that fraud-related murders are not an anomaly. Although other types of physical evidence may assist in developing possible suspects, these examiners may be in a unique position to uncover a motive that the physical evidence is unable to reveal.

Many of the cases revealed little in terms of motive until the Perri-RCM revealed evidence exposing an underlying fraud scheme that predated the murder. Furthermore, by uncovering fraudulent behavior that pre-dated the murder, forensic examiners may be able to narrow the potential field of suspects. Given the behavioral and accounting data presented in the Perri-RCM, the information presented in the Fraud Detection Homicide Investigation Profile (Appendix C) may prove beneficial to forensic accountants during an investigation.

The link to fraud detection has been crucial in establishing a motive for murder where the prosecution has had weak direct evidence, but supportive circumstantial evidence of guilt. The case facts reveal that the victims were in a unique position to detect fraud, which explains why they were the homicide targets. It would behoove forensic accountants to examine what areas of the victim's occupation or personal life would have placed them in a position to detect fraud.

Forensic accountants must attempt to put themselves in the victim's shoes and ask themselves what the victim knew that could have been considered threatening to someone; for example, "Did the victim do anything with his or her knowledge of the defendant's fraud activity that increased the probability that he or she would be a target of violence?" For example, in the Hansen, Porco, Bernal, Barajas, Johnson, Kimes, and Hanson cases, the victims had gone, or threatened to go, to the authorities and expose the fraud upon detection of the defendant's behavior.

In the George Hansen case, the victim-bookkeeper was in a unique position to observe financial irregularities. A forensic accountant would have discovered not only the fraud from the defendant's bank statements

tims who were in a position to detect and reveal fraud. The Perri-RCM notes that some of the Russian murders occurred in public, a distinction not evident in the American murders. The American murders appear to be restricted to silencing the intended victim without sending a message to anyone else (Perri & Lichtenwald, in press, b).

In the Kozlov murder (Case 27), the victim was gunned down in public where he and other co-workers were playing soccer in a stadium. As the Deputy Chairman of the Russian Central Bank, Andrei Kozlov played a leading role in efforts to stamp out white-collar crime in Russian banks. In 2002, he was quoted as saying, "I am being observed very closely and very seriously right now" (Chazan, 2006). The Perri-RCM notes that three out of five Russian murders were perpetrated against government officials.

The Perri-RCM further reveals the ineptitude of the American red-collar killers. The American murderers lacked skills in planning a murder that could not be connected to them (Perri & Lichtenwald, in press, b). For example, in both the Dyleski and Petrick cases, the prosecution uncovered written murder plans. Dyleski had written: "Knock-out/kidnap; Keep captive to confirm PINs; Dirty Work; Dispose of evidence; Cut up and bury" ("Court TV News," 2006). And in the Petrick case, the prosecution recovered a murder plan from the defendant's computer searches (Lewis, 2005b, c).

The data reveal certain behavioral traits that explain why red-collar criminals believe their white-collar crime skill-set can be duplicated as violent criminals, behavioral traits that are a result of their psychopathic natures. Most significantly, their illusions of grandeur hinder their ability to foresee the consequences of their behavior. The inability of the red-collar criminal to think through a plan that would take into account the potential risks of being caught and the evidence trail left behind is another hallmark of their behavior.

The judge presiding over one of the Sante Kimes cases stated, "Sante Kimes had grossly overestimated her own cleverness. The stupidity of a criminal keeping a to-do list added one more extraordinary note to this bizarre case" (King, 2002).

In further contrast to the American murders, the foreign killers left key forensic evidence behind to make it clear that the death was not an accident or some innocuous random act. In the Hovasapian murder (Case 26), the victim, the Head of the State Taxation Service, was in his vehicle when it exploded. The investigators found an explosive device planted under the passenger seat where the victim was seated ("Russia: High profile killings," n.d.). In Case 24, the victim, Kholodov, was a journalist specializing in exposing white-collar crime in the Russian Defense Ministry. After receiving certain information, he had gone to the Moscow train station to pick up a suitcase. Upon returning to his office, the suitcase exploded ("Russia: High profile killings," n.d.).

and the company records, but also a correlation between the defendant's fraud and attempts to silence the bookkeeper as her suspicions of fraud increased.

In the Christopher Porco case, the family members would have been in a unique position to detect fraud because their personal financial positions were being used by the killer to advance his schemes. In the Bernal (Case 6 & 7) and Barajas (Case 8 & 9) cases, the business owners were in a unique position to detect the fraud of their agent.

However, in the process of discovering a potential suspect, it may be necessary for the forensic investigator to consider whether the victim was involved in the underlying fraud. For example, in the Kimes and Johnson murders, the victims had been co-conspirators in the killers' fraud schemes.

Establishing Motive in the Prosecution of Fraud Detection Homicide

Many of the homicide cases in the Perri-RCM indicate that the red-collar criminals harbored an inflated belief in their own competencies, and in fact, the majority of them left a trail of evidence that clearly identified them as the killer. However, the link to each fraud detection was crucial in establishing a motive for murder when the prosecution had weak direct evidence, but supportive circumstantial evidence of guilt. Establishing fraud detection as a motive is especially important when the psychopath will attempt to use his or her lack of violent criminality as an advantage when the case against him or her may be entirely circumstantial.

For example, the defense attempted to use Scott Dyleski's (Case 2) non-violent, even gentle, background to suggest that he was not capable of such brutality (Sweetingham, 2006a, c; "Court TV News," 2006). Defendant Christopher Porco advanced the same philosophy: "A matter of dispute between my father and me was taken completely out of context and then multiplied by the police and the prosecution because they needed to invent a reason as to why a person who has never been violent in his entire life would randomly decide one day to partake in an unspeakable destruction of life" ("Transcript," 2006). Some of the jurors in the Porco murder were hesitant to find the defendant guilty given that he had no documented history of violence (Lyons, 2006).

Porco's statement is demonstrative of how he tried to use his non-violent background as a strategy to convince others that he was not capable of such acts. Porco attempted to "blend in" by creating the perception that he was like most normal people who have no violence in their backgrounds and who lack the ability to

commit such unspeakable violence. He went on to say, "By caving in to public pressure to hold the most convenient suspect responsible, the police deprived all of us the justice we are entitled to" ("Transcript," 2006). His ploy was clearly to craft the perception that if he had been denied justice, then all the people with whom he "blended in" would suffer the same fate, should they be charged with a crime. The red-collar criminal's resort to chameleon strategy is not unexpected (Perri & Lichtenwald, in press, a).

The prosecution must be cognizant of the fact that the defendant is attempting to bond with the jury by putting forward the message that "because I look like you, behave like you, and have no background in violence as you (the jury), I am not capable of such brutality." Though motive is not necessary to prove a murder case, without motive, the jury may have only a sterile circumstantial evidence case, which is one of the most difficult types of cases to prosecute, even when the circumstantial evidence is strong. Establishing a motive for the murder neutralizes the defendant's bonding strategy with the jury. A motive demonstrates the decision-making process that propelled the defendant to commit the heinous act.

Conclusion

Exhaustive review of cases where white-collar criminals were arrested and convicted for murder reveals that in each of the murder cases, fraud either preceded or occurred at the same time as the murder. The data gathered from the murder cases did not support the position that the killer had merely experienced a 'lapse' in moral judgment.

Although fraud detection may not be an apparent motive for a homicide, law enforcement and prosecutors would benefit from considering the detection of an underlying white-collar crime as a possible motive to commit homicide. It is suggested that homicide detectives consider either consulting with or including forensic accountants and certified fraud examiners as part of their investigation teams.

Further, the FBI *Crime Classification Manual* should offer an appropriate system for categorizing these murders for profiling reasons. For descriptive purposes, the 27 murder cases have been given the general classification of fraud-detection homicides and the perpetrators who meet the criteria of having committed a fraud-detection homicide have been classified as red-collar criminals. Other forensic examiners are welcomed to submit further findings and additions to the Perri-RCM. This matrix should be viewed as a work in progress.

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References

Addis, J. (1986). *Techniques for interviewing white-collar criminals*. The Union for Experimenting Colleges and Universities.

BackCheck. (2007). *Fraud statistics*. Retrieved September 10, 2007, from <http://www.backcheck.net/fraudstats.htm>

Belmore, M. F., & Quinsey, V. L. (1994). Correlates of psychopathy in a noninstitutional sample. *Journal of Interpersonal Violence*, 9(3), 339–349.

Bureau of Justice Statistics. (1981). *Dictionary of Criminal Justice Data Terminology*. Washington DC: U.S. Department of Justice Statistics.

Chazan, G. (2006, September 15). In Moscow, killing hurts bank reform. *Wall Street Journal*.

CNN. (2005, May 4). Inside the mind of a psychopath. Transcript of Larry King Live. *CNN.com*. Retrieved from <http://transcripts.cnn.com/TRANSCRIPTS/0505/04/lkl.01.html>

Court TV News. (2006, August 1). Testimony to begin in trial of 'Goth' teen accused of killing prominent lawyer's wife. *CNN*. Retrieved September 6, 2007, from http://www.courttv.com/news/horowitz/072606_scott_dyleski_ctv.html?page=2.

Cullen, F. T., Clark, G. A., Mathers, R. A., & Cullen, J. B. (1983). Public support for punishing white-collar crime: Blaming the victim revisited? *Journal of Criminal Justice*, 11, 481–493.

Douglas, J. E., Burgess, A. W., Burgess, A. G., & Ressler, R. K. (1992). *Crime Classification Manual*. Lanham, MD: Lexington Books.

Garner, B. A., & Black, H. C. (Eds.). (1999). *Black's law dictionary*. Eagan, MN: Westing Publishing Company.

Hare, R. D. (1993). *Without conscience: The disturbing world of the psychopaths among us*. New York: Guilford Press.

King, J. (2002). *Dead end: The crime story of the decade—murder, incest, and high-tech thievery*. New York: M. Evans.

Lee, H. K. (2006, September 27). Teenage killer sentenced to life without parole—Dyleski imitated his idol, Jack the Ripper, Judge says. *The San Francisco Chronicle*.

Lewis, J. (2005a, September 8). Robert Petrick indicted as habitual felon. *WRAL.com*. Retrieved from <http://www.wral.com/news/local/story/113054>

Lewis, J. (2005b, November 28). Petrick prosecutors to reopen case with new computer evidence. *WRAL.com*. Retrieved from <http://www.wral.com/news/local/story/122105>

Lewis, J. (2005c, November 14). Prosecution: Computers map out Petrick's plan to kill wife. *WRAL.com*. Retrieved from <http://www.wral.com/news/local/story/121815>

Lyons, B. (2006, August 17). Timeline, vet's words proved damning to Porco. *TimesUnion.com*. Retrieved from <http://www.timesunion.com/AspStories/storyprint.asp?StoryID=509058>

Lyons, B. (2005, November 18). Peter Porco slain and wife Joan critically injured. *TimesUnion.com*. Retrieved



from <http://www.timesunion.com/ASPStories/storyPrint.asp?StoryID=420939>

McDonald, R. (1998). *Secrets never lie*. New York: Avon Books.

Martens, W. H. J. (2003). Constructive functions of aggression in psychopaths. *Priory Metical Journals*. Retrieved from <http://www.priory.com/psych/socio.htm>

"Now, with Politovskaya's blood in the water, the feeding frenzy begins." (2006, October 12). *La RussoPhobe*.

People of the State of Illinois v. George Hansen, 04CF4214 (2004).

Perri, F., & Lichtenwald, T. (in press, a). The arrogant chameleons: Exposing fraud detection Homicide. *The Forensic Examiner*.

Perri, F., & Lichtenwald, T. (in press, b). A tale of two countries: International fraud-detection homicide. *The Forensic Examiner*.

Porco, C. (2005, November 15). Video-tapped interview transcript.

Ramsland, K. (n.d.) The bad and the ugly. *Crime Library*. Retrieved from www.crimelibrary.com

Rozek, D. (2007, May 2). Suspect in family slayings allegedly threatened sister. *Chicago Sun-Times*. Retrieved from <http://www.suntimes.com>

"Russia: High profile killings, attempted killings in the post-soviet period." (n.d.). *The Russian Political Weekly*.

Spalek, B. (1999). Exploring the impact of financial crime: A study looking into the effects of the Maxwell scandal upon the Maxwell pensioners. *International Review of Victimology*, 6, 213–230.

Stotland, E. (1977). White collar criminals. *Journal of Social Issues*, 33(4), 179–196.

Sweetingham, L. (2006a, August 23). Prosecutor: 'Insidious greed' spurred Scott Dyleski to bludgeon his neighbor to death. *Court TV News*. Retrieved September 6, 2007, from http://www.courttv.com/news/horowitz/082206_ctv.html.

Sweetingham, L. (2006b, September 28). Neglected boy grows up to take pleasure in killing. *Court TV News*. Retrieved September 7, 2007, from <http://www.cnn.com/law/center/webarchive/ctv.html>.

Sweetingham, L. (2006c, August 1). Jurors view horrendous crime-scene photos of the murder of prominent attorney's wife. *Court TV News*. Retrieved September 6, 2007, from http://www.courttv.com/news/horowitz/073106_ctv.html?page=1.

Sweetingham, L. (2004a, June 16). Witnesses recount being duped into bank loan scheme in Kimes murder trial. *Court TV News*. Retrieved from http://www.courttv.com/trials/kimes/061504_ctv.html

Sweetingham, L. (2004b, June 18). Kenneth Kimes tells jurors his mother put him up to the murder. *Court TV News*.

Transcript of Christopher Porco's Interrogation. (2005, November, 16). *TimesUnion.com*. Retrieved from <http://www.timesunion.com/specialreports/porco>.

Transcript of Christopher Porco's Sentencing. (2006, December 12). *TimesUnion.com*. Retrieved from <http://www.timesunion.com/specialreports/porco>.

Walters, G., & Geyer, M. (2004). Criminal thinking and identity in male white-collar offenders. *Criminal Justice and Behavior*, 31(3), 263–280.

Weisburd, D., Chayet, E. F., & Waring, E. J. (1990). White-collar crime and criminal careers: Some preliminary findings. *Crime and Delinquency*, 36, 342–355.

Wheeler, S., Mann, K., & Sarat, A. (1988). *Sitting in Judgement*. New Haven, CT: Yale University Press.

Yasmann, V. (2004, July 13). Analysis: American journalist Klebnikov gunned down in Moscow. *Radio Free Europe*. Retrieved from <http://www.rferl.org/featuresarticle/2004/07/aa80f4b4-d6ff-4852-965e-ac93e39b1c16.html> ■

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