



## Use of Confidential Informants By Police

### What is a Confidential Informant (CI)?

CIs are individuals people asked to cooperate with police or prosecutors in exchange for some benefit such as a reduction in criminal charges or financial compensation. They are sometimes asked to report the names of people they know who are engaged in criminal activities. Sometimes they are asked to participate themselves in a crime, such as buying drugs, in order for police to arrest people.

### What kinds of risks and problems are associated with the use of CIs?

Often people asked to cooperate as CIs are in a vulnerable position. They need something from police - such as reduction of a criminal charge - and feel as though they must act as a CI in order to help themselves. On the other hand, cooperating with the police as a CI can be dangerous and entangle someone in a criminal situation they would not have otherwise been a part of. Police have only limited ability to protect CIs from retaliation or danger if a situation gets out of control.

CIs also have a history of giving false information. In Hearne, TX, dozens of innocent African Americans were arrested when a confidential informant gave false information. In Atlanta, the police killed a 92-year-old woman during a botched raid sparked by unverified information from a confidential informant.

Police sometimes use “big fish” to catch “little fish;” they make deals with people charged with bigger crimes (e.g. drug dealing or assault) to get information about people committing lesser offenses (e.g. drug possession or theft). This approach is counter-productive. If the goal is to get drugs off the streets, the focus should be gathering information about the people who supply drugs, not the people who use them.

In New Jersey, sometimes police even use juveniles as CIs. This puts those young people in dangerous situations and often involves them criminal elements, when the real goal is keeping children away from crime and criminals.

### What safeguards can be used to ensure that police use CIs responsibly?

While informants can be important tools for the police to solve serious crimes, strict policies must put limits on their use. Above all, police departments have an obligation to ensure everyone’s safety. CIs should only be used when the benefits outweigh the costs and when the stakes are high enough to make the risks worthwhile. The burden of police work should never fall primarily on the shoulders of private citizens.

### When using confidential informants, police should follow these baseline standards:

- Verify information from their informants.
- Police should avoid putting pressure on people to become informants, which can make people lie to get a deal – at the expense of innocent people.
- Arrest informants when they commit serious crimes and never ignore crimes for the convenience of a case.
- Never use juveniles as informants.
- Use small fish to get big fish; never the other way around.
- Create careful systems for tracking and evaluating the use of CIs.

### For more information about CIs or the Racial Justice Project, please contact:

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