FEATURE CLE - MINDhunter: THE REAL LIFE SILENCE OF THE LAMBS

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"To understand the artist look you must look at the artwork...to understand the criminal you must look at and study the crime itself"

- John Douglas

As an innovator at the FBI in the late 1970s, John Douglas developed new investigative techniques for hunting serial killers, sex offenders and other violent offenders. Advancing the use in investigations of the procedure known as criminal profiling, Douglas became widely recognized as its top authority. A mix of psychology, pattern recognition, and inductive/deductive reasoning, criminal profiling allows investigators to make educated guesses about suspects—sometimes accurately predicting their age, background, personality, and other identifying characteristics from the barest of clues. While leading the FBI's Investigative Support Unit, Douglas used profiling in numerous prominent cases.

An Air Force veteran with a doctorate degree in education, Douglas began as an FBI special agent in the Detroit and Milwaukee field offices in the early 1970s. Assigned to bank robberies and fugitive investigations, he spent time post arrest talking with offenders about their craft.

By 1977, convinced that investigators needed to understand the criminal mind better, he joined the FBI's Behavioral Science Unit at Quantico, VA. At 32 years of age he was the youngest instructor and his outlook was far from popular. The prevalent view of psychology and behavioral science was that they were nearly worthless for catching criminals, as he recalled in his memoir *Mindhunter: Inside the FBI's Elite Serial Crime Unit*. Douglas became Unit Chief of the Behavioral Science Unit, which was later changed to the Behavioral Analysis Unit. Douglas led his team at Quantico in uncomfortable research. From cult leader Charles Manson to the so-called "Son of Sam" serial killer David Berkowitz, the Unit interviewed serial killers, rapists, child molesters, assassins and other violent criminals.

Identifying patterns among their research subjects, Douglas' team believed that common traits, ages, habits, and other demographic detail could be used to construct accurate profiles of criminals simply from the evidence at hand. Everything from the location and appearance of a crime scene to the arrangement of a victim's body was relevant. They identified key characteristics of certain criminals, ranging from a personality afflicted with feelings of inadequacy to the tendency by some to indulge in fantasies.
One noteworthy use of Douglas’ techniques came in Atlanta, where 29 murders of African-American children began in 1979. In 1981, Douglas stunned investigators and the public with his theory that the killer was a young African-American male with a fixation on police culture and owned a German shepherd. Ultimately convicted of two of the crimes was Wayne Bertram Williams, a 23-year old black male who drove a surplus police car, and owned a German shepherd. Twenty-two of the other cases were closed by the Atlanta PD after the Williams' conviction; however, Douglas believed there were other killers responsible for some of the homicides.

Immersion in these cases has affected Douglas not only mentally, but physically as well. In 1983, Douglas nearly died from viral encephalitis while working in Seattle, Washington on "The Green River Murder" case. Doctors later attributed his illness as a result of the heavy workload he carried and dealing on a daily basis with crimes of violence. Although diagnosed with "post-traumatic stress disorder" Douglas continued to oversee 1,000 violent crime cases annually that both he and the 12 FBI profilers, who he affectionately referred to as "The Dirty Dozen," would work tirelessly on.

Since his retirement from the FBI in 1995 he has remained active as an author, speaker and independent investigator. His work on the 1996 JonBenet Ramsey murder case in Boulder, Colorado, led to a completely different conclusion than the police, district attorney and FBI theory and added to the national controversy over the crime. He has conducted extensive prison interviews with violent predators for various law enforcement agencies and parole boards. Douglas was a key member of the defense team whose efforts led to the release of the West Memphis Three; he conducted a complete analysis of the Meredith Kercher murder case in Perugia, Italy, concluding that Amanda Knox and Raffaele Sollecito were completely innocent. As a result of his work in West Memphis, director Peter Jackson engaged him to consult on *The Lovely Bones* and advise actor Stanley Tucci on playing a sadistic predator. Douglas is also prominently featured in Peter Jackson-Sony Classic Pictures documentary *West of Memphis*. And his book *Mindhunter* is currently under option with director David Fincher.
Behavior reflects personality. The best indicator of future violence is past violence. To understand the "artist," you must study his "art." The crime must be evaluated in its totality. There is no substitute for experience, and if you want to understand the criminal mind, you must go directly to the source and learn to decipher what he tells you. And, above all: Why + How = Who.1

The television crime drama Mindhunter premiered on streaming service Netflix on October 13, 2017.2 Following the actions of FBI agents Holden Ford and Bill Tench and psychologist Wendy Carr, the series provides a fictionalized account of how the technique of criminal profiling emerged from the agents’ interviews with imprisoned serial killers during the late 1970s. The character Holden Ford is loosely based on the life and professional experiences of retired FBI agent John E. Douglas as outlined in his book Mind Hunter: Inside the FBI's Elite Serial Crime Unit.3 As Douglas points out in the new introduction to Mind Hunter, much has changed since the book was originally published in 1995.4 Today's popular culture is full of books, television shows, and movies featuring law enforcement officers using criminal profiling skills to track down serial killers, both real and fictional, as the stars of the show.5 However, when Douglas received his probationary appointment to the FBI in November 1970,6 criminal psychology and behavioral science were barely on the Bureau's radar, let alone that of local law enforcement or the general public. "In fact, much of the FBI at that time, as well as the law enforcement world in general, considered psychology and behavioral science as they applied to criminology to be so much worthless bullshit."7 Through the advancements made by Douglas and his colleagues in the areas of investigation, crime classification, and behavioral science, law enforcement officers and prosecutors now have access to invaluable tools for identifying dangerous criminals and securing their convictions in court.

1 John Douglas and Mark Olshaker, Mind Hunter: Inside the FBI's Elite Serial Crime Unit, (Gallery Books 1995), at xxviii.


3 Id.

4 Mind Hunter at xiv.

5 Criminal Minds, Dexter, The Alienist, My Friend Dahmer, and The Assassination of Gianni Versace: American Crime Story are just a few examples from the last several years.

6 Mind Hunter at 46.

7 Id. at 85.
How It All Began: The Behavioral Science Unit

John Douglas first became interested in the area of criminal profiling while investigating bank robberies in Detroit early in his FBI career. Whenever I would arrest someone, I'd ask him questions, such as why he chose one bank over another or what made him select this particular victim. The more I questioned these guys, the more I came to understand that the successful criminals were good profilers. They each had a carefully thought through and well-researched profile of the type of bank they preferred. His first true exposure to the field of behavioral science began when he traveled to the FBI's Behavioral Science Unit (BSU) in Quantico, Virginia, for a two-week hostage negotiation course in 1975. The BSU was established at the FBI Academy in Quantico in 1972 and "developed techniques, tactics, and procedures that have become a staple of behavior-based programs that support law enforcement, intelligence, and military communities." Douglas recalls Agent Howard Teten, an instructor at the BSU who began teaching Applied Criminology in 1969, which was later renamed Applied Criminal Psychology. The big breakthrough of Teten's approach was how much you could learn about criminal behavior and motives by focusing on the evidence of the crime scene. In some ways, everything we've done in behavioral science and criminal investigative analysis since then has been based on this. It was during this time that Douglas became familiar with instructor and Special Agent Robert Ressler, who would later join him in conducting the serial killer study that serves as the focus of Mindhunter's first season. Ressler served as the inspiration for the character Bill Tench in the Netflix series. Douglas was also exposed to the gruesome details regarding killer Ed Gein, who began his criminal career robbing graves in Wisconsin and was later accused of murdering two women. In recalling images from photos taken inside Gein's home, Douglas "began

8 Id. at 56.
9 Id.
10 Id.
11 Id. at 84-85.
13 Id. at 86.
14 Id.
15 Id. at 87.
17 Id. at 92-93. Gein, who used the skin from dead bodies to make furnishings for his home and to create his own "woman suit," served as the inspiration for characters in the films Psycho, Silence of the Lambs, and Texas Chainsaw Massacre. Id. at 92.
speculating as to what they said about the person who had created them, and how that knowledge could have aided in his capture.”

Douglas officially joined the BSU in June 1977. Nine special agents were assigned to the unit, mainly acting as instructors to FBI personnel and National Academy students in courses such as applied criminal psychology, sex crimes, sociology and psychology. They also provided informal consulting on cases upon request from individual law enforcement officials, but there was no organized profiling program in existence at that time. "What normally happened is that a graduate of the NA course would call Teten or Mullany to talk about a case he was having trouble with." The BSU also conducted "road schools," where instructors from Quantico would travel to local police departments and academies throughout the U.S. teaching the same courses in a compressed format to local law enforcement officers. While conducting a road school in Sacramento in 1978, Douglas came up with the idea that he and Ressler should interview convicted killers during their down time from teaching. His plan was to "ask them why they did it, find out what it was like through their eyes."

"It occurred to me that the only way to figure out what had happened at a crime scene was to understand what had gone on inside the head of the principal actor in that drama: the offender. And the only way to find that out, so we could apply the knowledge to other scenes and other crimes, was to ask him. Amazingly, with all the research that had been done in criminology, no one had attempted that before in any but the most casual and haphazard way."

Douglas boils down his original goal in studying these criminals into a simple equation: Why? + How? = Who. By providing law enforcement with "some insight into the process. . . of how violent offenders actually decide to commit crimes and why. . . where the motive comes from – then we could [point] investigators toward. . . the ultimate question: Who?" Douglas and Ressler initially conducted informal interviews with a half

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18 Id. at 93.
19 Id. at 99.
20 Id.
21 Id. at 100.
22 Id. at 101.
23 Id. at 102.
24 Id. at 104.
25 Id.
27 Id. at 17.
28 Id.
dozen killers and attempted killers including Ed Kemper,29 Sara Jane Moore, Lynette "Squeaky" Fromme,30 and Charles Manson.31

In 1978, the FBI Director gave formal approval for BSU instructors to provide psychological profiling consultation to state and local law enforcement and National Academy graduates.32 Thereafter, BSU agents began receiving an increased number of requests for criminal profiles from local police departments. "In 1979, we'd received about fifty requests for profiles, which the instructors tried to handle between their teaching responsibilities. By the next year, the caseload had doubled and would double again the next."33 Douglas began devoting less time to teaching and more time to coordinating submission of cases from local departments.34 "What had been an informal service without official sanction was developing into a small institution. I took on the newly created title of 'criminal-personality profiling program manager'" working with FBI field offices throughout the U.S.35

A colleague introduced Douglas to Dr. Ann Burgess, a professor of psychiatric mental-health nursing, who offered to work with Douglas and Ressler in organizing the research gleaned from their informal interviews "into a systemized, usable framework."36 "She thought we could contribute toward understanding criminal behavior in the same way DSM – the Diagnostic and Statistical Manual of Mental Disorders – had toward the understanding and organization of types of mental illness."37 Dr. Burgess was the inspiration for the Mindhunter character Wendy Carr.38 Based on the findings from Douglas and Ressler's informal prison interviews, Dr. Burgess applied for and received a $400,000 grant from the National Institute of Justice for a formal study of incarcerated offenders.39

29 Mind Hunter at 104. Kemper was convicted of eight counts of first degree murder for kidnapping and killing college coeds in the Santa Cruz, California area in the early 1970s. Id.

30 Id. at 117. Moore and Fromme had each tried to assassinate President Ford. Id.

31 Id. at 118. Manson's followers were responsible for the infamous Tate-LaBiana murders in Los Angeles in 1969. Id. at 120.

32 Id. at 166.

33 Id. at 123.

34 Id. at 124.

35 Id.

36 Id. at 124.

37 Id. 124-125.


39 Mind Hunter at 125.
The goal was to exhaustively interview thirty-six to forty incarcerated felons and see what kinds of conclusions we could draw. With our input, Ann developed a fifty-seven page instrument to be filled out for each interview. Bob would administer the grant and be the liaison with NIJ, and he and I, with help from agents in the field, would go back into the prisons and face the subjects. We would describe the methodology of each crime and crime scene, and study and document the pre and postoffense behavior, Ann would crunch the numbers, and we'd write up our results. We expected the project to take about three or four years.

And in that time, criminal-investigative analysis came into the modern age.\textsuperscript{40}

The study's goals involved discovering the following:

1. What leads a person to become a sexual offender and what are the early warning signals?

2. What serves to encourage or to inhibit the commission of his offense?

3. What types of response or coping strategies by an intended victim are successful with what type of sexual offender in avoiding victimization?

4. What are the implications for his dangerousness, prognosis, disposition, and mode of treatment?\textsuperscript{41}

By 1983, the team had studied 36 incarcerated individuals and collected data from 118 of their victims.\textsuperscript{42}

Out of the study came a system to better understand and classify violent offenders. For the first time, we could really begin to link what was going on in a perpetrator's mind to the evidence he left at the crime scene. That, in turn, helped us to hunt them more efficiently and catch and prosecute them more effectively. It began to address some of the age-old questions about insanity and "what type of person could do such a thing?"\textsuperscript{43}

In 1988, the team compiled their findings from the study into a book, \textit{Sexual Homicide: Patterns and Motives}.\textsuperscript{44}

\textsuperscript{40} Id. at 125.

\textsuperscript{41} Id. at 126-127.

\textsuperscript{42} Id. at 153.

\textsuperscript{43} Id.

\textsuperscript{44} Id.
Analyzing the Results: A Journey into the "Heart of Darkness"

Douglas and his colleagues found that most violent serial offenders share several traits in common, one of the most important being a need for "manipulation, domination, and control."45 "What motivates many, if not most, of these guys... is a desire for power and control that comes from a background where they felt powerless and out of control."46 For most, this stems from an unstable, poor, abusive, or otherwise dysfunctional family background, which produces "a severe lack of self-worth and self-confidence."47 "Everything they do and think about... [is] directed toward assisting them in filling their otherwise inadequate lives."48 Most convicted sexual predators have a relatively high IQ score.49 The team also identified three common youthful behaviors that have become known as the "homicidal triad:" bed-wetting beyond an appropriate age, fire starting, and cruelty to animals or smaller children.50 "[T]he combination of the three was so prominent in our study subjects that we began recommending that a pattern (rather than isolated incidences) of any two of them should raise a warning flag for parents and teachers."51

The role of fantasy also plays a tremendous part in the development of serial rapists and murders, starting in childhood. "First there is fantasy of overcoming the problems of his life: the pain and the failure."52 These fantasies take on a sexual component as the offender grows older.

The sexual fantasies that interview subjects recalled from adolescence ran the gamut, but it was notable how many involved violence, sadomasochism, bondage, and other domination-and-control-related scenarios. As early indicative behaviors, 79 percent of the men in our study reported what they described as compulsive masturbation, 72 percent said they were active Peeping Toms (or voyeurs), and 81 percent described active and regular involvement with pornography.53

Eventually, these offenders experience "a several-step escalation from fantasy to reality, often fueled by pornography, morbid experimentation on animals, and cruelty to

45 Crime Classification Manual, at 68.
46 The Anatomy of Motive, at 28.
47 Id. at 25.
48 Crime Classification Manual, at 68.
49 The Anatomy of Motive, at 25.
50 Id. at 37.
51 Id.
52 Id. at 31.
53 Id. at 32.
peers.\textsuperscript{54} "Most violent crime careers have a quiet, isolated beginning within the offender's imagination. . . . When the offender translates these fantasies into action, his emotional needs compel him to exhibit violent behavior during the commission of a crime."\textsuperscript{55} These incidents happen after a "triggering event or incident – what we came to call a stressor."\textsuperscript{56} Anything can be a stressor, but Douglas notes the two most common are loss of employment and the end of a relationship.\textsuperscript{57}

In his book, \textit{Mind Hunter}, Douglas describes Jerome Brudos as "a near classic example of an offender who begins with innocuous activities and escalates progressively."\textsuperscript{58} When he was five, Brudos took home a pair of high heels he found at the dump. When his mother found them, she made Brudos burn them as punishment.\textsuperscript{59} He escalated to breaking into homes to steal women's shoes and underwear by age sixteen.\textsuperscript{60} His actions further escalated to assault when he began choking women he confronted in their homes during the thefts.\textsuperscript{61} In 1968, Brudos bludgeoned and strangled a 19-year-old woman who knocked on his door to sell encyclopedias.\textsuperscript{62} He killed three other women over the next several months before he was arrested after being identified by other women he tried to approach.\textsuperscript{63} Douglas writes,

\begin{quote}
What we see clearly in Jerome Brudos, along with this textbook escalation of activities, is a continual refinement of the fantasy. . . . an obsession with and "improvement" of the details from one crime to the next and one level of activity to the next.
\end{quote}

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First he just steals from clotheslines, then he stalks women who are wearing high heels and breaks into empty houses, then gets bolder and is willing to confront occupants. . . . He doesn't kill until a victim of opportunity happens to ring his doorbell. But once he's killed her and realizes the satisfaction, he's moved to do it again and again, each time stepping up his mutilation of the corpse.\textsuperscript{64}

\textsuperscript{54} \textit{Crime Classification Manual}, at 68.

\textsuperscript{55} \textit{Id.} at 30.

\textsuperscript{56} \textit{Mind Hunter}, at 142.

\textsuperscript{57} \textit{Id.}

\textsuperscript{58} \textit{Mind Hunter}, at 137.

\textsuperscript{59} \textit{Id.} at 135.

\textsuperscript{60} \textit{Id.}

\textsuperscript{61} \textit{Id.}

\textsuperscript{62} \textit{Id.}

\textsuperscript{63} \textit{Id.}

\textsuperscript{64} \textit{Id.} at 137-138.
Douglas notes that when examining a series of escalating crimes, law enforcement should examine the early crimes to determine where the perpetrator may live.65

When they're starting out, the offenders will operate within their own 'comfort zone,' which usually means close to where they work or live. . . . If they continue to be successful, then they start to feel they know what they're doing and they can get more elaborate . . . [and] venture farther and farther away from their own zone of confidence.66

The agents also identified a common desire among offenders to work with police, noting that "frequently serial offenders had failed in their efforts to join police departments and had taken jobs in related fields, such as security guard or night watchman."67 In addition, they may frequent the bars and restaurants where law enforcement officers spend their time away from work.68 "Now, because of what we've learned, we routinely consider the likelihood that a subject will attempt to insinuate himself into the investigation."69

Douglas emphasizes the distinction between an offender's *modus operandi* and his *signature*, a term he created to describe "the one element or set of elements that made the crime and the criminal stand out, that represented what he was."70 The offender's *modus operandi*, or MO, comprises "what the perpetrator does to commit the crime."71 He describes MO as "dynamic – that is, it can change as the perpetrator progresses in his criminal career and realizes that one action or technique works better for him than another."72 For example, victim response can provoke change in the offender's MO. "If a rapist has problems controlling a victim, he will modify his MO to accommodate and overcome resistance" by using restraints, a weapon, or by immediately incapacitating the victim.73 "True signature, on the other hand, is the aspect of the crime that emotionally fulfills the offender, and so it remains relatively the same."74 Signature "goes beyond the actions necessary to perpetrate the crime – the MO – and points to the unique personality of the offender."75 For example, a bank robber in Texas forced the

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65 *The Anatomy of Motive*, at 57.
66 *Mind Hunter*, at 57-58.
67 *Id.* at 111.
68 *Id.* at 112.
69 *Id.*
70 *Id.* at 62.
72 *Id.*
73 *Id.* at 24.
74 *The Anatomy of Motive*, at 58.
tellers to undress during a robbery and then made them pose in sexually suggestive positions while he took pictures. "He felt compelled to enact the ritual of posing . . . and taking pictures, leaving his signature on the crime."77

The team also made a key distinction between offenders who are organized, disorganized, and those who exhibit a mixed pattern of behavior.78 For example, in sexual homicides, the term "organized" is used to describe the offender when "an assessment of the criminal act itself, comprehensive analysis of the victim, crime scene (including any staging present), and evaluation of forensic reports" shows the offender planned the murder, targeted the victim, and displayed control of the crime scene.79 The term "disorganized" references "[t]he unplanned, spontaneous nature of the disorganized perpetrator's crime" and "may be the result of youthfulness of the offender, lack of criminal sophistication, use of drugs and alcohol, or mental deficiency."80

Putting Results to Work: Criminal Profiling and Crime Classification in Practice

After examining the study's results, the Behavioral Science Unit used the information to further refine its process of crime analysis known as profiling.

Investigative profiling is best viewed as a strategy enabling law enforcement to narrow the field of options and generate educated guesses about the perpetrator. It has been described as a collection of leads, as an informed attempt to provide detailed information about a certain type of criminal, and as a biological sketch of behavioral patterns, trends, and tendencies.81

"Criminal investigative analysis, also called criminal profiling, is the overall process whereby crimes are reviewed in their totality from a behavioral and investigative perspective."82 "Everything we see at a crime scene tells us something about the unknown subject – or UNSUB, in police jargon – who committed the crime."83

In Mind Hunter, Douglas recalls that by the early 1980s, he was "handling upward of 150 cases a year and was on the road an equal number of days."84 "As our work and results

76 Id. at 26.
77 Id.
78 Mind Hunter, at 133.
80 Id. at 212.
81 Id. at 116, internal citations omitted.
82 Id. at 117.
83 Mind Hunter, at 14.
84 Id. at 178.
became known, requests for assistance were pouring in from all over the United States and many foreign countries."\(^{85}\) He describes the work as follows:

> What we try to do is assist local police in focusing their investigations, then suggest some proactive techniques that might help draw a criminal out. Once they catch him – and again, I emphasize they, not we – we will try to formulate a strategy to help the prosecutor bring out the defendant's true personality during the trial.\(^{86}\)

He notes that his unit could not become involved with a case unless asked by the law enforcement agency with primary jurisdiction, whether it was a local police department or even the FBI.\(^{87}\) "[T]he area in which we were the most helpful was in narrowing down lists of suspects and directing the investigation into a tighter focus."\(^{88}\)

One such case in which Douglas was heavily involved concerned the Atlanta child murders, which began in 1979.\(^{89}\) By September 1981, the number of murders and disappearances in the Atlanta area had grown so high that Mayor Maynard Jackson asked the White House to direct the FBI to conduct a major investigation.\(^{90}\) Concerned with jurisdiction, Attorney General Griffin Bell thereafter directed the FBI to investigate whether the children who were still missing were being held in violation of the federal kidnapping statute.\(^{91}\) While Douglas and his partner thought the crimes were being committed by more than one person, they profiled the main perpetrator as a single, black male, between the ages of 25 and 35.\(^{92}\) He would be a police buff who would try to insinuate himself into the investigation, and would be sexually attracted to the young male victims.\(^{93}\) The perpetrator would con the victims to gain their interest initially, and would feel compelled to kill them when they rejected him after his failure to live up to the con.\(^{94}\)

Wayne Williams, a 23-year-old black man, was arrested for the crimes following police surveillance of his home conducted after he was pulled over near the Chattahoochee River where one of the victim's bodies was dumped.\(^{95}\) He fit Douglas' profile in every

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\(^{85}\) Id.
\(^{86}\) Id. at 20.
\(^{87}\) Id. at 160.
\(^{88}\) Id. at 167.
\(^{89}\) Id. at 211.
\(^{90}\) Id. at 213.
\(^{91}\) Id.
\(^{92}\) Id. at 217.
\(^{93}\) Id.
\(^{94}\) Id.
\(^{95}\) Id. at 226-227.
major respect. After obtaining a warrant, police found hair and fibers in Williams' car and home linking him to twelve of the murders. Williams' trial began in January 1982. Douglas notes that if that trial were held today, he would be able to testify regarding MO, signature, and case linkage, and if there was a conviction, he could testify at sentencing regarding Williams' risk of being dangerous in the future. However, "in 1982, what we did hadn't yet been recognized by the courts, so I could only advise on strategy." Instead, Douglas helped the prosecutor break through Williams' facade on the witness stand. He advised counsel to first "keep the pressure" on Williams and "sustain the tension by going through every aspect of his life." Then, counsel should "[m]ove in close, violate his space, and catch him off guard. Before the defense has the opportunity to object, ask him in a low voice, 'Did you panic, Wayne, when you killed these kids?'" Douglas describes the scene as the prosecutor followed his instructions:

The gray-haired, gray-suited Mallard methodically goes through his whole life, then at the right time, he goes in close, puts his hand on Williams' arm, and in a low, methodical south-Georgia drawl says, "What was it like, Wayne? What was it like when you wrapped your fingers around the victim's throat? Did you panic? Did you panic?"

And in a weak voice of his own, Williams says, "No."

At this point, Williams realized he'd been tricked and began ranting on the witness stand. Douglas describes the moment as "the turning point of the trial." "For the first time, [jurors] had seen the other side of Wayne Williams. They could see the metamorphosis before their eyes... [and] understand the violence of which he was capable." On February 27, 1982, Wayne Williams was found guilty of two counts of murder. He was sentenced to two consecutive life sentences. Douglas describes the case as "a decisive turning point for our unit. We put ourselves on the map, proved the value of

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96 Id. at 227.
97 Id. at 228 and 234.
98 Id. at 231.
99 Id.
100 Id.
101 Id. at 236.
102 Id.
103 Id. at 236-237.
104 Id. at 237.
105 Id.
106 Id. at 238.
107 Id.
what we could do, and in the process achieved instant credibility throughout the law enforcement community worldwide..." \(^{108}\) He notes profiling was first used to support a search warrant in 1983. \(^{109}\)

Douglas outlines the various ways profiling can aid law enforcement and prosecutors in finding criminals and securing convictions.

Traditionally, to get a successful prosecution and conviction in a murder case, you've needed conclusive forensic evidence, eyewitness accounts or a confession, or good, strong, circumstantial evidence. Now, from our work in behavioral profiling. . . there is another arrow in the police's and prosecutor's quiver. In and of itself, it's not usually enough to convict. But taken together with one or more of the other elements, it can often link various crimes together and be just what is needed to put a case over the top. \(^{110}\)

The profiler's work in establishing the offender's motive is very important. Douglas states "most prosecutors will tell you that unless they can show a jury a logical motive, they're not going to get an appropriate verdict..." \(^{111}\) "Juries often have a difficult time convincing themselves that someone committed a particularly heinous act if they can't figure out what the motive was." \(^{112}\) Profilers are also available to act as expert witnesses if defense counsel calls a psychiatrist or psychologist to help mitigate the offender's culpability or intent. \(^{113}\) In addition, profiling can also uncover "behavioral clues to motive" that officers can "work with to push [an] UNSUB ultimately into giving himself or herself away." \(^{114}\)

By the mid-1980s, the BSU was divided into the Behavioral Science Instruction and Research Unit and the Behavioral Science Investigative Support Unit. \(^{115}\) In 1985, the National Center for the Analysis of Violent Crime (NCAVC) was established to include the Behavioral Science and Investigative Support Units \(^{116}\) and VICAP, \(^{117}\) the Violent Criminal Apprehension Program. \(^{118}\) The initial plan for VICAP was created by LAPD

\(^{108}\) Id. at 239.

\(^{109}\) Id. at 258.

\(^{110}\) Id. at 276.

\(^{111}\) Id. at 18.

\(^{112}\) The Anatomy of Motive, at 82.

\(^{113}\) Id. at 85.

\(^{114}\) Id. at 121.

\(^{115}\) Id. at 403.

\(^{116}\) Id. at 398.

\(^{117}\) Id.

\(^{118}\) Crime Classification Manual, at 69.
officer Pierce Brooks in 1981. He envisioned creating a program "designed to integrate and analyze, on a nationwide basis, all aspects of the investigation of a series of similar pattern deaths by violence, regardless of the location or number of police agencies involved." VICAP went online in May 1985 as a part of the newly created NCAVC.

In the late 1980s, agents from the Investigative Support Unit and the Behavioral Science Unit joined to begin work on a crime classification system using the Diagnostic and Statistical Manual of Mental Disorders (DSM) as a guide. The first edition of the Crime Classification Manual (CCM), written by John Douglas, Ann Burgess, Allen Burgess, and Robert Ressler, was published in 1992. Douglas writes "[w]ith CCM, we set about to organize and classify serious crimes by their behavioral characteristics and explain them in a way that a strictly psychological approach such as DSM has never been able to do." The CCM outlines its purpose as follows:

1. To standardize terminology within the criminal justice field;
2. To facilitate communication within the criminal justice field and between criminal justice and mental health;
3. To educate the criminal justice system and the public at large to the types of crimes being committed; and
4. To develop a database for investigative research.

The CCM "makes explicit crime categories that have been used informally and attempts to standardize the language and terminology" used by law enforcement by classifying "critical characteristics of the perpetrators and victims of major crimes . . . based on the motivation of the offender." For crimes with multiple possible motives, the CCM classifies the offense "according to the predominant motive." The third edition categorizes crimes into five major categories: homicide, arson/bombing, rape and sexual assault, non-lethal crimes, and computer crime.

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119 Id.
120 Id. at 70.
121 Id.
122 Id. at 118.
123 Mind Hunter, at 377.
124 Id.
126 Id. at 9.
127 Id. at 10.
128 Id. at 17.
Homicide was first classified in the Uniform Crime Reports, prepared by the FBI in conjunction with the U.S. Department of Justice. A system for classifying homicides by number of victims, type, and style was first published by Douglas, Ressler, Burgess and Hartman in 1986. The terms single murder, double murder, and triple murder, are fairly self-explanatory. Mass murder is defined as the "[u]nlawful killing of four or more victims by the same offender(s) acting in concert, at one location in a single continuous event that may last minutes, hours, or days." The CCM cites the 2007 murders at Virginia Tech University as an example of mass murder. Spree murder "is a historical term defined as a single event with two or more locations and no emotional cooling-off period between murders. The single event in a spree murder can be of short or long duration." Serial murder was initially defined as three or more separate events in three or more separate locations with an emotional cooling-off period between homicides. The term cooling-off is now considered a historical term." Congress provided a formal definition for "serial killings" in the Protection of Children from Sexual Predators Act of 1998 as a way of establishing when the FBI could assist local law enforcement with investigating serial murder cases. The act defined "serial killings" as:

a series of three or more killings, not less than one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.

In 2005, a FBI symposium defined serial murder as "the unlawful killing of two or more victims by the same offender(s), in separate events." The CCM now classifies spree murder as a subcategory of serial murder. It estimates that "[a]t any given time, there are between 35 and 50 serial killers in the United States. . . About a dozen serial killers are arrested each year."
Where We Are Today

John Douglas became unit chief of the Behavioral Science Investigative Support Unit in 1990. His first act as unit chief was to change the unit’s name to simply the Investigative Support Unit. "[W]hen people asked me why, I told them, quite frankly, I wanted to take the BS out of what we were doing." Douglas retired from the FBI in 1995, and now provides pro bono assistance to police and victims of violent crime as a consultant. The group of FBI profilers is now named the Behavioral Analysis Unit, or BAU, a term familiar to fans of the CBS show Criminal Minds. The BAU is split into BAU-1, which handles terrorism threats; BAU-2, which handles crimes against adults; BAU-3, which handles crimes against children; and the Behavioral Research Group. The BAU remains a part of the NCAVC along with VICAP, which "maintains the largest investigative repository of violent crime cases in the United States." Since 2008, VICAP has made its database available online to all law enforcement agencies, allowing real time access and the ability to enter and update cases directly into the database. "VICAP analysts, as part of the Highway Serial Killings Initiative, have created a map of over 500 cases that mark where bodies have been found along highways over the past 30 years." None of these advancements would have been possible without the hard work of John Douglas, Ann Burgess, Robert Ressler, and the multitude of other agents and law enforcement officers involved in categorizing and solving violent crime across the globe over the last four decades.

[!]If you want to understand the artist, look at his work. That’s what I always tell my people. You can’t claim to understand or appreciate Picasso without studying his paintings. The successful serial killers plan their work as carefully as a painter plans a canvas.

– John Douglas

139 Mind Hunter, at 404.
140 Id.
141 Id. at 86.
142 Crime Classification Manual, at 545.
143 Mind Hunter, at xiii.
144 Crime Classification Manual, at 78.
145 Id. at 79.
146 Id.
147 Id.
148 Mind Hunter, at 116.