

# Informants and Whistleblowers

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# Part 1: Informants and Sources

## IDENTIFYING CONFIDENTIAL SOURCES

- “...not everyone has the knowledge, ability, or willingness to provide information to the police. As a result, officers will have to use their experience and discretion to determine who to approach and how to do so.”



# Identifying Confidential Sources

Every person – friendly, hostile or neutral – is a potential source of intelligence.

It is your job to determine the best possible candidate

# IDENTIFYING CONFIDENTIAL SOURCES

- Review the threat (potential fraud schemes / preparers etc.) in your area.
- Determine what intelligence gaps exists for crimes being committed in your area.
- Where do we look for sources to fill those gaps?
- Who would be in the best position to provide intelligence regarding the threat?
- Consider the “Resumé Theory” –Dreeke & Sidener

# INFORMATION PROVIDED BY SOURCES

- Identify subjects and criminal activity.
- Identify organizational structure.
- Cell phone numbers of subjects.
- Other forms of communications, i.e. email, Whats App, Telegram etc.
- Location/time of subject meetings.
- Physical Assets – property, money etc.
- Identify other potential sources.
- Obtain evidence, i.e. documents, drugs, guns, & recordings.
- Introduce undercover employees

# USE OF INFORMANTS

- Generally accepted, Courts have recognized the use of informants is lawful and essential to the effectiveness of investigations.

- May involve an element of deception.

- Intrusion into the privacy of individuals.

- Cooperation with individuals whose reliability and motives may be

Questionable.

# WHY PEOPLE SNITCH

- Revenge
- Fear
- Money
- Power
- Patriotism/Good Citizen
- Earn Favor
- Vanity
- Fear of Incarceration
- Competition/Rivalry
- Immigration Status/S-VISA/Pursuit of Citizenship

Bad Snitch





# Source Development

Everyone you encounter is a potential source

- Witnesses, Defendants, Business Persons, Citizens, Other LEOs, Walk-ins

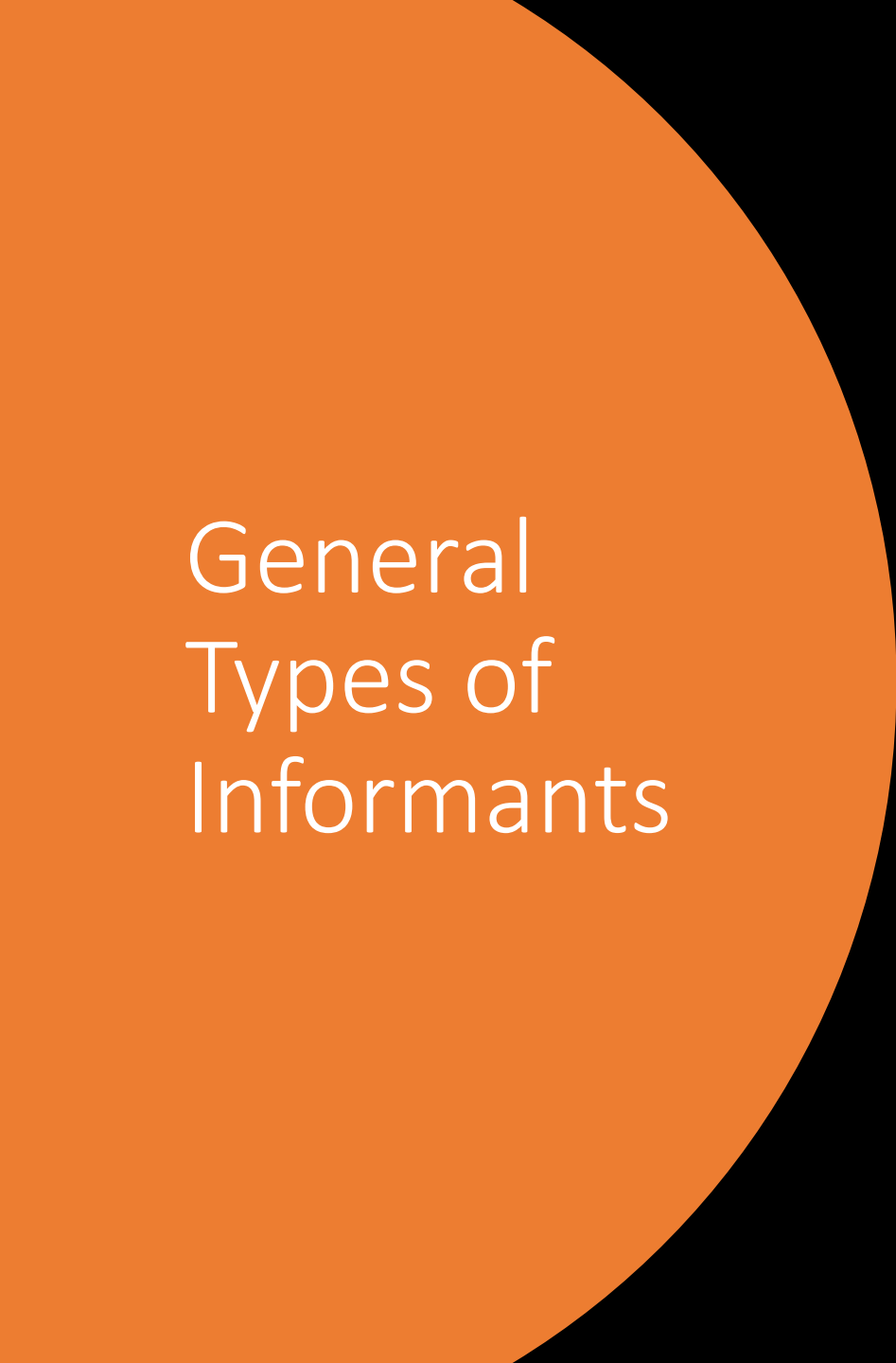
- Outreach Events

- Professional Organization Events

- Official Agency Outreach

- Interviews - Think beyond your original objective

- What else / who else does this person have access to?



# General Types of Informants

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Confidential Sources (Includes Confidential Informants & Cooperating Witnesses)

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- Source of Information (SOI)
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Whistle Blowers

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The use of informants in generating investigations and

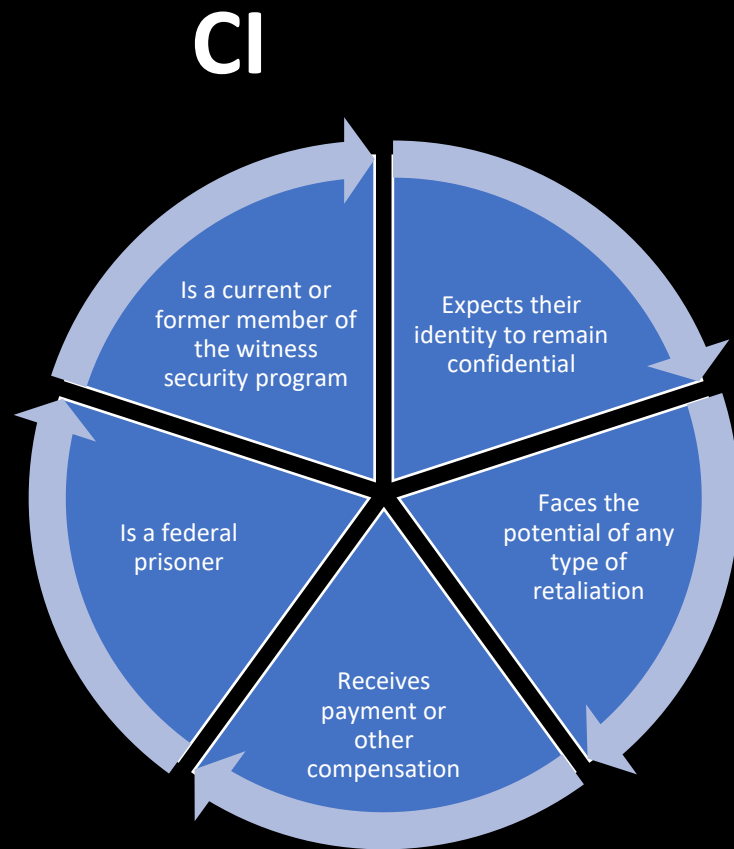
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developing leads is a critical part of the investigative

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process

# Confidential Informant vs Cooperating Witness



## **CW**

- Does not expect their identity to be kept confidential
- Has agreed to testify
- May receive payment for future information or assistance

# The Informant



# Source Development- The CV Theory

CV Theory

Identify your need (information gap).

Create the ideal CV.

Sensitize to the environment (meet people in the area/domain to

recruit).

Be open and observant to opportunities.

# CV Theory

Approach Source development as if you are hiring someone to assist with bridging your information gap. What would you expect to see on the CV of those applying for the job?

- Skills summary - criminal history

- Experience - current

- Education - street smarts

- Certifications - credibility

- Career objective – motivations

**Seek those people out!**

“It was my belief that to keep the criminals down, one had to use men who knew them and had lived among them.”

- Francois Eugène Vidocq (1775-1857),

Director of the Brigade de la Sûreté (Security Brigade), Paris, France




# Part 2: Assessing Motivations and Elicitation

What motivates your source?

Example motivations include:

- • Money
- • Patriotism/Ideology
- • Working off time/charges
- • Self Preservation
- • Ego
- • Right side of the law
- • Law Enforcement Buff
- • Doing the right thing....
- • Professional standing
- • Revenge
- • Eliminating competition
- • Deception to law enforcement
- (Double Agent?)

MOST AGENTS THINK MONEY and REDUCED CHARGES MOTIVATE BUT THEY ARE ONLY Initially MOTIVATING FACTORS. HANDLERs NEED TO FIND THE REAL Motivation!





# Motivation Frequency

## Initial Reason Frequency

Financial	32
Dislikes that crime	17
Reduced Sentence	16
Revenge	15
Right side of the law	9
Looking for a favor	9
Friendly with officer	8
Police pressure	4
Take out competition	3
Part of a deal	2
The challenge	2
Gratitude	2
Enjoyment	1
<b>Total number of SURVEYED</b>	<b>120</b>

# Elicitation

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What is Elicitation?

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The best plain language definition of elicitation is:

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- Having a conversation with someone and getting information from them in a non-alerting and natural fashion.

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The specific definition of elicitation in a law enforcement/intelligence environment is:

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- The strategic use of conversation to extract information from people without giving them the impression they are being interrogated (or targeted/manipulated).

# Elicitation vs Interrogation

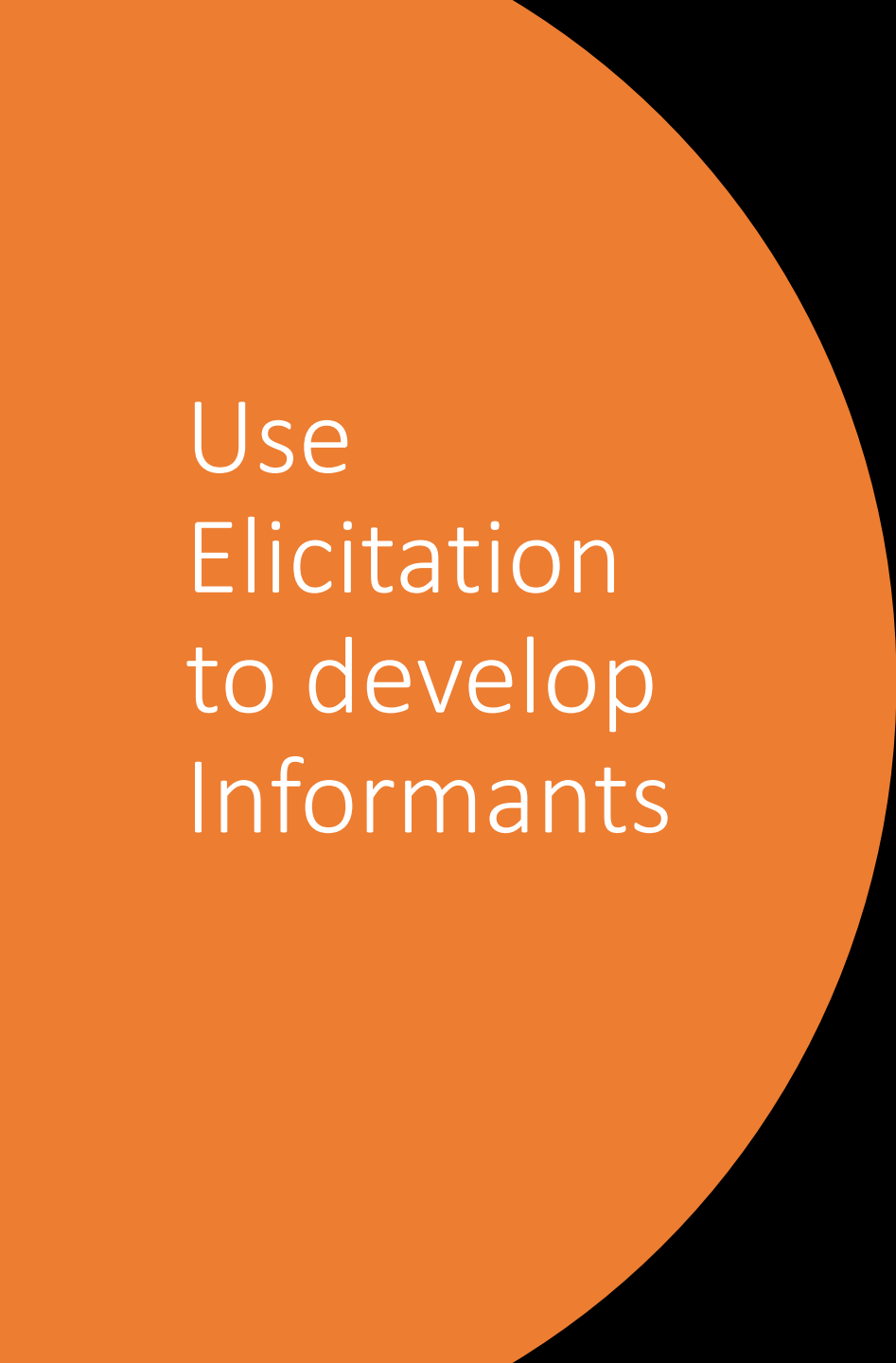
## Elicitation

- Voluntary
- Non-adversarial
- Truthful ?
- Cooperative
- Non-accusatory
- Open-ended questioning
- Trust and Rapport
- Source driven

## INTERROGATION

- Involuntary
- Adversarial
- Deception permitted
- Uncooperative
- Accusatory
- Focused questioning
- Suspicion
- Investigator driven





Use  
Elicitation  
to develop  
Informants

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## What Do Handlers Want to Accomplish??

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- Get Information
- 
- A Second Meeting
- 
- A strong indication if the person is worth
- 

pursuing as a Confidential Source

# Elicitation Techniques – Cold Meets

- Assumed Knowledge
- Confidential Bait / Secret Knowledge
- Criticism
- Deliberate False Statements / Deception
- Feigned Ignorance / Incredulity
- Flattery / Praise
- Macro to Micro
- Mutual Interest / Commonalities
- Oblique Reference / Attribution
- Provocative Statement
- Volunteering Info / Quid Pro Quo / Give-to-Get

# The Psychology of Successful Elicitation

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Are curious

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Want to be heard/vent

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Like to teach others or win them over

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Desire recognition & appreciation

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Enjoy being recognized as experts

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Are willing talk about what makes them comfortable – their clothing, jewelry, family

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Underestimate the value of information

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Want to be liked, or relate to others

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Enjoy gossiping

# The Keys to Building Good Rapport

- It comes natural to some people

- Be a good listener

- Develop commonalities

- Be empathetic

- Show interest – Body language/non-verbal communication

- Be sincere

- Show a sense of humor

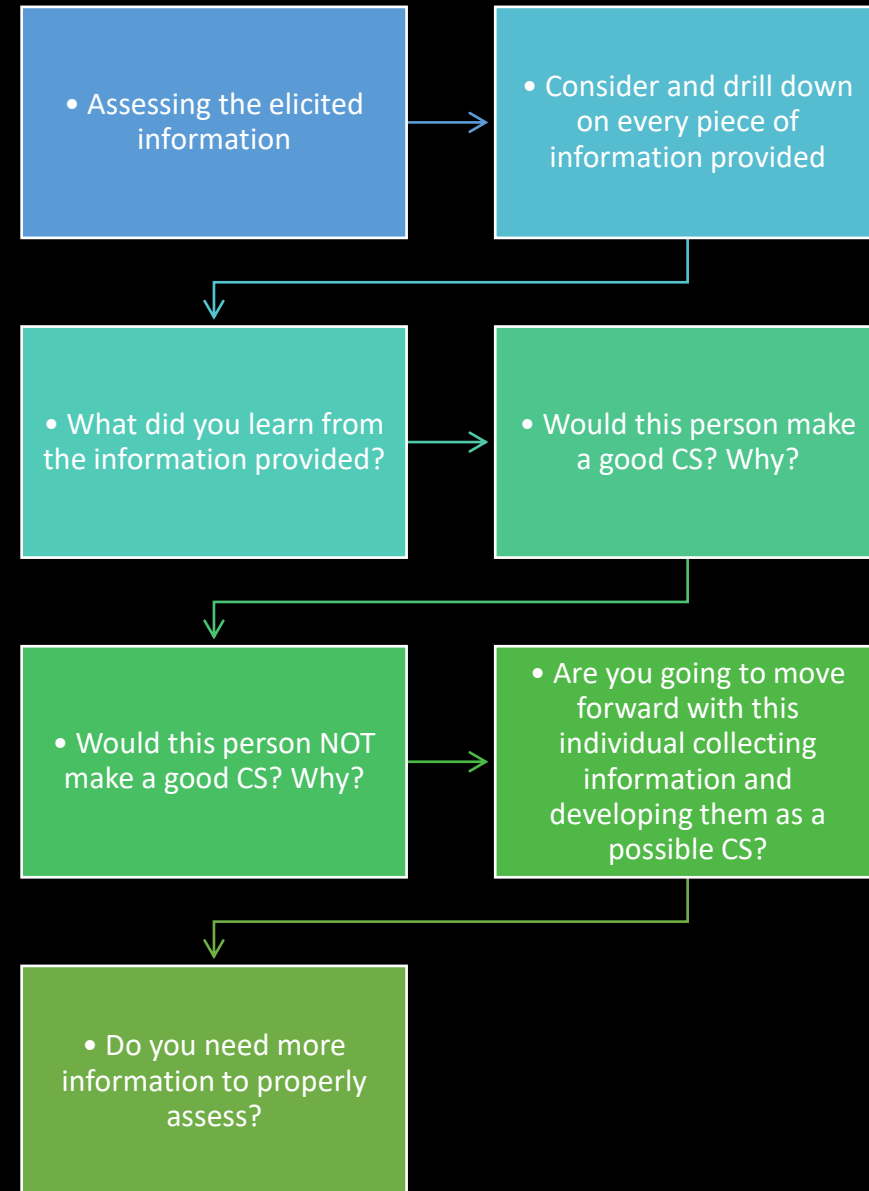
**Source Development is a SKILL!**

# Common Errors in Creating Rapport

- Too much about you
- Topics not of interest to them
- Inability to suppress biases
- Lack of attention
- Not practicing active listening
- Maybe you are just not that likeable or relatable. Try using a different officer



# Developed Elicited Information (Now What?)



# Moving Forward

- Think about how this person may fit into your investigation
- Intelligence vs. Evidence
- Will they be a collector/listening post? Why?
- Will they be a historical CS /SOI but not work affirmatively. Why?
- Will they be an affirmative CS gathering at your direction going forward (electronic collection or Face to Face Ops).
- Consider the benefits and negatives of developing and running this CS for the short-term verse the long term



# Elicitation Conclusion

- Elicitation is both an art and a science.

- Be likeable

- Be relatable

- Be confident

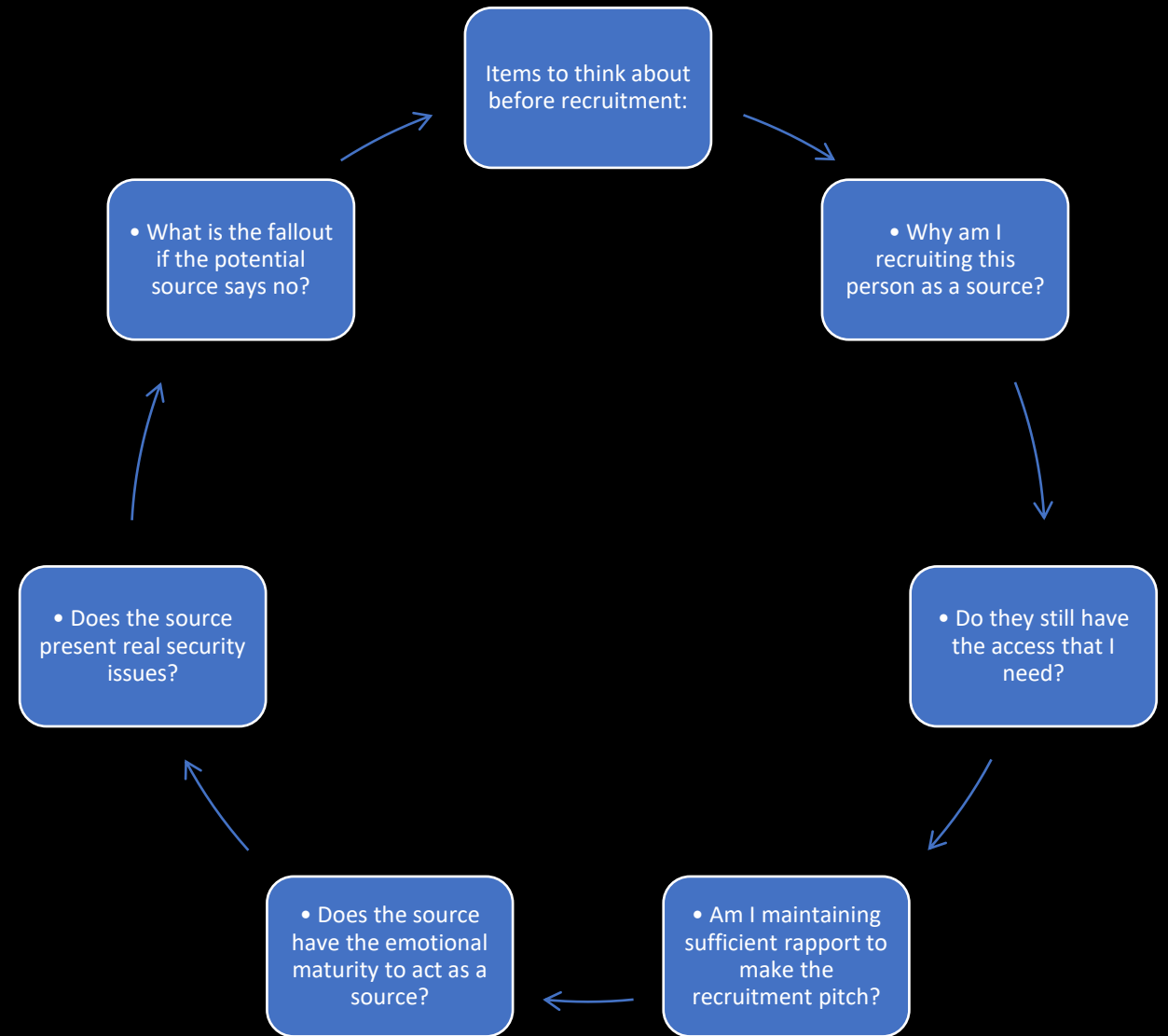
- Be yourself

- And you will surely be surprised how quickly you get the

Information that you seek



# Part 3: Source Management



# Review Motivations



What does your potential source want, need or desire. (money, freedom, reduced sentence, immigration benefit, patriotism, revenge)

- Do you have potential or possible solution??



# Successful Recruitment

A successful recruitment involves:

- An accurate assessment during the cultivation (assessment, development) phase
- Proper pitch environment (car, office, jail cell, street, hotel room, restaurant, bar)
- Psychological preparation of Source
- Delivery of a motivation-based pitch

# What is a Pitch?

A motivation-driven proposition provided to the potential source to get him or her to enter into a confidential relationship

The Officer develops this strategy during Elicitation!

# The Pitch

## Conversation Flow

- Restate Motivation: “ I know you want...” (money) (respect) (revenge) (recognition) (sentencing help)
- Restate Obstacles: “But this will be hard to do because....” (your broke) (no respect) (in trouble)
- Benefits Up Front: “I have a way to help” “you still may be able to get what you want”
- Deliver Pitch: “if you want to adopt my approach..” Be Specific
- Spar: “I have considered that” “I understand your concerns” No Buts!
- State Losses and Review Benefits: “Status Quo means more losses for you unless you can work with me”
- SEAL THE DEAL!

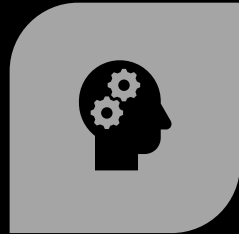


# Pitch Follow up

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CONFIRMATION OF  
ACCEPTANCE



DEBRIEF FOR  
INTELLIGENCE



REVIEW SECURITY,  
RE-CONTACT  
INFORMATION



PROVIDE TASKING



DISCUSS PAYMENT /  
BENEFIT

# The Three (3) A's of Source Handling

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## **Awareness**

- Indicates the source is aware that they are in fact a source and the handling officer dictates what they can and cannot do. There is NO doubt concerning the nature of the relationship – the officer is in charge

## **Accountability**

- The source is accountable for their missteps, oversights and failures. Involves the source following up on taskings; making meetings when asked or required; providing intelligence that is NOT intentionally false or misleading; and follows the rules and regulations provided by the handling officer at the beginning of their relationship. When the source fails on their end they must be held accountable (reprimand, admonishment, termination, etc.). Accountability must be emphasized to the source at the beginning of the relationship. Oftentimes handling officers will overlook a source's shortcomings if they provide valuable information. This should NOT be the case!



## The Three A's Continued

### **Authenticity**

- Reflects the SOURCE's ability to be genuine in what they say and do; and consistently provide accurate intelligence that has never been shown to be intentionally false or misleading, as proven through testing techniques.



# Ethics in Source Handling



- Failure to maintain a professional relationship with a SOURCE.
- Do not Abuse the handler/source relationship.
- Not questioning a SOURCE about their source of information and corroborating it.
- Believing everything a SOURCE reports without questioning it
- Making promises that can't be fulfilled.
- HONOR your obligations where it is legally and ethically possible to do so.
- Lack of accountability regarding contacts and payments.
- Permitting SOURCE to participate in operational planning



# Ethics Continued

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Take NOTHING from an informant but information!

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- KNOW your policy.

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- Not questioning the SOURCE about his /her time and whereabouts.

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- Frequent contact usually minimizes handling issues.

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# Validating Source Intelligence

- Open sources records checks
- Criminal records checks
- Telephone records
- Financial records
- Surveillance
- Polygraph
- Analysis of SOURCE intelligence

# Payments

Sources can be paid as  
**PREDETERMINED** in written  
policy or agreement



Can you pay your source per:

Use?

Monthly?

Only based  
on  
recovery?

Expenses?

Where does  
payment  
money  
come from?

# Whistleblowers

- Definition:
  - A whistleblower (also written as whistle-blower or whistle blower) is a person, often an employee, who reveals information about activity within a private or public organization that is deemed illegal, immoral, illicit, unsafe or fraudulent.



# WhistleBlower Policies



Does your Agency or Government have an official policy?



How can a Whistleblower get information to your Agency?



Is payment defined?



Are Whistleblowers protected?



In US- Whistleblower revenue is considered Marginal Revenue for the Government – Payment does not adversely affect budgets

# US Treasury Whistleblower Regulation

- **Awards to whistleblowers**
- **(1) In general**
- If the Secretary pAwards to whistleblowers
- **(1) In general**
- If the Secretary proceeds with any administrative or judicial action described in subsection (a) based on information brought to the Secretary's attention by an individual, such individual shall, subject to paragraph (2), receive as an award at least 15 percent but not more than 30 percent of the proceeds collected as a result of the action (including any related actions) or from any settlement in response to such action (determined without regard to whether such proceeds are available to the Secretary). The determination of the amount of such award by the Whistleblower Office shall depend upon the extent to which the individual substantially contributed to such action.



Questions?

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