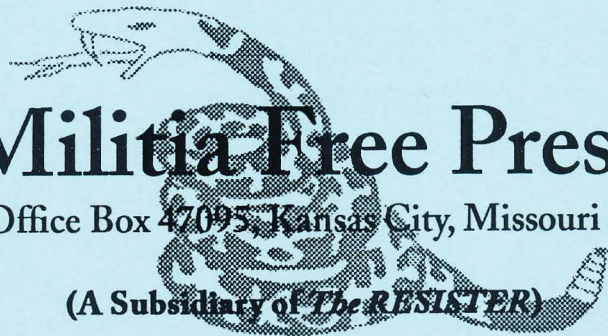


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# HOW TO SPOT INFORMANTS



**Militia Free Press**

Post Office Box 47095, Kansas City, Missouri 64188

(A Subsidiary of *The RESISTER*)

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# How to Spot Informants

## Foreword

This document is a faithful reproduction of a text issued to agents-in-training at the United States Department of the Treasury Law Enforcement School. It details the operational methods, practices and techniques used by BATF and other federal agencies to infiltrate and develop intelligence on criminal organizations. Readers must bear in mind that the federal government considers the patriot movement criminal activity and their investigations and intelligence efforts are predicated on that belief. The criminal activity in question is subversion.

This text is intended to be used as a reverse engineering tool. That is, by understanding the operational methods and procedures used by federal undercover operatives and informants, militia security officers can readily identify the aberrant behavior of infiltrators and agents provatateur.

We open this brief work on informers and undercover operatives with a warning: It is possible for an underground organization to become so obsessed with security and secrecy that its members soon become possessed with xenophobic paranoia. There are several historical examples of undergrounds and resistance movements purging themselves into near extinction in search of alleged informants. For this reason militia security officers must be possessed of cold rational judgment and powers of deductive analysis. A failed operation does not announce the presence of an informant. A string of failures is cause for suspicion.

The *sine qua non* of domestic intelligence is the intrusion of law enforcement into

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politically active organizations which are contrary to the political status quo. This intrusion takes many forms. Direct intrusion of organizations involves the use of undercover operatives. Undercover operatives are either law enforcement personnel who join an organization for the expressed purpose of gathering information about that organization's membership, goals, plans, actions, and demography, or third parties who are recruited by agencies to accomplish the same task. Indirect intrusion is accomplished by use of informants.

Informers are far more important to domestic intelligence work than is electronic surveillance. Traditionally, the courts have distinguished between searches and informers by using the notion of "assumption of risk." The argument is that in our normal social, business, and political intercourse we reveal ourselves, by our own choice, to a variety of people none of whom are bound, except by bonds of friendship and personal trust, to keep our confidence. When we are in the presence of other people we cannot assume that what we do or say will remain private.

Informers come in a number of guises— all the way from the bartender with whom police check in with once a week or month, to the criminal they pay and try to instruct, to the ideological or personally vindictive walk-in, to the undercover officer subject to departmental discipline. The quality and degree of police intrusiveness differs with the range of informers.

Contrary to popular belief, if one asks an informant or undercover operative his official position, and he lies, information he gathers WILL BE admissible. An undercover operative CAN lie, and not only are they encouraged to do so, but they would get nowhere without deception.

Militia security officers should pay particular attention to the section on entrapment. Entrapment is when the authorities approach a person with not criminal record, and induce him by persuasion, bribery, lies, or force, to do something he would not otherwise do. Protection from entrapment is NOT protected by the Fourth Amendment.

The weak link in all undercover operations or informant managing is communication. Undercover operatives and informants must communicate their information to the appropriate collection agency. Effective communication outside the underground or resistance can be disrupted by strict compartmentalization of cells and even stricter compartmentalization of information. A particularly effective technique for militia security officers to trace the origin of "leaked" information is to arrange for several variants of the same basic information to be communicated to the various cells. The version the opposition acts against pinpoints the corrupted cell, the members of which are then presented with further control information to identify the origin of the leak.

The future disposition of the offending party is left to the discretion of the command. Bear in mind that it is often more expeditious to "play back" the informant as a disinformation source than to deal with him or her in a rather more blunt manner.

Edward Hinchley  
Security Officer, SF Underground

# How to Spot Informants

## Chapter One

### INTRODUCTION

#### 1.1 SIGNIFICANCE OF THIS INVESTIGATIVE TECHNIQUE

Enforcement agencies have long used undercover operations to obtain intelligence information in order to carry out their assigned missions. Although this method may be used in any criminal case, it is one of the most effective means of gathering information against organized crime; another being the use of inside informants. The basic difference between an undercover operation against a minor criminal suspect and a major hoodlum is the time required to complete the assignment.

#### 1.2 AGENCY APPROVAL

The agency involved must approve the use of the undercover method of investigation before the undercover agent assumes his role. The method of approval will vary from agency to agency. Basically there are two types: one is the broad approval given to agents whose primary function is undercover investigation and the other is the approval for a specific case.

If an agent has approval to work undercover at his discretion, his role is to



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supply information to his office regarding what he has discovered. The information will then be coordinated with an open investigation handled by another agent. Generally the undercover agent is not placed in charge of the investigation as his role will not permit him to make any open investigation where his identity would be suspect. If approval is required for a specific case, an agent is assigned to the case and he conducts an open investigation. If it is determined that an undercover approach would be appropriate, the supervisor, in consultation with the agent, will assign an agent or agents to work undercover.

An undercover investigation is expensive in both manpower and money. Even though the assignment may involve only a few hours of work per day, there may be a considerable loss of man-hours if the agent cannot be assigned to conduct covert investigations because of the necessity of protecting his identity. In addition, the assignments usually involve the expenditure of "buy" money, per diem, and related expenses. However, in many cases, the undercover approach actually is a savings, because information can be gathered in a shorter time than would be required in a open investigation.

### 1.3 TYPES OF ASSIGNMENTS

(1) The impromptu assignment is one in which the enforcement officer conducting an investigation in his true role as an agent, makes an inquiry using an ad hoc role. For example, the agent may pose as an insurance man when calling on a third party.

(2) The one-time assignment is one in which the enforcement officer has received information that illegal activity is taking place at a given location. To determine if it is worthy of further investigation, he will visit the location to substantiate the information.

(3) The extended assignment may last from a few days to a few months. The majority of undercover assignments fall within this category.

(4) The penetration assignment is one in which the agent works in an undercover capacity for a few months to any extended length of time. This type of assignment requires elaborate planning. Many different avenues of access may have to be explored to successfully penetrate the higher echelon criminal element.

### 1.4 UNDERCOVER OBJECTIVES

(1) Some of the more important objectives of the undercover approach are to:

(a) determine if a crime is being planned or committed

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- (b) identify all the people involved
- (c) obtain evidence
- (d) locate contraband and/or stolen property
- (e) determine suitable times for raids and arrests
- (f) identify prospective witnesses and informants.

(2) If properly used, the undercover approach will produce results as accurate and reliable as any other form of investigation. However, its extensive use demands careful preparation in both planning and operational stages. If careful preparation is disregarded, it is likely that the objectives sought through the use of this technique will not be accomplished.

### 1.5 ENTRAPMENT

There are two elements involved in the accomplishment of a violation. One is the intent or desire to commit the unlawful act and the other is the opportunity to commit it. A person may have the desire to make counterfeit money, smuggle goods, make moonshine liquor, or violate several other laws, but lack the opportunity to accomplish the act. The undercover agent can afford the suspect the opportunity to commit the unlawful act but he cannot create the desire or the intent in the suspect's mind to commit the act. Therefore, it is essential that the undercover agent do nothing in his investigation which would cause a suspect to commit an act which he did not have a preconceived intent or desire to do. Entrapment can be committed by anyone working for the government as well as the undercover agent. This includes informants or special employees but does not include accomplices of the suspect.

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## Chapter Two

### THE PRELIMINARY INVESTIGATION

#### 2.1 DETERMINE THE OBJECTIVE

Once the undercover approach has been selected, the agent should immediately begin to prepare for the assignment. It is important that every minute of time be used effectively. Therefore, it is strongly recommended that as soon as possible the investigator determine his objective regarding the suspect or suspects and the violations. The agent's objective, for example, may be to secure court evidence against one suspect or a group of suspects. Or, his objective may be to develop intelligence pertaining solely to violations within the jurisdiction of his agency; or develop general intelligence concerning any criminal violation, which would be channeled to the appropriate agency. Generally, only an experienced agent would receive the latter type of assignment.

#### 2.2 UNDERCOVER APPROACHES

(1) The objective of the undercover investigation will generally dictate the type of approach to be used. If the objective is an individual, the agent will have to be

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accepted by the suspect. This can be accomplished through an informant, if one is available, or by any agent becoming acquainted in the places frequented by the suspect. Whether the suspect accepts the agent or not is dependent upon the agent's ability in his role.

(2) If the objective is a group of people, the agent will have to determine how he can join them. This can be done with the assistance of an informant who is in the group or, if it is a large group with formalized membership such as a club or "wing" organization, the direct approach of applying for membership may suffice.

(3) If the objective is to investigate a particular violation occurring at a specific location or to acquire general intelligence information, the approach could be accomplished merely by frequenting the area and establishing the assumed role.

### 2.3 BACKGROUND INFORMATION

(1) The more background information the agent can assemble concerning the suspect or suspects, the better equipped he will be to handle the assignment. To anticipate the suspects' reactions, the agent should study their history and background and be familiar with their past as well as present activities. Know the type of person under investigation. Is he a "somebody who works on the street" level, ignorant of the higher echelon criminal element? Is he an "enforcer" who faithfully executes his orders without question? Or is he a "supervisor" directing criminal activities through other people? If these basic facts are not established valuable time will be spent in the street, possibly without accomplishing the mission.

(2) It may be necessary to conduct surveillance to ascertain facts about the suspect, particularly if available information is limited. Sources of information concerning the suspect or suspects include: (a) official agency files, (b) case reports, (c) reports from other enforcement agencies, (d) newspapers and credit files, and (e) conferences with enforcement officers and informants who have knowledge of the suspect's activities.

### 2.4 GEOGRAPHICAL AREA

The undercover agent should become acquainted with the geographic area he will be working. He should determine the type of neighborhood, i.e., residential, business, or industrial. He should be familiar with the type of people in the area, i.e., blue or white collar workers, immigrants, ethnic groups, professional or upper-class members of society. When these factors are ascertained, appropriate dress, conduct, speech, and activities within that area can be determined.

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## Chapter Three

### **GENERAL CHARACTERISTICS OF THE UNDERCOVER AGENT**

#### 3.1 WILLINGNESS

Any criminal investigator has the ability to become an undercover agent, but the degree of his success will depend upon his willingness to undertake this type of assignment. He should respect but not fear the attendant physical dangers, and he must always desire to accomplish his mission regardless of personal considerations. This requires a readiness to subordinate normal courtesies and personal desires and preferences to the requirements of the investigation.

#### 3.2 RESOURCEFULNESS AND INITIATIVE

An undercover agent must use every minute of time to the best possible advantage. It may be easy to “drift” without any real purpose in mind. Therefore the agent must constantly direct his thinking towards his objective. He is expected to analyze everything that he sees and hears. As he continues his assignment, he must relate what

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he has learned to what he already knows. Once again, the more information acquired during the preliminary investigation, the better he will be able to appraise the significance of recently acquired facts. Finally he must speculate on what is going to happen, particularly in determining appropriate times for raids and arrests.

### 3.3 KNOWLEDGE OF THE UNDERWORLD

A knowledge of the underworld is essential to the undercover agent. Without this, he would be unable to meet the violator on his own terms. To associate with criminals, the agent must understand and speak their language, including their slang. He should understand the modus operandi of criminals, i.e., how the underworld plans and carries out its criminal activities. The undercover agent must realize that criminals, because of their background, have a suspicious nature. If the agent does not understand this, he will not react properly when new acquaintances are quizzed; when police are in the area; or when someone is accused of being an informant. In addition, moral standards of the underworld are entirely different from those to which the agent is accustomed. Therefore, he must be ready to counter any efforts which would place him in a compromising situation. Without the above information and knowledge, it would be difficult for the undercover agent to keep from being exposed as an "outsider."

### 3.4 TECHNICAL SKILLS

(1) The undercover agent must be proficient in the use of the camera in order to obtain good photographs of suspects, equipment, and contraband under adverse conditions. He should be able to operate both a miniature and a 35mm camera. This requires knowledge of light, film speed, aperture settings and shutter speeds.

(2) Miniature recording equipment and monitoring devices may be used by the undercover agent under certain circumstances; for example, his protection may require that the covering agents are constantly informed of his movements and activities. He should know enough about these devices to operate them in the presence of violators without feedback or noise.

(3) Chemical, mechanical or radio tracing devices may be placed on automobiles used by an informant or undercover agent to retrace routes and find contraband or violation locations. Caution should be exercised to ensure that the equipment is not lost.

(4) The agent should be familiar with fluorescent grease and powder which may be used for surreptitiously marking contraband, criminal equipment, and means and instruments of the crime. In some instances, these markings may consist of the agent's initials and date; in others merely an identifying mark. The fluorescent markings are

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later identified through the use of ultraviolet light. Not only is this technique valuable in connection with searches and raids, but it also enables the tracing of the items through the hands of the criminal element.

(5) To assume his undercover role, the agent may have to acquire knowledge of unfamiliar vehicles and equipment and skill in their use, if it is determined during the preliminary investigation that they are in use by suspects. For example, the suspect may operate heavy duty diesel equipment across state lines. In this instance, the agent would have to know slang terms and signals used by truckers as well as state laws pertaining to gross weight limits, the length and height of trailers, prescribed truck routes and locations of permanent weight stations. Certain suspects often use specially equipped or high-speed automobiles, and he should be familiar with their capabilities and their utilization.

### 3.5 MEMORY

(1) The undercover agent must be able to accurately recall and record events in proper sequence, sometimes after a considerable length of time. Not only is a good memory necessary for compiling an accurate records, but it is vital in recording facts when the agent testifies in court. In particular, the agent must be able to recall times, places, descriptions, names and faces. If necessary, he should be able to draw a diagram illustrating the case to jurors.

(2) If the agent has doubts about his memory or powers of observation, he should not wait until he has been given an undercover assignment to start developing these talents. He should develop a system for observing and remembering that he can use throughout his career.

### 3.6 SELF-CONFIDENCE

To operate undercover, the agent must have confidence in himself and in his ability to assume and play his role well. If there is any doubt in his mind, he will never convince the suspect. He must be sure of the laws he is enforcing, the limitations within which he must work, and the methods he must use. Self-confidence does not mean that the investigator is conceited, but that he has prepared himself to successfully assume and play his role. He knows that he can do the job and will not be stopped from getting it done.

### 3.7 JUDGMENT

The undercover agent must exercise sound judgment. The ability to arrive at a



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wise decision is a must in this work. Since instructions from superiors will usually be limited to a statement of general policy and desired objectives, the agent must make and assume responsibility for decisions without the benefit of official advice. When the agent's actions are reviewed by the courts, the judgment or lack of judgment exercised may create new guidelines requiring revision of existing investigative procedures and establishing a new pattern of operations for all law enforcement.

### 3.8 PHYSICAL STAMINA

During an undercover operation, the agent is on duty 24 hours a day. He may have to endure long periods of physical stress without adequate food, rest, and relaxation. The agent must have the physical stamina to endure these hardships. Good physical conditioning will enhance his self-confidence, increase his energy, maintain his physical capabilities and keep his mind alert.

### 3.9 COURAGE AND TENACITY

The undercover agent must possess courage and tenacity. Courage is the ability to meet danger and difficulties with firmness. Tenacity is the quality which keeps one going in the face of danger and seemingly insurmountable obstacles. It is further characterized by an unwillingness to let stresses and strains deter the undercover agent from accomplishing his mission.

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## Chapter Four

### **UNDERCOVER IDENTITY**

#### 4.1 OFFICIAL IDENTITY

The first thing the agent must do when he goes undercover is to remove all traces of his official identity. His badge and his credential should not be kept on his person, in his automobile, or in his place of temporary residence. Billfolds, money holders, credit card holders, etc., that the agent normally carries on his person should be cleared of anything traceable to his official position or identity, e.g., government issued ball-point pens, pencils, notebooks, franked envelopes and stationary. The agent must carefully examine the car that he will use to ensure that there is nothing in it which could be traced to an official source.

#### 4.2 FICTITIOUS IDENTITY

(1) The undercover agent should assume a fictitious identity in keeping with his personality traits and background. It is essential that the assumed identity will not make him conspicuous or attract attention. Since the duration of the assignment usually

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cannot be predicted, the identity should be one that can be maintained for a long period of time.

(2) The undercover agent should select a fictitious name that he will easily remember, recognize, and to which he will respond. It is suggested that the agent use his true first name and middle initial, but a fictitious surname. The surname may begin with the same letter and be a variation of the agent's real name, i.e., Barker could be changed to Baker, McDonnal could be changed to McDonald, Potter could be changed to Proctor, etc.. By using the same initials any monogrammed luggage or personal items could be used on the undercover assignment.

(3) After the fictitious name has been selected, it must be documented. Documentation, as referred to here, applies to all documents, official and personal, needed by the undercover agent to verify his background story. The following are some of the documents which may be obtained in an assumed name by the undercover agent:

- Social Security Card
- Driver or chauffeur license
- Automobile registration
- Military certificate or service card
- Medical examination or dental records
- Life insurance records
- Birth certificate
- Magazine subscriptions
- Personal letters delivered by mail

If the agent is undecided on just what types of identification and related items he should carry, an examination of his true effects will indicate what is generally carried. Some of these items will be obtained by the agent as he prepares for the assignment. Others should be obtained through appropriate channels within his agency. Other items of identification worn or used in keeping with the agent's undercover role are: laundry markings, monogrammed clothing and jewelry, and markings on personal equipment.

(4) Another item which should not be overlooked is the money carried by the agent. The money should correspond to the geographical Federal Reserve System where the agent has set up his background story. There is no problem if the agent is working in the vicinity of his official duty station but if, for example, the agent's story is that he just arrived from San Francisco to make a narcotic buy in New York, then the money he carries should bear the San Francisco Federal Reserve designation.

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### 4.3 BACKGROUND INFORMATION FOR THE UNDERCOVER ROLE

(1) The background story is a biographical account of the agent's past. The story will be supported by biographical data which is essentially true, entirely false, or a combination of true and false data. The closer the biographical story is to the agent's actual life, the easier it will be for the agent to assume his undercover role.

(2) In a case involving brief contact, for example, a small purchase of contraband, the background information may consist of only one or two simple facts. When close and continued association with the suspect is anticipated, biographical data may be elaborately detailed.

(3) Details, whether fiction or fact, must substantiate the background story. The undercover agent should remember as much about his assumed life as he does about incidents in his real life. It is unwise, however, for the agent to be able to recall immediately minor details from his fictitious past. No one can remember at once, all the exact names and dates from his past.

(4) The undercover agent's background story should be flexible and provide points of common interest to the agent and suspect. The story should provide continuous contact with all phases of the suspect's activities and offer adequate explanations for deficiencies in the agent's role, such as language and manual skills. Inadequate justification may lead to early discovery. The story must also permit the agent freedom of movement to maintain communication with fellow officers and freedom to leave the area if it becomes necessary.

(5) The background should include the assumed place of prior residence. This may be further documented with information concerning former employment, associates and criminal specialty. The agent should use an address in part of the country with which he is familiar and in which the suspect is unlikely to have lived or operated. Although he should have someone to verify his assumed name at any given address, the agent should give general rather than specific addresses to make verification difficult. It is also recommended that the agent plant easily verifiable fictitious credit cards and police records. When the situation warrants elaborate preparation, fake news stories and clippings of the agent's activities in his assumed name are effective.

(6) It is advisable to have the agent's automobile registered in his fictitious name since it should be assumed that the suspect will check the registration. If it is appropriate to have more than one set of license plates, it is generally better for the agent to inform the suspect of this fact and quell any suspicions generated from the discovery of a registration in an other name.

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### 4.4 PHYSICAL DISGUISE

The physical appearance of the undercover agent is not important unless it furnishes a clue to his identity as an enforcement officer or is inconsistent with his background story. If the agent claims to be a laborer, he should have the physical appearance of a laborer, i.e., good muscles, callused hands and, possibly, a ruddy complexion. The agent's cloths should be consistent with his chosen character and background story. Laundry marks should agree with the assumed name. A simple change in physical appearance, such as change in hair style, can be used to the agent's advantage in disguising his true identity.

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## Chapter Five

### OFFICIAL CONTACTS

#### 5.1 AGENCY CONTACT

The undercover agent must be furnished means of communication with his supervisors and other agents. This may be established by telephone, contact man, or memorandum.

#### 5.2 TELEPHONE

The undercover agent should memorize the telephone number used to make contact. He should never use a telephone that goes through a switchboard, such as in a hotel or apartment complex. He should not call from a tavern or lounge where suspect activity is being investigated as there may be a monitoring extension. The agent generally should call daily, but should use an outside pay telephone and vary the pattern of calls so that they are not made from the same telephone. The telephone call should be made at a time convenient to the undercover agent, who should be prompt in making the call at the scheduled time.

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### 5.3 PERSONAL CONTACT

- (1) Usually, it is advantageous to have a personal contact man whose function should be to:
  - (a) act as the sole personal contact with the undercover agent
  - (b) relay information between the undercover agent and his immediate supervisor
  - (c) act as liaison between the undercover agent and other agents
  - (d) insure that information furnished by the undercover agent is not acted upon without his knowledge
  - (e) provide information to the undercover agent.

### 5.4 MEMORANDUM OF ACTIVITIES AND OBSERVATIONS

(1) The undercover agent's memorandum of activities and observations should be recorded daily, or more frequently if he is conducting two or three investigations simultaneously. It is important that he report in writing his activities and all the facts and developments which he observes. Although it is beneficial for him to speculate about what is going to happen, he must separate facts from speculation in his report. The person responsible for reviewing the activities of the undercover agent will use this information to determine probable cause for search and arrest warrants. An itemized list of the undercover agent's expenses should be included in the daily memorandums for proper accounting.

(2) In preparing the memorandum, the agent should use plain, unidentifiable paper and envelopes. He should write the memorandum inside a post office, not his room or apartment, and should immediately mail it to a post office box rented by his agency in a fictitious name. Memorandums should never be carried about after they have been written.

### 5.5 EMERGENCY CONTACT

There should always be an emergency contact plan between the undercover agent and his contact. The plan may be used to give warning of impending danger of which the undercover agent has no knowledge, or to relay any emergency communica-

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tion concerning family problems, etc.. In regard to all contact except emergencies, no one except those directly involved with the investigation should know anything about the undercover agent's activities.



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## Chapter Six

### CONTACT WITH THE SUSPECT

#### 6.1 USE OF INFORMANTS

(1) In the operational phase of the assignment, the undercover agent may use either a witting or unwitting informant to establish a relationship with the subject of the investigation. The approach used in the first contact with the subject is usually the most critical point of the entire investigation. If it is accomplished naturally, it should arrest any suspicions the subject may have and facilitate the establishment of continuous association.

(2) A witting informant knowingly furnishes information to an agent or assets in establishing initial contact with the subject of an investigation. This approach is the quickest, surest way to establish contact. The degree of success, however, is contingent on the amount of confidence the suspect has in the informant and the informant's reliability.

(3) Each informant has his own personal reason for assisting officers. For his

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own safety and the success of the assignment, the undercover agent should know this reason and as much as possible about the informant before contact is made. Some informants would like to be officers; some may need money; some are angry with the suspect; others are just crack-pots. If the informant is angry with the suspect the latter may know this fact and the informant is therefore ineffective. The crack-pot may decide to reveal the agent's official identity, thus destroying the cover and exposing the agent to danger.

(4) The witting informant will help establish entree for the agent, but from then on it is the latter's responsibility to make the case. The investigation may fall flat on its face at this point, if the agent has depended entirely on the informant to perfect his entree and is not prepared with a well-substantiated background story.

(5) The agent should be careful to ascertain and evaluate any animosity or mistrust between the informant and the suspect. It may be sufficiently intense to necessitate a complete change of plans. Questions arising from the assumed common past of the agent and informant, i.e., when and how they met, how long they have been associated, etc., should be anticipated and rehearsed before contact.

(6) Time, money and effort are saved through the use of the witting informant in making contact with the suspect. However, some of the dangers in using a witting informant are:

- (a) the possibility of double cross
- (b) the fact that the action of the informant under pressure cannot be predetermined
- (c) the knowledge he gains of the investigation
- (d) the prolonging of the investigations on the part of the informant to gain more money
- (e) the informant may cheat on expenses
- (f) the possibility that the informant may compromise the investigation by other criminal activity and using his "special employee" status in his defense.

The agent must control the informant so that the latter does not compromise the investigation by discreet actions. The agent also must take care that payment of money

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be made only upon completion of successful performance by the informant, and that the informant not be given information concerning other current investigations.

(7) The unwitting informant unknowingly aids the undercover agent in establishing useful criminal contacts. This method is usually more time consuming than the use of the witting informant. A chain of unwitting informants may have to be utilized by the agent before contact is made with a major suspect. However, once the agent gains the confidence of the unwitting informant, the latter's performance in the presence of the suspect may surpass that of the witting informant who may be inhibited by the fear of discovery. When an agent determines that an individual has a working relationship or acquaintance with the principal suspect, he should cultivate this individual's friendship. Generally, it is easier to obtain the confidence of a hireling than that of the principle agent. Never assume that the friendship is unimportant; the principal may trust the unwitting informant's judgment. After confidence has been established, the informant may assist the agent's entree with the suspect by supplementing the necessary background story. As with the witting informant, the unwitting informant will generally dominate the first contact. The only difference will be his ignorance of the agent's official identity. The advantage of this method is that he agent cannot be compromised by the unwitting informant's knowledge of the operation.

### 6.2 ATTRACTING THE SUSPECT

(1) The chance encounter is a well planned maneuver by the undercover agent to attract the suspect to him. The agent may do this by studying the suspect's file and making an approach which is apparently part of the natural chain of events. For example, a file study may be made of a criminal about to be released from prison. The agent may then arrange to be placed in the same or an adjoining cell. If he is successful in cultivating the acquaintance of the violator, he may have a "talking point" when he too is "released" from prison.

(2) The undercover agent's ingenuity is the only limit to his means of attracting the suspect to him. He may pose as a contraband buyer and spread information that he has funds to finance the criminal endeavor. Or, he may pose as a representative for a more important hoodlum and seek to impress the suspect with his influence. The agent may reinforce his image as "boss man" by working with another agent posing as the former's employee, owning an expensive car, wearing flashy cloths, and playing the big spender. Depending upon the agent's background, he may attempt to sell his "criminal" skill and value to the suspect in order to infiltrate violation activities.

### 6.3 GAINING THE SUSPECT'S CONFIDENCE

(1) After first contact with the suspect, the undercover agent will be faced

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with the problem of avoiding suspicion. He will have to appear to be faced with the problem of avoiding suspicion. He will have to appear to be the violator's friend and may have to participate in some of the violator's activities, in which case the agent must depend almost entirely upon his own judgment.

(2) Usually the suspect's initial attitude will be suspicious and skeptical. He may attempt to throw the agent off balance by suddenly accusing him of being an officer or belligerently calling him a "stoolie." This does not necessarily mean that the subject is aware of the agent's official identity but only that he is trying to flush out a possible betrayer. The well prepared undercover agent will anticipate this questioning, skillfully prepare his background story, and put the suspect on the defensive. If this is done successfully the agent will gain the confidence of the suspect.

(3) To allay the suspect's suspicions and gain his confidence, the undercover agent may use the following techniques.

- (a) arrange to be questioned or searched by other enforcement officers where the action can be observed by the suspect
- (b) pretend disgust or anger with the suspect questioning him
- (c) appear as though he doesn't trust the suspect any more than the suspect trusts him
- (d) anticipate a trap when questioned regarding his knowledge of a person, location of a street, or anything else which may be fictitious. Trap plays may include information about violations to see whether the information is passed on to other enforcement officers
- (e) use the same degree of caution under the particular circumstances as the subject does
- (f) not overplay his role or give too many explanations but act naturally at all times.

### 6.4 DEVELOPING INFORMATION FROM THE SUSPECT

(1) The undercover agent must listen. If he does all the talking or takes the lead in conversations, the suspect will not have the opportunity to talk. Occasionally, the agent may have to initiate a conversation, especially about criminal activity. In this

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instance, he should first talk about illegal activities other than those he is currently investigating and then guide the conversation toward the important subjects.

(2) The undercover agent should learn everything possible about the suspect, his counterparts in the criminal activity, with whom the suspect does business, and from whom he receives instructions or orders. If the suspect is in a position to have information about higher echelons on the criminal organization, the undercover agent should try to have the suspect introduce him to persons in higher places of authority. All of this requires the utmost persistence and resourcefulness on the part of the undercover agent.

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## Chapter Seven

### **PRECAUTIONS AND POSSIBLE PITFALLS**

#### 7.1 COVERING DETAIL

The undercover agent may decide that it is necessary to have other enforcement officers observing his activities. This is referred to as a covering detail. The agents comprising the covering detail must be supplied with all available information so that they may adequately perform their task and be of the utmost help to the undercover agent. The use of the covering detail should be discreet. If used too long or indiscreetly it may be discovered or suspected and seriously hinder the undercover agent in accomplishing his objective.

#### 7.2 WOMEN

(1) Women involved in an undercover investigation usually present more problems than advantages for the agent. There are situations, however, where the assistance of a woman can be of benefit to the agent in that it will arrest the suspicions that the suspect may have as to the agent's presence, or will help in gaining the



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suspect's confidence. Care should be exercised in the selection of a woman so that no allegations will be made of improper conduct on the agent's part. It is recommended that a police woman be used, if available, or in some cases the agent's wife. The agent must be constantly mindful of the type of people he is dealing with so that the woman will not be placed in a compromising situation whereby the investigation is endangered. Whenever a woman is to participate in the investigation the matter should be cleared with the agent's supervisor.

(2) The agent must also be aware of the possible consequences that could result if he acts too friendly with female friends of the suspect. In the normal situations the undercover agent is a younger man than the suspect and therefore a certain amount of jealousy may be involved if the agent is over solicitous of the suspect's friends. This is completely independent of the agent's goal but it will create a situation whereby the suspect will not want to be around the agent and therefore destroy his effectiveness.

### 7.3 BADGE AND FIREARMS

(1) As stated earlier, to avoid discovery the agent should not carry his badge or credentials while working undercover. The decision as to whether to carry a firearm should be made by the agent. The only reason for carrying a firearm would be for the agent's protection. The usual undercover assignment of an agent does not involve the use of a firearm. Therefore, if the agent carries one he should have a practical explanation available if questioned by the suspect. Also, without credentials, the agent could be picked up by local police officers for carrying a concealed weapon. The charges would be nolle prossed at a later date but the incident could very well terminate the agent's assignment. Many times the violators will have a working arrangement with local law enforcement officers whereby the officers will stop and frisk someone whom the violator suspects of being a law enforcement officer, thereby increasing that agent's possibility of being discovered.

(2) If the undercover agent might be on a premise when arrests and/or raids are made and his official identity may be disclosed, some provision should be made for him to have his official identification present. One of the raiding party may bring it, or since in this stage of the investigation the agent should not fear that he would be searched, he could carry it with him.

### 7.4 LIQUOR

Drinking liquor is common among criminal groups. It may be necessary for the undercover agent to drink in order to gain acceptance. However, this should be limited to the minimum required by the circumstances and the undercover agent should never

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become intoxicated. Drinking should be avoided if a logical excuse for abstaining such as ulcers and other illness' would be acceptable. A successful undercover agent does not necessarily have to drink for authenticity's sake. Some of the most successful undercover men abstain completely. Regardless of whether or not the agent drinks, heavy drinking by the suspect, short of complete intoxication, should not be discouraged. Drinking may influence him to talk freely and more readily accept his association with the undercover agent.

### 7.5 KNOWLEDGE OF ROLE

(1) The undercover agent must possess a thorough working knowledge of the suspect's activity. If the agent is investigating counterfeiting, he should be familiar with the modes of operation and how the violators make contact for sale. If he is dealing in narcotics, he must know and understand the language that is spoken in the area where he is working.

(2) It is important for the agent to spend his money in accord with the role he has assumed.

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## Chapter Eight

### **CLOSING THE INVESTIGATION**

#### 8.1 TIMING

(1) Another problem encountered by the undercover agent is timing the closing of the investigation. A good case may be lost if the investigation is unnecessarily prolonged. Knowing when to quit is as important as knowing when to proceed. The undercover assignment should be considered successfully completed when sufficient evidence has been obtained to take appropriate court action against the suspect or suspects.

(2) Many times, closing the investigation is not left to the discretion of the undercover agent. Upon review, his superior and/or the prosecuting attorney may decide to close the undercover portion of the investigation.

(3) Some consideration should be given to the possibility of the continued use of the undercover agent by closing the investigation without disclosing his true identity. The following techniques may be employed to this end:

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- (a) If the undercover agent is able to furnish other agents sufficient information, they may apprehend the suspect in a criminal act without throwing suspicion on the undercover agent. Thus the agent may use his association with the suspect as a background and a stepping stone in other undercover assignments.
- (b) To divert suspicion, the undercover agent may be arrested with the suspect, or shortly before he may be arrested for another violation.

### 8.2 THE UNDERCOVER AGENT AS WITNESS

(1) The undercover agent must be aware that the defense attorney will attempt to impeach his testimony and he should expect strenuous cross-examination. The nature of the agent's association with the defendant may be emphasized by the defense attorney in an endeavor to discredit his testimony. The attorney may imply that the agent committed criminal or immoral acts during the investigation and thus that he is an unreliable witness. If, in the course of his assignment, the agent participated in violations, he should arrange with the prosecuting attorney to explain this before the court and jury on direct examination and not wait for it to be brought out on cross-examination. A strenuous cross-examination should not prove embarrassing if the agent has avoided misconduct which could afford ammunition for impeaching his testimony.

(2) Another approach taken by the defense attorney may be to emphasize that the undercover witness lied or deceived the defendant about his name and title or that he procured registration plates and a driver's license in an alias. The attorney will seek to create the impression that the agent is not telling the truth on the stand, that he in fact lied once and may be lying again, therefore the jury should not believe him. The attorney may attempt to lead the undercover witness to admit he is a liar. The nature of the assignment, of course, requires the officer to mislead the suspect as to his true identity and purpose. The question of whether or not he deceived or lied to the defendant is a conclusion. The agent should testify only as to the statements he made to the defendant and explain their necessity. The agent should explain that although he may have misled the suspect while working undercover, he has never lied under oath. Generally, this line of questioning will be expected by the prosecuting attorney and the matter will be discussed prior to trial.

