

SANTA ANA POLICE DEPARTMENT
“Advanced Gang Investigations”
Extended Course Outline
Three-Day 24-hour Course

Instructional Goal: To provide the student with an increased knowledge of gang investigations. In this course, we will discuss criminal street gang topics such as history, gang subculture, field contacts and documentation, informant management, arrest, interrogation, theories of liability, discovery, gang expertise, and a prison gang update.

A. Introduction

- a. Instructors and students
- b. Distribute and complete POST roster
- c. Ice Breaker- Gang Gun Scenario (Group Exercise)
- d. Discussion: Discuss Scenario
 1. Ask students to identify crimes and investigative techniques
 2. Officer safety concerns
 3. Legal considerations
 4. Interviews (suspects)- Knowledge of gun
 5. Booking suspect and appropriate charges.
 6. Follow-up investigation

I. **History of Gangs and Gang Investigation**

A. History of the Street Terrorism and Prevention Act (STEP)

- a. Discuss the meaning and purpose of the law.
- b. Definition of a gang, CPC 186.22(f).
 1. An ongoing group or association, with three or more members, with a common name, sign or symbol, whose primary activities are one of the crimes listed in CPC 186.22(e) and have engaged in a pattern of criminal activity.
- c. Discuss legal definition of elements.
 1. Practical application of primary activities, CPC 186.22(e) and pattern of criminal activity making a “Crew” a gang by law.

B. Vertical Prosecution

- a. Documentation-Cornerstone of gang cases
- b. Suppression- Discuss different suppression approaches and considerations (staffing). Suppression such as uniformed approach, undercover, operations (debrief Candy Crush).
- c. Prioritization of problems- Targeting violent gangs/violent offenders
- d. Tri-Agency Resources- Partnership with Probation, Parole and the District Attorney’s Office
- e. Prosecution-Prosecution Team and partnership.

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II. Identifying a Gang Problem

A. Juveniles and Gangs

- a. Juveniles in the court system-rehabilitation
- b. Proposition 57
 - 1. WIC 707 Hearing. Criteria needed to prosecute a minor (16 and 17 years of age) in adult court.
- c. Status Offender and Delinquency
- d. Notice of Determination for Juveniles.
 - 1. Discuss the process of law enforcement agencies sending a written notice to a juveniles’ parents reference adding the juvenile to Cal Gangs.
 - 2. Discuss the Contestation process and the process when an attorney is involved.
 - 3. Discuss the outcome- Juvenile may or may not be included depending on documentation and the totality of the circumstance.

B. Joining a Gang

- a. Active participation vs. member- Discuss legal definition.
- b. Structure

C. Discuss why gang related crimes are different from all others.

- a. What motivates it?
- b. The importance of respect and why it’s viewed differently in gang subculture.
- c. Use of firearms and “gang guns.”
- d. Retaliation- Must retaliate or lose respect.
- e. Recognition during crimes- How? Bragging, calling out the gang name, social media.
- f. People v. Rios- CPC 186.22(b)(1) can be added to a solo gang member with a gun but you need to introduce evidence that this gang member possessed the gun with the intent to assist, further, or promote criminal conduct by members of his gang.
 - 1. Class examples on we prove this element based on real scenarios.

III. Field Contacts and Documentation

A. Contacting Gang Members in the Field.

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- a. Tattoos
- b. Attire-Clothing, sign and symbols- Must be very specific.
- c. Monikers
- d. Graffiti
- e. Hand Signs
- f. Statements

B. Field Interview Cards

- a. Include all pertinent information (Context of the stop/contact-Consent, reasonable suspicion, probable cause)
- b. Cross Reference-Talk about the importance of Field Interview cards and how this is evidence used before a gang crime has been committed. Example Eastside Gang Murder.

C. The Notice of Determination or “186”

- a. What is it-Elements needed in CPC 186.22(a).
- b. Explains the gang law to the gang member.
- c. Notifies gang member their gang is a criminal street gang.
- d. People v. Rodriguez- Two or more members from the same gang committing the underlying offense together.

D. Documentation Techniques

- a. Asking the proper questions.
- b. Miranda Issues-Would your encounter be deemed a custodial setting.
- c. Consistency-Verify documentation is consistent with Body Worn Camera footage or other recording devices.

E. Reasonable Suspicion for Gang Documentation

- a. Criteria for Gang Membership
- b. Cal Gang Criteria for inputting into database
 - 1. Assembly Bill 90-This Bill shall be known, and may be cited, as the fair and accurate Gang Database Act of 2017.
- c. Cal Gang Contestation Process.
 - 1. Provide students with template and scenario pursuant to CPC 186.34.

F. Violent encounter with gang members

- a. Mindset
- b. Everybody on the team is a safety officer and a leader

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- c. Debrief an Officer Involved Shooting with a gang member-Lessons learned and outcome

IV. Post Arrest Investigation.

A. Obtaining Evidence from Gang Suspects or Crime Scenes

- a. Clothing-Accurate documentation and photos.
- b. Ballistic analysis
 - 1. Use a Santa Ana Gang as an example illustrating the use of the firearm.
- c. Cell phones- Search warrant, Specific Intent, CPC 1546.1(c)(9)
- d. DNA-Buccal swab

B. Booking Gang Suspects

- a. Personal information-Obtain accurate information.
- b. Phone calls-Listen to them and complete necessary supplemental reports.
- c. Photos-Booking photo, tattoos
- d. Mail Covers-Discuss with DDA and manage mail cover appropriately.
- e. Perkins Operation-Major Crimes Operation Partnership

C. Search Warrant

- a. Gang Indicia
- b. Multi-dwelling- Establish nexus
- c. Language-Night service, Ramey Warrant, Steagald Warrant, Social Media.
 - 1. Preserving evidence letter while search warrant is completed.
- d. Give scenario involving multi-dwelling search warrant.
- e. Give students example handout of search warrant.
- f. Discuss current law on search warrant
- g. Execution of search warrants and tactical considerations.

D. Compiling a Gang Background

- a. Suspects-Field interview cards, STEP notices, Crime/Arrest report.
- b. Victims/Witness.
- c. Do not testify from database printouts
 - 1. Utilize database as an investigative resource. Discover copies of documents.
- d. Discuss People v. Brady and what is considered Brady material.
 - 1. Documents that have exculpatory evidence.

E. Interview and Interrogations

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- a. Victims and Witnesses Cooperation
- b. Special considerations with victim/witnesses
- c. Photograph victims and witnesses
- d. Suspects
- e. Interviewing Juveniles-Legal considerations

V. Expertise and Court Preparation.

A. Establishing student’s Expertise

- a. 801 of the Evidence Code. If a witness is testifying as an expert, his testimony in the form of an opinion is limited to such an opinion as is: (a)Related to a subject that is sufficiently beyond common experience that the opinion of an expert would assist the trier of fact; and (b)Based on matter (including his special knowledge, skill, experience, training, and education) perceived by or personally known to the witness or made known to him at or before the hearing.
- b. Discuss People v. Sanchez-Hearsay relating gang expertise

VII. Qualifying as a Gang Expert and proving the case.

A. Establishing the elements of a criminal street gang

- a. What is the definition of a gang?
- b. Gang subculture
- c. Familiarity with defendant gang
- d. Specifics of defendant gang
- e. Primary activities of defendant gang
- f. Predicate acts and establishing a pattern of criminal activity
- g. Establishing the defendant is a gang member
- h. Hypothetical given by prosecutor
 - 1. Discuss how the hypothetical is used to prove CPC 186.22(b)(1).
Hypotheticals are based on facts related to the gang case.

B. Courtroom Demeanor

- a. Be civil and be respectful to both parties.
- b. Be Well prepared-Review the material that you’re relying on.

C. Theories of Criminal Liability

- a. Constructive possession and use of a firearm.
 - 1. Knowledge, access and right to control (People v. Sifuentes).

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- b. Criminal Conspiracy
- c. Aiding and abetting.
- d. New legal updates-Felony Murder Rule

VI. Informant Management

- A. Definitions of Informants- Citizen Informant, Paid Informant, Defendant Informant, accomplice Informant and Jailhouse Informant.
- B. Protecting informant and their information
 - a. Evidence Code 1040/1042
 - b. Wall Stops
 - c. Hobbs Search Warrant.
- C. Discovery obligations with Informant use.

VII. Prison Gang Influence

- A. Brief Mexican Mafia history
- B. The role street gangs play in the Mexican Mafia
- C. Update on Orange County Mexican Mafia
 - a. Current structure
 - b. The role internet cafés play
 - c. The role females play
- D. Considerations when prosecuting Mexican Mafia cases

IX. Course Evaluation