



The Advocacy Institute, in Conjunction with the Multijurisdictional Counterdrug Task Force Training Program, Is Pleased to Announce¹

PROGRAM ANNOUNCEMENT

GANG PROSECUTION TECHNIQUES

**July 17-19, 2012
8:00 a.m to 5:00 p.m.
Arcade Building
1325 Boardwalk, 2nd Floor
Atlantic City, NJ 08401**

Program Summary

This course is intended to provide those who attend with the knowledge and tools to "attack" organized criminal street gangs using a multi-agency, multijurisdictional approach. The concepts taught in this course have been used to effectively dismantle organized criminal street gangs and take back communities that had been previously controlled by these gangs. The course highlights specialized investigative techniques and concepts that have been used to successfully dismantle criminal street gangs that were previously unstoppable by traditional law enforcement techniques. Emphasis is placed upon charging all criminal activities committed by members of the organization in one Racketeer Influence and Corrupt Organization Act ("RICO") indictment. In conjunction with this, Continuing Criminal Enterprise ("CCE") and Hobbs Act elements are discussed as a means to enumerate all offenses in one RICO indictment. Additionally, a series of practical exercises will be utilized to demonstrate how to prepare for a case funding request as well as the submission and presentation of a RICO case to the court.

Who Should Attend?

This program is intended for *experienced* prosecutors, investigators, and probation and corrections personnel who have been selected by their offices to attend this program.² **Please do not attempt to register for this program if you have not been selected to participate.**

¹ ***This training is provided by the Multijurisdictional Counterdrug Task Force Training Program, a division of the Center for Public Safety Innovation at St. Petersburg College.***

² Students are encouraged, *but not required*, to bring a laptop computer to the class for use during the practical exercises.

Who Is the Faculty?

Assistant Special Agent in Charge Ed de Velasco (ret.) recently retired as Program Manager of the Florida Department of Law Enforcement's Statewide Gang Initiative. Mr. de Velasco had served in various capacities with the Florida Department of Law Enforcement, beginning as a Special Agent in 1984. Prior to joining the Florida Department of Law Enforcement, Mr. de Velasco was an officer with the Los Angeles Police Department. During his career, Mr. de Velasco won numerous awards and was responsible for developing various training programs. He has presented on various topics, including gang investigations and prosecutions, throughout the United States and abroad, and has been an adjunct professor for St. Petersburg College since 1996. Mr. de Velasco, who is a doctoral student, holds a M.S. in Management and a B.A. in Political Science.

Brian Lee Fernandes is a statewide Prosecutor with the Florida, Attorney General's Office, Office of Statewide Prosecution, where he prosecutes a variety of complex felony cases including Gang RICO, drug trafficking, child pornography and white collar crime. He is also a Legal Advisor to the 18th Statewide Grand Jury. He is the recipient of multiple distinguished service awards and was promoted to Chief of the Southwest Florida Bureau in August, 2010. Prior to his work with the Office of Statewide Prosecution, he worked as General Counsel to the Criminal Justice Standards and Training Commission. He is also instructs an FDLE Course on Gang Racketeering Investigations and Prosecutions in Florida and has taught law enforcement and prosecutors the manner in which to gather evidence and present a criminal case against a large portion of a criminal gang. He received his Juris Doctorate from Florida State University College of Law in 1999 and a Bachelor of Science in Finance from the University of Florida in 1996.

SDAG Andrew Butchko is currently the Chief, Specialized Crime Bureau, and Commander of the Atlantic City Organized Crime Task Force. He formerly served as the Deputy Chief of the Gangs and Organized Crime Bureau where he supervised 12 DAsG responsible for prosecuting gang, weapons and narcotics cases in Central and Southern New Jersey.

CLE Credit

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 25.0 hours of total CLE credit. Of these, 1.2 qualify as hours of credit for ethics/professionalism, and 25.0 qualify as hours of credit toward certification in criminal trial law.

NY CLE Credit: 24.0 substantive credits and 1.0 ethics credit (pursuant to the approved jurisdiction policy).

PA CLE Credit: 20.0 substantive credits and 1.0 ethics credit (\$31.50 mandatory registration fee required).

How Do I Register?

State Employees

Most State employees are able to register for this course by going to <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> and creating an AGAI Course Registration account. To do so, your computer **must** be attached to the government's Garden State Network. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

Non-State Employees or State Employees not Connected to the Garden State Network

If you are not a State employee, or are otherwise unable to access the AGAI Course Registration System through the Garden State Network, kindly email the Advocacy Institute at: AdvocacyInstitute@lps.state.nj.us for an authorization code to allow you access to the AGAI Course Registration System through the My New Jersey portal. **Setting up your account through the portal is a two-step process, the details of which are set forth in the next two paragraphs.**

Once you receive the portal authorization code you will be prompted to go to the My New Jersey portal at <http://www.state.nj.us/> and create a portal account. This is Step 1 of the process, which you need only do once.

Upon setting up your portal account, you need to set up your AGAI Course Registration System account. This is Step 2. To do so, log on to the My New Jersey Portal <http://www.state.nj.us/>. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a new user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg.dcj.lps.state.nj.us/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

Gang Prosecution Techniques³

Program Agenda

A. Day 1.

1. Gang culture and the nexus to crime: 8:00 AM – 12 Noon
 - a. Provide instruction on the dynamics of the criminal association.
 - b. Provide instruction on gang culture and the symbolisms that are connected to both traditional and non-traditional gangs.
 - c. Provide instruction on the evidence that is commonly used to prove the existence of the gang and the individual's connection to the gang.
 - d. Provide instruction on the difference between an item seized or intercepted from the gang or member being used for intelligence or for a court proceeding.
 - e. Provide instruction on the use of social networking sites by the gang.
 - f. Provide instruction on investigations and undercover operations using social networking sites.

2. Documenting the criminal association/gang: 1:00 PM – 5:00 PM
(Lecture/Group Scenario)
 - a. Proving the existence of the group.
 - b. Proving the connection between the gang and crime.
 - c. Proving the criminal impact of the gang for disruption and dismantling strategies.
 - d. Implementing proactive Intelligence Led Policing to stop the criminal activities of the gang.
 - e. Documentation used to prove the connection of the individual to the group and to criminal acts connected to the group.

B. Day 2

1. Prosecution strategies and legal remedies to use during disruption/dismantling phases of operations; civil/criminal – 8:00 AM – 12:00 Noon
 - a. State and Federal statutes
 - b. Enhanced Penalties Prosecutions
 - c. Conspiracy laws
 - d. RICO
 - e. Violent Crimes in Aid of Racketeering
 - f. Asset Forfeiture
 - g. Firearm laws with connection to drugs

- h. Gang Search Warrants
- I. Use of expert witness
- j. Defense tactics

2. New Jersey Presentation 1:00 PM – 4:00 PM

3. Scenario 4:00 PM – 5:00 PM

- a. Students will be divided into investigative teams; they will work off of a scenario and present their findings.
- b. Document the gang based on statute.
- c. List the evidence that you are using to prove the existence of the Gang.
- d. Prove how each element in the statute is met and describe the evidence per each element.
- e. Describe how you will preserve the evidence for court proceedings.
- f. Describe investigative steps that you will use to obtain other evidence.
- g. Identify the individuals you can document as members of the gang.
- h. Identify the criteria for each member.
- I. List the documentation you are using for each member of the gang.

C. Day 3

1. Investigative techniques – 8:00 AM – Noon.

- a. Synergistic model for gang investigations/operations.
- b. Working with corrections to obtain evidence.
- c. Working with Probation and Parole.
- d. Proactive investigations.
- e. Historical investigations
- f. Strategic operations.
- g. Gang interviews
- h. Target identification and assessment.

2. Documentation and case file management – 1:00 PM – 2:00 PM

- a. Case management to manage a major investigation and show the impact of the gang's criminal activity.
- b. Template to track the gang, its members, and crime.
- c. Template for presentation of the case to the prosecutor.
- d. Template for presentation of case to grand jury.

3. Scenario presentation – 2:00 PM – 5:00 PM