

By Scott Stewart and Fred Burton

Police in El Paso, Texas, announced on August 11th that they had arrested three suspects in the May 15 shooting death of Jose Daniel Gonzalez Galeana, a Juarez cartel lieutenant who had been acting as a confidential informant (CI) for the U.S. Immigration and Customs Enforcement (ICE) agency. It was an activity that prompted the Juarez cartel to put out a hit on him, and Gonzalez was shot multiple times outside his home in an upscale El Paso neighborhood. A fourth suspect was arrested shortly after the Aug. 11 announcement. Among the suspects is an 18-year-old U.S. Army soldier stationed at nearby Fort Bliss who the other suspects said had been hired by one of the leaders of the Juarez cartel to pull the trigger on Gonzalez. The suspects also include two other teenagers, a 17-year-old and a 16-year-old.

The man who recruited the teenagers, Ruben Rodriguez Dorado — also a lieutenant in the Juarez cartel — has also been arrested, and the emerging details of the case paint him as a most interesting figure. After receiving orders from his superiors in the Juarez cartel to kill Gonzalez, Rodriguez was able to freely enter the United States and conduct an extensive effort to locate Gonzalez — he reportedly even paid Gonzalez's cell phone bill in an effort to obtain his address. Armed with the address, he then conducted extensive surveillance of Gonzalez and carefully planned the assassination, which was then carried out by the young gunman he had recruited.

The sophistication of Rodriguez's investigative and surveillance efforts is impressive, and the Gonzalez hit was not the first time he undertook such tasks. According to an affidavit filed in state court, Rodriguez told investigators that he also located and surveilled targets for assassination in Mexico. Perhaps the most intriguing aspect of this case is that the entire time Rodriguez was plotting the Gonzalez assassination he, too, was working as a CI for ICE.

While it is unclear at this point if ICE agents played any part in helping Rodriguez find Gonzalez, at the very least, Rodriguez's status as an ICE informant would certainly have been useful in camouflaging his nefarious activities and could have given him some level of official cover. Although Rodriguez was a legal permanent resident of the United States, having friends in ICE would allow him to cross the border repeatedly without much scrutiny and help deflect suspicion if he were caught while conducting surveillance.

Without having access to the information Rodriguez was providing to ICE, it is very difficult for us to assess if Rodriguez's work with ICE was sanctioned by the Juarez cartel, or if he was merely playing both ends against the middle. However, when one examines the reach, scope and sophistication of the Mexican cartels' intelligence efforts, it is clear that several of the cartels have demonstrated the ability to operate more like a foreign intelligence service than a traditional criminal organization. This means that it is highly possible that Rodriguez was what we refer to in intelligence parlance as a double agent — someone who pretends to spy on an

organization but is, in fact, loyal to that organization.

Whether Rodriguez was a double agent or just an out-of-control CI, this case provides a clear example of the problems encountered when law enforcement agencies handle CIs — problems that become even more pronounced when the informant is associated with a sophisticated and well-financed organization.

Choirboys need not apply

While CIs can be incredibly valuable sources of information, running a CI is a delicate operation even under the best of circumstances, and poses a wide array of problems and pitfalls. The first and most obvious issue is that most people who have access to the inner workings of a criminal organization, and therefore the most valuable intelligence, are themselves criminals.

Upstanding, honest citizens simply do not normally have access to the plans of criminal gangs or understand their organizational hierarchy. This means that authorities need to recruit or flip lower-level criminals in order to work their way up the food chain and go after bigger targets. In the violent world of the Mexican drug cartels, sending an undercover agent to infiltrate a cartel is extremely dangerous. Therefore, using CIs is even more important in such investigations than it is while working against other types of criminals.

The fact that many CIs are criminals means that not only do they frequently come with a heavy load of psychopathic and sociopathic baggage, but in order to stay in good standing within their organization, they often need to continue to commit illegal acts while working for the government, though the type of criminal activity permitted is often carefully delineated by the government. Not infrequently, these illegal acts can come back to haunt the agency operating the CI, so maintaining control of the CI is very important.

CIs can also come with a host of motivations. While some informants are motivated by money, or promises to have charges dropped or reduced, other informants will provide information to the authorities out of revenge or in order to further their own criminal schemes either by using law enforcement as a way to take out rival gangs or even a rival within their own organization. Because of these varying motivations, it can be very difficult to tell when CIs are fabricating information or when they are trying to manipulate the authorities. In fact, it is not at all uncommon for inexperienced or vulnerable handlers to lose control of a CI. In extreme cases, it is even possible for a smooth and sophisticated CI to end up controlling their handler. And this is not just confined to ICE or small-town police departments; there have been instances of FBI and U.S. Drug Enforcement Administration (DEA) agents being manipulated and controlled by their CIs.

Out-of-control CIs can do things like refuse to follow orders, shut off recorders or edit recordings, tape meetings and calls with handlers, or even commit murders and other serious crimes while working with authorities. There have also been cases of handlers getting involved in sexual relationships with CIs, providing drugs to CIs, and even committing crimes with CIs who were manipulating them.

At the high end of the threat scale, there is also the possibility that informants will be

consciously sent to the authorities in order to serve as double agents, or that the criminal organization they work for will double them back once it is learned that they have decided to begin cooperating with the authorities. Many federal agencies polygraph sources, but polygraph operators can be fooled and polygraphs are of limited utility on people who have no moral compunction about lying. Therefore, while agencies take efforts to vet their CIs, such efforts are often ineffective.

Double agents are particularly useful for the criminal organization because they can intentionally feed very specific information to the authorities in order to manipulate enforcement activities. For example, in the case of the Juarez cartel, they could tip off authorities to a small shipment of narcotics in one part of the sector in order to draw attention away from a larger shipment moving through another part of the sector. Of course, the fact that the CI provided accurate information pertaining to the smaller shipment also serves to increase his value to the authorities. In the case of a double agent, almost everything he provides will usually be accurate — although this accurate information is pretty much calculated to be harmless to the criminal organization (though organizations have used double agents to pass on information to the authorities that will allow them to take action against rival criminal gangs). The outstanding accuracy of the intelligence reported will cause the double agent to be trusted more than most regular CIs, and this makes double agents particularly difficult to uncover.

#### Not typical criminals

When considering the Mexican drug cartels, it is very important to remember that they are not typical criminal gangs. The cartels are billion-dollar organizations that employ large groups of heavily armed enforcers, and many of the cartels have invested the time and resources necessary to develop highly sophisticated intelligence apparatuses.

Such intelligence apparatuses are perhaps best seen in the realm of public corruption. Some of the Mexican cartels have a long history of successfully corrupting public officials on both sides of the border. Groups like the Beltran Leyva Organization (BLO) have recruited scores of intelligence assets and agents of influence at the local, state and even federal levels of the Mexican government. They even have enjoyed significant success in recruiting agents in elite units such as the anti-organized crime unit of the Mexican attorney general's office. The BLO even allegedly recruited Mexico's former drug czar, Noe Ramirez Mandujano, who reportedly was receiving \$450,000 per month from the organization. This recruitment also extends to all levels of government in the United States, where Cartels have recruited local, state and federal officials. Many of the assassination operations the cartels have launched against one another and against senior Mexican officials have also demonstrated the advanced intelligence capabilities of the Mexican cartels.

With the money to buy foreign expertise and equipment, the Mexican cartels have been able to set up counterintelligence branches that can administer polygraph examinations, signals intelligence branches that can intercept the authorities' communications and even elaborate (and well-funded) units designed to identify and bribe vulnerable public officials. The Mexican cartels also assign people to infiltrate law-enforcement agencies by applying for jobs. According to a report released last week, in a 10-month period, four applicants for U.S. border law

enforcement positions were found through background checks and polygraph examinations to be infiltrators from drug-trafficking organizations. It is important to remember that these four were only those who were caught, and not all agencies submit applicants to the same scrutiny, so the scope of the problem is likely much larger. In light of this history of cartel intelligence activity, it is not unreasonable to assume that the cartels possess the sophistication and skills to employ double agents.

### Alphabet soup

Running a CI against a Mexican cartel is also greatly complicated by the number of agencies involved in the struggle against them. Among local, state and federal entities there are scores of agencies in El Paso alone with some sort of jurisdiction working against the cartels. The agencies range from obvious ones such as the DEA, FBI, Texas Rangers, El Paso Police and Bureau of Alcohol, Tobacco, Firearms and Explosives to the less obvious such as the Internal Revenue Service, the Union Pacific Railroad Police and the U.S. Army's Criminal Investigation Command at Fort Bliss.

This jumble of jurisdictions creates a very difficult environment for working with CIs. Not only are agencies legitimately concerned about protecting the identities of their CIs due to the possibility of corruption in other agencies, but there is also the issue of competition. Agencies are afraid of other, better-funded agencies stealing their informants. If a local police detective has developed a very good dope source, the last thing in the world he wants is for ICE or the DEA to take control of his source, which would in all likelihood mean that he will lose all the information the CI was providing. Likewise, if an ICE agent has developed a good Mexican cartel source, the last thing he wants is for the DEA or FBI to take control of the source.

In the human intelligence world, there is a lot of jealousy and suspicion. This not only means that information is not fully shared across agencies but also that agencies are very reluctant to run checks on their CIs through other agencies for fear of divulging their identities. This insulation results in some CIs double- or even triple-dipping, that is, working with other agencies and providing the same information in exchange for additional payments. This fragmentation also results in the agency running the CI not being able to learn of critical information pertaining to the past (or even current) activities of their CI. It means, too, that the agency that recruits the CI in some cases is simply not in the best position to take full advantage of the information provided by the CI, or that agency competition and institutional rivalries prevent the CI from being turned over to a more capable agency. Certainly, on its face, ICE would not be the best, most logical agency to handle a source like Rodriguez, who was a lieutenant in the Juarez cartel tasked with conducting assassination operations.

The fear associated with the potential compromise of CI identities inside an agency or task force due to corruption can also affect the operational effectiveness of law enforcement operations. It is hard to get much of anything done when people are worried about who may be a mole on the cartel payroll.

### Nowhere to hide

One last thing to consider in the Gonzalez assassination is that it highlights the fact that even though targets will seek shelter inside the United States, Mexican drug cartels will follow them across the border in order to kill them, something we have discussed for several years now. Moreover, incidents like the Gonzalez hit will likely cause high-value cartel targets to move even deeper into the United States to avoid attack — and their enemies' brazen and sophisticated assassins will likely follow.

Rodriguez's use of teenage assassins to kill Gonzalez is also in keeping with a trend we have seen in Laredo and elsewhere, that of the cartels recruiting young street-gang members and training them to be assassins. Young gunmen working for Los Zetas in Laredo, Houston, San Antonio and elsewhere have been given the nickname "Zetitas," or little Zetas. It is not surprising to see the Juarez cartel also employing young gunmen. Not only are the young gunmen easily influenced, fearless, and hungry for money and respect, but the cartels believe that the younger offenders are expendable if caught or killed, and will also do less time than an adult if they are arrested and convicted. These young killers are also not given much information about their employers in the event they are captured and interrogated by police.

In the final analysis, CIs are a necessary evil and can be a very effective weapon in the law enforcement arsenal. Like any weapon, however, CIs must be carefully managed, maintained and employed to make sure they are not used against the law enforcement agencies themselves.

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