ENHANCING UNDERCOVER POLICE TRAINING

By

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A thesis submitted in partial fulfillment of

the requirements for the degree of

MASTER OF ARTS

In

LEADERSHIP AND TRAINING

We accept this thesis as conforming

to the required standard

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Abstract

This thesis examines undercover (UC) police training enhancements. Interviews of four academics and eight UC operatives provide a collective voice to candidate selection, assessment, learning, and UC dilemmas. Observation of scenario training confirmed interview findings: scenarios provide an essential ambiguous environment to practice false presentation/hidden motives, and to identify anticipated dangers in the actual UC environment; lecture and feedback counterbalance experiential lessons to shape officer knowledge of UC stress and judicial and societal expectations; and operatives balance goal attainment, decisions under stress, and safety strategies within the rule of law. I conclude that course efficacy is found in agent skill, reduced agency liability, and effective UC infiltration of insular organized crime schemes. Advanced stress management skills and psychological information are recommended for operatives to identify and monitor mental health vulnerabilities. Course enhancements include exhaustive feedback to correct self directed learning errors and to generalize skills within singular scenarios.

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Chapter One – Study Background

"He who fights with monsters might take care lest he thereby become a monster. And if you gaze for long into an abyss, the abyss gazes also into you" (Nietzsche, 1886, V, 146).

Any community's arm of force—military, police, security; needs people in it who can do necessary evil, and yet not be made evil by it, to do only the necessary and no more. To constantly question the assumptions, to stop the slide into atrocity. (Bujold, 1999, p. 533)

The Research Question and Subquestions

This thesis studies undercover (UC) training for law enforcement investigations. Shannon (2002) posits research findings that suggest police training is essential to long-term success of both the individual and the organization, but that outcomes can be misunderstood by the cohort and outlying governance. The increasing complexity of society requires that police forces build interactive and thinking skills rather than a focus upon administration and legal dictum (Greene, 1998). Seeking to provide a best practice in UC training, this thesis is focused on better understanding the following question: "How can we enhance undercover training?"

While occupied with accommodating findings, it is further directed into three subquestions:

1. What is the benefit of experiential learning?

2. Are candidates trained or assessed?

3. Are candidates prepared for decisions made under stress?

The use of proactive enforcement or undercover operations has expanded in recent decades to address wider and more complex criminality (Girodo, 1997; Marx, 1988;

Sorgdrager, 1997). However, police deception and infiltration into society's settings is not without detractors. Some criticize UC work as a sinister invasion into citizen's privacy and liberty, even a dangerous approach toward the totalitarian state (Miller, 1996). Lawmakers, libertarians, and social academics alike seek to reconcile the notion of catching and deterring criminals while protecting the freedoms that we expect as citizens. Some remain stalwart: the UC effort is more damaging than helpful to society and represents a weakening of police moral habits (Machan, 2002).

Citizen oppression by paternalistic state agents has not been my experience in over ten years of undercover operators. Our society begrudgingly accepts deceit, trickery, fabrication, and rhetoric of motive in social interaction to confer advantage, and the latter regard has failed to affect any meaningful reform (Goffman, 1959; Wachtel, 1992). Thus, I rationalize covert action as fitting within society's established norms, albeit government sanctioned deception is admittedly the highest deception, beyond economic or personal façades. Potter (1998) describes former FBI Director Hoover's activities, now well documented, as illegal, reactionary, antidemocratic, and racist. These were accomplished without a clandestine force, only a masculine collection of an executive mould that Hoover described as men of common sense and good character (as cited by Potter, 1998). Just as the UC operative has the capacity to be wielded ethically, overt policing can also be the instrument of malpractice. This becomes a measure of degrees. Our attempts through training, then, are to confine such incidents to rarities and maintain the overwhelming majority of police action in the boundaries of what is proper and ethical.

UC is not the principle tool of social control, but seeks to accomplish what conventional police techniques cannot. Proactive techniques or UC action are critical to

access crimes inaccessible to formal social control (Band & Sheehan, 1999; Girodo, 1997;

Jacobs, 1994). Police trick and mislead to address expanding organized crime schemes and

insular, consensual criminality. Simultaneously, organized crime assesses police capabilities

in order to avoid and deflect attention. Structured crime groups regard uniformed patrols as a

mild annoyance (Laur, 1994). However, the UC threat compels criminal groups to take

elaborate precautions; some of which impede smooth function and unfettered expansion

(Brodeur, 1992). While the law-abiding individual is almost oblivious to plainclothes police

presence, the criminal population is ever vigilant. Like Kerksetter's (1981) comment on UC

controversy as fundamentally a political issue representing allowable allocation of power

between state and individual, the tension produced is far from utopia. It is, however, a tool to

assist in protecting society. Abolition of undercover policing would de facto abolish the

enforcement of laws undetectable by uniformed police (Watchtel, 1992).

In *Undercover: Police Surveillance in America* (Marx, 1988), a seminal academic

commentary on undercover activity asserted that

> the question is whether 50 years from now observers will find our concerns over
>
> undercover operations quaint. Will the occasional incidents seen in the past decade of
>
> police posing as priests, newspaper reporters, lawyers, psychologists, lovers, or
>
> students; of their selling drugs, distributing pornography, running casinos, and houses
>
> of prostitution, filing false affidavits, lying under oath and bugging a judge's
>
> chambers; and of covert operations in our most hallowed institutions—churches,
>
> elections, courts and legislatures—have become commonplace? (p. 2)

Amid his concern for escalation, Marx (1988) recognizes UC application as a

"necessary evil" (p. xix), applauding positive consequences such as FBI agent Joe Pistone's

infiltration into a mafia crime family. Marx is not polemic to UC facilitation, but brings to light the intolerable evils of UC practice such as the intended and unintended negative consequences of UC work. Such consequences as intrusion into the lives of non-suspects in proximity to criminal elements, reliance on confidential informants, physical and mental injuries visited upon operatives, and police subversion of the law, among others, is prominently displayed by many, including Brodeur (1992), Marx (1988), and Pogrebin and Poole (1993). Brodeur raises concerns as police focus on drug supply, which detracts from society's focus on drug consumption, or possible prevention and treatment strategies. He adds that risk of police corruption is generated in part due to reliance on informers "deeply involved within the criminal milieu, which tends to blur the difference between crime fighter and hired criminal" (Brodeur, 1992, p. 124).

Marx (1988) suggests a remedy of training, supervising, and selecting operatives carefully, combined with appropriate tactical choices to control the covert operational nature and texture. This thesis pivots on that very suggestion. Where intentional covert wrongdoing is a trespass on society, good faith UC operations are respectful of society. Few would argue that UC operations require a heightened level of internal monitoring and restraint. It might be impossible to satisfy the concerns of social engineers, but the majority of public concerns can be satisfied if operatives act with a sense of fairness, anticipate judicial accountability, and are properly supervised. As operatives intrude into people's lives, this will be gauged by judicial and societal reactions as to the appropriate level of invasion proportional to the seriousness of the crime investigated. There are competing values at play; democratic freedoms versus crime control and not a slide towards the totalitarian state, and security from criminals without expense to personal privacy.

If the proactive strategy is to remain a viable investigative vehicle, it must be safeguarded from reckless police activity that would discredit its practice. Training is an essential element to develop noteworthy covert skill, operational tempo, and legal effectiveness, as well as ethical fidelity.

Police should take heed of public and academic discourse critical or supportive of UC police technique. These concerns in some way indicate awareness and tacit support. UC facilitation can expect scrutiny to ensure it respects our emancipated, democratic character, and today's academic rhetoric becomes tomorrow's juristic writing. Responding and being inclusive to reasonable concerns does not weaken UC practice, but rather validates it.

I illustrate with Marx (1992) example of UC agents using sexual deception, even specious sexual relationships to advance police investigations. This activity has been wholly condemned by Canadian courts, and further illegalized by Bill C-24. This Bill emerged in response to concerns of organized crime and morphed the environment of proactive police action. It clarified police and informer powers while providing basis in law for unlawful or improper conduct (Bronitt, 2004). Police gained relief from criminal liability in exchange for a higher standard of supervision and judicial authorization prior to operatives committing any illegal acts. Such legislation can be further amended to limit and hamper covert work if ensuing operative conduct is seen as irresponsible. Moreover, and most concerning for the police, legislation that outlaws certain UC activity serves as a menu of impermissible acts that criminal groups can employ to insulate themselves from operatives, ultimately detecting police by requiring new members to commit the legally inexcusable act.

Perhaps our Canadian context already has a leg up in adhering to sociological concerns. Canadian legislation, policy, jurisprudence, and civil liabilities hold the police

accountable for misfeasance. Canadian law enforcement funding is not linked to seizure

values; a practice often criticized as inspiring zealous police action (Miller, 1996). Most

important, Canada has not had officers murdered while deployed covertly, certainly not at the

rate that exists in the US. Yet Canadian police are not infallible by virtue of governance.

"Colouring within the lines," so to speak, is the responsibility of those granted the powers

and freedoms to act against criminal entities. Law enforcement must demonstrate not just that

they are technically legal, but also that they are acting in good faith with basic concerns for

the normative public, legislative, and judiciary values. Since covert is secret, good faith is

shown after the fact. This is not a reflective practice, but one that is implemented and in

action throughout an investigation.

Yet UC actions polarize public opinion into either "all good and beyond reproach or

all bad and beyond justification" (Marx, 1988, p. 15), with pleas to increase or abolish the

practice. Some suggest monitoring and reporting of covert actions to ensure UC programs are

ethical and justifiable. I suggest the first measure of creating the ethical, justifiable condition

is through training. The UC operative's seminal experience into UC craft is training,

followed by supervision and peer modelling. This exerts and instills fidelity to the "to serve

and protect" motto far more than policy and legislation ever will.

The Problem

Undercover work is inherently dangerous. Officers buy contraband in an environment

where random violence and robberies occur, and where drug impaired, paranoid individuals

tend to resort to violent problem-solving skills (Wade, 1990). Short-term scenarios where an

officer poses as a prostitute can create safety issues due to the random violence visited upon

sex trade workers. In long-term investigations against sophisticated criminals, operatives

must be wary of a resourceful, wary adversary who checks the credibility and personal histories of the new member. UC craft is not for the faint of heart any more than it is for those with reckless abandon.

Operational errors and deficiencies that are attributed to a lack of training result in increased public liability costs, increased negative jurisprudence, decreased officer morale, lower public safety, and reduced public and judiciary confidence (Rose, 2003). Further, parliamentary reaction on perceived police error from poor training could result in program restrictions, budget erosion, and reduced police autonomy.

Organizations must train to meet the level of risk and to match similar standards of like agencies. Failure to train or inadequate training is negligence, and an organization will feel the full brunt of responsibility for lacking diligence. Accountability is individually and corporately held (Waddinton, 2001); police managers cannot expect immunity from police misconduct. Effective training alone will not eliminate liability, but it reduces civil case files and mitigates against large financial awards (Trautmann, as cited by Marion, 1998).

Other sanctions can befall law enforcement. In 1977, the Royal Canadian Mounted Police (RCMP) Security Service's UC actions were alleged to be practices neither authorized nor provided for in law (MacDonald Commission of Inquiry into Certain Acts of the RCMP, 1980). The MacDonald Commission, parliamentarians, and the RCMP themselves realized that police lacked the necessary training and philosophy to distinguish between subversive and dissident, or to be able to balance security intelligence gathering against basic rights (Sawatsky, 1980). This resulted in a disbanded RCMP Security Service and creation of the Canadian Security and Intelligence Service (CSIS). One might rightly argue that police and national security functions are incompatible; regardless, the Commission forensically and

publicly examined the structure of the police, legislative reform, and acceptable UC operative activity. The loss of professionalism, mandate, and erosion of public support brought about by covert wrongdoing has been linked partially to lack of training.

The *Report of the Kaufman Commission on Proceedings Involving Guy Paul Morin* (Kaufman, 2003) and *The Inquiry Regarding Thomas Sophonow* (Manitoba Justice, 2001) scrutinized police investigations that resulted in wrongful murder convictions. Kaufmann recommended specialized training and education to avoid error in the future. Both the Kaufman Commission and the Sophonow Inquiry identified that investigative teams suffered from operational and individual tunnel vision.

Training, policy, and supervision thus are necessary to manage risk, and UC operations are rife with risk (Rose, 2003). Training shows departmental good faith to limit error and misfeasance. Operatives intrude into people's lives without the "person in authority" connotation presented by uniformed police. This is a precarious position when the operative becomes a participant, passive or otherwise, into a criminal act in order to gather evidence and cease such ongoing crimes.

Failing to train can force a department to weakly and reflectively mitigate error. Conversely, a trained cohort acting with good faith can articulate rationale for specific acts. This is more acceptable to the courts in the event of error and increases the bandwidth of operational possibility. A controlled, honest cohort will engender more responsibility than a reckless, disorganized one.

When the best strategy and planning meets with errors and emergency, proper training provides a situational mindset within the group that corrects mistakes prior to magnification into major loss. This requires dynamic and rote training, not ad lib responses.

Limiting negative consequences in ambiguous and novel circumstances is possible. UC

training becomes not just about institutional protection and liability deflection. Competent

training is a moral obligation departments have to adequately protect their members.

Kunzman and Lersch (2001) discovered that low levels of police officer education translate

into stronger and more sustained allegations of police misconduct. This suggests educational

training not only brings an agency into more favourable light, but also seeks to enrich

officers' work lives.

Brodeur (1992) mentions a lack of jurisprudence and field research in covert police

activity. Marx (1988) indicates that a broadening of empirical literature of covert means is

required. Fitzgerald (2003) laments the stagnation of undercover study since Marx's original

research. She invites further study, positing that operative training is essential to stress

management.

The Canadian judiciary has enunciated several times on UC practice since Brodeur's

(1992) writing and in doing so, delineated the margins of covert action. Courts are agreeable

to trickery, just not dirty tricks, and courts expect fair play and accountability when officers

act deceptively. Negative case law from one faulty undercover operation negatively impacts

other operations. One agency's error is every other agency's albatross. Training, then,

protects operational prowess and reputation in one's own agency as well as that of others.

Judicial rulings that criticize contentious undercover investigations also attract media

attention. UC work by its very nature does not seek exposure. Media events on UC

techniques weaken police effectiveness against criminal elements now aware of police

capability. One technique inapplicable and criticized by the court in one case may have

application in another. It is, however, rendered useless if media outlets see potential for dramatic headlines of a judiciary critical of police.

Failure to consider this research will inhibit discovery of UC training blind spots. We will not find the best practice to train and assess candidates, nor prepare them for emergent circumstances. The aforementioned problems are complex, and we require understanding of where and how to weave them into a training syllabus and the risk management model. This thesis hopes to assist law enforcement to maintain operational bandwidth. If police are seen to be acting as an absolute power, increased review boards, guidelines, operational procedures, auditors, and legislative oversight will countervail (Geiss & Goff, 1992). These controls will consume precious police resources and attention into satisfying imposed concerns instead of focusing on conducting responsible police missions.

Training, then, becomes central to individual and organizational health. Increasing errors, injuries, and failed investigations will not attract officers to the craft. Civil litigation, operational restrictions, career stagnation, and an unhealthy atmosphere further repels officers. J. Tuttle (1993) reports increased corruption and burnout of officers plying within covert units where undercover team training and supervision was faulty.

Qualitative measures of current UC training could further prove course efficacy. A canvass of the UC constituent as a quality control measure is a best practice. Moreover, specialized law enforcement units have an increasing decision making burden similar to the engineering profession. The complexity of the *Canadian Charter of Rights and Freedoms* (Department of Justice, 1982) and the demands of accountable, transparent, and knowledgeable police activity have also impacted the UC tool. UC training, although changed incrementally, needs to be measured against this new benchmark.

Quite plainly, sending an officer into UC roles without certification, education, and supervision is dangerous and irresponsible. Officer safety protocols are critical. Police trainers may seek utility in these project findings, confirmation of their efforts, and methods to enhance effective training. Criminal justice academics may take a wider perspective: a view into the conduct of state authorities to address perceived levels of criminality, and from that, a barometer into the health of the rule of law or society in general. If this project is seen to straddle both views, my first loyalty is that it remains responsible for identifying and solving training deficiencies. The ancillary benefits of this study into the social aspects of covert methods are a worthy topic for another day.

The Organization

The Justice Institute of British Columbia (JIBC) trains and certifies municipal police officers in BC and provides advanced training to serving members. This includes the two-week undercover course, which is the same duration as that of the Calgary Police Service. The RCMP and the Canadian Natural Resource Agency program have courses that are three weeks long, while the Toronto Metropolitan Police UC course is one week long and requires advanced training at a later date.

Course trainers originate from BC's municipal police, the Calgary Police Service, the British Columbia Organized Crime Agency, and the British Columbia Conservation Officer Service Special Investigations Unit. Candidates originate from BC police departments, and agencies such as the Halifax Regional Police, Military Police, the Canadian Wildlife Service, Department of Fisheries and Oceans, and the BC Conservation Officer Service.

BC has all criminal organizations represented within its borders: outlaw motorcycle clubs; Russian, Asian, and East Indian gangs; and the Mafia, to name a few. Juxtaposed to

the US border, numerous ports, international airports, and transportation efficiencies make

the area a significant attraction to these groups. Globalization of organized crime has

virtually every major criminal group coveting Canada as a principle base of operations

(Evans, 2000). A recent Criminal Intelligence Service of Canada study reveals that despite

organized crime's detriment to the nation, less than 2% of policing resources are focused on

the problem (Holland, 2003).

Thus, a need for a larger operative population arises due to law enforcement attrition

rates, specialist police units needing cross-trained or multi-functional members, and the

growing complexity of crime. The proportionality principle demands that greater attention

toward organized crime will be required for the future.

The Course

UC training consists of classroom lectures and experiential learning. Scenario training

is done in simulated and real environments, both considered essential to teaching UC tenets.

Course tempo and task requirements create stress and fatigue within candidates. Candidates

under stress, fatigue, and competition are evaluated to determine their suitability for UC

practice. The course is both assessment and training.

Entrance to UC training requires an officer to pass a screening process: an interview

and a psychological assessment. Screening seeks to eliminate those incompatible with the

UC discipline (Hibler, 1995). Role playing and personal suitability questions measure officer

skills, corruption risk, and potential to acquire UC skills via training, while the psychological

test measures health orientation, neuroticism, and psychoticism to identify vulnerabilities to

mental injury (Girodo, 1997).

I divide UC training into "reality-based" and "reality-placed." Reality-based training involves scenarios within the safety of the classroom which simulate potentially dangerous UC problems. Role play exercises include such events as a drug trafficker, acted by an instructor, insisting on payment prior to contraband delivery. This example might assess the candidate for officer safety; communication, persuasion, and negotiation skills; and protection of government funds. The entire class vicariously observes these multidimensional lessons and debriefs the outcome with instructional staff, who in the role play can identify and instruct on the errors and correct actions taken by the candidate. These initial lessons also provide instructors with some sense of candidate ability prior to reality-placed training, or the real environment.

Reality-placed training involves night clubs and other similar venues. UC candidates practice skills such as surreptitious team communication, observing potential drug transactions, and possible interaction with identified drug traffickers to gather specific intelligence. Infiltrating bars or perpetrator haunts requires a safety skill set and clear planning. The candidate assumes various team roles and participates in debriefing sessions to gain exposure to the full compliment of UC duties.

UC training involves daytime classes and evening exercises followed by late night note making. The stress of completing tasks, gathering objectives, ambiguous circumstances, fear of failure, vulnerability, and other manifestations combine with lack of sleep to exhaust the candidate and this is maintained throughout the training period.

UC training is described by Scotland Yard operatives as follows: "It is widely considered one of the most difficult and demanding police training; it starts at 7 a.m. on

Monday and runs till 4 a.m. the following morning; and so it goes for two solid weeks"

(Etienne & Maynard, 2000, p. 36). They describe the course further:

> I was subjected to constant exams, assessments and exercises. There were lectures
>
> about points of law, detailed role playing where I practiced dealing with every
>
> conceivable situation, hands on instruction in using hidden tape recorders,
>
> transmitters and other technical equipment. I was taught the art of dealing with
>
> informants, reading body language, striking drug deals, talking my way into a gang
>
> and talking my way out again. I covered how to dress, how to speak, how to act and
>
> how to react once I was on the job. I learned about arrest teams, firearms, surveillance
>
> and the other back up units at my disposal. But most of all, I learned how to stay
>
> sharp and think on my feet when I was dog-tired and would rather have been
>
> somewhere else. (Etienne & Maynard, 2000, p. 39)

For a competent imposter to emerge, practice and rehearsal are required. Course-

induced stress and fatigue measure candidate potential to remain functional in critical

operational circumstances, such as dealing in high-stress negotiations for contraband, for

example. A candidate might experience being unmasked ("cover story blown," "burnt as a

cop") while interacting with the criminal other and later in the course might successfully stay

masked on a second attempt. Better that they experience a blown cover while training rather

than during a bona fide investigation with operational investment. This is where reality-

placed training becomes important to experiential learning. My sense is that UC training is

not a proving ground, but a "finding ground," where the candidate discovers along with

instructional staff his or her appropriate placement into the covert program, or

disqualification.

The hybrid vigour of reality-based and reality-placed training needs inquiry. Are fatigue, stress, and anxiety helpful for operative development? Are the lessons imparted on students fully comprehended? Reality-based scenarios best assess candidate reactions since scenario parameters can be carefully contrived. Reality-placed training is fluid and dynamic, requiring fidelity to the role, but assessment becomes difficult. Not only does the instructional staff not know what happened, but they cannot know if the candidate accurately saw what was occurring, either. The unsympathetic and potentially violent target audience places the UC candidate in visible and invisible conflict. Visible, because criminal transaction participants are openly suspicious of each other; invisible, as conflict exists within the candidate's attempt to camouflage his or her dominant, inner persona while managing fear, goal orientation, and other inner conflicts. Instructor staff see little of this interaction.

UC operatives eventually develop mental comfort, intuition, and performance skills. Candidates are provided with experiences with criminal culture to promote the beginning of this condition. Experience is a memory that can be drawn upon, analyzed, and acted upon in the future (MacKeracher, 1996). This knowledge of anticipation is particularly valuable where consequence of error is high, such as UC work. Performance degrades under stress (Siddle & Breedlove, as cited by Laur, 1994), but the operative trains to remain calm externally even when internally identifying dangers and deploying contingencies. The inexperienced cannot plan for what they cannot imagine; training supplies at least a minimum of intuition.

Simulation and reality training cultivates candidate creativity befitting of an operative skill set. While assessment identifies talent and finds disqualifying defects of function

(Girodo, 1997), training introduces the candidate to an esoteric system, and encourages future self-directed learning.

UC scenarios are acting events that police deploy to create an impression on a suspect. These are continuously renovated to appear authentic. Clearly, UC training attempts to create agents of influence, with an affable yet deceptive character. This is no easy task. The dominant law enforcement personality is attracted to following orders while exacting compliance and demand. Additionally, this group is not predisposed to showing vulnerability.

Research and exploration of assessment versus training, reality-placed versus reality-based learning, and decisions under stress provide answers to undercover training enhancement. UC training will benefit from an empirical knowledge of the frequency needed for training exercises, the criticality of the exercises, and the depth of learning candidates obtain while under stress and fatigue. We need to discover if assessment is accurately administered.

Undercover work is considered an essential program to effective policing (Block, 1992; Burton, 1995). This proactive investigative tool is deceptive in both backstage and front stage regions of society (Jacobs, 1992). A region can be described as "any place that is bound to some degree by barriers to perception" (Goffman, 1959, p. 106). The backstage region for UC practice is the restricted zone of criminality, bounded to consent and requiring invitation. Jacobs (1992) offers that the UC operative's backstage is a vaunted police zone for rehearsal, manipulating appearance, and practicing verbal and physical diversions before interfacing with the criminal. This protected space allows for creativity, modelling and sharing techniques, and renovating scenarios. This region is the undercover course itself.

The candidate's success within a course is endorsement to operate undercover. UC work acts as the chief instrument to address the criminality of consensual and secretive activities; the backroom and victimless crimes that cannot be addressed by conventional policing reactions (Irwin, 2002). It also can be the safest strategy for the police to deploy. Some criminals, such as those who gain status within their structure by violent and hostile encounters with the police, can be addressed with non-uniformed covert facilitation. This of course is relative to the unpredictability of the suspect's acceptance of civilians.

It remains that operative tasks are dangerous practices and as such require that the agent learn the basic tenets of covert work. Most candidates arrive with desire and motivation, fueled by imagination. Most are volunteers. There is no substitute for experience. The most meaningful method of providing this foundation is experiential training.

Chapter Two – Information Review

This thesis attempts to discover methods to enhance UC training and reconcile the purpose of UC training. It is hoped that this study will add empirical data to the UC discipline. This literature review then needs set the context of the study parameters. First will be a definition and discussion of the undercover craft, followed by an overview of some of the case law that an operative must consider. The remainder will consist of a review of adult learning, police training, and the decision making required of the undercover operative.

Review of Organizational Documents

Obviously, organizational literature associated with UC is not prolific. Documents related to undercover work within the Justice Institute of British Columbia Police Academy are limited, and what is available I consider to be either confidential or completely innocuous. The UC course is occasionally advertised through the Academy's training synopsis. Most Canadian natural resource law enforcement agencies and the RCMP by policy require that operatives must have attended an accredited undercover course, or possess a specialized skill.

The Vancouver Police Department recruiting Web site (Vancouver Police Department Recruiting Unit, 2004) advertises the patrol function as the most important police function, with other specialty squads augmenting patrol. Undercover duty is portrayed as one of the various duties within the patrol function. Surveillance, emergency response, and other squads however garner status as "specialty services" (Vancouver Police Department Recruiting Unit, 2004, ¶ 2).

Review of Supporting Literature

Overt Versus Covert Policing

"At the rise of the hand of the policeman, stop rapidly. Do not pass him or otherwise disrespect him" (Pound, 1936, p. 272).

Uniformed policing is, as it should be, the backbone of public order and confidence. British Parliamentarian Sir Robert Peel contended, "The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it" (as cited by New Westminster Police, n.d., ¶ 9). The absence of crime, or at least visible peace, is attained in some part by the symbol of the uniform. Police visually differentiate from the public through the uniform, and morally and ethically separate from criminal cohorts through codes of conduct (Irwin, 2002). The strength of this symbol couples with symbol frequency (police patrols) to "serve and protect." Uniformed authority, then, is obvious and accessible to the public. Citizens feel some margin of safety; criminal opportunists feel some margin of deterrence.

Projecting safety was not always the case. England's local militias and community constables meted out the King's Peace through whippings and even executions while the *agent provocateur* was deployed to track down those suspected of monarchy disaffection (Bloy, 2003). Peel's creation of a public police in 1829 was suspiciously accepted given this distrust of authority. He alleviated citizen concerns over an organized police force intruding into individuals' private affairs through a uniform worn by the peacekeeping police force (Irwin, 2002). The blue uniform signified closeness to citizenry, separate from the harrowing memory of military red, but still labeled clearly as a Crown agent, and one which people

could see coming. Covert infiltration at this juncture would have smacked of a return to oppression and as such was avoided.

Conversely, the French conceptualized an absorbent police force to saturate society in protection of state ideology (Brodeur, as cited by Marx, 2000). Napoleon's penchant for military espionage and his statement, "men are more easily governed through their vices than their virtues" (as cited by Napoleonic Guide, 2004, ¶ 61) justified police involvement onto the criminal stage and spawned the adage "it takes a thief to catch a thief" (as cited by Edwards, 1977, p. 57). Early and dramatic undercover successes validated UC techniques of impersonation and surreptitious observation of the criminal milieu (Dorff, 1989). Present-day Western democracies follow the cue from this foundation of covert and informer utility.

These divergent philosophies of Canada's founding nations remain a tension in considering appropriate UC police methods. The symbolic display of a uniformed, obvious force for stalwart community service is at odds with the notion of a secretive, clandestine force that infiltrates and intrudes into constituent members' lives. The latter is rationalized as an attack on specific criminal groups that prey upon society.

UC operatives function at a distance from the uniform. They assume false identities, imitate the criminal, and interact with and trick the public that shares the same social spaces as the suspect. At times, UC operatives even remain cloaked from their uniformed counterparts, while involved in major crime investigations or in taking on the unsavory decoy role in police corruption cases. Many view these hidden roles, secret motives, and operatives perpetuating the regime by clandestine hegemony as a negative corollary effect and wholly intolerable. Interference with suspects and the collateral damage to innocent bystanders creates fascination in some, outrage in others.

Undercover law.

"When Eve, taxed with having eaten the forbidden fruit, replied 'the serpent beguiled me,' her excuse was, at most, a plea in mitigation and not a complete defense" (Lord Fraser, as cited by R. v. Sang, [1980], AC 402 at 446).

Brodeur (1992) raises concerns over police reports of contraband seizures when no reference is available to the method or quantity of covert facilitation, if any, that led to the police success. Others request civilian oversight to monitor and investigate police domains to break cycles of internal monitoring inadequacies and undue influence (Prenzler, 2000). One Canadian lawyer defending a murder charge with evidence attained through a UC operation called for UC infiltration tactics to garner judicial scrutiny similar to private communication interceptions (N. Hall, 2001).

Balancing academe and libertarian concerns for police transparency with the equally legitimate police need to investigate in confidence is a difficult task. Judiciary and academic cohorts recognize UC methods as a legitimate, utilitarian model provided certain prevailing yet flexible limits are in place (Stevens, 2004).

The issue, then, is to control the police from UC excess. Other democracies vary significantly in their attitudes toward legitimacy of UC operations and operative control (Ross, 2002). Positive law such as Australia's *Controlled Operations Act* and *Undercover Act* (Hudson, n.d.) offer police false identity authority and immunity from civil and criminal liability, provided that operatives have UC training certification. Australian police are first required to gain endorsement from police executives for UC schemes, with concluded files monitored by parliamentary oversight, and ultimately guided by Supreme Court judgments

(Stevens, 2004). If the intent was to limit Australian UC activity, this process has as much as legitimized it.

Alternatively, Western European democracies have denounced UC strategy as a crime fighting tool, reserving it for national security (Fijnaut & Marx, as cited by Ross, 2002). They conservatively permit UC efforts by imposing controls upon operatives to limit their involvement in crimes and reserve UC action for the most villainous of offences (Irwin, 2002). Deception and trickery is permissible; "building the legend" (Gropp, 1997, p. 32) through a long-term association to a community suffices to generate credibility. If, say, police are buying contraband, they are not acting with criminal intent or *mens rea*; they are carrying out the *actus reas*, or the act of the thing. As Irwin notes, European operatives do not commit the *actus reas* in order to avoid the legal jeopardy of committing illegal acts. British libertarians are requesting further limitations of a legislated code of UC conduct, including the types of questions that the UC can direct toward suspects when seeking an admission concerning a crime (Choo & Mellors, 1995).

This limits the gathering of valuable intelligence of a crime's origin and extent. Recently, the Finnish Interior Ministry proposed allowing operatives to commit crimes in order to gain trust, credibility, and infiltration of serious crimes groups. Police, they suggest, are fettered; limited to catching insignificant players while crime bosses to go free (Helsingin Sanomat, 2004). Insightful intelligence is gained from a crime's commission, and suspect trust follows, which then evolves to more intelligence and deeper infiltration. This upward spiral gathers intelligence to combat similar future problems with a less intrusive option, namely uniformed police. At present the European operative remains limited. The operation ends before the officer participates in an offence, yielding perhaps a trafficker's pseudo offer

to commit an offence. Presumably, an involved overt strategy must compensate for the lack

covert impact, which may be deleterious to the privacy rights of the non-criminal.

Canadian UC activity gains its legitimacy from court decisions. Association and

participation in crimes with a suspect is governed through the reasonableness and fairness

threshold of the adversarial criminal trial process. Courts, cognizant of the need for police

freedom to address criminality, deliver comments supporting UC action; here is the Rt. Hon.

Antonio Lamer's ruling in R. v. Rothman (1981):

> the investigation of crime and the detection of criminals is not a game to be governed
>
> by the Marquees of Queensbury rules. The authorities, in dealing with shrewd and
>
> often sophisticated criminals, must sometimes of necessity resort to tricks or other
>
> forms of deceit and should not be hampered in their work. (p. 74)
>
> In R. v. Bond (1993), the Court said the following concerning UC infiltration:
>
> In a perfect world this would not be necessary but, illegal drug commerce is neither
>
> successfully investigated, nor resisted, by uniform police peering through hotel room
>
> keyholes or waiting patiently at police headquarters to receive the confessions of
>
> penitent drug traffickers. (¶ 333)

More recently, in R. v. Roberts (1997), the opinion was that "courts should not set

themselves up to be the arbiters of good taste or preferred methods of investigation. It is

unrealistic to demand chivalry from the police who must investigate what are often heinous

crimes against blameless victims" (¶ 14).

The UC technique is firmly established; however, dampers are in place to control

police zeal. Where R. v. Rothman (1981) encourages UC operations, it also tempers police

actions by cautioning that behaviour shocking to the community must be repressed. Specific

examples are offered: pretending to be a chaplain or a lawyer is shocking; assuming a hard

drug addict persona to break into a drug ring is not. The community shock test is central to

UC practice, since the operative's path must anticipate what the judiciary considers shocking

to society.

Emanating from common law, a person's statements to a person in authority must be

voluntary. A "person in authority" is someone allied with authority or one with influence

over an investigation; however, the undercover operative (UCO) is free from this designation

since the suspect views him as a civilian peer. R. v. Graninetti (2003) further isolated this

principle by stating that the UCO is not a person in authority, even when they suggest they

have control over police and are able to thwart justice. The suspect's comments specific to a

crime are then voluntarily provided to the police; the operative has no duty to caution the

suspect from his untrammeled tongue, but rather is more concerned with verifying and

corroborating these statements.

R. v. Mack (1988) and R. v. Barnes (1991) are seminal in guiding the undercover

operator. Police cannot randomly test the virtue of the public, but must have a specific person

as the target of inquiry, or target a specific activity within a geographical area.

R. v. Mack (1988) was the first Commonwealth Court decision based on the abuse of

process doctrine applied to entrapment (Bronitt, 2004). R. v. Mack identified whom police

can consider as a target for UC inquiry and the extent to which the police may go to

investigate that target (person or organization). Provided police demonstrate the criminal

predisposition of a suspect prior to investigation, police can then provide an opportunity for

the suspect to undertake the activity investigated as well as follow similar or discovered

offences during their inquiry. R. v. Mack yields guidelines, not exhaustive, to direct operative

conduct:

> (1) the type of crime being investigated and the availability of other techniques for the
>
> police detection of its commission; (2) whether an average person, with both
>
> strengths and weaknesses, in the position of the accused would be induced into the
>
> commission of a crime; (3) the persistence and number of attempts made by the
>
> police before the accused agreed to committing the offence; (4) the type of
>
> inducement used by the police including: deceit, fraud, trickery or reward; (5) the
>
> timing of the police conduct, in particular whether the police have instigated the
>
> offence or became involved in ongoing criminal activity; (6) whether the police
>
> conduct involves an exploitation of human characteristics such as the emotions of
>
> compassion, sympathy and friendship; (7) whether the police appear to have exploited
>
> a particular vulnerability of a person such as a mental handicap or a substance
>
> addiction; (8) the proportionality between the police involvement, as compared to the
>
> accused, including an assessment of the degree of harm caused or risked by the
>
> police, as compared to the accused, and the commission of any illegal acts by the
>
> police themselves; (9) the existence of any threats, implied or express, made to the
>
> accused by the police or their agents; (10) whether the police conduct is directed at
>
> undermining other constitutional values. (pp. 905–906)

Police conduct around these guidelines is objectively assessed. Covert rationale is to

solve crime, not to provoke or fuel it, so conduct that aggressively elicits crime becomes

entrapment. Entrapment does not absolve an accused of guilt, but rather the evidence is said

to have been attained by police methods shocking to community values and offensive to

decency and fair play (R. v. Pearson, 1998). Entrapment does not provide an affirmative

defense of innocence; it does cease prosecution due to police wrongdoing. Unlike the US

judiciary obligation to dismiss charges when entrapment has been discovered, Canadian law

measures the level and extent of entrapment and at what juncture, if at all, justice was

brought into disrepute.

R. v. Barnes (1991) addresses criminal activity within a geographic area. Barnes

provides a remedy to Mack (R. v. Mack, 1988) when criminal activity is occurring within a

geographic area but the suspects are unknown. Courts allow a random virtue test of

individuals within the geographic confine, provided the targets appear to fit the subject of the

inquiry. In this case, the Vancouver Grandville Mall had a concentration of drug traffickers

queried by a UCO regarding the availability of drugs. Required was that police articulate a

probable suspicion onto individuals within the zone as persons appearing to be inclined to

sell drugs.

Canadian courts possess an option to consider the sentiment of fairness and other

intangibles. Firstly, the public is protected by clear legal parameters to guide the level of

intrusive police action. Secondly, courts have an escape mechanism that operates as the

public consciousness to effectively suppress investigations that they find to be patently

unfair. Operatives must remain cognizant of this latitude and act in an appropriate matter;

appropriate most often is about proportionality, or meeting deception with an appropriate

level of deception. The perceived severity of the offence, availability of less obtrusive

investigative methods, manifest and intangible consequences to the public and police, and the

character the investigation assumes become deciding factors of case success.

In Dix v. Canada (2002), Dix successfully sued for malicious prosecution after the police covertly investigated him in an attempt to elicit a confession in regards to his suspected involvement in a murder. Their strategy was to portray themselves as an organized crime group recruiting Dix for membership. The investigative activities of the police (and Crown counsel) attracted court criticism for suppression of evidence and concerns of bad faith. Dix was not convicted at trial and the murder remains unsolved.

Campbell and Shirose v. The Queen (1999) found that police involved in a reverse sting, supplying hashish to executives in a criminal group requesting the product, was inappropriate police conduct. Convicted at a lower level, Campbell and Shirose argued abuse of process to the Supreme Court. The unanimous decision was held that reverse stings were not sanctioned by law and that law enforcers are bound by the law. Police could purchase drugs in UC operations but could not sell them without legislation or judicial authorization to enable that activity. Interesting to this case is that its commentary is reminiscent of the 1979 MacDonald Commission (MacDonald Commission of Inquiry into Certain Acts of the RCMP, 1979), seemingly a juristic blueprint for acceptable UC police activity.

Clearly, courts control police actions by considering fact patterns of cases at bar. The technicality weakness in fact rarely has a negative influence when police demonstrate good faith within investigative techniques; loss in court to the technicality can be assured where police excess is detected. Court decisions rarely expand police operational bandwidth; they either confirm the technique or deny it. The latter creates significant consternation for the police. Investigations are delayed while landmark decisions are interpreted, investigative techniques become defunct, and some officers, fearing further negative jurisprudence, do nothing. This operational cooling impedes cases that can only be solved through UC action.

The building of a learning culture, an operative group that shares and responds to a climate where errors are avoided, is the appropriate measure to protect UC techniques. The majority of police demonstrate that they must apply law with altruistic and moral reckoning; just as they remain aware some corrupt law enforcers have been exposed as self-serving cheats (Irwin, 2002). My experience is that the police employ a normative consciousness of legal action to deter crime, which is undergirded by the philosophy that despite a plodding legal system, police make a larger effect following the rule of law than subverting it.

Police cannot afford to pry randomly into citizen affairs given the number of viable, priority investigations. They are equally attentive to civil torts of malicious prosecutions and negligent investigations. Recent successful civil actions against police for failure to remedy training, investigational methods, and complaint investigations of Charter of Rights abuses have widened the due diligence parameters (Knoll, 2003).

Rule of law and procedural law intricacies therefore must be imparted on candidates. Fact patterns that UC investigations deliver to the courts can be particularly compelling and thorough; however, a UCO ignorant to the changing requirements of procedures can unsettle a UC program and create an apprehensive judiciary. Moral codes must be followed, but legal codes must be demonstrated.

Definition and description of "undercover."

The term "undercover" leads to disagreement between those who see it as essential and those who view it as villain. To satisfy the scope and perspective of this project, I attach a UC description that seems useful to police work.

The Merriam Webster Online dictionary (2004b) defines *undercover* as "employed or engaged in spying or secret investigation" (¶ 1). Irwin sees it as an investigative strategy that

utilizes deception by state agents (Irwin, 2002). I add that the deception, mainly through artifice, pretext, guise, and misrepresentation, is confined within a scenario instigated to seek the truth. Emphasis on truth requires that operatives investigate suspects, but also exonerate or eliminate people suspected of crimes but proven as not responsible through UC inquiry.

Also of importance is that the scenario is confined, or restricted, to an objective. The scenario is an impression management tool designed to interact with a suspect to gather evidence. Dangling rich bait in bountiful waters may effectively detect petty crime but serious crimes require focus and subtlety on behalf of investigative teams. Scenarios and UC operations are not, or should not, be a free flowing quest to detect crime. Because the operative intrudes into the life of the target group, proportionality to the importance of the objective is imperative. Miller (as cited by Pogrebin & Poole, 1993) sums it up nicely:

> UC is an investigative role in which police adopt fictitious civilian identities for a
> sustained period of time in order to discover criminal activities that are not usually
> reported or to infiltrate criminal groups that are normally difficult to access. (p. 383)

A "fictitious civilian identity" captures portrayal, but not the feigning. UC deception and feigning is a mental interaction and physical portrayal to an antithetical criminal, most often in a hidden region of society. Operative false presentations explain away hidden motives and provide an excuse for attendance in that region. Operatives also contemplate potential interpersonal dangers known to occur within crime groups. The mimic is designed to gather information; not to illicit or instigate crime, but to take advantage of crimes that are occurring. Evidence gathering attempts and involvement with criminals must appear neither threatening nor victim-like, but strike a balance in between.

The UC strategy is deceptively proactive. It obtrusively seeks out the criminal other before any crime is committed (van Traa, 1997). Ironically, this is to fit within a criminal culture that is inherently deceptive; anticipates a masked, covert police presence; and conceals motives, deflects attention, and intimidates others in an almost ritualized exchange. In interplay against the other, both operative and criminal mask and conceal from the other but link in a dubious, hesitant relationship.

UC police work is not akin to unconstrained military or national security espionage. Police are a composite of soldier, school teacher, and industrial worker within a matrix of authority, danger, and public expectation (Skolnick, 1977). Police focus their activities toward the rule of law to gain admissibility for those actions into the court of law. Not so for the intelligence community: Mossad agent Victor Ostrovsky (Hoy & Ostrovsky, 1990) claimed they used whatever hook was required to recruit people to supply intelligence, often unwittingly. Sex, money, emotion, revenge, or ideologies are used to ingratiate or blackmail an individual in order to gain information, and spies of this ilk go to such lengths as assassinating those who "would have blood on their hands" (Hoy & Ostrovsky, 1990, p. 23). For police, such methods are illegal and shocking; use of force especially is only permissible under defined, necessary situations. Police can expect disclosure of all actions to the courts which also place exact, restrictive burdens onto them as evidence gatherers, whether that be for intelligence, non-prosecution operations, or successful prosecutions. Law enforcement does not occur in a vacuum, and their activity is eventually unlocked for public view.

Active and passive surveillance is not UC work. The UC operative personalizes, shapes, and influences the suspect's environment, while surveillance is covert but hidden.

Surveillance teams or technological tools avoid contact with a suspect to enable observation and information gathering on suspects. The operative attempts to get invited in.

Finally, UC is not the Hollywood portrayal of a reckless hero figure simultaneously fighting evil criminals and police bureaucracy. The aggressive albeit moral rouge is depicted by pop culture as a justifiable solution for social problems. "Crime is a disease. Meet the cure," says Sylvester Stallone's UC character in the Warner Brothers' movie *Cobra* (Globus & Golan, 1986), as he brandishes a machine gun. In reality, UC operators are team-sponsored, supervised within objectives, and are simply a useful tool for law enforcement.

Historically, the UCO appears as an archetype in Biblical, Greek, Roman, and Eastern mythology. Evidence exists as far back as Sun Tzu's 2400-year-old military treatise, *The Art of War* (Gilles, 1910):

> Whether the object be to crush an army, to storm a city, or to assassinate an individual, it is always necessary to begin by finding out the names of the attendants, the aides-de-camp, and door-keepers and sentries of the general in command. Our spies must be commissioned to ascertain these. (Ch. XIII, ¶ 20)

Centuries later, the rational is the same. Sun Tzu's "divine manipulation of the threads" (Gilles, 1910, Ch. XIII, ¶ 8) is strategic deployment of a protagonist to infiltrate an antagonist and gain information that would otherwise be unknown.

Covert facilitation is not a solution for society's ills; it simply assists in addressing the problems. Contrabands like narcotics, weapons, stolen property, and wildlife parts, and new criminality like computer stalking and white collar crime, require more complex responses which make the UCO a timeless and essential resource.

Other undercover training.

Undercover training in the Western world likely originated in the United States, with the World War II Office of Strategic Services (OSS). Spies were needed for ambiguous and unimagined tasks anticipated within the theatre of war (Kuhlenschmidt, 2003). Thus, OSS psychologists sought to train and assess candidates through lifelike scenario testing of the spy environment (Hammond, 2000). Sequestered into a contrived training area, candidates had to negotiate problem solving skills, deal with adversity and difficult circumstance, and demonstrate an ability to interact with annoying and interfering actors. Course design was both novel and stressful, notes Kuhlenschmidt, with candidates required to conceal their true identities and be tested through interrogation, scenarios, and by surprise during rest periods.

The OSS focused on assessment of candidates for spy duty explicitly by the title of their 1948 publication, *The Assessment of Men* (as cited by Kuhlenschmidt, 2003). Training components were seemingly residual or occurred after the assessment period. The Israeli Mossad agent training is similarly described by Hoy and Ostrovsky (1990). Psychological and entrance interviews were completed presumably to eliminate candidates not predisposed to those qualities perceived as befitting an agent. Hoy and Ostrovsky describe agent training as an extended course of lectures and scenario training:

> We spent considerable time practicing cover, studying various cities through library files, and learning to talk about that city as if we [had] lived there all our lives. We practiced building a personality and learning a profession in one day. This included meetings with experienced agents where cover stories would be tested by means of casual conversation. (1990, p. 61)

Classroom scenarios involving a candidate acting through a presented problem were viewed by all other candidates on closed circuit television. An example of this was a candidate invited into a discussion with instructors where he was encouraged to talk about his cover story. The candidate blurted out at length his profession and city knowledge. During the debriefing within the class, instructor and candidates alike picked out the obvious error of providing too much information too quickly and other subtle mistakes (Hoy & Ostrovsky, 1990). I perceive that learning examples reviewed by video tape reach the entire class, develop critical thinking skills, and show the visual and verbal clues involved in communication.

The second component of Mossad scenario training involves candidates in covert field scenarios interacting with citizens. In one such scenario, Ostrovsky (Hoy & Ostrovsky, 1990) described his task as a six minute time limit to gain entrance to a Tel Aviv apartment, and once in to be seen standing on the balcony holding a glass of water while instructional staff observed from the street. Ostrovsky explained at the door that he was from the Transportation Department, wishing to rent a suitable location for a video camera to monitor traffic accidents, and perhaps this balcony would suffice, depending on the angle of perspective. The agreeable tenant led him to the balcony to allow inspection and while there, he commented on the hot day and requested a glass of water. This deception and trickery was highly valued by instructor and student alike. The successfully deceptive "grow the devil's tail" (Marx, as cited by Jacobs, 1992, p. 202) was used to pull off the ruse.

Countless stories of deception and trickery show the impression management efforts of a motivated individual or group to attain a goal. The following autobiographical accounts

are of people attempting a privately motivated covert task. This has a comparative value to state sanctioned covert work that will become evident.

First, in *The People of the Abyss* (London, as cited by Berkeley Digital Library Sunsite, 1999), Jack London researched the East End "underworld," a slum in London, England. He entered the slum appearing similarly dispossessed as his target group to measure abject poverty on England's worst streets. He established a safe house near the slum, engaged a trusted contact to verify his real person should he encounter difficulty, and walked into the slum free of his real identity. He took on the local persona and gained acquaintances, but while securing lodging with two new friends, reached into a secret pocket and took out a gold piece, "a fortune in their hungry eyes" (London, as cited by Berkeley Digital Library Sunsite, 1999, Chapter 8, ¶ 52) and inconsistent with East Londoner possessions. He comments,

> Of course I had to explain to them that I was merely an investigator, a social student, seeking to find out how the other half lived. And at once they shut up like clams. I was not of their kind; my speech had changed, the tones of my voice were different, in short, I was a superior, and they were superbly class conscious. (London, as cited by Berkeley Digital Library Sunsite, 1999, Chapter 8, ¶ 53)

Similarly, John Howard Griffin's *Black Like Me* (Griffin, 1960) was his account of his false presentation as a black man in the US south. Medicated to darken his skin, costumed to appear destitute, his was an exceptional effort to authentically experience racism. Initially, Griffin fumbles amid loss of white privilege and alien kinship with a disenfranchised black community. Here is his account of an encounter at a shoeshine stand at which he as a white man had been a patron:

> "Is there something familiar about these shoes?"

"Yeah—I been shining some for a white man—"

"A fellow named Griffin?"

"Yeah," he straightened up, "Do you know him?"

"I am him..."

I explained briefly. His heavy face shone with delight at what I had done and that I should confide it to him. He promised perfect discretion and enthusiastically began coaching me, but in a guarded voice, glancing always to make sure no one could overhear. (Griffin, 1960, p. 27)

Accomplished undercover operatives consider such disclosures to be a break of cover, only resorted to as a need for survival. The dominant, real self defeated London's and Griffin's false personas. Revelation of real UC identity to a target audience after making significant attempts to conceal it can not only set back intended goals, but also endanger the police operative's life.

Nichol (1985), a British research author, assumed false identity in Columbia to gather information for what he called a "great cocaine story" (p. 29) in *The Fruit Palace*. Exposure to narco-traffickers, ex-patriot smugglers, and sundry dangerous elements, Nichol's first interactions with the drug culture could be likened to the "cherry" soldiers first in Viet Nam. Naïve to the dangers of the drug trade, over time, he gains competence, and then involves himself in drug use and drug transportation; a surprising strategy given the number of Westerners residing in foreign jails.

Odzer (1994), an anthropologist researching the Thai sex trade, published her journal, *Patpong Sisters: An American Woman's View of the Bangkok Sex World*. Odzer's deft cultivation of unwitting informants and infiltration into the seedy sex trade is eclipsed first by

her illegal entry into Thailand and then a sexual relationship with a Thai male for the purpose of gaining cultural insight.

These examples present important lessons to illustrate the rationale for operative selection. Accepting lesser moral codes, losing one's sense of self amid false portrayal, and the mental strain of UCO work create significant health issues for the operative (Deck, Girodo, & Morrison, 2002). Thrill seekers or uncontrolled extroverts are unsuitable, while those with a disciplined self image remain on task, adhere to guidelines, and follow instructions (Girodo, 1997). Civilian examples cited herein varied somewhat in success toward their goals and took serious risks of personal harm without a suitable safety net. Odzer (1994) and Nichol (1985) exhibit loss of self with the false presentation, while drug use and violating the sexual integrity of another breeches ethical and legal standards.

Finally, Currey and Thornton (1991), self-titled "wildlife investigators" of the non-governmental agency the Environmental Investigative Agency (EIA), identified early on that the persons of interest to their undercover ivory trade investigation were deriving significant income from killing wildlife. These suspects, living in corrupt countries tolerant to the trade, the EIA surmised, could be potentially dangerous to the vulnerable investigators. Desiring to expose the illegal ivory trade, they switched between overt and covert roles within the same communities while utilizing a film crew cover scenario that consistently raised suspicion and uncooperative reactions from their suspects. Moreover, they maintained this ruse despite it being both dangerous and ineffective. This speaks both to lack of resources and lack of proper UC design.

These people are not police officers and were not operating within organizational constraints. Maas (1973) provides the example of Frank Serpico, a New York police officer attempting to enforce the law and avoid corruption within the department:

> Serpico, in civilian clothes after a four-to-midnight tour, would often seek out muggers on his own. Besides his talent for mimicry, he has an actor's ability with his body, and in a variety of disguises—his favorite being that of an elderly man shuffling along over a cane, big slouch concealing his features—he would go down alone dark and silent city streets in high crime areas, waiting for the attack to come, actually inviting it, his eyes probing each doorway for a sudden shadowy movement, his ears straining for the predatory footfall behind his back. (p. 19)

In 1970, that may have been permissible conduct, but these behaviours identify a thrill seeker, hero complex. Most officers are capable of disguise and are willing to tolerate risk. Attention to peril sets safe UC operatives apart from the rouge. UC protection, strategy, and design should be safe, ethical, and not operative-led.

Psychology of UC operatives.

> Come out of things unsaid, Shoot an apple off my head
>
> and a trouble that can't be named, A tiger's waiting to be tamed
>
> confusion never stops, closing walls and ticking clocks
>
> gonna come back and take you home, I could not stop that you now know
>
> come out upon my seas, I curse missed opportunities
>
> am I a part of the cure, Or am I part of the disease. (Berryman, Buckland, Champion, & Martin, 2002, Track 5, ¶ 2)

If a controlled and disciplined personality has the connotation of rigid, the gregarious and flexible character is likely considered more susceptible to thrill and risk taking. Operatives ideally combine multiple human qualities. Mental injury has visited in higher proportion UC operatives with elevated levels of neuroticism and sensation seeking than those who calculated risks, possessed a disciplined self image, and were motivated under a controlled extroversion personality base (Girodo, 1991b).

Police officers tend to be mentally hardy, risk aggressive, and willingly expose themselves to stress and conflict (Hawkins & Levinson, 2002). They tend to be idealistic and suspicious (Skolnick, 1977), amid seeking to help people. Covert policing as a volunteer duty attracts those seeking to further this challenge. UCOs, however, have a greater potential to suffer mental disturbance than the overall police community. Girodo (1991a) found that 26% of operational UCOs exhibited psychological disturbances similar to psychiatric outpatients. Inexperienced operatives tend to manifest the highest degrees of mental disturbance (Fitzgerald, 2003). Officer behaviour, attitude, and beliefs tend to get altered due to close association with the criminal element and the ancillary effect of exposure to drug culture, to real and anticipated violent situations, and due to persona alterations required of this task (Farkas, 1989).

The MacDonald Commission (1980), speaking to undercover officer health after long-term assignments, stated that

> long term disassociation from his regular police milieu, prolonged simulation of the habits and manners of the milieu which he has penetrated, the risks of exposure and physical harm, his isolation from his family and friends, and his inability to discuss what he is doing except with those in the R.C.M.P. associated with his operation, can

produce significant disorientation. This may result decreased effectiveness while

undercover and difficulty upon "reentry" into regular police work. (p. 1032)

The MacDonald Commission (1980) chastised the police culture where firm

supervision and common sense takes preference over a sensitive, planned, systematic

program to overcome UC stress. Commission members pointed out masculine characteristics

of leadership as a barrier to identifying UC operative disorders.

Macleod's (1995) psychological monitoring of New Zealand UC officers suggested

that most UCOs used positive coping strategies. MacLeod cautioned that some disciplined

and controlled UCOs emerged from covert duty as reckless, impulsive, highly suspicious,

cynical beings and most became contemptuous of superiors and the system. Somatic

responses of UC duty are identified in Fitzgerald's (2003) study, where 23% of UCOs

reported significant change in sleep, as well as bronchial, intestinal, and other health

degrades.

UCO subscription to maladaptive strategies should give pause to any concerned

agency. Operatives work free from the structure and rigid supervision of their uniformed

counterparts and any downward spiral logically will then be more profound before it is

identified by the agency. Superficially, the agent's negative behaviour may simply excite

supervisor–subordinate conflict, negative agency member interaction, family problems, and

reduced mission success (Pogrebin & Poole, 1993).

Wozencraft's (1990) real life UC encounter is presented in her fictional account *Rush*.

She writes that to gain suspect trust, she used narcotics, which ultimately resulted in her

addiction. She comments on her exit of a seven-month undercover role in a Texas

community: "I felt cramped in the pale green cinderblock walls of the Vice Office, as though

I had just returned from a long journey in a foreign land and was looking with new eyes the customs of my native people" (Wozencraft, 1990, p. 149). Evident is the erosion of police values, disorientation from police origin, and an overall negative alteration from the way she entered the investigation. One might consider her lucky, considering the fate of less fortunate UCOs. Boston Police officer Jeff Coy found his psyche stretched in a tug of war between the unsuspecting cops who believed he was a criminal and the suspecting criminals who believed he was a cop. Constantly flipping back and forth between roles, Coy's loss of identity manifested into several incidents of self-generated dangerous and inappropriate behaviours in his covert role until he was diagnosed with post traumatic stress disorder and relieved of duty. Left to fend for himself, he tragically committed suicide (Kahn, 1994).

When California cop Lawrence Lindeman's praised UC service ended, he found himself struggling to fit within the restrained, conventional police role. He found solace in drug and alcohol abuse, until being imprisoned for a bank robbery (Delattre, 1989). These tragedies are not confined to the US. Canadian operatives, too, have had mental injury visited upon them to lesser or greater degrees. A common denominator to such psychosomatic disorders is the officer's reticence, inability to identify, or outright denial of any problems (MacLeod, 1995). Lack of supervisory diligence to identify operative distress within and surrounding covert roles is responsible, as are conditions of the workplace and the training regiment. Marx (1988) proposes that agencies create an early warning system for UC operative health with agents, team members, and supervisors able to identify stress within operatives, as well as thorough systematic monitoring systems to uncover potential disasters.

Catastrophic events such as the Coy and Lindeman tragedies provide police managers with vivid memories to avoid long-term undercover agent tenure. Extended UC internships

have resulted in burnout and corruption (Hansohn, 1996). A UCOs unbridled enthusiasm and emotional involvement are direct contributors that operatives confusion around self identity and loss of perspective and requires monitoring (Girodo, 1983). If proper supervision and training is lacking, Hansohn notes, covert operations derail, leading to mission failure, agency depreciation, and decreased public confidence.

Police codes of silence and specialized enforcement of unit culture can encourage insular and secretive actions that become peripheral to regular police activity (Pogrebin & Poole, 1993). As an operational need, this is sound; however, if exacerbating an already ailing officer's psychiatric symptoms, this form of secrecy becomes toxic. Thus, training and supervision surrounding mental health within these specialized groups may be of increased importance.

Psychological assessment of candidates at the onset finds those with the greatest potential to orientate to UC objectives. Psychological testing also can identify those officers not psychologically prepared to endure the stress commonly found in UC tasks; identify work assignments specific to candidates' personalities, confirming types and durations of assignments suited to individual candidates; and identify particular problems a candidate might face during covert work (Kelly & Vasquez, 1989). Kelly and Vasquez affirm that training offers the candidate a first-hand experience with UC stress; further, it should encourage a stress management system that has meaning for the candidate (Hibler, n.d.).

This inoculation for UC candidates limits denial and surprise when and if they encounter mental health issues while inserted into a covert role. UCOs experience stress in isolation. They require a training regiment that addresses behavioural and psychological issues that may arise while developing skills and building personal and program resources to

support operational goals (Hibler, 1995). It is important to recognize that stress management

programs have been proven ineffective, unless accompanied with education (Bernier &

Gaston, 1989).

Farkas (1989) discovered that once removed from the UC role, symptomatic conflicts

such as stress are relieved while an agent's feelings of isolation and loneliness increase. This

he attributed to self-aggrandizement and adrenaline lust. Deck, Girodo, and Morrison (2002)

offers that agents can create a worldview dominated by either narcissistic, prima donna, or

arrogant tendencies. Farkas adds that UCOs who return to uniformed duty have a

significantly lower incidence of excess use of force but a higher incidence of behavioural

issues compared to the non-UCO population.

Many UCOs create a false image to match their crime group. For high-level

criminality, that becomes a luxurious lifestyle. Conversely, for lower fringe groups, the UCO

"clothes, physical appearance, speech and deportment favours relaxed controls and free and

spontaneous role performances" (Girodo, 1985, p. 305). Useful in managing the impressions

of the target group, these illusions are far from the highly structured police culture and can

become the catalyst for the psychological disturbance. An inflated ego, role generalization

aligned with the target group, and spurious attitude may become prominent for high-level

crime; a primate syndrome or other outlandish display accompanies the lower-level crime

infiltrator (Girodo, 1985).

Deception and role playing become the science and art of evidence gathering and

survival; deep roles within criminal regimes require higher isolation from police culture

(Pogrebin & Poole, 1993) and like the Coldplay lyric, "nothing else compares" (Berryman et

al., 2002, Track 5, ¶ 7). The excitement, privileges, and accomplishments experienced within

UC action become addictive; reality becomes a striking return to normality and boredom. Not surprisingly, higher educational levels and satisfied family situations have played an inverse relationship to psychiatric stress of undercover agents (Hibler, 1995).

The mental health of UCOs must be considered during and after UC roles. Some sufferers present clinically years after the UC event (MacLeod, 1995, p. 242). UCOs need the benefit of identifying a small step toward the precipice of psychosomatics. Here the training becomes the adage "an ounce of prevention." The pound of cure is to teach candidates that role confusion and similar psychological sequelae need to be forthrightly identified.

Experiential Learning

"That all our knowledge begins with experience there can be do doubt" (Kant, 1990, p. 1).

"Hard training is the answer, even if it makes you look bad" (Grossman, 1999, Side 4, "After the Smoke Clears").

UC training attempts to develop candidates by providing them with opportunities to manage the novel and ambiguous circumstances of dealing with a criminal other. This is done within scenario training in a classroom environment structure as well as in the social spaces of society. The presumption seems to be that imparting a quantity of experience onto the operative allows application in the real world. Thus, the training is socialization education as well as assessment to measure aptitude.

Lectures transfer specialized skills and expert, technical information; scenarios inject realism and add a decision-making process to reinforce lecture material (Whitcomb, 1999). Scenario training is a controlled exercise or vignette presented to candidates with cues and problems similar to the actual environment (Burns, Cannon-Bowers, Pruitt, & Salas, as cited

by Cannon-Bowers & Salas, 1998). According to Whitcomb, the Gestalt effect of lecture and

scenarios interrelates with candidate skill to produce a graduate that is more than the sum of

individual parts. It is hoped that these experiences will create a working memory of variable

and multiple problems operatives may face while operational, which will supply that

operative with action alternatives leading to successful outcomes.

Since "intuition grows out of experience" (Klein, 1998, p. 33), the UCO learns to

identify opportunity and danger. Like the paramedic diagnosing a patient suffering from a

heart attack or indigestion through nothing more than visual clues, so too does the UCO

develop perceptual skills to read people and scenes.

Kant (1990) believed that the sensuousness of experience was simply an impression

upon which we compound empirical knowledge. The contemporary belief is that "adults

learn by doing" (Fenwick, 2001, p. 1), or that adult learning activities are best accomplished

with action and involvement (Kennedy, 2003). Experiential learning, says Fenwick, is a well-

established teaching style that legitimizes people's experiences and recognizes experiential

knowing. It offers power to the learner and increased investment to the learning outcome. It

also allows for monitoring of inherent skill. Perception of an event, coupled with personality

and past experience, disposes people to dramatically different reactions (Atkins & Norris,

2003). For UC training, there can be many ways to accomplish a goal, but some are clearly

wrong.

The limitation of experiential learning is that often the experience must be filtered

through reflective practice before becoming useable. Schön (2001) remedies this delay of

incubation through an explicit system of theorizing while working in what he calls

"reflection-in-action" (p. 40). Critical of the university embrace of professional artistry over

practical competence, Schön's practical knowledge model of learning invites tacit and

reflective focus on outcomes of action, the action itself, and the intuitive knowing implicit in

the action. While in action, thinking and looking is akin to thinking on one's feet. Schön

explains a doctor's reflection-in-action learning:

> As a practitioner experiences many variations of a small number of types of cases, he
>
> is able to "practice" his practice. He develops a repertoire of expectations, images and
>
> techniques. He learns what to look for and how to respond to what he finds. As long
>
> as his practice is stable, in the sense that it brings him the same types of cases, he
>
> becomes less and less subject to surprise. His knowing in practice tends to become
>
> increasingly tacit, spontaneous and automatic. (2001, p. 56)

Reflection-in-action is simply crystallization of what would otherwise be lost in the

amorphous, complexity of daily work life. This specialization requires that the candidate not

grow complacent, but rather analyze, consider new options, and self correct. Teams required

to monitor and interpret their environment, who self-monitored within tasks, outperformed

teams who practiced self correction after the event (Post, Schraagen, & Rasker, 2000).

Klein (1998) suggests that pattern matching and recognition of familiar conditions is

a trainable skill. Exercises and scenarios, often more complex than in real life, offer

opportunities for a candidate to size up numerous situations. Vaill (1996) suggests such

learning creates "changes that a person makes in himself or herself that increases the know-

why and/or the know-what and/or the know-how the person possesses with respect to a given

subject" (p. 21).

Pattern matching for the UCO is basically street smarts. Trainers anticipate that

officers will experience an ambiguous circumstance and potential danger with a criminal

group so they teach and seek candidates who not only identify danger, but deliberately avoid that danger. The operative must balance identifying opportunity with remaining linked to officer safety tenants. They learn to control the investigative scene and avoid dangerous scenarios. Since proactive strategies involve participation in crimes with suspects, those suspects must be controlled, without being dominated. Personal agency provided to the operative, or decision-making power, is essential to allow the operative to be free to sense danger. Orchestrating a purchase of contraband is a negotiation where one's life may be at stake (Moriarty, 1990) and as such, this freedom cannot be understated.

Krishnamurti (1989) teaches that "intelligence is freeing oneself from stupid" (p. 27); that awareness of one's own mind, of others, of things and ideas arrives almost subversively. Learning is relative to adults facing their taken-for-granted assumptions after being challenged by new experiences (MacKeracher, 1996). UC candidates, required to invent personas while training, might find such surprise or subversive learning in the depth and diversity of roles they develop. This empowerment arrives without simple lecture and demonstration, but through action where candidates expand skills, even if it is forced or by mistake. Getting caught in a dramatic mistake is a most effective catalyst to bring about substantial changes to bad habits.

Subversive learning, then, is embedded into the goal. The adult learner attempts to acquire an intangible while the learning process itself holds value (MacKeracher, 1996). A scan of self-help books would lead one to conclude that some learning is designed not just to be free of stupid, but of personal torment. A practical UC course should provide candidates the satisfaction of knowing their capability, and satisfaction in their abilities and limitations. It develops a confidence in their inherent ability.

Zest for learning and occupational training has not been obviously synergistic. Generally, law enforcement administration focuses training on the minimization of risk and liability (Chudwin, 2002). Or, as Shannon (2002) posits, police training has been perceived as organizational determinism directed for the benefit of an individual or department and not for the betterment of practice. Training under a command and control model is to protect from litigation or to provide a gateway to specialized career advance; all enacted to impart desired and needful information onto the membership. This institutionalized learning is most often a means to an end not of our own choosing (Vaill, 1996). Learning is not seen as the real work.

UC training is not a handshake-collect-a-binder government course. It mimics the real UC environment where criminal attitudes, shocking behaviours and politically incorrect subcultures show human nature that is perhaps outside the imagination of the operative. Research into training systems that involve stress, fatigue, and shocking behaviour is lacking due to researchers being loathe to expose subjects to potential physical or psychological harm (Atkins & Norris, 2003). UC training presents stress, fatigue, and challenges to candidates under a fishbowl effect of instructor gaze to measure and assess competence. This is at odds with some of the literature that suggests that the adult learner requires a stress-free environment. MacKeracher (1996) offers this perspective:

> The issue of emotional response, stress, and anxiety affect adult learning in a number of ways. The energy mobilized through arousal can be channeled equally well into learning and ultimately into success and satisfaction or into increasing anxiety, distress and resistance to learning. (p. 67)

Choosing to direct that arousal positively is like Vaill's (1996) metaphor of white water learning. He suggests that the novel, messy surprises that require immediate action must be attended to by an adaptive learner just as the white water enthusiast avoids hitting boulders. The similar stressed environment of a UC course can create candidates who avoid learning. They return to a well-organized, safe, rational world view. Adult learners possess emotional associations to learning new material in that they seek physical and psychological safety within equally well-developed protective structures (MacKeracher, 1996). Leaving his or her known safety net requires that a trusting learner admit vulnerability, and for instructor staff to likewise create a safe, trusting environment.

Stress is described as a process by which environmental demands evoke an appraisal process where perceived demand exceeds resources and results in undesirable physiological, psychological, behavioural, or social outcomes (Driskell, Salas, & Hughes, as cited by Cannon-Bowers & Salas, 1998). Of course, negative stress is costly to any individual or organization. Stress training is then an intervention to enhance familiarity with the criterion environment and to teach skills that allow performance under stress-filled conditions.

Authority and danger are inherent to police dealings with suspects, which create stressful conflicts—some of which have led to officer deaths (Skolnick, 1977). Officer survival and learning habits have arisen from incidents of officer non-survival; tactical prowess has been created. A common reaction of cops attending a fellow peace officer's death from interpersonal conflict is the thought, "'That could have been me,' followed with the guilt of 'I wish it was me instead'" (Grossman, 1999, Side 4, "After the Smoke Clears"). Officers thus consider violent offenders as first an officer safety issue (Skolnick, 1977). From

this retrograde catalyst the operative learns to be suspicious, and favours the safety systems

embedded into the culture.

Schuell (1986) saw finding knowledge as procedural and declarative: Procedural is

attributed to the act of performance while declarative is knowledge created. Jarvis (1992)

identifies practical knowledge as separate from expert knowledge where tasks are performed

with confidence and expectation of the outcome. Thus we seek to eliminate the trivia and

bore into the concepts. Kolb's model (as cited by Smith, 2004), shown in Figure 1, divines

experience onto learning in complimentary cycles as follows:
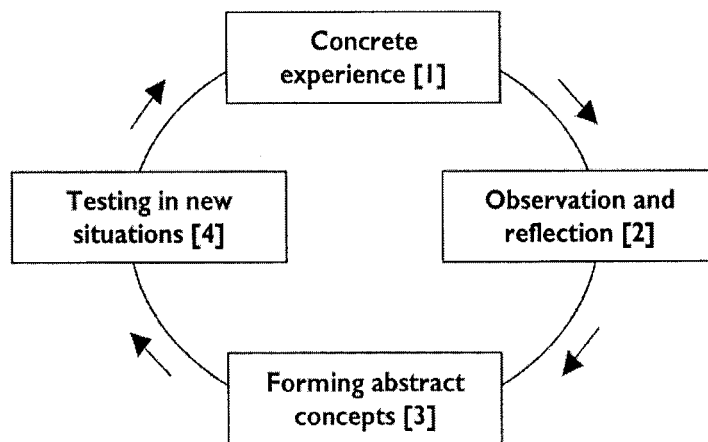
Figure 1. Kolb's Cycle of Learning.

Adapted from *David A. Kolb on Experiential Learning*, by M. Smith, 2004, "David Kolb on experiential

learning" section, ¶ 1.

Experience with danger is not something that is sought out by most learners. But it is

through these contextual situations and adaptation of ideas and points of view that experience

becomes useable (Mezirow, 1991). Entrenched learning systems specific to officer tactics are

taught as rote, repetitive, and without deviation from the established system. Learning

experientially allows for one to enter the cycle at any point and create a new skill. Kolb's (as cited by Smith, 2004) system, however, does not pay enough attention to the fact that the learning cycles can occur simultaneously and are deeply affected by environment and culture.

The culture of police learning and training has reflective overtones with processes established for debriefing and note-making exercises. These formats can springboard learning into a more explicit form. It can also encourage self assessment as essential to operative health and context. Reflection can be the essential tool by which the operative learns and develops.

Specialized police units are most often exclusive, distinctive, and autonomous from regular duty (Pogrebin & Poole, 1993). Entrance into these specialized groups is most often based on the merit and skill that the candidate displays prior to entry. This power dynamic of trainer and operative might begin with exclusion in mind, until the trainee shows the required talent to be included. Freidson (2001) sees this exclusion as professionalism. He asserts that the occupier's power to determine who is qualified to perform a set of tasks and prevent all others from performing the work and to control the criteria by which to evaluate the performance is underpinned by its own consistency and logic. Like the *sensei* seeking the disciple, the richly inspired and talented tend to get the most attention.

Stress and Decision Making

> The problem is that you as the undercover have seconds to decide or make a decision, where the people sitting back in the office can take two weeks, a month, or a year to make a decision. So the whole thing is that you gotta do what's best for you and your safety at that particular time. That's the mindset that you have to have going in. That

is why you are there. You make a split decision and that decision is gonna save your life or get you killed. (WFMU.org, 2003, "Joseph D. Pistone 'The Real Donnie Brasco' & former undercover agent Joe Mazilli," ¶ 58)

Scenario planning for the operative, and with it, decision making, often has opportunity to be rehearsed. Rehearsal involves the undercover team analyzing the factors presumed possible in a particular encounter (Jacobs, 1992). These critical thinking sessions allow the operative to rehearse and prepare a response to potential UC problems. The objective or strategy, then, is designed within a false presentation to maximize success. No amount of preparation, however, guarantees that the scenario will occur as planned and UCOs are required to make spontaneous, reflexive decisions. Like the military adage "a plan only survives until point of first contact" (as cited by Hall, 2000, ¶ 7), the operative is often alone to decide at the time of greatest decision loading. The UCO cannot confer with supervision but must remain deceptive while relying upon their wits and testing for the most appropriate response.

There is significant disparity between two camps of behaviorists. Hammond (2000) outlines that generally the laboratory researcher suggests that human judgment competence decreases as stress increases; conversely, the field practitioner argues that people under stress can make optimal decisions and even deviate from standard doctrine in order to address uniquely emerging circumstances. This latter group points to real life events and training models that have demonstrated team and individual ability to act decisively under stressful conditions. For example, Roth (as cited by Cannon-Bowers & Salas, 1998) contends that field training prepares people for operational readiness in a quickly changing world.

Both field and lab practitioners require an understanding of the other. The field behaviorist operates in a unique and somewhat immeasurable environment but measures outcomes; the laboratory behaviorist measure the key features achieved within a constrained environment but has limited options (Hammond, 2000).

Cognition, the processing of information and invoking knowledge, is conscious and unconscious, deliberate and automatic, and must be viewed in concert with feelings (Lazurus & Folkman, as cited by D. Brown, 2001). Cognition without gut reactions can fail to create urgency, instead placing the decider into a constant analysis of pros and cons (Johnson, 2004). For decision accuracy, Johnson maintains, both emotional memories and the faster cognitive process are required to function.

The obvious need remains that police train to survive novel and stressful events, situations where emotions can be elevated. Emergency response teams, hostage negotiators, or undercover teams all deal with a quickly changing landscape of criminal ethos. UCOs experience a high degree of unusually frightening work experiences and situations where time-stressed decisions have serious consequences (Fitzgerald, 2003). UC training through the reality-placed scenarios measure outcomes but the classroom mock-ups can accurately measure candidates' cognitive and emotional strategies within specific problems.

At issue, then, is the emotional and cognitive condition of the decision maker. Stress can disrupt goal-orientated behaviour, increase errors, slow response, and produce greater variability in performance (Driskell & Johnson, as cited by Cannon-Bowers & Salas, 1998). Stress decision-making research has focused seminally on pilots experiencing aircraft emergencies, doctors dealing with patient emergencies, and even firefighters dealing with

urban fires; police seem to have been left out of the mix. Surely significant stress burdens are placed onto police, who typically deal with an adversarial human foe.

Pilots deal with a machine interface and/or weather complications; solutions are found in both pilot emergency procedures and in human–machine design (Reason, 1990). Doctors identify key feature problems within medical emergencies and then classify and begin stately diagnosis and treatment (Borage & Page, 1995). Firefighter decisions are most commonly made by a commander some distance from the fire, often with scientific advice at close disposal (Klein, 1998). The decision-making modalities of these occupations differ from the UCO's circumstance in that the UCO is first within the interpersonal range of the target and second must conceal motive.

The objective danger of UC work is that the target group will discover the operative's true identity (Girodo, 1985) or that they will take liberties with the operative's vulnerable position as a fellow criminal (Moriarty, 1990). Since a target group is considered dangerous but can only be generally predicted, the operative ends up embroiled in emotion of false portrayal. Being likeable, goal orientated, and yet watchful are competing tasks, if not dissonance-invoking. Dissonance stems from the assignment of interpersonal aggression conflicting with this inherent need for individual security. Team tactics are then employed to counteract ambiguity. Schemes and plans design control and predictability into unpredictable events.

Military operations avoid close quarter combat in favor of distant, detached warfare. The more sophisticated the war technology, the more depersonalized and removed is the soldier from the enemy (Fellman, 1998). UCOs, however, rarely can appear so dogmatic or openly hostile. Within the personal space of the criminal other, they seek to benignly deceive

an audience that scrutinizes the UCO for slip-ups and disclosures (Jacobs, 1992). Target

audiences attempt to unmask operative identity as they anticipate exploitation from numerous

sources, not the least of which is the police. The operative, meanwhile, attempts to stay

cloaked, and casually and incidentally theatrically makes portrayals to be viewed as viable to

the target. Both remain unsure and distrustful of the other.

The criminal cohort seemingly has increased its capacity for intramural violence.

They may suffer from drug induced paranoia, may fear rip offs while holding larger crime

funds, and may see incentive to use violence to avoid increasing sentences and seizures

(Wade, 1990). Wade adds that some foreign nationals groups have a sense of anonymity and

hold police and human life in low regard. Police hold the only peacetime occupation with a

systemic record of injury and death from interpersonal violence (Skolnick, 1977).

Police keenly understand criminal tendency for violence as random or planned, real

or symbolic. Meanwhile, the UCO attempts to infiltrate groups that are in conflict with their

own membership. As a criminal brings contraband, finances, and personal freedom together

he is now vulnerable to attack from police or other victimizing criminals, but yet that

criminal must take this risk to facilitate transactions (Moriarty, 1990). As such, the operative

knows, or should know, that this time will be one where potential for danger is at its highest.

These stressors play havoc within the operative, not just in the fear of possible dangers, but in

the continual pressure of arousals and decompressions associated with creating and setting up

deals that do not occur, or in negotiating with an aggressive or prolific suspect.

A human imagining violent attacks from another, realistic or otherwise, is a universal

human phobia (Grossman, 1999). It can create a fear that is both emotional and physically

paralyzing (Laur, 1994). I use the term "fear" not to suggest operatives are fearful, but

because *fear*, as defined by Merriam Webster Online dictionary (2004a), is "strong emotion caused by anticipation and awareness of danger" (¶ 1). Therefore, operatives should have a minimum quantity of fear to assist them to perceive their environment.

Close interpersonal aggression has both infantry and police researching to increase self-protection and mission successes. History's examples of heroic actors weathering attacks are easily eclipsed by the reality of far more instances where the assailed, trained soldiers and police, have failed to protect themselves even when faced with the impendence of their own death (Fellman, 1998). The trauma associated with being the victim of close-range, interpersonal aggression and the trauma associated with the responsibility to kill a fellow human being at close range are core, key stressors (Grossman, 1996). When people deploy against a potentially violent enemy and in close proximity to that person, they are forced to imagine the consequence of their error (Grossman, 1999). Police dedicate their survival to perceptual shorthand where past experiences with certain people, attire, actions, and language are considered a prelude to violence (Skolnick, 1977).

Of course, the operative does not live in a state of constant poise against impending attack and many are fully capable of self protection. Grossman's (1999) phrase "forced to imagine" (Side 2, "Dynamics of Combat") is important to see that psychological triggers invoke poor decision making, despite violence rarely occurring.

"Repression of effect" (H. Brown, 1998, ¶ 6) or "stuffing your feelings" is a linchpin of Critical Incident Stress Disorder that I link to operative health, and to competent decision-making skills. Knowing that the criminal element can be paranoid, possess weapons, and also fear attack from within their cohort, the operative can fall into preconditioned survival strategies. This state of fear of interpersonal human aggression is described by Grossman

(1999) as hyper vigilance, which causes a set of dynamics where the forebrain shuts down, cognitive processing deteriorates, peripheral vision is lost, tunnel vision occurs, there is loss of depth perception, and near vision is experienced. Simply stated, cognitive processes are exchanged for reflexive actions.

This condition cannot be maintained. The threshold, or pre-hyper vigilant state, is equally troublesome, and the entry and exit into and out of hyper vigilance exhausts the operative. Inoculation for hyper vigilance is information and realistic training practices (Driskell & Johnston, 1998; Grossman, 1999; Hammond, 2000).

Grossman (1999) provides a laboratory study of rats placed under stress and then forced to tread water. An unstressed rat placed in water will tread for 60 hours before being overcome with fatigue. Stressing the rat, by holding it upside down, and then having it tread water produces only 20 minutes of effort before drowning. The combination of stressors is too great to survive. However, a rat systematically stressed by being held upside down over a number of days and then placed into the water will survive treading water for the same time period as the control group: 60 hours. Grossman (1999) indicates that this stress exposure within training inoculates officers from stress encountered in real world activity. Driskell and Johnston (1998) suggest inoculation to stress revolves around people gaining an accurate expectation of stressful environments, and after opportunity to train in like situations, gaining confidence to function within that domain so that maximal performance can be expected within a real event.

Expertise arises from familiar situations (Klein, 1993; Larkin, McDermot, Simon, & Simon, 1980) and the skills that are attained through rote learning, identifying patterns, and association can be used to recognize and deal quickly with familiar situations (Cohen &

Thompson, 1999). This familiarity, to me, sounds like street smarts, and assuming that police personnel automatically possess this by virtue of patrol duty is erroneous. Undercover work requires a different set of skills from the uniformed officer.

It is notable that experts confronted with a problem do not make decisions more quickly, but are more thorough within the same time frame as the novice by trying to improve their first intuition (Dreyfus, as cited by Cohen & Thompson, 1999). To prepare the operative to be deliberate and assured in decision making, one cannot forget that operations are team monitored. In the event of a critical incident, others will be deployed to assist the operative. Mission attainment obviously is secondary to protection of team members. Thus, any development of expertise for an operative to deal with a novel situation, which will be assumed to be an emergency situation, must revolve on team training systems.

Chapter Three – Research Methodology

Krathwohl (1998) identifies two research approaches for the naturalistic environment. One is formation of hypotheses and testing for validity; the other is gathering data to look for explanations and relationships. This project attempts both; ironically the "natural environment" is a contrived training scenario. Grounded theory first requires observation, leading to inductive theory, but also requires deduction and verification (Palys, 1997). It looks for the emergence of the theme, or inductively identifies phenomena (Hancock, 2002). Intellectual rigor, or validity and reliability, is demonstrated though triangulation and respondent validation (Lacey & Luff, 2001).

This action research project sought to find the qualitative perspectives of UC operatives, trainers, and persons with special knowledge or skills specific to the craft. Their interrelatedness and understanding of each other is important to assist in "solving problems not for the other but with the other to improve the situation" (Van Beinum, 1999, p. 12). This project seeks to enhance UC training delivery, but also to add to the empirical knowledge mass relating to UC work, and to professionalize UC perception among other police groups. Historically, UC has not garnered the same support as have other specialized duties (Band & Sheehan, 1999).

UC training is secret for good reason. New candidates are tested against their reaction to novel and ambiguous experiences. This is simulation of the critical UC reality of a criminal environment laden with surprise and uncertainty. A candidate fully apprised of the training regimen beforehand would prepare and strategize solutions to these problems and thus not gain the experience of spontaneous problem solving. Once confronted with real UC problems, that experience would be new and untested. In short, they would not learn about

themselves in the course but could learn disastrously in the real world. Operatives, of course, share learning experiences with other operatives, but they too have an interest to keep the syllabus secret, for they will one day rely on the candidate as a certified operative.

I explored the type, frequency, complexity, criticality, and learning difficulty of the training with extrapolation toward covert missions and the impact on the operative. The open-ended, global questions to draw out information about interviewee beliefs or feelings (Del Basio & Lewis, 2001) also guarded against my bias entering the study. Hindsight bias or the "I knew it all along" bias, I guarded against by taking the advice of Plous (1993): "If you only consider the reason why something turned out the way it did, you run a good risk of overestimating how inevitable that outcome was and how likely similar outcomes are in the future" (p. 37). I have therefore explicitly considered how things could have turned out differently.

Data Gathering Tools

Four data gathering tools were used for data collection: telephone interviews, face-to-face interviews, observation of UC training, and review of personal journal notes and candidate critiques from past UC courses. I relied primarily upon interviews: despite the disadvantages of fewer respondents and increased time and costs, they are more thorough and allow for a more complete analysis of meaning and thoughtfulness by respondents (Palys, 1997). All participants signed informed consent prior to data being gathered (see Appendix A).

A study addressing UC deception strategies conducted by Jacobs (1992), a criminologist, interviewed 35 UCOs. Farkas (1989), in a study into UC stress, interviewed 94 officers, a full saturation of the Honolulu Police Department. This thesis focus is on 12 law

enforcement agencies, the training of approximately 125 officers, and specific interviews with eight operatives and four academics.

The privileged information, secret circumstances, and protected techniques that UC officers shared with me may dispels the myth that cops will not share or participate in measuring their craft empirically. I relied on the UCO camaraderie I share with the interviewees to gather research data. For academic interviews, I relied on their sophisticated knowledge of research techniques and UC discipline to assist the process.

Survey instrument were ruled out since I view UC work as pragmatic and philosophical in context. The potential for ambiguous answers and misunderstandings would limit the end result. Neutral interview questions avoided researcher perceptions, perspectives, interests, and agendas being inadvertently imposed (Stringer, 1999). Open-ended questions provided a wide variance of undirected information, including surprises or areas that I had not considered (Del Basio & Lewis, 2001).

The interview met with the comfort and style of UC people. Law enforcement relies on briefings, debriefings, and the "what happened, what went well, can we do better?" Police accept interviews as a tool with which to divine the truth. Their inherent culture of helping others and the storytelling glue that marks police work makes the interview methodology a best practice tool.

Within the qualitative aspect, Lofland and Lofland (1995) suggest "standing in the shoes of the other" (p. 16) to understand his or her actions and then apply them to theoretical concepts. For a UCO, this empathy is second nature; "shoe standing" skills are central to the effective UC officer skill set (Irwin, 2002). The advantage of intimacy must be considered

for bias when seeking opinions and experiences of similar folk, but previous experience does become a validity measure (Palys, 1997).

The observation I used was direct–reactive as described by L. Brown (n.d.). This observation style recognizes that candidates are aware they are being assessed, and that their contrived behaviour may reveal aspects of social desirability, how they feel about sharing their feelings in front of others, or privacy in a relationship. Moreover, according to L. Brown, contrived behaviour is difficult to maintain over long-term observational study, which reveals a glimpse into natural behaviour.

Placing observations into notes from the settings in which people work becomes the basis for formulating descriptions useful to the study (Stringer, 1999). My notes for this study focused, as is my habit, on feelings and emotions of the candidates, and reactions to training scenarios. I referred to these notes and utilized them in designing the interview questions.

Skolnick, in writing the award winning *Justice Without Trial* (1977), attended crime scenes, overheard confessions, listened to telephone conversations between police and citizens, and assisted detectives to carry out his research, all the while deeply considering the ethical connotations of this conduct. Thus, as I situated myself as a researcher and UC course trainer, I took the position that both roles are ethical and loyal to their respective goals. Any intersecting ideology assists both disciplines.

Study Conduct

"As the pattern gets more intricate and subtle, being swept along is no longer enough" (Kaplan, Sehring, Sloss, & Linklater, 2002).

I note that the MacDonald Commission (1979, 1980) cited sociologists such as Marx. As this commission became a source of empirical data for legislators, judiciaries, and policy

makers, their changes affected the operational conduct of police officers, who were monitored for their sociological interest. Law enforcement response as a source of empirical research is evident, but it is also inextricably linked to these larger processes. The intention, then, is to meld this cycle into this study.

To understand the professionalized view of UC work, I interviewed a population that I have coined "academics." This term simply implies that they hold sophisticated knowledge on research or academe connected to UC craft, and they are currently active in these and other endeavours within agencies and occupations. Juxtaposed to utilitarian and scholastic, these academics offer current and valid information, not just philosophical meanderings. These people are

- Gary T. Marx, sociologist, author of *Undercover: Police Surveillance in America* (1989);

- Eduardo Salas, professor of psychology, principle scientist and researcher, team training on decision making under stress expert;

- Les Rose, solicitor for E Division RCMP Operations; and

- Pamela Fitzgerald, psychologist and criminologist, who devised a UC stress instrument while working closely with UC operatives.

When interviewing academics, the interview strategy was unstructured, or a "depth" interview (see Appendix B for guiding questions). This interview seeks to discover information with only a few topics in mind and frames further questions from the answers provided (Lacey & Luff, 2001). This style allowed me as an interviewer to lead information and for the experts to respond in ways specific to their expertise. Their wisdom then was discussed within the UC perspective.

I attempted to gather as many diverse characteristics and elements as possible within the UC interview population. A sampling frame is a complete list of the characteristics and elements of the studied population (Palys, 1997). The interviews were to triangulate within the UC population so I selected trainers (see Appendix C), UCOs trained on UC courses (Appendix D), and UCOs trained experientially or on the job (OTJ) (see Appendix E). They were further divided into categories of experience (drugs, major crimes, and wildlife), and by duration of UC experience and UC involvement (long-term and short-term). This wide sampling frame covers the majority of a UCO's range of duties. For further diversity, interviewees were chosen to account for differences in age, culture and ethnicity, and gender.

The undercover interview population included eight operatives separated within a sampling frame as follows:

- Female and male, 32 to 46 years of age;

- Federal, provincial, and municipal police;

- Canadian, American, and Australian nationalities;

- Experientially trained or undercover trained in two- and three-week courses;

- Trainers of other specific specialized police duties (ethics, drug identification, etc.);

- Covert experience in international, national, inter-provincial or inter-state, urban, and rural UC operations, both long-term and short-term in nature;

- UC experience with major crime, drugs, wildlife, and stolen property trafficking; outlaw biker gangs; Asian, Italian (mafia) and Russian crime groups; and environmental terrorism;

- Asian, Caucasian, East Indian, and Hispanic backgrounds; and

- College diplomas, bachelor degrees, and masters degrees.

UC interviews were semi-unstructured. This method allows the researcher and interviewee to discuss the research topic in greater detail than a structured interview by focusing on key issues (Hancock, 2002). Interviewees were encouraged to define esoteric or police jargon into common language and to offer comments on how UC officers interpret their world and beliefs around training needs. This lowest common denominator language demystifies the trade into one that focuses on the education of operatives, and not the culture itself.

All but one participant consented to being taped. This individual made his desire to assist plain, provided that answers were typed during the length of the interview.

Two neophyte UC officers were interviewed through electronic mail, pre- and post-course discussion. Regardless of previous police experience, they are without the episodic memory or experiential learning relevant to UC work. However, they presented an interesting opportunity to measure their perception and expectation of UC training efficacy and UC craft from both pre- and post-course viewpoints.

To detect the root cause of the problem, the "Five Why" technique was employed. This technique causes people to use higher order thinking skills, causes people to challenge their current situation or problem, and finds the true meaning from under the layers (Corson, 1994). This strategy allows for input from those involved and impacted (Royal Roads University [RRU], 2003).

Secondary to interviews, I utilized the observation of UC training and reviewed personal journal notes and candidate critiques from past courses. This reflective research is valuable to triangulate, but also was used to find any difference between it and the active

research phase. Further, the reflective research was done prior to the intention of this project, and as such, is free of bias.

Course observations during covert training exercises are a naturalistic observation. This requires some initial idea of what to look for while trying to understand the individual and the context (RRU, 2003). Opinions derived from observations I made were checked with candidates (respondent validation) to ensure accurate interpretation. This was done after the course when the candidate was away from instructor gaze and assessment. These observations were made during six undercover courses and four advanced undercover training courses and I refer to them by Alpha, Bravo, Charlie, and so on.

My observations and informal interviews of over 80 candidates were recorded for assessment purposes, so are often verbatim comments from candidates. My habit to journal learning and passing notions as an instructor or learner further assisted me. The comments therein are from candidates of both genders, ranging in ages from the mid-20's to early 50's, of various ethnic and cultural backgrounds, and from 12 enforcement organizations across Canada. This resource consists of approximately 220 pages of journal notes capturing candidate comments, my observations of their conduct and reactions to training exercises, and views of the efficacy of a particular exercise. These writings expanded and verified the themes that emerged from the interview population.

From observations and interviews, the study was a summative evaluation. Evaluation is a systematic process of determining the worth or merit of a specific object (Trochim, 2002). This worth and merit would extend to time and resources spent for training, candidate efficacy, and benefits outside of the UC program. These subjective value judgments within this study can be a beginning to evaluation and enhancement of UC training.

Chapter Four – Research Study Results

This thesis used three phases of research: review of academic journals, law enforcement publications, and other empirical data; my observation and reflection of actual UC training; and interviews with law enforcement practitioners and academics connected to undercover work and police training. My interviews of academic professionals explored their sophisticated expertise, which I then applied to the specifics of UC training. This process, I suggest, became a finding independent of the review of their academic publications.

Operational police and UC trainer interviews augment academic commentary. Specific information from undercover trainers in Australia, Canada, and the United States ultimately coagulated the experiences of hundreds of operatives, numerous trainers, and diverse operational contexts. This is offered as the substance of action research process.

The primordial criminal world is one where "might is right", individual weaknesses are preyed upon and political correctness does not factor. As I had hoped, interviews of UC craft are frank and blunt and some vice appears herein. It is not inserted to demonize criminals, but rather to realize that UC training must simulate that world while remaining respectful as government training programs. Where possible, the quotes have been presented verbatim to more accurately capture each participant's voice, personality, and message. Nothing reported should psychologically impact the reader, but one will encounter the odd vulgarity. Simply stated, Boy Scout training is not to be found here; one just hopes that the UC operative maintains the morals of one.

Themes

Glaser and Strauss's (1967) grounded theory technique involves the researcher categorizing data into primary conceptual themes. Pogrebin and Poole (1993) use grounded theory to

study the effects of UC work, and similarly this thesis reflects the experiential domains of

UC work as identified by the officers and academics. The three major themes that emerged in

this study, each with their own subthemes, are discussed below. They are

1. Course Efficacy: Balance, Liability, Operative Selection.

2. UC Course Design: Experiential Learning/Scenario Training, Trainers, Debriefing,

   Training or Assessment.

3. Operative Psychology: Operative Health, Decision Making.

First Area of Findings: Course Efficacy

   Balance.

   The word *balance* is one of woolly conundrums. Law enforcement organizations

must be conscious of the underlying order in society's ambiguity. I like the term balance

because it is ambiguous, as is the world where the law enforcement officer often works. I

begin with the interview comments of an accomplished surveillance and undercover

researcher, Dr. Marx. His in-depth study of UC work offers a foundation for a balanced

perspective. Dr. Marx, when I asked what essential point he would impart on UC operatives,

commented,

> Life is complicated....You have a whale of a balancing act and in anything covert,
>
> even an officer carrying a gun, I would want them to feel the tension and never feel
>
> completely at ease with their job, to realize how much is at stake and to know that
>
> there is no easy or correct answer. Some answers are better than others and that is
>
> what we strive for.

Marx added that he saw "police not as destroyers of liberty, but as protectors of

democracy and sustaining something that is vital." Balance is required to provide a guide to

the UC practitioner in employing moderation, relativism, variegation, and moral pragmatism

in investigations. Consider his comment that illustrates United States UCO actions of the

1970's:

> Information became public with congressional hearings and even today it's just silly.
>
> To give you an example, the FBI seriously discussed a program to inject oranges that
>
> were going to be consumed at a student radical meeting with a substance that would
>
> create diarrhea. It is incomprehensible, but there it was, and I think it was people were
>
> not doing anything wrong other than they had some values that were different.

As said by Voltaire (as cited by Saul, 2001), "It only remains therefore to use our

reason to discern the shades of goodness and badness" (p. 91). The police officer's position

of public trust requires this discernment. In their power and influence over others, the police

officer balances UC actions with a sense of equality, beneficence, and justice. Marx

comments,

> To begin an operation [or specific scenario]....you have to ask a whole series of
>
> questions. I would give people a handout and say, "Here are the questions to ask, and
>
> the more you answer these questions in a way that supports the investigation then the
>
> better it is to do it; everything from the alternative means to the worst case scenario.
>
> Would you want this done to your son or mother or you?" It is the golden rule test, an
>
> awareness that is fundamental.

It is not that the officer needs to act as a political or social engineer. Police do need to

see that society is imbued with significant grey and cannot be ruled by puritanical black and

white. The operative balances an internal mix of gung ho passion with bland, sober

judgment, each in ballast against the other to provide stability to both character and task.

Again Marx provides this opinion:

I would be very wary of [UC] results being an artifact of the activity; there are

degrees of it. It is okay to take people down in a contrived manner when they are bad

guys, but to throw wallets out in the street to see if teenagers will walk by and take

the wallet is an unwise waste of resources.

Balance is needed between operative autonomy and command and control model

structure. Balance is needed to guide and verify investigative findings and to rank and

classify crimes. Balance isolates UC project rationale with consideration on how UC

scenarios impact individual and society consciousness. A balanced approach also accepts that

at times, doing nothing is appropriate. The ultimate finding of balance might be that the UC

operative is not Atlas balancing the heaven upon his shoulders, but is loyal to organizational

direction. The balanced perspective also is aware that the perfect training regimen, or

operative selection system, is impossible to attain.

Within the interviews, what resonated was this notion of balance and tension.

Experienced undercover operatives took a humble posture, yet saw obligation in solving

problems for the betterment of others, for community and law enforcement well being. As

one said, "UC is not for me, it is for society." All saw UC as a high risk activity that required

debate and analysis in practice. UC trainers seemed to identify with the task of refracting the

UC candidates' perceptual lenses to focus upon the large picture and not to win at all costs.

Officers saw that a price is levied for operational choices: in operator well-being, in public

perception, and even in the criminal audience's reaction. Where the UC course goal is to

train operatives to infiltrate and trick, the principle message was to see that trickery and

subterfuge are not just means to accomplish an end, but that the overriding concept is that the means may determine the ends.

I offer that the UC community sees and trains the need for balance in the realms, as cautioned by Marx, supported by the following evidence. Aaron states:

The world does not need another snake oil salesman. We need people that want to do the right thing and have a clear idea on what is right. UCs are not invincible, but should do the right stuff; find the right stuff and support others. UC is a selfless act— you solve a crime and hope no one thanks you, you want to stay undetected. Learning how to trick isn't difficult, learning why we trick is hard.

Syd offered this:

My standard is that whether you are a UC or uniform cop, you are a police officer that has a code of conduct, criminal code, policy and procedure, and society [expectations] in general. That is what I expect of people; that they be professional, follow the rules, and do it with strong core values. I am a big believer in training ethics and integrity right from the start and trying to think about things before they happen and what your role is.

And Av said,

UC work can fulfill what you swear to on that badge. Pull out your credentials and re-read what you swear to. Students need to learn balance, between job and family. Understand your limitations. Covert work is about checking pride at the door and doing what is necessary within rules and regulations....The people that we chase are the bottom feeders that are having an effect on society and we address that.

Jake added,

Many people can learn slight of hand and trickery, but that does not make you bad. A police officer that shoots silhouettes does not make them shoot people, or pornography investigators look at porn but are not pornographers; opportunity is only as the mind sees it. A UC should never have to think, "Oh no, should I conceal something that I did?" They should tell what they have done and be quite willing to be accountable, and explain why it was necessary.

Porsche commented that her experience of UC work caused her to lose balance. She revealed a marriage infidelity to illustrate this point. Now, as a trainer, she instills the need for balance within operative candidate lifestyle and to reveal honestly errors and mistakes previously committed by operatives in the field:

> I thought I could make people think that I was living a certain life when I wasn't. I thought that because I was so clever and so trained and challenged to lie every day, I thought that I could get away with it. So I had my fling on the side. It screws you up in the head to think that way; it can ruin your life. I tell people about this when I teach and I tell them not to operate [use UC skills] with people in the office or at home.

Jake stated that his goal of training is to get the candidates to see their insignificance. Once they have realized this goal, it can be used as a position of empowerment to avoid identity loss and ego. He states,

> [If] they do the work and at the end of the day, they do not know who they are and if they hold what they have done in greater meaning—perhaps it doesn't have any great meaning to anyone else—they become lost in an ego move of "who am I?" ...[They] become that burnt out, telling you about the UC project 10 years later and talking about it like it was yesterday,...as being important. The significance of that operation

was important, but at this date, not to anyone else, so that is abstract. But that is what

I look to engage in a course of training; that is the underlying message that I am

aiming towards, hoping that this is the big picture that they get. The work that you do

is valuable and matters to the people around you, but over time it will not be.

If balance is about knowing that winning is not the end game, that operatives be

aware of their own vulnerability and that they consider others, then the training needs to

reflect that need. Paul's comment was typical of officers' views on safety: "The number one

message is that the priority is on operative safety. They always have management support if

they want to terminate a job for any reason. That is the biggest thing; operator safety is

number one."

Balance is demonstrated by my paraphrase of Candidate H100's comments from UC

Course Hotel. He views the UC position in society not as one of superiority to others, but as

one of choice:

> Recreational drug use or other moral choices, what I did before I was a police officer,
>
> was one thing. Once on the department you leave that behind; that is illegal and no
>
> longer allowed. I do not think myself better; I just don't do what they do.

Liability.

Les Rose's legal mind offered the theme of organizational liability due to failing to

train adequately. The tensions among democracy, internal police structure, and societal

expectations dictate that individual officers demonstrate competence. This is his perspective:

> All sorts of checks and balances are designed to have a culture of reporting—call
>
> boxes, duty reports—and we want to ensure that various investigative techniques are
>
> only used by individuals with the commensurate appropriate training, not just in

technique but in terms of appropriateness and what the law provides. Where do you get into this but in certification? It provides a certain standard or benchmark and we can hone our reasonable expectation as to the collective and individual expertise into behaviour. I know that because they have passed a test, that they are aware of A, B, C and that D, E, F are prohibitive activities.

When in role, the operative works under considerable independence. Logically, the UC distances himself from official regimentation; close reporting schemes are unattainable. Controls, then, are applied through pre- and post-scenario supervision. The UC community has supported the need for UC training to further add control measures; specifically, ethics, self-regulation, self-understanding, discipline, and knowledge. Jake comments on the risks:

> If training is, "Here are your base skills, here is what is okay" and teach[es] them how to do it, that has some value, but training incorporates psychological assessment….People that think training for UC buy and bust scenarios is not needed lack experience. There is risk….UCs potentially get hurt because they are in the way, but if identified as a law enforcement, that directs the path of the suspect. UCs can be targets of thefts, rip-offs; [they are] not seen as law enforcement so [are] victimized, random acts of violence. That risk hangs there; they are in places where police are not normally found and are seen as without power, so in that apparently disempowered position, they get caught in the crossfire. They need to be able to assess risk from different angles.

The principle of training, supervision, and policy apportioned into managing risk onto the operative is also evident. UC trainer Syd offers this:

I think ethics are very important and even more so in UC work, so we begin every

course with ethics. There is also obligation to train, to provide formal training, and we

would be liable to place people on the street without training. There is a higher

likelihood of corruption because you are dealing with alcohol, drugs, and organized

crime, and you're dealing with susceptibilities. For what you spend on a two-week

course, you save tons of money by teaching them the right things, from lawsuits and

mishandled information and that type of thing....UC work is hands-on supervision;

guys are operating and supervisors are right there with the crew completing objectives

and in debriefs is reading his people.

Aaron supports this further:

Would you send an ERT [Emergency Response Team] member or a hostage

negotiator out untrained? Why send out UC without training? Because it seems

simple: UCs get killed in the bullshit cases, the ones we didn't prepare for.

Psychological damage and potential for physical damage is huge overall. My example

is a file of a lower level dealer that after the second visit told us about [a] friend's

suicide attempts, his gun smuggling, and a murder he witnessed while in the US.

These all required prioritization. And he laughed about a Canadian police officer

killed in the line of duty. That requires a whole new skill set, restraint. The least we

can do is train.

Porsche gives a specific account of lack of training in an undercover operation she

participated in:

Lack of training has been in team settings but the problems become individual.

Buying $10 rocks of cocaine is easy but very dangerous. Wandering into the skids

and you're going to get challenged….My partner and I said, "God this new UC sticks out like a sore thumb. This is going to be a problem." An hour later she is on her back getting her lights punched out by some woman that didn't like her look. This UC was not cut out for this, we told the boss beforehand; he rammed it home and she got hurt. They see open air trafficking a hundred times in a minute and they think these people are stupid and greedy and it is going to be super-duper easy. Well, not always. Street people see, and hear, and feel everything 20 times faster than we do because they have had teeth punched out and they [have] dealt with every knob in the book and they smell 'em coming. And so when we show up they sure smell us comin' and they are dangerous as a result.

Av adds that the UC discipline requires training, given that continual learning is required. "To stay current, meetings and training are important. Any mechanic that thinks his tool box is full is not a very good mechanic. Our tool chest is not ever full; we are constantly seeking information and methods to use."

In interviewing the before and after effect of UC training, two officers were interviewed to measure their changing perceptions. To illustrate, I include comments that are typical to these officers:

- Pre-course: What emotions would a UC officer experience while undercover? Emotions of dealing with a target who does things the officer is truly against, morally or otherwise; feeling a dislike toward the target and yet showing no such feeling; being concerned with safety; being tired and exhausted.

- Post-course: What emotions would a UC officer experience while undercover?

Hate, adrenaline, satisfaction, nervousness, rewarded, challenged, suspiciousness, excitement, importance, responsibility, tired, uncertainty, and pride.

These answers are not particularly telling toward UC skill. The untrained officer initially saw targets as a cause of emotional content; after training, he recognized that emotions are varied and are within the operator. This suggests the beginning of balance and responsibility.

Operative selection.

Operative selection tends to predicate on the flair or character of that individual. Perhaps this profiling for operatives for a certain look, non-conformist attitude, or different culture results from the perception that what fits in crime groups are officers different from the quintessential cop. These individuals are perceived as able to infiltrate crime groups that would be otherwise hostile to those appearing as part of the establishment.

Comments from experienced operatives, now acting as trainers, identified that aspect of police selection and entry into UC work. Porsche comments,

> My bosses do not know what I do for a living and it is a huge stressor. One guy said that he was bullied into taking a psych test. Why are we bullying people into operating? That should never happen. We bully them because of how they look, because he was Hispanic. They are not looking for aptitude…but the bosses don't get it. If you're a pretty girl with big nuts, you're going to be told you're doing UC.

And Jake said, "I was picked because I wore funny coloured clothes, because of a look and manner as being unique or different, maybe twisted, but out of the norm of the police environment. I was picked because I was a non-conformist." Aaron has this to add:

One guy used for UC had an awful home life, terrible with money, alcohol, and health issues, but he had homemade tattoos and biker clothes. One boss said, "You just can't help but do something illegal in front of him." He was likeable and he wasn't a good cop, but, "Hey he can do UC; he is more like them than us." In uniform he just managed, he had discipline issues; in UC, he failed miserably. He ended up fired for theft. He couldn't manage the freedom, the temptations, or [the] responsibility. Train solid people; it saves on problems.

The untrained operative represents a challenge to reduce that liability. On-the-job training is addressed by Paul:

We get people on the course that have had 40-50 [drug] buys and after 4 or 5 days they are just not comparable—the level and speed in which they progress is mind-boggling. This student comes on the program and says, "I thought I knew about UC work and I knew after the first few days that I knew nothing at all." There is a huge improvement in them....Prior [to 1988] it was on-the-job training....The big thing is now students start doing real jobs with the training and logic for scenarios to hit the ground running. In days gone by, a UC spent 6 or 12 months learning the trade; [with] training we make mistakes on the course, not real jobs.

Av adds,

I learned through trial and error. I reinvented the wheel. Had I had training at the onset, I would have gathered more bad guys as opposed to taking longer, and there was a safety cost....Doesn't matter what the contraband is, all that matters is to protect your life. It goes to having the best tool—get them from the onset and your

job will be better down the road. Training would have avoided the errors that put me

in danger.

Aaron comments,

Training offers someone the plan for what they will do when the going gets rough.

Doing low level dopers may not require advanced training, until something goes

wrong—then one needs training, [but it's] too late then. If they get bumped up to a

larger, smarter group, they are dealing with a supplier now—too late to [train] then. A

course also trains UCs to be professional; most untrained UCs have a limited

philosophy, but our trained guys, they have imagination and memory, they work

safer. What I always say—UC is something that should be learned in good company

of fellow police, not bad company of fellow crooks.

Second Area of Findings: UC Course Design

    Experiential learning and scenario design.

    UC training is unlike the conventional police training atmosphere. Candidates

regulate their learning experientially by independent assignments, problem solving exercises,

and teamwork tasks; all are intriguing and challenging. If this can be supported as a finding,

Porsche suggests that the course is one of self discovery. "People start using a bigger part of

their brain because they didn't know how much they could do. Everyone learns a different

thing about themselves, and surprises themselves."

    Aaron adds that UC candidates have autonomy and some authority within the

learning experience:

We watch for officers' strengths and weaknesses. They help in creating a written

assessment, so at course end, their results are never a surprise. They get feedback

every step of the way and they change significantly. Some may meet short-term

operative threshold and they say, "Long-term UC is not for me right now." It isn't a

handgun qualification of pass and fail, it's about safe or unsafe, effective/ineffective,

desirable/less desirable, and they create the result through willpower, imagination,

and resourcefulness.

Paul comments that the learning is directed toward individuals' talents and abilities:

The students are told it is the same scenario [training] for all of you, but you're at

different levels. Some progress faster, so we don't hold back the role player. We'll

tell him, "This guy is getting along really well, he's developing quickly. Keep

pushing him and hammer home these scenarios. Take him further." So in one course

we are really run[ning] eight individual courses. Depending on where a student is

dictates how the assessor and role player will deal with that student.

Jake adds this:

Training is self assessment by them, assessment by us. You're suited from your point

of view and mine. I have had courses where people say this is not for me. I liked this

course, I learned a lot, but what I mostly learned was that UC work is not for me. If

you don't suit the work, you need to know. The course is relatively safe, and we can

intervene, but in the real UC world, help might not be available. Training allows

students to feel discomfort...and work through it. Through debrief and assessment

they can measure their comfort level, for now and for the future. It is human nature if

you do not know something, everything is uncomfortable. Once experienced, it was

just the newness that made it uncomfortable; I am past that now....That's different

from the guy that says, "I have had experience, this is not new, but I am really uncomfortable here. I am just not going in."

Reality-based or reality-placed scenario training holds different values for UC trainers. Differences in jurisdictional law and policy restrict some trainers from designing scenarios where candidates interact with real criminals. They simulate the criminal environment rather than experience it. Others value reality-placed exercises for candidates to mingle in criminal haunts to certify and demonstrate UC competency. Both have a useful purpose.

Reality-based scenarios as a contrived mock-up and role playing hold numerous advantages over reality-placed exercises. Role playing presents key learning events to candidates with exact assessment of the candidate possible. Paul comments,

> We bring in role players that the students do not know and do scenarios out in the public, in parks, rented motels, pubs, car parks—never in the facility. Experienced UC role players will get a lot more out of the scenarios than with a real drug dealer. A real drug dealer may not ask you about how did you get here today, who do you normally buy off, can I pat you down, how much money are you going to make out of this, and the real drug dealer might just say, "Nice to meet you, you got the money, the drugs here, okay give me a call,' and you miss a lot there. In these scenarios the role player gets a lot of different issues out of a half hour meet. We control the problems.

Reality-placed scenarios have the advantage of realism but candidates potentially miss learning opportunities or learn the wrong things. Many instructors cited the real people,

real environment and worksite training as rationale of why it is preferred. Aaron provides this opinion:

> In bar scenarios, they learn to interpret that environment. They cannot get that in a
> classroom; changing light, big crowds, suspicious and strange people. And trainers
> don't know what is happening either. We watch and they tell us what was in their real
> world and we match that with our real world observations. They can report concrete
> things: what was specifically said, what the person specifically did; we corroborate.
> Isn't that how UC operations run? So we put them in there so they learn to interpret
> inflections, body language and that culture. Those stressful classroom acting exercises
> show us who we are dealing with but the night exercises give them real experience
> and practice.

If a reality exercise interacting with unknown and unknowing people is essential for creation of noteworthy UC skills, it is governed by several key issues. I clarify here that UC training does not conduct bona fide investigation; cases are not made. Instructors are keenly aware of privacy issues but feel justified in that the candidates do not intrude into private spaces, but rather public ones. In doing so, they gain a useful experience under the strict controls of training. One trainer stated that his agency constantly reflects on public perception of training in public and ensures their training assignments are fully defendable in that context.

Dr. Eduardo Salas provides scenario-based training for military teams and other agencies. His research, association, and principle scientist position in psychology and decision-making fields prove his expertise. He identified certain principles to assist UC training scenarios, which I summarize here. Reality-based training is the best method to train

students where there is high consequence of error and high ambiguity. These scenarios should be time extended events that introduce an evolution of key events or "triggers" that measure candidates' knowledge, skills, and attitudes, or what Dr. Salas calls "KSAs."

Triggers are actions created by role players that require candidates to take an action. The action is assessed though a measurement instrument which isolates individual and essential components of UC practice. KSAs measured from key events embedded in the scenario allow the trainer to debrief the training scenario and offer the candidates feedback and remediation. Finally, meta-cognitive strategies, or getting the candidates to think about what they know, are useful to create and identify skills in novel and ambiguous circumstances. These can be implemented by interrupting a training scenario to ask the candidates to discuss their strategy and options that they are considering in problem solving. This training tool then allows for the scenario to continue after discussing the possible options and determining the candidates' thinking.

Reality-placed events are useful after candidates have demonstrated competency within the KSAs. They enter an uncontrolled training environment to practice in self directed learning. Here, Dr. Salas emphasized that debriefing is essential and must extract the key learning points. This redirects candidates who have potentially learned the wrong things, or have failed to identify issues. The stories and assumptions that are created in the candidates' minds must be continually challenged in order to build critical thinking skills.

Syd comments, in regard to scenario training,

They learn more by getting out and doing it with real people. In class, people make

things bigger and expound on things that do not need expounding, and you waste time

doing that. We train on the street, in bars, malls, classroom stuff, out of town, food

courts—there are lots of drugs there but we might just get them [training technique].

If they are allowed to run [free] they must follow rules. That can open doors into

drinking too much and things can go awry. We live by perceptions; there is a move to

have [training in public] removed from the course.

Alternatively, Paul's course instruction method is heavily weighted toward reality-

based training. His scenarios are diverse and time extended, some lasting several days

intermittently over the course duration. The operative is tasked with an ever growing and

more complex simulation. Trainers take care to hear the operative's plans prior to meetings

with the criminal target and use that information to further test operative KSAs. Paul

described how their reality-placed scenarios are done with trained operatives who gain

certification from actual investigations:

> We do a three prong course: pre-course work, the actual residential, and then, if they
>
> pass the role playing scenarios, they are assessed in real jobs in the field. Someone
>
> will go out with them for two or three jobs, with real informants, real drugs, and real
>
> [technique removed], and we assess them in the field. If okay, they are accredited into
>
> the UC program. The course does not assess them in real scenarios; it's role playing.
>
> Phase 3 is real jobs. That gives us the flexibility to assess them in the real world on
>
> several deployments:…real jobs, real informants and real drugs, firearms, stolen
>
> property. I think we are on the mark now.

Jake conveyed this reality-based training model in a mock-up training venue:

Our scenario training is an apartment and a barroom at the academy. We have a

catwalk to watch them from and they are put into scenarios. The problem is that we

don't see enough of them—a few scenarios and they are done, and they know it isn't

real. Every time I am put into those events I think, "Well, this is bullshit," so the

second part of the training is in real places.

Candidate comments are paraphrased from course notes, beginning with Candidate

I100, from UC Course India. He stated,

> I never knew what they were wanting, so we tried to stay prepared. After a while you
>
> just say, "Okay, what's next, I am going to look like a fool but bring it on." The
>
> experienced guys would take you aside after being in the bars and say, "Okay, what
>
> you did there, well, next time try this." That was helpful.

G100, in UC Course Golf, commented that he could never buy into being tired all the

time and no one explained to him why he needed to be tired all the time. He states he lost

some learning trying to stay awake. H100, from UC Course Hotel, said this: "I like getting

into the bars, I could work there. But in the class I suffered from stage fright more than

anything else. Everyone is watching me, my peers, and the setting isn't real."

Trainers.

UC operatives perceived as able to assess candidates and transfer their UC knowledge

become trainers. Trainers keep pace with candidates, complete significant paperwork, and

remain watchful of candidate welfare. The trainer also models behaviour, sets course tempo,

and develops candidates' trust as they self-direct their learning experiences.

Clearly, selection of the training staff is paramount to course efficacy. I report

evidence to consider when making training personnel selections. Porsche stated,

> If [trainers] present ego, you be like me, but if I am arrogant, then this is a detriment.
>
> We need a train the trainer course…to make sure the instructors know what the goals
>
> of the lessons are and there is discussion on rationale for the training. Everyone

should know not to show ego....Would I have the emotional wherewithal to be the example of the screw up and the things that you do not want to do? There are not many people willing to admit their errors, like people that lost, screwing around with people, or whatever. There are a lot of trainers that never tell it that way; they let their ego get in the way.

Jake offered that variance of ideas within training staff assists candidates:

There is variance of belief in lessons. Students get different views from different teachers. We are back to the broader issues of what the purpose was. Where do you sit? What do you think? And when they are back in the field, they are dealing with different supervisors. This variance helps the student see where they fit.

Aaron commented,

Trainers should be current, and know the lesson goals, and not forget they are there to train and assess. It isn't storytelling ego time; don't play with their heads for personal enjoyment, be positive....One guy convinced his team a course tradition was for students to buy the trainers lap dances. Well, he was never invited back. Some police forces don't have UC sections, so their trainers are not really experienced. A little knowledge is a dangerous type of thing. Portray your skills, know law, know techniques and psychology to qualify as an instructor, then defer to others with different experiences. Students respect that more than imposters.

Trainers who focus on personal stories or examples must do so with care to bring that event into full context. Dr. Salas notes,

Illustrations are good, they are like a zoom to zoom in, but do not forget about the big picture. People ask for examples and you use the zoom, something very specific, but

then put it into context of situations that they are in, or might face, or might

evolve....If you teach examples for particular situations, people learn more

immediately after training, but they are terrible in generalizing. But if you teach

principles, general things, they do not learn as much after training, but they can

generalize.

Paul's agency uses experienced UC operatives who require accreditation as trainers

before they act as trainers:

Our staff are accredited in training and assessing. So this is not just a case of

assessing people, but during assessment you're developing people as well. Give them

lots of feedback and give them a chance to show their skills and get them back on

track. This is a big part of the learning program....For the role players, it keeps skills

up and develops them. They are the ones doing the real hard jobs out there, and they

say, "I have learned stacks about just being a role player."

Contrast that attitude with the experience of a UC Course Delta candidate, Candidate

D100, who advised how his trainer addressed problem areas:

My first debriefing with my team leader consisted of him yelling at me, so I stopped

him and added up all the years of my police experience. I had more service than he

did and that mattered for him; things got better after that.

In contrast, a UC Course India candidate wrote this assessment of a trainer:

Sometimes critical of minor errors but rightly so, and never overly critical,

straightforward and fair and always challenging us to improve ideas, approaches and

skills. He never settled for "okay" or "good enough," which is great. Praise was not

overwhelming or ever present, but when you got it you knew it was deserved. We had

the freedom to stumble/succeed as we saw fit, which assisted us greatly in learning, rather than leading students around by the hand.

Debriefing.

One cannot simulate every experience operatives will encounter, so exercises must be put it into context. This involves extracting principles that candidates can apply to different situations so that they learn to deal with that specific situation, as well as know what to do in other situations with similar features. Dr Salas explains,

> You want to expose them to a number of events, and in the debriefing the emphasis has to be rich and deep. It has to guide and tell the trainee, otherwise a machine can do it, you know, "Great job." The way people learn to extract principles is in the debriefing process. Don't just think, "What did we do?" It must be structured and thought about, otherwise you are short-term learning.

Most UC instructors saw that if the time compromises of UC training, or personality of some UC trainers, forgoes debriefings, knowledge loss and misinterpretation occur in the courses. Most stated that debriefings are needed to draw out learning that occurred and must involve all candidates. As an example, Porsche stated,

> Lessons can be lost if they are not debriefed properly....Specific scenarios cover the pitfalls of the UC scenarios, but if they do not thoroughly debrief the thrust of the scenario is left as an individual situation instead of a global one....The debriefs that say, "Okay you can see what happened here, okay, next" is not helpful....If clueing in on really shiny or shitty things are the only ones that get fleshed out, the people doing good quiet things are not being brought out for others to say, "Boy, I didn't think of that."

Jake adds this information:

There is no point in UC training unless there are debriefings; practical orientation

training must come into perspective. They will walk away thinking that the training is

stupid unless trainers see if the value of what the student experienced lines up with

what the lesson was for the student.

Paul identified that the debriefings should involve a one-on-one debrief with the

operative. Following that, they return to the classroom to team debrief. He described that

after exercises we provide individual feedback, then do a classroom debriefing to talk

about what happened: "Okay, talk about a good point and a bad point." Every student

talks about something good or bad they did. For example, if they say what went really

well, I'll ask, "Is there anything that you can improve upon?" If they say, "No, not

really," I'll say, "Okay, what about this time in the role play when you did this?" And

they say, "Okay, yeah." So in a nice way we discuss pros and cons. I go around the

group and anything that is missed is picked up by the assessors and the role players.

Training or assessment.

The balance between training and assessing, or providing information and finding UC

competency, is an important part of the course. Which is placed ahead of the other provides

for some controversy within UC trainers. UC trainers viewed training and competency

assessment as a dual purpose, co-existing practice. This was echoed by interviews of

academics and candidates. At odds, however, were the ratios and dimensions of assessment

vis-à-vis training. Two UC trainers favoured learning over assessment, one saw them as

equal, whereas three favoured assessment. Paul commented,

I am inclined to say that they are equal; our philosophy is that we teach them, then assess them, then develop, and then re-assess the student. We would never assess you if we haven't told you something about it. We will teach you first, then assess you and then debrief, develop, and reassess you; continually in training, debrief, fine tune and assess, until it gets to the stage where you are not good enough and you have failed.

Aaron had this to say about training versus assessment:

Assessment is the priority. The screening interview finds prerequisite skills for UC training. Properly done, you interview three students per day. It is an exhausting mini-course. Once through that and a psych test, then the course is where we assess. Assessment is seeing what they do with information. Military model of break 'em down and build 'em up is similar but not as extreme. A UC course finds inadequacies; we also assess how they deal with problems and information.

Another trainer, Syd, saw that assessment and training was ongoing and went beyond the course:

You need to identify people that are just not good with UC, but also identify people that are doing fine right now but are going to need maybe two months of officer coaching as mentors and they will be fine. You look at both [training and assessment] and who you need to weed out and who needs more hands-on training.

From this I conclude that training and assessment are equal partners in UC training. One might trump the other at times, but the course requires careful delivery of both tools to ensure that the UC candidate gets the most opportunity to develop.

Third Area of Findings: Operative Psychology

    Operative health.

    I have attempted in the literature review to show the mental injury that can occur for

the UCO. Stories, however, far better illustrate the issue. Jake describes identity disturbance

that is brought in the form of a story:

> During a long-term project, a UCO is required to be a flight attendant dealing with
>
> pilots and flight attendants. He spends his time doing the work and at the end of the
>
> project, he leaves his family and buys a condo near the airport where flight attendants
>
> and pilots live. He was so immersed that he lost sight of who he was. In that job he
>
> set himself up as an object—"Look at me, I am a flight attendant."...If my subjectivity
>
> gets caught up in that object position, I become the actor lost in my role....I lose my
>
> sense of self; my self is attached to that object position of "Here, please look at me." I
>
> teach people to pretend and not to become. I teach not to be bad, but to think like the
>
> bad. You do not become the bad guy or become a drug dealer to buy drugs. If
>
> someone sells drugs to me, then they have accepted me as a drug dealer, but I am not
>
> a drug dealer.

    He also adds commentary on the UC character that experiences the dissonance of

loyalty, the befriending of suspects and then ultimate betrayal. Jake has come to experience

this within his range of deep cover experiences:

> The project comes down and they get arrested; you betray a person who you might
>
> think is a nice enough guy. That is going to carry over. How is that going to get sorted
>
> out in the mind, [the] conscious or unconscious mind? What becomes the vent, what
>
> behaviour manifests as a result? If we can think about that and realize that it's normal

to feel connected to targets, we realize that there may be some emotional content to the end of a project. We can think about it and bring the emotive into a rational space. Perhaps if we select good people and they get exposed to some training, they can self-critique and can come out of it having done a job that is unpleasant but may also be a great rush, a great thrill. You're going into the unknown area and hope that they do not figure you out and if they do, you might get hurt. It's a great rush, it's like a runner's high; the body kicks it in and it gets to be good, like a runner's high, or a heroin user feeling the rush, jamming the heroin in. For the UCO, the rush is the adrenaline—controlling that, inside going 800 miles an hour but outwardly you're calm and relaxed, you're thinking, "Can I get this contraband for cheaper to look like I fit, not look like a dupe and still catch my guy?" I wonder if that's a physiological response to UC work that we are not thinking about, or recognized or spoken about....We need to get students to think about that and self assess and prevent going down a road they do not want to go down.... They are able to say to themselves, "I have these feelings going on. How am I going to deal with them appropriately?"

Aaron supported this with his stories of infiltration:

We basically lived with the guy for eight months on and off. He was a criminal, no confusion there, but he was hilarious, lots of fun to be with, kind and generous. We had a key to his house, ate with him, went to parties; crime was a small part of it. We took him down; as it is said, everyone celebrated, told us what a great job we did, wow, but I felt bad for him—he was going to jail. We put him there, this criminal who happened to be likeable. It took a while to organize that, and I hid that emotion from uniformed cops. But compassion isn't a weakness, we didn't suppress evidence

to help him, we did what was required. I see it as my strength. Operators that see in black and white—do not get into people like that.

Av added that the UC position requires a personal stress management system and an alliance with other trusted operatives who know similar feelings of isolation, betrayal, and stress from the occupation, as well as the frustration of being within a system that does not recognize this stress.

I step out of my box, I go to flea markets and malls. I stay engaged with people. We want to go and hide after a project, and wait for the next one, but by staying engaged it keeps you networking and out there. You tend to lose relationships with peers; you're not as bad as internal affairs, but you're the next one down. A lot of your isolation ends relationships because your anonymity becomes a precious commodity. You don't maintain professional and personal relationships. How many close friends do you have? And as an extrovert that hurts. So good covert guys find a place to vent; people to talk to. Find those few that you can trust and to talk to. That is critical to a successful career. Lots of people retire bitter because of frustration with the system, and inability to cope with being an operative in a bureaucracy.

Jake adds,

When I look at my long-term UC file, I could have gone off the rails, gone sour, and they would not have known. I could have got involved in contraband and drug use. But I do not see $100 as an opportunity for $100 in my pocket; I see someone is out $100 and we should try and get it back to them. So if training includes assessment, we may do better in selecting people who will be able to deal with situations, where one sees it as the job and what role do I need to do in order to do the service.

Stress exposure training, and the level of stress imposed on candidates, becomes the debate in design of undercover training. Stress exposure is embedded into certain exercises but also by default, the course is taxing in many ways.

Course notes recovered candidates reporting that the false or non-existent syllabuses; the erratic, extended schedules; lack of sleep; and other factors conspired to press upon their coping skills, while the actual scenario training created obvious stress. The constant uncertainty and suspiciousness of what will happen next is typically met with a guarded candidate. After a few days, they seem to relax into this state of unknowing and take in the experience. This in fact matches with my view of the emotional state of the operative while investigating: the expert operative begins all operations with a sense of caution while diverting outward nervousness onto obvious explanations.

Josh, a successful undercover candidate, stated that for him, the stress experienced while trained led to a realization in UC practice:

As I progressed through the course, I realized that as long as I could objectively understand the tasks and synthesize what was happening to me and how my personality can deal with the psychological stressors, I was OK. Although the stressors were there, it wasn't too difficult to treat the roles as just roles I was playing, and separate it from who I was internally.

From course notes, I retrieved comments paraphrased from UC candidates during the course. UC Course Charlie, Candidate C101, said that he thought this course could be delivered to CEOs or Outward Bound. He found it empowering to learn to handle problems, team building, and stress management. He wouldn't want to do it again, but he was sure glad he did it. UC Course Charlie, Candidate C102, said that he had some wild dreams and that

candidates talked about why they were having these dreams. They would have liked to have received some information on that. From UC Course Charlie, candidate C100, came this comment:

> Who knows what's coming, you just know you're going to fall on your face in front of everyone. That is probably good. The stress changes you; you just say, "Okay, what's next?" You learn to see things different after a while.

Fitzgerald furthered the Farkas (1989) study into Honolulu Police UCOs. Within the research phase, she attended investigation scenes such as bars and night clubs with operatives. Her observations of interactions of operatives with suspects informed her research findings. Fitzgerald comments that in training,

> I would give them [the] maximum amount of stress that I could. In the real world they are going to have a lot of stress. Some can't hold up perfect; others thrive on it. Put them under stress—it impairs some learning, but after training they work in the real world and have to act almost without thinking. Like any new job, you get lost in the fog, but after a few years, you know everything and don't have to think about it. This is the reaction that you want for UC; you want them to learn under stress so they are good at it, so the stress does not even phase them. You don't want them making mistakes out there.

She also adds that the operative needs not only stress training, but stress relief—a confidential and organization-supported expert who can talk with operatives. Operatives may resist or fear formalized assistance, being suspicious of sanctions imposed on officers who self report mental disturbances. She listed an incident of officer's alcohol abuse and potential for corruption, as well as a relaxed supervision style to further compound the problem.

Stress training attempts to inoculate the candidate from real world stress events by placing the candidate into situations of stress similar to that terrain. Salas identified that people react differently to levels of stress:

> Poor teams under stress give up and say, "Okay, you tell me what to do." They narrow the scope of what they are looking at, don't pay attention to cues on the side....Some people can tolerate a lot of stress and some can tolerate nothing and it gives you an idea of what they can do. So expose them to the environment that they are going to be in and generate principles and examples.

Fatigue, however, has been a common complaint of UC candidates. UC trainer Jake states, "The biggest change was that we eliminated the lack of sleep. It was a constant complaint by candidates as a learning impediment. We stress them out, but not with fatigue." This is typified by a comment made by Aaron, a UC course instructor:

> There are long days, long nights, and high stress. You keep challenging them; try to catch them unaware, unprepared, and surprised. Some cops have several years of policing but no street smarts. They take longer to develop before adding stress. Those that are skilled, you maximize their stress right off the hop, and keep it up till you see some reaction. Everyone gets tired, diarrhea, wild dreams, stressed out, so you assess them in that same condition but they know their capabilities....Now get them rested and start training. It is a power game. Just let them feel what it is like, tough love training. What if conditions exist that they have to spend a lot of time with a criminal? They need to know stress and fatigue while in role.

Paul suggests that stress training requires that some scenarios run for several hours in an evolving scenario of higher and more complex decision-making skills. Paul states, "We

treat it like a real job [technique omitted] and at the end of the day that is so stressful they are absolutely exhausted."

Av states,

[At a] UC course…true personas come out. If you're tired and hungry, you are down to the great equalizer. Stress and fatigue are important, as it is the true barometer in personality assessment. They fight through it…just like in the real investigations….Under stress the students self evaluate a lot more. They see their weakness and say, "I won't do that again. I screwed up."

Aaron adds this: "We as trainers keep pace with the students and never get as tired. They get run down from the constant mental gymnastics, and we already know what is going to unfold. That tires them out."

Observation and interviews of candidates taking a UC course revealed that many report changes to sleep patterns and affects to the soma such as illness, flaring of old injuries, and susceptibility to colds and other viruses. The most common symptoms of stress candidates complained of were digestive problems, or diarrhea, which most attributed to cafeteria food. On four occasions, discussions with candidates revealed that they were unaware that the stress of false impressions, training, and extended training hours played the significant role in this physiological response. All accepted, once explained, that this was the likely cause. This illustrates the need for stress and psychological information to be provided within a course of study.

From observation, I know that hundreds of officers from numerous agencies have successfully navigated the UC course. Most see it as a highlight to a career, but it must be stated that stress exposure training involves some risk. Apportioned across candidates, each

deals with stress on a personal level. Some candidates lose rationality or common sense thinking skills. The UC Course Bravo notes include this excerpt:

> Bernie's watch was taken from him and we told him he would be required to telephone an instructor exactly every half hour while in a scenario. Despite being in a barroom where numerous patrons wear time pieces and clocks are on the wall, Bernie kept asking how would he know [when to report]. His quick wit and intelligence seems to be taxed. Stress affecting his ability first noted when he commented that a bag lady on the street might be a surveillance team member.

This is from the UC Course Foxtrot notes: "Chris told me that last night Brad was sitting at the table, screaming, loudly accusing others that there was a 'mole' [a UC operative infiltrating the classroom] in the group reporting back to the team leaders." Similarly, there is this notation from the UC Course India notes:

> Observations of Gary: He denied existence of the Controlled Drugs and Substances Act, claimed the surveillance lecture was fake, and asks questions completely off topic. He told me that the entire day was an instructor-led scenario to test candidates' ability to see fakery. Passive aggressive, reserved from his normally jovial self, quiet unless being critical of others.

These behaviours were observed after the candidates were tired, after significant stress scenarios, and after experiencing difficulty within the scenario or exercise. This again seems relative to UC operations, where real and perceived stress factors conspire to frustrate operatives. Training, therefore, offers the candidate memory of events where emotional intelligence was significantly reduced, as well as identifies those who are not able to function within a stressful environment.

Training, however, requires a constant vigilance on all candidates' outward expressions of stress. While rest and removal from the stressful environment resulted in candidates' return to normal, some have been provided psychological and peer support in order to understand their reactions and to further explore their inclusion into the UC program.

In Paul's course, department psychologists and psychiatrists assist with the course delivery to respond to the severe traumas that are instigated within the course. As well, they lecture on stress to implement an operative early warning system when deployed:

> They get pre-course stuff on the operative health and a two-hour lecture from a
>
> forensic psychologist, and second week three-hour forensic psychiatrist lecture [from
>
> a psychiatrist] who has treated a number of ex-operators over the years, where things
>
> went wrong. And then, in the re-accreditation training, they get extra presentations
>
> about how to identify stress indicators and every guy, even the guys doing one or two
>
> jobs a year, get an interview with a supervisor and some questions are there to
>
> identify post traumatic stress disorder.

My long-term exposure to undercover officers informs me that many operatives are positively affected by UC experiences and can function at a high level during times of stress. A stable operative personality is essential. A stable personality is also supported by organizational care of operatives and an operative's personal stress management system— one that is neither half-hearted nor considers stress susceptibility as a weakness.

Av, although some might see this statement as bravado, comments on the tough-minded and stress tolerant character of some UC operatives:

I would rather take a covert UCO than someone that is not, because a UC can handle stress better. They think; they see more ahead of time. The basic premise of a covert guy is lead, follow, or get the hell out the way.

Jake sees UC stress as a factor on operatives' ability to perceive reality in their personal lives. He recognizes that some operatives exiting covert work may experience certain stresses that bleed into their personal lives. As such, the operative needs to have a reflective skill set to reorganize and evaluate the current reality from the false presentation of a recently completed investigation:

If we lose our stability and we are just floating, we almost need to hunt and by fluke find stability in stepping away from [where it is] stable. It is about thinking about what is important and realizing that your marriage isn't to be maintained at all costs, but that the feelings that you are having might be in relation partly resulting from your work. Don't act too quickly. Maybe the thinking is correct or maybe those feelings will pass and you will reconnect to your stability, although in the moment you did not think so.

Decision making.

It is important to relay examples of decision making to the reader to demonstrate the condition of UC operative stress while remaining cloaked in false presentation. I include two stories that have been relayed to undercover training classes to illustrate the critical thinking and time-stressed decision making of the operative. I recorded this experience of an on-the-job trained operative, which he told to me on the telephone:

I started the investigation before the UC course. They were poaching black bears for a market. When I got back, I met the targets at a residence and began where I left off. A

new guy is there—I don't know him, he asks for a ride home. He starts telling me he

is suspicious and pulls out a gun, points it at me and tells me to park. He says he was

busted by a UC once and begins to ask questions about my vehicle, the motor, the

price, the year. He asks where I live, what I do, all at gun point. He orders me to take

off my shirt, checks for a wire, and keeps up on the questions. He finally decides I am

not the police [technique omitted].

The operative is at this point a hostage and plays a convincing role in gaining his

freedom. The individual clearly has capacity for violence; he thought that he was dealing

with the police and took a very aggressive, if not irrational, investigation to make a

determination for himself. His previous UC learning experiences as a target provides further

problems for the operative. This operative remained in role despite an extremely precarious

position. He convinced the criminal that he was not affiliated with law enforcement and

attributes UC training as the only instrument available to him to save his life. He, however,

never did another UC project again.

On Course Juliet, another UC decision-making event was related as follows:

We were in a trailer late one evening when we heard a truck drive in—the suspects—

but we can't see the parking lot from inside the trailer. My partner went out to talk

with them. They had stolen some guns but could not get one of them unloaded, so

they are asking for help. In the process of showing the gun to my partner, boom, the

gun goes off. All I heard was the rifle shot and then some moaning—I can't see from

in the trailer. I thought they had shot my partner, so they know I'm in the trailer. We

had a shotgun and I load it and hide in a room where I could point it at the front door.

I lay in a position to shoot, concealed by a bed. The door opens and as I aim, my

partner walks in. I put the gun down and come out. He didn't see me under the bed.

He told me the story about the bullet hole in their vehicle, the stolen guns. I never told

him about what I did, not for several years after.

This example typifies one of the critical errors of UC operations that leads to injury or

death—"drawing inaccurate conclusions from accurate observations" (Wade, 1990, p. 16).

This seems to be such an event: the officer accurately concludes that a rifle shot occurred, but

believed that it related to police homicide and not an accidental discharge. The officer's

safety required that he take immediate action, followed by new observations and conclusions

to strategize. Luckily, his ensuing observations corrected his first assumption. Another

noteworthy comment to add is that this officer did not reveal his actions and beliefs for

several years after the event.

Aaron makes this comment in regards to training for the art of the proper decision:

We put them in emergencies, we tell them stories of emergencies and try and bring it

out to wide ideas about officer safety. Emergencies to me mean officer safety, so a

case is not the issue—getting people out is. So we practice retreat. Most cops are

trained to run toward danger. UCs need to learn to leave. They are alone, so don't be

stupid, and the bad guy could care less who you are.

Jake makes a similar comment of training the operative for emergency decisions

involving violence:

We put them in a scenario where they think, "I shouldn't be here," and pay a

consequence. They begin to see risk as [their] decision, get a sense of what [they] will

and won't do.…We teach them how to fight their way out and hope it works, that it is

a necessity thing....UC people do not go down, because we tend to get people that

tolerate risk. In a terrible situation, it is whatever you can do to get out.

Paul adds this perspective:

During a scenario, [we assess] how they handle personal safety and scenarios always

change within the scenario—like a role player saying, "Get in my car and we're going

for a drive," just to test decision making on the spot. We know the safety

parameters...and we get the role player to throw in some contingencies that they

never thought about, so we see how they think on their feet.

Paul instructs a particularly dramatic, long scenario to train for emergency decision

making. A team of scenario actors (UC officers) act as violent criminals while the candidate

operative has to make choices and take action amid the hostility. Paul comments,

After the scenario people say, "I really believed that I was going to get shot in there."

We throw in that stressful environment to see if they can handle an environment like

that. We had one guy want to quit [the course]. Once a girl jumped up and ran out—

that was a good reaction, a smart move, because she had been called out telling white

lies and was in serious trouble, and she started to run. That was good. We do a lot of

debrief after and the [psychologist] sees them to say, "Look, that was mentally and

horribly confronting and here is why they did it. We have to assess it and you handled

it well." And we play the video and say, "Look, there is some good stuff there. You

might think that you're shaking, but listen to some of the things that you are saying

and doing—some good things there." If they are, and most go surprisingly well, but

that might be because we do a case study [prior], where they see a real job, a very

confronting case study, where operatives are getting car windows bashed by targets

and they're yelling, "You get out of that car and we'll blow your [expletive] head off."...So they have an idea on how to deal with it when it comes up.

Trainers treat decision-making skills as a competency. One method that arose as an appropriate tool to implement decision making into the UC course was identified by Dr. Salas. He pointed out that in the ambiguous and novel circumstance of UC work, operatives are not trying to make the right decisions, but rather trying to make the decision right. This focus is a consistent process to improve the way operatives process information and make decisions. Absolutes or ground proof answers are disruptive, because ten subject matter experts will create ten solutions, all of which will create positive outcomes. Like the reflective practitioner, Dr. Salas describes critical or meta-cognitive strategies as "how much do you know about what you know?" Salas suggests an exercise called "crystal ball technique":

> We go so far into an exercise and then it stops, and we say, "What would you do now?" And they say, "Well, I think I can do x, y, z." And we say, "Well, crystal ball says no, it says do z, a, b, and here is why." And then the scenario keeps going and this technique allows people to continue thinking about their own thinking and question what they know; we call that critical thinking. And the value... is to continually challenge the assumptions and stories that people create in their mind about a situation. If the crystal ball as a subject expert says this, hopefully [the] trainee will see that and when they go back and train some more this builds critical thinking skills.

The approach of the reflection-in-action and meta-cognitive strategies seems essential to anyone in occupations where there is a high consequence of error. Since these skills

require development and are not instinctual, this furthers adds to the need for training in

addition to assessment.

Study Conclusions and Recommendations

The goal of this thesis is to seek enhancements and not to remake or repair a training

course that is already acceptable. The essence of the enhancements is to gain the highest

standard of practice for UC work with respect to its numerous risks and vulnerabilities. These

conclusions and recommendations are offered in that spirit.

Theme A: Course Efficacy (Balance, Liability, Operative Selection)

Balance Conclusions: Due to the many tensions within UC law enforcement,

operatives require some philosophical and social knowledge of their place, as an instrument

to assist society by solving crimes. This is not to equip every operative to act as social

consciousness, but to have an internal barometer that guides his or her actions. Just as

solutions to social problems are equally vague, debating these issues can be meaningful.

While shop floor technicality (the purist utilitarianism) can cut off reason (Saul, 2001),

debates into the operatives' reality assists them to find their place. I conclude that lecture

time, although required to transfer practical information, should offer some psychology,

sociology, ethics, and corruption information. I recognize the UC course does not have

purview to dominate with political topics, nor do many in the law enforcement profession

yen for sorting the quagmire of social ideology. Cops are, however, far brighter than some

give them credit for. Placing this topic of social and interpersonal balance into a course

incubates the ideas and informs opinion, and as it enters everyday vocabulary, it becomes a

norm. I feel that this, coupled with positive behaviours of leaders, will provide the rudder to

steer UC practice toward one where the community fully supports and recognizes UC value.

Balance Recommendations: Institute a discussion lecture that addresses negative and positive consequences of UC work, identifies the importance of public perception, and speaks to fallacies, liabilities, vulnerabilities, tunnel vision, strengths, and weaknesses of covert work. Discuss ethics, corruption, and general balance of operative actions in scenarios as well as personal lifestyle.

Liability Conclusions: Law enforcement liability is ever widening, and the employ of untrained UC operatives exposes the agency. Training is especially important to create prudence. Prudence "is the power to anticipate experience by means of the recollection of what has gone before" (Oakeshott, 1991, p. 241) and the quickest route to prudence, according to Socrates' associate Xenophon, is through training (as cited by Saul, 2001). If we accept this age old knowledge and that undercover work is a high-risk activity, then the law enforcement community should institute a policy that limits the use of untrained operatives, and encourages standardized UC training, and advanced, ongoing training.

Liability Recommendation: Institute a policy that limits the used of untrained operatives and encourages UC training.

Operative Selection Conclusions: Operative selection should not be predicated on a look, culture, or ethnicity. Further, successful patrol officers may encounter difficulty as UC operatives. A best practice requires UC candidate intake by psychological instruments wielded by competent psychologists and an extensive screening interview process. Properly done, experienced operatives interviewing future candidates will identify suitable people by selecting those with a positive attitude and potential. Thus, selection is a stabilizing activity to the UC program and must be exhaustive.

Operative Selection Recommendations: Developing a training seminar for police managers to identify potential candidates on the basis of UC skill will improve operative selection and the UC cohort. Providing information to line supervisors and executives to illustrate the need for comprehensive operative selection and the pitfalls of inexperienced and untrained operatives will benefit agencies.

Theme B: Course Design (Experiential Learning and Scenario Design, Trainers, Debriefing, Training or Assessment)

Experiential Learning and Scenario Design Conclusions: Scenario teaching events are best instituted through time extended, in-depth, and evolving reality-based scenarios. UC operatives acting as criminals are preferable to the real environment. Mock-ups or reality based scenarios accurately assess, control, and introduce key UC environment features. Assessors watching the scenario can monitor and assess the trainee as the scenarios evolve and introduce new and multiple problems for the operative. These can then be assessed immediately after each event to guide the trainee. Scenario-placed exercises in bars and malls dealing with real people allow for essential practice and skill development opportunities. These exercises must be carefully monitored to ensure that candidates learn the correct things, and any erroneous conclusions are corrected through debriefings.

Experiential Learning and Scenario Design Recommendations: Develop complex, evolving, reality-based scenarios that are time extended, and have an assessment tool which accurately identifies noteworthy undercover skills, tenants, and systems. Allow for scenario-placed events after significant reality-based training occurs.

Trainers Conclusions: Trainers are valued, and are essential to model behaviours important to UC work. They must take care not to exhibit ego or grandeur. Their storytelling

experiences should be offered to generalize and to offer principles. This equips the student with both long- and short-term learning strategies.

Trainers Recommendation: Continue the use of experienced operatives, who are selected due to their teaching abilities, leadership skills, diverse UC experiences, and provide knowledge as to the training exercise rationale.

Debriefing Conclusions: Debriefings must be extensive, despite the conflict with lecture time. Debriefing discovers what students have learned and makes sense of what they have experienced in reality-placed events. The key is to provide information ahead of the exercises, and then to debrief all parts of the training event systematically, exhaustively, and inclusively. Debriefing then allows for reflective learning and develops the debriefing skill as one of a long-term strategy. Debriefings need to expand the specific learning example outward to consider the many situations that an operative may encounter. Community debriefings are essential to provide numerous lessons to the UC trainee population, and to provide the widest margins of learning through vicarious experience.

Debriefing Recommendations: Ensure time is available within the training to allow for wide and extensive debriefing. Provide trainers information on purposeful and extensive debriefings, as well as methods to extract and involve the entire UC candidate class in discussion. Since debriefing becomes part of the candidate assessment, all trainers, assessors, and actors need to participate in debriefings with the candidates. Immediate debriefing with candidates in individual situations and small team situations is also important to correct errors and encourage positive actions.

Training or Assessment Conclusions: Training and assessment are coexisting and mutually supportive functions within the course; it is not necessary to view these functions as

separate. By their nature, scenario-based training and lecture are heavily weighted towards teaching skills, while the reality-placed events are weighted towards assessment or certification of the operative. Reality-placed exercises provide the operative with opportunity for practice and self-directed learning.

Reality-placed training does not guide the candidate while within the event. Guidance, diagnosis, correction, and self-correction occur after the fact. This debriefing training tool is, however, a powerfully rich method for many candidates to hear of a learning event that a particular candidate experienced, as well as the reactions of others who encountered that event. Consider that a candidate enters a barroom and encounters an individual who offers the candidate stolen property, and in that event, questions the candidate aggressively as to his or her identity. Other candidates within the barroom will also observe body language, and may position themselves to assist the officer should an issue of officer safety arise, or overhear the exchange and may also alert others to the event. A debriefing, property conducted, hears all candidates and what they were thinking, what happened, and what they learned from this event. Alternatives and discussion are furthered by other candidates, while trainers can provide yet further guidance. This identifies talent and also identifies those who need further training.

Theme C: Operative Psychology (Operative Health, Decision Making)

Operative Health Conclusions: The UC practice produces significant stress and psychological impact onto operatives. Experiential training provides some simulation of these dangers that affect operatives in real life. Despite the challenge to teach operatives UC skills, it is these mental injuries that loom most serious. Therefore, the operative needs to be equipped with lectures in psychology, stress management, and operative health. This

cornerstone should be explicit in lecture, but also woven into other portions of the training.

Further, the operative requires a self-critique system in order to measure individual health.

This is not a substitute to eliminate professional psychological care, but serves as a barometer

for the operative to measure changes in his or her mental health and see a need for necessary

treatment.

Operative Health Recommendations: Offer a psychologist lecture to operatives

coupled with experienced operatives discussing stress management and examples of UC

mental injury. Given the considerable psychosomatic responses within the course, this lecture

would have impact on the students if presented midway thought the syllabus. Offer the

students instruments to measure their psychological health.

Decision Making Conclusions: This area of training requires that the operative be

exposed to decision making while under a stressful environment. Equipping the operative to

understand and accept fear's impact, as well as negotiate through novel, surprising, and

ambiguous events requires training. This again can only be addressed adequately though

reality-based scenarios and is further assisted through storytelling.

Decision Making Recommendations: Involve the trainee in evolving, time-

extended, and emergency decision-making exercises. Utilize the debriefing to expose the

candidates to a wide range of similar problems experienced by other candidates. Provide

some storytelling illustrations to provide a foundation for proper decision making. Reality-

placed exercises allow the student to imagine and practice emergencies in the real

environment.

Chapter Five – Research Implications

Organization Implementation

This major project provides justification for the UC training rationale. It may provide information to the police community that the UC operative is as worthy of professional status as other law enforcement specialty sections. It adds, I hope, empirical data on the UC discipline that is currently lacking from academic literature and more accurately describes UC work in Canada. My hope is that law enforcement trainers view this thesis as a beginning to enhancing and improving UC training, and with it, advance UC practice to higher levels.

The effective course should not be measured by instructors espousing their course as exceptional, nor students holding it in equally high regard. The test should be that the training regimen meets the diverse needs of UC operations, is current, and is comparatively as sound as other agencies similarly situated.

Just as many martial art systems claim to know the "way," few convincingly articulate or demonstrate superiority in practical terms. Describing UC discipline is equally vague. What should matter most is to ensure operatives exit UC work with the same state of mental health as they had when they entered, and that their time within UC practice is highlighted with accomplishments to benefit society. Beyond that, I do feel the UC response to crime is somewhat of a gauge into society's aberrations.

If this thesis is a beginning, then other operatives should have equal input to any enhancement plans. Additions may require that something will be removed, and this could impact time, cost, and prioritizing. Agencies such as the Justice Institute of British Columbia may glean a few items from the information provided in this study to assist their course.

Most important, law enforcement agencies will see significant comment from US, Canada, and Australia proving that UC training is essential to safe and effective UC work.

A theme that emerged from the interviews was that most, if not all, field level UC officers feel that the requirement for UC training is not shared equally by some police executives. This seemed to be borne not from mistrust of police executives, but a belief that they misunderstand or misinterpret the need. To assist in resolving that situation, I suggest a presentation to the police chiefs on UC training and UC potential. This would also provide some meaningful feedback to operatives on the many other priorities that managers face.

It would be equally prudent for UC course managers to train the trainers. This requires dialogue on course design, goals, and objectives of exercises. Trainers would benefit from empirical data specific to the paradox of training in reality-based scenarios or by reality-placed exercises. Compelling is the positive and measurable effect of scenario-based training. The UC trainer and candidate preference for scenario-placed exercises suggests this method is equally valid but needs to be better understood between student and trainer. Balancing the placement of these training tools is essential, as is juxtaposing lectures around those scenarios. UC trainers, like UC supervisors, will always have preferences of one technique over the other, but it is that debate, where the knowledge of scenario training principles, debriefing, and assessment skills crystallizes, that will develop a learning culture.

One further implementation that would enhance UC training would be for UC trainers to develop an accurate instrument to assess UC scenarios. At present, most course measure behaviours and outcome. The training, however, occurs in an environment with few controls for measurement of learning. Trainers should extract and assess the skills and knowledge demonstrated by candidates within scenarios, not just attitude and results. Designing an

instrument that breaks UC practice into elements and components could be used as a tool to generate competency benchmarks for UC training.

The main implication of failing to implement these study findings, or debate them, is a lost opportunity to identify best practices. Ideas can be implemented slowly with hesitation and discussion. To design a UC course, one considers essential and prerequisite candidate knowledge. Thus, I will not labour into points of policy or specific police skills. The one point that I see as a major zone of danger for a UC operative is corruption and mental health susceptibility. I believe ethics training and mental health/stress management training is essential. Yet, in the interview process, some fully endorsed such training; others felt it implied the operative is not trustworthy. The point is not to insult, nor spoon feed, but to provide meaningful information that the operative may not have, and may not feel comfortable in asking. Thus, implementation requires that the training teams discuss and measure the levels and introduction of such training topics.

Future Research

Society's contours are ever changing; research opportunities become infinite. In the UC realm, criminal enterprises exact a negative influence on society; police and UC operations morph and change to protect society. A deluge of reality television shows, scam artists, and media outlets bombard people with false presentations. People are educated to identify the lies. UC techniques that worked convincingly on criminals ten years ago now are easily seen as a ruse. The answer is not to get more outrageous but more subtle.

Individuals within a free society will always want protection from crime and access to due process. This interrelation is immeasurable, not one in triumph over the other, but in constant updates of democratic process. As the UC operative poises in both of these spheres,

the issue is one of special poignancy and symbolism for the society we have become (Marx, 1992).

I return to the example of Finland's frustration of UC operations catching small fish while big fish swim away. This has inspired a Ministry of Interior proposal to allow UC agents to commit crimes to increase police possibilities in infiltrating criminal groups (Helsingin Sanomat, 2004). This considerable deviation from European conservative control on the UC operative may be due to increased unification and developing EU commerce allowing for ease of transnational organized crime. Attempting to ensure equivalent criminal law protections to all citizens, the EU wrestles with developing investigative tools and judicial instruments to protect the population from organized crime (EUROPA Freedom, Security, & Justice, n.d.). It would be interesting to see research monitoring this phenomenon of legislative and state authority change currently evolving in Europe, Canada, and Australia.

Equally illustrative is Canada's Bill C-24, which consequentially amended the Criminal Code of Canada to provide for police operational immunity to commit acts otherwise considered illegal—in other words, to break the law in the name of law enforcement. C-24 provides tougher sentences for organized crime, expands and clarifies the definition of a criminal organization, and broadens police power to address money laundering (Department of Justice, 2003). This response to a crime problem has its detractors, but I am confident further research would find the police are acting responsibly, in good faith, and are respectful to new powers with full recognition that the Charter remains substantive law. Police are of the view that further restrictions to their operational bandwidth results not in greater democracy, but in higher freedoms for criminal groups. Some mention is needed, although I can find little, on this phenomenon of the positive impacts of increasing

police powers amid rational monitoring schemes. Media and social libertarians seem to hold all increases as a slip toward totalitarianism, yet I fail to see how increased police powers in this age of interconnection and civil torts can affect the innocent public.

I contend that the police meet crime with reserved and calculated legal force. As society demands freedom, they implicitly tolerate some criminal agency to exist, but to date, and by most accounts, crime organizations flourish. Significant is law enforcement in Quebec disrupting outlaw motorcycle clubs (Criminal Intelligence Service of Canada, 2001). British Columbia is considered a hub for money laundering and other signature organized crime offences (Ryan, 2003), despite equally hard working and inventive police forces focused on the problem. Perhaps the Quebec accomplishment can be attributed to a previous apathetic community demanding action after a child became a collateral fatality of a Montreal street bombing near a biker hangout (Canadian Broadcasting Corporation News, March 2, 2004), or to a less encumbered policing system. Regardless, the results are obvious and there for scrutiny.

Further inspection reveals other topical developments:

- An increase of Internet postings showing digital images of US undercover officers monitoring public demonstrations. As one interviewee told me, "I have been thinking that you or me, we will likely be killed through the Internet."

- A recent Montana undercover drug investigation in a Kalispell high school jailed 11 students trafficking in drugs; the officer cadet, portraying a troubled teen, described the operation "way too easy" (G. Tuttle, 2004, p. 22).

- New Zealand police have recently had several UC agents come forward to state they were improperly trained, and their perjury and drug use resulted in wrongful convictions and negatively impacted their personal lives ("Officers say," 2004).

- Alberta's undercover wildlife officers testify through use of a pseudonym for regulatory natural resource crimes, ones that carry sentences of imprisonment. I can find no other judicial authority in Canada with an appetite for this practice.

It seems there are significant sociological issues upon which researchers can pivot, not the least of which is the impact of organized crime and the state, police, and judicial response to it. Research into UC practice is nowhere near saturation; we are not even damp. The majority of previous research has revolved on agent mental disturbances, who then became the latest wares of psychologists seeking industry. The foundations supplied by Marx (1988) and Fijnaut and Marx (1995) have not been advanced substantially. I feel developing research into undercover operations serves as a barometer for society and offers unique sociological perspectives. Basically, if you want to know the health of your country, find out what is taking up the time of the police.

Some suggest undercover practice is like any other public safety element. I respectfully beg to differ, and suggest it is only closely related. For law enforcers, the UC combination of false persona and identity, apparently powerless social position, time-stressed decision making, and potential victimization, as a partial list, makes it a unique discipline. They are deployed where the uniformed officer cannot have an effect. Other police sectors have an authentic experience; operatives conceal and bottle. I am not trying to vault the operative into a special zone of society; quite the contrary. I say only that they are an untapped zone of research potential. Most interesting to my eye is watching human agency

within the undercover operative; the personal, collective and proxy, dealing with volition, empowerment, choice, foretelling future events, forestalling undesired events, incentive, power dynamics, etc. Such a study could not only integrate several levels of emotional research and open windows to understanding human behaviour, but also add to practical knowledge on why mental casualties can be proportionally high in UC work.

The UCO manages several personas, and working along lines of impression management, deals with a unique subdivision of human agency. Emotional and psychological disturbance research into undercover work has not paid enough heed to this intrapersonal dilemma. Stress, widely held as the cause of or correlation to operative ill health, is incomplete without a more complete understanding of this issue.

Research is required regarding UC operatives as investigative aids as opposed to the primary tool to discover suspected crimes. Covert interviewing in the custodial environment or solving historic crimes, such as unsolved murders, has served to catch responsible parties and exonerated others. The protection of these UC investigative techniques from dissemination and media attraction is imperative, since such techniques follow a predictable pattern for watchful suspects to be on the lookout for. Research is needed to measure the society's tolerance for media bans on certain UC techniques. Complex UC techniques are reserved for complex crimes, and if advertised, they are no longer effective. With proper monitoring systems in place, these methods do not subvert democratic process, but infiltrate suspects that would otherwise go free. These are not cases of light crime and idle cops entertaining themselves, but are in regard to heinous offences where the public expects police to react with complete effort. Protection of the UC technique is a long term strategy to solving these types of crime.

Chapter Six – Lessons Learned

"We are at any moment those who separate the connected and connect the separate."

(Simmel, 1994, p. 5).

Initially dubious of action research, I have come to see it as worthy of prominence in

the social science paradigm. Action research has a fundamental sociability and tolerates

evolving, multi-dimensional, intractable problems (Greenwood, 2003). Action research

includes people into the messiness of problems, collects ideas from those who know, and

renovates critical situations. It also retains the humanistic flavour that clinical studies can fail

to calculate.

I interviewed whom I believed to be expert UC operators and expert academics. A US

law dictionary defines *expert* as one "instructed by experience; persons selected by the courts

or parties in a cause on account of their knowledge or skill, to examine, estimate, and

ascertain things, and make a report of their opinions" (Bouvier, 1856, Section E). Academe

accepts that an expert is one who can, if given a set of certain circumstances in his or her area

of specialization, determine and predict the outcome (Hammond, 2000). The experienced

opinion does become an empirical creation and a possible solution simultaneously. I gained a

new respect for the experienced UCO and equal respect for academic expertise. The

interviews of both groups, whether taught in the scrapes of life or schooled in universities,

ultimately brought out cogent judgments and concerns.

The first concern for repair or correction within this thesis is design of the major

project question. Like describing the Great Wall of China, one can get lost in its immense

length, construction, and history. It is easier and more telling to isolate a series of bricks

within the Great Wall and talk about form and texture. From there, one can expand outward

from the construction and interact with the large picture. This thesis question visited the wide

topic of a UC training course, although initially it seemed to be manageable. There are an

almost unlimited range of elements going on within that interaction. I attempted to focus

down and eliminate topics, but was still left with too thick a slice. Properly forming the

research question is paramount.

The second conundrum was in the ethicality of publishing UC tenants and techniques,

despite these issues orbiting the study. A preponderance of reality television reveals UC

officers in action, but I felt that revealing too much would be a betrayal to the core of the

study purpose. The intent was to make UC safer and more effective, not the reverse. My

references to existing literature and stories of false presentations by people outside of police

agencies were worthwhile but not fully descriptive of the current police environment. I do

not see this as problematic, because most operatives rely on the basic principles of social

influence, not magic tricks, and the examples I used suffice to demonstrate this.

Collecting and storing information was difficult. My travel schedule for undercover

operations made me a true distance learner. Accessing information from hotel rooms was a

continual frustration. I would recommend anyone in a similar circumstance to create more

electronic documents in order to better facilitate accessibility of data.

Finally, in the search for writing with academic rigor to fortify this thesis, I found

myself drawn to conversational and engaging literature. Research writings that had the most

meaning for me were those of authors like Marx (1988, 1992, 2000), Saul (2001), and

Skolnick (1977). They produce what is connected to current realities and, even when focused

on a limited topic, can fit their debates into wider realms without being airy or self indulgent.

I found other journals and literature that allowed this ease of learning without having to wade through expensive words and pretentious styles. I hope this becomes a trend.

On final approach, I have learned more about the UC craft and its potential. I recall Streatfield's (2001) account of undercover operatives planting satellite beacons within anhydrous ethyl ether barrels to be sold to Medellin Cartel members who had solicited an order of 1300 drums from US companies. The undercover operation identified that such a quantity would obviously be used in the production of cocaine. The police and military followed the barrels to Columbian jungle laboratories and seized

> five airstrips, seven planes, nine conversion laboratories, 12 000 drums of chemicals, 1500 kilograms of cocaine base and 8500 kilograms of pure cocaine—with an estimated value of well over a billion US dollars....The biggest cocaine bust in the history of the world. (Streatfield, 2001, p. 262)

This effect substantially demonstrates that the operative's place in law enforcement has a tremendous impact. Positive consequences that rise from safe and effective undercover operations are linked to resourced agencies with appropriate training, supervision, and attendance to the rule of law. The creativity, intellect and ethicality of the undercover operatives are the human factors that present possibility.

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Appendix A – Research Consent Form

November 1, 2003

Potential Research Participant

<u>RESEARCH TOPIC: How can we enhance undercover training?</u>

I am a graduate student in the Masters of Arts in Leadership and Training at Royal Roads University, completing a research project to enhance undercover training. This project is sponsored by the Justice Institute of BC (JIBC). I consider your participation valuable given your experience, training, and/or interest in the undercover discipline. I hope to collect information from taped and written interviews from undercover operatives, trainers, and others associated with undercover work.

I hope to interview you. It is expected that the interview or focus group will last one to two hours. The data will then be collected to show undercover training needs, possible enhancements, and training rationale.

The questions attached are designed to facilitate discussion. Participation is voluntary and can be ceased at any time. No negative repercussions can result if you choose not to participate. You will have opportunity to review any information that you supply to me, as well as alter and add to the information. Individuals interviewed will only be known to me, will be assigned a random number, and will not have their identity disclosed to any other person unless their express written consent has been obtained beforehand. Focus group participants will only be comprised of other undercover operators and those participants will also remain confidentially held, albeit known to each other.

A copy of the final report will be held at Royal Roads University and will be publicly accessible. However, undercover techniques must remain on our shore whenever possible.

This study will **not reveal** operational or training techniques in the final project document. Where techniques are commented upon in interviews, they will be used to create themes and identify shared knowledge. Techniques popularized by the media might gain some reference but even these will be limited. It is the intention of this study to enhance undercover training, not make the practice more complicated.

Please complete the portion below to indicate your agreement to take part in this research program. I will maintain these letters in a secure and locked area, but this letter is an essential record to demonstrate ethical research conduct.

If you have any questions about this study you may contact me at [e-mail address] or speak to my Faculty Supervisor, Ian MacKenzie, at [e-mail address]. My project sponsor is Keith Logan at [e-mail address]. I am a member of a full-time covert unit, Ian MacKenzie is the Chief Constable of a police department, and Keith Logan is the JIBC Legal Studies Instructor, team leader to the JIBC Undercover Course.

By signing this letter, you are providing free and informed consent to participate in this project.

Name: (Please Print):

_____

Signed:

_____

Date:

_____

Appendix B – Questions for UC Academics

1. Briefly describe your undercover study experience.

2. What represents the most serious threats to undercover officers?

3. What other threats factor as significant?

4. What are the prerequisite skills that an officer should have in order to join UC activity?

5. What are the most important skills of an undercover operative?

6. What information do they need to know?

7. What are the limits of undercover training?

8. How can officer safety mechanisms be built into undercover training?

9. Does quality undercover training have an effect on undercover operative health, and if so, how?

10. What are the effects of failure to train, or failure to train operatives properly?

11. What significant messages would you impart on newly trained undercover officers?

Appendix C – Questions for UCO Trainers/Experienced UCOs

1. What is your undercover experience?

2. When did you train for undercover activity?

3. What learning objectives do you try to provide to candidates?

4. What are the most important skills that officers are provided?

5. What resources are required?

6. Is training labour intensive, expensive?

7. What would you include if you had more resources and money?

8. Why is training important? (Trickery, law breaking, Bill C-24 requires training and self critique).

9. What represents the most serious threats to undercover officers?

10. What other threats factor as significant?

11. What are the prerequisite skills that an officer should have in order to join UC activity?

12. What are the most important skills of an undercover operative?

13. What information do they need to know?

14. What are the limits of undercover training?

15. How can officer safety mechanisms be built into undercover training?

16. Does quality undercover training have an effect on undercover operative health, and if so, how?

17. What are the effects of failure to train, or failure to train operatives properly?

18. What significant messages would you impart on newly trained undercover officers?

Appendix D – Questions for UC Course Candidates

1. What are the skills of a UC officer?

2. What do people need to know to be an operator? What does a cover person need to know?

3. How are they different?

4. Is there anything that you see as a disqualifier for a UC officer?

5. What are the benefits of a UC operation?

6. What are the limitations of a UC operation?

7. What would a UC officer experience (emotions) while undercover?

8. Why do you want to be a UCO?

9. What would be the most valuable skill for you to get to do UC projects?

Appendix E – Questions for Experientially Trained UCOs

1. Describe your undercover experiences; duration, depth of infiltration, and scenarios.

2. How do you practice undercover skills? (Safety)

3. Please describe any issues you've experienced surrounding your or your team's safety; events of survival or error?

4. Please describe the impact of undercover work on the mental and emotional state of individuals doing the work.

5. Does supervision have an impact on how you do the job, and if so how?

6. Would training have impact on how you do the job, and if so how?

7. Are the two correlated?

8. And if so, could you describe that correlation?

9. How did you develop skills to make decisions under stress?

10. What is the purpose of a UC course?

11. What would be the value of a UC course compared to on-the-job learning?

12. Is certification in undercover work important to you and why?

13. How long have you been doing/did you do undercover work and at what level?

14. Given your current experience, do you feel that the experiential training that you received was sufficient?

15. Do you feel that formal training was necessary?

16. How can we enhance undercover training?

17. Why is undercover training important?

18. What learning exercises were most helpful to learn undercover techniques?

19. Which provided a better learning environment, simulation training or real event training?

20. Do you use the skills from the training in undercover operations?

21. Did you get exhausted in UC training?

22. When, if at all, was this helpful?