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Criminal Law

Abstract

This paper will provide the guideline or procedure for two undercover detectives to their first Ruckus Society training camp on the do's and don'ts during criminal investigation based on the permissible limits provided by law. The paper will discuss the constraints, legal and ethical ramifications of undercover police task while infiltrating the Ruckus Society training camps. The criteria had been established beforehand to serve as the policy for the two undercover officers with regard to intervention and preventing the commission of crimes to which they have personal knowledge. At the same time, there will be an explanation on how the undercover detectives are allowed to commit felonies including theft or armed robbery to prevent their undercover status from being compromised; as well as giving them the permissions to commit misdemeanors such as smoking marijuana or shoplifting to keep their undercover status from being discovered inside the training camp.

Keywords: undercover, policing, investigation, crimes and misdemeanors.

As the lawyer for Detectives Amy Underwood and Sheila Freeman who will be acting as 2 undercover cops to infiltrate the Ruckus Society training camps, the following criteria must be established before sending them to the Ruckus Society Training Camp: First is that Detectives Underwood and Freeman should be allowed to commit misdemeanors such as smoking marijuana or shoplifting to enable them to keep their undercover status from being compromised; Second is to allow the two detective to commit grand theft or armed robbery to protect their undercover status; Third, the purpose

for committing the crimes was purely for the purpose of revealing illegal activities; Fourth, the corrupt nature of the activity is reasonably clear; and Fifth is that the nature of the inducement is consistent with the character of the illegal transaction (Wachtel, 1992). However, the two detectives are compelled to intervene in order to prevent crimes ahead of time. There are two variables that must be followed by the detectives to successfully carry out their undercover work: targeting and intelligence. It is imperative that undercover methods should be directed against the known targets; and 2.) There is a significant intelligence of criminal wrongdoing (Wachtel, 1992). Macleod (1995) stated that police personnel working undercover assignment is at the danger of being detected and violent retribution. Aside from the ever present danger of policing, such undercover task is physically, intellectually, and emotionally challenging. In fact, law enforcement agencies had identified undercover operations as the efficient substitute and an enhancement of the traditional investigative methods (Macleod, 1995). Undercover policing had already been a common practice of law enforcement agencies to bring criminals to justice.

In the case of Detectives Underwood and Freeman, they must be informed that the core of undercover police work will require them to contact with suspected criminals without disclosing his role as an agent of the police (Wagner, 2007). Part of the responsibility of undercover agents is to gather evidence of criminal activity that can later be used at trial of the criminals. Hence, they will have to commit crimes and misdemeanor to obtain material evidence against the criminals.

Wagner (2007) argued that undercover agents often violate the inviolability

of private places when they access a person's residence or workplace.

However, this is a violation of the Fourth Amendment of the Constitution.

Although liberty exists due to personal spaces, they are beyond the reach of the police since it violates the right to privacy. The Fourth Amendment to ensures the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures (Wagner, 2007).

Thus, the two undercover agents are prohibited to enter residences and other areas where persons are expected to be given their own privacy. It is essential for the police to obtain the consent to justify the warrantless entry. If any of the 2 undercover agents will be invited into a person's residence or place of business on the ground of mistaken identity, the entry shall not be considered as a violation of the Fourth Amendment.

At the same time, it is vital that they are able to communicate and report the illegal activities to the head of the joint investigation task force. One of the important skills of these agents is being able to communicate with his subordinates and their superior (Gaines and Worrall, 2011). They are also compelled to intervene prior to the commission of the crime if possible by taking measures to recognize its existence and take a definitive action to eliminate the problem. To become a good undercover agents, they must be skilled detectives by preventing the crimes to be committed and gathering of evidence that may later be used against the accused during trial (Gaines and Worall, 2011, p. 237). Since undercover policing work is very problematic, there are many agents who undergo traumatic experience some of them suffer from physical and emotional stress. Macleod (2005) stated that in order to manage this problem, it is essential for the undercover agents to

deal with psychiatric illness and readjustment problems by minimizing the risks involved (Macleod, 2005).

It bears stressing that the communications process between the undercover agents and patrol division is important for the successful operations of the special task force and the law enforcement department. The timing of communications represents a critical factor that may affect undercover police operations. This will help them forecast the potential risks that may affect the operation of the agency. Thus, smooth communication systems and organizational culture is best achieved if each concerned party is given the opportunity to vent out his opinion with regard to the new policies to be implemented. Ortmeier (2006) argued that the aspect of human relations among undercover agents in a special task force because it strengthens the bond among the members. The unity and cooperation between the police officers, patrol division and chief of police will result to a better cooperation in terms of reporting crimes, resources and information given to the police by the people. Undercover agents must excel in the performance of the assigned tasks, solving problems, communication skills and interpersonal skills, social awareness and how the officer's participation in community awareness (Dempsey and Forst, 2011).

As the lawyer for Detectives Underwood and Freeman, they must be informed that becoming undercover cops and designated to work in the Ruckus Society Training Camp means that they are allowed to commit misdemeanors such as taking marijuana, shoplifting, robbery or theft in order to keep their undercover status from being compromised. However, the purpose for the commission of the crimes must be for the purpose of

revealing illegal activities. Hence, they cannot be induced to commit crimes if there is no direct connection to the plan to prevent illegal activities (Wachtel, 1992). However, the two detectives are compelled to intervene in order to prevent crimes ahead of time by using intelligence and knowing their targets. While they are allowed to commit certain crimes and misdemeanors, it should also serve as the opportunity to gather evidence to establish the case against perpetrators of crimes.

In conclusion, undercover operations are highly effective and when used judiciously, represents as the valuable weapon in the law enforcement arsenal (Wagner, 2007). However, such work carries serious risks that must observe the rights of the people to privacy, civil liberties and property rights. The two undercover agents should be well trained and carefully monitored before they will be assigned to join special task force operations. It bears stressing that planning, prevention and productivity should be the end goal of a successful operation (Wagner, 2007). It is imperative that the chosen undercover agents to possess intelligence, skill and refinement since they are confronted with dangerous tasks.

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