



Legal and Practical Issues of Handling Informants

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WORD ON THE STREET

"LEGAL AND PRACTICAL ISSUES OF HANDLING INFORMANTS"

The use of informants dates back to the beginnings of human speech. By the time of Judas and Christ, it was an ingrained information gathering concept. The innate curiosity of mankind demands information. The best source of information usually comes from those closest to the activity. In the law enforcement realm those sources close to, and at times involved in the activity, can often be motivated to share that information. Whether they are called cooperating witnesses, informants, confidential informants, sources, or snitches. They are the eyes inside that give the probable cause or reasonable suspicions to hold bad actors accountable. This webinar will focus on moral, legal, ethical ways to gather information through the use of informants. We will emphasize best practices for developing, deploying and documenting informants. We will discuss the types of informants and their motivations. We will also look at how the methods used by organizations such as news, intelligence, counter intelligence, terrorist and criminal organizations, to develop and use informants, can be coopted and used by law enforcement.

This course is broken down into five segments: Strategies, Rapport, Credibility, Boundaries and Pitfalls:

Strategies

Strategies covers the type of informants and their motivations and agendas. Each type has its own advantages and disadvantages.

The use of paid informants has the advantage of knowing why the informant is doing what they do. It is a mercenary process. They will generally do what they are paid to do. They tend to be professional.

The disadvantage is that they know the system and care must be used not to put an inexperienced handler with a very experienced informant for the informant can become the leader in the operation which is a recipe for disaster. Special care must be made to ensure they are not taking multiple agencies to the same target.

The use of informants working off charges has the advantage in that they are highly motivated and have been given very specific ground rules. These individuals will often work for reduction or dismissal of their charges. They will also work for the reduction or dismissal of the charges of friends and family. They can be confusing as they will often offer to inform on major criminals when the charge they are facing is a seemingly minor violation such as a traffic citation or a misdemeanor warrant.

The disadvantage is they are often under duress and will make things up to get out from under. They also may retain loyalty to the target and tip them off to law enforcement operations.

The use of unwitting informants is often the most efficient use of informants. Since they are part of the criminal activity they also get charged.

The disadvantage is they think the undercover officer is a criminal and expect them to act like it and do the illegal activity with them.

The use of informants with a personal agenda allow the officer to write affidavits that say the informant is not working off charges or being paid for their cooperation.

The disadvantage is it is often difficult to tell what exactly their motivations and agendas are.

Rapport

Rapport is crucial. Without rapport no informants work be productive for long. Encouragement can be given by giving the informant an end point and sense that the assignment can be, and will be completed. The informant must be given respect and dignity by valuing the risk, work, time and effort the informant invests. The informant needs to be given guidance, communication and instruction.

Credibility

Establishing the informant's credibility can be done through prior cases they have worked on. The officer's credibility can be established through prior cases that used informants. The informant's credibility can be established by explaining his motivation to inform and the risks taken.

Boundaries

The majority of problems in dealing with informants can be diminished by maintaining officer professionalism. The officers must limit personal non work related contact or discussion with the informant. All officers must strictly enforce a no physical contact rule. The officer must be empowered to terminate the use of the informant.

Pit Falls

Informants touch on the major issues that can end an officer's career or land them in jail. That would be Informants, Buy money, Evidence, Weapons and Vehicles. Selection of the informant is key. Selecting a poor choice for use as an informant will always end badly. The informant should not handle evidence or money whenever there is another option and there usually is. The informant cannot be allowed to pinch drugs or be paid in drugs. Failure to safeguard identities of both the informant and the officers can result in serious injury or death.

