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The Moral and Emotional World of Police Informants

Loftus, B., Bacon, M., and Skinns, L. (2022)

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Abstract

The global pattern of implementing proactive policing to address crime and insecurity continues to drive undercover techniques, including the deployment of police informants. Our aim in this article is to reflect upon research on informants policing, setting out a more comprehensive agenda that appreciates the moral significance and power dynamics at play. Our starting point is that this practice embodies immense moral and emotional tension, both for the police officer and the informant. However, these deeper aspects have been largely underestimated by scholars. Research can garner new insights by conceptualizing the tactic in terms of vulnerability, morality and emotional labour.

Introduction

The ambition to proactively obtain information about crime, and the activities of suspects, remains a key objective of late modern policing, driving the use of undercover policing methodologies – including covert human informants (Maguire and John, 1995; Rowe and Sogaard, 2020). The police deployment of informants has a long history, both within the British policing tradition and elsewhere (Bunyan, 1976; Dunnighan and Norris, 1999; Ericson, 1982; Fondevila, 2013; Hobbs, 1991; Lowe, 2015; Marx, 1980; Miller, 2011; Natapoff, 2009; Turcotte, 2008). Whilst official police discourse justifies the use of informants as making an important – if not essential – contribution to the prevention and detection of crime, the employment of persons by the state to infiltrate the lives and organizations of those perceived as threatening to security is nevertheless morally ‘dirty’ (Klockars, 1985). Although informants continue to be regarded as an important police tactic and potent source of intelligence on a variety of criminal environments (Nunan et al., 2020), research and reflection on the moral and emotional dimensions of informants policing remains surprisingly neglected. The potential for the police-informant relationship to be littered with morally troubling and highly emotive moments is amplified due to the hidden spaces in which informants are recruited and carry out their work, and because they are a stigmatized group who are deemed to be socially irrelevant and worthy of contempt. In this review article, we present a research agenda that takes seriously the moral significance, emotional disruption and power dynamics at play within this pervasive,

yet secretive, arena of policing. We begin by setting out the significance of the topic and reviewing the key debates within the field, before outlining new possibilities for research and theorization.

State of the Field and the Emerging Question of Vulnerability

Although the use of covert informants has become routine within contemporary policing practices, academic research into this field has been rather piecemeal, if not rare. Discussion has largely focused on the definitional problems associated with constructing a complete understanding of what, and who, constitutes an informant (Innes, 2000; see also Norris and Dunnighan, 2000). By and large, police informants are people who ‘trade information on the criminal world in exchange for money, discounted sentences and immunity from prosecution’ (Billingsley, 2003: 7). By virtue of the deceit and manipulation inherent to the role, it is not uncommon – at least in policing and criminal circles – for informants to be referred to in a range of disparaging terms, including rat, grass, snout and snitch (Young, 1991). Allied work has sought to develop typologies of informants, including motivations for taking on the role. Greer (1995) continues to be influential here, distinguishing between ‘insiders and outsiders’ and ‘single and multiple event’ informants. Within the outsider category, he identifies the ‘casual observer’, who observes a single event and then brings the relevant information to the attention of the police to fulfil a sense of public duty. The ‘snoop’ is also an outsider who observes multiple events, while the ‘one-off accomplice witness’ is an insider who shifts from being a suspect to a witness and provides the police with information about a single event. For Greer, the ‘informant’ is an insider when they enter into a regular relationship with the police, providing potentially detailed information about multiple (criminal) events. The latter includes informants who, controversially, may participate in the crimes about which they are providing information (Gill, 2000). More recently, Clayman and Skinns (2012) identify the ‘one-off acquaintance witness’ to capture those individuals who inform the police about a single event which they observe by dint of being acquainted with the victim or the suspect, which would make them more of an outsider than an insider within Greer’s typology. A plethora of research has identified a range of motivations for assuming the informant role, including a sense of public duty; financial reward; leniency and the hope of a sentence discount; fear; criminal career advancement and eliminating the competition – especially in drug markets (Bacon, 2016; Collison, 1995; Dunnighan and Norris, 1996).

Other discussions have focused on developments in the regulation of informants policing, mainly set in motion during the 1990s and a move which – paradoxically – coincided with concerted efforts to increase the proactive deployment of informants and embed this tactic as national police policy (Norris and Dunnighan, 2000). As Innes (2000) notes, three broad drivers shaped the deployment and governance of informants during this period. Firstly, financial constraints on public sector spending and the emphasis on efficiency meant that informants were valued for their insider information on local crime contexts. Secondly, against the backdrop of changing sensibilities towards police brutality and coercion, police were under pressure to obtain alternative forms of evidence, thereby increasing the popularity of covert methods. Finally, the requirement to (be seen to) eliminate police corruption and the close relationship between detectives and criminals also influenced the direction of reforms. Together, these developments resulted in a conscious effort to ‘professionalize’ informants policing (ibid.). Changes saw the implementation of bureaucratic systems of registration and monitoring within police forces, and a greater demarcation between informant ‘handlers’ (those responsible for the day-to-day running of informants) and ‘controllers’ (who have general oversight and responsibility for ensuring the relationship between the handler and informant is monitored). Several studies found that the professionalization agenda was met with cultural resistance, a continued use of unregistered informants and a reluctance to follow administrative procedures (Bacon, 2016; Billingsley, 2004).

The introduction of the Regulation of Investigatory Powers Act (RIPA) 2000 was a major piece of legislation governing the use of covert surveillance by the police, Part II of which replaced the term informant with ‘Covert Human Intelligence Source’ (CHIS). A CHIS includes (civilian) informants *and* undercover police officers since both are concerned to establish or maintain a covert relationship for the purpose of obtaining and disclosing information about potential criminal activity (Harfield, 2009). The legislation garnered critique, largely from within policing circles, that it would slow down and hinder operational practices (Bullock and Johnson, 2012). More recently, Stanier (2020) draws attention to an apparent decline in the number of informants, a reduction in resources allocated to covert surveillance tactics, a risk-averse culture towards operational decisions, and a perception of the legislation as overly bureaucratic. In contrast, others argue that the RIPA 2000 has proved to be an ‘enabling’ piece of legislation that leads to more, rather than less, covert surveillance and serves to mandate the decision to deploy covert tactics (Bhatt, 2006). There may have also been an evolution in the

police acceptance of, and engagement with, undercover methodologies. The prospect and capacity to deploy covert surveillance is well anchored within legislative and police organizational structures and, as a result, infuses everyday policing mindsets and practices (Loftus, 2019). Beyond the United Kingdom, other countries have also sought to institutionalize regulatory frameworks to govern the use of informants (Miller, 2011; Ross, 2010). However, as the research by Fondevila (2013) in Mexico highlights, official management and control systems designed to structure the nature of relationships between the police and informants are often joined by different forms of *unofficial*, police-defined systems – including the use of coercive control to elicit intelligence about criminal environments from informants (see also Westmarland, 2013). Equally, there is some evidence, emanating from Canada, that informants can garner important skills and knowledge – especially in rule-tightening contexts – which they use to undermine handler authority (Turcotte, 2008). Finally, the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 further underlines the contemporary significance of studying police informants. Aside from potentially representing another piece of permissive legislation introduced to ostensibly regulate police actions at the same time as enabling them, the stated aim of the 2021 Act is to draw up a clear(er) legal basis for the conduct of undercover law enforcement agents and covert sources (informants). However, the core purpose is to provide a power for security, intelligence and law enforcement agencies to authorize CHIS to participate in any specified criminal conduct, and to be absolved of any legal liability. In other words, the Act authorizes undercover officers and civilian informants to *commit crimes in the undertaking of their duties*. As Walker (2021) argues, the granting of impunity in this context not only rebuts the notion of equality within the rule of law, but does so for potentially grave activities where oversight and accountability are already difficult to secure. Chakrabarti (2020) also reminds us that those who act as police informants are not trained officers of any security agencies but, instead, emerge from ordinary communities. Moreover, they are largely troubled adults – and children – with complex backgrounds.

With this latter point in mind, a further focus of the research to date has implied the vulnerability of police informants, primarily as a consequence of their overlapping, multiple and situated forms of disadvantage rooted in social relations, institutions and structures (Fineman, 2010). This becomes particularly germane today where the language of ‘vulnerability’ has assumed prevalence in criminal justice policy and policing rhetoric.

Underlying this new emphasis is a conception of offending as a response to personal and structural disadvantage and injustice, rather than through narrow lenses of guilt, immorality and personal choice. As Aliverti (2020: 1119) explains, definitions of vulnerability are indicative of ‘an individual condition that enhances the risk of harm and is produced by personal (such as mental health) and situational factors (i.e. poverty). It activates a duty of care and requires specialized support’. Fineman (2010: 255) also conceives vulnerability as a characteristic that positions people in relation to other human beings, suggesting there is then a ‘relationship of *responsibility* between state and individual’. However, some groups are considered more vulnerable, and in need of support, than others, amounting to what Munro (2017: 430) calls a ‘politics of vulnerability’. In the case of informants, might this reconfiguring of vulnerability play a role in the way they are conceived and treated by the police?

Previous research has not been explicit about the vulnerable status of police informants, but it has nevertheless been demonstrated over and over that they are people who overwhelmingly occupy the social, legal and economic margins. For instance, Dunnighan (1992) found that in one English police force, the typical informant was male, under the age of 30, unemployed, with previous criminal convictions and ongoing drug habits. Further work also confirms this pattern (Billingsley, 2001; Billingsley et al., 2001; Dabney and Tewksbury, 2016 and Miller, 2011), although up-to-date information on who today becomes an informant in the UK context is sorely needed. A recent article by Stanier and Nunan (2021) on the impact of the Covid-19 pandemic on the management and deployment of informants during lockdown also alludes to their disadvantaged and vulnerable status. Drawing on survey data derived from officers involved in the handling, control or authorization of informants, the theme of welfare arose – with one handler stating; ‘Many CHIS, given their status, have felt particularly vulnerable during lockdown and have needed increased emotional support and advice, for example, in terms of benefits and food banks’ (ibid: 517).

If we accept the relative powerlessness of informants, there may today be a disjuncture between the contemporary discourse of ‘vulnerability’ in policing (Bartkowiak et al., 2017) and the treatment of informants on-the-ground, who are less likely to be seen as deserving of help and support. How might the requirements of the vulnerability agenda to adapt and adjust the

criminal justice process in recognition of its users vulnerabilities – and which emphasizes compassion and empathy – obfuscate the exercise of coercive state powers in relation to informants? For it is paradoxical that, because of their personal and structural hardships, informants may need police or state assistance at the very same time as they may fear them. It is not unreasonable to suppose that many informants are people who fit the ‘police property’ category – defined by Lee (1981) as a person over whom the police routinely exert power. Since a defining feature of police property is that their control by the police is supported and enabled by an apparent societal consensus to ‘let the police handle these people’ (ibid: 49), the shrouded ways in which informants encounter the police often evades public scrutiny – in spite of attempts to increase and enhance the regulation of the role.

There are also other forms of vulnerability that have yet to be fully explored within the informants’ literature, but are nonetheless likely to add to informant vulnerability and the criminalization of certain social groups over others (see Lerman and Weaver, 2014). A vital element missing from research is the question of whether the inequitable and discriminatory practices documented by scholars studying overt policing practices also takes place within the covert world of informants policing – potentially reinforcing the vulnerability and criminalization of black, asian and other minority ethnic informants in particular. Social divisions of gender and young age may also represent further dimensions of vulnerability that are relevant to the police-informant relationship. In other words, there is a need to not only expand the concept of informants by identifying variations in the archetype, but to do so with recognition of how questions of race, ethnicity, gender, age and social class may intersect with one another to (re)produce the disadvantage and exclusion of those who assume the informant role.

In our view, few other policing practices make questions of power and powerlessness so relevant. Foregrounding the notion of vulnerability matters because the police-informant relationship is one characterized by the potential for an inequity in power between the parties which may substantially undermine informants’ autonomy to make decisions, which some regard as a fundamental dimension of human dignity. Drawing on Kant, for instance, Henry (2011: 207) notes that ‘the distinctively human ability to discern the moral law and live by it’ generates an obligation, to respect people’s free will and not let it be abrogated by treating them

as an instrument of another's free will'. In practice, for the informant, the overarching threat of legal sanction should they fail to comply with police demands presents them with a lack of alternative options and a weak bargaining position. There is empirical support for this, with many studies noting this tension. For example, in his study with informants in the U.S., Miller (2011) found that, in almost all cases, the imminent criminal charge was exploited by the police as leverage to force co-operation. Certainly, from the police perspective, the most effective moment at which to raise the subject of supplying information is in the cell block when they are dealing with a (scared, nervous) arrestee. Officers in the study by Innes (2000: 368) explained that if they were trying to turn a suspect into an informant, one method that could be used was to 'trump up the charges'. This involved constructing an array of other charges against a suspect alongside the real charge. If the suspect co-operated, then the number of additional charges were scaled back without compromising the originally constructed case. The asymmetry in power between the police and the (potential) informant severely undermines the individual rights of the latter, leaving them open to further manipulative coercion by the police (Cooper and Murphy, 1995; Greer, 1995). In addition, the risk of physical harm to informants – including acts of violence and death threats by those within the (criminal) community should they be unmasked as a police informant – only exacerbates their control by the police (Pyrooz et al., 2021).

The key debates reviewed above provide a crucial insight into: informant types and motivations; how new legal frameworks both regulate and expand the deployment of police informants; and the consequences of informant vulnerability to power differentials in the police-informant relationship and its implications for informant autonomy and processes of criminalization. Together, these offer an excellent point of departure for future research. However, we think that a more comprehensive theoretical and empirical approach is required to move the field forward in a way that better reflects the lived realities of those at the heart of informants policing today. The global pattern of implementing proactive, intelligence-led policing approaches to address crime and insecurity suggests there will only be a continuation in the deployment of undercover surveillance – including informants. While the management of future generations of informants has clear legal and regulatory implications, it also presages new developments for the exercise of police and state power. These are issues of public and academic concern that also have inescapable moral and emotional dimensions for those involved, but have nevertheless been explored to a limited extent in the existing research.

Morals and Emotions: The Inner Life of Informants Policing

Questions of morality, values and emotions in informants policing have evaded theoretical and empirical attention. There are, however, several influential studies of police informants drawing on much needed empirical data, and which make connections to the moral dimensions we have in mind. Key in this respect is Innes (2000), who interviewed officers who had experience in recruiting and managing informants. Aspects of his article touch upon the moral conundrums associated with the informant role, not least relating to the desirability of the police exploiting the weaknesses of people under their control and overlooking – even financially incentivizing – the continuation of illegal activities (see also Reuter, 1983; Joh, 2009). In a similar vein, Norris and Dunnighan (2000) draw on extensive interviews with handlers, and a sample of informants, to identify a series of conflicts at the core of informants policing. These tensions are felt within the police organization, ranging from officers competing to secure informants to feeling uneasy about allowing them ‘into’ the police world. Outside the police organization, the use of informants can pose problems for officers when the broader adversarial criminal justice process requires disclosure of the role of the informant to the Crown Prosecution Service, lawyers and the judiciary – all of which may cast a light on and challenge the basis on which the police secured and handled the informant. The recent ethnography by Dabney and Tewksbury (2016) offers a rich account of the use of confidential informants from the police perspective. While they lend empirical support to the typology framework noted by other scholars, they make a notable contribution to understanding by exploring the recruitment of informants, the logistics of their deployment within the community and the nature of the professional considerations officers have to make in their day-to-day dealings with informants. In so doing, Dabney and Tewksbury demonstrate widespread acceptance within the police of routinely manipulating and intimidating informants, thereby hinting at its moral properties. However, the extent to which the authors critically interrogate such controlling behaviour has been challenged (see Alder, 2018). In the United Kingdom, the recent work of Atkinson (2019a) is noteworthy for its empirical insights into traditional and emergent practices used to assess the efficacy of information provided by informants, with a particular focus on intelligence analysts (see also Atkinson, 2019b). His findings are based on qualitative interviews with a sample of relevant law enforcement practitioners working in Scotland, cogently setting out the strengths and weaknesses of established practices and with some cognizance of the ethical, proportionate and effective use of informants.

These studies, and others like them, are illuminating, but they tend to provide police-centric and sometimes uncritical views of the informant tactic. They are, in other words, not intended to capture the views of informants or the moral dilemmas *from the informant perspective*. They also do not set out to deeply probe how the police *feel* about the work they do in this morally fraught environment. The former point is, however, taken up in the work of Miller (2011), who conducted interviews with 84 former narcotics informants in the U.S. From his fieldwork, he identified the ‘moral career’ of informants as entailing a double stigma. While informants were routinely subjected to moral degradation and mistreatment by the police who controlled them, they also had to reconcile the self-stigmatization that came from the betrayal and deceit inherent to the role. Other literature of note comprises experientially based practical guides to informant management (Fitzgerald, 2014), confirming that significant moves have been made within police organizations to better anchor informants policing and the intelligence generated by the tactic. Central to these are discussions by police-practitioners-turned-social-scientists who, by and large, seek to improve the use and efficiency of informants. Recent work in this respect includes that by Nunan et al. (2020), who were granted access to audio-recorded conversations between police handlers and informants to understand the role of rapport between the two parties for maximizing and enhancing the quality of intelligence. Drawing on the lens of cognitive psychology, the authors find that rapport is essential for ‘intelligence elicitation’, suggesting that the ability to build affinity with informants could be developed through police training (see also Moffett et al., 2021; Oleszkiewicz et al., 2017).

Within the field of philosophy and criminal justice ethics, a discrete body of literature gets closer to our concern with morals and emotions by examining the ethical quandaries and dilemmas arising from the police deployment of covert and undercover techniques, including police informants (Fyfe, 2017; Harfield, 2012; Nathan, 2017; Williamson and Bagshaw, 2000). Such works certainly offer a nuanced and critical interpretation of informants policing, with a dedication to unpack the ethical dilemmas arising from – hypothetical or publicly available – cases. In so doing, they identify the potential risks to police institutions, intelligence managers and the individuals who act either as informants, or those who have daily responsibility for handling them. By and large, these end with discussion about whether the tactic is justifiable, concluding with criteria for the morally defensible deployment of informants.

While the kinds of studies reviewed above are insightful, they are liable to lack up-close, qualitative data with the informants themselves and, moreover, are not intended to critically conceptualize police and informants *as* moral agents. As Sayer (2004: 1) observes, ‘people are evaluative beings, continually monitoring or at least sensing their own and others’ behaviour as more or less good or bad’. In order to move the debate forward, we believe it is paramount to emphasize questions of affect, emotion and moral competency. For the deployment of informants is an arena of policing which cannot be fully accounted for by simply describing the ideological and institutional structures within which the key players are situated. Our concern with the body of literature on police informants is that it chiefly neglects to capture the informant and handler *experience* – in other words, the interior life of informants policing. It remains the case that a greater, contextualized understanding of the critical moment underpinning the life-changing, and potentially irreversible, decision to become a police informant has yet to be captured. We suspect that the moments in which suspects are turned into informants by the police, and the work they are expected to perform thereafter, embodies immense moral tension and emotional toil. The same could be said for those involved in recruiting and handling informants. However, these emotive aspects have not been fully explored. The concept of emotional labour (Hochschild, 1983) offers a novel lens through which to understand the ways in which handlers and informants may work to regulate or manage their emotional expressions in the context of their professional role. In this way, emotional labour is described as parallel to physical labour, requiring much effort, upkeep and potential discomfort – especially when operating in morally ambiguous circumstances (see also Phillips et al., 2020).

Our interest in these matters also brings us to associated writings on the moral life of state institutions. Whilst state bureaucracies are necessary to distribute and sustain an array of public goods – including policing (Loader and Walker, 2001) – they have nevertheless been denigrated for their autocratic and dehumanizing tendencies. Social and political scientists have instead sought to emphasize, and lay bare, the role of informal values, unofficial practices and moral judgements embodied in the front-line work of state agents (Douglas, 1988; Fassin, 2015; Zacka, 2017) – albeit in other arenas to informants policing. Nevertheless, these writings offer another perspective through which to consider the world of police informants, not least

because it may tell us something about the way in which the state interacts with one of their most vulnerable and overlooked populations.

A cornerstone of our argument is that there is a pressing need to deeply explore the emotional, affective and moral dimensions of informants policing. Focussing on the emotional qualities of social relationships – in the case of police and informants, these may include fear, pride, hope, shame, resentment, guilt – is important because these matter to people, is implicated in their identities and can significantly affect wellbeing (Sayer, 2004). Moreover, as Levinas (1969) reminds us, our relationship and interactions with one another are also a means of understanding ourselves and our capacity for acting ethically and morally (cited in Bosworth, 2019). An important body of literature has begun to shed light on the role of the police in the infliction of suffering and the delivery of pain (Fassin, 2015; Harkin, 2015; Skinns and Wooff, 2020). However, less has been written on police institutional affect – that is, how police institutional arrangements and particular social and moral climates frame and provoke a range of emotions and behaviours for those who work inside them. Do police handlers emotionally withdraw in order to carry out their ('dirty') work with informants? If so, what role might denial and repression of emotions play in contributing to the stability of broader police institutional orders? What techniques are employed at the individual (and institutional) level to provide emotional relief from the inevitable, morally dubious work inherent to informants policing? Do coping strategies serve to simplify the complex moral landscape? Are police trained, and socialized, to maintain professional distance from informants, even while being in a close relationship with them? Some research suggests this may be the case, with police viewing informants simply as a resource, rather than a person with the capacity to flourish or suffer. Goddard (1988, cited in Miller, 2011: 217), for instance, notes that one police officer in his study stated: 'To get the best out of a stool [informant], you gotta train him like you train a dog'. Likewise, in the study by Norris and Dunnighan (2000), some officers referred to their informants as scum, low life and vermin. How might an informant feel if they became aware that they were thought of, and described, by the police in such terms? What consequence would this depersonalization and misrecognition have on their relationship with the police, and on their own sense of self-worth? Would informants wish to be recognized and treated as a person of equal worth, as suspects in police custody do (Skinns et al., 2020)?

Although the vulnerability of informants, power dynamics and morally problematic aspects of informants policing requires much closer attention by scholars than has been the case, there are good reasons not to simply vilify the police officers who are involved in carrying out this role. For, as Zacka (2017) makes clear, while there are times when the aloof and challenging public service bureaucrat does not even appear to be a person they are, of course, someone. In other words, it is valuable to highlight the *person* comprising the police officer (Fassin, 2015). This is perhaps a theoretical and methodological oddity for critical policing scholarship, but it is nevertheless an endeavour that speaks to the appreciative inquiry operationalized in criminological studies (Liebling et al., 2001), including those on policing (Jardine, 2020; Skinns et al., 2021). Adopting an appreciative approach would serve research on informants well because of its ability to render visible aspects of contemporary police handler culture and emotional labour (and discomfort), which could otherwise remain hidden. This mode of inquiry would also enable a better understanding of the conditions which may suspend (temporarily or permanently) the moral sensibilities of those involved in informants policing. A plethora of research over the years demonstrates that new recruits to the police start out with good intentions, such as a desire to help people (Chan et al., 2003; Charman, 2017), but these become eroded by informal socialization processes, the real-world encounters police have with their various publics, in addition to the influence of the institutional mission and directives (Loftus, 2009). What, then, are the difficulties and conflicting demands associated with sustaining this public service ethos in the informants policing context? How do contemporary police institutions, and the broader environments within which they are situated, weaken and even destroy the moral responsibilities of their workers? The internal, cultural identity of the police may well play a role since it has always thrived upon the creation of the Other (Choongh 1998). However, it is striking that informants occupy a peculiar position within the police milieu as they are outsiders who are ‘invited’ into the police world (Young, 1991). Does this positioning ease or exacerbate the moral boundary-drawing practices of the police?

Since police officers employ evaluations, emotions and judgements during their interactions with informants, it seems to us that the ‘moral moments’ inherent in the affective dimensions of police bureaucracies for managing informants requires a much closer and careful examination. Sayer (2004: 4) describes morals as a set of principles of rights and wrongs, including ideas or senses about what behaviours are good and virtuous, as well as how we should treat others and be treated by them. Ethics, conversely, can be conceived as embodied

or concrete interpretations or guidelines on how these apply in any given society or institution. This distinction is befitting within the context of police work, and public service more generally, which has been increasingly shaped by a growing interest in ethics, ethical decision-making and integrity management (Kleinig, 1996; Neyroud, 2006; Porter and Prenzler, 2016; Wood, 2020). Yet, while police are consciously engaging with concepts of ethics and integrity, this may be a mainly symbolic endeavour enacted to provide a shield against criticism and regulatory development (Westmarland and Rowe, 2018). The question remains as to whether discourses of ethics and rights have become merely performative in informants policing, potentially conferring a sense of legitimacy and indemnity to this practice. In what follows, we set out some of the ways in which these questions may be explored substantively and empirically.

Theory-Methods Symmetry

These discussions underline the need for a research agenda that explores informants policing with a distinctive theory-methods symmetry. Above all, it is today crucial to examine the moral and emotional qualities of informants policing *from the perspectives of both the police and informants*. We would emphasize the following orienting research questions: (1) To what extent are informants today multiply disadvantaged, and what consequences might this have for perceptions of their vulnerability and the power dynamics in their relationship with the police? (2) Might the daily realities of informants policing complicate contemporary policing agendas, such as those relating to vulnerability? (3) To what extent does moral and ethical reasoning factor in the recruitment and handling of informants, either implicitly or explicitly? (4) What are the critical moments underpinning the decision to become an informant, and what motivates their recruiters? (5) What are the moral dilemmas and ethically fraught conditions within the police-informant relationship today? (6) How are relations between the two parties characterized in emotional terms: by indifference, sympathy, instrumentalism or coerciveness, for example? (7) What are the factors contributing to an erosion, or suspension, of moral sensibilities amid police and informants? (8) How do police officers involved in handling informants conceive their role and the power they yield? (9) Are neutralization perspectives employed to justify the demands placed on informants? If so, are these articulated in rational bureaucratic or deeply emotive ways? (10) Do informants face a comparable set of moral and ethical dilemmas? If so, what are these and how do informants emotionally defend their stigmatized and potentially dangerous role?

In order to begin to address such questions, an empirical approach is required to encourage informants, and the police officers involved in recruiting, handling and overseeing them, to introspectively and critically reflect upon, and articulate their feelings towards, the work they each do in this emotive and morally troubling arena. To pursue this, ‘sociological introspection’ (Wooffitt and Holt, 2011) offers a key methodological tool. Interviews conducted within this framework would allow officers to deeply explore and reflect upon morally challenging examples from their work with informants, examining their inner-consciousness. Since the underlying principles of this approach emphasize the need for research participants to look inward and examine their feelings and emotional experiences, sociological introspection has been aptly described as a ‘soul-searching’ tool (Layder, 2004). This could be further encouraged by an appreciative stance which, although recognizing the negative aspects of informant policing practices, would also aim to understand any positive dimensions (see also Sheptycki, 2016; Skinns et al., 2021). Combining sociological introspection with appreciative inquiry is likely to encourage greater trust in the researchers. This would help the police involved in handling informants to lay bare the moral moments arising from their work. Interviews conducted within this framework would provide an opportunity for police officers to reflexively provide ‘accounts – or rationales, explanations and justifications for their actions and opinions’ (Tracy, 2020: 132).

One of the peculiarities of police research is that it may uncover actions and information that research participants prefer to hide (Reiner, 2010). This is likely to be exacerbated in a study of covert policing where many of its practices are highly sensitive and deliberately concealed from view. Indeed, the literature on covert and undercover policing is, for the most part, missing empirical data. Where fieldwork has been conducted, there is a focus on the culture and ‘craft’ of covert policing on-the-ground (Bacon, 2016; Loftus et al., 2016), as opposed to the narratives of undercover officers reflecting upon the work they do. An emerging body of research is, however, concerned to explore the stressors of working in covert and undercover roles, and the consequences these have on the psychological health and well-being of officers. Curran (2021), for example, conducted interviews with former covert officers and found that fear of interpersonal violence was a common stressor. Of particular relevance to us is that Curran also notes that feelings of guilt and shame were occasionally felt by undercover officers ‘when the perceived vulnerability of their targets and those on the periphery were

described’ (ibid, 262; see also Woods, 2016). Thus, future research would do well to build upon these kinds of admissions to qualitatively explore the normative and emotional reflexes stemming from the covert role. To counteract the challenges associated with recruiting police handlers and others who manage informants for interview, serving and retired officers could be approached. While the latter may bring additional insights into changes in the tactic over time, retired officers no longer working directly in the field may also be more amenable to reflect critically on their past behaviours with informants in moral and emotional terms (see also Atkinson, 2019a; Bullock et al., 2020).

At the same time, it is easy to forget that covert surveillance and the use of covert sources are national policy (Innes, 2000). As such, the narratives put forward by police elites and other criminal justice representatives who champion the tactic are both an important and neglected part of the story. An allied empirical strategy is therefore required to capture and analyse the rhetoric and belief systems of these strategic actors, providing valuable insights into aspects of moral mission and self-legitimacy, in addition to possible deflecting techniques providing indemnity to informants policing. It would be timely to garner official views about the place of informants in policing today, controversial tactics and new legislation (such as the Covert Human Intelligence Sources (Criminal Conduct) Act 2021), as well as the difficulties associated with balancing demands of national security with public liberty, and how informants policing may obscure longstanding British policing ideals, including policing by consent. However, since this would still leave us with a police-sided view of informants policing, any empirical investigation should prioritize the narratives and experiences *of the informants* – an aspect also largely absent from the literature.

Capturing the views and experiences of both police and informants is crucial given the potentially contested meanings that are likely to arise in relation to the morally ambiguous nature of their shared world. Research should, therefore, be reoriented to provide a voice to informants who, as we see it, have been largely overlooked – in UK research particularly. The biographical interview method, with its emphasis on providing people with an opportunity to ‘tell their story’ (Cook and Walklate, 2019), would allow informants to reflect upon their stigmatized and morally ambiguous role and identify examples of when they may have felt

particularly challenged or compromised by what they have been asked to do by the police.¹ As a method oriented towards the analysis of social problems experienced by the individual in a setting where interviewees do not feel judged, biographical interviews can also be conducted over multiple sittings to further encourage rapport, trust and openness. Thus, the information secured through biographical interviews is widely recognized to be reliable compared to that secured through other methods (Gray and Dagg, 2019). These features of the method maximize the chances of informants feeling confident and secure enough to be open about the situation they inhabit, allowing the researcher to also assess the extent to which they are multiply disadvantaged. Moreover, the informant could also be asked to reflect upon the circumstances underpinning their decision to take on the role – that is, the *critical moments* under which they were ‘turned’ by the police – including the relevance of any forms of disadvantage that they identify. It is worth noting that biographical interviews have been the dominant method in criminal career research, which includes the study of turning points (Mercan, 2020). Applying a moral and emotional framework to the lived experiences of police informants offers new opportunities to understand the effects of a state practice which may deeply impede upon, and potentially derail, individual lives and trajectories. It may also facilitate an understanding of how informants adapt, reconstruct and reconcile their ethical lives in the past, present and imagined future. In other words, this approach offers important possibilities for researchers to reconsider the relationship between power, morality, ethics and the self.

There are clear challenges associated with gaining research access to (former and current) police informants, owing in large part to the intense stigma of the role within the broader, and often criminal, community (Dabney and Tewkesbury, 2016). As a result, there are a number of allied, or supplementary, data collection strategies we would put forward. Firstly, an online resource could be established to provide a secure space for people who have served as a police informant to (anonymously) share their stories and experiences. This would be akin to the plethora of online spaces used to share recovery or survival stories, such as relating to drug addiction, sexual assault or other crisis events (Veer et al., 2015). The stories and statements provided by informants could be subjected to deep, thematic analysis with a special emphasis on teasing out the moral and emotional aspects emerging from the data, as well as potential

¹ This kind of approach also speaks to the broader aims of what has become known as narrative criminology. This relatively new perspective is concerned to draw on methodologies, such as biographical interview, to help deepen understanding of human experiences (see Presser and Sandberg, 2019).

indicators of multiple disadvantage within their lives (such as economic hardship and physical or mental health problems). While we would caution against placing too much reliance on the ability of the online resource to illuminate these issues – after all, access to a computer and the internet may be out of reach for some who occupy the informant role, particularly given the ‘social digital divide’, in which people’s engagement with technology is stratified and constrained by limited resources (Qureshi, 2012) – it would nevertheless offer a complimentary data source that could help to compensate for potentially low numbers of respondents in the biographical interviews. Secondly, central to the professionalization of informants policing is a renewed emphasis on improved records management within police bureaucracies (Innes, 2000). Today, handlers are required to maintain detailed and rigorous accounts of their interactions with informants. Such files thereby offer another important source of data, revealing both the formal workings of the contemporary bureaucratic regime and, perhaps, the informal, taken-for-granted moral and emotional aspects of the relationship. Although examining formal records may reinforce the problem of focussing on the police - as opposed to informant - experience (these records are, after all, police versions of events), these files could nonetheless hold information about the demeanour, feelings or wellbeing and welfare needs of the informant and their handler over time – alongside demographic information, the frequency of meetings and how any intelligence was used, and with what effect. Where written records or transcripts of interviews and conversations between the police and informants exist, these could be explored through thematic analysis to build up a more in-depth picture of an individual informant and their liaisons with their handler. We would also expect this data to speak to our concern with the moral dimensions of policing since it could bring out the real-world dilemmas facing informants and handlers.

Concluding Remarks

As an aspect of police institutions, and one with its own social world, informants policing exudes key themes of power, inequality, and conflict. The informant role appears to be populated by those whose lives are infused with vulnerability and disadvantage, provoking consequences of unequal power relations with the police and implications for dignity, autonomy and processes of criminalization. In this review article, we have sought to reflect on research relating to police informants and make recommendations about its future direction. In particular, we have set out a research agenda that appreciates the moral significance, emotional disruption and power dynamics at work within this pervasive, yet secretive, arena of policing.

Although the interactions police have with their informants are undoubtedly littered with moments of moral and ethical compromise, the very nature of these, and the emotional responses prompted by such moments, has been undervalued by scholars. Informants policing is morally complex, requiring those involved to perform a role which surely induces an array of feelings – ranging from accomplishment and satisfaction to depersonalization, fear and powerlessness. Exploring this practice through the lens of emotional labour (Hochschild, 1983) would be helpful for identifying the ways in which such sentiments are expressed and managed, in addition to how they impact upon the work that police and informants do. Besides outlining new areas for theorization and conceptual engagement, we have also tentatively presented suggestions for empirical inquiry going forward. The moral world of police informants, and the emotional reflexes prompted by its demands, should be studied *both* as micro-events and the degree to which they reproduce the societal and structural inequalities in which informants are embedded. If, as Fassin (2015: 15) notes, it is through policing practices that the state ‘reveals itself’, then examining the treatment of police informants will uncover forms of state power that have hitherto gone under explored.

For police handlers, critically self-examining any inclinations and potential biases they may have in carrying out their role could serve to calibrate and modify their moral perceptions, dispositions and, ultimately, behavioural responses. For informants, by revealing instances where they have felt pressured or coerced into becoming an informant, or have engaged in morally dubious behaviours, they may experience a sense of vindication, recognition and acknowledgement. These are important elements for inducing feelings of self-worth, potentially leading to better decision-making, improved communication skills and healthier life outcomes (Sayer, 2004). Informants may have experienced a loss of control or a change in expectation of privacy or autonomy – all of which may encroach upon their overall sense of place and belonging in the world. Informant life stories may also engender identity reconstruction, enabling individuals to renegotiate power and control issues. As Cook and Walklate (2019) demonstrate, narratives of harm and victimization are not only personally and existentially significant, for they can also act as fundamental motivators for political and social change. These are the matters at stake should research continue to produce dispassionate accounts that overlook the moral and emotional significance of informants policing.

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