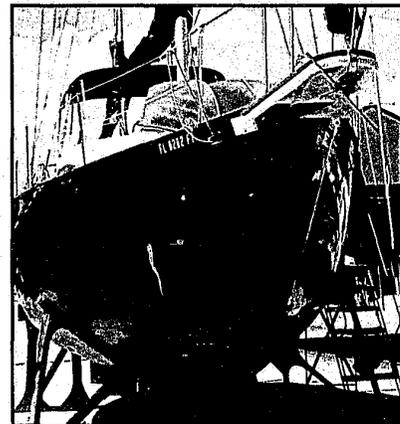
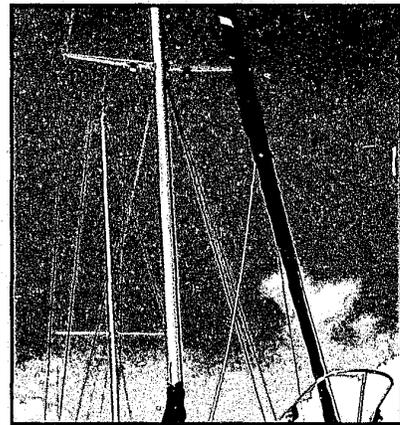
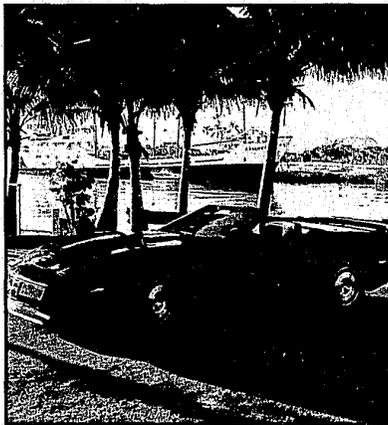
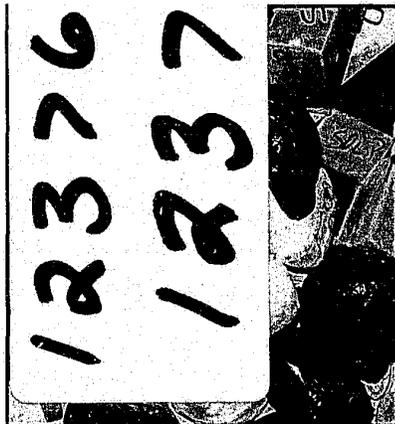
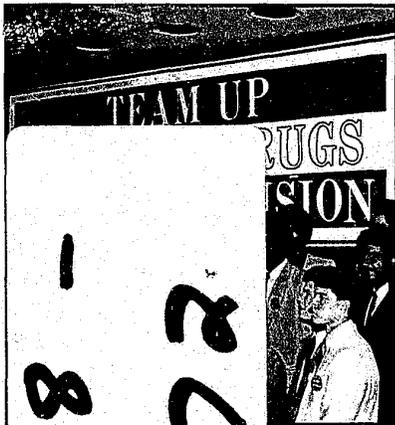
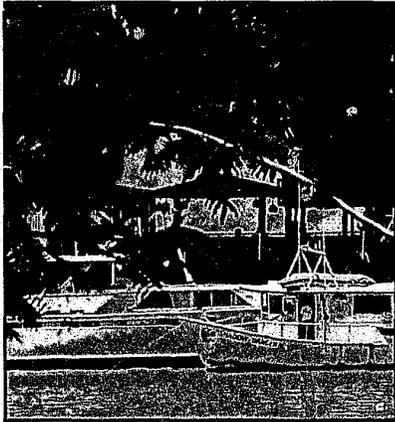




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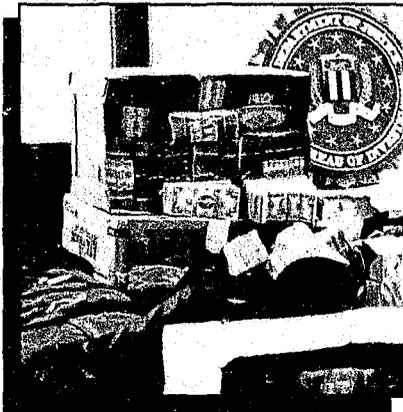
Law Enforcement Bulletin



Combating America's Drug Problem



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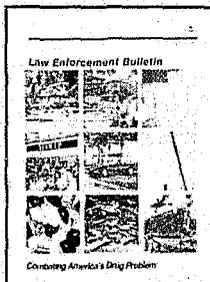
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The Cover: This issue focuses on law enforcement's efforts to combat the drug problem.

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William S. Sessions, Director

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Undercover Violence

By
GARY E. WADE



Within the last 3 years, five special agents of the Drug Enforcement Administration (DEA) have been murdered while acting in an undercover capacity. Unfortunately, many State and local officers have also suffered the same fate. After such tragic occurrences, the first question immediately asked is, "What did they do wrong?" To this fellow officers may reply, "Nothing, they were murdered by drug traffickers," or "The undercover officers played the role too well and the violators had no idea they were cops." While this may be true, a DEA study of recent undercover shooting incidents suggests that more specific factors or practices may contribute to the ever-increasing incidents of violence during undercover scenarios.

BEHIND THE VIOLENCE

Drug enforcement and undercover operations are exponentially more dangerous today than in recent years. Primarily, this is due to:

- An added incentive on the part of the suspect to fight and flee
- Increased paranoia from the use of crack cocaine and other mind-altering drugs
- Increased mandatory prison sentences
- The mentality of certain foreign nationals toward law enforcement officials

- The proclivity toward violence of some foreign nationals
- The relatively high degree of anonymity of foreign criminals
- The enormous amounts of money involved in drug transactions, and
- The frequency of violence related to the drug trade

Because of these issues, all incidents where violent action was directed at the undercover agent must be carefully examined. These examinations should be made in situations resulting in injury or death to the undercover officer, as well as in those where violence was planned but never carried out.

DEA RESEARCH

The DEA performed case-by-case reviews of all agent-related

shootings, including undercover agents and local police, when possible, in an attempt to determine if any commonality exists. The conclusions drawn here pertain to undercover shootings only.

Analysis of the research disclosed seven critical factors applicable to undercover shootings. Problems associated with at least one of the following factors were found in every shooting incident:

- The operational plan
- Effecting an arrest from an undercover posture
- Management of the flashroll
- Communication with the undercover agent
- Complacency on the part of the undercover officer
- Accessibility of undercover weapons

- Drawing inaccurate conclusions from accurate observations

Operational Plan

For years, developing the operational plan for an undercover operation consisted of officers brainstorming the options and answering such questions as where the undercover meeting would take place, how the flashroll would be handled, and what the trouble and bust signals would be. Some departments' operational plans were more detailed, some less. Yet, all plans were informal and not all of the essential personnel involved in the operation were present when the operational plan was explained. As can be expected, a poorly structured operational plan can be a detriment to the success of the operation and to the safety of the undercover officer.

Today, a complete, written operational plan should be mandatory. This does not suggest that a manuscript needs to be prepared for every undercover scenario; however, the details of the operational plan should reflect the risk level of the undercover operation. It should also cover pre-buy surveillance of the suspect and meet location, surveillance of the undercover agent and flashroll, alternate meet spots, trouble signals, arrest signals, and an arrest plan among others.

For example, if a large flashroll is being displayed to suspects with a proclivity for violence, the operational plan should restrict the handling of the flashroll, the movements of the undercover agent, and the timing of the arrests. However,



“ **Those involved in undercover operations...must be aware of the necessity for safe, effective tactics in undercover operations.** ”

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an operational plan need not be overly restrictive. It should be flexible enough to be easily amended by a phone call to the street supervisor to determine if an alternate plan is feasible and safe and to make sure that all officers are aware of the new plan.

The undercover agent must realize that it is essential to operate within the parameters of the operational plan. The undercover officer does not have and should never have the authority (unless it is a life-or-death situation) to alter the operational plan without the concurrence of the street supervisor.

The most difficult item to factor into the operational plan is a shut-down mechanism in case the seller attempts to steal the flashroll. The exchange must be arranged in such a fashion that the seller can do nothing to the undercover officer to accomplish this. The only alternative for the seller at that point is to provide the contraband or back out of the arrangement, giving some reason to the undercover agent for doing so. The undercover officer must be sufficiently confident of individual experience, abilities and training to realize that this is a successful conclusion to the scenario, even if an arrest is not made.

Making an Arrest

One of the most dangerous actions an undercover officer can attempt is to arrest a violator. At this stage in the operation, the violator is sold on the officer's cover or would not be delivering the drugs. Therefore, any action the officer takes to subdue or arrest the violator may

well be perceived as simply drug violence and he may respond in kind. The suspect may also resort to violence once he realizes he has been tricked into selling the next 15 years of his life to a police officer. For this reason, the undercover agent should be as far removed as possible from the arrest scene. If arresting officers cannot wait until the undercover agent has left the

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scene before announcing their presence and purpose, the undercover agent needs to maneuver to the best available defense position and prepare for any level of violence.

Further, in other than a life-or-death situation, an undercover officer, who wants to make an arrest or who forces the situation so that an arrest can be made, is being controlled by actions and not by experience, common sense, and adherence to sound undercover tenets. In such instances, it may be necessary to reassess the officer's ability to continue in an undercover capacity.

Managing the Flashroll

Without question, the single issue causing the most violence in

undercover operations is mismanagement of the flashroll. To reduce the possibility of violence, there are a few basic rules to follow regarding the flashroll. First, never let the seller know or, more importantly, assume where the money is being kept prior to the flash. Second, once shown, the money should not be returned to the same place or at least the suspect must believe that it is being put elsewhere. Third, money should very rarely be displayed a second time during the negotiations. If it has to be displayed a second time, extraordinary measures should be taken to ensure its security. Obviously, there are several variables that dictate the level of caution, including the amount of the flashroll and the criminal history of the violator. These rules are necessary because without careful handling, the suspect may attempt to steal the flashroll rather than sell the drugs.

Recently, in a large southwestern city, officers displayed a \$60,000 flashroll to two foreign nationals for the proposed purchase of three kilograms of cocaine. In an attempt to lure the flashroll from the undercover agents, which had been removed from the "show location," the suspects offered to display nine kilograms of cocaine for the officers to test and pick their three kilograms. The officers not only refused to display the flashroll a second time but they also refused to leave the original meet location. They stayed within the operational plan and were successful that night.

How much cocaine did they seize? None. They were successful

because they conducted themselves as professional drug officers and went home to see their loved ones. As it turned out, the suspects did have three kilograms of cocaine, but they sold it the day before. Their

placence. However, complacency may occur in more experienced undercover agents. After several successful undercover operations, agents can lose sight of what makes an operation successful, i.e., a good

ning, the suspect requested a meeting with the officer. During the telephone conversation, the officer advised the suspect not to bring drugs to the meeting because he was not bringing money and would not consummate the purchase that evening. The officer and a skeleton surveillance crew went to the meeting. A short time after the officer met with the violator, an apparent argument broke out between the two. The suspect pulled a revolver and shot and killed the officer. The suspect was subsequently killed by officers attempting to apprehend him.

In this case, perhaps the officer became too complacent and may have erred by taking only a skeleton surveillance crew. However, it is difficult, if not impossible, to predict how the criminal mind will react in any given situation. Therefore, complacency on the undercover agent's part only serves to place the undercover agent at increased risk.

Accessibility of the Undercover Weapon

Weapons are commonplace in the drug underworld; yet, criminals should not be made aware that the undercover officer is armed. However, if the criminal does see a weapon, the officer has a ready-made explanation for having it. Even so, some officers feel uncomfortable and believe that a weapon restricts them in what they can do and where they can go. Certainly, during negotiations with violators, the officer is at somewhat less risk than if money is or is expected to

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One of the most dangerous actions an undercover officer can attempt is to arrest a violator.

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sole intention was to kill the officers and steal the flashroll.

Communication

Today, it is inconceivable that any police officer or agent would be in an undercover capacity without ready access to a communication device, such as a beeper or cellular telephone. Because beepers and cellular telephones are no longer cost prohibitive, even the smallest drug team can afford them. The value of this technology is its capability to warn undercover officers of impending danger and/or to direct them to end negotiations and withdraw immediately. The officers' safety is the most important element, and without a means of communication, their safety is put in even more jeopardy. However, undercover agents should realize that while important, communication devices can fail and may, in fact, put the operation in even greater risk.

Complacency

Usually, it is not difficult to keep new and inexperienced undercover officers from becoming com-

informant, good undercover work, excellent surveillance, teamwork on the part of the unit, and/or using sound investigative techniques.

Another factor causing complacency is repetitiveness of undercover contacts. Over the course of an investigation, undercover agents will have many contacts with the violator. Some, but not all, involve a drug transaction. Once the undercover agents believe that they have been accepted by the violator, there is a tendency to relax, to not read the suspect's body language for trouble signals, or merely to ignore the signals. As a result, all too often, violators are underestimated. Streetwise, cagey violators do not tip their hands when they become suspicious of undercover officers. Therefore, the slightest change in the suspect's behavior should put undercover officers on guard.

Recently, an experienced undercover officer in a large western city met with a suspected dealer to purchase a quantity of heroin. When the suspect observed surveillance, the transaction was put off to another day. Later the same eve-

be present. However, during exchanges of drugs and money, the undercover agent should be armed. This practice will help in most cases, but sometimes the situation may develop too quickly.

For example, two DEA agents were killed and a third wounded in Los Angeles, California, in 1987. Each agent carried a weapon, and another gun was concealed in the undercover vehicle. Yet, the situation developed so rapidly that the agents did not have time to draw their weapons. This stark and tragic example shows that the weapons of undercover agents need to be readily available in critical situations, but even then, the undercover agent may not be able to access it quickly enough.

Inaccurate Conclusions from Accurate Observations

Everyday, officers watch thousands of drug transactions, each about the same, yet each a little different. Problems arise when officers draw the wrong conclusion from an accurate observation and then base all operational planning on that conclusion. Therefore, it is crucial that officers keep an open mind throughout the undercover operation. The following is a relevant situation.

The night before a proposed delivery of a kilo of heroin, officers observed two individuals of apparent Latin origin arrive at the main suspect's home. Prior to entering the house, they were observed removing an object that looked to be the size and shape of a kilogram of heroin from the trunk of their

vehicle. Later that evening, during a telephone conversation, the undercover officers were told by the source of supply that the deal was set for the next day as arranged. Further, the couriers had recently brought heroin to his house. The officers' observations, coupled with the statements made to the undercover agents, led them to believe that the suspect was in possession of the heroin, the sale would take place, and that the violators had every intention of completing the transaction and not robbing the undercover officer.

The observations on which officers based their operational planning were accurate. The individuals were Latin. They were involved with the source of supply; however, the kilo-shaped package did not contain heroin. It contained a .45

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**...a complete, written
operational plan
should be mandatory.**

caliber pistol which was used to rob the undercover officer the following day. The planning would have been significantly different had the officers known a weapon was in the package. Obviously, they had no way of knowing this. The operational plan for the following day was based on the assumption that the contraband was in the source's possession. Once that presumption was made, other actions that may have indicated the suspects intended to

rob the undercover officer were either ignored or not given the significance they should have.

Surveillance officers and undercover officers must be ever alert for warning flags to the suspect's "operational plan." The illicit drug trade is always changing. Drug dealers are involved in a game of deceit and are paranoid in dealings with others. This makes them very volatile and unpredictable. Officers should observe the traffickers' activities and continually update their assessment of the traffickers' intentions.

CONCLUSION

If proper procedures are strictly adhered to relating to all seven critical factors, will officers always walk away unharmed from undercover operations? No. Unfortunately, there is no formula or absolute guarantee that adherence to any set of undercover tenets is going to ensure that an undercover officer or drug team will go home safely after every assignment. However, if these seven factors are discussed and proper procedures are followed, the level of officer safety increases significantly.

The drug trade is a violent business and is considered the number one social problem in the United States. Every law enforcement agency tasked to do so is trying to make an impact. Those involved in undercover operations, including first-line supervisors through upper-management, must be aware of the necessity for safe, effective tactics in undercover operations.

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