

Technical Meeting: Exchanging Experiences on Cartel Detection & Prosecution



FBI International Corruption Unit



DOJ Antitrust Division

Sponsored by Inter-American
Development Bank



Hosted by COPROCOM and SUTEL
Abril 2020
San Jose, Costa Rica



Day 1

8:30 – 9:15 Opening Remarks

- COPROCOM and SUTEL
- Representative in Costa Rica, IDB

9:15 – 10:15 ICU/DOJ ATR Overview & FBI Methodology

- ICU's Vision & Mission
- Antitrust Sherman Act
- FBI Proactive Methodology
- Importance of Working together/Task Force Model

10:15 – 11:15 Developing an Investigative Plan

- Best Practices
- Evidence Gathering
- Overt vs. Covert

11:15 – 11:30 Morning Break

11:30 – 12:30 Practical Exercise: Developing a Plan (Interactive Case Study)

- Antitrust Case Background
- Review Evidence
- Design investigative plan

12:30 – 14:00 Lunch

14:00 – 15:45 Basic & Sophisticated Techniques in Conspiracy Cases

- Open source searches
- Trash Covers/Surveillance
- Surveillance/Wiretapping
- Financial Investigations

15:45 – 16:00 Afternoon Break

16:00 – 17:30 Developing Sources of Intelligence

- How to Identify and Gain Cooperation
- Identifying Motivation
- Tripwire Program / Outreach (DOJ)
- Case Study



Day 2

9:00 – 10:00 Search Warrants / Dawn Raids

- Benefits and Disadvantages
- Organization
- Roles and Responsibilities

10:00 – 10:15 Break

10:15 – 11:15 Practical Exercise: Initial Investigative Steps (Interactive Case Study)

- Open Source Searches
- Proactive Investigative Techniques
- Source Targeting

11:15 – 12:45 Relationship Building Utilizing Behavioral Based Interviewing

- Listening Skills
- CHS Development Techniques
- Listening vs Hearing
- Structure of Interview / Gaining Cooperation

12:45 – 14:15 Lunch

14:15 – 15:15 Antitrust Interviews

- Essential Antitrust Questions
- Refreshing Memory & Using Documents
- Common Pitfalls
- Reverse proffers
- *Practical exercise:* Rapport building/Designing interview outline

15:15 – 16:15 Getting to the Truth, Part I

- Why are Confessions Necessary for Cooperation
- Structure of Interrogation
- Interrogation Techniques

16:15 – 16:30 Break

16:30 – 17:30 Getting to the Truth, Part II

- Physiology
- Analyzing Body Movements
- *Practical Exercise:* Detecting Deception



Day 3

9:00 – 10:00 Evidence Analysis

- Planning large document reviews
- Document coding techniques
- Organizing evidence
- Discovery (production of materials to defense)

10:00 – 10:45 Putting Your Case Together

- Developing an order of proof & identifying gaps
- Identifying best evidence and witnesses
- Dealing with co-operators and their lawyers

10:45 – 11:00 Break

11:00 – 12:15 Perspectives on Trial Preparation: Panel Discussion

12:15 – 13:45 Lunch

13:45 – 15:00 Practical Exercise: Proactive Techniques continued, Sources (Interactive Case Study)

- Results from proactive investigation
- Source Development
- Financials

15:00 – 15:15 Break

15:15 – 17:30 Practical Exercise: Sources continued, Interview/Interrogation (Interactive Case Study)

- Directing Source
- Interview practical – Source pitch
- Interrogation practical

Day 4

9:00-12:00 Experiences from each jurisdiction



Speakers

Devon Mahoney, FBI Supervisory Special Agent (Retired)

Former Supervisory Special Agent (SSA) Devon P. Mahoney graduated from the Virginia Military Institute in 1992 with a Bachelor of Arts Degree in Business and Economics. Upon graduation, he accepted a commission as a Second Lieutenant in the US Army serving as a Field Artillery Officer at Ft. Wainwright, Alaska. In 1994, SSA Mahoney earned a Master of Science Degree from the University of Laverne in Organizational Management.

In 1996, Mr. Mahoney was appointed to the position of Special Agent with the Federal Bureau of Investigation (FBI). During his career, he was assigned to the Las Vegas, Albuquerque, and Columbia Field Divisions where he worked criminal and terrorism investigations. As a lead investigator, SSA Mahoney has conducted numerous Under Cover Operations using Confidential Human Sources to investigate and dismantle criminal conspiracies. In 2015, Mr. Mahoney was assigned to Bucharest, Romania where he worked international corruption matters with the Romania's National Anticorruption Directorate and Moldova's National Anticorruption Center. In 2016, SSA Mahoney was promoted to the FBI International Corruption Unit located in Washington, D.C., where he was the Program Manager responsible for the FBI's Antitrust Program.

In 2019, after 23 years in the FBI, Mr. Mahoney retired and started New Market International Consulting specializing in providing training and investigative solutions to agencies working competition matters. Mr. Mahoney has had the opportunity to consult with numerous international competition agencies and has trained many of them in various competition topics to include the use of sophisticated investigative techniques and interviewing skills used to dismantle antitrust conspiracies.

Participants from COFECE (Mexico), SC (El Salvador), CNDPC (Honduras), Procompetencia (Nicaragua), ACODECO (Panama), Sutel and COPROCOM (Costa Rica), and Procompetencia (Dominican Republic)



Inter-American Development Bank

The Inter-American Development Bank (IDB) works to improve lives in Latin America and the Caribbean through financial and technical support for countries working to reduce poverty and inequality, improve health and education, and advance infrastructure. With a history dating back to 1959, today IDB is the leading source of development financing for Latin America and the Caribbean. IDB provides loans, grants, and technical assistance, and conducts extensive research, while maintaining a strong commitment to achieving measurable results and the highest standards of integrity, transparency, and accountability. IDB's current focus areas include three development challenges – social inclusion and equality, productivity and innovation, and economic integration – and three cross-cutting issues – gender equality and diversity, climate change and environmental sustainability; and institutional capacity and the rule of law.

IDB finances technical cooperation activities to transfer technical know-how and expertise for the purpose of supplementing and strengthening the capacity of entities in developing member countries. Technical cooperation contributes significantly to IDB's mission by supporting modernization of the state, institutional strengthening, capacity building, and transfer of knowledge and research.