

Preface

Confidential informants (CIs) are an important component of law enforcement investigations. However, they also come with intrinsic problems (e.g., association with criminal offenders, drug and alcohol dependency, a criminal history of their own, which may include fraud, deceit, or violence), and they are incentivized to lie and fabricate details of their work when facing a (potentially lengthy) custodial sentence, which may jeopardize the integrity of criminal cases. To mitigate these and other control issues, the police should test a prospective CI's integrity before they are deployed to work on a given case. In addition, the agency should promulgate a comprehensive written policy on CIs that adopts the best-practice principles identified by the International Association of Chiefs of Police (IACP). Problems that arise when using CIs may be linked to the failure of the police to test their integrity prior to allowing them to work, as well as issues related to training, supervision, and control.

Using CIs has been explored from the legal, ethical, and theoretical perspectives, but none has examined actual police policy to see how CIs are managed by law enforcement agencies. This study is descriptive and examines published US police policies ($n=165$) to determine the extent to which law enforcement agencies test a CI's integrity before they are deployed and how closely those policies adhere to the provisions of the IACP model policy. The results show the overwhelming majority of policies do not require an integrity test for a prospective CI before they are deployed. Consequently, the police have little if any perspective on the CI's veracity before releasing them to work on investigations. Moreover, the principles of management and control found in published police policies show a wide divergence from those in the IACP model policy. The published policies were tested for consistency against the IACP model policy at the 95 % level, and all the control principles were significantly lower than expected. This suggests the policies do not adequately reflect the national model policy, which likely reduces control and leaves officers and community members more vulnerable to problems such as false accusations, fictitious information, fabricated evidence, and generalized police-informant misconduct. It also leaves the CI vulnerable because training and supervision may not be adequate.

The findings also reveal shortcomings that bear the hallmark of an organizational accident, where an employee at the operational level is essentially “set up” for a problem because of deficiencies at the policy level. Fortunately, the findings also present an opportunity for police administrators to proactively control CI operations and build quality assurance into practices in ways that reduce the potential for an accident to occur. When accidents occur the police will likely bear the brunt of social and political criticism for errors that lead to grave consequences, particularly if it is later discovered it was their conduct that facilitated an adverse outcome (i.e., unlawful arrest, wrongful imprisonment, injury, death). Adopting a new, or revising an existing policy on CIs consistent with accepted industry standards will relieve some of the unnecessary pressure that comes from having to defend against sub-standard practices that result in avoidable harm. Doing so also places the accuracy and trustworthiness for CI operations upstream in the hands of the police instead of downstream in the hands of the courts and external groups that are likely to impose their will on the agency and force concessions, or structural reforms the agency had not anticipated.

Confidential Informants

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