

The “Six Thinking Hats” Method of Removing Bias from Case Review



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A Case Review should occur prior to closing any major criminal investigation or taking a criminal case to trial.



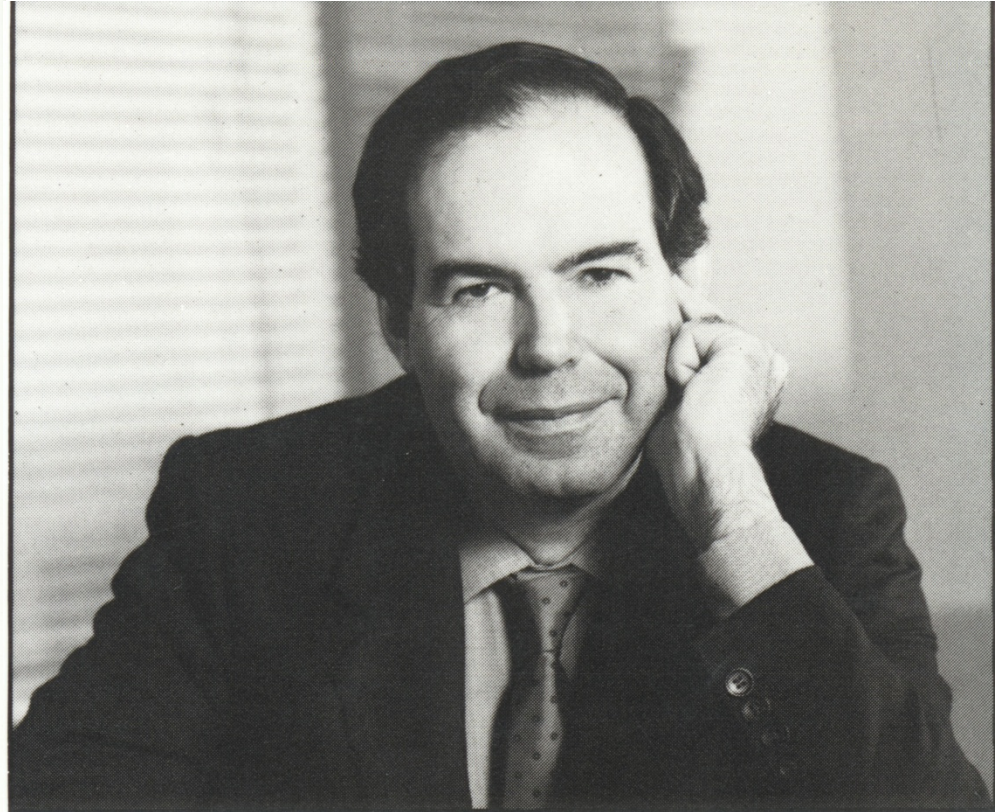
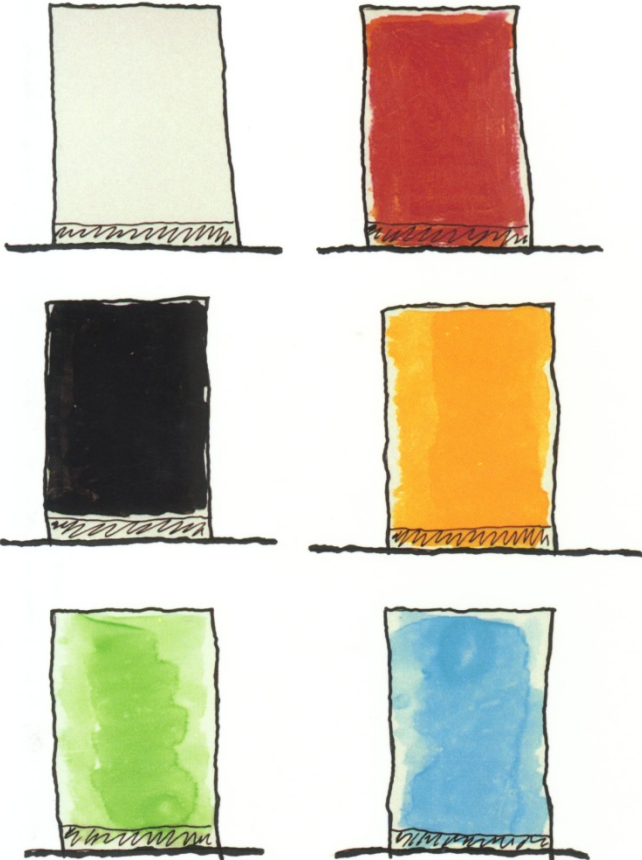
And should involve everyone involved in the investigation [detectives, CSI team, Crime Lab nerds, specialists, prosecution]

**But how do we prevent some “blowhard”
from taking over the discussion?**



EDWARD DE BONO

Six Thinking Hats



An essential approach to business
management from the creator of
Lateral Thinking

White Hat Thinking



- Facts
- Figures
- Objective Information

White Hat Thinking



“Just the facts ma’ am, nothing but the facts.”

Red Hat Thinking



- **Emotions &**
- **Feelings**

“How could a mother escape with her glasses and cigarettes, and yet leave her children upstairs to die in the fire?”

Yellow Hat Thinking



- **Positive
Constructive
Thoughts**

**“All accidental causes
of the fire have been
eliminated, therefore
it must have been
incendiary.”**



Black Hat Thinking

- **Logical negative thoughts**



“Just because the cause of a fire is undetermined, doesn’t necessarily mean it was incendiary.”

Green Hat Thinkin

- Creativity &
- New Ideas

Far Out!

Off the wall

g



Green Hat Thinking

It's alimentary my dear Watson,
the poison was administered via
a suppository!



Blue Hat Thinking



- **Control of the other hats & thinking steps**
*“Bob, assuming an incendiary fire, what’s your **RED HAT** thinking on the suspect’s motivation?”*

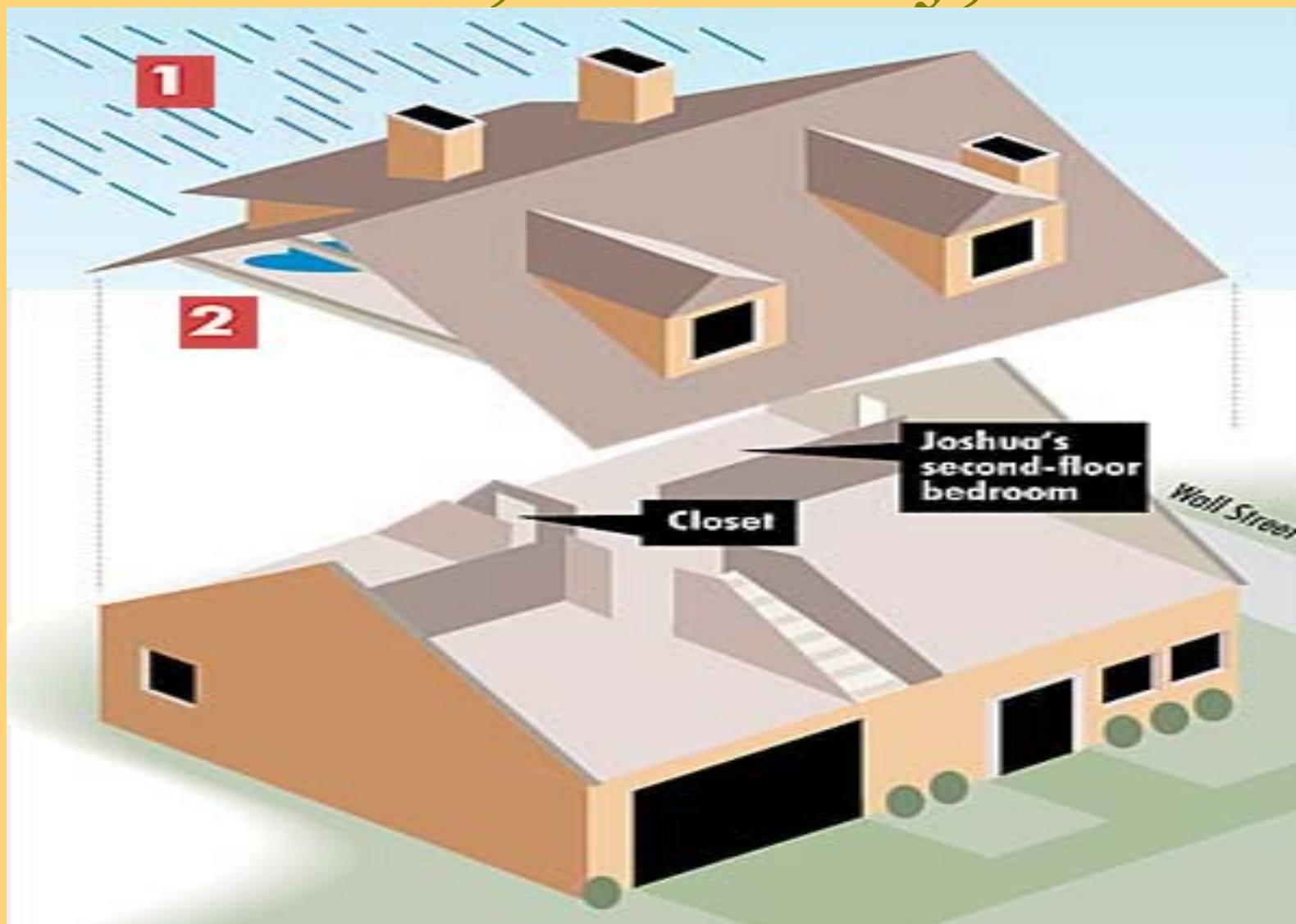
Terri's Fire

At 3:35 am on Sunday, 20 Oct. '96 a 911 call was received from Terri Hinson reporting a fire at her residence at 101 Wall St., Tabor City, North Carolina. Police arrived about 1 min. later to find Terri at her front door, but the smoke was too thick to proceed upstairs. Firefighters with airpacks then were able to go up and find Brittany (4 yrs) & Josh (17 mo.). Josh was DOA.



Joshua's crib

101 Wall St., Tabor City, NC

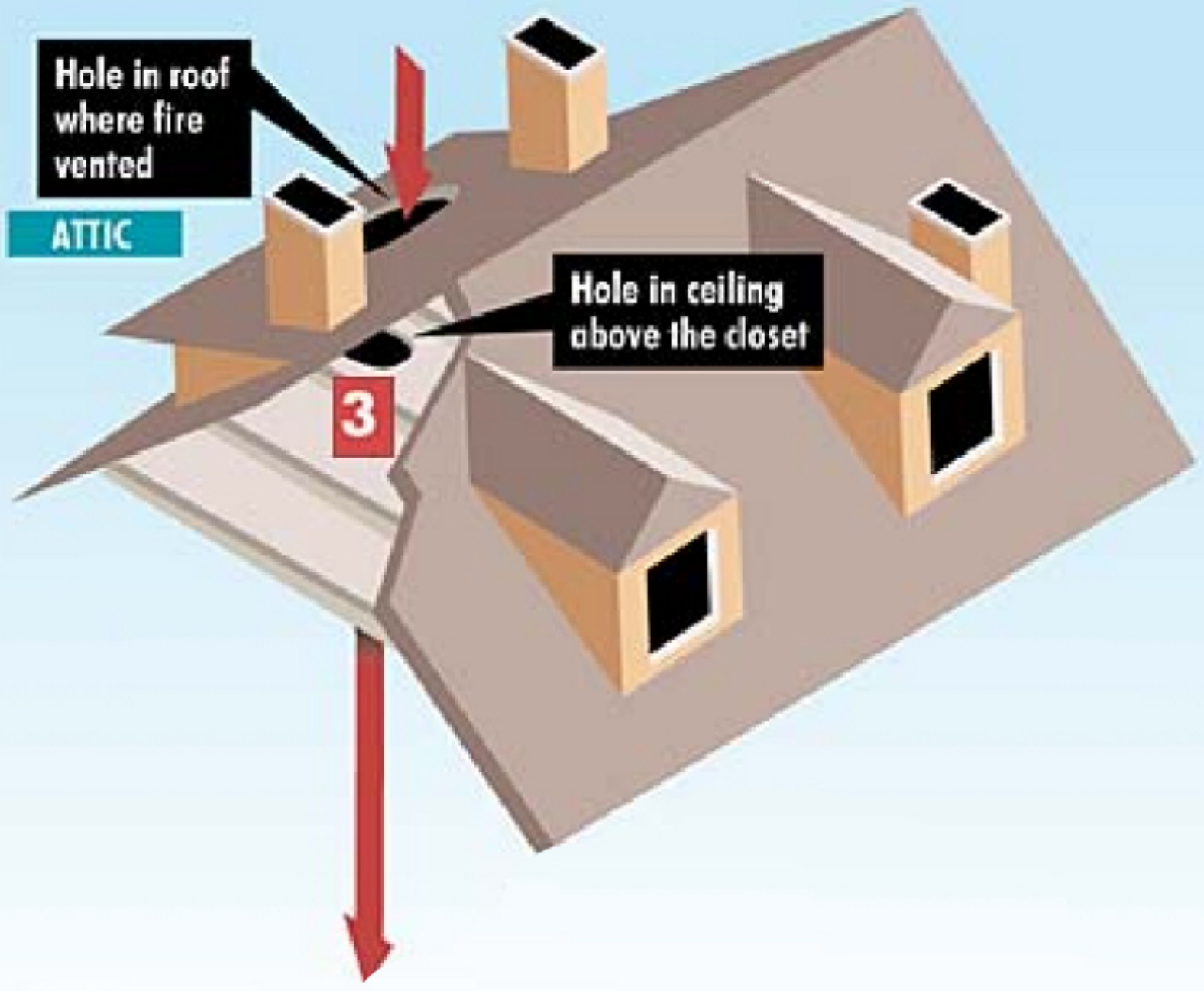


Hole in roof where fire vented

ATTIC

Hole in ceiling above the closet

3



2ND FLOOR

Joshua's
bedroom

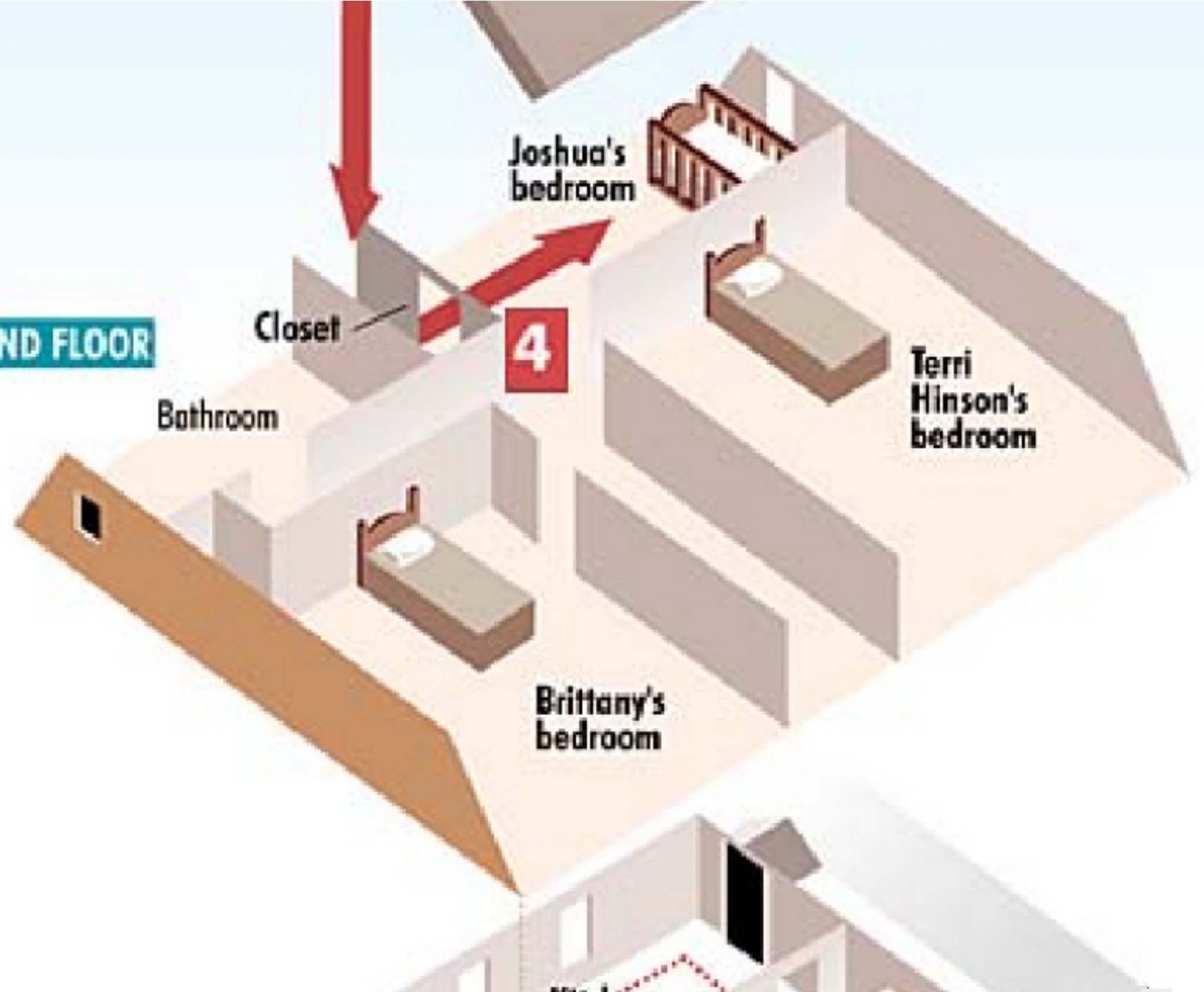
Closet

4

Terri
Hinson's
bedroom

Bathroom

Brittany's
bedroom





Brittany's bedroom

Couch where Terri slept

Wall Street

1ST FLOOR

2

Kitchen

Closet

Couch

Bathroom

Fuse box

Heater

Steps

Garage

Outlet

White Hat Thinking: Josh' s closet

Double doors & front wall of ½” plywood; back wall & ceiling of 1” tongue & groove. Fire had burned a hole in the closet ceiling through which were visible in the attic a tangle of old, cloth-wrapped wires. A closet shelf, about a foot from the ceiling, was more badly burned on the underside. The right closet door suffered more damage than the left. On the floor lay burned clothes and linens, and on the wall above the pile, the fire had left behind a V.

White **Hat Thinking**

There was an electrical outlet on the back wall of the closet on the left hand side. There were no plugs in the outlet at the time of the fire. Inspection of the outlet and its associated wiring did not reveal any defects. The outlet was intact with the insulation remaining on the wires.

White **Hat Thinking**

A romex conductor was found in the attic area that had run from the ceiling fixture in Josh's room to the fixture in the bathroom located behind the closet. This conductor showed no signs of electrical activity that would suggest it was a cause of this fire. The burn patterns in that area did not indicate that any heat had originated there.

White Hat Thinking

Terri recalled plugging in portable heaters on each floor of the house. She had not turned off the heaters before falling asleep on the couch. But after she called 911, she moved the downstairs heater away from the front door and found it was cold.

Yellow Hat Thinking

The foundation of the case against Terri rested on a V-shaped burn pattern in the closet of Josh's second-floor bedroom.

Drawing from years of tradition, the government and insurance investigators determined that the V-shaped pattern marked the fire's point of origin -- the closet.

The SBI reported that since there was nothing in the closet that could ignite the fire by itself, someone must have set it.

YELLOW HAT THINKING

“This conductor (romex conductor in the attic) was a victim of the fire. The burn patterns found in the attic area indicate that the fire had burned up from the closet.”

Red Hat Thinking

Remember, she has given up three of her previous children for adoption. She says the flames were too hot for her to go into Josh's bedroom & get him out of the crib, but to go back downstairs she has to go right past Brittany's open doorway, and yet she can't go in her bedroom and take her downstairs with her?

Black Hat Thinking

More current thinking about burn patterns

Says that the V can reveal where a fire started, but sometimes it simply shows where a fire burned last.

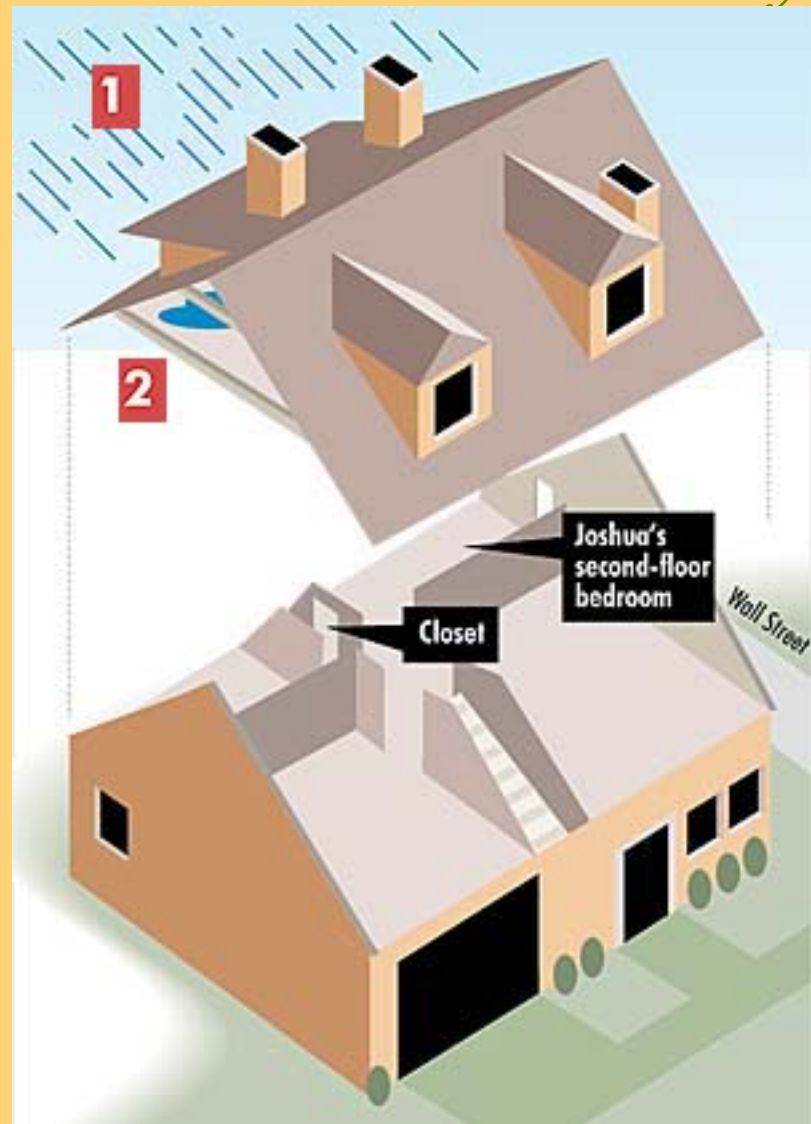
Black Hat Thinking

Hurst's study of the fire told him that the point of origin wasn't the closet. **It was the attic.**

The electrician's photographs served as evidence: If the fire had started in the closet, it would have destroyed Josh's bedroom before burning the hole in the closet ceiling and traveling into the attic. But the photographs showed that the damage in the attic was much worse than in the bedroom.

Hurst's Theory

- 1. Rain from Hurricane Fran fell into the house through a leak in the roof onto old cloth-wrapped wiring and insulation of ground-up newspaper in the attic.**
- 2. The water collected minerals from the insulation.**



3. When electricity passed through the wires, it boiled off the water, which concentrated the minerals and caused a small, hot, gaseous discharge. Left behind was a thin track of carbon a fraction of an inch away from the wire.





4. The slightest change in condition would allow the wire to touch the carbon, triggering an arc and causing the carbon to glow. The intense heat then set fire to the insulation.

White Hat Thinking

That make of heater, Hurst learned, drew 1,500 watts at full blast and took as long as an hour to cool.

Black/Green? Hat Thinking

He figured the downstairs heater was plugged into an outlet that must have been on the same circuit as the wire in the attic over the closet ceiling. The additional load brought the wire in contact with the track of carbon.

Testing the theory

1. The Wire

The wire ran on a circuit with an outlet where a heater had been plugged in downstairs. Hurst thought the heater put a load on the wire, which heated it and the surrounding insulation, triggering an arc.

2. The Test

To test the theory, Hurst ran a lead wire from the downstairs outlet to the fuse box and used some substitute wire to bridge the gap in the attic wiring.

3. The Measurement

The measurement from an ohm meter substantiated the theory.

Hurst's conclusions

- 1. The fire began in the attic above the closet in Joshua Hinson's bedroom.**
- 2. The fire burned through the ceiling and dropped down to the closet floor & then burst into the bedroom.**
- 3. As the fire burned upwards from the closet floor it created the V-shaped pattern, eliminating whatever marks it had made in burning down through the ceiling.**

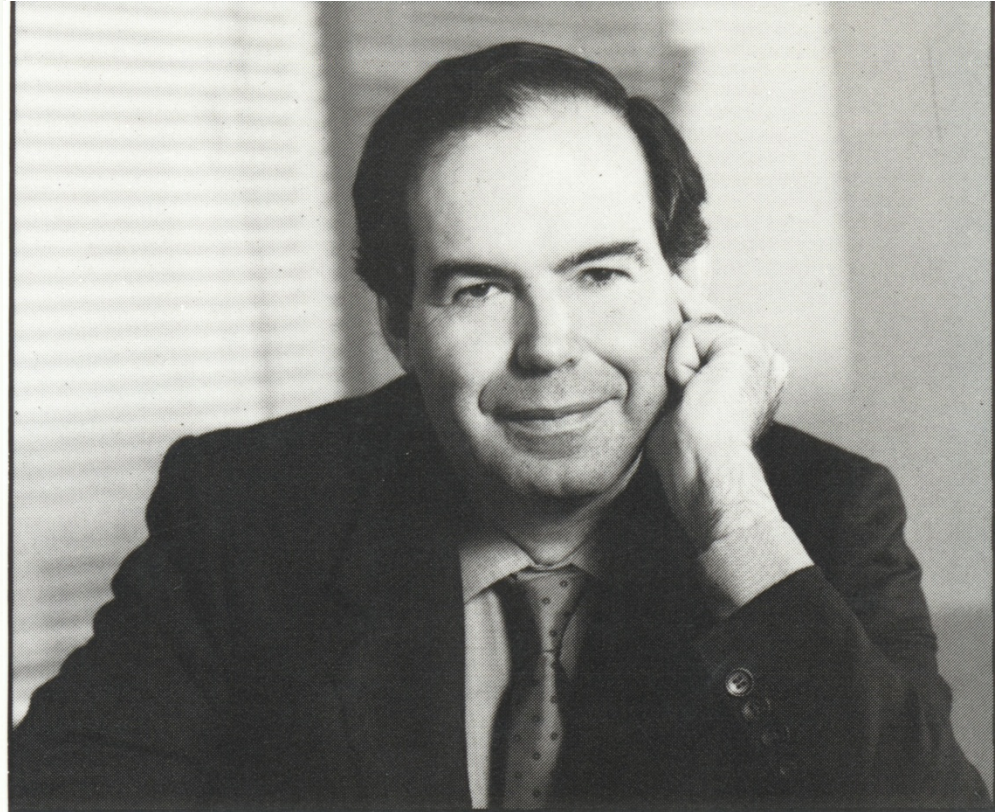
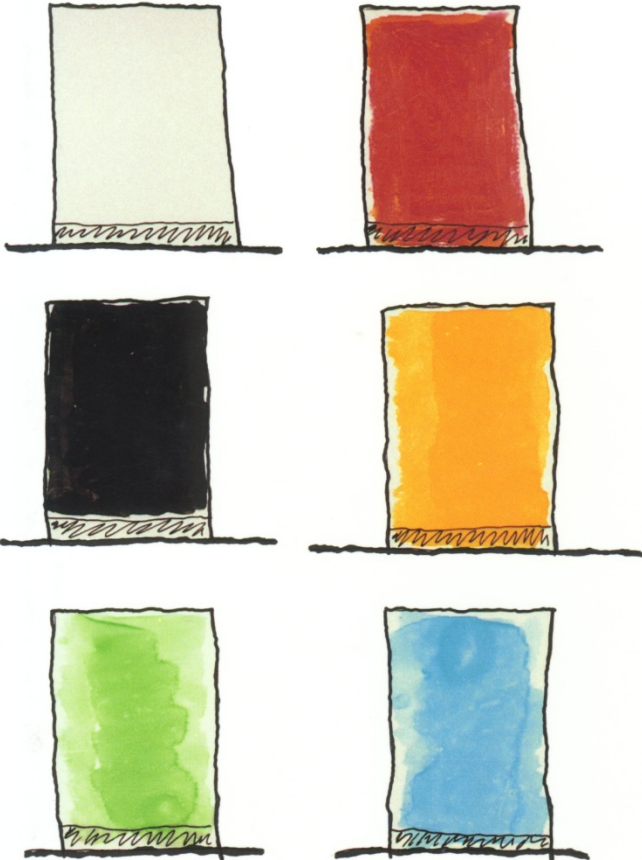
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HAT THINKING???

“(the state fire investigator) insisted that the V-shaped burn pattern in the closet of Josh’s bedroom indicated that the fire started there. But he also agreed that if the fire had started in the closet, it would have gone through the half-inch plywood closet doors and destroyed Josh’s bedroom before eating through the 1-inch pine tongue-and-groove closet ceiling to go into the attic.”

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