Team Work = Success: Defeating Victim/Witness Intimidation

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Goals

• Introduction to the influences of crime victim and witness intimidation.

• Familiarity of investigative techniques useful to be successful in soliciting cooperation.

• Identify the high level of coercion and terrorization conducted within American inner-city, high crime areas.

• Illustrate techniques in developing working relationship/trust with law enforcement partners.

• Illustrate techniques in creating positive long-term results within these communities.
Need for a TEAM
STEPS

• Assess Community needs:
  – major issues, language(s), demographics, gangs
• Determine the Players
  – Assess the needed positions and talents
• Tie all together
• Always be aware of the environment
Assessing Community Needs

- Culture
- Gangs:
  - Location, age, level of power over the community
- Language(s)
- Resources needs /available
Team Players

- Law Enforcement
- Prosecutors – State, local, Federal
- Victim/Witness Coordinators/ Specialists
- NGO’s
- VOCA funded services
Witness Intimidation:

Before you got there.
Code Of Silence: History

- Prisons
  - Turning on fellow prisoner

- Criminals
  - Providing information to LE for a lesser sentence
Code Of Silence: Today

• Whole communities:
  – 13 year old girls
  – 8 year old boys
  – Middle age neighbors
  – Neighborhood elders
  – Rape victims
  – Families of homicide victims
What Changed

• 2004 “Stop Fucking Snitching” (SFS)
  – small home made video produced by a Baltimore Barber and a Hip Hop Rapper
  – Carmelo Anthony (NBA Star from Baltimore)

• 2007 “CBS 60 Minutes”
  – Interview with Camron Giles (Cam’ Ron)
  – Victim of shooting
  – Chose respect from hip hop community over “snitching”
Tipping Point:
a short timely event that has dramatic lasting effects.

SFS Video
+ CBS Interview
+ Distrust
= Tipping Point
Tipping Point

SFS Video:

- Non significant event
- Philosophy/message spread with more destruction than the Plague
Codes of Loyalty
Codes of Loyalty

- Individual Loyalty/Ethics/Morals
  - Loyalty to ones own principals

- Person –to- Person Loyalty
  - EX: Loyalty to spouse

- Community/Group Loyalty
  - Principals can conflict with other loyalties
Group Loyalty

- Stronger than the loyalty to another person or to self;

- Can be at the expense of all other loyalties; and

- Can discount ones personal morals.
Impact on Victims & Witnesses

- Directly impacted by the crime and the criminals
- Their voices continue to be suppressed
- Law Enforcement/Judicial System can give them the opportunity to speak and be heard
Stranglehold

- Isolation
- Oppositional Forces
- Respect
- Loyalty to Comrades
- Leadership
  - Wanting to be
  - Idealization
  - Fear
Effect

• Witnesses not coming forward – even in crimes of rape and murder.
• Derailment of homicide cases.
• Murder rate increases, while cases going to trial decrease.
• Failure of the criminal justice system.
• Continued & increased distrust in LE.
Gang Activity

• Violent Crimes
  – On average gangs are responsible for 48% of violent crimes
  – In some jurisdictions: major cities, & suburban areas = 90% of violent crimes are gang related
  – Neighborhood-based gangs & Drug Crews highest threat in most communities
Gang Trends

• 2010 - 1.4 Million active gang members
  – Includes: Street, Outlaw Motorcycle (OMG) & Prison Gangs

• 40% increase from 2009 (1 Million)
Gang Trends

- V/Witness intimidation takes many forms, including:
  - implicit threats, looks, or gestures
  - explicit threats of violence
  - actual physical violence
  - property damage
  - threats/challenges to child custody or immigration status.
Victim/Witness Intimidation

- More specifically, offenders may:
  - confront v/witnesses verbally
  - send notes and letters
  - make nuisance phone calls, or text messages
  - park or loiter outside the v/witnesses home
  - damage v/witnesses’ house or property
  - threaten witnesses’ children, spouses, parents, or other family members
  - assault or even murder v/witnesses or their family members.
• Studies of police and prosecutors report witness intimidation is pervasive and increasing.

• Prosecutors estimate that witness intimidation plays a role in 75 to 100 percent of violent crimes committed in gang-dominated neighborhoods.
Victim/Witness Intimidation

- Increased prevalence of v/witness intimidation is a reflection of the same social and psychological factors that have changed the nature of crime and offenders over the past two decades, including:
  - a lack of respect for authority, particularly among juvenile offenders
  - the expectation that life will be brief or will be spent in prison
  - a sense of powerlessness
  - the availability of firearms and a willingness to use them
  - increased penalties that raise the stakes of prosecution.
Overcoming Intimidation Through Teamwork

The investigator’s side
Why?

Witness Tampering/Intimidation

- Witness intimidation has affected or derailed up to 30% of all cases involving shootings in all major US cities.
- In homicide cases the rate of cases affected by intimidation jumps to 90%.
Why?

Robbery
Aggravated Assault
Homicide
Why?

Witnesses
Witnesses

Criminal’s Area of Operation

- neighborhood
- citizens
- crooks
- victims

- all will be needed eventually
Witnesses

Everyone is a witness

Three categories

1. General Criminal Activity Witness
2. Specific Target/Gang Witness
   - conspiracy/RICO
3. Specific Unlawful Act Witness
   - murder
   - drug dealing
Witnesses

Everyone is an INTIMIDATED Witness
Witnesses

Technology Spoils Us

Human Intelligence is overlooked

But... it always comes down to it.
Interviewing

Cold Interviews
Interviewing

Find the Advantage

- technique
- style
- co-interviewer
- victim/witness assistance specialists
Interviewing

Advantage

- KNOW your witness
- Victim?
- Crook?
- Cultural/psychological pressures
- Related to crooks?
Interviewing

Advantage

- KNOW your team
- co-interviewer
- prosecutor
- victim witness specialists
Interviewing

Force Continuum

1. be nice
2. be firm but nice
3. be nicer
4. be firm but matter of fact (and nice)
5. try nice again

6. threaten
Initial Contact

- Be quiet and listen
- No specific information is needed
- Rapport
- Engage your witness in conversation
- Be quiet and listen
Interviewing

Witness Cover

- Neighborhood canvass
- Comfort in numbers
- They will all be talking about you
- The crooks are watching you
Interviewing

Interview for the Interview

- CIs
- Other witnesses
- Flip/proffer defendants
Interviewing

2\textsuperscript{nd}, 3\textsuperscript{rd}, 10\textsuperscript{th}, 15\textsuperscript{th} Interview

As the comfort Level Rises the more Specific the Questioning
Interviewing

Your victims/witnesses

- Make them understand disclosure
- Offer protection you can deliver
  - don’t overpromise
- Explain investigative/judicial procedures
The Arrests

- Busy day
- Contact your witness
- Let them know what’s going to happen
- Let them know what’s NOT
- Do another interview...
Interviewing

...for your Defendant proffers

- ask about NON-criminal activity
  - ball games
  - rental cars
  - parties
Trial

- Just keep in Mind
- They are scared
- First time (be gentle)
- Prep is nothing like the real deal
- Make accommodations
Victim/Witnesses

Lasting Results

- Your business is word of mouth
- They will talk about their experience
- You represent everyone
Resources for Success

• Federal/State/Local Victim Witness Programs
  – Witness Aid Units
  – Victim Witness Assistance Programs
  – DOJ /Office of Victims of Crime
  – Victims of Crime Act (VOCA) funded service

• State Compensation
  – Homicide Victims
  – Violence Against Women Act (VAWA) funded services
Wrap - up

• V/Witness intimidation is real;

• It is happening before and after you walk into the community to investigate your case; and

• It has taken a strangle hold over all members of the community.
Countering Intimidation

- Understand crime victims needs
- Understand the witness intimidation
- Make Law Enforcement/Judicial System an asset
- Re-think US vs. THEM
- Empower people to reclaim their communities
Next Steps

• Develop strategies as a team
• Understand your victims & witness
• Understand communities
• Use resources
• Take your time
• Sentences
• Interview effectively
The TEAM
Long Term Results

- Resource to serve the community
- Restore hope and faith in criminal justice process
- Build bridges into the community
- Empowerment
- Change the way you/they think
QUESTIONS?
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