

PSY-505: Forensic Interviews and Interrogations

DRNC Scenario

Background

The following story is a fictional account of an incident that occurred during the mythical Democratic-Republican National Convention (DRNC) event in Miami, Florida. The story is loosely based on an amalgamation of real life occurrences during the 2003 Free Trade Area of the Americas Conference in Miami, Florida. The names of the characters in the story are fictional.

The Story

The DRNC had been planned for over a year, and was expected to take almost an entire week in the middle of August. The first three days of the event had been relatively uneventful, and only a few minor skirmishes between the police and protestors had broken out. So far, only five event-related misdemeanor arrests had been made. It wasn't until Thursday, the fourth day of the convention that the crowd size had peaked to approximately 10,000 demonstrators.

Although many of the protestors shared similar political concerns including environmental, "fair trade" and anti-globalization issues, this crowd of 10,000 was certainly not a monolithic entity. It comprised a mix of union workers from the Teamsters Union and the AFL-CIO; environmentalist organizations such as Greenpeace; animal rights organizations such as PETA; and human rights organizations such as Amnesty International.

Mixed with these mostly peaceful protestors were approximately 400 "Black Bloc" groups and Anarchists. For the police, it was easy to tell them apart from the other protestors because these violent protestors wore mostly black clothing and dressed as if they were expecting a fight with the police. Many came wearing gas masks, padding, and were armed with slingshots and *Super Soaker* water guns.

Though small in numbers in relation to the large peaceful crowd of protestors, these Black Bloc groups tended to intermix into the larger crowds and thus gave the appearance of a larger and more menacing threat to the police. Although many of these groups shared similar political agendas, there was an uneasy alliance between the violent protestors and the peaceful ones. The union protestors were mostly middle aged men and women who wanted nothing to do with the violent Black Bloc protestors (who tended to be young men and women in their early 20s and 30s). Nevertheless, these disparate groups accepted each other, as their mere presence provided both a force multiplying effect, and a relative safety from the police Mobile Field Force arrest teams.

It was on Thursday that the skirmishes between the police and the protestors had finally reached its expected crescendo. That day, Miami-Dade Police and City of Miami Police combined to make over 65 arrests for various misdemeanors and felonies. The arrests ranged from non-violent acts such as failure to disperse, vandalism, loitering, and prowling, to more serious felonies such as arson, aggravated assault, and strong armed robbery.

The MDPD field forces had been trained to discriminately pick out the violent protestors from the peaceful ones. It is legal to demonstrate peacefully, but it is not legal to start fires, throw deadly projectiles at the police, or destroy the property of private businesses. While it is relatively easy to discern which group is which (due to the different colored clothing that each wears), it is much harder to surgically extract the violent groups from the larger non-violent groups. The police field forces had become very proficient at separating and dispersing the large crowds and then targeting the law breaking violent groups. This was done over the course of the entire week of demonstrations and the tactic required a great deal of patience on the part of the police field force commanders.

Amid all this turmoil involving 10,000 protestors and approximately 3,000 law enforcement personnel from over 20 different federal, state, and local agencies, a brief encounter between a lone police officer and a lone protestor occurred far from the center of the event. Officer James Doherty of the Miami-Dade Police Department had been temporarily assigned to patrol the area around the Richard Gerstein Justice Building where the Eleventh Judicial Circuit Court of Florida was housed. This courthouse was located in the Civic Center; a five square block area which included the Dade County Jail, the State Attorney's Office, the Public Defender's Office, Jackson Memorial Hospital, and Cedars of Lebanon Hospital. The Civic Center is located approximately two miles away from the American Airlines Arena, the epicenter of the DRNC in Downtown Miami. On its own, the AAA arena was considered a high security area that required the people inside to carry government issued credentials. The estimated 10,000 protestors were kept at a safe distance from the politicians and delegates attending the convention; however, the buildings in the Civic Center were not protected by fences. Only a squad of 10 patrol officers were assigned there to make sure that no protests would break out.

Until now, most of the clashes between the police and protestors had occurred in the Downtown area, and the Civic Center area had remained relatively quiet. By late afternoon on Thursday, reports from intelligence officers on the ground and on rooftops had several dozen protestors starting to converge around the jail where the majority of the previously arrested protestors were being held in detention. It was in this scene, far from the main action that Officer Doherty and a young protestor named Nicholas Rux would confront each other.

Officer Doherty walked to the east side of the Dade County Jail, where the intelligence officers on the nearby building rooftops were reporting that seven or eight young white males had dispersed from a "privacy circle" in the parking lot of the Public Defender's Office and all had walked in different directions. Privacy circles are like huddles in football, wherein the protestors get together to discuss their next moves. The intelligence officers also reported that they observed some of the white male subjects putting rocks and bottles into their backpacks.

As Doherty approached, he observed a tall white male subject wearing a baseball cap and carrying a backpack on his back. As the subject made eye contact with Doherty, he turned around and started walking away. Officer Doherty called out, "hey you... stop right there!"

The subject ignored Doherty's order and continued to walk away at an increasingly brisk pace. Doherty called on his police radio and advised the dispatcher, "I have a tall blonde, white male, wearing a baseball cap and a backpack fleeing from me on foot... he's running eastbound toward 12th Avenue."

The dispatcher responded on the radio, "What's the reference on the subject running from you?"

"I'm not sure. I think he may be one of the subjects that intelligence units reported were filling their backpacks with rocks and bottles." replied Doherty.

Doherty briefly ran after the tall white male, but then suddenly and unexpectedly, the subject stopped running and turned toward Doherty. "Stop right there! Let me see your hands," barked Doherty.

The white male subject put his hands above his head like in the movies and held his palms out as if to give up. As Officer Doherty got closer to the subject, he noticed that the young white male's hands were trembling in a very noticeable way. That's when Doherty realized that the subject was a young kid... probably no older than 16 years old... but very tall... at least 6' 4" ... and giving the initial appearance of a much older person. "Son... relax... I'm not here to hurt you," said Doherty to the young male subject. Doherty immediately sensed that this subject was not the big bad Anarchist that he first thought he was encountering. This subject was nothing more than a tall gangly little kid, who was scared out of his mind.

Doherty asked the subject, "what's in the backpack?"

The kid responded, "Personal belongings," and moved the backpack to his other side, opposite from Doherty. As the backpack was being moved there was a noticeable sound of clashing glass being emitted from within the backpack.

The kid's hands were shaking and he appeared to be anxious with heavy breathing. "Son, I'm not going to hurt you... I just need to check your backpack to make sure you don't have any weapons. You don't mind if I check your backpack do you?" The subject did not respond. Then Doherty said, "open it for me... slowly."

The gangly tall white male subject handed his bag to Officer Doherty. Doherty opened it and looked for the rocks or bottles that were reported by the surveillance officers on the rooftops. He found six empty twelve ounce glass Coca-Cola bottles, papers, spray paint, magic markers, and several books. Among those books were Leon Trotsky's *The Russian Revolution*, Mao Tse Tung's *The Art of War*, and an Anarchist book titled *T.A.Z. – Temporary Autonomous Zone*.

Doherty stated, "You appear to have a lot of empty glass bottles," to which the kid responded, "I'm an environmentalist, I wait until I find a re-cycle bin to deposit the containers, is that against the law?" In a side compartment of the backpack Doherty found two current prescription bottles from a pharmacy in Tampa, Florida with the name Thomas Adams. One of the medications was Xanax, 0.50 mg., with the directions "take as needed." The other was Prozac, 25 mg. with the directions "1 b.i.d." Looking inside the Prozac bottle, the tablets appeared to be broken in halves and quarters.

The kid told Doherty, "Give me my medication, I need my medication." Doherty retorted, "What's your name and where are you from?" The kid responded, "Am I free to go or are you placing me under arrest?"

Doherty continued, "Look... I'm not here to mess with you... I just need to make sure that you're not here to destroy my city. Where are you from, do you have any photo ID with you?" The kid responded, "I'm not old enough to have an ID, now give me my stuff back so I can leave."

Doherty responded, "Son... if you're not going to answer any of my questions, you're not going to allay my fears. Therefore, I'm going to have to take you to jail. Put your hands behind your back." With that command the kid turned around and began to run in the direction of the crowded streets. Officer Doherty chased after him and after a brief run, tackled and handcuffed him. Doherty then walked back to his police car and after patting the subject down to make sure he had no weapons on his body, placed him in the back seat cage of the vehicle.

Shortly thereafter, Officer Doherty completed the arrest affidavit and charged Thomas Adams with Loitering/Prowling and Carrying a Concealed Weapon.

Adams was transported to the nearby Dade County Jail, where he was booked on misdemeanor charges and was held for an arraignment the next morning. It was also determined that Thomas was 15 years old. Subsequent to that, Adams' father, a well-established criminal defense attorney in Tampa filed a notice of representation, a motion to dismiss on the grounds of false arrest and a motion to suppress all statements due to Thomas' juvenile status with the Dade County court and is now awaiting disposition of the criminal charges filed against him.

Assignment Instructions

For the purpose of this assignment, your job is to act as an expert witness on interrogations and to identify strategies and research arguments to support the motions filed on Thomas' case.

You are to prepare a written report (not to exceed 1,500 words) to Thomas's attorney that details your recommended course of action in regard to this case.