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Can We PreCrime?

The Tragic Case of Ana Walshe

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DISCLAIMER: To the extent that pending criminal matters are discussed in this article, all such charges are merely accusations and all defendants are presumed innocent until and unless proven guilty.

In 1956, acclaimed science fiction author Philip K. Dick published a novella entitled “The Minority Report”. This publication inspired the 2002 Tom Cruise film, “Minority Report” and a 2015 sequel television series. Dick’s novella coined the term “precrime”, the idea that a crime could be prevented before it happened. Little did Dick know at the time that algorithms would eventually be used by large tech companies such as Amazon and Google in attempts to predict

what we are looking for, want to purchase, etc, sometimes before we even are aware of it. Similar approaches, such as COMSTAT, are being used by law enforcement to analyze data in attempts to effectively deploy personnel and resources and reduce crime. In federal supervision, one such approach is the Post-Conviction Risk Assessment (PCRA).

A tragic case currently playing out in both local and national news coverage is the disappearance and alleged murder of Ana Walshe. The mother of 3 and real estate executive, was last seen on New Year's Day. Her husband, Brian Walshe, who was initially charged with hindering the police search for his wife, has now been charged with her murder in Quincy District Court - Massachusetts (case #2356CR000318). When Walshe reported his wife missing on January 4, 2023, he was pending sentencing in the U.S. District Court - District of Massachusetts, under docket 18-CR-10399-DPW, following his plea of guilty in 2021 to one count each of wire fraud, interstate transportation for a scheme to defraud, possession of converted goods and unlawful monetary transaction. The original case involved the listing and sale of two fake Andy Warhol paintings via eBay (online auction and shopping site). Walshe was under pretrial supervision and on location monitoring (radio frequency "RF", not GPS) at the time of his wife's disappearance. According to news reports, law enforcement officials have found blood in the family's basement and a bloodstained, damaged knife. They also discovered a hacksaw, a hatchet, blood, used cleaning supplies and a rug at a trash transfer station approximately an hour away

from the Walshe family home. It is also reported that Walshe made a trip to Home Depot, that was not approved as part of his location monitoring schedule (he was only authorized to pick up his children from school, which was closed that date), and purchased mops, a bucket, tarps, drop cloths, and various kinds of tape. Walshe wore a surgical mask and gloves during the trip and paid in cash.

Could the disappearance and murder of Ana Walshe have been prevented by officers having the resources to detect and respond to potential indicators detected in the defendant's computer and Internet activity? While Walshe did not have any computer/Internet restrictions and/or monitoring conditions ordered as part of his pretrial supervision, there could have been legal justification for such conditions. The original offense conduct involved the use of computers and Internet to facilitate the crime (fraudulent listing via eBay). Investigators in his wife's murder have uncovered suspicious online search inquiries conducted by Walshe, both before and after his wife's disappearance, which were highlighted by prosecutors during Walshe's arraignment. The timeline of his Internet searches, and the events that occurred, were outlined by CNN (<https://www.cnn.com/2023/01/18/us/brian-walshe-ana-walshe-google-searches/index.html>) as follows:

December 27:

- *"What's the best state to divorce for a man"*

January 1: Brian and Ana Walshe went to bed around 1 or 1:30 a.m. after celebrating the new year with a friend, he told investigators, prosecutors said in an affidavit. He told police Ana Walshe left early that morning for her job in Washington DC, the affidavit states, but there is no evidence she left the home.

4:55 am - "How long before a body starts to smell"

4:58 am - "How to stop a body from decomposing"

5:47 am - "10 ways to dispose of a dead body if you really need to"

6:25 am - "How long for someone to be missing to inherit"

6:34 am - "Can you throw away body parts"

9:29 am - "What does formaldehyde do"

9:34 am - "How long does DNA last"

9:59 am - "Can identification be made on partial remains"

11:34 am - "Dismemberment and the best ways to dispose of a body"

11:44 am - "How to clean blood from wooden floor"

11:56 am - "Luminol to detect blood"

1:08 pm - "What happens when you put body parts in ammonia"

1:21 pm - "Is it better to put crime scene clothes away or wash them"

January 2: Brian Walshe traveled to a Home Depot and paid \$450 in cash for supplies, including mops, a bucket, goggles, tarps, a hatchet and baking soda, according to prosecutors.

12:45 pm - "Hacksaw best tool to dismember"

1:10 pm - "Can you be charged with murder"

without a body"

1:14 pm - "Can you identify a body with broken teeth"

January 3:

1:02 pm - "What happens to hair on a dead body"

1:13 pm - "What is the rate of decomposition of a body found in a plastic bag compared to on a surface in the woods"

1:20 pm - "Can baking soda mask or make a body smell good"

A former prosecutor has been cited in news reports stating that Walshe's Internet searches will not only be used as evidence of his alleged crime, but may also work against his ability to blame mental health issues as the searches reveal planning and are well thought out. It is evident that the Internet activity in this case, both prior to and after the disappearance of Ana Walshe, is highly valuable to the prosecution, even more so since no body or remains have been discovered as of yet.

As I discussed in my previous article "Dedicating Resources: The Find Evidence Button is Broken", pretrial, probation and parole agencies continue to report concerns regarding the lack of resources to focus on the complexity of cybercrime-related supervision techniques. Resources such as staffing, training, equipment, and most importantly, time. All of these resources are reliant on one another. An agency can throw buckets of money at the problem by purchasing the latest digital forensic software suite and equipment, but if staff is not properly trained and/or does not have the time to dedicate to the cases and examinations, the equipment is a very

expensive paperweight. The Court could also order every person under supervision to participate in a district Computer and Internet Monitoring Program (CIMP), but if the staff/officers tasked with analyzing the data captured by the CIMP are not properly trained and do not have adequate time to process and analyze the data, the conditions will be toothless. The valuable information and intelligence gained by proper CIMP data analysis and digital forensic examinations can be used to intervene early, potentially changing behavior and preventing violations and new crimes.

A major obstacle in calculating these efforts is how to measure "success". It is easy to measure failures when a person is under supervision; non-compliance reports, violations, and arrests. But how can we measure proactive success? If an officer intervenes early, redirects a person under supervision and unknowingly prevents non-compliance or new criminal activity, how could that be measured? More often, officers are "punished", for lack of a better term, for success (i.e. caseload compliance). If caseload non-compliance is low, the caseload could be increased or the officer continually tasked with more problematic cases. It is as if the position is that the officer has no impact on the success of a person under supervision. In regards to public safety, a prevention approach should be strived for as much as possible.

IPPC Technologies continues to strive towards predictive and proactive solutions so officers can intervene early, address areas of concern and change behavior. For more information on IPPC's services such as Spotlight, please call IPPC at

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