



GANG INVESTIGATION

PREPARATION > PROTOCOL > PERSONAL SAFETY

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THE JUSTICE SYSTEM

FAIR TRIALS DO NOT OCCUR WITHOUT FACTS
EVIDENCE IS NEEDED

TEAM EFFORT

HOW DOES THE COURTROOM COMPARE TO THE OK CORRAL?

INTREPID FACT FINDERS



- Investigators report facts.
- Attorneys turn facts into evidence.
- Police and prosecutors attempt to prove elements of an offense.
- Defense investigators and defense attorneys attempt to DISPROVE elements of an offense.

AGENDA - GOALS

INVESTIGATIVE PROCESS..... HIGH-LEVEL OVERVIEW Specifically pertaining to "THE STREET INTERVIEW"

1. 3 STEP PROCESS
 - ◆ preparation
 - ◆ inquiry
 - ◆ documentation
2. INTERVIEWING (various subject types)
3. CASE STUDY: THE STREET INTERVIEW
4. ETHICAL INTERVIEWING

GANG INVESTIGATION

WHAT DO YOU DO WHEN THE FACTS YOU SEEK
ARE LOCATED IN
HIGHCRIME NEIGHBORHOODS?

Whatever you call it
The 'Hood, Ghetto, Slum, The Street

ATTORNEYS WANT YOU TO BRING BACK "THE GOODS"

How do you do that?

"plan the work, work the plan"

PREPARTION STEP 1

1. Review and Analyze – Forensic File Examination

- (a) preliminary review of discovery; folders; *"work the case"*
- police reports (chronological order; staple)
 - statements
 - evidence inventories
 - medical (emergency responders, hospital, autopsy)
 - begin time line; contact list
 - prepare inventory of received discovery
 - review evidence for errors, inconsistencies, mistakes

POLICE REPORTS & SUPPORTING DOCUMENTS ARE THE HEART OF THE PROSECUTION'S CASE

WHAT ARE WE ATTEMPTING TO DO HERE?



DRIVE A STAKE THROUGH IT !

PREPARATION *CONTINUED*

Preliminary review, *continued*

(b) simultaneously, look to see what is missing

- prepare a list of what you want to ask for

2. Attorney Meeting (*in an ideal world*) (fight for that file)

- discuss forms of communication
- define objections – what is needed
- discuss perceived weaknesses of the prosecution's case

INQUIREY (STEP 2)

- 1. visit crime scene** (sketch, measure, photo) Look for possible witnesses, note lighting conditions, obstructions, weather conditions. Look for VIDEO CAMERAS
- 2. make a list of separate research tasks:** 911 calls, police logs, red light cameras, video, cell records, backgrounds, social media, experts, skip trace, laws, procedural errors
- 3. prepare for witness interviews:** *encyclopedic knowledge* review prior statements; index card method
- 4. conduct interviews**

THE INTERVIEW... ART + SCIENCE

- ◆ single most important role of the legal investigator
- ◆ guts of the investigation

facts of the case & information at hand about the witness
dictate best approach

Main Street v Mean Street

know your audience – know your street

WITNESS INTERVIEW

TYPES of witnesses:

1. Friendly (mistake to let your guard down, not to prepare)
2. Hostile
3. Neutral (try to win them over... or stress minor involvement now)
4. Alliance unknown
5. Outcry (often emotional)
6. Victim – “ACCUSER” (often overlooked – no guts no glory)
7. GANG “The Street Interview”

DEFINITION

“THE STREET INTERVIEW” Susan Carlson CLI Whitepaper

- “The Street Interview” occurs when a professional investigator interviews gang members, their friends, their families or their neighbors on their turf. This type of interview is conducted in an uncontrolled environment, often under threatening conditions. (WHERE?)
- Hostile witness vs. street interview witness
- What is the same? – what is different?
- Non interview – Doorstep – 5 minute - Street
- What is “cop speak”?
- pros and cons of the “authority vibe”

HIGH CRIME CATEGORIES

CATEGORY	DESCRIPTION
TURF HOT SPOTS	Fights over territory. (beatings, arson, auto theft, firearms violations)
DRUG HOT SPOTS	Drug crimes are predominant (assaults, homicide) you will see lots of traffic coming in
COMBINATION NEIGHBORHOODS	All of the above

GANG HIERARCHY

TITLE	AGE	STATUS
Founding members	elders	Held in high-esteem
Hard core	16-25	Most likely to be armed
New or baby gangsters	12-16	Wannabe, awaiting initiation Often taggers
Streets lookouts/tiny gangsters	6-12	Often riding bikes Warn hard cores

STRATEGIES THAT WORK

- ABF (Always Be Friendly) – ask nicely
- look for the hook (dog, cute kid, car, etc)
- be empathetic
- emphasize that you are only looking for the truth
- appeal to their code of honor (i.e. “if this happened to YOUR brother, you would want someone to be honest and come forward”)
- filibuster (the art of non stop talking; if being tossed off step)
- adapt to go for the ONE question (open ended vs. closed)
- ask if they have any questions... show concern
- let them tell their story
- end on a positive note – leave the door open for follow up
- try to reduce their hostility

NON INTERVIEW SILVER LININGS

OK... the strategies did not work..... now what?

- learn bias or agenda
- different set of facts for impeachment
- learn prosecution strategy
- have they seen police reports
- possible misconduct if told not to talk to defense investigator

WITNESS IMPRESSIONS

- Investigators are trained to analyze a subject during an interview.
 - » speech, mannerisms, paralinguistic behavior
- Litigators can work with investigators to ascertain how these will play with the jury.
- Signs of Deception –The Basics (Reid interview techniques):
 - » Eyes right vs left
 - » Parroting
 - » Grooming
 - » Comforting
 - » Scratch nose ..why?
 - » Barrier position
 - » Shift in Chair
 - » Do you want to know the truth?

SIGNS OF DRUG USE

- | | |
|---------------------|--|
| 1. red watery eyes | glue sniffing |
| 2. runny nose | heroin, morphine, codeine |
| 3. red raw nostrils | sniffing coke....expensive and not normally used in the hood |
| 4. licking lips | amphetamines |
| 5. perspiration, BO | amphetamines (meth) |
| 6. long sleeves | track marks |
| 7. hand shaking | amphetamines (meth) |
| 8. sunglasses | hide dilated pupils |
| 9. slur speech | barbiturates, alcohol |

PERSONALITY TYPES

- Normal
- Paranoid
- Sociopathic
- Psychopathic
- Obsessive Compulsive
- Schizophrenic

no time for behavioral analysis, just assume that the person you are talking with may not be normal

Chicago: 73 active street gangs; 150,000 gang members

U.S.: 27,000 known gangs; over 1 million members

Don't assume that just because you are in Wisconsin you will not run in to some of these people

SAFETY BULLET POINTS

- Partner up
- Consider carrying a firearm
- Go early in the morning
- Know the neighborhood
- Know the signs
- Know the lingo “STREET SPEAK”
- Know the graffiti & tats
- Know the colors
- Show respect
- Don’t dress down
- Exploit role as DEFENSE
- Listen & show interest
- Forgo note taking

ETHICAL INTERVIEWING

◆ Frazier v Cupp (1969) (Law Enforcement)

“Strategic deception of suspect by police, where it is not sufficient to overbear the suspect’s will but merely prompts him to act from a consciousness of guilt does not make a statement involuntary.”

Translation: They are allowed to lie, but not take away free will.

◆ Two things private investigators cannot do:

- » pass ourselves off as Law Enforcement (or government)
- » pay a witness or offer other consideration

Case in Point: examples

laws of evidence and procedure are of prime importance

fair trials do not occur without facts...

facts without ethics

are not evidence

Certified Legal Investigator

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