

## **Gary Dias: Death Investigation October 20, 2010**

Gary is a retired Honolulu police detective, now the manager of Security at Queen's Hospital. He has authored three books: *Honolulu Cop*, *Honolulu Homicide* and *Honolulu CSI*. Gary entered the Honolulu Police Department (HPD) in 1971 as a foot patrol officer and retired in 1998 as a major. During his 27 years there he served in nearly every capacity. His last six years, as a lieutenant he headed the Homicide Detail as well as the Hostage Negotiating Team. His special training included seminars in Albany, NY with the New York State Police and in Quantico, VA, at FBI Headquarters. He is also a board-certified forensic examiner in crime scene investigation. Today he is also a crime scene lecturer and teaches classes at Hawaii Pacific University in Criminal Investigation; University of Hawaii in Disaster Management; and Chaminade University of Honolulu in Criminal Justice Management.

*Honolulu Cop* tells about his career in HPD. At first he ran into a stumbling block. In Photo Archives, anybody can obtain a copy of a photo. But when he retired, they wouldn't allow him to get photos because the new HPD chief, Lee Donahue, heard he was writing a book and worried that he would expose the failings of the HPD (Gary eventually got the photos). In *Honolulu Cop* he does discuss problems, including police suicides, plus mistakes made and paid for.

Gary electrified us with vivid stories of actual cases from his experience, as well as technical crime scene information. He held us willing captives and we could have listened for another hour! To reach Gary, call him at Queen's Hospital Security Department.

### **Gary's Speech**

Homicide is not a word for murder. It's just a generic term for the death of one person caused by another. There are 4 types of homicide:

#### 1. Intentional Homicide: Murder

- a. Murder One—Intentionally and knowingly taking the life of another.
- b. Murder Two—Killing in the heat of passion.

#### 2. Reckless

- a. Manslaughter One—Unintentional killing of a person during the commission of a felony. Case: A man indiscriminately shoots off a gun outdoors, a bullet enters a home and kills a sleeping baby.
- b. Negligent Homicide—Unintentional killing, such as DUI or other auto-related.

#### 3. Accidental Death

- a. Negligent Homicide. Recklessness. It could have been avoided.
- b. Pure accident. (Could not foresee.)

#### 4. Suicide

Assisted Suicide. Hawaii recognizes this as a crime that would result in a manslaughter conviction, even if done in the name of compassion and love.

How is HPD organized? It's divided into twelve geographic areas (this was the organization during his tenure) and grouped in specialty divisions such as traffic, robbery, homicide, forensics, security, etc. Honolulu Homicide is organized into eight rotated teams of two. One team member acts as the interrogator of suspects, witnesses, etc. The other team member acts as forensics investigator. Their roles and responsibilities may be exchanged in other cases. The detectives are responsible for getting as much information as possible before turning the body over to the Medical Examiner. Once it is turned over to the ME, the police lose control of the body and the evidence. The crime scene develops from outside in and from the floor up. The body is the last thing they process. Gary says the title of lieutenant in charge "doesn't mean much. It's the two detectives who do the investigating. I was on the dumb end of the measuring tape."

Success Rate: While admitting that there were still thousands of unsolved cases left on the books, in the six years Gary spent in Homicide, the Honolulu police had a 90 to 100% percent solved rate one year and a 100% percent conviction rate that year. He attended every one of the cases as the Homicide lieutenant, working always in aloha shirt and khakis.

What is self-defense? The key condition is that you must be threatened with deadly force. Example: You hear a noise and go into the kitchen and know someone is outside at the open window. You take a skillet, reach out the window, and slug the person on the head, cracking his skull. That is not self-defense because you were not threatened with deadly force. Example: If an intruder comes into your house, you cannot shoot him or stab him unless he threatens you with deadly force first. The first thing a victim should attempt to do is turn and run away.

A self-defense case: A store clerk is stabbed by an intruder/burglar. He removes the knife from his chest and stabs the intruder, killing him. When the police arrive, all they see is blood on the clerk's chest and handcuff him. But then they see the dead body behind the counter with the knife in his chest. They remove the clerk's handcuffs and call the death self-defense.

Automobile cases. Prosecutors sometimes make mistakes. Case: A car accident where a family is at a red light in Whitmore Village and a Honda Civic slams into the car from the rear so hard that the two babies in the back seat are ejected from the car and killed instantly. Brought a manslaughter conviction. Case: A car negligently hits a woman's vehicle, her husband is killed and she's left a paraplegic. Prosecutor: Not homicide because there was only one person in the car! Totally illogical.

The police learn never to Mirandize someone (read him his rights) before the detectives interview him. Also, if you read him his rights first, he'll instantly demand a lawyer, who will tell him to shut up.

Case: Twenty years ago, two elderly lifelong friends who were living together. Neighbors complained of loud noise and arguments. Building Security came. One resident opened the door. Security saw the other elderly man on the floor and yelled "Are you okay?" The man responded

“Yeah, I’m okay.” A week later neighbors complained of a smell emanating from the apartment. Building Security returned and saw the same guy still on the floor, his body stinking. Security called police and then started to question the other resident, who said, “I want an attorney.” When the police arrived they weren’t allowed to interrogate him. The dead man had been moved. They could tell because he was lying on his stomach. But lividity (livor mortis, the pooling of blood toward gravity) was on his backside. (Lividity starts at the top of the body.) Also, the tip of his penis was gone. That was evidence that violence had been committed against the victim. His penis looked like a bitten-through banana; they began searching for the missing tip that would have teeth marks. The ME classified it as a natural death, a heart attack. Gary tried to get the information across—that this was a homicide. What caused his heart to stop? Was it a fight? It should have been manslaughter.

Case: A rich man went out for walk. He was known to always carry \$500-\$1000 in his pocket. He was found dead with his mouth taped and hands taped behind his back. The roll of masking tape was in his pocket, the same tape used to bind him and gag him. Detectives determined that the perp had no intent to kill him, just rob him. What happened to the victim? Did he have a heart attack? The ME called it a natural death, a heart attack—a common and natural result at the age of the victim. Gary challenged the ME. How could it have been natural with the man taped up? A likely scenario: The man knew he would be mugged. He had cancer and didn’t want to commit suicide because then the insurance company wouldn’t pay the benefit to his wife. Gary pressed the ME to classify it as manslaughter (and got reprimanded for name-calling). The ME amended it to suicide.

Luminol: a powerful new tool to detect blood. Evidence of dried blood can last a long time. But wet blood decomposes quickly.

Case: HPD detectives were sent to the scene of what was termed a high-profile kidnapping after five years. The case was considered high-profile because of mistakes made by police. A dancer had gone missing from a dance hall: Diane, a young woman weighing about 100 pounds, wearing clothes including a bright shawl. She was reported missing. The Honolulu police made a huge mistake at the beginning. The officer came into the dance hall and asked if she was there. They said no, so he left. If he had persisted, he would have found evidence. The first search uncovered nothing. However, when detectives learned that the bathroom floor was replaced immediately after the kidnapping, Gary had the tile flooring removed. Under the tiles, using Luminol, they discovered a cross-hatched pattern of blood; it had seeped through the original tile grouting. In searching the building grounds, one team member pulled up a suspicious dead banana tree (he himself grew bananas and knew this looked wrong) and uncovered a plastic bag containing the victim’s dance clothes, including her bright shawl. Another team member discovered a distinct bluish color in a rock wall. Against his supervisor’s orders, Gary told his crew to take down the rock wall. They dug up a cache with forensic debris. Borrowing a forensic anthropologist from the military (the U.S. Army Recovery Team), they learned that the cache once held the body of interest. The body was thought to have been disposed of in the swamp behind the house some time between the two searches.

Case: A girl 16-17 years old. From Maui, living on Oahu, her parents going through a divorce.

She attended Pearl City High School and was abducted from a bus stop on Waimano Home Road. A female body was found at Eva Beach in a dumpster, very decomposed, with no identification. There were semicircular injuries around the mouth. Maggots covered the body. Gary is always aware that *this is somebody's child*. He evokes the principle of *kinaole*, Hawaiian for doing the right thing at the right time for the right reason—the first time. He quoted Henry Ford: “Excellence is doing the right thing when no one is looking.” The victim’s body was crawling with maggots. The brakes on the gurney carrying her weren’t set correctly. The gurney began to tip over. Gary’s only thought was respect for this person, someone’s child. He caught the maggot-infested body, drawing it to his own, and got totally infested. He had to immediately shower, and later, when asked why he was wet, replied “It was raining.” Identifying the body: One of the victim’s hands bore rings on three fingers. Detectives checked a high school yearbook and found a photo of a girl wearing those same three rings on her fingers. Her skirt was jammed down her throat to asphyxiate her because she didn’t die during strangulation. The killer used a pipe to jam the skirt down her throat, thus causing semicircular injuries around her mouth. A short Filipino man inadvertently confessed to the crime while confessing to a similar one with rings around the victim’s mouth. Homicide detectives were led to the killer’s apartment building. He was in his apartment (with an accomplice) and began shooting down at the police, who shot back. An officer shot teargas up; the officer had already sustained three shots in his protective vest. Meanwhile the non-shooting party, who had one leg, went to a rear window, called for help and wanted to jump. Police said they’d catch him. As he jumped the officer turned his head. The accomplice fell and broke his one leg. The teargas ignited a fire in the apartment. They couldn’t arrest the murderer, but he died of burns he received in the fire (not from smoke inhalation as is more usual). Gary said they called it his welcome into Hell.

Sexual murder associated with serial killing is very difficult to solve. Serial sexual killing is always associated with a fantasy; domination, control and power; fantasy leading to death. Lust murder is sometimes not recognized by the police. Case: Twelve prostitutes in Texas had their throats sliced. Detectives looked at the crimes as someone getting even with the prostitutes. The same MO appeared in another jurisdiction: cutting the victim’s throat was the killer’s climax. Serial killer Ted Bundy: What turned him on the most was not raping the victim, but if she vomited on his hands when he was strangling her. Also, the sex killer inserts things into the victim’s body. That’s his thrill. How does the serial killer get this feeling of thrills back? He puts the body where it will be discovered.