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## Drowning the Smiley Face Murder Theory

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A theory has developed that credits the drowning deaths of a number of young men in the Midwest and Northeastern United States to the work of a serial homicide offender. In 1999, journalists first reported that college-aged students were drowning in rivers after an evening of heavy drinking (Maller). These deaths were said to form a pattern, and it was soon proposed that it was the work of a serial killer, or team of killers, who were deliberately targeting young men for murder (Kaye, 2008). Smiley face graffiti was sometimes, though not always, discovered near these death scenes. This serial murder explanation is now called the *smiley face murder theory* (Smiley, 2010).

Central to the claim of serial homicide offending is the alleged linkage of victims by the discovery of painted graffiti proximal to the location of the victim (Piehl, 2008a). As many as 22 smiley faces have been identified by investigators, as well as an occasional discovery of the word "Sinsiniwa" (Associated Press, 2010). Investigators interpret the graffiti as a taunting of the police (Kaye, 2008). The theory of these deaths includes offenders drugging a victim with GHB or a similar drug (Kaye), abducting the victim (CNN, 2008c), driving the victim around for hours in a van truck, torturing them (Hitzeman & Staff, 2008), and then slipping the body into the water (Kaye). Detectives allege the motive for the dumping of remains into the water is to wash away evidence (Kaye). In the Jenkins case, a correctional inmate is said to have confessed guilt for the killing to a cellmate (WCCO, 2006). A general assertion has been that all of the identified victims are male (Kaye, 2008) and finally, that people don't fall into the water by accident (CNN, 2009).

A well-respected criminal justice professor at one of Minnesota's state-run universities initially said he did not believe this theory, referring to it as an "urban legend" (Lyden, 2006) and calling it "highly unlikely" (Marburger, 2007, p. 1), but later changed his position (Kaye, 2008). He and other proponents, including two retired New York City homicide detectives, began to amass along a pro-serial killer theory line (Kaye). The professor now says that he sincerely believes that a serial killer or group of killers is on the loose (Piehl, 2008a). The two detectives who are spearheading the investigation are firmly convinced that many of these deaths are linked and are the result of intentional nefarious acts. To date, only two of these drowning deaths have been ruled homicides (Nationwide Investigations, 2009; Piehl, 2008a). Still, no substantive evidence exists indicating that any of the drowning deaths were the result of *serial* offending.

Historically, one "Happy Face" killer did exist. Starting in 1992, serial killer Keith Jersperson of Wyoming sent anonymous letters to news reporters signed with a hand-drawn smiley. However, not only were his victims female, none of them were drowned (Associated Press, 1997). His use of a smiley appears eerily similar to the *Watchmen* comic book series from 1986-1987 that included smiley faces dripping with blood to symbolize the death of innocence. However, again, none of the murders were drownings, and the comic's use of vaporization as a means of death (*Watchmen*, 2010) is not a common serial killer signature.

Researchers at the Center for Homicide Research (CHR) identified an Internet database of 40 water-related deaths and have continued adding cases to it. The database, now called the *Non-Recreational Outdoor Drowning Deaths Database* (2010), contains over 150 cases occurring in the United States. This data was initially problematic since it came with no protocols or criteria (which CHR staffers have since developed), and it has some shortcomings in the form of missing data. However, CHR researchers have used this data as a springboard for thinking about this topic and to assist in forming a critique of the shortcomings of this misguided and conspiracy-laden theory.

Several problems exist with the theory of a smiley face killer:

1. **There is a problem of time-order.** In science we have to show that the two correlated factors occur in the correct sequence (Babbie, 1998). Smiley-faced graffiti must be proven to have been painted at or immediately after the time of the killing. Some of the photographs of the graffiti show faded worn-out paint that looks to have been applied years earlier. In other cases the graffiti was found months afterward. There is no proof of when any of them were painted. While determining age of paint is forensically possible, it is technically imprecise, only narrowing to the year of origin (SWGMAF, 2000). In many instances, no smiley faces were found at all. Therefore, the finding of these faces is most likely the result of chance.
2. **Graffiti is omnipresent.** Smiley Faces were first invented in 1964 and have since spread everywhere (Smiley, 2010). Smilies have now become a universal symbol of happiness. They exist anywhere from children's stickers to commercial logos. One reason this graffiti is found everywhere is that smiley faces are among the easiest forms of graffiti to paint.

This cheery graffiti is a cynical slap at the police by the vandals. Because these vandals know that many cities work to document every instance of graffiti for later identification and prosecution (e.g., see City of Minneapolis, 2010), painting a smiley makes more work for the police. It is quite simply a taunting of the police by graffiti vandals.

3. **None of the smiley faces exactly match one another.** There is no common paint stroke, height, width, curl, whirl, or drip. This makes it difficult to connect one incident to the next in the process of what investigators call linkage (Eggers, 1984; Douglas, Burgess, Burgess, & Ressler, 1992). Although linkage has been asserted by investigators, no credible linkage has been documented between any of the painted smilies. To the contrary, investigators admit the paintings are all dissimilar (Piehl, 2008b; CNN, 2008b)

and try to explain away this dissimilarity (CNN, 2008a; CNN, 2008c), thereby illuminating their bias. The claim that the uniqueness of each smiley is the result of multiple artisans (Kaye, 2008) is disingenuous, and lacking in any identifiable pattern. Investigators have begun distancing themselves from the smiley, saying that the smiley faces are not all that important and represent only 1/13th of the amount of linked symbols (Fox News Radio, 2008).

4. **The word "Sinsiniwa" is a red herring.** It is commonly found throughout the Midwest and therefore is randomly occurring in graffiti found painted near several drowning sites. It is an Indian-based word meaning "Rattlesnake" (as cited in Smith, 1930) or "Home of the Young Eagle" (as cited in Centennial Records, 1876).

Like the smiley faces, "Sinsiniwa" is a relatively common term that appears in over 15 different locations around the country, including MN, WI, IA, MI, IL, and WA. According to CHR staff researchers, it occurs as the name of three streets, one river, various commercial businesses, schools and other assorted place names, including a religious order called the Sinsinawa Dominican Congregation of the Most Holy Rosary of the Order of Preachers (Grant County, 2010). It also has accrued several spellings including Sinsinawa, Sinsiniwa, Sinsinawe, Sinsinewa, Sinsinniwa, Sinsinnawa, Sinsineua (Clementine, 1920).

5. **No criteria has been established specifying the necessary distance that a smiley face must occur in proximity to a deceased body in order to be counted.** In some cases the smiley or word "Sinsiniwa" is within close proximity and with others it is quite distant. Estimating where the body might have entered the water is simply that -- an estimation. Even when based on experimental testing, there are too many constantly changing variables to ensure accuracy. Within the confines of a city, bridges, which commonly evidence graffiti, can be located upstream of any body recovery location. In the Jenkins case (using *Google Earth*), seven bridges can be located within one mile upstream, as can hundreds of trees.
6. **There is no evidence of victim trauma.** There is no sign on the vast majority of these recovered remains that they were the recipient of trauma. The Christopher Jenkins family alleges that their son was driven around the city for hours while he was tortured (Piehl, 2008). Torture tends to leave signs of trauma. There was no physical trauma identified in this case consistent with an assault (MPD, 2003). In one death [Patrick McNeill, Jr.] this evidence was present, but he was deceased prior to entering the water and did not drown (Nationwide Investigations, 2009).
7. **Homicidal drowning is extremely rare.** They only account for two-tenths of one percent (0.2) of all U.S. killings (Fox, 2000). Of the few cases that are known to exist, most involve parents drowning their own children or on occasion a husband will drown his wife in a bathtub. In the United States, according to FBI data, 907 homicidal drownings were recorded over the course of 21 years (Fox). Of these, nearly half (416) were victims aged eight or under (usually filicides). Considering the age range of the college students, using a liberal interpretation of ages 18-24, there were only 117

homicidal drownings of college students in the United States over 21 years (three one hundredths of one percent or 0.03).

8. **The idea that water washes away all the evidence is a myth.** To the contrary, water that is cold (as in many of these northern cases) acts as a deterrent to decomposition, thereby preserving the wound patterns. Yes, water might wash off blood, but investigations show that much can be recovered from an immersed body, including the lifting of latent finger prints from the surface of the deceased's skin (Sampson & Sampson, 2005). From river drownings, investigators have shown that it is possible to obtain fiber evidence and blood evidence from the recovered remains, as was used to convict Wayne Williams of the Atlanta Child Murders (Deadman, 1984; Becker, 2000). When correctly processed, "investigators can obtain a variety of forensic evidence" in water recoveries (Becker, p. 4).
9. **These drownings don't fit a serial killer motive.** The occurrence of serial homicide is a manifestation of a syndrome of behavior (Block & Block, 1992; Block & Christakos, 1995) based on psychological motivations. Of the many possible varieties of serial homicide (Morton & Hiltz, 2005), these deaths do not show any of the related indicators one would expect to find.

These were not thrill killings, because they require long drawn-out killing processes that include bondage, strangulation, sexual activity, and physical torture of a victim who is "alive and aware of what is happening" and able to feel pain (Holmes & Holmes, 1998, p. 114; Vronsky, 2004). None of that is in evidence in these victims [except possibly McNeill]. To the contrary, it has been argued that these victims were quite unaware of their surroundings due to alcohol intoxication and/or drug toxicity (Richmond, 2004; Kaye, 2008; Van Zandt, 2009). Thrill killers are profiled as organized killers and therefore highly intelligent (Fox & Levin, 1999), in stark contrast to the proposed smiley faced killer profile, "...not smart, someone not good in school, maybe doesn't have a job..." (Kaye, 2008, p. 1).

There was no financial motive such as the collecting of social security checks or theft of money, nor do these deaths qualify as mercy killings. There is no known serial offender who has *ever* drowned victims (Vogt & Morgan, 2004).

10. **Confessions by correctional inmates are unreliable.** In at least one suspected homicidal drowning case [Jenkins], an inmate confessed to his cellmate that he was responsible for the death (WCCO, 2006). However, a claim by a prison convict of having killed one or several people is not credible on its own. Many criminals (12%) make voluntary false confessions (Sigurdsson & Gudjonsson, 1997). Powerless people such as correctional inmates are known to exaggerate and make up stories in an effort to obtain social status or notoriety (Conti, 1999). For instance, John Karr and almost a dozen others have confessed to killing JonBenet Ramsey (Alfano, 2006; Crenson, 2006).
11. **The general environment of these disappearances are conducive to accidental drowning.** All drownings appeared to have occurred at night and after dark, in an area

not far from bars and colleges. Inebriates who stagger away from bars are more likely to walk or stagger downhill because it is easier. Rivers are typically downhill from these drinking establishments and only a few blocks away. Many access points to the water lack barrier protection such as walls or fences. Intoxicated people typically experience disorientation and impaired coordination which makes them susceptible to falling (PDR, 2009). This, in combination with a lack of barriers, is a recipe for accidental drowning.

12. **The supposition that only males are drowning does not necessarily support a serial killer theory.** Males are more likely than females to die or be hospitalized from drowning (WHO, 2001). Alcohol and risky behavior have been shown to be major factors in drowning cases (WHO); and males are more likely to engage in risky behaviors even when not drinking. It is also probable that females are dying from intoxication in other ways, such as falling from a river bluff, or dying in a dormitory room from acute alcohol intoxication (e.g., see Jungen, 2007; Kinzie, 2009).
13. **La Crosse, Wisconsin foot patrols and police have stopped over 50 intoxicated persons (fall 2006 through February 2010) from approaching the river late at night.** Furthermore, college-aged drinkers are typically less experienced drinkers, and are more likely to drink to get drunk or binge drink.

In La Crosse, Wisconsin, between 1997-2010, "nine intoxicated college-age men have drowned in area rivers" (Associated Press, 2010, p. 1). Such alcohol-related deaths contributed toward making that city the focus of intense scrutiny. Drinking is a large part of the culture in La Crosse, where according to *USA Today*, one can find "more than 300 places to buy alcohol in La Crosse – triple the number of churches" (Howlett, 2004, p. 2).

La Crosse is also the scene of a particularly snowy college-aged drowning, that was documented with investigational photography. Photos clearly depict a single set of footprints leading in the snow out onto the river's ice. The footprints end at the water's edge, just above where the body was found. No other footprints are in evidence (Hardie, 2010). However, people are still referring to this instance as the work of a serial killer.

14. **The process by which intoxicated men *accidentally* fall into the river is already known and well-documented.** The LaCrosse Police Department issued a report detailing the circumstances of at least 20 imminent drowning victims who have survived, using firsthand accounts (La Crosse Police, 2010). Causes included dares, suicide attempts, and most commonly, accidents. Eyewitnesses were present for several of these instances. Most all victims were intoxicated at the time of the near-drowning. Intoxicated victims can and do fall in the river. Contrary to popular belief, accidental near-drownings are fairly common, though not typically well-documented. Footwear slip-marks have been documented on the riverbank in Minneapolis by CHR researchers.
15. **Many of these drowning cases are likely to have involved aspects of auto-assassination.** Auto-assassination is not suicide per se, but a style of living with reckless disregard for one's own life. Responsible drinking does not involve drinking to the point of intoxication (CDC, 2010). Many of these drowning victims appear to be drinking to

the point of total inebriation. In some instances, these deaths actually *may* be suicides. Suicide is the third leading cause of death in people aged 15-24 (CDC, 2005). Binge drinking is a strong predictor of actual suicide attempts (Windle, 2004). Twenty-five percent of all suicides are immediately preceded by alcohol use (Goodwin, 1973).

16. **Malicious drugging of victims is unsupported by the evidence.** One claim being made is that drowning victims were drugged by the offenders prior to their abduction to obtain control over the victim, and that it was a drug not detectible by autopsy (Kaye, 2008). This problematic claim is not falsifiable unless investigators were purposefully looking for a specific suspected toxin. GHB and other substances do not stay in the body very long (Zvosec, 2010). While some of these drowning victims do evidence GHB presence, there is no evidence to support that the drugging was *malicious*. Instead, this is simply an untested and un-testable supposition.
17. **Presence of GHB (gamma-hydroxybutyric acid) in the victims' bodies does not indicate whether these victims were maliciously drugged or they knowingly administered the substance themselves.** In some cases GHB was detected alongside high levels of alcohol in the deceased (Richmond, 2004). GHB is a naturally produced chemical in the human body (Gobaille, Hechler, Andriamampandry, Kemmel, & Maitre, 1999). Though typically produced in small amounts, the decomposition process can release additional GHB into the system (Teter & Guthrie, 2001). GHB seems less relevant since alcohol alone can cause effects similar to those associated with GHB, such as loss of muscle coordination, dizziness, etc. (CDC, 2008).
18. **The drowning of college students is not limited by region, but by climate.** It happens in the United Kingdom (Powell, 2001) and Canada as well (The Edmonton Journal, 2006). States such as AZ, UT, and NV, all lack cases due to their absence of water in a desert climate. The deaths in other countries are never linked by nefarious activity, just the accidental behavior of inexperienced and intoxicated youths.

Perpetuation of the serial murder theory is perplexing to scientists who routinely use critical thought and the systematic method to obtain results. The wonderful thing about science is that it helps to eliminate bias from empirical observations through the use of definitions, criteria, protocols and procedures.

Observational bias continues to be a problem however, with regard to people who believe this serial killer theory. Two errors in observation come to mind. First, a bias may occur in the form of a belief that may become fixed and resistant to change. No matter what new information is presented, the holders of such a belief are resistant to change. This is because belief is not founded on facts in the same way reason is (Pierce, 1877/2009).

Second, groupthink may be at work. Groupthink is the condition by which observers are unduly influenced by the apparent authority of other observers thereby creating a form of peer pressure to conform their viewpoints (Janis, 1972). A highly decorated and well seasoned lead homicide investigator from the largest city in the United States acts as the central authority in the

Smiley Face Killers case (Piehl, 2008a). Emotional investment of an authority figure further perpetuates this misguided theory.

In the case of non-recreational drowning investigations, emotional involvement is also clearly an issue. During a CNN interview, the lead *smiley face* investigator said, "Well, the first case, Pat McNeil in New York back in 1997, obviously that became very emotional and connected to the family...and she [Pat's mom] said, 'Please, just try to prove that Patrick wasn't some drunk kid that fell into the river.' And I said, 'I promise you. I give you my word. When I retire, I'll prove that your son wasn't that individual and that he was abducted and murdered'" (CNN Transcript, 2008, p. 17). This detective went on to say that he went so far as to even mortgage his own house to pay for the investigation, a clear sign of emotional entanglement (CNN). To prevent this, investigators are warned "not to become emotionally involved" in their investigations (Geberth, 1996, p. xxxii). Over-identification with either the victim, or the victim's family, can cloud the investigator's ability to think clearly and to remain impartial.

Still other observers are affected by their emotions. This is especially true for family members and friends who are deeply wounded by the loss of their loved one. Emotions are so intense that people become blinded to logic and to reason. Even the media accounts become emotionally embroiled in the story. Kristi Piehl, an "Emmy-award winning" investigative news reporter continues coverage of the serial killer theory on her personal news blog, even after having been laid-off (Gustafson, 2008, p. 1). Media exposure then amplifies the detective's authority thus solidifying the ability to convince interested parties of the conspiratorial claim. News reports confirm a certain public image of the events and those who perpetuate them, which is repeated and believed as true (Goode, 2006, p. 25).

Myths and urban legends are both perpetuated and dispelled with the advent of the Internet. While many myths are verifiable on websites such as *urbanlegends.com* or *snopes.com*, online communities also grow around the proponents of certain urban legends. In the case of the *smiley face murder theory*, blogs such as Kristi Piehl's *sckillers.com* receive thousands of comments on posts that inform proponents of recent news. The expansion of the Internet allows audiences to narrow their information consumption to specialized sources that meet their interests and needs (Tewksbury, 2005), and to exclude contradictory information.

Throughout history, society has always needed to produce monsters, often called *folk devils*, to help explain the unexplainable (Jenkins, 1994; Hickey, 2003). Death investigation is one area inherently in great need of public explanation but often lacking in available credible knowledge. Monster mentality is fed in part by the secrecy of "ongoing investigations" (Morton & Hiltz, 2005, p. 55). It is also fed by our media's lack of resources, or perhaps resolve, to dig deeply into what actually happens when each of these deaths occurs (Gans, 2004). Homicide and other forms of death then become mysteries. This information vacuum becomes the breeding ground of rumors, myths, legends, and all forms of monster-making.

Monsters of the past have included Big Foot, Martians, UFOs, the Boogy Man, dragons, witches and the like. As a culture, we feel a need to project our excessive fears, sadness, and hatred onto these beings. In times of great uncertainty, whether the aftermath of a loved one's abrupt drowning, or the community's struggle to cope with rapid technological change, our fears

are greatly exacerbated (Featherstone, 2002). Though many former monsters have been debunked on the Internet, society continues searching for something or someone more tangible to blame. With all the focus in the last few years on *CSI* and other crime-solving shows, it makes sense that serial killers are once again our elusive and vicious monsters of choice (Jenkins, 1994).

Whatever the reason, the *smiley face murder theory* has been resistant to myth-busting. College students were drowning in the river long before most of these identified cases occurred, both here and in many countries around the globe (WHO, 2005). And they will continue if we don't take steps to control alcohol abuse within this college-aged group.

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## Appendix



Smilies are everywhere. From an overlook at Beartooth Pass (U.S. Hwy. 212), Carbon County, Montana (looking Northwest), August 2008. Smiley is 16 miles south of Red Lodge, located on Glacier Lake Road. It consists of painted white rocks.

**Do You Know This Person?**  
Officials are attempting to identify these skeletal remains.  
If you know the remains are of someone, please call the number below.

**History:** On June 28, 2004, a skull was found in Carbon County near U.S. Highway 212 approximately 16 miles south of Red Lodge, Montana.

**Contact info:**

Agent Lee Huxton Montana Division of Criminal Investigation P.O. Box 37084, Helena, Montana 59637 (406) 456-4131 <a href="mailto:lee.huxton@dcj.mt.gov">lee.huxton@dcj.mt.gov</a>	Under Sheriff Dan McJunkin Carbon County Sheriff's Office P.O. Box 238, Red Lodge, Montana 59068 (406) 446-1334 <a href="mailto:DMcJunkin@ccosheriff.com">DMcJunkin@ccosheriff.com</a>
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These are an example of two co-occurring events, unrelated by time, but easily misconstrued as sinister.

Poster is located in Red Lodge, Montana of unidentified human remains discovered 16 miles south of Red Lodge on U.S. Hwy. 212 in 2004. This site is near the north gate to Beartooth Pass and only one third of a mile from Rock Creek, a mountain stream.

According to Jeff Gildehaus, of the U.S. Forest Service of Custer National Forest's Beartooth Ranger District, the smiley is about 50 feet in diameter and has existed since before 1992. Carbon County Undersheriff, Dan McJunkin, reports the smiley face was created as early as 1984.