

Course Goal: To develop law enforcement personnel capable of investigating and testifying in gang related criminal trials.

DAY 1

I. WELCOME and INTRODUCTION (1hr)

- A. COURSE INTRODUCTION
 - 1. Student registration
 - 2. Welcome/Admin. instructions
 - 3. Purpose and goals of course
 - 4. What students hope to learn
- B. INSTRUCTOR/STUDENT INTRODUCTIONS
 - 1. Explain reasons for student introductions
 - 2. Student input on introduction information
 - 3. Student introduction with partners

II. SEARCH WARRANTS (3 hr)

- A. OBJECTIVES
 - 1. Writing a legally acceptable affidavit/SW
 - 2. Develop workable approach in obtaining SW
- B. SEARCH WARRANTS vs. SUBPOENAS & COURT ORDERS
 - 1. U.S. v. Ventresca 1965
 - 2. Prevalent issues with non-SW searches
 - 3. Discuss when subpoena is appropriate
 - 4. Discuss when court order is appropriate
 - 5. Discuss when search warrant is appropriate
- C. CONSTRUCTING AND AFFIDAVIT
 - 1. Official language required in affidavit
 - 2. Descriptions of persons, places & things to be searched
 - 3. Expert language
 - 4. Probable cause
 - 5. Informant issues
 - 6. Ending official language
- D. CONSTRUCTING A SEARCH WARRANT
 - 1. Official language
 - 2. Night service
 - 3. Telephonic warrants
 - 4. Special issues
 - 5. Approaches to sealing & other warrant issues

III. INTERNET INVESTIGATIONS (3 hr)

- A. ESTABLISHING E-MAIL ACCOUNT
 - 1. Yahoo.com
 - 2. Gmail.com
- B. MYSPACE.COM
 - 1. Review of MySpace.com
 - 2. How site operates
 - 3. Gang nexus on MySpace.com
 - 4. How to create U.C. account
 - 5. How to operate U.C. account
 - 6. How to subpoena MySpace records
- C. YOUTUBE.COM
 - 1. Review of Youtube.com
 - 2. Gang nexus on Youtube.com
 - 3. How to create & maintain U.C. account
- D. CPIXEL.COM
 - 1. Review of Cpixel.com
 - 2. Gang nexus on Cpixel.com
 - 3. How to create U.C. account
 - 4. How to operate & maintain U.C. account
 - 5. How to subpoena Cpixel records
- E. LEARNING ACTIVITY

1. Group #1 locate & present gang MySpace.com
2. Group #2 locate & present gang MySpace.com
3. Group #3 locate & present gang MySpace.com
4. Group #4 locate & present gang MySpace.com

IV. INTRODUCE AND REVIEW CASES

(1 hr)

A. CASE DISTRIBUTION & REVIEW

1. Distribute search warrant hypothetical group 1-4
2. Review instructions with students
3. Students to read/review cases by themselves
4. Reform into groups and decide the following:
 - a. primary suspect in case
 - b. enough p.c. to write sw?
 - c. give a brief synopsis of case
 - d. group spokesperson to present this info.
5. Ensure that all student are clear on assignment & case facts

DAY 2

V. 186.22 REVIEW

(2 hr)

A. DEFINITIONS

1. STEP Act crime-186.22(a)
 2. Criminal street gang-186.22(f)
 3. Pattern of Activity-186.22(e)
- ##### **B. 186.22(a) P.C.**
1. Penalty
 2. Components
 3. Elements to prove
- ##### **C. 186.22(e) (1)-(30) P.C.**
1. Discuss all 30 predicate crimes
- ##### **D. 186.22(b) P.C.**
1. Definition of section
 2. Knowledge of enhancement
 3. Elements needed to prove enhancement
- ##### **E. ENHANCEMENT PENALTIES**
1. Cover 186.22(b)(1) P.C.
 2. Cover 186.22(b)(4) P.C.
- ##### **F. PROVING 186.22(a) IN COURT**
1. Elements of proof
 2. Forms of proof
- ##### **G. PROVING 186.22(b) IN COURT**
1. Elements of proof
 2. Forms of proof

VI. PROSECUTION STRATEGIES

(2 hr)

A. HYPOTHETICAL CASE DISCUSSION

1. Prosecution strategies case #1
2. Prosecution strategies case #2
3. Prosecution strategies case #3
4. Prosecution strategies case #4

B. WHAT CAN EXPERT TESTIFY TO?

1. Gang history
2. Gang structure
3. Gang culture
4. Gang gun opinion
5. Gang rivalry
6. Recanting witness expertise
7. How crime benefited the gang

C. WHAT CAN EXPERT RELY ON?

1. Admissions
2. Tattoos
3. Clothing
4. Association
5. Statement of CI's
6. Photographs
7. Field Interviews

8. Etc....

D. WHAT IS DISCOVERABLE BY DEFENSE?

1. Intelligence files
2. CAL Gangs
3. Sources of information
4. Review of 1040 1042 evidence code

VII. SEARCH WARRANT PRACTICAL EXERCISE

(4 hr)

A. REVIEW PRACTICAL EXERCISE GOALS

1. Prepare affidavit based on case facts
2. Prepare search warrant based on case facts
3. Establish printing procedures
4. Ask assigned DDA for assistance if needed
5. Inform students of due date
6. Allow students to work in class

DAY 3

VIII. INTERVIEW AND INTERROGATION

(2hr)

A. OVERVIEW

1. Discuss general thoughts about effective interviewing techniques
2. Review law ref. Interviewing suspects
3. Miranda and the law
4. Beheler and the law

B. INTERVIEWING TECHNIQUES

1. Recordings, notes, and videos
2. Interview Techniques
3. Admonishments and waivers
4. Special issues

C. COMMON ISSUES

1. Suggested defenses
2. Lying to suspects
3. Invocations

D. NON-CUSTODIAL INTERVIEWS

1. Miranda and detentions
2. Beheler warnings
3. Miranda and inmates
4. Juveniles and Miranda

E. LEARNING ACTIVITY

1. Interview DVD #1
 2. Interview DVD #2
 3. Interview DVD #3

IX. CONFIDENTIAL INFORMANTS

(1 hr)

A. DEFINITION OF CI / TYPES OF CI'S

1. Citizen informants
2. Paid informants
3. Defendant informants
4. In-custody informants

B. INFORMANT BENEFITS

1. Benefit definition
2. Delay benefits
3. Disposition benefits
4. Immunity benefits
5. Intervention benefits
6. Financial benefits

C. INFORMANT MANAGEMENT

1. Informant record keeping
2. Recording cooperative efforts
3. Drug testing
4. Sentencing considerations

D. STATE LAW PERTAINING TO CI'S

1. "Brady-esque" material
2. Kyles rule
3. Hayes rule

E. MAINTAINING CI CONFIDENTIALITY

1. Review 1040 evidence code
2. Privilege against disclosure of information
3. How to claim the 1040 privilege
4. In-camera hearings

F. PROTECTING CI IN REPORT WRITING

1. Review scenario #1
2. Review scenario #1a
3. Review scenario #1b
4. Review scenario #2

X. GANG PREDICATE BOOK

(3 hr)

A. PURPOSE OF PREDICATE BOOK

1. District attorney's use
2. Law enforcement dept. use
 - a. Successful gang prosecution
 - b. Continuous documentation criminal activity
 - c. Reference for gang investigators to expand gang expertise

B. PREPARATION IN BUILDING A PREDICATE BOOK

1. Identify criminal street gang
 - a. Discuss 186.22 P.C.
 - b. Discuss Ca. DOJ criteria for documenting a gang
2. Identify documented gang members
 - a. Discuss DOJ criteria for documenting a Gang member

C. IDENTIFY GANG PREDICATE OFFENSES

1. Through crime case reports
 - a. Cases need to have gang nexus
 - b. Cases must result in conviction
 - c. Does not need to be tried as 186.22 case

D. SECTIONS CONTAINED WITHIN PREDICATE BOOK

1. Case summary
 - a. Used as a table of contents
2. Gang documentation reports
 - a. Documentation all L.E. contacts
3. Predicate Offense Summary
 - a. Outlines the history of the gang
4. Crime Cases
 - a. Shows gangs predicate acts
5. Gang related summary
 - a. Detective expert opinion
6. Follow-up reports
7. Court disposition
 - a. Shows outcome of case

E. BUILDING A PREDICATE OFFENSE BOOK

1. Predicate offense case summary
 - a. Headings & information needed on form
2. Gang documentation reports
 - a. Discuss information required on form
3. Predicate offense summary
 - a. Discuss content needed in summary
1. Introduction
2. History & membership of gang
3. Gangs characteristics
4. Rival gangs
5. Gang mobile or territorial?
6. Geographical boundaries of gang
4. Gang related summary
 - a. Discuss information required in summary
1. Synopsis of investigation
2. Outcome of case
3. Expert opinion at to 186.22 P.C.
4. Gang membership

F. GANG RELATED SUMMARY ACTIVITY

XI. PREPARATION FOR GANG TESTIMONY IMPORTANCE OF UPDATING (2hrs)

- A. Crime cases
 - a. Need to be current (past 3 yrs.)
- B. Predicate offense summary
 - 1. Changes in geographical boundaries
 - a. Boundaries increased/decreased
 - b. Overall boundary changes
- C. Organizational / structural changes in gangs
 - 1. Membership changes(multicultural)
 - 2. Increase or decrease
 - 3. Name of gang may have changed
 - 4. Gang broken off into subset
- D. Current trends
 - 1. New rivals
 - 2. Change in criminal activity
 - 3. Alignment with other gangs

DAY 4

XII. DEFENSE STRATEGIES (2 hr)

- A. Overview the key strategies that defense utilize
- B. Identify how to prepare for the strategies
 - 1. Review what to expect from defense
 - 2. How to prepare for cross examination
 - 3. Any crime does not benefit gang?

XIII. SEARCH WARRANT FEEDBACK (1 hr)

- A. ATTORNEY REVIEW OF SEARCH WARRANTS
 - 1. Distribute corrected affidavits to students
 - 2. Review most common mistakes
 - 3. Review how to correct mistakes
 - 4. Review aspects of best written affidavits

XIV. TESTIFYING AS AN EXPERT WITNESS (1 hr)

- A. LAWS OF EXPERT TESTIMONY
 - 1. Applicable law of expert witness
 - 2. Appropriate subject matter
 - 3. Qualifications of expert witness
 - 4. What is reliable expert testimony?
 - 5. Reliability of sources of information
 - 6. Appropriate format to deliver testimony

XV. PSYCHOLOGY OF PERSUASION (4 hr)

- A. INTRODUCTION TO PSYCHOLOGY OF PERSUASION
 - 1. Affective reasoning ref. expert witness
 - 2. Beliefs & attitudes ref. expert witness
 - 3. Decision making ref. expert witness
 - 4. Influences on the jury
- B. JURY'S PERSPECTIVE
 - 1. Jury's perspective ref. expert witness
 - 2. Expert's role as a "teacher"
 - 3. Juror's decision on competing experts
 - 4. Importance of jury instructions
- C. DIRECT & CROSS-EXAMINATION
 - 1. Selection & preparation
 - 2. Order/advantages of direct & cross exam.
 - 3. Importance of introduction of expert witness
 - 4. Importance of background of expert witness
 - 5. How to present an opinion
 - 6. Bases of expert opinion
 - 7. Preparation of cross-examination
 - 8. Defense strategies for cross-exam

9. Specific cross-exam techniques
 - a. Qualifications
 - b. Bias & interest
 - c. Data relied on
 - d. Assumptions
 - e. Prior inconsistent statements
 - f. Treatises
 - g. Experts disagreements
- D. VISUAL AIDS & EXHIBITS FOR COURTROOM
 1. Introduction to visual aids
 2. How to develop visual aid strategy

DAY 5

XVI. PROSECUTOR/DEFENSE ATTORNEY PERSPECTIVE (1 hr)

- A. PROSECUTOR PERSPECTIVE
 1. Review what to expect from prosecutor
 2. Review typical pattern of questioning
- B. DEFENSE PERSPECTIVE
 1. Review what to expect from defense
 2. Review typical pattern of questioning
- C. JURY PERSPECTIVE
 1. Review what jury is looking for
 2. Educate & speak to jury

XVII. COURTROOM EXERCISE (6 ½)

- A. STUDENT TESTIMONY
 1. 5 minutes of direct questioning
 2. 5 minutes of cross-examination
 3. 5 minutes of debriefing
 4. Provide student w/ tape of testimony
- B. TOPICS TO BE COVERED IN TESTIMONY
 1. Training and experience
 2. What is a gang?
 3. What is a gang member?
 4. How crime benefits gang
 5. Hypothetical specific questions

XVIII. COURSE CLOSURE (30 mins)

- A. CLOSING PROCEDURES
 1. Remarks from instructors
 2. Remarks from students
 3. Collect written evaluations from students
 4. Present course certificates

Training Concludes