



Tennessee Professional Investigators Association

P.O. Box 225, Knoxville, Tennessee 37901

*Newsletter - April * May * June 2013*

Meet Your TPIA 2013 Officers



Dan F. Sherrod, Jr., LPI, CFE, LAPPS

Vice Chairman

Dan was born and raised in Knoxville, TN. He graduated from Knoxville Holston High School and the University of Tennessee – Knoxville (UTK). At UTK, he majored in accounting and graduated with a Bachelor of Science degree in Business Administration. He served in the U. S. Marine Corps as a combat engineer. He has two children, Kelly, a middle school teacher at Karns Middle School, and Jason, a Tennessee State Trooper. Jason is also a former helicopter pilot with the Army National Guard, and served a deployment in Iraq where he flew over 70 combat missions. Dan is married to the former Elizabeth Stepp. This past April, they celebrated their 21th wedding anniversary. Elizabeth is a retired Senior Special Agent with TVA OIG. She is a Licensed Private Investigator (LPI), a Certified Fraud Examiner (CFE) and an Accredited Healthcare Fraud Investigator (AHFI). They have 5 grandchildren.

Dan is a CFE, and licensed both as a private investigator (LPI) and an armed protection specialist (LAPS). He is a past Board Chairman/President and Secretary/Treasurer of the Tennessee Professional Investigators Association and is currently serving as Vice Chairman. He is also immediate Past-President/Board Chairman of the Association of Certified Fraud Examiners Knoxville Chapter and currently serves on the board of directors for that association.

During his 40+year career, Dan has occupied various corporate positions including, Director – Finance & Administration, VP- Finance & Administration, VP- Sales, President, CFO, COO, & CEO. After several years as a partner in a medico-legal consulting group, he became a licensed private investigator in 2006, and currently serves as Vice President of Sherrod Investigative Group, Inc. and Managing Partner of DSE & Associates, LLC. His specialties are financial, contract, and insurance fraud.



TPIA 2013 Officers

Chairman: Jack Lakin - tnpci@aol.com

(865) 688-4000

Vice Chairman: Dan Sherrod, CFE – dsherrod@sherrodinvestigativegroup.com

(865) 254-1663

Secretary: Elizabeth L. Sherrod, CFE – elsherrod@sherrodinvestigativegroup.com

(865) 680-2682

Treasurer: Adonia Phillips - proactiveinvestigativesearches@gmail.com

(865) 428-3837



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TPIA 2013 Board Members

Leslea Williams - l.williams@pi-tn.com

William Clifton - wlc@esipi.net

Garrye Marlitt - marlittpi@pvti.net

Robert "Eddie" McCarter - robertemccarter@aol.com

John Sturgeon - jhnsturge@yahoo.com

TPIA 2013 Membership Meeting Schedule

Our July 9th Membership Meeting has been canceled.

For our remaining two meetings, we will be meeting at Calhoun's on the River
400 Neyland Drive, Knoxville, Tennessee beginning at 6 PM.

September 10, 2013

November 12, 2013

Tennessee Private Investigation and Polygraph Commission *Address and Meeting Information*

500 James Robertson Pkwy

Nashville, TN 37243-1167

Phone: 615-741-4827 ~ Toll Free: 1-888-251-3997 ~ Fax: 615-532-2965

06/14/2013

Per Beth Bell, this meeting has been canceled

<i>08/16/2013</i>	9:30 AM	Davy Crockett Tower Conference Room 1-A	Commission Meeting
<i>10/18/2013</i>	9:30 AM	Davy Crockett Tower Conference Room 1-B	Commission Meeting
<i>12/13/2013</i>	9:30 AM	Davy Crockett Tower Conference Room 1-A	Commission Meeting

TPIA Members who attend any Commission meeting through its entirety will be credited **three** hours of the required continuing education.



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Legal Language, Tidbits and Notes

Investigating the Innocent

(Authored by: Jack R. Lakin CMI, LPI)

In the world of a Defense Investigator (DI) we should come into each case as every investigator should, Police or Defense, with an open mind and not with an “assumed guilty” mentality. There are some techniques that have been used to help each investigator reach a pathway of innocent or guilty. I am the first to say, we ALL have been lied to, but hopefully these techniques will help you cut through the minutia that every investigator must sift through.

Police Techniques

There are many interrogation styles used by Law Enforcement; each technique used has a common thread and goal. The goal of a Police Homicide Detective is to obtain a confession from the suspect. While all detectives want to accomplish a confession, the second biggest goal is to accomplish or obtain is a “Provable Lie”. This technique is sometimes better than a full confession, because a *provable lie* will show a jury that the defendant is deceitful and cannot be trusted. A *provable lie* will help convict a defendant in a “New York Minute”.

Defense Investigator

When a defense investigator receives a case it is important to establish the same type of information. I believe the DI should approach the case much like the Police Detective does when he receives his case, try to find out what happened.

I have met with DI(s) who never ask the defendant what happened and why are we here. In my opinion this is a grievous mistake. I have been assigned to cases where the defendant has tried to tell the DI that he was innocent and the DI has said that he does not need to know what took place. The purpose of this article is to change this mentality.

When a DI interviews a defendant it is important to make sure that he/she is telling the truth. The technique for obtaining a *provable lie* is a plus when trying to ascertain if the defendant is telling the truth about being innocent. The problem with the concept of a *provable lie* is that it's a two edged sword and cuts both ways. When the police use this technique it is to prove guilt, when a DI uses the same technique, it is to prove innocence.

Police and District Attorneys (DA) have a hard time accepting that the technique *they* created can also be used to prove the defendant is innocent.

Establishing Innocence

When a suspect gives an alibi and provides witnesses to back up the alibi, most Police Detectives worth his or her salt will try and prove or disprove the alibi or the alibi witnesses using the “*Alibi Provable Lie.*” Most of the time the Detective will use a technique called “*Specification.*” This is used to get specifics of an alibi proven, or to use for proof of a *provable lie*.

Example: If a suspect during interrogation says he did not kill his girlfriend because he was at his mother's house eating dinner. A *specification* technique used here by the Police Detective is to come back to this statement later



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after you have taken the suspect in a whole new direction during the interrogation. This keeps the suspect from trying to guess where the detective is taking the interview. When the detective appears to be finished with the interview, he/she will return to the alibi dinner and ask, "So, what did you have for dinner?" The response from suspect will be the beginning of the *Specification Technique*. Suspect responds with "We had meatloaf with beans and cornbread."

The police detective now goes to the suspect's mother's house. Once there the detective will establish first if suspect was with mother around dinner time. If the alibi witness says yes he was here, then detective will interview mother with questions that have nothing usually to do with the case, again keeping alibi witness from guessing or knowing where detective is taking interview. When detective appears to be finished with interview and witness is beginning to relax (most investigators can sense this emotion) then the detective will ask, "So, what was for dinner last night?" If mother responds with, "We had turkey and dressing", the police now have a *provable lie* based on specifics that no one else knows.

Defense Investigator

The defense investigator should engage the same technique of specification when trying to establish and prove that the defendant is telling the truth. In all homicides I always try and talk with the police detective when I believe the defendant is innocent. This meeting is not one of "I'm right your wrong," but is rather to see why the detective is adamant that the defendant is guilty. I pause here and say, I have never met a police detective who would falsely charge someone with murder, but I have met many who try and convince themselves that the defendant is guilty.

Repeating same scenario, police say the defendant states he was home with his mother around dinner time and mother vouches that he was there, but what do you expect her to say, it's her son. We suspect she is covering for him. The defense investigator can now return to the defendant and use the technique of *specification* regarding dinner. The Investigator should then go and interview the alibi witness to see if specifics correlate. If specifics correspond, you begin the process of defending the innocent.

Confessions

When a defendant gives a confession most police detectives are glad and "Hi Five" each other and stamp "Case Closed" on the file. But most Homicide Investigators will try and match up crime scene evidence with the confession. Remember the old "Perry Mason" trick when the police detective would take the suspect back to the scene of the crime? There was a good reason for this technique, it was to make the suspect familiar with the area of the crime scene before questioning. This technique is not used at all by most police departments, because most homicide detectives want to get an honest reaction from the suspect during an interview.

If during the time of interrogation, the suspect confesses to killing the victim by stabbing them to death and the detective's crime scene and autopsy shows victim was shot, the police now have a problem. They now have a *provable lie*. This indicates the suspect didn't commit the murder. The same can be applied to a crime scene. If the defendant in the confession says he/she killed the victim in a wooded area and dumped the body before fleeing, when the victim was actually discovered in a parked car in a parking lot, the police now have another *provable lie*.

The problem is no one, Police Detective or Private Investigator, can reason why someone would confess to a crime they did not commit. As unusual and hard as this may be to understand, most detectives and investigators have come across these individuals in the span of their careers. The situation becomes more convoluted when



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police continue to press-on believing that the suspect is guilty, even though they have a *provable lie* showing the suspect did not commit the crime.

Autopsy

When trying to prove that the defendant is innocent there is sometimes a great deal of ascertainable evidence in an autopsy report and photographs. One person I always interview when trying to prove the defendant is innocent is the Medical Examiner who performed the autopsy. Most investigators take what the report says as gospel, but many pathologists also have questions about what happened.

When interviewing the Pathologist, make sure he or she is the one who performed the autopsy examination. Take pictures with you that back up your questions. Also take photos of the crime scene in daylight to present to the Pathologist. This concept allows the doctor see things from your perspective. Remember, the doctor only knows what the police have told them. One of the hardest cases I ever had was to show that the Pathologist had only listened to the police and had not looked at the human body of evidence, lying in front of her. Once shown the evidence of the body itself was not lying, the doctor changed her autopsy report to reflect the innocence of the defendant. This was a bold move for the Pathologist, and a poor black male was proven innocent of 1st Degree Murder. The Pathologist helped free an innocent man.

Remember, most all Doctors of Pathology have a science background, which gives them a natural sense of curiosity. They really want to know “what made that mark” and “how did this person die.”

Police Interrogations

As a defense investigator trying to prove a defendant is innocent, always review the video and audio taped police detective’s interview. Sometimes prosecutors will supply a transcribed copy of the statement to save time. Never, I mean never, solely rely on the transcript alone. You can always pick up something on video or audio that a piece of paper cannot show. Emotion cannot be seen on paper, and I would argue, neither can innocence.

Often the police try to get the suspect (defendant) to change his or her original statement of facts by suggesting the suspect acted in “self-defense,” and it could be a justifiable homicide if they would just tell the truth. If your defendant stays adamant about what took place, and does not deviate from what he has previously said, this is a true indicator of innocence. This is a risky technique used by the police because juries do not like to see police on video tape suggesting a pathway, when a defendant is adamant, it did not happen that way. This makes the police detectives appear as if they agree with the justification of the crime.

Summation

During the course of my career, I have been fortunate to use the technique of “*Provable Lies*” and “*Specification*” to prove the innocence of several defendants facing the death penalty. The public and jurors never get to hear what I am about to tell you. On each of these death penalty cases, except for one, the District Attorney’s office has offered a plea deal of “time served” as long as the defendant would just confess to what took place. I must say if your defendant is looking at the possibility of death and can now get out tonight, that my friend is a very tempting offer, even if you are innocent. In each of my cases the defendant refused the offer, because they were truly innocent and eventually the charges were dropped. Oh, and the one who didn’t get the offer? We went to trial and the defense attorney was able to show the jury the facts of *provable lies* and *specification*. The jury found the defendant, “Not Guilty.”



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(Let us pause here just for a second and think about this) I have seen Police Detectives and Assistant District Attorneys not want to prosecute a defendant once a defense team has shown there is a strong reasonable doubt, that the defendant is not guilty of the homicide. But for some reason, the District Attorney, (aka everyone's boss) who is often under political pressure, will continue with the death penalty case. I believe it is because they would rather have someone found "Not Guilty" than say they were wrong to charge the defendant with capital murder in the first place.

This is when we ALL lose. It is a sad day when we have the mentality of, "we must win" attitude on both sides of the bar, instead of "Innocent or Guilty."

Defense attorneys will always defend the accused one; prosecutors will always prosecute the believed guilty one. Investigators, on both sides of the badge, should always just seek the truth for the victims and the innocent.

About the author; Jack R. Lakin is a former police officer with the Knoxville Police Department. After training with the FBI and DEA, he became a private investigator specializing in the field of homicide. Mr. Lakin has over 20 years-experience in investigating homicides and has successfully investigated multiple death penalty cases resulting in the accused being found innocent. Mr. Lakin is currently a Licensed Private Investigator (LPI) and the lead Capital Murder Investigator (CMI) for Private Consultants & Investigations, Inc. Mr. Lakin was elected as the State Chairman of Tennessee Professional Investigators Association (TPIA) for 2012-2014.



MEMBERS

This year we have made changes to our contact information for TPIA. If you wish to contact TPIA you may do so by:

Email: contact@tpia.com

Mail: TPIA
P.O. Box 225
Knoxville, TN 37901

We also encourage you to review your information on the TPIA website directory (www.tpia.com). If you have any changes/corrections, you can use the website application form and email it to us. Additionally, you can also use the last page of the newsletter (application page). The application page can also be used for new members and/or renewal applications. Just print it out, complete it, and mail it back to us. Be sure to include your member name and PI license number on your checks.





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Photos of our 2013 CPE Seminar





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Tennessee Professional Investigators Association Application

New Member Member Information Update Member Renewal

Type of membership: \$50.00 Active/ Licensed PI \$25.00 Associate/Non-Lic. Individual

Name: _____ Date of Birth _____
Last First Middle (Year optional)

Address: _____

City: _____ State: _____ Zip Code: _____

Office Phone # _____ Cell _____ Fax _____ 800 _____

E-mail Address: _____

Web Address: _____

TENNESSEE LICENSURE INFORMATION

PRIVATE INVESTIGATOR LICENSE NUMBER: _____ EXPIRATION DATE _____

COMPANY NAME: _____ OFFICE HELD: _____

COMPANY LICENSE NUMBER: _____ EXPIRATION DATE: _____

POST INFORMATION ON WEB SITE? YES NO

All information submitted by me is true and correct to the best of my knowledge.

Signature of Applicant: _____ Date: _____

Signature of Sponsor: _____ Date: _____

Please check the appropriate box, fill out and mail to us at:

TPIA

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Knoxville, Tennessee 37901

