

CRJ 530 Written Exercise 5: DRNC Scenario

Background

The following story is a fictional account of an undercover investigation leading up to the mythical Democratic-Republican National Convention event in Miami, Florida. The story is loosely based on an amalgamation of real life occurrences in the lead up to the Free Trade Area of the Americas conference in Miami, Florida in 2003. The names of all the characters in the story are fictional.

As you read the story, keep in mind what ethical and legal issues are likely to arise during the undercover investigation. At the end of the story, you will be asked to respond to several questions related to the ethical comport of undercover investigations.

The Story of Detective Amy Underwood: The Ethics of Deep Undercover Investigations

Detective Amy Underwood sat in the waiting area outside Lieutenant Crocker's office, nervously leafing through Police Chief magazines, not really paying attention to the articles, or even the pictures. Her mind was elsewhere. Lieutenant Crocker had asked Amy to come by his office as soon as her shift was over. Being called in to the Lieutenant's office is usually not a good thing... at least that's what Amy was thinking.

Amy had been assigned to the Vice & Narcotics Section of the Pasco County (Florida) Sheriff's Office only three months ago, after having worked in uniformed patrol for three years. She had applied for, and been selected for her current position as a detective over seven other applicants. In her three years in Sheriff's Office, Amy had excelled in every capacity. Her annual performance evaluations were either "Above Satisfactory" or "Outstanding." More importantly, Amy was respected by her peers and her supervisors.

That is why Amy could not understand why she had been called in by Lieutenant Crocker. She tried to think what she could have possibly done wrong that she wasn't aware of. Amy thought to herself, "is it that my arrests are down for two months in a row? Should I have waited a while before asking for two weeks' vacation?"

Lieutenant Crocker's door opened and he called out to Detective Underwood, "Hi Amy... come on in... I want to introduce you to someone."

Amy put the magazine down and walked into the Lieutenant Crocker's office. A gentleman dressed in a gray suit and blue tie stood up from his seat and extended his hand to Amy, "hello, I'm Tim Johnson... FBI Special Agent from the Miami Field Office."

Amy had no idea who this Agent Johnson was, or why he was there, but she politely responded, "nice to meet you... I'm Amy... Amy Underwood."

Lieutenant Crocker pointed to one of the chairs and asked Amy to have a seat. “Agent Johnson came up from Miami yesterday and we met with Sheriff Pearson about an hour ago. You’re probably wondering what this is all about...”

“I’m not sure what you mean, Lieutenant,” responded Amy. She thought she was going to be reprimanded for something that she had done wrong, but really couldn’t think of anything that she had done that was too serious. She thought to herself, “if I *did* do something wrong, I’m not about to make it worse by talking out loud about it.... Let me just be quiet.”

Sensing that Amy felt uncomfortable, Lieutenant Crocker decided to immediately get to the point. “Amy... the reason we asked you to come is that we would like to see if you would be interested in working a special undercover investigation with the FBI’s Joint Terrorism Task Force. The Tampa JTTF and the Miami JTTF are working a special joint investigation. Agent Johnson is the lead on this, but the investigation involves officers and deputies from several different jurisdictions. You won’t be alone...”

Agent Johnson cut in, “Amy, I can’t tell you too much about the investigation yet. But first, I want to run it by you and see if you would be willing to make a six month commitment.”

Amy was flabbergasted. She was intrigued about the details of the investigation, and flattered that she would be chosen to be part of the team. She asked, “what do you mean six months? And why me?”

Lieutenant Crocker chimed in, “there are several reasons that we considered you for this assignment. First of all, you have consistently demonstrated that you are a good and dependable employee. I have heard nothing but good things about you since you’ve been here. Second, you are a single female, and you have no children... is that correct?”

“Yes sir... I’m divorced, and I don’t have any kids. I live alone right now,” answered Amy.

Crocker continued, “that’s important, and that makes you a rare commodity right now. In this area, if you look at the Sheriff’s Offices from Pasco, Sumter, and all the surrounding counties, there are only a handful of female investigators who are single and don’t have any children. Of that handful, we chose you because we think you’re the best match for the job.”

“Well... I don’t know what to say... I’m flattered, but what exactly is the investigation, and why the six month commitment?”

“Again, I can’t give you the details just yet... if you agree to this, we’ll have a comprehensive briefing for you at the U.S. Attorney’s Office in Tampa before we would get started. But let me first give you a preview. It’s only right that you know what you would be getting into if you agree to this,” stated Agent Johnson. “Is that alright with you?”

“Sure... go ahead.” Amy didn’t want to show her excitement, but she was already hooked.

Johnson went on to explain, “this is a long term, *deep* undercover assignment. That’s why we’re asking for a six month commitment from the detectives who volunteer for the job. We need someone who has no family ties and can be away from home for extended periods of time. Do you have any family commitments that we should know about... like taking care of elderly parents or siblings?”

“No... I’m divorced... I live alone, and my parents are healthy and live in St. Louis... I have a sister, but she’s married... to answer your question... no, I don’t have any family commitments right now.”

“OK, that’s what we thought,” said Johnson. “Let me explain some more. This assignment requires two undercover police detectives... preferably female... who can be away from home for weeks at a time. We already have the commitment from one other female officer...”

Amy interrupted, “anyone I know?”

Johnson responded, “Possibly, but probably not. She’s from another county nearby. I can’t tell you just yet what her name is, but if you agree to this assignment, you will get a chance to meet her at the first briefing. It’s important that the both of you get along well because you’ll be working closely together, and at times, you will be each other’s backup. Should I continue?”

“Yes, please... it sounds very interesting,” added Amy.

Johnson continued, “this investigation involves the JTTFs from Tampa and Miami. The Florida Department of Law Enforcement (FDLE) is also onboard... as are several local police departments from the Regional Domestic Security Task Forces in Region 4 in the Tampa Bay area, and Region 7 in the Miami-Dade, Broward and Palm Beach County area. You would be working on a team of eight investigators from the various agencies, and I am the supervisor of the team. Two of those team members are expected to go deep undercover... the other six comprise the surveillance team that will keep track of you.”

Amy chimed in excitedly, “when do we get started?”

Lieutenant Crocker chuckled out loud and said, “whoa Amy.... don’t you want to hear the rest of it before you commit?”

“I’m sorry Lieutenant, I got ahead of myself. I didn’t realize there was more to this,” said Amy.

Special Agent Johnson broke in, “I’ll tell you what, Amy... there’s not much more I can tell you at this point anyway. I’d like for you to go home and sleep on it. Think about it for a day or two and then get back to me. I’ll need to get a definitive answer from you no later than next Monday. We’re having our first full briefing on Tuesday at the U.S. Attorney’s Office, and that’s where you and the other undercover female officer will be fully briefed on the details of the investigation. That’s *if* you decide to come onboard.”

Amy paused a moment and then turned toward Lieutenant Crocker, "Lieutenant, this sounds like something I'd really like to do... but I don't want to leave you short on investigators... I know how short staffed we've been lately."

Crocker answered, "Amy, don't worry about that. This has the Sheriff's full support and don't worry... you'll have your job waiting for you when you get back... nobody is going to take your position while you're gone. As much as I hate to lose you for six months, I think this will be a fantastic opportunity for you. You have my full blessing on this."

"Thank you sir... I appreciate you saying that," answered Amy. "Well... I really don't need to think about it much... can I just say yes now?"

Agent Johnson answered, "yes you can, but I would still like for you to sleep on it before you decide for sure. This is going to be a major commitment on your part, and I don't want you to regret it later. Think about it tonight... but please, I ask only one thing from you. Please do not talk to anyone outside this room about this. Very few people know about this, and we want to keep it confidential... OK?"

"Yes sir!"

"Please call me Tim. We're all on a first-name basis on this team. It's like a family."

With that, the meeting broke and Amy went home. That night, she tried to go to sleep, but she was so excited that she couldn't stop thinking about the chance to go deep undercover. This was like nothing that she had ever experienced before. She was ready to agree right now, but she knew she would have to wait till the morning.



The following Tuesday

The meeting started promptly at 10 a.m. in the conference room of the U.S. Attorney's Office in Downtown Tampa. Present at the meeting were the following personnel:

Felicia Fontaine	FBI Assistant Special Agent in Charge (ASAC), JTTF-Miami
Fred Taggart	FBI Assistant Special Agent in Charge (ASAC), JTTF-Tampa
Timothy Johnson	FBI Supervisory Special Agent, JTTF-Miami
Assistant U.S. Attorney Richard DeArmas	Lead Assistant U.S. District Attorney, JTTF-Miami
Detective Tom Sullivan	Tampa JTTF Surveillance Team (Sumter County S.O.)
Detective Roland Haar	Tampa JTTF Surveillance Team (Hernando County S.O.)
Detective Jessica Cummings	Tampa JTTF Surveillance Team (Citrus County S.O.)

Detective Sonny Peterson	Tampa JTTF Surveillance Team (Pasco County S.O.)
Detective Tony Hill	Tampa JTTF Surveillance Team (Hillsborough County S.O.)
Detective Jed Tamposi	Tampa JTTF Surveillance Team (Tampa P.D.)
Detective Amy Underwood	Undercover Deputy Pasco County Sheriff's Office Vice and Narcotics Section... Detached to Tampa JTTF
Detective Sheila Freeman	Undercover Deputy Pinellas County Sheriff's Office... Detached to Tampa JTTF
Lynette Paige	FBI Stenographer

ASAC Taggart started the meeting by welcoming all the attendees. "Alright, I have 10:01 on my watch. I'll get started now. First of all, thank you all for coming. For those of you who don't know me, I'm Fred Taggart, FBI Tampa, ASAC and lead supervisory agent for the Tampa JTTF. Also with us today is Felicia Fontaine. Felicia is my counterpart in the Miami Office and also an ASAC. She is the lead supervisory agent for the Miami JTTF. Also here from Miami is Supervisory Special Agent Tim Johnson. Tim will be the team leader for this investigation. We'll go around the room in a minute to introduce ourselves, but first, let me introduce Richard DeArmas. Richard is the lead Assistant U.S. Attorney assigned to this case. Richard, thank you for coming. Felicia, any words before we get started?"

ASAC Fontaine took the floor, "Fred, thank you for welcoming us. I think I can speak for Richard and Tim, and say that your office has been very gracious and accommodating to us during our stay in Tampa. I think this investigation is going to write a new chapter on inter-agency cooperation between all the participating agencies from the South Florida region and the Tampa Bay region. I think we have a real good group of people assembled here and I'm excited about this. As you are all probably aware by now, the Democratic-Republican National Convention (DRNC) is scheduled to be held in Miami-Dade County next year in August. Being from this area, you are all familiar with what occurred at the last major political convention in Tampa in 2012. We expect the same protest groups to come to Miami next year and attempt to disrupt our convention. That's why we're here today... we're asking for your help. I'll now turn it over to Tim, who has the most knowledge about the investigation and what our goals are. Again, thank you so much... Tim, would you give us a little background on this group we're targeting?"

"Thank you Felicia... and thank you Fred for your hospitality and your cooperation. You have really made us feel welcomed this past week." Agent Johnson went on, "everyone's time is valuable, so I'll get to the point right away. We want to try to get ahead of the curve with timely and accurate intelligence so that the mobile field forces on the ground that week can have the tactical advantage like we had in the Free Trade Area of the Americas Conference back in 2003, in Miami. I refer to the FTAA in Miami because in my opinion, it is the model for intelligence gathering that we should be doing for all these large-scale special events. The reason that things

went so well is that the mobile field force commanders on the ground were one step ahead of the protestors at every turn. Having the critical information relayed to us on a timely basis gave us a tactical advantage throughout the event. But more importantly, it also gave us a *strategic* advantage. We knew well ahead of time how many protestors we could expect, where they were coming from, where they would camp out, and who their leaders were. This is the kind of information that makes the difference between a successful event and a not-so-successful event.”

“You mean like ours?” said ASAC Taggart.

Agent Johnson responded, “no sir, I think overall, the 2012 convention in Tampa went pretty well, considering that your two undercover investigators got burned two weeks before the event. I think you will agree that that was a lesson that we can all learn from. But even with the handicap of not having timely information available to the commanders in the field, I thought that the Tampa command did an outstanding job. That’s a credit to everyone involved in that event. I think that your experiences with the couple of Super Bowls the past few years has really strengthened your regional cooperation between local and federal agencies. I think that was key to an overall successful event in 2012. Yes... there were a few hairy moments, but the Tampa PD and field forces from other departments really stepped up and did a very professional job. Kudos to all of you.”

“Thank you Tim for saying that, but we need to do better this time,” added ASAC Taggart. “We need to learn from what went wrong in 2012, and what went right in 2003. If we do that, we’ll win.”

Agent Johnson continued, “We’ll go over what went wrong last time in a minute, but first I want to introduce our two volunteer undercover investigators for this case. From the Pasco County Sheriff’s Office Vice and Narcotics Section is Detective Amy Underwood. From the Pinellas County Sheriff’s Office... Detective Sheila Freeman. Amy and Sheila will be detached to the Tampa JTTF for a six month period... during which time, they will be going deep undercover to infiltrate some of the ‘direct action’ groups that are planning to disrupt the DRNC next year. Amy and Sheila, that means that both of you will be attending a Ruckus Society training camp in Wildwood, Florida, around mid July next year. For a two week period, you will live at the camp on a 24 hour basis. There you will receive training from so-called ‘direct action experts’ on how to make ‘Sleeping Dragons,’ how to erect large signs from high places... how to rappel...”

Sheila Freeman interrupted, “sir, I’m sorry, but I have never heard of *Sleeping Dragons* or the Ruckus Society. Can you explain those to us?”

“Yes, I’m sorry... stop me if I’m going too fast,” responded Johnson. The Ruckus Society is a group that provides training to a number of ‘direct action’ protest groups. You can go on their web page at <http://www.ruckus.org/index.php> and find out more on your own. The Ruckus Society is a non-profit organization... in fact, it has 501c status, and various individuals and organizations make tax deductible donations to the organization. It’s been around since 1996, and has played an integral role in organizing and training many of the protests since the 1999

Seattle WTO riots. They are involved with the Occupy Wall Street Movement, and have had a hand in the WTO in Cancun, Mexico and FTAA in Miami, as well as the G-8 in Sea Island, Georgia... just to name a few. It's quite an elaborate and extensive network of organizations that share a common goal of social change through public protests, civil disobedience, and law breaking. I recommend that you take a few minutes to check out their web site when you get a chance."

"I will, thank you," replied Detective Freeman. "You mentioned *Sleeping Dragon*. What's that?"

"A *Sleeping Dragon* is one of many different devices that the protestors use to chain themselves together in order to make it difficult for the police to arrest them. There are many variations of this technique, but most include the use of handcuffs or other similar restraining devices, with large PVC pipes ... sometimes wrapped in tar and chicken wire to make it harder on the CUT teams to remove. Don't worry, I'll show you pictures of what this looks like at our next meeting. Right now, I just want to give you a brief overview."

"No problem... thank you," said Detective Freeman.

Agent Johnson continued, "anyway... the plan is to infiltrate two undercover detectives, who will eat, drink, and sleep with these people for weeks at a time. We cannot afford to get burned like we did in 2012. There will be times where you may be away from your home for weeks at a time. I asked Detectives Haar and Sullivan to be part of the surveillance team that will be watching over you during this entire time. Haar and Sullivan were the undercover officers who infiltrated these groups at the Ruckus Society training sites back in 2012. They'll tell you their experiences, and how they got burned a couple of weeks before the event started. Tom? Roland? Which of you wants to go first?"

"I will," said Detective Tom Sullivan. "We have a lot to go over with you, and we'll meet again a few more times before you're off to your first training camp. But first I just want to thank you both for taking on this difficult job. This special detail will tax your endurance like nothing else you've ever done before. This is not the type of undercover work that most of us have done before. This is *deep* undercover, and it requires a full commitment from you. You will literally live with these people for weeks at a time, and you may not see any of us during that time. We'll keep in touch via our cell phones and we'll issue you a couple of iPads that you will take with you. But other than that, you will be isolated from your families and your co-workers for long periods."

Next, Detective Roland Haar chimed in. "Tom and I were successful at first. Despite some initial suspicions and misgivings on the part of the Ruckus Society trainers, after a few days, we fit right in and nobody suspected us as being cops. That was the easy part. These people are eager to accept newcomers to their cause, and they can be a bit naïve at times... to our advantage."

“Well, maybe not anymore... after we got burned last time around,” added Sullivan.

Haar went on, “yeah, that’s true... I expect them to be a lot more suspicious about newcomers than they were the last time. And that’s why we specifically asked for female undercover officers this time. I think being a female will give you some advantages that we didn’t have. You will be challenged a lot less than we were... at least, that’s what we expect.”

“We’ll provide you with false identification... out of state driver’s licenses... fake home addresses... you name it,” said Agent Johnson. “The only thing you’ll keep is your first names. That makes it a lot easier for everyone to remember and avoid making a mistake.”

Detective Sullivan went on, “you should know that the reason we were burned and kicked out of the camp is because neither of us would smoke pot with the trainers on one of the nights after class. I think that got them a little suspicious, and then one of them later got a hold of my cell phone that I had carelessly left behind in the restroom. That’s when the head guy at the Ruckus camp became real suspicious of us and asked us to leave... no explanation given, but we think that they know we’re cops.”

“Well, I wouldn’t be so sure,” added Agent Johnson. “A lot of times, we think we’re burnt when we’re not burnt, and we overreact. I’ve seen that happen many times. Ladies... if you ever think you’ve been burned... first... never admit it, and second, don’t overreact and try not to look guilty. Chances are that it may be your paranoia at work and you didn’t get burned as much as you think you did.”

Detective Haar added, “yeah... I know what you mean, but this time I’m pretty sure we were *toast*. Immediately after the cell phone was recovered by the head Ruckus guy, everyone stopped talking to us. There’s no doubt in my mind that they knew we were cops.”

“That’s fine, and I’ll agree with you. But now we need to figure out ways to avoid the same thing from happening to Amy and Sheila when they go in,” stated Johnson.

Sullivan continued, “the main problem is that you will likely be challenged by the Ruckus people since you’re both new, and they don’t really know who you are. I think the fact that you’re female will help you a lot. Use it to your advantage. People will back off if you ask them to... especially from a lady.”

Haar chimed in, “they’ll ask you to smoke pot with them... because they know that cops are not allowed to smoke weed. Don’t be surprised if they ask you to go shoplifting with them... or something even more serious. They figure that if you do these things, you are probably not a police officer.”

Amy interrupted, “is that alright to do? I can smoke pot with them? Are you saying I can shoplift or even do an armed robbery if they ask me to? Where do we draw the line? Is there a line?”

Johnson turned to Assistant U.S. Attorney Richard DeArmas and asked, “Rich... do you want to take it from here? Can you explain the do’s and don’ts to Amy and Sheila?”



Assignment Instructions

For this assignment, you are to assume the role of Assistant U.S. Attorney Richard DeArmas and explain to Detectives Underwood and Freeman what they can and cannot do as part of this investigation. Consider the legal and ethical ramifications associated with this story. You are to write an essay not to exceed 1200 words that analyzes the constraints posed on Detectives Amy Underwood and Sheila Freeman as they go deep undercover to infiltrate the Ruckus Society training camps. At a minimum, consider the following questions:

- Should Detectives Underwood and Freeman be allowed to commit misdemeanors such as smoking cannabis (marijuana) or shoplifting (petit theft) in order to keep their undercover status from being compromised?
- Should Detectives Underwood and Freeman be allowed to commit felonies such as grand theft or armed robbery in order to keep their undercover status from being compromised?
- Are the undercover officers compelled to intervene in order to prevent crimes that they have knowledge of ahead of time?
- What criteria need to be established ahead of time, before sending the two undercover detectives to their first Ruckus Society training camp?

References

The Ruckus Society (2011). The Ruckus Society: Actions Speak Louder than Words.
Retrieved from <http://www.ruckus.org/index.php>