

## **A Coordinated Covert Operation**

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*Abstract:* The cooperation of the uniformed conservation officer as a valuable source of information and the involvement of other state and federal agencies is vital to the success of any covert operation.

Proc. Annu. Conf. Southeast. Assoc. Fish and Wildl. Agencies 38:646-650

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In this paper I will use a case as an example that developed from a seemingly routine deer headlighting violation in Southwest Mississippi:

In the fall of 1982, a team of undercover officers was formed by the Law Enforcement Division of the Mississippi Department of Wildlife Conservation in an effort to apprehend and prosecute individuals who were reported to be involved in buying and selling game animals and game fish.

Shortly thereafter, uniformed conservation officers in Franklin County, Mississippi, arrested an individual headlighting deer. This subject was charged with headlighting deer, unlawful possession of two deer, hunting from a motorized vehicle, and hunting from a public road, and was incarcerated in the Franklin County jail.

The following day, one of the officers who arrested the subject called the Investigative Division in the Jackson office and advised that the subject was unable to make bond and had offered to furnish information about the unlawful sale of game animals. The subject promised to introduce an undercover officer to an individual (the owner of a fish market) in Natchez, Mississippi, to whom he had sold deer, waterfowl, and game fish in the past.

An undercover officer was sent to Franklin County to meet and interrogate the subject. The subject told of various sales which he had made over the past two years to the owner of the fish market.

An agreement was reached by the arresting officers and the prosecuting attorney of Franklin County whereby the defendant's jail term and fines would be reduced on the condition that the information he provided was valid and resulted in a prosecution.

On the following day, the informant was released. He accompanied the undercover officer to Natchez to meet the owner of the fish market. The informant advised the owner that the undercover officer who was accompanying him was an old friend from the oil fields, and assured him that he could be trusted. The meeting resulted in the sale of several small game animals and migratory waterfowl by the undercover officer.

On subsequent contacts by the officer and in other transactions involving the sale of game animals and fish, the officer was able to gain the total confidence of the owner.

During this time, the undercover officer learned that the subject made regular deliveries of deer and game fish to other individuals in New Orleans, Louisiana.

At this point, the U.S. Fish and Wildlife Service and the Louisiana Wildlife and Fisheries Law Enforcement Division were contacted and advised of the possible violation of federal and state laws. It was decided that the Mississippi undercover officer would advise the subject that he had a friend (actually a U.S. Fish and Wildlife undercover agent) in Louisiana to whom he had sold deer in the past who would like to purchase more. The officer did so, and the subject was receptive. The officer advised the subject that he would have his friend contact him.

When the federal agent contacted the subject, arrangements were made for the delivery and sale of several deer. They were to meet in LaPlace, Louisiana.

The undercover officers realized that, in order for the subject to be prosecuted under the terms of the Lacey Act, it must be proven that the deer were taken in Mississippi, crossed the state line, and sold in Louisiana. Therefore, the Mississippi undercover officer asked the subject if he could accompany him to Louisiana to see his friend (the federal agent) and also to sell him a deer. The subject agreed.

On the date of the delivery, the Mississippi officer rode with the subject from Natchez, Mississippi, to LaPlace, Louisiana. The subject picked up another individual outside of Natchez who rode with them. The officer was able to verify that the deer involved in the sale were the same deer taken in Mississippi, transported across the state line into Louisiana, and sold there.

The three men were met in LaPlace, Louisiana, by the federal agent and an undercover officer from the Louisiana Wildlife and Fisheries Law Enforcement Division. They bought the deer from the subject, and one from the Mississippi officer.

After the transaction was completed, the subject stated that he had a friend in Jonesville, Louisiana, who dealt in illegal alligator hides. He asked the federal agent if he was interested as his friend needed to move some hides right away. The federal agent stated that he was interested, but would need to see them and have them graded before a price was agreed upon. He indicated that he had a friend who also dealt in illegal hides who was knowledgeable in

grading, and he would like for him to see them first. The subject and agent agreed that they would get together at a later date, along with the man from Jonesville and the agent's friend.

The Mississippi officer was able to again ride with the subject on a subsequent trip to Louisiana. The same individual who had accompanied them on the previous trip also went along. They met briefly in LaPlace with the federal agent and the Louisiana undercover officer, and discussed the alligator hides. The subject also gave the agent a sample of crappie that he would like to sell him later.

The Mississippi officer then accompanied the subject on into New Orleans to a fish market where the subjects had sold game fish in the past. The officer was able to observe other illegal sales of game fish delivered by the subjects and identify the two individuals who ran the fish market.

On the following day, the federal agent contacted the subject and ordered 150 pounds of crappie to be delivered on his next trip into Louisiana. The subject agreed, but stated that he would also like to sell him the illegal alligator hides on the same date. The agent again advised the subject that he wanted his friend to see and grade the hides first, and the subject was agreeable.

When the subjects delivered the 150 pounds of crappie to LaPlace, the Mississippi officer again accompanied them in order to verify that the same fish which were taken from the market in Natchez were taken across the state line and delivered and sold in Louisiana. The subject advised the federal agent to contact him on the next date regarding the alligator hides.

The Mississippi agent then accompanied the subjects to the fish market in New Orleans where he witnessed the sale of crappie and game animals, along with one gallon of untaxed whiskey, to the owner of the market.

On the following day, the federal agent contacted the subject and made arrangements to meet him and the Mississippi officer in Natchez, Mississippi, for the alligator transaction. He stated that he would bring his friend, the expert on alligator hides, with him. (The "friend" was another Louisiana undercover officer.)

The subjects, along with the Mississippi officer, met the federal agent and the Louisiana officer in Natchez. The subjects asked the officers to follow them to Jonesville, Louisiana, to see the alligator hides. At Jonesville, the officers met the individual who possessed the hides. They looked at the hides and advised the individual that the quality was not good; however, they stated that they would take them and see if they could be sold. The officers did not pay for the hides at this time.

At this time, the officers decided that they would contact an Alcohol, Tobacco and Firearms (ATF) agent concerning the delivery and sale of the untaxed whiskey. When the federal agent next contacted the subject in Natchez, arrangements were made for the subject to deliver several gallons of moonshine whiskey to a "friend" in Louisiana (the ATF agent). The subject agreed that he would do so on his next trip.

The subject also advised the federal agent that he should contact the individual in Jonesville concerning the price of the alligator hides. The federal agent and the Louisiana officer then met with the Jonesville subject, agreed on a price for the hides, and paid the subject. They also made arrangements to buy game fish and alligator meat from the subject in the future.

On the Natchez subject's next trip to New Orleans, he met the federal agent, the ATF agent, and the Mississippi officer at the New Orleans fish market. The officers witnessed the sale of game fish by the subject to the owner, and the ATF agent purchased six gallons of untaxed whiskey from the subject.

Soon afterward, the Louisiana officer who had graded the hides purchased 185 pounds of game fish from the subject in Jonesville.

The next violation which was documented occurred when the federal agent, the Mississippi officer, and another Louisiana undercover officer purchased 39 pounds of game fish from the fish market in New Orleans.

At this time, it was agreed by all the participating agencies, that all the major violators in the illegal commercialization ring had been identified and it was time to make arrests. As a first step, the Mississippi officer made arrangements with the Natchez subject to make a final delivery of 200 pounds of fish (catfish, of which many were undersized, and for which the subject didn't have proper transportation license) and 15 gallons of untaxed whiskey to LaPlace.

Prior to the date of the delivery, uniformed officers of the Mississippi Department of Wildlife Conservation, the Louisiana Department of Wildlife and Fisheries, and the Mississippi Alcohol Beverage Control (ABC) were briefed and advised of the violations. Affidavits were signed and arrest warrants were secured. A time was set for all arrests to be made on the date of delivery of the fish and whiskey.

On the date of delivery, the Mississippi undercover officer again accompanied the subject from his fish market in Natchez to LaPlace where the sale of the 200 pounds of illegal fish was made to the federal and Louisiana agents and the 15 gallons of untaxed whiskey were purchased by the ATF agent. Upon completion of the transaction, the officers placed the subject under arrest.

At approximately the same time, arrest warrants were served on the other violators involved in the illegal transactions in both states, and search warrants were executed on the fish markets in Louisiana and Mississippi by uniformed officers in each state. The search of the fish market in Natchez resulted in the seizure of more game fish and untaxed whiskey. The subject also had records of other illegal transactions which were seized by the law enforcement officers.

The investigation resulted in the arrest of six individuals and the subjects were charged with a total of 78 counts of violating Louisiana wildlife statutes. The two Mississippi subjects were also indicted in federal court in Mississippi, and charged with violating the Lacey Act. The defendants had also violated the Migratory Bird Treaty Act, the Endangered Species Act, the Transportation and Transfer of Untaxed Spirits Statute, and conspiracy. State and federal

officers, working in a covert capacity, had purchased from the defendants 1,500 pounds of freshwater bass and other sunfish including crappie, 100 raccoons, 21 alligator hides, 3 deer, 19 ducks, and moonshine whiskey.

All of the defendants pleaded guilty and substantial fines were levied. The vehicle used by the Mississippi subject in violation of the Lacey Act was also confiscated.

## **Conclusion**

The success of this operation began with the Mississippi uniformed officer(s): their initiative, their resourcefulness, and their concern for the commercialization of the wildlife resource. The case began with the arrest of an individual for headlighting deer and became a far-reaching activity which took six months to complete. It was determined at an early stage that the investigation should last as long as necessary in order to identify as many violators as possible. As the case expanded, officers and agents of the appropriate federal and state agencies were contacted and kept fully informed. Each phase was carefully planned. At all times the rights of the individual subjects were considered and the possibility of entrapment was avoided.

At the appropriate time, the uniformed officers of each agency were advised and were involved in the actual arrests and prosecution. In any press releases and/or any publicity concerning the case, all agencies involved were given due recognition.

Success would not have been possible without the cooperation of all agencies and individuals, and all benefitted mutually.

In conclusion, I would like to stress that uniformed officers are the prime source of information for undercover officers; they must be assured of the importance of information and that the investigative division is a "helping hand" for them to utilize. After all, we all have the same goal: the protection of our wildlife resources and the effective enforcement of our game laws.

## **Acknowledgements**

I thank the following panel members: Vincent Darby, supervisor of special operations, and Lt. Bill Downey, investigator—covert operations, Louisiana Department of Wildlife and Fisheries, Law Enforcement Division, Baton Rouge, Louisiana; and David Cartwright, special agent, U.S. Fish and Wildlife Service, Law Enforcement Division, Nashville, Tennessee.