



Federal Bureau of Investigation
New Agents Training Program
Investigative Training Unit
Lesson Plan

Please refer to the annotated lesson plan (available on the NATP Curriculum SharePoint site) for a more detailed explanation of this lesson plan.

Title of Lesson:	Overview	b7E
Date Lesson Plan Was Created or Last Updated:	March 2010	
Lesson Plan Version Number:	1.0	
Length of Lesson (in hours):	2	
Instructional Designer(s):	SSA ITU	b6 b7C
Contributing Subject Matter Experts (SMEs):	ITU Instructional Staff	
Classification Level:	Unclassified	
Instructional Strategies:	Lecture, class discussion, document reviews	
Copyright Information*: [Please attach copies of grants for use.]	No copyrighted materials were used in the creation of this lesson	
Safety and Environmental Safeguards Required (if any):	N/A	
Prerequisite Blocks of Instruction:	N/A	
Prerequisite Web-Based Courses (if any):	AGGs Regarding FBI's Use of	
Number of Role Players Needed:	N/A	
Type of Room Needed:	Non-secure lecture	b6 b7C b7E
Additional Information:	N/A	
Reviewed and Approved by:	Acting Unit ITU	
Date of Approval:	11/03/2010	

* Copyright information is required. If no copyright permissions were needed, please insert the applicable statement in this blank, either "No copyrighted materials were used in the creation of this lesson," or "Use of copyrighted materials is in compliance with fair use guidelines." If copyright permission has been granted, please attach all documentation and maintain it on file.

Testing / Assessment of Student Learning

1. Is there a graded assessment (quiz, test, practical exercise, etc.) of student learning of the content covered in this block of instruction?

___ Yes x No

If yes,

2. A. What does the graded assessment include?
- ___ Content covered only in this one block of instruction
- ___ Content from several combined blocks of instruction
- B. What kind of assessment is it? [Check all that apply. If *in-class activity* or *other*, please describe.]
- ___ Brief written quiz ___ Homework assignment(s)
- ___ Written test ___ Graded product (such as a report)
- ___ Graded practical exercise ___ Graded presentation or briefing
- ___ In-class activity: _____
- ___ Other: _____

If the graded assessment covers content from several combined blocks of instruction:

3. A. List the titles of these blocks.
- B. Is there a block of instruction that prepares students for the assessment? If yes, please provide the title of the block.
- C. In which block is the assessment administered?
- D. In which block are the results reviewed with students?

If there is a graded assessment of student learning, please be sure to follow test development guidelines as described in the *ISD Policy Implementation Guide* and in the FBI's *Test Development Manual, Volumes 1 and 2* (available from the Curriculum Development and Evaluation Unit).

Goals and Objectives

Instructional Goal: Students will understand the basic [redacted] and responsibilities of a FBI special agent and be familiar with the related policy guidance documents.

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Learning Objectives:

After 2 hours of instruction, learners will:

1. Identify CHS policy guidance documents.

- CHS Policy Manual
- CHS Validation Standards Manual
- AGG – CHS

2. Diagram the recruitment cycle.

The recruitment cycle should include the steps of:

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

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3. Define, in own words, the meaning of rapport.

- Instructor will facilitate a class discussion with the students in order to give them the opportunity to describe rapport in their own words. Additionally, they will be given the opportunity to articulate their ideas on how to establish rapport. This will further come out during practicals throughout the [redacted] blocks of instruction.

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4. Explain the basic CHS reporting documents.

- The FD-1023 is the "CHS Report" and is used to document case related/Intelligence related information learned from the CHS. [redacted]

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[redacted] and is used to document CHS statistics and validation. Both are located within the [redacted] database system under the title [redacted]

Equipment and Materials

Equipment / Aids Required for Instructor:

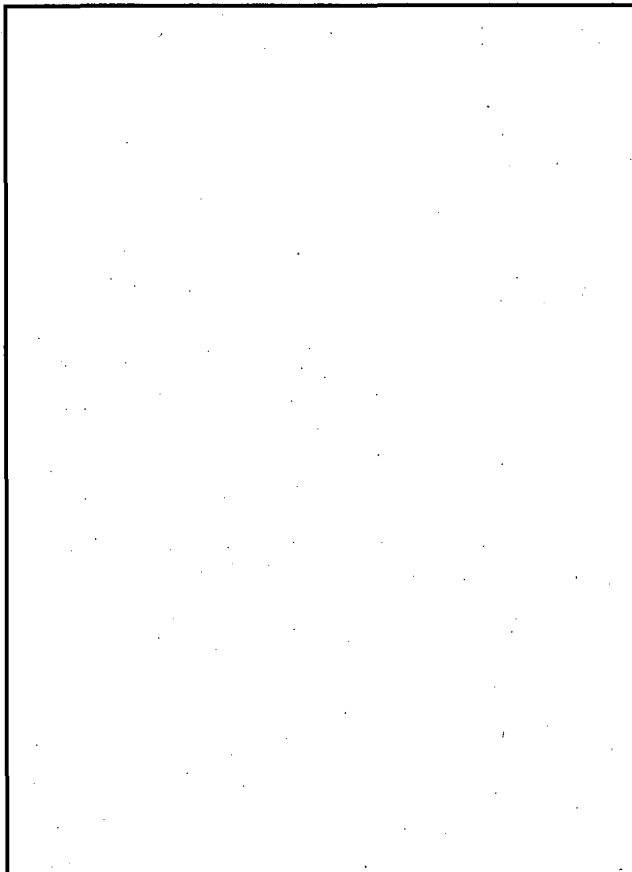
Computer with PowerPoint software, projection screen, White boards, markers

Equipment / Aids Required for Students:

None

PowerPoint Slides:

Slide 1
Slide 2
Slide 3
Slide 4
Slide 5
Slide 6
Slide 7
Slide 8
Slide 9
Slide 10
Slide 11
Slide 12
Slide 13
Slide 14
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Slide 18
Slide 19
Slide 20
Slide 21
Slide 22
Slide 23
Slide 24
Slide 25
Slides 26-27
Slide 28
Slide 29



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Instructions
Questions?

Handouts:

CHS Policy Manual questions

Syllabus

Court Cases

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Important Court Cases Regarding CHS

In *United States v. Roberts*, the informant introduced an undercover agent to the defendant and was present when the defendant and the agent negotiated two sales of heroin. The court, noting that the informant was "present during all the significant events," found that he was "obviously a crucial witness to the alleged narcotics transaction," and therefore his whereabouts should have been revealed to the defense if properly requested. However, disclosures of the identity or address of a confidential informant is not required unless the informant's testimony is shown to be material to the defense.

In *United States v. Jimenez*, the court made clear it is not sufficient to show that the informant was a participant in and witness to the crime charged. In *Jimenez*, the informant was both participant and witness, but the district court's refusal to order disclosure of the CI's identity was upheld on the ground that the defendant had failed to show that the testimony of the informant "would have been marginal value to the defendant's case."

In *Roviaro v. United States*, the U.S. Supreme Court articulated the following balancing test to dictate when the government must disclose the identity of the confidential informant:

We believe that no fixed rule with respect to disclosure is justifiable. The problem is one that calls for balancing the public interest in protecting the flow of information against the individual's right to prepare one's defense. Whether a proper balance renders non-disclosure erroneous must depend on the particular circumstances of each case, taking into consideration the crime charged, the possible defenses, the possible significance of the informer's testimony, and other relevant factors."

The Supreme Court further emphasized that protecting an informant's identity serves an important public interest in that it encourages citizens to supply the government with information concerning criminal activity. A defendant may satisfy his burden and overcome the privilege by demonstrating that the informant is a material witness or that his or her testimony is crucial to the case. "That the government has this privilege is well established, and its soundness cannot be questioned."

The Supreme Court allows the government in certain circumstances to avoid disclosing the identity of a confidential informant participating in an investigation. In *United States v. Mendoza-Burciaga*, the court developed a three-part balancing test, under which the trial court must consider (1) the level of the informant's involvement in the alleged criminal activity, (2) the helpfulness of disclosure to the asserted defense, and (3) the government's interest in nondisclosure.

Protecting an Informant's Identity

Investigators must be careful to protect and informant's identity. The reasons for this are obvious; no one can be expected to assist the police by providing information if they will be ostracized, injured, or perhaps even killed. Two cases have established principles that determined circumstances under which trial court judges can compel disclosure of and informant's identity in court. In *Rovario v. United States*, the Supreme Court ruled that when an informant is a material witness in a criminal case, the police and the prosecution can be compelled to disclose the informant's identity in court. A material witness in a criminal trial is a witness whose testimony is crucial to either the prosecution or the defense. In many cases, a material witness may have been a participant in the crime. If this is true, the identity of the witness must be revealed to the opposing party, usually the defendant. This requirement stems from the Sixth Amendment right of the accused in a criminal case to confront his accusers. Thus, if informants are actually participants in a criminal transaction, such as making controlled buys of drugs, they will be required to testify about their role in the transaction. Informants who are to be used in this capacity must be told that they will be called upon to testify when these cases go to trial. In a later case, *McCray v. Illinois*, the Supreme Court held that when an informant, whose reliability has already been established, only provides evidence that established probable cause, the defense cannot compel the prosecution to divulge the informant's identity (*McCray v. Illinois* [1967]).

In some states an informant's identity may be protected as a privileged communication between the officer and the informant. Where the privilege exists, an officer may refuse to disclose the identity of an informant who has only provided information leading to probable cause. In those states where the privilege does not exist, an informant's identity may be protected as a matter of relevancy. A prosecutor may argue that as long as the informant is not a material witness, revealing his identity is not relevant. The trial judge will then make an in-camera determination on the need to reveal the informant's identity.