

Innovative Strategies for Investigating Criminal Organizations



Speaker

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What Is Conspiracy?

Conspiracy is defined as a secret plan by a group to do something unlawful or harmful

The Dangers of Conspiracy

A conspiracy is considered a very dangerous crime even prior to its objective being realized

The Dangers of Conspiracy

A conspiracy increases the chances that the criminal objective will be attained and decreases the chances that the criminal objective will be abandoned

The Dangers of Conspiracy

Criminal conspiracy is codified in every state and in federal law

It is very dangerous

The Dangers of Conspiracy

An individual considering whether to commit a crime can have his or her mind changed through various motivations, fear/hesitation, or any number of factors

The Dangers of Conspiracy

- A group, however, feeds the motivations and minimizes any fears
 - Peer pressure
 - Each thinking that the other is determined to see it through
 - The conspiracy forms a “personality” of its own that is stronger than any individual
 - Fear of being mocked or ridiculed for expressing thoughts against committing the objective are stronger than the fear of being apprehended or even killed during the commission of the objective



Street-Level Violent Gun Crime

- Street-level violent gun crime is being committed through conspiracies
- Academia has studied this phenomena and come to the same conclusion that law enforcement has known anecdotally for decades



Street-Level Violent Gun Crime

- Violent gun crime is committed by a very small percentage of a city's population, working in small groups
- These groups are often referred to as gangs, whether they have "typical gang" characteristics or not
 - Name
 - Hierarchical structure
 - Specialization of criminality



Street-Level Violent Gun Crime

- These small groups are absolutely in a conspiracy
- Each knowingly entered into the conspiracy through an agreement with at least one other member
 - Enrichment of members of the conspiracy through narcotics dealing
 - Power and prestige through use of violence

Street-Level Violent Gun Crime

- What of murder or attempted murder with a firearm?
- This too is most often a criminal conspiracy by two or more individuals with an agreement and an overt act (e.g., obtaining a firearm or renting a vehicle to commit the act)



- NIBIN confirms what academia and law enforcement experience tells us
- Depending on certain factors, shooting events linked to the same firearm may indicate a conspiracy
 - Time between events
 - Criminal intelligence relating to the area, suspects, and victims



- The “community guns” factor may indicate a single individual’s responsibility for multiple linked shootings, but it affirms a possible conspiracy
 - If a group is “sharing” guns to commit acts of violence



- NIBIN reveals patterns of criminal activity (shootings of human beings) establishing a clear threat of continuation
 - A Rutgers University study from 2017-18 showed that when two shootings are linked to the same firearm, a third shooting will occur within 90 days, 50 percent of the time
 - A similar study in St. Louis revealed the same data
 - The shootings do not stop but for death or law enforcement intervention



Law Enforcement



- Law enforcement has a tendency, even in the face of clear evidence of conspiracy, to maintain a non-conspiracy approach to violent gun crime
 - Violent gun crime is one of the only crimes where conspiracy is dismissed
 - Narcotics investigations at state and local levels are almost always looking for a conspiracy
 - Armed robbery “crews” are routinely charged with conspiracy
 - Murder-for-hire conspiracy
 - Murder for revenge or prestige; single-shooter. Why?

Law Enforcement



- A terrible flaw in single-shooter prosecutions in the face of conspiracy evidence is that uncharged co-conspirators will continue to commit gun violence
- Only now, they have additional targets based on the prosecution of their friend
- Your witnesses

What Is the Solution?

- Backward planning—begin with the code
 - Where are the violations that can be leveraged to charge the conspiracy to commit multiple murders?
- What are the elements of those violations?
 - Is there a need for an objective beyond the gun crime?
 - Narcotics- or “gang”-related?
- Frame the investigation with consistent input from prosecutors within the identified statutes and elements

What Is the Solution?

- Investigate and charge inclusively as principals
 - The person who drove the gunman to the shooting scene is a principal to the murder
- Be prepared to apply conspiracy as the evidence reveals it
 - The person who agreed to have his girlfriend buy a gun for the shooter to use in the murder is a conspirator

What Is the Solution?

- The investigation cannot “catch up” to a conspiracy
 - Interviews attempting to gain evidence of a single shooter will be much different than interviews attempting to gain evidence of a conspiracy
- If you go in with conspiracy, the fallback can be single-shooter
- If you go in single-shooter, only a re-interview can help with conspiracy



Takeaways

- In the face of consistent and clear evidence that violent gun crime is being committed by conspiracies, single-shooter investigations remain the norm
- NIBIN and crime gun intelligence can reveal and support a conspiracy investigation and charging
- When NIBIN links a crime gun recovery to a shooting, the possessor, if not the actual suspect, is evidence of potential conspiracy, not just Brady



Takeaways

- Work as a team of investigator(s)/prosecutor(s)
- Leave the comfort zone and innovate

Anything new will have difficulties and obstacles

- Each successive overcoming of these will solidify the new method

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