

A CRITICAL ANALYSIS OF
INVESTIGATOR-CRIMINAL INFORMANT
RELATIONSHIPS IN LAW
ENFORCEMENT

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By

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ABSTRACT

A CRITICAL ANALYSIS OF INVESTIGATOR-CRIMINAL INFORMANT RELATIONSHIPS IN LAW ENFORCEMENT

by Robert S. Earhart

This study involves an attempt to determine any constant factors that may be identified, which exist in successful and unsuccessful relationships between investigators and criminal informants.

The criminal informant is utilized on a daily basis by investigators to provide information on criminal activities, past, present, and proposed. In spite of this daily utilization, little information is available as to the motivation, selection, and utilization of the criminal informant.

A research methodology, designed to explore three of the primary fields involving the criminal informant, was established. The first of these fields is the motivation of the informant. Why does he provide information? The second of these fields is the selection of the informant. How, and by what technique, does the investigator select the criminal informant? The third area is that of the utilization of the criminal informant by the investigator. How is the criminal informant best and most successfully utilized?

The research methodology was in the form of a mailed questionnaire that was formulated as a result of a personal interview type preliminary survey. A total of 140 questionnaires were mailed out to the four primary law enforcement levels in the State of Michigan, including federal, state, county, and municipal law enforcement officers.

One hundred eight of the mailed questionnaires were returned. The responses in the returned questionnaires are analyzed to determine whether or not there were constant factors that could be identified in the three basic areas of motivation, selection, and utilization of criminal informants.

No specific conclusions are drawn as a result of the analysis of the returned responses. Factors that are consistent in successful relationships are also consistent in unsuccessful relationships and to approximately the same degree.

Additional research is indicated in each of the primary areas, as well as in the area of the public attitudes toward the criminal informant. Another area of inquiry to be considered is the attitude of the informant regarding his own activities.

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CHAPTER I

INTRODUCTION

The society in which we live today places the police officer in many untenable positions, one of which involves his utilization of the criminal informant.

We want the laws enforced and, to this end, we hire men at good salaries to secure obedience to the law, to preserve order and to protect our persons and property. Then by declining to cooperate and, indeed by bringing social pressure against those who would cooperate we make it difficult, if not impossible, for those men to serve us effectively. They would fight our enemies, but we refuse to point them out. We make a sort of game of it, between law enforcement officials and criminals, and sit complacently by, quite ready to applaud a brilliant stroke on either side.¹

This public attitude toward the use of the criminal informant has extended itself beyond the limits described above and now places the police officer who does utilize informants in the same category as the informant. Let the police officer use an informant to provide information leading to the solution of a particularly heinous child murder, or a large narcotics seizure, and this may win public tolerance, but not necessarily public acceptance.

Witness the cry of foul play raised when the police

¹Malachi Harney and John Cross, The Informer in Law Enforcement (Springfield, Illinois: Charles C. Thomas, 1960), p. 7.

used a female legislative stenographer from the state capitol to obtain information and subsequently testify against a syndicated gambling stronghold in Madison Heights, Michigan. Not only did the newspapers print in banner headlines such terms as "Police Spy,"² and "Pretty Spy Planted in Gambling Den,"³ but the activities of this individual, performed at the request of the police, became a partisan political issue on the floor of the Michigan Legislature. This criticism did not stop with the woman involved but was extended to the police agency that requested her service. Yet, the utilization of this woman by the police agency successfully terminated a gambling operation that had resisted for over six years the combined efforts of federal, state, and municipal authorities to obtain evidence with which to invade the premises and arrest the operators. This woman has been subjected to public ridicule, jibes of fellow employees, and threats to her life by anonymous telephone calls. As a result of these threats, she has had to endure round-the-clock police protection. This woman was not a spy nor an informant. She was an average citizen without any criminal record and had no thought in mind other than to perform a civic duty when she responded to the

²News item in the Royal Oak Tribune, February 8, 1964.

³News item in the Detroit Free Press, February 5, 1964.

request of the police agency.⁴

The competent criminal investigator, wise in the fickle ways of the public and only too well aware that sooner or later he may become the object of ridicule and scorn as a result of his utilization of informants, will frequently deny that he places much faith in their use. Indeed, he will rarely admit openly that he or his department depend upon informants to provide fast, competent information regarding criminal activities.

Witness the expression of a high-ranking, metropolitan police administrator, when he was informed of this study and his assistance solicited: "Well, this is great. We really need this, but I don't know how we can help you. This is an area of activity that we do not talk much about."⁵ After some lengthy conversations, this individual admitted that the reason for his reluctance was based on possible damage to his department by public criticism as a result of any publicity that might result from this study. He further admitted that within his own department, particularly on the administrative level, there was some criticism of the use of informants. However, ultimately the full cooperation of this department was obtained in the

⁴Statement by Confidential Source #1, personal interview, February 25, 1964.

⁵Statement by Confidential Source #2, personal interview, September, 1963.

distribution and return of the questionnaires, through this individual.

This same attitude was reflected in three of five preliminary interviews while formulating the questionnaire. This was exhibited by the individuals who provided information and then requested that the information provided be held in confidence and that under no circumstances could they be quoted. The reason that the three gave were all the same, being that departmental policy was to not discuss this matter, and wherever possible to "soft pedal" their department's activities in this field.⁶

In spite of the general public's attitude of scorn toward the police informant and the reluctance of police officers in general to discuss their use, the utilization of informants is considered basic in criminal law enforcement by authorities in the field. John Coatman states,

Every experienced detective in any country will admit that his successes are very largely due to information received, and no police force is without its informers in the local underworld.⁷

Coatman further analyzes the basic problem with this statement: "Criminals are the best source of information about criminals."⁸

⁶Opinions of Confidential Sources 2, 3, 4, and 5, 1963.

⁷John Coatman, Police (London: Oxford University Press, 1959), p. 133.

⁸Ibid., p. 134.

Charles O'Hara expresses his thoughts in Fundamentals of Modern Criminal Investigation as:

The traditional shortcut to the solution of a crime or to the location of a wanted person is the informant. The practical investigator who is pressed by a heavy case load must perforce rely heavily upon this source of information. It is safe to say that a great percentage of important cases are solved by means of informants.⁹

In 1955, J. Edgar Hoover, Director of the Federal Bureau of Investigation, stated:

The objective of the investigator must be to ferret out the truth. It is fundamental that the search include the most logical source of information--those persons with immediate access to necessary facts who are willing to cooperate for the common good. There can be no doubt that the use of informants in law enforcement is justified.¹⁰

And again in 1960 Mr. Hoover stated,

In emphasizing that the contributions of confidential informants cannot be measured in mere statistical terms, neither the human suffering which is prevented nor the investigative time and funds which are saved as a result of their services, can be accurately appraised.¹¹

George Callan, in his book Police Methods for Today and Tomorrow, states: "Informants are as necessary to the

⁹Charles O'Hara, Fundamentals of Criminal Investigation (Springfield, Illinois: Charles C. Thomas, 1961), p. 134.

¹⁰J. Edgar Hoover, "Statement of Director J. Edgar Hoover," F.B.I. Law Enforcement Bulletin (June, 1955), p. 1.

¹¹J. Edgar Hoover, "Confidential Informants Useful to the FBI," The Police Chief (March, 1960), p. 31.

investigator as his badge of office. Most investigations would bog down if it were not for the help obtained from informants."¹²

In spite of the aforementioned support for the use of police informants, not all authorities agree as to the need or value of the criminal informant. Bruce Smith, in "Municipal Police Administration," states:

It is, unfortunately, true that many police departments would be left without familiar weapons if they were deprived of "stool pigeons" and force confessions, and these will, therefore, not be lightly discarded. But the day of their disappearance may be hastened if the police will accord more respectful regard to the inherent possibilities of latent fingerprints, fire arms and bullet identification, the modus operandi system and the painstaking search for other traces which are now largely ignored or too hastily cast aside.¹³

Lois Higgins, in Policewoman's Manual, expresses the view: "It is an unfortunate fact, known to most experienced officers that in some situations the most useful, and sometimes the only way to solve crimes is to employ informers."¹⁴

Heindel, in his analysis of the criminal investigation techniques in the Germany of 1929, does not come

¹²George D. Callan, Police Methods for Today and Tomorrow (Newark: Duncan Press, 1939), p. 54.

¹³Bruce Smith, "Municipal Police Administration," The Annals of the American Academy of Political and Social Sciences (November, 1929), p. 21.

¹⁴Lois Lundell Higgins, Policewoman's Manual (Springfield, Illinois: Charles C. Thomas, 1961), p. 5.

right to the point of discouraging the use of informants, but rather accepts them as a legally unobjectionable but socially distasteful tool utilized by police officers.¹⁵

Hans Gross, in Criminal Investigation, acknowledges the value of the informant but goes on to state: "He [the investigator] ought not indeed to manufacture satellites and spies, but simply take measures to bring a number of persons into cooperation with himself in the service of justice."¹⁶

Reginald Morrish probably sums up this type of attitude toward the informant when he states: "The common informer may be a necessary evil, but when tried is successful."¹⁷

Thus, as a point of departure and to establish a semblance of background information, it is necessary to provide some general concepts and considerations regarding the attitudes of both the public and the police in the use of criminal informants.

Statement of the Problem. This study concerns the selection and utilization of criminal informants by

¹⁵Robert Heindl, "The Technique of Criminal Investigation in Germany," The Annals of the American Academy of Political and Social Sciences (November, 1929), p. 225.

¹⁶Hans Gross, Criminal Investigation (London: Sweet and Maxwell, Limited, 1950), p. 7.

¹⁷Reginald Morrish, The Police and Crime Detection Today (London: Oxford University Press, 1955), p. 30.

investigators. This study consists of an examination of the motivation of the informant, an attempt to determine any criteria that may exist for the establishment of successful or unsuccessful relationships between the investigator and the informant, a discussion of the legal and moral obligations of the investigator to the criminal informant, and an outline of the problems that arise from the relationship established between the two.

To present the problem more clearly requires a brief historical analysis of Anglo-Saxon law. This shows how the criminal informant came into being and the change in public attitudes toward him.

Early Anglo-Saxon law was founded on the belief that each free man would be required to be acquainted with all of the crimes brought to his attention in the district. Then on the semi-annual visit of the sheriff the twelve principal freeholders would present the information that they possessed against the wrongdoers. If they failed to present all of the offenders to the sheriff, the freeholders were fined or imprisoned.

This gave rise in later English law to the requirement of the individual to come forward with information regarding a crime and the person who committed it under threat of imprisonment. If he failed to do so, this was known as "misprision of a felony." As an individual, the early English citizen also had another legal requirement.

If he actually witnessed a person committing a felony, it was his duty to sound a general alarm, or to raise the "hue and cry," and to pursue and apprehend the person.¹⁸

Richard C. Donnelly, in his article "Judicial Control of Informants, Spies, Stool Pigeons and Agent Provocateurs," provides an insight into another area of informants in English Medieval law. At this time there was no organized police force outside of the central courts. Under the ancient practice of English law called "approvement," a person charged with a felony or treason confessed his guilt and, in order to obtain a pardon, offered to "appeal" and convict other violators called "appellees." If the "appellees" were found guilty, the "approver" was pardoned; however, if the "appellees" were acquitted, then the "approver" was hanged. Donnelly further indicates the obvious flaws of abuse and false convictions that resulted in this system, which died in the 16th century.¹⁹

Sir Basil Thomson gives the year 1285 as the establishing date for the first formal police agency in England. This agency, known as the Watch and Ward, was established "for maintaining peace in the city of London and operated

¹⁸Belton Cobb, Critical Years at the Yard (London: Faber and Faber, 1956), pp. 7-19.

¹⁹Richard C. Donnelly, "Judicial Control of Informants, Spies, Stool Pigeons, and Agents Provocateurs," The Yale Law Journal, Volume 60 (November, 1951), pp. 1091-1092.

on the principle that the inhabitants should combine their efforts for their own protection."²⁰ Sir Thomson states that in 1737 the first night watch was established in London, providing the city with organized patrol units. This was still based upon the principle that the inhabitants should protect themselves as they provided the night watch.²¹

Prior to 1749, there existed a small group in London known as the thief takers. These individuals were members of the criminal element and apprehended other criminals for the rewards involved. In 1749, Henry Fielding and his brother John organized the thief takers, and they became paid, whole-time officers attached to Bow Street. Previously the government had paid out large sums as public rewards with no result, except that of fostering unprincipled informers who swore away innocent lives. The thief taker was practically synonymous with informer. In 1749 the organization of the Bow Street Runners began the detective-police.²²

Moylan states that, by 1810, Bow Street Runners were not ex-criminals, but were hand in glove with the criminal classes and consorted with them in the flesh houses.

²⁰ Sir Basil Thomson, The Story of Scotland Yard (New York: The Literary Guild, 1936), p. 16.

²¹ Ibid., p. 18.

²² J. F. Moylan, Scotland Yard and the Metropolitan Police (New York: G. P. Putnam's Sons, Limited, 1929), pp. 13-14.

The Metropolitan Police, established in 1829 by Sir Robert Peel, strictly prohibited such activity by their members. From 1829 until 1839, when the Bow Street Runners ceased to exist, both the Runners and the Metropolitan Police operated in London, with the Runners being primarily concerned with crimes against property and the Metropolitan Police having full jurisdiction over all crimes.²³

The requirements of the citizenry during this period are explained by Jack Williams in Vogues in Villainy in which he states:

In 1824 informers were not held in low esteem, but were citizens helping to enforce the law, as they were required to under threat of misprison of a felony. Actually the grand jury which grew out of the basic Anglo-Saxon law also acted as an informer against the criminals in the community.²⁴

In 1854 considerable alarm was expressed by the citizenry of London regarding the injudicious relations between police and undesirable characters, but it was beginning to be realized that informers played an inevitable and necessary part in most police investigations.²⁵

However, in 1868, the city of London toyed with the idea of employing paid professional informants. The thoughts were that detective work was only part time and

²³Ibid., pp. 151-154.

²⁴Jack Williams, Vogues in Villainy (Columbia, S.C.: University of South Carolina Press, 1959), pp. 62-63.

²⁵Douglas G. Browne, The Rise of Scotland Yard (London: George G. Harrap and Company, Limited, 1956), p. 75.

that by employing full-time, paid informants the detective work would be reduced even further. Public opinion was such that this plan was abandoned, giving rise to the idea that "the informer is an out of the pocket expense and public opinion would not tolerate his promotion to be a salaried retainer."²⁶

While this study's primary concern is the informant in English law, some mention of the informant in France must be made. The history of French police may well be as old as the first French Army. France, lacking the natural boundaries of England, was faced with a different type of criminal problem, one where the criminal could flee from one province to another and from one country to another, with little or no effort. The French kings established the first formal police system early in the Fourteenth Century.²⁷ A lieutenant of police was established in Paris in 1667 and continued through the French Revolution in 1789. The use of the informer by the French police is indicated by the information that the secretary to Napoleon Bonaparte was a paid informer of the commissioner of the Paris police shortly after the French Revolution.²⁸

One of the most celebrated informants in the history

²⁶Moylan, op. cit., p. 156.

²⁷Thomson, op. cit., p. 15.

²⁸Ibid., p. 16.

of the world was an individual who had distinguished himself while fighting for France, but who became a criminal by circumstance and, subsequently, an escaped galley prisoner. This was Francois Vidoq, whose career as an informant spanned forty-seven years, from 1810 to 1857. Vidoq, in order to protect himself from further blackmail by his former criminal associates after he had reformed, became a criminal informant. Vidoq, along with other and former criminals, formed the Brigade de Sureté and ranged the length and breadth of France, providing the police with information and actually apprehending some of the criminals.²⁹

A brief examination of the origins of the criminal informant in the "Old World" has been made, in addition to observing the changing attitudes of the people toward informing the police of criminal activities. This change has been from the recognition of a citizen's duty to inform, to suspicion and fear of those who do inform. The informant is now identified as a police agent or secret police and a threat to the individual liberty in the minds of the people.

These ideas and attitudes born in the "Old World," were sustained and given new growth as people emigrated to the "New World." They brought with them to these shores the bitter hatreds of religious, political, and police

²⁹Philip John Stead, Vidoq (New York: Roy Publishers).

persecutions and a personal desire for individual freedom above all else. They also brought with them the hatred of the secret police and the police agent and the fear of infringement of their individual liberties. An examination of the Bill of Rights and the first five amendments to the Constitution of the United States shows how zealous they were in their attempts to protect these individual liberties.

Along with these fears and hatreds there also came to the New World the informant. Cutler, in Lynch Law, describes what happened to individuals around 1768, who informed to the King's customs agents in this country. "Informers were tarred with warm tar and their heads, body and limbs were covered with feathers and they were paraded around town in a cart with a sign INFORMER on the cart, by a number of inhabitants."³⁰ While there was a political implication involved with this type of informant because the political unrest of the colonies at this time was taking form in some overt action, the above individual informed on a criminal matter. The distinction was very slight.

In tracing the history of the informant in this country, several notable instances of the use of informants are found. Prior to the assassination of President Lincoln, an informant had provided information regarding a previous

³⁰James Elbert Cutler, Lynch Law (New York: Longmans, Green, and Company, 1905), pp. 60-65.

assassination plot. As a result of this information the plot did not succeed.³¹

Another type of informant, more closely identified with the thief taker, is observed in the westward expansion of this country. This was the bounty hunter. The bounty hunter, who both informed and apprehended wanted persons for the posted rewards, was generally despised throughout the western country. This attitude was well expressed in history, fiction, and song, an example of which was the killing of Jesse James, a notorious outlaw, by Robert Ford:

"And then that dirty little coward,
Who shot Mr. Howard
And laid poor Jesse in his grave."³²

This attitude is further expressed in writing and in the motion pictures, particularly in such stories as O'Flaherty's "The Informer" or Burnett's "Little Caesar," both of which have decried the informant in emotional terms, to provide sympathy for the criminals involved. This attitude has extended on into our present day and is exemplified on radio and television and in newspapers, where the informant, regardless of the reason for providing information, is portrayed as a traitor or criminal.

Such terms as canary, snitcher, double crosser, rat, fink, squealer, squawker, and informer have all been

³¹James D. Horan and Howard Swiggett, The Pinkerton Story (New York: G. P. Putnam Sons, 1951), pp. 80-91.

³²Author unknown, origin in western ballads.

attached to the informant and all denote a feeling of abhorrence. Witness the young child who hears his father tell him "don't be a tattler, don't tell on anyone." As the child grows into manhood, he fears being identified with any of the above terms because of societal pressures; thus he avoids providing information by rationalizing that "he does not want to become involved, or that it is none of his business."

If this individual, for any number of reasons, becomes involved in criminal activities, he has already developed from a very early age an attitude of noncooperation with police. This attitude is strengthened by his contact with older members of the criminal element. The ethical code of the criminal, as given by "Jack Black," a many-times convicted burglar, is:

- "1. Do not hold out property on fellow criminals.
2. Do not for any reason fall down on a job.
3. Do not inform the police of the crimes of others.
4. Pay your debts to other criminals.
5. Don't be a hard loser."³³

This brief historical analysis has indicated how the criminal informant came into existence and the changes that have taken place in the public attitudes toward the criminal informant. The change in the public attitudes

³³Jack Black (pseudonym), "A Burglar Looks at Laws and Codes," Harpers, CLX (February, 1930), pp. 306-313.

involves many additional psychological and sociological motives--far too many to enumerate here. The purpose of this review is to provide background information and some basic understanding of the problem.

In the problem is the motivation of the informant. Why does he become an informant, in spite of the social pressures exerted by society against such activities? How can the investigator better select and utilize the informant, again with regards to the societal attitudes? Are there any constant factors that exist in successful investigator-criminal informant relationships? If so, can these factors be applied to the selection and utilization of informants and to the securing of more successful relationships? Does there exist a need for such an inquiry?

Importance of the Study. As is indicated in the introduction, there is considerable variance in opinion, both among the writers in the field of criminal investigation and among the police officials who are involved directly in criminal investigations, as to the utilization of the criminal informant. If one accepts the premise that along with many other devices the criminal informant is an important investigative aid to be utilized whenever needed by the investigator, one will occupy a position near the middle of the two extremes of thought.

With the acceptance of the criminal informant as an investigative aid, the importance of this study is

basically in three areas.

The first area is the discovering and providing any criteria which will be of assistance to the investigator in the field to help him in the selection, utilization, and direction of the criminal informant as well as additional information regarding any factors to help establish or improve the investigator-criminal informant relationship. This need is inferred by the requests of eighty-eight persons out of 108 who filled out and returned the questionnaire and requested the results of this study.

The second area of importance is the providing of information, based upon the results of this study, in formalized training for investigators, both on the recruit and in service training levels. This need is indicated by the seventy-seven persons out of 108 who indicated on the questionnaire that they had not received any training in the selection and utilization of informants.

The third area is, by providing proper training for investigators in the motivation, selection, and utilization of informants, the public attitude toward the criminal informant may be altered from one of distaste to, at least, one of tolerance if not general acceptance.

Definition of Terms Used in this Thesis. To provide understanding and clarification of the contents of this thesis, it is necessary to define certain specific terms. Three pertinent definitions are contained in the following paragraphs.

CRIMINAL INFORMANT. For the purposes of this thesis the criminal informant is distinguished from the political and the military informant. While both the political and military informants may also provide criminal information, most generally their activity is in the field of crimes against a government and not crimes against persons and property. It is further necessary to restrict the definition of the criminal informant more than the accepted legal definition of informant, which is, "a person who gives information to the government concerning the commission of an offense against its laws."³⁴ This further restriction is needed to eliminate the casual or occasional source of information.

Thus, for the purposes of this study, a criminal informant is any person who shall provide, regardless of motivation or method of eliciting information, information that involves general or specific criminal activities of others, as a result of the informants' familial relationships, occupation, associations, or criminal activities.

SUCCESSFUL RELATIONSHIP. A successful relationship between an investigator and a criminal informant is that relationship, regardless of motivation of the criminal informant and manner of original contact, which has produced

³⁴James A. Ballentine, Law Dictionary (Rochester, New York: The Lawyers Cooperative Publishing Company, 1930), pp. 644-645.

valid information regarding general or specific criminal activities, regardless of whether or not an arrest or successful prosecution resulted from the information provided.

UNSUCCESSFUL RELATIONSHIP. An unsuccessful relationship between an investigator and a criminal informant is that relationship regardless of motivation by the criminal informant and manner of original contact, which, because of causal factors either known or unknown, was terminated by the investigator or the criminal informant before any valid information regarding general or specific criminal activities was provided.

Organization of the Remainder of the Thesis. The remainder of the thesis is broken down into four specific areas.

Chapter II is devoted to an examination of the literature in the field, legal research, and confidential sources of information.

Chapter III is concerned with the methodology, including formulation of hypotheses, providing a limitation of the scope of the study, a preliminary survey, and the formulation and distribution of a questionnaire.

Chapter IV is the results of the questionnaire, including the analysis of both successful and unsuccessful relationships.

Chapter V is the conclusion, containing any conclusions drawn from the analyses, along with recommendations and suggestions of areas for further research.

CHAPTER II

REVIEW OF THE LITERATURE

Published Literature. The volume of literature produced in the field of criminal investigation and its allied subjects of police administration and police science during the last ten years would lead to the assumption that the topic of criminal informants has received its share of research and writings.

As a result of the review of the literature for this thesis, only one book consisting of eighty-three pages has been devoted solely to the topic of criminal informants. This book, The Informer in Law Enforcement by Harney and Cross,¹ is the only book catalogued in the Library of Congress under this subject matter.²

Only seven other books and two journal publications have devoted any space to the problems of motivation, selection, and utilization of criminal informants, and these vary in amounts from a brief statement to a short chapter. All of these are reviewed in detail later in this chapter.

¹Malachi Harney and John Cross, The Informer in Law Enforcement (Springfield, Illinois: Charles C. Thomas, 1960).

²Letter from Malachi Harney to Robert Earhart, September 25, 1963.

The remainder of the publications outside of the legal field devote limited space and usually one or two paragraphs to the criminal informant, generally limiting the writing to the value of the criminal informant. The authors do not indicate the motivation of the informant nor do they provide any guide for the selection and utilization of the criminal informant. Occasionally an author may provide some historical background, in an apparent attempt to justify or rationalize the use of the criminal informant.

The review of the general literature of the field serves no purpose for this thesis as it contains nothing that could contribute to this study. The attitudes of both extremes regarding the utilization of the criminal informant, along with the historical development of the informant, are presented in the introductory portion of this thesis, and would be repetitious at this point.

The legal literature in this field is primarily concerned with the use of confidential information for probable cause, the privileged communication that may exist between the investigator and the criminal informant, and the need for disclosure of identity and examination of the criminal informant under oath. This problem is examined more thoroughly in a subsequent section of this chapter, where the investigator's legal obligations to the informant are explored.

The Informer in Law Enforcement by Harney and Cross³

is oriented primarily in the field of narcotics investigations. Indeed, the two authors have extensive background experience in the field of narcotic investigation on the state and federal levels.

Harney and Cross approach the problem of the criminal informant as an important investigative aid, to be utilized with caution, in the same manner as any other investigator aid. The authors indicate their awareness of the emotional attitude of the general public against the criminal informant. But, having been active criminal investigators, they are aware of the importance of and the need for criminal informants in the successful solution of many criminal activities.

Harney and Cross categorize the motivation of criminal informants into seven major groups:

1. Fear Motive--fear of the law either as a current or future defendant or fear of their criminal associates.
2. Revenge Motive--retaliation against their present or former criminal associates for an actual or alleged wrong.
3. Perverse Motive--elimination of competitors in criminal activities and diversion of

³Harney and Cross, op. cit.

attention from their own criminal activities.

4. Egotistical Motive--magnify their own importance by providing information regarding the activities of more important criminals.
5. Mercenary Motive--provide information for the sole purpose of financial gain.
6. Reform Motive--the repentance of a wrongdoing or their attempt to break away from criminal associates.
7. Demented or Eccentric--provide information because of a particular quirk in their personality.⁴

Regarding the selection of successful informants, Harney and Cross offer the opinion that the successful informant is most likely to be a criminal or closely associated with criminals and their criminal activity.

The authors state that the successful utilization of the informant is based directly upon the relationship that is established between the criminal informant and the investigator. Further, in the utilization of the criminal informant there are four primary problem areas that frequently arise in the relationship between the investigator and the criminal informant. These are:

1. The investigator becomes involved in the personal

⁴Ibid., pp. 33-38.

problems of the criminal informant.

2. The investigator is compromised by word or act in his dealings with the criminal informant.
3. The informant, because of his status, is permitted to continue covertly his own criminal activities.
4. The investigator develops too much trust in the criminal informant and provides him with too much information regarding the investigation creating the possibility of a "double agent."⁵

Finally, Harney and Cross state that the investigator has both moral and legal obligations to the criminal informant. These obligations are: to provide the criminal informant with considerate and decent handling, to provide protection for his physical well being at all times, and to protect his identity wherever possible and for as long as possible.⁶

For the first attempt at explaining the motivation, selection, and utilization of criminal informants, Harney and Cross succeed quite well, limited in scope and as short as their analysis is. They accomplish, if nothing more, the establishment of certain motivating factors, the description of problem areas in utilization, and the definitions

⁵Ibid., pp. 55-70.

⁶Ibid., pp. 71-82.

of the legal and moral obligations of the investigator to the criminal informant. They achieve more than this, in that they pioneer in a field that has long been neglected and open the door for additional research and writing.

Charles O'Hara devotes Chapter 12 of his book, Fundamentals of Criminal Investigation,⁷ to informants. Initially in this chapter O'Hara makes a distinction between an informant and a confidential informant. However, his definition of informant would be more aptly described as a source of information rather than an informant when he states: "in general an informant is a person who gives information to the investigator. He may do this openly and even offer to be a witness or he may inform surreptitiously and request to remain anonymous."⁸ This definition would then apply to the local postmaster, unemployment manager, or credit bureau manager, among many others who often act as sources of information for the criminal investigator.

O'Hara defines a confidential informant as "a person who provides an investigator with confidential information concerning a past or projected crime and does not wish to be known as the source of this information."⁹ This definition, while too broad in scope, nonetheless does provide

⁷Charles E. O'Hara, Fundamentals of Criminal Investigation (Springfield, Illinois: Charles C. Thomas, 1961).

⁸Ibid., p. 134.

⁹Ibid.

some of the elements that are found in criminal informants but again does not exclude the casual or occasional source of information, which must be excluded if we are to consider the criminal informants in their proper context.

O'Hara lists ten basic motives of informants:

- a. Vanity. The self aggrandizing person who delights in giving information to gain favorable attention from police authorities.
- b. Civic-mindedness. The public spirited person in the community who is interested in seeing that justice is done.
- c. Fear. The person under an illusion of oppression by his enemies or of other impending danger.
- d. Repentance. The person, usually an accomplice, who has a change of heart and wishes to report a crime that is preying on his conscience.
- e. Avoidance of Punishment. The person who is apprehended for a minor offense and seeks to avoid prosecution by providing information concerning a major crime.
- f. Gratitude or Gain. The person who is willing to cooperate in giving information to express appreciation or obtain a privilege, such as one who is arrested and desires cigarettes or other items or a former prisoner who wishes to repay the police officer's interest in the welfare of his family while in detention.

- g. Competition. The person (usually one earning a living by questionable means) who wishes by this means to eliminate his competitor.
- h. Revenge. The person who wishes to settle a grudge because someone else informed against him.
- i. Jealousy. A person who is envious of the accomplishments or possessions of another and wishes to humiliate him.
- j. Remuneration. The person who informs solely for the financial or other material gain he is to receive.¹⁰

O'Hara has added one significant motive to the ones listed by Harney and Cross, that of civic-mindedness. This motive, occasionally causes an individual to become a criminal informant. This was indicated in the results of a survey conducted by Yale University in 1953, which is reviewed later in this chapter.

While O'Hara has increased the number of motives over the ones listed by Harney and Cross, many of the motives are overlapping, such as gratitude or gain and remuneration; or fear and avoidance of punishment.

O'Hara makes only passing mention of the selection of criminal informants when he writes: "An effective

¹⁰Ibid., p. 135.

investigator of criminal offenses in a localized area usually has a number of confidential informants drawn from various classes and occupations. He has developed their friendship and cooperation over the course of years."¹¹

Regarding the treatment of informants, O'Hara lists three general rules:

- a. Fair Treatment. The informant should be treated considerately regardless of his character, education, or occupation.
- b. Reliability. The investigator should be scrupulously honest in the fulfillment of all ethical promises which he has made. Any other policy results in distrust and loss of the informant.
- c. Control. The informant should not be permitted to take charge of any phase of the investigation.¹²

In these three general rules O'Hara does not provide any guidelines that are unique to the criminal informant. All of these rules might well be applied to any contact the investigator might have with the general public.

O'Hara briefly offers information regarding the protection of the identity of the criminal informant and suggests a procedure for the evaluation of the information that the informant has provided.

¹¹Ibid., p. 136.

¹²Ibid., p. 137.

O'Hara, in summary, provides general information in its broadest terms regarding the motivation, selection, and utilization of criminal informants.

Albert Deutsch, in his book The Trouble with Cops,¹³ entitles Chapter 8 "Stool Pigeons," and devotes this chapter to the criminal informant.

Deutsch states that, while the informer is considered an object of scorn and contempt, he is viewed as a necessary evil by the police, that while prostitutes and drug addicts are criminal informants, the main bulk of criminal informants are recruited from the small-fry criminal element of pimps, pickpockets, bookmakers, and petty thieves, "whose comminglings in the underworld give them access to information."¹⁴

Deutsch states that the criminal informant is rewarded by financial payments or immunity from punishment for their own illegal activity. He also points out that beyond the scorn and contempt that is heaped upon the informant if his activities are discovered, he places his physical well-being in jeopardy by his activities, citing the example of Arnold Schuster, who, as a good citizen, identified the wanted bank robber, Willie Sutton, and who a few days later was shot to death, apparently as a result

¹³ Albert Deutsch, The Trouble with Cops (New York: Crown Publishers, 1954).

¹⁴ Ibid., p. 101.

of his identification of Sutton.

Deutsch then examines some of the results of the Yale Law Journal questionnaire regarding criminal informants, which is covered later in this chapter.¹⁵

Anthony Martienssen, in his Crime and the Police,¹⁶ gives the basic motive of the criminal informant as: "the informers themselves are more often than not petty criminals who have served prison sentences and who for their own reasons wish to keep in touch with the police. These informers are never asked to give evidence."¹⁷ Beyond this, the author does not offer any information as to any additional motivation or any suggestions as to the selection and utilization of the criminal informants.

In his book Police,¹⁸ John Coatman provides this information: "The usual motive of the informer in giving information is to curry favor with the police or to pay off a grudge."¹⁹ Coatman does not explore the problems involving the criminal informant beyond this point.

Moriarty and Williams, in their book Police Procedure

¹⁵Ibid., pp. 97-98.

¹⁶Anthony Martienssen, Crime and the Police (New York: Secker and Warburg, 1951).

¹⁷Ibid., pp. 79-80.

¹⁸John Coatman, Police (London: Oxford University Press, 1959).

¹⁹Ibid., p. 134.

and Administration,²⁰ base the success of the officer in dealing with criminal informants upon the personality of the investigator when they write: "it will depend on the personality of the police officer whether he is able to get information from those who occasionally come in conflict with the law."²¹ Again, the subject matter is not pursued by the authors.

Sir Harold Scott, in his book Scotland Yard,²² frankly expresses the lack of concrete knowledge when he states: "The motives of these sources are I suppose as many and as mixed as the informants themselves. Some do it for money. Some act for motives of jealousy, revenge or spite. Some out of gratitude to the police officer."²³ Scott continues to explain the reasons for the protection of the identity of the criminal informant but does not inquire into the areas of selection and utilization.

Richard C. Donnelly, who provides some insight into one of the early origins of the informant in the practice of "approvement" in early English law, in his article published in The Yale Law Journal, defines the different types

²⁰ Cecil C. H. Moriarty and W. J. Williams, Police Procedure and Administration (London: Butterworth and Company, Limited).

²¹ Ibid., p. 65.

²² Sir Harold Scott, Scotland Yard (New York: Random House, 1955).

²³ Ibid., p. 119.

of informants as he views them:

An informant is one who, having participated in an offense, turns against his partners and discloses information to the police. Quite often under a promise of immunity, he testifies against them at their trial. The police spy enters into conspiratorial plans for the purpose of obtaining information. His connection with police antedates his participation. His role is primarily that of an observer and a reporter. The stool pigeon acts as a decoy to draw others into a trap. He solicits the commission of a crime. His part is that of a catalyst. The agent provocateur is a specialized and sophisticated stool pigeon traditionally employed by political police.²⁴

Donnelly continues his description by indicating that regardless of what he is called he is regarded with aversion and nauseous disdain. He admits that the informant has some limited value in the vice repression area, but in general police service he serves little or no good. Further, the informant may be a drug addict, pickpocket, pimp, or other petty criminal and, "the employment of stool pigeons by the police probably arouses more resentment and hatred than any other non-violent abuse."²⁵

The author then reviews the legal aspects of the disclosure of the criminal informant's identity, all in a negative manner.

At this point, Donnelly launches a bitter diatribe against the informant and the utilization of the informant

²⁴Richard C. Donnelly, "Judicial Control of Informants, Spies, Stool Pigeons, and Agents Provocateurs," The Yale Law Journal, Volume 60 (November, 1951), p. 1092.

²⁵Ibid., p. 1094.

by police, illustrating occasions of entrapment through the use of informants, as well as under cover investigators. He continues, naming the stool pigeon as particeps criminis and accomplices to the commission of the criminal act. These accusations, while documented, are not the usual occurrence and appear to have been taken out of their regular context.

On prior occasions, arguments of a similar nature have been espoused by extreme members of a group known as the American Civil Liberties Union. After reviewing the writing of Mr. Donnelly, one cannot help but wonder if this point of view has not seriously hampered any improvements in the field of criminal investigation and hindered the administration of criminal justice.

In 1953 The Yale Law Journal prepared and distributed a questionnaire on the motivation and attitudes towards the use of informants and the evaluation of the extent, usefulness, and reliability of confidential information obtained from criminal informants. A question also was posed as to what would happen to law enforcement operations if the use of criminal informants was prohibited. This questionnaire was mailed to administrators of thirty-one police agencies in cities of populations in excess of 25,000 in twenty-two states and one territory.

While this questionnaire was primarily executive oriented, the results of the motivation and the attitudes

toward and the use of informants and the problems that would arise if the use of criminal informants was prohibited are pertinent to this study in generalities. The results of this study are partially contained in The Yale Law Journal, Volume 63, December, 1953, and Albert Deutsch's book, The Trouble with Cops.

The questionnaire limited the motives of the informant to four areas:

1. Private citizens.
2. One who has participated in a crime and has turned against his partners.
3. One who seeks evidence of a crime with the approval or on the urging of the police department.
4. One who is employed by the police department to participate in the commission of a crime--such as one who purchases narcotics from a peddler.²⁶

Twenty-three departments indicated that their most frequent source of confidential information came from citizens.²⁷ The majority of the responses regarding the public attitudes toward the criminal informant indicated negative attitudes for varying reasons.²⁸ The main usefulness for the criminal informant as indicated by the questionnaire involved liquor, narcotics, gambling vice, and larceny

²⁶Deutsch, op. cit., p. 103.

²⁷"An Informer's Tale: Its Use in Judicial and Administrative Proceedings," The Yale Law Journal, Volume 63 (December, 1953), p. 206.

²⁸Ibid., p. 207.

violations.²⁹

The response to the inquiry as to what would happen to law enforcement operations if the use of the criminal informants was prohibited brought out an overwhelming majority of answers indicating that this would be very damaging and nearly catastrophic to law enforcement operations.³⁰

The remainder of the article in The Yale Law Journal is devoted to the legal aspects of disclosure of the criminal informants' identity and some general recommendations and conclusions for additional legal safeguards in cases involving criminal informants.

Legal Research. Sir Harold Scott presents the legal attitude toward the disclosure of the identity of criminal informants when he states, it is not in the best public interest that "Q" cars should be described in open court and it is not in the public interest that the detective should divulge his contacts in the underworld who, often at risk to themselves, supply the information to the police.³¹

A review of the legal problems involved in the utilization of criminal informants basically is in two areas. The first area is that of using the criminal informant as a source of information for probable cause to effect arrests

²⁹Deutsch, op. cit., p. 103.

³⁰Ibid.

³¹Scott, loc. cit.

and searches and seizures. The second area is the disclosure of the identity of the criminal informant. Both areas will be examined regarding the state and federal court decisions.

Hughes, quoting Lord Chief Justice Eyre in Hardy's trial, 24 How. St. Tr. 8 (1794), states:

It is perfectly right that all opportunities should be given to discuss the truth of the evidence given against a prisoner; but there is a rule which has universally obtained on account of its importance to the public for the detection of crimes, that those persons who are the channel by means of which that detection is made should not unnecessarily be disclosed.³²

Hughes further states that this rule must be complied with in the interest of the public; however, the rule does have certain limitations. The privilege only applies to the identity of the informant and not the contents of the information disclosed. This is not a rule that cannot be departed from, for if the innocence of the defendant rests upon the disclosure of the identity of the informant, then this disclosure must be made.³³

Wigmore states that the communication given to a police officer has the same privilege given a public prosecutor. "A communication voluntarily made to a public prosecutor, purporting to disclose matters concerning a public offense, is privileged from disclosure as to the identity

³²T. W. Hughes, Law of Evidence (Chicago: Callaghan and Company, 1907), p. 298.

³³Ibid., pp. 298-299.

of a person so informing or a person advising the informer."³⁴

The Michigan Law regarding the use of information from a confidential informant as probable cause for an arrest or a search and seizure is based primarily on *People v. Guertins*, 224 Mich. 8 (1923), in which the court indicates that an arrest predicated only on information received from an anonymous source is not a lawful arrest.³⁵

This same opinion is elaborated on in *People v. Kamhout*, 227 Mich. 172 (1924) at 188:

What we do state to be the rule by which this court will be governed is, that if an officer, charged with the enforcement of the law, from the exercise of his own good senses, or acting upon information received from sources apparently so reliable that a prudent and careful person, having due regard for the rights of others, has reasonable and probable cause.³⁶

This opinion is again expressed in *People v. Miller*, 245 Mich. 115 (1928), and again the court indicates that anonymous information alone will not meet the test of probable cause without supporting evidence.³⁷

A good example of what the court requires as probable cause is indicated in *State Ex. Rel. Dowling v. Martin*, 314 Mich. 317 (1946), where officers were informed that a described

³⁴John Henry Wigmore, Wigmore's Code of the Rules of Evidence in Trials at Law (Boston: Little, Brown and Company, 1935), pp. 441-442.

³⁵*People v. Guertins*, 224 Mich. 8 (1923).

³⁶*People v. Kamhout*, 227 Mich. 172 (1924), p. 188.

³⁷*People v. Miller*, 245 Mich. 115 (1928).

man was engaged in the numbers racket, that this man would be at a described place at a certain time and using a described automobile. The defendant answering the description, driving the auto described at the location and at the time described, was arrested and the court held that this arrest was justified.³⁸

The majority opinion in *People v. Zeigler*, 358 Mich. 355 (1960), held to the prior opinions expressed in *Guertins supra* and *Miller supra*. The dissenting opinion of Justice Talbot Smith contains an interesting analysis of probable cause where he states:

The informant's name is only one of the factors bearing upon whether or not the officer as a reasonably prudent person, having due regards for the rights of others, would be induced to honest belief that a crime was being committed. The information may have all of the earmarks of authenticity even though the informant's name is not disclosed, or it may be utterly and obviously worthless even though the name is repeated over and over. It cannot be the law that officers of the law, given certain facts apparently reliable and trustworthy, may remain quiescent in the station house if their informant refuses to disclose his name, but must be galvanized into immediate action if the informant adds that his name is John Doe.³⁹

In Michigan Law, privileged communication is based upon the sacredness of the bond that exists between the person making the communication and the person who receives the communication. What is communicated is made secondary

³⁸State Ex. Rel. *Dowling v. Martin*, 314 Mich. 317 (1946).

³⁹*People v. Zeigler*, 358 Mich. 355 (1960), pp. 368-369.

to the relationship between the two persons that are involved in the communication. The only way that the communication may be divulged is through a waiver by the communicant. While the privilege regarding communications between persons involved in the detection of crime and their informants is not defined by statute, it is clearly indicated by court decisions.⁴⁰

The aspect of privileged communication in Michigan Law is founded in *People v. Laird*, 102 Mich. 135 (1894), at 138, which states:

The general rule is that persons engaged in the detection of crime are not bound to disclose the sources of information which led to the apprehension of the prisoner. The reason for the rule is that such disclosure can be of no importance to the defense, and may be highly prejudicial to the public in the administration of justice by deterring persons from making similar disclosures.⁴¹

This same opinion is expressed again in *People v. Ward*, 226 Mich. 45 (1924),⁴² and again in *People v. Asta*, 337 Mich. 590 (1953), which rely upon *Laird supra* for guidance regarding the need for disclosure of the identity of the informant.⁴³

The federal rules regarding the use of information

⁴⁰Glen C. Gillespie, Michigan Criminal Law and Procedure (Chicago: Callaghan and Company, 1953), pp. 588-597.

⁴¹*People v. Laird*, 102 Mich. 135 (1894), p. 138.

⁴²*People v. Ward*, 226 Mich. 45 (1924).

⁴³*People v. Asta*, 337 Mich. 590 (1953).

from criminal informants as probable cause for arrest and search and seizure is based primarily on *Carroll v. United States*, 267 U.S. 132 (1925), which states at 162:

Where the facts and circumstances within the arresting officer's knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed.⁴⁴

This same application is applied in *Brinegar v. United States*, 338 U.S. 160 (1949), which places the determination of probable cause upon all of the facts of information and the degree of specificity of the information as provided by the informant to make probable cause.⁴⁵

Both *Carroll*, supra, and *Brinegar*, supra, are reviewed and reaffirmed in *Draper v. United States*, 358 U.S. 307 (1958), in 1958, regarding the reliability of the source of information and the specific nature of the information.⁴⁶

In *Wong Sun et al. v. United States*, 371 U.S. 471 (1963), the court again reaffirms its requirements of both valid sources and specific information to rise to probable cause.⁴⁷

Privileged communication between informants and investigators on the federal level is primarily based on *Wilson v. United States*, 59 F 2d 390 (1932) at 392, which states:

⁴⁴*Carroll v. United States*, 267 U.S. 132 (1925), p. 162.

⁴⁵*Brinegar v. United States*, 338 U.S. 160 (1949).

⁴⁶*Draper v. United States*, 358 U.S. 307 (1958).

⁴⁷*Wong Sun et al. v. United States*, 371 U.S. 471 (1963).

Generally, courts will not compel disclosure of identity of one who has given information to government respecting law violations without the government's consent.

This rule is based on the general principle that it is the right and duty of every citizen to communicate to the executive officers of the government charged with the duty of enforcing the law all information which he has of the commission of offense against laws of the United States and such information is privileged as confidential communication which court will not compel or permit to be disclosed without government's consent. Such evidence is excluded not for protection of witnesses, but because of policy of law.

Disclosure of a source of information and the identity of the source will be compelled if useful evidence to vindicate the accused's innocence or lessen risk of false testimony, or if essential to proper disposition of the case.⁴⁸

This same decision is reviewed and expanded in *Scher v. United States*, 305 U.S. 251 (1938) at 260, in which the court, in addition to affirming *Wilson*, supra, states:

A defendant upon trial of an indictment against him is not entitled as a right to know who gave the information or made the complaints which started the prosecution, unless the disclosure is essential to the defense, as where this turns upon an officer's good faith.⁴⁹

These opinions are again reviewed and reaffirmed in *Rovario v. United States*, 353 U.S. 53 (1957), wherein the court says that what is usually referred to as the informer's privilege is really the government's privilege to withhold from disclosure the identity of persons who

⁴⁸ *Wilson v. United States*, 59 F 2d 390 (1932), p. 392.

⁴⁹ *Scher v. United States*, 305 U.S. 251 (1938), p. 260.

provide information to enforcement officers. Again the court indicates that the purpose of this privilege is to recognize the obligations of the citizens to communicate information to the government, and to encourage them to perform this obligation. However, the court indicates that this privilege is limited to the above purposes. Where a disclosure of the contents of the communication will not reveal the identity of the informant, the contents are not privileged. Nor, once the identity of the informant is revealed is the communication privileged. Further, when the disclosure of the identity of the informant is revelant and helpful to the accused's defense or is essential to the determination of a cause, the privilege will not hold. In this case, the government's sole evidence rested on information from a criminal informant, whose identity had not been revealed during trial, and this court reversed the trial court's conviction.⁵⁰

Later, in 1957, the court held in *United States v. Jencks*, 353 U.S. 57, that the defense had the right to examine documents and records of the government involving communications with confidential government informants.⁵¹ As a result of this opinion, congressional legislation was enacted, prohibiting such disclosure activity until after

⁵⁰*Rovario v. United States*, 353 U.S. 53 (1957).

⁵¹*United States v. Jencks*, 353 U.S. 57 (1957).

the witness testifies on direct examination, and that subject to determination of the relevancy of the documents and records the trial judge may direct that they be delivered to the defense.⁵² On first glance, *United States v. Jencks*, supra, appears to strike at the heart of the federal rule on disclosure of the identity of an informant; however, because this decision was effectively controlled by the enactment of 18 U.S.C. 3500, the federal rule on disclosure is still based primarily on *Wilson*, supra.

In 1959 Mr. Justice Frankfurter states in *Palermo v. United States*, 360 U.S. 343 (1959) at 355:

This is a problem (disclosure) of the sound and fair administration of a criminal prosecution and its solution must be guided by the need reflected in so much of our law of evidence to avoid needless trial of collateral and confusing issues while assuring the utmost fairness to a criminal defendant.⁵³

Again in 1959 in *Rosenberg v. United States*, 360 U.S. 367 (1959) at 367, Mr. Justice Frankfurter states: "Since its enactment 18 U.S.C. 3500, not the *Jencks* decision, governs the production of statements of government witnesses for a defendant's inspection at trial."⁵⁴

This same ruling is affirmed by Mr. Justice Whittaker

⁵²"Title 18, Section 3500," Federal Code Annotated (Indianapolis: The Bobbs-Merrill Company, Incorporated, 1964), 1964 Supplement, p. 149.

⁵³*Palermo v. United States*, 360 U.S. 343 (1959), p. 355.

⁵⁴*Rosenberg v. United States*, 360 U.S. 367 (1959), p. 367.

in the 1961 opinion in Killian v. United States, 368 U.S. 231 (1961).⁵⁵

Both the federal and Michigan law appear to approximate each other in both areas of concern regarding the utilization of criminal informants. In the use of informants to determine probable cause, both the reliability of the informant and the specific nature of the information must be taken into consideration before the police may act on it. Most assured anonymous information standing alone will not make probable cause. In the disclosure of the identity of the informant, it appears that unless the identity of the informant is material to the defense of the accused, this identity cannot and will not be compelled.

Unpublished Material. All of the unpublished material is instructional in nature, having been prepared for use by the various police agencies in instructing their own members.

"Covert Police Intelligence"⁵⁶ is an instructional guide prepared by the United States Army, Military Police. The section devoted to informants does not discuss the motivation of criminal informants. It does, however, provide the following suggestion regarding the selection of the informant: "You must attempt primarily to develop informants

⁵⁵Killian v. United States, 368 U.S. 231 (1961).

⁵⁶"Covert Police Intelligence" (Fort Gordon, Georgia: United States Police Military Police School, 1963), mimeographed.

whose geographical location and occupation or activity will afford the desired coverage."⁵⁷ The outline then suggests areas in which informants may be located and occupations which might provide locations of criminal informants.

The outline then offers nine rules to insure effective relationships with the criminal informant:

1. Treat informants fairly.
2. Be scrupulously exact in all transactions.
3. Express appreciation for any information received.
4. Corroborate information.
5. Protect the interest of the informant.
6. Make no promise of reward or other commitment which cannot be fulfilled.
7. Make no attempt to force information from an informant.
8. Do not provide the informant with any more information than is absolutely necessary.
9. Do not allow the informant to take over the conversations.⁵⁸

"Confidential Criminal Informants"⁵⁹ is an instructional guide prepared by the Federal Bureau of Investigation. This outline begins by acknowledging that there is very little written information on this topic and that even fellow police officers are not prone to talk about their

⁵⁷Ibid., p. 3.

⁵⁸Ibid., p. 8.

⁵⁹"Confidential Criminal Informants" (Federal Bureau of Investigation), mimeographed.

experiences.

The criminal informant is defined as "an individual who by virtue of his particular placement in community society has information which when furnished to a law enforcement agency aids that agency in the more complete fulfillment of its community responsibilities of crime prevention and control."⁶⁰

The outline provides motives for confidential informants:

1. Financial gain.
2. Currying favor of law enforcement officials.
3. Law abiding citizens.
4. Relatives, who feel it is in the best interest that an individual be apprehended.
5. Grudge reasons.⁶¹

The instructional outline then provides a guide as to occupations of potential criminal informants and enumerates rules for establishing successful relationships with criminal informants.

1. Contacts with the criminal should not be in public places and the location should be frequently changed.
2. Corroborate the information received.
3. Impress on the criminal informant the investigator's

⁶⁰Ibid., p. 2.

⁶¹Ibid., pp. 3-4.

personal integrity as well as the integrity of the agency.

4. Recognize that the criminal informant may have personal problems which must be considered.
5. Encourage and compliment them when justified.
6. If possible provide an alternate investigator for the criminal informant to contact in case of need.
7. Make good all promises.
8. Pay for information, on a delivery basis after the information has been verified.⁶²

"Contacts and Sources of Information"⁶³ is a mimeographed handout material prepared by the Michigan State Police. The information contained in the one page devoted to the criminal informant is antiquated and very inadequate.

"Informers,"⁶⁴ an instructional guide by Malachi Harney, for use in the United States Treasury Department, is identical to the outline prepared by Vincent Piersante, entitled "Informers,"⁶⁵ for the Detroit Police Department.

⁶²Ibid., pp. 8-10.

⁶³"Contacts and Sources of Information" (East Lansing: Michigan State Police Training School, 1942), mimeographed.

⁶⁴Malachi Harney, "Informers" (Washington, D.C.: United States Treasury Department, 1955), mimeographed.

⁶⁵Vincent W. Piersante, "Informers" (Detroit: Detroit Police Department, 1962).

Both of these contain the same information reviewed in Harney and Cross's book.

"Sources in Investigative Activities"⁶⁶ was prepared by the Office of Special Investigation of the United States Air Force. This is information provided by an official source and covers the recruitment and information control of criminal informants. The specific contents of the information provided may not be divulged.

Confidential Sources. Much of the information that has been received by this writer has come from personal contacts with police officers of varying ranks in several agencies throughout the state. These contacts provided information on a confidential basis and requested that they not be quoted, nor their names used, the reason for which was not volunteered nor was an inquiry made. However, the information provided by five of these individuals is being discussed in detail and, in order to provide the reader with some idea as to the abilities and the position of the confidential source, a brief, however well-disguised, description follows:

Confidential Source #1. An enforcement officer on the state level, with 22 years' investigative and command experience.

⁶⁶"Sources in Investigative Activities" (Dayton, Ohio: Office of Special Investigations, United States Air Force, 1963).

Confidential Source #2. An enforcement officer on the municipal level with 20 years' experience in the investigative field and currently a top ranking officer within his agency.

Confidential Source #3. A military officer of staff grade with over 25 years' experience in the field of military investigations of a criminal nature.

Confidential Source #4. A law enforcement officer on the federal level with over ten years' experience in the criminal investigation field primarily in the area of criminal informants.

Confidential Source #5. A law enforcement officer on the federal level with over seven years' experience in the criminal investigation field primarily in the area of criminal informants.

CHAPTER III

METHODOLOGY

Hypotheses. As a result of the review of the literature and a preliminary survey in the field, three major hypotheses will be tested, covering the motivation, selection, and utilization of the criminal informant.

The first hypothesis is that the successful criminal informant is motivated by one of six basic motivations:

1. Fear--a. of his criminal associates.
b. of criminal prosecution.
2. Revenge.
3. Divert attention from his own activities.
4. Personal ego gratification.
5. Financial gain.
6. Reform--a. Repenting a wrongdoing.
b. Attempting to break away from criminal associates.¹

The second hypothesis is that the successful criminal informant, at the time of his selection, has been involved or is currently involved in criminal activities.

The third hypothesis is that the successful

¹Malachi Harney and John Cross, The Informer in Law Enforcement (Springfield, Illinois: Charles C. Thomas, 1960), pp. 33-38.

utilization of the criminal informant is based directly upon a personal relationship that is established between the investigator and the criminal informant.

No specific hypotheses for unsuccessful relationships are formulated, as the converse of the hypotheses for successful relationships will be utilized.

Limitations of the Study. This study was confined to the geographic boundaries of the state of Michigan. However, information was elicited from the four primary governmental levels: federal, state, county, and municipal law enforcement agencies located throughout the state of Michigan. The limitations were based on the observation that because of the nature of the subject matter of the inquiry, little variation in replies to the inquiries would be expected if the limitations were expanded to cover the continental limits of the United States. In addition, by limiting the study to the geographic boundaries of the state, the writer could rely to some extent for reliable answers on associations with criminal investigators, on all four governmental levels throughout the state, over the past eight years.

The minimum acceptable response to the questionnaire was determined to be not less than 35% of the total questionnaires distributed (140) which would be forty-nine complete questionnaires. This limitation was placed in an attempt to provide a basis for the validation of the data.

Formulation of the Questionnaire. Based upon the review of the literature and interviews with various investigators, a fifty-question inquiry form was drawn up. Three general categories were established. These were based on the initial contact, additional contacts, and general information regarding the motivation, selection, and utilization of criminal informants.

The initial contact consisted of areas of questions covering:

1. How the initial contact was established.
2. Where the physical location of the initial contact was.
3. What was the attitude of the criminal informant.
4. What was the expressed motive of the informant.
5. What was the believed motive of the informant.
6. Was the informant in police custody at the time of the initial contact.
7. Was the informant prosecuted for this charge.
8. Did he provide valid information.

Additional contacts section consisted of areas of questions covering:

1. Were there additional contacts.
2. Were these successful.
3. Had the expressed motives changed.
4. If so, what were the new motives.
5. If, in the investigator's opinion, the motives had changed, what was the new motive.

6. Approximately how many additional contacts have been made.
7. How many of these contacts have been unsuccessful.

General information section consisted of areas of questions concerning:

1. Personal aversion by the investigator to the utilization of informants.
2. Personal aversion to associating with informants.
3. Departmental attitudes toward utilization of informants.
4. Community attitudes toward criminal informants.
5. Attempts by other officers to destroy personal informants.
6. Investigator involvement in personal problems of the informant.
7. Sex and age group of the informant.
8. Criminal record of the informant.
9. Criminal activity of the informant.
10. Area of criminal activity.
11. Departmental funds for informants.
12. "Out of the pocket" payments to informant.
13. Testimony of the informant in court.
14. Attempts to transfer the informant to another investigator.

15. Formal training of the investigator in the selection and utilization of criminal informants.

A total of fifty questions were contained in the initial questionnaire that was prepared and utilized in the preliminary survey.

Preliminary Survey. The preliminary survey was based on the original fifty-question inquiry and was conducted on a personal basis with confidential sources 2, 3, 4, and 5. As a result of the preliminary survey, drastic modifications in plans and questionnaire content were deemed advisable. These areas of modification were urged by the sources to improve the areas of response, honesty and accuracy in answering the questions, as indicated in the subsequent paragraphs.

The initial plan to present the questionnaire on an individual personal basis was objectionable in that, because of the attitudes developed by the subject matter itself, some reticence in response might occur, where by mailing the questionnaire this face to face confrontation would not exist. On a personal interview, the time element involved with the interview might well affect the accuracy of recall regarding particular incidents where a mailed questionnaire could be completed at the discretion and leisure of the investigator. Frequently on a face to face interview the person giving the answers will change the

true answer to an "acceptable" one or one that he feels the interviewer wishes to hear. This problem is eliminated by the anonymity of the mailed questionnaire.

Initially it was planned to leave the determination of the criteria for a successful or unsuccessful relationship to the investigator responding to the questionnaire. The extremely wide latitude of possible responses was observed in the preliminary survey, extending from successful relationships indicated by successful prosecution and imprisonment of the violator to unsuccessful relationships that were anonymous telephone tips.

A simple workable criterion for successful or unsuccessful relationships was formulated and enclosed as a portion of the cover letter accompanying the questionnaire (Appendix A).

Specific areas that were extremely controversial or that would tend to negate the possibility of completion and return of the questionnaire were also brought out in the preliminary questionnaire. Most of these objections were based on possible reprisals by agency commands or the creation of poor public attitudes toward the agency as a result of answering questions honestly.

Also any questions that could conceivably tend to identify in any manner the informant on whom the questionnaire was being prepared were deemed objectionable from two points--first, the possible exposure of the identity of the informant in general, and secondly, the possible identity

and subsequent utilization of this informant by another investigator. Many of the questions taken out of context appeared innocent; however, when combined with the total questions, could have created some false implications. This area included questions involving the additional number of contacts and the general type of criminal activity involved.

Another problem area, determined by the preliminary survey, was the personal and public attitudes toward the utilization of and association with criminal informants. Questions in this area were eliminated and altered to remove the objectionable aspect of requesting the investigator's personal feeling in responses.

Questions in the area of problems of other police officers attempting and occasionally succeeding in destroying deliberately another officer's criminal informants were objectionable to the extent that even by revision the questions were felt to create dishonesty in answers and mistrust of the motives of the questionnaire. All questions of this nature were eliminated.

Another point that resulted in the preliminary survey is that there should be no comparisons or analyses conducted regarding any of the areas of inquiry between the various governmental levels of enforcement. As comparisons of this nature at this stage of the inquiry might well impede any other research in the area because of personal

prides and prejudices that could arise as a result of such comparisons.

The resultant questionnaire (Appendix B) revised and restructured as a result of the preliminary survey is a watered down version of the initial questionnaire and far less specific in content than the original. However, as a result of the individual confidential sources' opinions and suggestions, this form was deemed acceptable for distribution.

The basic argument in favor of the contents of this questionnaire as opposed to the initial contents is that, since this is an initial study in this highly controversial area, the more general the requested responses, the more accurate and honest the returned questionnaire will be. Also, the more non-controversial responses required and the more general responses elicited will tend to increase the numerical returns of the completed questionnaires.

Distribution and Return of the Questionnaire. Two questionnaires, one for a successful relationship and one for an unsuccessful relationship, attached to the cover letter, constitute a complete questionnaire. Tables I, II, III, and IV show the distribution and return of the questionnaire on the federal, state, county, and municipal law enforcement levels. A total of 140 questionnaires were distributed and 108 were returned for a 77.14% return.

Table I

Questionnaires Distributed and Returned on the Federal Level

Location	Number Distributed	Number Returned
Federal Bureau of Investigation	10	0
Federal Narcotics Bureau	10	10
Federal Alcohol and Tobacco Tax	5	5
Intelligence Division Internal Revenue	7	5
Immigration Naturalization	<u>3</u>	<u>3*</u>
Total	35	23
*Successful only (1)		

Table II

Questionnaires Distributed and Returned on the State Level

Location	Number Distributed	Number Returned
Detroit	4	4
East Lansing	10	8
Grand Haven	3	3
Battle Creek	1	1
Jonesville	1	1
Warren	1	1
St. Clair	1	1
Pontiac	3	3
Brighton	1	1
Reed City	1	1
Ionia	1	1
Bad Axe	1	1*
Traverse City	2	2
Cheboygan	1	1
Newberry	1	1
Manistique	1	1
Marquette	1	1
St. Ignace	<u>1</u>	<u>1</u>
Totals	35	33

*Successful only (1)

Table III

Questionnaires Distributed and Returned on the County Level

Location	Number Distributed	Number Returned
Cass	1	1
Delta	1	1
Grand Traverse	1	1
Ingham	3	1
Kent	3	2*
Clinton	1	1*
Macomb	8	3
Mecosta	1	1**
Oakland	7	5
Ottawa	2	1*
St. Clair	2	2
Marquette	1	0
Genessee	2	0
Washtenaw	<u>2</u>	<u>0</u>
Total	35	19

*Successful only (1)

**Unsuccessful only (1)

Table IV
Questionnaires Distributed and Returned on the
Municipal Level

Location	Number Distributed	Number Returned
Detroit	10	10*
Roseville	2	2
St. Clair Shores	2	2
Warren	3	3
Battle Creek	3	3*
Kalamazoo	1	1
Grand Haven	1	1
Zeeland	1	1*
Muskegon	1	1
Grand Rapids	2	2
Wyoming	1	1
Sault Ste. Marie	1	1
Escanaba	1	1
Gladstone	1	1**
Lansing	2	2
East Lansing	1	1
Marquette	<u>1</u>	<u>0</u>
Total	35	33

*Successful only (1)

**Unsuccessful only (1)

CHAPTER IV

RESULTS OF QUESTIONNAIRE

As indicated in the previous chapter, the total return of the completed questionnaire was 108 out of 140 mailed. Ninety-eight of the questionnaires returned included both successful and unsuccessful questionnaires. Eight of the questionnaires were returned on successful informants only and two were returned on unsuccessful informants only.

In the returned questionnaires, there was a total of 34 no response answers on the successful informant questionnaires and 28 no response answers on the unsuccessful questionnaires. This is a total of 62 no response answers out of 18,016 possible total number of responses.

Mention should be made regarding the total lack of any returned questionnaires from the Federal Bureau of Investigation. This agency did provide some written material of instructional nature, initially during the research; however, neither the questionnaires nor any explanation regarding them were returned.

The total responses on all of the successful questionnaires are located in Appendix C, and the total responses to the unsuccessful questionnaires in Appendix D.

As indicated in Table V, the expressed motives of the criminal informant in both successful and unsuccessful

Table V
Expressed Motives

Motive Expressed	106 Successful	100 Unsuccessful
Fear: 1 Criminal associates	4	4
2 Criminal prosecution	35	29
Revenge	16	10
Divert attention from his activities	8	18
Build himself up as a big man	8	15
Financial gain	7	11
Reform: 1 Repent a wrongdoing	10	5
2 Break from criminal associates	7	4
Good citizen	11	3
No response	<u>0</u>	<u>1</u>
Total	106	100

Table VI
Other Factors in Motivation

Information	106 Successful	100 Unsuccessful
Change in motive after initial contact	20	26
Provided information on a relative	20	20

relationships appear to be higher in the fear of criminal prosecution area.

It also appears that in the motives expressed in the unsuccessful informants the area of psychological involvement, that of building themselves up as big men, and attempts to divert attention from their own activities may be significant.

Another observation in the motivation area is that there was little change in motives by the informant after the initial contact. Also in both the successful and unsuccessful informants equal numbers provided information regarding relatives involved in criminal activities, as indicated in Table VI.

Table VII indicates the opinion of the investigator as to the motive of the informant. This table generally confirms the expressed motives of the informant both on the successful and unsuccessful relationships.

Tables VIII, IX, X, and XI indicate the areas involved in the selection of the informant in both the initial and additional contacts.

In Table VIII, it appears that out of seven possible methods of initial contact the main area of contact in both successful and unsuccessful relationships is with the investigator personally. Also in Table VIII, it is indicated that about three times as many unsuccessful informants as successful informants are initially contacted by referrals

Table VII
Investigator's Opinion of Motives

Motive Opinion	106 Successful	100 Unsuccessful
Fear: 1 Criminal associates	4	5
2 Criminal prosecution	35	28
Revenge	23	11
Divert attention from activities	17	17
Build himself up as a big man	9	16
Financial gain	2	9
Reform: 1 Repent a wrongdoing	6	4
2 Break from criminal associates	3	2
Good citizen	7	5
No response	<u>0</u>	<u>3</u>
Total	106	100

Table VIII
Selection of Informant

<u>Method</u>	<u>106 Successful</u>	<u>100 Unsuccessful</u>
<u>Initial contact:</u>		
Entered at investigator's agency	14	18
Approached investigator personally	40	25
Referred by other agency	6	20
Referred by another informant	14	19
Referred by a friend	7	5
Approached officer in investigator's agency	20	10
Arrested by investigator	5	3
<u>Location of initial contact:</u>		
At investigator's agency, in person	24	36
By telephone	22	17
At informant's home	10	16
At informant's place of employment	9	2
At another police agency	8	10
At neutral location set by informant	17	11
At neutral location set by investigator	16	8

Table IX

Attitude of Informant on Initial Contact

<u>Attitude</u>	<u>106 Successful</u>	<u>100 Unsuccessful</u>
<u>Initiated by investigator:</u>		
Cooperative	25	14
Apprehensive	21	21
Afraid	4	11
Uncooperative	7	14
<u>Initiated by informant:</u>		
Cooperative	33	27
Apprehensive	13	8
Afraid	3	2
Uncooperative	0	2
No response	0	1

Table X

Situation of Informant on Initial Contact

Item	106 Successful	100 Unsuccessful
In custody	30	35
Not in custody	76	65
Prosecuted for violation that was held in custody for	22	25
Not prosecuted for violation	8	10
Prior felony arrests	57	58
Prior misdemeanor arrests	30	29
No arrest record	19	13
Criminal activities at time	41	53
No criminal activities at time	62*	44*
Investigator assisted in or arrested subject for these activities	34	23
*Three no responses		

Table XI
Sex and Age Groupings of Informants

Sex	106 Successful	100 Unsuccessful
Male	97	90
Female	9	10
Age Group:		
Under 16	3	0
16-21	16	12
21-30	42	38
31-40	30	31
41-50	13	17
Over 50	2	2

Table XII
Additional Contacts with Informants

Contacts	106 Successful	100 Unsuccessful
Made	102	88
Not made	2	8
Attempts	2	4

from other agencies, while the number of successful informants referred to the investigator within his own agency are twice as many as the unsuccessful informants.

In the location of the initial contact in Table VIII, out of seven possible locations the unsuccessful informant appeared at the investigator's agency in person more frequently than in any of the other six locations. The location of the initial contact with the successful informant is well distributed throughout all seven possible locations.

In Table IX, which shows a distribution of the attitudes of the informant on the initial contact, as would be expected on those contacts initiated by the investigator, the majority of the successful informants were cooperative and the unsuccessful informants were uncooperative. On those contacts initiated by the informant, the majority were cooperative both as successful and unsuccessful informants. However, it should also be noted that two of the unsuccessful informants were uncooperative even though they initiated the first contact. The fear and apprehension element appears to be slightly higher in the unsuccessful informants compared to the successful informants on those contacts initiated by the investigator. However, on those contacts initiated by the informant, as one might expect, the situation is reversed, including a lesser amount of fear and apprehension expressed.

Table X reviews the criminal activities, prior

arrest record, and custodial situation of the informant. The criminal activities of both the successful and the unsuccessful informant at the time of the selection of the informant indicates that both types had a high percentage engaged in criminal activities, and that apparently a larger number of investigators arrested or assisted in arresting more successful informants than unsuccessful informants. It also appears that in both the successful and unsuccessful informants, both have a high percentage of prior criminal arrests, principally felonies. However, at the time of the initial contact, only about one-third of both types of informants were in police custody. Seventy-three percent of the successful informants that were in custody were subsequently prosecuted for the violation for which they were in custody and 71% of the unsuccessful informants were prosecuted. However, the time that the prosecution took place, which could have a considerable influence on these percentages, is not indicated.

In Table XI, an analysis of the sex and age groups of the informants indicates that in both the successful and unsuccessful informants the high percentage is male. The age groupings in both the successful and unsuccessful informants is very similar with the age group 21 to 30 being the highest of the six groups.

In Table XII which covers the additional contacts with informants, as could be anticipated, more additional

contacts were made with successful informants than with unsuccessful informants. This might indicate that the investigator had made up his mind regarding the informant as a result of the initial contact.

An unusual phenomenon is observed in Table XIII, regarding the type of information provided by both the successful and the unsuccessful informants. That is, information resulting in prosecution in the majority of the initial contacts changed in the additional contacts to a higher percentage of valid general information. The high number of both valid general information and information resulting in criminal prosecutions in the initial contact with the unsuccessful informant is unexplained. This is even extended, although as could be expected, to a considerable lesser degree in the additional contacts. The only possible explanation is one that was occasionally handwritten on the questionnaires and that was, "The individual had certain characteristics that were undesirable." This was without further explanation.

In transferring informants to other police officers, it is indicated that the total number transferred is small in both instances. The transfer to another officer and his utilization was more successful in the successful informant activity than those transfers attempted with the unsuccessful informants.

The financial arrangements with informants are

Table XIII
Information Provided by Informant

<u>Information</u>	<u>106 Successful</u>	<u>100 Unsuccessful</u>
Initial contact:		
Valid general information	45	43
Information that resulted in prosecution	61	47
Failure to provide information	0	10
Additional contacts:		
Valid general information	80	35
Information that resulted in prosecution	26	21
Failure to provide information	0	22
Transfer of informant:		
Informant turned over to other police officer	34	31
Success of other officer with informant	23	13
No response	2	0

indicated in Table XIV. Again the distribution between the successful and the unsuccessful informants is very similar, except that money was provided for more successful informants than those that requested the money. In the four possible reasons for providing funds, the majority stated the reason to be funds for the informant to operate with in both successful and unsuccessful informants. Only nine out of thirty-seven agencies acknowledged funds for payment of informants.

The testimony by informants is shown in Table XV. The differences in the volunteering to testify, requesting to testify, and appearing to testify in both successful and unsuccessful informants does not appear to vary to any appreciable degree. However, a larger number of successful informants, who volunteered to testify, actually testified than did the unsuccessful informants who volunteered.

Table XVI illustrates the results of the questionnaire as far as the personal relationships between the investigator and the criminal informant are concerned. It would appear that in this area the relationship that is established between the investigator and the criminal informant is much closer than the one established with the unsuccessful informant. While, in general, the same higher response in individual categories of the relationships appears in both successful and unsuccessful relationships, the relationship appears firmer by the greater number of

Table XIV
Financial Arrangements with Informants

Arrangements	106 Successful	100 Unsuccessful
Informant solicited money	37	40
Money provided	47	37
Basis for money provided:		
Valid information	17	10
Regular basis	0	0
Inducement to obtain information	2	8
Operating funds	28	20
No response	0	1

Table XV
Testimony by Informants

Testimony	106 Successful	100 Unsuccessful
Volunteered	29**	22
Requested	44	38
Testified	28*	12**
*One no response		
**Two no responses		

Table XVI
Personal Relationships with Informants

Relationship	106 Successful	100 Unsuccessful
Asked for help by informant for his violations of the law	48	34
No response	2	1
Interceded for the informant with:		
Other police officers	28	19
Other police agencies	9	2
Probation--parole officers	21	16
Judges	13	10
No response	0	7
Asked for help in informant's personal problems	46	41
Helped straighten out personal problems (asked or not)	48	31
Succeeded in straightening out personal problems	41	16
Failed to succeed in straightening out personal problems	5	14
No response	2	1
Contacted by informant to talk over personal problems	52	52
No response	1	0
Meet with the informant to talk about his problems	49	40
No response	3	0
Provided informant with home telephone number	70	32
Home telephone used by informant	50	25
Contacted at home without giving informant telephone number	9	20
Responded to late night calls to receive information or talk over informant's problems	52	29

responses in the successful informant cases. Examples of this are: asking by informant for help when he has violated the law, asking by informant for help with personal problems, helping by investigator to straighten out the informant's personal problems and the amount of success achieved. In the same area are: meeting with the informant to discuss his problems, providing the informant with the investigator's personal home telephone number, and using of this number by the informant.

It would appear that, while both the successful and unsuccessful relationships have higher responses in these areas, the responses in the successful relationships are generally individually higher and, taken in the overall scope of this table, establish an all over higher response. This indicates that at least the investigator feels that the relationship is closer with the successful informant than with the unsuccessful informant.

CHAPTER V

CONCLUSIONS AND RECOMMENDATIONS

Conclusions. In Chapter III, three major hypotheses were posed, the first involving the motivation of the criminal informant, the second the selection of the criminal informant, and the third the personal relationship factors in the investigator-criminal informant relationship.

In the area of the motivation of the criminal informant, no constant factors were identified with either the successful or unsuccessful relationships. The factors in both types of relationships were high in certain areas and again both were low in certain areas, and no specific conclusion may be drawn. However, certain general observations may be made, in that both types of relationships had a higher concentration in the fear motivation area than any other type of motivation. The fear motivation factors for both types of relationships were further emphasized in the high concentration in the fear of criminal prosecution, rather than the fear of criminal associates.

Another indication in the lowest group for both types of relationships was the financial motive. As might be anticipated, a slightly higher number of unsuccessful informants were motivated by financial gain than were successful informants.

An interesting observation in the area of motivation was the number of "good citizen" motives that were indicated in the successful relationships as opposed to those in the unsuccessful relationships. This was an area not anticipated in the original hypothesis and was listed only in a general group of "other motives."

An equal amount of both successful and unsuccessful informants provided information on their relatives, although the total number in each instance is not large enough to indicate any substantial trend.

The investigator's opinion as to the motives was generally consistent with the expressed motives of the informant, and little or no significant change in the informant's motive was observed after the initial contact.

In the area of the selection of the criminal informant, again there were no apparent factors that were consistent in either the successful or the unsuccessful relationships. However, there are several areas that offer some possible indications for consideration.

In the selection of the informant, both the successful and the unsuccessful informant contacted the investigator personally in greater numbers than any other method of initial contact. In both instances the greater number of the initial contacts were made in person at the investigator's agency. It appears that nearly three times as many unsuccessful informants are referred by another agency as

are successful informants. However, it appeared that both types of informants will refer another informant to the investigator, or at least provide the investigator with information as to a potential informant.

The situation of the informant at the time of the initial contact was nearly the same in both the successful and unsuccessful relationships. A high number of informants were not in custody. However, both types had a very high number of prior criminal arrests, mostly in the felony category, with less than half of the total number of each type of relationship being involved in criminal activities at the time of their initial contact.

Both the successful and the unsuccessful informants had a far greater number of males than females and the largest single age group in both categories was in the 21 to 30 age group.

In examining the personal relationships established or not established between the investigator and the criminal informant, there was no apparent criterion that appeared consistent in either the successful or the unsuccessful relationships. It did appear that as a result of the overall responses there was a closer and more readily identifiable personal relationship established in the successful relationship than there was in the unsuccessful relationship.

Some possible indications of this were in the area of the informant asking for help both after violating the

law and with solving his personal problems, and with the indications of a larger number of successful instances where the investigator had been asked to help and had helped the informant out in his personal problems. This was also indicated by the higher number of instances with the successful informant, where the investigator had given the informant his home telephone number, the informant had used this home telephone to contact the investigator, and the investigator had responded to calls that he received late at night to meet with the informant.

A word of caution is needed regarding taking selected instances involved in this study and analysis out of the entire context without further study and research. It is possible to take certain specific items individually and draw erroneous conclusions by not taking the items in their total context.

As indicated previously, the formulation of the questionnaire left much to be desired. However, realizing that this is but a preliminary study and general in nature, the questionnaire and the results of the questionnaire including the responses are sufficient to open the field to additional investigations.

Recommendations. Several recommendations have occurred as a result of this study as to additional study and inquiry.

First, an examination could be made into the public

attitudes involving the utilization of the criminal informant and into areas and methods where such attitudes may be altered, if not completely changed.

Second, specific studies into the areas of motivation, selection, and utilization of criminal informants as individual fields are needed. Limiting the scope of the inquiry possibly could produce additional refined data that might further assist in isolating and identifying any factors that may be consistent with either successful or unsuccessful relationships.

Third, a study could be conducted on "the other side of the fence," that is, from the criminal informant's viewpoint. The study could examine the factors as the criminal informant sees them, and determine what factors are considered important in dealing with the investigator as well as observations as to whether or not there is a personal relationship involved in their activities with the investigator.

In final analysis, while no specific consistent factors involved in either the successful or the unsuccessful investigator-criminal informant relationships have been determined, it is hoped that, since an initial inquiry has been made, other individuals will pursue the same problem area.

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APPENDIX A

One of the most important tools that is available to the law enforcement officer is the informant. Yet very little is actually known about the successful utilization of the informant.

We have commenced a detailed study into the problem of the selection and utilization of the informant. This study has now reached the stage where your cooperation is needed.

Attached you will find two questionnaires and we request that you fill out each questionnaire, one on a successful informant-investigator relationship and the other on an unsuccessful relationship. The only criteria for the successful relationship being whether or not the information obtained is of a criminal nature and whether or not the information was of a valid general criminal nature or resulted in specific prosecution. We are in no manner concerned with the identity of the informant or the specific type of information provided other than as listed above.

I am making this study as a combined project, first to provide whatever information results from the study to any interested agencies and secondly, as a portion of the requirements for a Master of Science Degree in the School of Police Administration and Public Safety at Michigan State University.

If you desire the results of this study, please indicate this in the space provided at the end of the questionnaires.

Your cooperation and assistance in completing and returning these questionnaires within 10 days after receiving them will be greatly appreciated.

Very truly yours,

Robert Earhart, Corporal
Training Bureau
Michigan State Police
East Lansing, Michigan

APPENDIX B

INFORMANT QUESTIONNAIRE

Complete this form on one informant only

INITIAL CONTACT (Check all the items which apply)

1. How was the first contact with this informant made?
 - a. The informant contacted my police agency.
 - b. The informant contacted me personally.
 - c. The informant was referred to my agency by another police agency.
 - d. The informant was referred to me by another informant.
 - e. The informant was referred to me by a friend.
 - f. I received information regarding this informant from another police agency.
 - g. I received information regarding this informant from another informant.
 - h. I received information regarding this informant from an officer in my own agency.
2. Where was the first contact with the informant made?
 - a. At my police agency, in person.
 - b. By telephone.
 - c. At the informant's home.
 - d. At the informant's place of employment.
 - e. At another police agency.
 - f. At a "neutral" location suggested by the informant.
 - g. At a "neutral" location suggested by me.
3. If the contact was initiated at your request was the informant..
 - a. Uncooperative? b. Apprehensive? c. Afraid?
 - d. Cooperative?
4. If the contact was initiated at the request of the informant was the informant..
 - a. Cooperative? b. Afraid? c. Apprehensive?
 - d. Uncooperative?
5. If the initial contact was supplied by another police agency did a member of that agency "sit in" on the initial interview to assist in putting the informant at ease?
 - a. Yes b. No

6. What was the expressed motive by the informant for talking to you?
 - a. Fear.....1. of his criminal associates.
2. of criminal prosecution.
 - b. Revenge.
 - c. Divert attention from his own activities.
 - d. Build himself up as a "big man."
 - e. Financial gain.
 - f. Reform.....1. Repenting a wrong-doing.
2. Attempting to break away from criminal associates.
 - g. Other (Describe).
7. What is your personal opinion as to the reason the informant provided the information?
 - a. Fear.....1. Of his criminal associates.
2. Of criminal prosecution.
 - b. Revenge.
 - c. Divert attention from his own activities.
 - d. Build himself up as a "big man."
 - e. Financial gain.
 - f. Reform.....1. Repenting a wrong-doing.
2. Attempting to break away from criminal associates.
 - g. Other (describe).
8. On the initial contact did the informant provide information of a criminal nature that..
 - a. Was valid general information?
 - b. Resulted in prosecution?
9. Was this informant in police custody at the time of your initial interview?
 - a. Yes b. No
10. Was this informant subsequently prosecuted for the violation he was in custody for at the time of the initial interview? a. Yes b. No

ADDITIONAL CONTACTS (Check all the items which apply)

1. Were additional contacts made with the informant?
 - a. Yes b. No c. Attempts
2. Were the additional contacts successful in obtaining information of a criminal nature that..
 - a. Was valid general information?
 - b. Resulted in prosecution?

3. Had the motives expressed by the informant on the initial interviews changed?
 - a. Yes b. No
4. If the motives had changed, what was the new motive expressed?
 - a. Fear.....1. Of criminal associates.
 2. Of criminal prosecution.
 - b. Revenge.
 - c. Divert attention from his own activities.
 - d. Build himself up as a "big man."
 - e. Financial gain.
 - f. Reform.....1. Repenting a wrong-doing.
 2. Attempting to break away from criminal associates.
 - g. Other (describe).
5. If, in your opinion, the motives had changed, what is the new motive?
 - a. (select one of the above)

GENERAL INFORMATION (Check all of the items that apply)

1. What was the sex of the informant?
 - a. Male b. Female
2. What was the age group of the informant?
 - a. Under 16 b. 16-21 c. 21-30
 - d. 31-40 e. 41-50 f. over 50
3. Was a relative of the informant involved in the activities described on any occasion?
 - a. Yes b. No
4. Did the informant have a prior criminal record?
 - a. Yes b. No
 1. Felony
 2. Misdemeanor
5. Did the informant solicit money from you? a. Yes b. No
6. Did you provide money for the informant? a. Yes b. No
7. If you provided money for the informant, was this done..
 - a. When he brought in valid information?
 - b. On a regular basis?
 - c. To entice him to obtain information?
 - d. To provide him with funds to operate?
8. Does your police agency have a fund to provide money for informants? a. Yes b. No

9. If your agency does not have a fund for this purpose, have you provided funds for this informant from your own money? a. Yes b. No
10. Did you ever ask this informant to testify in court?
a. Yes b. No
11. Did this informant testify in court on any information that he provided? a. Yes b. No
12. Did this informant volunteer to testify in court on information that he provided? a. Yes b. No
13. Have you ever been asked by this informant to help him out when he has been in violation of the law?
a. Yes b. No
14. Have you ever interceded on this informant's behalf with..
a. Other police officers? c. Probation-Parole Officers?
b. Judges? d. Other police agencies?
15. Have you ever been asked to help straighten out personal problems of this informant? a. Yes b. No
16. Have you ever helped straighten out personal problems of this informant? a. Yes b. No
17. Was your help successful? a. Yes b. No
18. Did you subsequently find out that this informant was involved in illegal activities at the time he was providing you with information? a. Yes b. No
19. If he was involved in illegal activities, did you arrest or assist in arresting him? a. Yes b. No
20. Have you ever turned this informant over to another police officer to work? a. Yes b. No
21. Was the other police officer successful in working this informant? a. Yes b. No
22. Have you ever given this informant your personal home telephone number? a. Yes b. No
23. Has he ever contacted you at your home after you gave him this number? a. Yes b. No
24. Has this informant contacted you at your home telephone without your giving him the number? a. Yes b. No

25. Has this informant ever contacted you and just wanted to talk about his problems? a. Yes b. No
26. Have you met with this informant just to talk about his problems? a. Yes b. No
27. Have you ever gotten calls late at night and gone out to meet this informant, either for information or to talk about his problems? a. Yes b. No
28. Does your police agency encourage the selection and utilization of informants? a. Yes b. No
29. Have you ever received formal training in the utilization of informants? a. Yes b. No
30. If you desire the results of this study, please complete the following:

Name _____

Agency _____

Address _____

APPENDIX C

SUMMARY OF TOTAL RESPONSES (106 successful questionnaires)

INITIAL CONTACT (Check all the items which apply)

1. How was the first contact with this informant made?

- a. The informant contacted my police agency. 14
 - b. The informant contacted me personally. 40
 - c. The informant was referred to my agency by another police agency. 2
 - d. The informant was referred to me by another informant. 6
 - e. The informant was referred to me by a friend. 7
 - f. I received information regarding this informant from another police agency. 4
 - g. I received information regarding this informant from another informant. 8
 - h. I received information regarding this informant from an officer in my own agency. 20
 - Personal arrest. 5
- Total 106

2. Where was the first contact with the informant made?

- a. At my police agency, in person. 24
 - b. By telephone. 22
 - c. At the informant's home. 10
 - d. At the informant's place of employment. 9
 - e. At another police agency. 8
 - f. At a "neutral" location suggested by the informant. 17
 - g. At a "neutral" location suggested by me. 16
- Total 106

3. If the contact was initiated at your request was the informant..

- a. Uncooperative? 7
- b. Apprehensive? 21
- c. Afraid? 4
- d. Cooperative? 25

4. If the contact was initiated at the request of the informant was the informant..

- a. Cooperative? 33
 - b. Afraid? 3
 - c. Apprehensive? 13
 - d. Uncooperative? 0
- Total 106

ADDITIONAL CONTACTS (Check all the items which apply)

1. Were additional contacts made with the informant?

a. Yes 102	b. No 2	c. Attempts 2	Total 106
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2. Were the additional contacts successful in obtaining information of a criminal nature that..

a. Was valid general information? 26			
b. Resulted in prosecution? 80			Total 106
3. Had the motives expressed by the informant on the initial interviews changed?

a. Yes 20	b. No 86		Total 106
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4. If the motives had changed, what was the new motive expressed?

a. Fear.....1. Of criminal associates. 1			
	2. Of criminal prosecution. 1		
b. Revenge.			
c. Divert attention from his own activities. 4			
d. Build himself up as a "big man." 4			
e. Financial gain. 4			
f. Reform.....1. Repenting a wrong-doing. 1			
	2. Attempting to break away from criminal associates. 3		
g. Other (describe).			
Good citizen. 2			
5. If, in your opinion, the motives had changed, what is the new motive?

a. (select one of the above)			
Fear of criminal prosecution. 2			
Divert attention from his own activities. 1			
Build himself up as a big man. 1			
Financial gain. 4			
Reform. Wrong doing. 1			
Criminal associates. 2			

GENERAL INFORMATION (Check all of the items that apply)

1. What was the sex of the informant?

a. Male 97	b. Female 9		Total 106
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2. What was the age group of the informant?

a. Under 16 3	b. 16-21 16	c. 21-30 42	
d. 31-40 30	e. 41-50 13	f. over 50 2	
			Total 106

16. Have you ever helped straighten out personal problems of this informant? a. Yes 48 b. No 57
Total 105 - 1 NR
17. Was your help successful? a. Yes b. No 5 2 NR
18. Did you subsequently find out that this informant was involved in illegal activities at the time he was providing you with information? a. Yes b. No 62
Total 103 - 3 NR
19. If he was involved in illegal activities, did you arrest or assist in arresting him? a. Yes 17 b. No 22
2 NR
20. Have you ever turned this informant over to another police officer to work? a. Yes 34 b. No 69
Total 103 - 3 NR
21. Was the other police officer successful in working this informant? a. Yes 23 b. No 9 2 NR
22. Have you ever given this informant your personal home telephone number? a. Yes 70 b. No 35
Total 105 - 1 NR
23. Has he ever contacted you at your home after you gave him this number? a. Yes 50 b. No 20
24. Has this informant contacted you at your home telephone without your giving him the number?
a. Yes 9 b. No 92 Total 101 - 5 NR
25. Has this informant ever contacted you and just wanted to talk about his problems? a. Yes 52 b. No 53
Total 105 - 1 NR
26. Have you met with this informant just to talk about his problems? a. Yes 49 b. No 54 Total 103 - 3 NR
27. Have you ever gotten calls late at night and gone out to meet this informant, either for information or to talk about his problems? a. Yes 52 b. No 51
Total 103 - 3 NR
28. Does your police agency encourage the selection and utilization of informants? a. Yes 94 b. No 9
Total 103 - 3 NR
29. Have you ever received formal training in the utilization of informants? a. Yes 31 b. No 75 Total 106

N.R. No response answer.

34 Total no response answers.

APPENDIX D

SUMMARY OF TOTAL RESPONSES
(100 unsuccessful questionnaires)

INITIAL CONTACT (Check all the items which apply)

1. How was the first contact with this informant made?
Total 100
 - a. The informant contacted my police agency. 18
 - b. The informant contacted me personally. 25
 - c. The informant was referred to my agency by another police agency. 11
 - d. The informant was referred to me by another informant. 9
 - e. The informant was referred to me by a friend. 5
 - f. I received information regarding this informant from another police agency. 9
 - g. I received information regarding this informant from another informant. 10
 - h. I received information regarding this informant from an officer in my own agency. 10
 - i. Arrested. 3
2. Where was the first contact with the informant made?
 - a. At my police agency, in person. 36
 - b. By telephone. 17
 - c. At the informant's home. 16
 - d. At the informant's place of employment. 2
 - e. At another police agency. 10
 - f. At a "neutral" location suggested by the informant. 11
 - g. At a "neutral" location suggested by me. 8Total 100
3. If the contact was initiated at your request was the informant..
 - a. Uncooperative? 14
 - b. Apprehensive? 21
 - c. Afraid? 11
 - d. Cooperative? 1460
4. If the contact was initiated at the request of the informant was the informant..
 - a. Cooperative? 27
 - b. Afraid? 2
 - c. Apprehensive? 8
 - d. Uncooperative? 239
Total 99 - 1 NR

5. If the initial contact was supplied by another police agency did a member of that agency "sit in" on the initial interview to assist in putting the informant at ease? a. Yes 10 b. No 9 1 NR
6. What was the expressed motive by the informant for talking to you?
- a. Fear.....1. of his criminal associates. 4
2. of criminal prosecution. 29
 - b. Revenge. 10
 - c. Divert attention from his own activities. 18
 - d. Build himself up as a "big man." 15
 - e. Financial gain. 11
 - f. Reform.....1. Repenting a wrong-doing. 5
2. Attempting to break away from criminal associates. 4
 - g. Other (Describe).
Assist police. 3 Total 99 - 1 NR
7. What is your personal opinion as to the reason the informant provided the information?
- a. Fear.....1. Of his criminal associates. 5
2. Of criminal prosecution. 28
 - b. Revenge. 11
 - c. Divert attention from his own activities. 17
 - d. Build himself up as a "big man." 16
 - e. Financial gain. 9
 - f. Reform.....1. Repenting a wrong-doing. 4
2. Attempting to break away from criminal associates. 2
 - g. Other (describe).
Assist police. 5 Total 97 - 3 NR
8. On the initial contact did the informant provide information of a criminal nature that..
- a. Was valid general information? 43
 - b. Resulted in prosecution? 47
9. Was this informant in police custody at the time of your initial interview?
- a. Yes 35 b. No 65 Total 100
10. Was this informant subsequently prosecuted for the violation he was in custody for at the time of the initial interview? a. Yes 25 b. No 10

ADDITIONAL CONTACTS (Check all the items which apply)

1. Were additional contacts made with the informant?

a. Yes 88 b. No 8 c. Attempts 4 Total 100

2. Were the additional contacts successful in obtaining information of a criminal nature that..
 - a. Was valid general information? 35
 - b. Resulted in prosecution? 21 1 NR
3. Had the motives expressed by the informant on the initial interviews changed?
 - a. Yes 26 b. No 61 1 NR
4. If the motives had changed, what was the new motive expressed?
 - a. Fear.....1. Of criminal associates. 0
 2. Of criminal prosecution. 3
 - b. Revenge. 2
 - c. Divert attention from his own activities. 2
 - d. Build himself up as a "big man." 7
 - e. Financial gain. 3
 - f. Reform.....1. Repenting a wrong-doing. 2
 2. Attempting to break away from criminal associates. 2
 - g. Other (describe).
 Lost interest. 3 2 NR
5. If, in your opinion, the motives had changed, what is the new motive?
 - a. (select one of the above)
 - a. 1
 - d. 5
 - g. Lost interest. 2

GENERAL INFORMATION (Check all of the items that apply)

1. What was the sex of the informant?

a. Male 90	b. Female 10	Total 100
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2. What was the age group of the informant?

a. Under 16. 0	b. 16-21. 12	c. 21-30. 38	
d. 31-40. 31	e. 41-50. 17	f. over 50. 2	
			Total 100
3. Was a relative of the informant involved in the activities described on any occasion?

a. Yes 20	b. No 79	Total 99 - 1 NR
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4. Did the informant have a prior criminal record?

a. Yes	b. No 13	
1. Felony 58		
2. Misdemeanor 29		Total 100
5. Did the informant solicit money from you?

a. Yes 40	b. No 59	Total 99 - 1 NR
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6. Did you provide money for the informant?
a. Yes 37 b. No 63 Total 100
7. If you provided money for the informant, was this done..
a. When he brought in valid information? 10
b. On a regular basis? 0
c. To entice him to obtain information? 8
d. To provide him with funds to operate? 20 2 NR
8. Does your police agency have a fund to provide money for informants?
a. Yes 65 b. No 35 Total 100
9. If your agency does not have a fund for this purpose, have you provided funds for this informant from your own money? a. Yes 23 b. No 44
10. Did you ever ask this informant to testify in court?
a. Yes 38 b. No 62 Total 100
11. Did this informant testify in court on any information that he provided? a. Yes 12 b. No 86
Total 98 - 2 NR
12. Did this informant volunteer to testify in court on information that he provided? a. Yes 22 b. No 78
Total 100
13. Have you ever been asked by this informant to help him out when he has been in violation of the law?
a. Yes 54 b. No 44 Total 99 - 1 NR
14. Have you ever interceded on this informant's behalf with..
a. Other police officers? 19
b. Judges? 10
c. Probation-Parole officers? 16
d. Other police agencies? 2 7 NR
15. Have you ever been asked to help straighten out personal problems of this informant? a. Yes 41 b. No 59
Total 100
16. Have you ever helped straighten out personal problems of this informant? a. Yes 31 b. No 69
Total 100
17. Was your help successful? a. Yes 16 b. No 14
1 NR
18. Did you subsequently find out that this informant was involved in illegal activities at the time he was providing you with information? a. Yes 53 b. No 44
Total 97 - 3 NR

19. If he was involved in illegal activities, did you arrest or assist in arresting him? a. Yes 23 b. No 30
20. Have you ever turned this informant over to another police officer to work? a. Yes 31 b. No 69
Total 100
21. Was the other police officer successful in working this informant? a. Yes 13 b. No 18
22. Have you ever given this informant your personal home telephone number? a. Yes 32 b. No 68
Total 100
23. Has he ever contacted you at your home after you gave him this number? a. Yes 25 b. No 7
24. Has this informant contacted you at your home telephone without your giving him the number?
a. Yes 20 b. No 80 Total 100
25. Has this informant ever contacted you and just wanted to talk about his problems? a. Yes 52 b. No 48
Total 100
26. Have you met with this informant just to talk about his problems? a. Yes 40 b. No 60 Total 100
27. Have you ever gotten calls late at night and gone out to meet this informant, either for information or to talk about his problems? a. Yes 29 b. No 70
Total 99 - 1 NR

N.R. No response answer.

28 total no response answers.

ROOM USE ONLY

~~DEC 17 1964~~

~~MAR 18 1965~~ 35

~~MAY 1965~~
~~JUN 1965~~ 42

~~AUG 2 1965~~

~~SEP 1 1965~~

~~SEP 1 1965~~

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