

SURVEILLANCE & UNDERCOVER INVESTIGATION

Art Buckwalter

Shadowing
Tailing

Surveillance Photography
Internal Theft Investigations



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Surveillance and Undercover Investigation

ART BUCKWALTER

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PREFACE

During my tenure as Director of an academy for private investigators, it was my privilege to be in daily contact with career investigators and to learn from them the practical principles of private investigation. The need to create a seventy-syllabus course in the Fundamentals of Professional Investigation for the academy led to extensive personal research in public and law libraries to enhance teaching of basic techniques.

Shortly after completion of the course, which became the basis for the academy's successful training of investigators, I was asked to put my research findings into book form for the benefit of those entering any of the areas of the profession, and as a reference work for those already in service. Obviously, the wide coverage of the course could never be contained in one book—it would require a number of volumes comprising a small reference library. My work at the academy, however, precluded the undertaking of such a project.

Since leaving the academy I have had the opportunity to devote more time to research and to writing about the world of the private investigator. The four books on investigation, of which this is one, are the result. These volumes in no way reproduce any of the courses, but are instructional texts or sources of information. They concentrate on fundamental methods, techniques, and procedures used by investigators in their search for the truth about matters they investigate.

Fundamental legal and professional principles are inherent in the field of investigation. The techniques reviewed in these volumes, covering both civil and criminal investigations, are dealt with from the viewpoint of private investigators and their potential for contributing to the cause of justice. The means by which

investigators obtain relevant, evidential facts to present to clients or before a court of law or other tribunal are considered.

Mark Twain once facetiously observed, "Adam was the only man who, when he had said a good thing, knew that nobody had said it before him." Any writer owes a debt of gratitude to the wisdom imparted by those who have gone before him and by his contemporaries. I am indebted to many writers and investigators in many disciplines, a number of whom I have quoted and referenced, for the insights and information they have provided to enhance the educational value of this work.

The reader will find some new ideas, together with clarification of tested methods. The main objective is to provide a practical, and one hopes interesting, guide to the fundamentals of the art and science of investigation. The materials have been gathered from my own observations, from my association with private investigators and discussion of procedures with them, and from many hours of research into works that deal directly or indirectly with the methods and strategies of this intriguing profession. It is hoped that these volumes on investigation will prove valuable to those who seek to pursue the highest ethical and career achievements in private investigation, and to all others interested in this profession.

To my wife, Doreen, I am indebted for the typing of the final copy of the manuscript and for her valued assistance in proofreading. In addition to her full-time employment as an executive secretary, she has given long hours to this task. Illustrations appearing in two of the books were drawn by Patty McGrath and Lew Harrisson of Los Angeles.

As I sit at my typewriter in my office on the ninth floor of a Wilshire Boulevard office building in Los Angeles, and occasionally pause to look out over a vast area of this city, I am painfully reminded of the increasing incidence of crime, fraud, brutality, and inhumanity of man to man that hovers like a curse over the great cities of our nation, and even over our rural areas. Evil forces threaten to blot out human rights, liberties, happiness, and even human lives. Surely as these shadows grow, so also will grow the demand for professionally trained and qualified practicing investigators who will help preserve our justice and our security.

INTRODUCTION

Other volumes of the Investigation Series have been concerned with evidential information investigators obtain from other persons and from documentary and physical sources. Here we are concerned with the potential evidence gathered through direct observations by means of investigative surveillance and undercover operations.

Covert observation permits investigators personally to gather information that generally is not available from other persons or sources. Private investigators maintain secret watch of persons, places, or actions to determine facts regarding suspicious or illegal transactions and the people who perpetrate them.

An alert intelligence unit is probably the most effective means of gathering evidence on the activities of subversive and criminal organizations, and of solving problems of industrial espionage, sabotage, and theft. Many cross-currents in our modern age breed socially and economically disturbing movements that call for such scrutiny. Crime syndicates must be continuously observed so that evidence can be obtained against their operators. Internal theft rings must be exposed and industrial spies placed under surveillance. Group lawlessness and terrorism add to the problems of law and order.

Private investigators are frequently called on for surveillance and industrial undercover assignments. All such operations should be conducted by those who are fully cognizant of their responsibility to use their intelligence legally, and to guard carefully the constitutional rights of a free people.

This volume is a study of the primary tactics of surveillants who secretly keep their subject under observation, and of those chameleon-like undercover investigators who acquire the natural color of the organization they infiltrate,

the business in which they are employed, or the social, political, or other group they ostensibly represent.

The techniques and procedures of investigation must be flexible enough to cope with the situations created by different personalities and circumstances. The more complex the problem, the more flexible the adaptation should be. This is especially true of surveillance and undercover investigations. Common sense, good judgment, and inventive resourcefulness are needed to deal with the unexpected and the unusual.

What do professional surveillants do to avoid detection and achieve positive results? The answer deals with the techniques of surveillance on foot or in a vehicle, and from stationary observation posts. These aspects are discussed in the first five chapters. The last two chapters are concerned with the methods and techniques of undercover operatives.

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Chapter 1

Surveillance

“Surveillance” is the professional word for shadowing or tailing. . . . It must be executed with maximum care lest its target become aware of it.

—Allen Dulles¹

Surveillance is the covert observation of places, persons, and vehicles for the purpose of obtaining information concerning the identities or activities of subjects.

—Charles E. O'Hara²

Moving surveillance may be described as close, covert, and constant watch of a subject while shadowing or tailing him on foot or in a vehicle. Fixed surveillance is the observation of premises, usually from an inside stationary observation post or from an outside cover position that is disguised as necessary (Figure 1-1). A stakeout or an undercover covert surveillance conducted by an inside plant would also be forms of stationary surveillance. Intelligence is often obtained through the use of binoculars and telescopes to extend the investigators' range of vision, and still and movie cameras and audio devices to document observations.

The term surveillance comes from the French word *surveiller*, which is derived from the French *sur-* (over) and *-veiller* (to watch); literally, it means “to watch over.” The word once denoted oversight or close supervision. In its investigative use it primarily means to keep a subject (vehicle or place) under close and secret observation.

In the opening quotation, Allen Dulles refers to surveillance as the “professional word” or name for “shadowing or tailing,” and O'Hara gives its modern meaning as it applies to the visual investigative observations by police

Stationary or Fixed Surveillance	Moving Surveillance
1. From indoor or outdoor observation posts	1. Shadowing on foot
2. Stakeouts	2. Tailing by vehicle
3. In the area, but disguised	3. Public transportation surveillance
	4. Air and marine surveillance

Figure 1-1. Surveillance Chart

detectives and private investigators. O'Hara pinpoints the three primary subjects of surveillance—persons, places, and vehicles—and the basic information or intelligence objective of all surveillant activity.

COVERT AND OVERT SURVEILLANCE

That which is covert is concealed or secret. Most surveillance assignments are covert. Intelligence is obtained through hidden or secret observation without the knowledge of the subject being watched. Occasionally, there may be cause for overt, or open, surveillance. In overt surveillance the subject is aware of the fact that he is being tailed. He may actually want such surveillance.

A witness who has been threatened because of his planned testimony in a criminal investigation may be placed under protective surveillance. The operatives then function in a guarding capacity, keeping careful watch over the witness. When the objective of the surveillance is such that it cannot be achieved without the knowledge of the subject, private investigators resort to overt or open surveillance. The purpose may be to make the subject nervous in knowing that he is being followed, or to prevent him from engaging in illegal, clandestine, or criminal operations. Diplomats who are granted immunity from inspection as they travel back and forth are reportedly sometimes overtly tailed by agents of the Central Intelligence Agency (CIA).

For investigative purposes, most surveillance is covert—private or secret. In fact, for private investigators, surveillance is practically synonymous with covert observation. The investigator who functions as a covert observer is known as a surveillant. The subject is the person, vehicle, object or place under observation. The art of surveillance is the investigator's ability to conduct observations of this nature without the subject ever being made aware of the surveillance.

Surveillance is a form of direct observation. The investigators personally and directly observe the activities of the subject and any intelligence or

information thereby disclosed. Firsthand observation is often vital to the solution of a case because of the direct evidence it provides. When no further information can be obtained from questioning victims, witnesses, complainants, or even participants, investigators may have to go in search of further material information by tailing or shadowing the principals in the case.

In many cases there are no witnesses and very few other sources of information, which leaves investigators the task of tracking down available evidence from whatever source they can find. There are always clues out there somewhere, and surveillance is one method of getting them. In fact, it may be the only way to learn the routine, habits, associates, and activities of a subject.

A MULTISERVICE INVESTIGATIVE TECHNIQUE

Surveillance has many uses in the investigative world. It is a helpful technique in investigating insurance claims fraud, in shadowing persons involved in false worker's compensation disability claims, and in child custody cases. It is used in background investigations and in tracking down missing persons, and as an aid to private investigators hired to learn more about the associates and habits of an employee being considered for a position of major responsibility. They may need to locate the residence or place of business of a person under investigation, determine the places he frequents, or check on the credibility of previously received information. There are many reasons for using surveillance techniques in both civil and criminal investigations.

Principals suspected of criminal operations are placed under surveillance in order to gather evidence against them. Investigators can determine the identity of accomplices, coconspirators, organized crime contacts, accessories to criminal activities, or of the "fence" through whom they are disposing stolen loot. Surveillance is used to detect suspected illegal or criminal activities, to identify higher-ups in illegal or criminal operations, and to track down a wanted criminal. It is a key technique in investigating the illegal manufacture, smuggling, and sale of narcotic drugs and other contraband. It is used in extortion investigations, or "juice racket," as it is frequently called on the street.

Surveillance is a primary investigative procedure for both police and private investigators. DeLadurantey and Sullivan note, "In police work surveillance refers to the surreptitious observation of a person, place, or other object of police attention. Surveillance operations are conducted either to obtain evidence of a crime, to locate a possible suspect, or to obtain information regarding an individual's activity. In addition, surveillance techniques can be used to verify activities reported by informants, to protect a victim or witness, or to apprehend a perpetrator of a crime during its commission. Surveillance can be conducted by undercover operators, by plainclothes investigators, or in many cases, by uniformed officers."³

Surveillance is used by government agencies (for example, the CIA and FBI) to ensure the enforcement of the regulations for which they are responsible. It can be a highly developed and very useful technique, however Fuqua and Wilson describe it as "probably the most taxing, tedious, frustrating, and painful job an investigator performs."⁴ Accordingly, only experienced professionals should be used for really important surveillance assignments. New recruits to the investigative field should be trained by professionals before they assume the full responsibility for such assignments.

TYPES OF SURVEILLANCE

There are three basic types of surveillance: fixed or stationary, mobile or moving, and undercover. These can be broken down into subcategories determined by the degree of surveillance and its objective. It is important to understand clearly the functions involved in all areas.

Fixed or Stationary Surveillance

In fixed surveillance the investigators (surveillants) observe from a fixed observation post. Fixed surveillance is used in the surveillance of *places* and of the persons who frequent those places. Some suspicion of an illegal operation or need to locate a clandestine factory, hideout, or headquarters of certain persons and their activities may be the reason for the surveillance. The people who live or work in or frequent the premises may move in and out, and their every move within observational and photographic range is monitored.

The only movement of surveillants is within the confines of the post, and to and from it. This gives them an inside undercover position from which to operate. Sometimes when no fixed observation post is available, agents have to assume a cover activity that permits them to function in the area, such as utility service men, or they may make their observations from a parked van or specially equipped truck. A police stakeout in an attempt to apprehend a crime is a form of fixed surveillance. It could very suddenly become a moving surveillance, however, should the criminal escape the trap.

Mobile or Moving Surveillance

Mobile surveillance occurs when both the subject and the surveillants are on the move, by foot, in a vehicle, or in public transportation. The moving surveillance may be interrupted by stops, some of which may be significant to the investigation. At other times the move may be a continuous one from

the starting point to the destination, but the route taken by the subject may be circuitous, or at least not direct. The subject may as a matter of caution make certain moves to determine whether or not he is being followed.

Moving surveillance vehicles are not limited to automobiles. They can include motorcycles, vans, campers, trucks, cabin cruisers, motorboats, helicopters, and airplanes. Obviously moving surveillance makes great demands on the resourcefulness of the surveillants.

In a moving surveillance, the investigators follow the subject either on foot or in a suitable vehicle and track his every move, all the while observing any significant events, contacts, or activities, or any bit of evidence that the subject may inadvertently disclose to his unperceived shadower. How closely, intently, and continuously the investigators should tail the subject or his vehicle depends on the information desired and the nature of the tail.

DEGREES OF MOVING SURVEILLANCE

Various degrees of moving surveillance are indicated by such terms as loose tail, close tail, open tail, rough tail, and so on. The nature of the case, the type of information needed, and the importance of continuous surveillance are all factors that help to determine the degree of persistent observation maintained.

Loose Tail

A loose tail or loose surveillance is a cautious procedure that is performed to obtain general information about the subject's activities, associates, and habits without running great risk of being detected. In other words, the subject is followed loosely; the shadowing is not so close and tight. It is not as determined and persistent as the close tail, for in the event the surveillants are in serious danger of being detected, the loose tail is temporarily abandoned or left to another member of the team.

Close Tail

Close surveillance, on the other hand, tends to pursue the operation at any cost, within reason. The subject is kept under close observation at all times, even when the risk of discovery is high. The importance of the information to be learned may warrant that risk. Every precaution is taken against the possibility of losing the subject. Surveillants also hope to maintain a close tail without being "burned" by the suspect.

Close surveillance is frequently used in criminal investigation to tail a suspect who is anticipated to be about to commit a crime; to observe a known criminal who may lead the surveillant to his hideout; and to keep track of subjects who are associated with past, current, or possible future criminal operations. A successful close tail usually yields a significant amount of detailed information.

In police parlance, the term "mobile surveillance" may mean keeping a person under close watch with the attendant risk of discovery. Mobile loose surveillance refers to a loose tail and the importance of not being detected.

Rough Tail

The term rough tail is sometimes used to mean following without any special antidetection precautions. Generally, the subject is aware of the surveillance. O'Hara gives two examples of the term. "When the criminal *must* be shadowed and is aware of this fact; or where the subject is a material witness and must be protected from harm or other undesirable influences."⁵ DeLadurantey and Sullivan call it mobile outward surveillance. A mobile bodyguard would come under this category. A location or person placed under protective police custody is described as being under "stationary outward surveillance."⁶

The most descriptive term for this type of observation is protective surveillance. It protects persons important to an investigation, dignitaries, and even criminals who are prepared to testify against other criminal associates. Sometimes surveillance involves a combination of loose and close tactics.

AIR, GROUND, AND WATER SURVEILLANCE

Most surveillance activities take place on the ground, on foot or in a vehicle, or from fixed observation posts. Other kinds of investigations, however, require other procedures.

Airplanes can be helpful for quick surveillance covering a wide area, speeding vehicles, border crossing problems, aerial smuggling, or espionage. Specially equipped boats are used to track down seagoing smugglers.

Surveillants need to resort to whatever means of conveyance is necessary to reach the subjects wherever they may be—on the ground, on the sea, or in the air.

Modern air surveillance is largely conducted from helicopters. They have proved to be very effective aerial assistance to ground operations. Through radio communication, helicopter detectives can guide ground units with respect to a subject or his vehicle while they follow from the air.

Helicopters have become effective instruments in private investigation for