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## LYING: THE GIFT THAT KEEPS ON GIVING

### *Deceiving suspects to get them to confess can backfire*

*By Julius (Jay) Wachtel.* In 2003 a sixteen-year old girl was [shot in the face](#) by a gang member. Five years later it's revealed that a few months before her killing an LAPD homicide detective told another member of the same gang that she fingered him for a murder. Except that she hadn't.

"It became clear that we needed to add more pieces to our training," said LAPD's new chief of detectives, Charlie Beck. What made it "clear" wasn't the department's own digging but a remarkable article in the Los Angeles Times that revealed the detective and his then-partner [altered a photospread](#) to make it look like someone had identified hardcore gangster Jose Ledesma, 19.

Then these officers did the incredible. To get Ledesma to confess, they showed him the doctored six-pack and said that sixteen-year old Martha Puebla was the one who circled his face and wrote "those is the guy who killed my friends boyfriend." All that managed to accomplish was to get Ledesma to put a "hit" on the girl the next evening from the jail pay phone.

How is all this known? The call was recorded. Unfortunately, this particular conversation wasn't listened to until after the young woman's murder.

Forget CSI. In many shootings (think walk-up and drive-by) there's hardly any physical evidence left behind. There are no fingerprints or DNA. Although there is a bullet, the gun that fired it must usually be found through other means before a comparison is possible. Witnesses will always be a detective's best friend. But for the very reason demonstrated by Martha Puebla's murder, witnesses to gang crimes are often too scared to come forward. According to the Police Executive Research Forum, an organization sponsored by the nation's largest police departments, [witness intimidation](#) is the main obstacle in solving violent crime. Boston's police commissioner was particularly blunt, claiming that fear of retaliation is why his city cleared less than four in ten homicides in 2006.

There is no greater pressure to make an arrest than in gang-related homicides. Citizens and politicians are unlikely to let police off the hook just because there are no witnesses or physical evidence is lacking (no one who watches TV crime shows would believe that, anyway.) In large, busy departments the demands on detective

time are so great that should a viable suspect be developed the rush is on to get a confession. It's precisely at that point when professionalism is most at risk

As we've mentioned elsewhere (for example, see [Rampart](#)), pressures to produce can easily distort how police work gets done. Taking shortcuts such as lying to suspects to get them to confess places forces into play whose consequences may be impossible to contain or predict. Lying can lead innocent persons to confess and falsely accuse others, distracting investigators and delaying or preventing the capture of the real perpetrator. For an example look no further than [David Allen Jones](#), a mentally retarded man who under pressure from LAPD detectives falsely confessed to raping and killing two prostitutes. After serving eleven years Jones was freed when another detective used DNA to prove that the real murderer of these two women, and at least eight others, was [Chester D. Turner](#), then in prison on a rape charge. Turner was convicted of the ten murders in 2007.

Many detectives feel that lying to suspects is beneath them. Others turn to it as a last resort. Commonplace lies include false claims that fingerprints were recovered or than an accomplice confessed. Drawing in innocent citizens is, as Deputy Chief Charlie Beck asserts, rare. But simply because "we have never had this issue arise before" begs the question of what other kinds of lies detectives tell, what consequences they might have, and whether his intention to train detectives to do a cost-benefit analysis before lying (police always like to "train" out of problems) is a realistic solution or just a way to get outsiders off the LAPD's back.

One thing's for sure. Once a lie's told, the professionalism of an investigation and the investigator are instantly thrown into question. Even the most "acceptable" lies can prove embarrassing and make police look inept, so they're seldom if ever mentioned in reports. Naturally, pretending like nothing happened presents its own set of ethical and legal dilemmas. Should ruses be kept from the defense? the Court? Juries? Must they be documented and preserved just like the confession itself?

There *is* a simple solution: DON'T LIE. Many fine detectives stick to that rule throughout their careers. Maybe it's time to consider it at the LAPD.