**3.10 Government’s Use of Undercover Agents and Informants**

You have heard testimony from [an undercover agent] [an informant] who was involved in the government’s investigation in this case. Law enforcement officials may engage in stealth and deception, such as the use of informants and undercover agents, to investigate criminal activities. Undercover agents and informants may use false names and appearances and assume the roles of members in criminal organizations.

**Comment**

This instruction should be given when the entrapment defense is being asserted. Furthermore, the Ninth Circuit held it was not plain error to give this instruction in the absence of an entrapment defense instruction when the defendant contended the government agent acted improperly. *United States v. Hoyt*, 879 F.2d 505, 510 (9th Cir. 1989), *amended on other grounds*, 888 F.2d 1257 (1989).

*Revised Mar. 2018*