

CERTIFICATE OF ATTENDANCE FOR CALIFORNIA MCLE

Top portion of form to be completed by the MCLE Provider

Provider Name: Ventura County District Attorney's Office

Provider Number: 1130

Title of Activity: Juvenile Gang Prosecutions

Date(s) of Activity: August 23, 2016

Time of Activity: 2:00 - 4:00 pm

Location of Activity (City, State): HOJ: MDB Conference Room Ventura, CA

Total California MCLE Credit Hours for the above activity are 2.00, including the following sub-field credits:

- Legal Ethics _____
- Elimination of Bias in the Legal Profession _____
- Prevention, Detection and Treatment of Substance Abuse/Mental Illness that Impairs Professional Competence _____

Bottom portion of form to be completed by the Attorney after participation in the above-referenced activity

By signing below, I certify that I participated in all, or some*, of the activity described above and am therefore entitled to the following MCLE credit hours -

Total California MCLE Credit Hours 2.00, including the following sub-field credits

Legal Ethics _____

Elimination of Bias in the Legal Profession _____

Prevention, Detection and Treatment of Substance Abuse / Mental Illness that Impairs Professional Competence _____

(You may not claim credit for sub-fields unless the Provider is granting credit in those areas and you participated in those portions of the activity)

Print Your Name _____

Your California State Bar Number _____

Signature _____

* partial participation hours must be pro-rated

ACTIVITY EVALUATION FORM FOR CALIFORNIA MCLE

Please complete and return to Provider (Please Print)

Provider Name: Ventura County District Attorney's Office Provider Number: 1130

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Please indicate your evaluation of this course by completing the table below

Question	Yes	No	Comments
Did this program meet your educational objectives?	<input type="checkbox"/>	<input type="checkbox"/>	
Were you provided with substantive written materials?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the course update or keep you informed of your legal responsibilities?	<input type="checkbox"/>	<input type="checkbox"/>	
Did the activity contain significant professional content?	<input type="checkbox"/>	<input type="checkbox"/>	
Was the environment suitable for learning (e.g., temperature, noise, lighting, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	

Please rate the instructor(s) of the course below

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
Andrew Sullivan, DDA	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
David Russell, Sr. DDA	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

Instructor's Name and Subject Taught	On a scale of 1 to 5, with 1 being Poor and 5 being Excellent, please rate the items below	Rate 1 – 5
	Overall Teaching Effectiveness	—
	Knowledge of Subject Matter	—

WELFARE AND INSTITUTIONS CODE § 676

- (1) Murder.
- (2) Arson of an inhabited building.
- (3) Robbery while armed with a dangerous or deadly weapon.
- (4) Rape with force or violence, threat of great bodily harm, or when the person is prevented from resisting due to being rendered unconscious by any intoxicating, anesthetizing, or controlled substance, or when the victim is at the time incapable, because of a disability, of giving consent, and this is known or reasonably should be known to the person committing the offense.
- (5) Sodomy by force, violence, duress, menace, threat of great bodily harm, or when the person is prevented from resisting due to being rendered unconscious by any intoxicating, anesthetizing, or controlled substance, or when the victim is at the time incapable, because of a disability, of giving consent, and this is known or reasonably should be known to the person committing the offense.
- (6) Oral copulation by force, violence, duress, menace, threat of great bodily harm, or when the person is prevented from resisting due to being rendered unconscious by any intoxicating, anesthetizing, or controlled substance, or when the victim is at the time incapable, because of a disability, of giving consent, and this is known or reasonably should be known to the person committing the offense.
- (7) Any offense specified in subdivision (a) or (e) of Section 289 of the Penal Code.
- (8) Kidnapping for ransom.
- (9) Kidnapping for purpose of robbery.
- (10) Kidnapping with bodily harm.
- (11) Assault with intent to murder or attempted murder.
- (12) Assault with a firearm or destructive device.
- (13) Assault by any means of force likely to produce great bodily injury.
- (14) Discharge of a firearm into an inhabited dwelling or occupied building.
- (15) Any offense described in Section 1203.09 of the Penal Code.
- (16) Any offense described in Section 12022.5 or 12022.53 of the Penal Code.
- (17) Any felony offense in which a minor personally used a weapon described in any provision listed in Section 16590 of the Penal Code.
- (18) Burglary of an inhabited dwelling house or trailer coach, as defined in Section 635 of the Vehicle Code, or the inhabited portion of any other building, if the minor previously has been adjudged a ward of the court by reason of the commission of any offense listed in this section, including an offense listed in this paragraph.
- (19) Any felony offense described in Section 136.1 or 137 of the Penal Code.
- (20) Any offense as specified in Sections 11351, 11351.5, 11352, 11378, 11378.5, 11379, and 11379.5 of the Health and Safety Code.
- (21) Criminal street gang activity which constitutes a felony pursuant to PC § 186.22.
- (22) Manslaughter as specified in Section 192 of the Penal Code.
- (23) Drive-by shooting or discharge of a weapon from or at a motor vehicle as specified in Sections 246, 247, and 26100 of the Penal Code.
- (24) Any crime committed with an assault weapon, as defined in Section 30510 of the Penal Code, including possession of an assault weapon as specified in Section 30605 of the Penal Code.
- (25) Carjacking, while armed with a dangerous or deadly weapon.
- (26) Kidnapping, in violation of Section 209.5 of the Penal Code.
- (27) Torture, as described in Sections 206 and 206.1 of the Penal Code.
- (28) Aggravated mayhem, in violation of Section 205 of the Penal Code.

WELFARE AND INSTITUTIONS CODE § 707(b)

- (1) Murder.
- (2) Arson, as provided in subdivision (a) or (b) of Section 451 of the Penal Code.
- (3) Robbery.
- (4) Rape with force, violence, or threat of great bodily harm.
- (5) Sodomy by force, violence, duress, menace, or threat of great bodily harm.
- (6) A lewd or lascivious act as provided in subdivision (b) of Section 288 of the Penal Code.
- (7) Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
- (8) An offense specified in subdivision (a) of Section 289 of the Penal Code.
- (9) Kidnapping for ransom.
- (10) Kidnapping for purposes of robbery.
- (11) Kidnapping with bodily harm.
- (12) Attempted murder.
- (13) Assault with a firearm or destructive device.
- (14) Assault by any means of force likely to produce great bodily injury.
- (15) Discharge of a firearm into an inhabited or occupied building.
- (16) An offense described in Section 1203.09 of the Penal Code.
- (17) An offense described in Section 12022.5 or 12022.53 of the Penal Code.
- (18) A felony offense in which the minor personally used a weapon described in any provision listed in Section 16590 of the Penal Code.
- (19) A felony offense described in Section 136.1 or 137 of the Penal Code.
- (20) Manufacturing, compounding, or selling one-half ounce or more of a salt or solution of a controlled substance specified in subdivision (e) of Section 11055 of the Health and Safety Code.
- (21) A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, which also would constitute a felony violation of subdivision (b) of Section 186.22 of the Penal Code.
- (22) Escape, by the use of force or violence, from a county juvenile hall, home, ranch, camp, or forestry camp in violation of subdivision (b) of Section 871 if great bodily injury is intentionally inflicted upon an employee of the juvenile facility during the commission of the escape.
- (23) Torture as described in Sections 206 and 206.1 of the Penal Code.
- (24) Aggravated mayhem, as described in Section 205 of the Penal Code.
- (25) Carjacking, as described in Section 215 of the Penal Code, while armed with a dangerous or deadly weapon.
- (26) Kidnapping for purposes of sexual assault, as punishable in subdivision (b) of Section 209 of the Penal Code.
- (27) Kidnapping as punishable in Section 209.5 of the Penal Code.
- (28) The offense described in subdivision (c) of Section 26100 of the Penal Code.
- (29) The offense described in Section 18745 of the Penal Code.
- (30) Voluntary manslaughter, as described in subdivision (a) of Section 192 of the Penal Code.

PENAL CODE §186.22(E) LISTED OFFENSES
aka The "Dirty Thirty Three"

1. Assault with a Deadly Weapon or by Means of Force Likely (Penal Code §245)
2. Robbery (Penal Code §211)
3. Unlawful Homicide or Manslaughter (Penal Code §§187 or 192)
4. Sale, Possession for Sale, Transportation, Manufacture, Offer for Sale, or Offer to Manufacture Controlled Substances
5. Shooting at an Inhabited Dwelling or Occupied Motor Vehicle (Penal Code §246)
6. Discharging or Permitting the Discharge of a Firearm from a Motor Vehicle (Penal Code §12034 / 26100)
7. Arson (Penal Code §450 et. seq.)
8. Witness Intimidation (Penal Code §136.1)
9. Grand Theft of \$400 or Person (Penal Code §487(a) or (c))
10. Grand Theft of Any Firearm, Vehicle, Trailer, or Vessel
11. Burglary (Penal Code §459)
12. Rape (Penal Code §261)
13. Looting (Penal Code §463)
14. Money Laundering (Penal Code §186.10)
15. Kidnaping (Penal Code §207)
16. Mayhem (Penal Code §203)
17. Aggravated Mayhem (Penal Code §205)
18. Torture (Penal Code §206)
19. Felony Extortion (Penal Code §§518 and 520)
20. Felony Vandalism (Penal Code §594(b)(1))
21. Carjacking (Penal Code §215)
22. Firearm Sale, Delivery or Transfer (Penal Code §12072/ 27500 et seq)
23. Minor in Possession of a Firearm (Penal Code §12101/ 29610)
24. Terrorist Threats (Penal Code §422)
25. Vehicle Code §10851
26. Felony Theft of an Access Card or Account Information (Penal Code §484e)
27. Counterfeiting, Designing, Using, Attempting to Use an Access Card (Penal Code §484f)
28. Felony Fraudulent Use of an Access Card or Account Information (Penal Code §484g)
29. Unlawful Use of Personal Identifying Information (Penal Code §530.5)
30. Wrongfully Obtaining Department of Motor Vehicles Documentation (Penal Code §529.7)
31. Felon in Possession of a Firearm (Penal Code §12021/ 29800)
32. Possession of a Concealed Firearm (Penal Code §12025/ 25400)
33. Possession of a Loaded Firearm (Penal Code §12031/ 25850)

GANG QUESTIONS

- Officer with _____? How long a sworn peace officer? Current assignment?
- Training/experience/education in relation to the investigation of gangs?
- Familiar with a street gang called _____? Training/experience regarding that gang?

QUALIFY AS A CRIMINAL STREET GANG

- Criminal Street Gang = **More than 3 members**
- **Element 1:** Common name, sign, symbol
- **Element 2:** Primary Activities = one or more crimes listed in 186.22(e)
- **Element 3:** Do the members of _____ either individually or collectively engaged in a pattern of criminal gang activity?
 - o **PREDICATES:**
 - I'm showing you what has been marked as People's _____, a certified conviction of _____ in case _____ for a violation of _____ committed on or about _____.
 - Do you know _____ (defendant) reflected in People's _____?
 - Is he a member of _____? How do you know that?
- Possible for an active participant of _____ to not know of the criminal nature of the gang?

DEFENDANT IN THIS CASE (FOR 186.22(a), REPEAT WITH SUBJECT WITH DEF)

- Are you familiar with defendant in this case, _____? ID DEF (OR SUBJ W/ DEF)
- How are you familiar with him?
- Does he have any gang tattoos? What?
- Do you have an opinion regarding whether defendant is an active participant of the _____ gang? Basis of that opinion?

HYPO – Assume the following facts:

PC 186.22(a)

- Opinion whether Subject 1 actively participated in the _____ gang?
- Opinion whether Subject 1 knew members of the gang engage in a pattern of criminal activity?
- Opinion whether Subject 1 willfully assisted, furthered or promoted felony criminal conduct by members of the _____ gang?

PC 186.22(b)(1) and (d)

- Opinion whether Subject 1 acted for the benefit of, or in association with, or at the direction of the _____ street gang with the specific intent to promote, or further, or assist in any criminal conduct by _____ gang members with regard to: Counts [_____]