Electronic Theses and Dissertations   Graduate School

1-1-2019

Evaluation Of Confidential Informant Programs In Legal Settings: Why Do 10 When You Can Send A Friend?

Kennedy Marie Cuevas

EVALUATION OF CONFIDENTIAL INFORMANT USE IN LEGAL SETTINGS:

WHY DO 10 WHEN YOU CAN SEND A FRIEND?

A Thesis
presented in partial fulfillment of requirements
for the degree of Master of Science in Criminal Justice
in the Department of Legal Studies
The University of Mississippi

by

KENNEDY MARIE CUEVAS

December 2019

ABSTRACT

There is limited research regarding the use of Confidential Informants and related programming, including a consensus of Best Practices of these programs. The information available regarding CI use and its programming is limited to agency-produced literature and minimal peer-reviewed research. The present study sought to utilize the limited information available to develop Best Practices of Confidential Informant Programs by conducting an analysis of available literature to identify themes and policies that were present in a majority of the literature. Additionally, the aforementioned Best Practices were used to perform deductive qualitative analysis of the written policies of a Confidential Informant program in a rural county in Mississippi that is considered to be high-functioning. The findings indicate that the host agency's written policies did not completely adhere to Best Practices, and the results can be used to help the host agency determine what policies are not present to better equip their program.

DEDICATION

I would like to dedicate this work to my fiance', Nicholas Turan. Without your love and

encouragement, I would have never had the confidence to pursue or finish this project. And to

my parents, Donald and Rosemarie, thank you for your guidance over the past 24 years. Without

you, I would not be the person I am today.

ACKNOWLEDGEMENTS

First, I would like to thank my committee chair and advisor, Dr. Kimberly Kaiser, for her continuos support throughout my tenure in the Department of Legal Studies. Her encouragement inside and outside of the classroom have lead me to be a better writer and contributor to my discipline.

I would also like to thank the host agency for allowing me access to their enscribed policies and procedures. The endless correspondence helped guide this study to completion, and their professionalism did not go unnoticed. Without their cooperation, this study would not have been possible.

I would like to extend appreciation to the other members of my committee, Dr. Linda Keena and Dr. Francis Boateng, for their many contributions to the formulation of this work. Their dedication to students and growth of the criminal justice discipline have helped guide not only myself, but the entirety of our department.

Lastly, I would like to recognize the faculty and staff of the Department of Legal Studies at the University of Mississippi. Their passion for teaching and student development is often overlooked by those who do not have the privilege of being a part of it. I have been instructed by some of the most brilliant and hardworking individuals I have ever had the pleasure of knowing.

There are few words to describe how thankful I am to have been a part of this department since I began as a first-year undergraduate student in 2013. So, Hotty Toddy.

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

CHAPTER ONE

INTRODUCTION TO THE STUDY

Introduction

Intelligence-led policing (ILP) has created an avenue for law enforcement to be more proactive in combating crime. Unlike ILP, the traditional model of policing is reactive and focused on intelligence gathering post-crime (Wells, 2009). Intelligence-led policing utilizes physical and electronic surveillance, public documents, and informants as methods of intelligence gathering and evidence collection (Peterson, 2005). The shift to ILP has been taken in stride with the increase in commodity flow crimes, like drug and illegal weapons trafficking (Carter, 2004). Maintaining a proactive approach to crime has not only helped in combating crime, but the prosecutorial workload has been lessened due to the quality and quantity of evidence that is being collected (Hagborg, Strömwall, & Tidefords, 2012).

The United States legal realm has a multitude of outlets to gather evidence for impending investigations, however, there are sectors of crime in which law enforcement has little opportunity for infiltration. The drug market, a violent and private subculture, values discreet operation and relationship-based transactions (Jacobs, 1997). Due to limited outsider access, it is imperative for law enforcement to recruit individuals within the market to have insider knowledge to the culture (Taslitz, 2011). This insider recruitment presents law enforcement with "informants" within an unknown crime web who can help gather evidence for impending investigations and decrease the flow of illegal drugs in the community. The use of informants is

not a new concept, nor is it limited to the illegal drug trade. Authorities utilize informants in white collar crimes, terrorist organizations, and other organized crime. The value informants bring for investigative purposes surpasses the information that any law enforcement agency could gather through traditional policing methods (Taslitz, 2011).

Although there is an inherent advantage when utilizing CIs (Confidential Informant), it is critical for agencies to evaluate each potential informant to determine their value to an investigation. Establishing a baseline criterion for recruiting informants helps efficiently allocate resources and speed up notoriously slow investigations. Additionally, guidelines should be established within each agency to ensure that their informants are being used appropriately and with respect to individuals' civil rights (U.S. Department of Justice, Attorney General, 2001). With their extensive knowledge of local drug scenes, informants are savvy to transaction locations and dealer availability. There are two types of CIs: informers, those who strictly provide information to law enforcement, and informants, those who play a more active role in assisting law enforcement (Miller, 2011).

When recruiting citizens to engage in criminal investigations, there are ethical concerns that must be evaluated (Tarwacki, 2013). There is an increasing pool of legal professionals who denounce the use of informants due to the impact they have on low-income, urban communities where the crime rate is high. Concurrently, these demographics are representative of the African American community (Natapoff, 2004). This populace has an overwhelming connection to the legal system, therefore, becoming an informant is a reoccurring theme. Utilizing the young and naïve can have serious repercussions on their safety. Considering the potentially violent nature of drug crimes and trafficking, the safety of informants can be compromised due to lack of training and the inability to keep their identity confidential (Leson, 2012). In order to reform the current

standards and practices of utilizing civilians as investigative tools, agencies must engage in research and evaluate their programs to ensure safety, effectiveness, and appropriate resource allocation.

There is no stereotype for a successful informant, so it is crucial for agencies to perform evaluations to determine what CI characteristics are beneficial to the program. Examining gender, motivations, and previous criminal record will help unearth an informant model that agencies can adapt and modify to fulfill their goals of intelligence-led practices and move their investigative tools forward to keep up with the changing crime markets. Concurrently, conducting internal reviews of their inscribed policies allows agencies to reevaluate current practices while also incorporating modern, evidence-based policies.

Statement of the Problem

Considering the void in recent research regarding informants and associated programming, the knowledge of what constitutes best practices or establishing a high-functioning informant program proved to be limited. To streamline the framework for developing an informant program, instructive, agency-produced literature needs to be evaluated to determine what current programs are doing or not doing compared to what research-based studies argue. In doing this, criminal justice professionals may have access to more current literature regarding informants and policies that provide fruitful results.

There is an inherent need for practice-based research within the criminal justice system due to lack of funding, media and public scrutiny, and general welfare of departments and their constituents (Davies & Nutley, 2000). By providing a mechanism for program preparation and continued evaluation, departments can witness an easier transition into new programming and/or reconfigure current programs based on best practices. Although these problems can cause issues

in developing clear conclusions, there are advantages to this research. By bridging the gap between multiple bodies of literature, a void can be filled that will provide a thorough examination of an active informant program that has not been previously been conducted before for public review or scholarly research purposes.

Purpose of the Study

The purpose of this study was to identify best practices of CI programs and determine the level of agency adherence to the identified best practices. The Intelligence-Led Policing model follows a proactive approach that not only helps speed up investigations, but also holds law enforcement to a higher standard regarding investigative planning. Establishing programs in any law enforcement agency takes extensive research and planning, however, for the case of CI programs, there is little research available other than a few instances of agency- produced protocol. With this in mind, the present study seeks to combine elements of program implementation strategies and best practices of CI programs to create a foundation for law enforcement agencies to produce more efficient and effective informant programs.

Maintaining an ethical and efficient program relies on agency adherence to standard practices and general program/informant maintenance. To ensure adequate preservation of these principles, policies and procedures must be developed or adapted to the program. Many organizations develop plans that detail how certain programs should be carried out, however, the likelihood of adhering to those plans varies (Durlak, 1998). It is crucial for agencies to evaluate their adherence to initial program implementation strategies and whether they are fulfilling operational expectations.

The research questions that guided this study were:

1. What are the best practices of CI Programs?

2. Are best practices reflected in Host Agency policy?

Definition of Key Terms

The following key terms helped frame the topic of the study by creating an understanding of some key concepts and terms used.

Confidential Informant (CI) – "any individual who provides useful and credible information to a[n] [agency]... regarding felonious criminal activities, and from whom the [agency]... expects or intends to obtain additional useful and credible" (U.S. Department of Justice, Attorney General, 2001, pg. 2).

Intelligence-Led Policing (ILP) – A collaborative mechanism forted in improved intelligence gathering and operations, community-policing techniques, and problem solving (Peterson, 2005; Wells, 2009; Carter, 2004). ILP provides a framework for law enforcement to develop policies and procedures to combat crime by creating relationships in the community and utilizing those relationships to collect intelligence (Wells, 2009; Carter, 2004).

Intelligence – Information that is understood, valued, and evaluated in correspondence to its source, reliability, and potential contribution (United Nations, 2011). CIs provide useful information in multiple capacities, however, it must be corroborated to be considered intelligence and permissible in court proceedings. Additionally, the intelligence they provide allows law enforcement officials to make connections and expand their investigations to combat larger criminal organizations and activities (Wells, 2009).

Standard Practice – Policies and practices that are common among most CI programs (United Nations, 2011). Standard practice provides a baseline for the development of new programming or the reconfiguration of current programs. This instills congruency within disciplines and promotes evidence-based practice (Tarwacki, 2013).

Informant Privilege- Informant privilege addresses confidentiality of CIs and is a mechanism of safety for informants, however, legal precedent may override CI privilege (Tarwacki, 2013). Because of the dangerous ramifications of working as a CI, it is necessary to include policy that not only protects the informant, but protects law enforcement from public scrutiny in case of potential injuries or other unfavorable incidents or allegations (Jacobs, 1997; American University Law Review, 2009).

Informant Management- Regulation of informant behavior through means of social control (Jacobs, 1997). Maintaining control of informants provides CI programming and any forthcoming trials, hearings, etc. with credible information and well-rounded evidence. Informant management protects the sanctity of legal proceedings, while also bolstering control and performance of CIs (Turcotte, 2008).

Informant Files- Organized documentation of CI background, contributions, and details of activities throughout CI's tenure (U.S. Department of Justice, Attorney General, 2001). Informat files may be filled with a multitude of other forms, but they generally include similar contents among most departments. Maintenance of these files are essential to not only the sanctity of the program, but fulfilling law enforcement's role as contributors in the legal process by providing detailed information for case preparation and trial (U.S. Department of Justice, Drug Enforcement Administration, 2002).

Legitimacy- The maintenance of transparent and ethical practices (American University Law Review, 2012). In regard to criminal justice and subsequent organizations, legitimacy is an integral mechanism; however, there is no clear standard or consensus on what legitimacy entails when referring to practice and policy within the criminal justice discipline (Tankebe & Liebling,

2013). Max Weber is credited with establishing the foundational properties of legitimacy and its purpose in society (as cited in Tankebe & Liebling, 2013).

Summary

The present thesis sought to provide a detailed list of best practices of CI programs that is both modern and widely used among agencies. Additionally, by comparing these best practices to an active program, it is believed that the agency will reflect a majority of practices in their inscribed policy. This chapter has served to introduce the research, highlight key concepts that fortify the study, and illustrate the purpose of the study. To maintain transparency, limitations and assumptions were included. To clarify general, yet essential verbiage, a list of key terms was provided.

The proceeding chapters contain the culmination of this thesis. Chapter Two discusses all relevant literature to this study and bridges the gap between multiple bodies of literature. The review consists of a thorough analysis of CI related research, agency-produced protocol, ILP frameworks, and program implementation policies. Chapter 3 decribes the research design for Study One: the preliminary analysis of current literature using qualitative measures to determine common themes among agency produced literature. Chapter 4 details the results of Study One: the formulation of Best Practices. Chapter 6 outlines the research design and methodology for Study Two: the utilization of Best Practices to determine agency adherence. Chapter 7 includes the results of Study Two: whether the host agency's written policy reflects Best Practices. Chapter 8 concludes the study by discussing the importance of the outcomes, limitations, and potential for further research.

CHAPTER TWO

REVIEW OF RELATED LITERATURE

Introduction

This chapter's review of literature examines and analyzes prominent themes that are related to the study. To begin, current research on CI use will be discussed to highlight the lack of available literature. Additionally, the practices of Intelligence-Led Policing will be analyzed to illustrate the importance of enhanced information gathering techniques, specifically the use of CIs, and how to effectively integrate and maintain these programs so their intended goals are achieved. To complete the review, an analysis of program implementation techniques will be conducted to frame the importance of successful implementation of CI Programs to avoid corruption within the program and agency. Analyzing the use of CIs is essential to providing practitioners with a more in-depth analysis of their importance and the considerable implications of potential misuse, corruption, and legitimacy of CI Programming. The review of current literature allows for a conceptual and practical understanding of the importance of Best Practices of Confidential Informant Programs as well as the need to evaluate its adherence in active CI programs.

Confidential Informants

CIs have been used for years to infiltrate private organizations, drug markets, and assist in everyday investigations (Natapoff, 2004; Tarwacki, 2013). When utilizing CIs, procedure and protocol are of the utmost importance to ensure efficacy of the program and adherence to ethical

standards. There are measures agency must follow to appropriately monitor informants and address needs of confidentiality and reliability. Practitioners must consider ethical questions when using CIs, as the scrutiny associated with their use is so prevalent. When these principles are addressed, the program can solidify its legitimacy.

Federal Procedures

CIs, though basic in definition, takes multiple forms in the legal system. The United States Department of Justice (2001) defines a CI as "any individual who provides useful and credible information to a[n] [agency]... regarding felonious criminal activities, and from whom the [agency]... expects or intends to obtain additional useful and credible (pg. 2)". While this defines their job, it is important to consider that many informants provide this information in exchange for money or prosecutorial leniency (Natapoff, 2004). This definition provides a broad interpretation of the work that informants do, thus allowing for multiple types, or models, of informants. By creating a generalized mold for informant work, law enforcement agencies can experience more regulations when accepting information from outside/public sources. Before working with any informant, program facilitators must perform preliminary checks to ensure that the person is suitable to serve as a CI.

An Initial Suitability Review (ISR), is a critical measure for any agency as it considers various characteristics related to a person's background, like age, alien status, political or public affiliations, motivations, etc. (U.S. Department of Justice, Attorney General, 2001). These characteristics can influence an investigation and have potentially detrimental effects on an informant's reliability in court proceedings. Knowing an informant's background and personal affiliations and motivations is essential for law enforcement, because it can determine how the informant will be used and can possibly measure how effective they will be. In the case of public

figures or those with a privileged status, like attorneys, being utilized as a CI can cause risks due to their power and status within the legal system (U.S. Department of Justice, Inspector General, 2015). Informant suitability should be a primary focus of law enforcement agencies. Assuring that they will be helpful and accurate contributors to investigations assists agencies in intelligence gathering and provides for a more reliable and substantial case in court proceedings. Suitability can change throughout the course of an informant's tenure, so reviews should be conducted to assess previous work and to determine if any of predisposed characteristics have changed (U.S. Department of Justice, Attorney General, 2001).

When performing reviews, it is helpful for agencies to create files for individual informants or potential informants so that they may stay organized. These files should be maintained in a streamline way to avoid discrepancies and inconsistencies. After approval from prosecuting bodies, agencies must register CIs with authoritative bodies when applicable (U.S. Department of Justice, Attorney General, 2001). Within this registration, there must be a recent photo of the informant, notation of efforts to establish CI identity, Initial Suitability Reports, benefits for their cooperation, and other information regarding the work of the informant. These files should be kept up-to-date throughout the informant's tenure and should provide proper notations of all communication with the informant (U.S. Department of Justice, Attorney General, 2001)

Instructing informants is just as regulated as appointing them. Agents must provide written instructions for informants regarding expectations. These instructions include: providing accurate information to agents, being an informant is strictly voluntary, their identity will be kept confidential to the fullest extent possible, but the agency cannot guarantee it will not be divulged, the CI cannot engage in any criminal activity outside the scope of their CI duties (authorized

illegal activity), and the CI is not an employee of the agency or of the United States government (U.S. Department of Justice, Attorney General, 2001). These examples illustrate the importance of informant management as it is critical for agencies to provide workable and seemingly trustworthy informants to help fortify a case.

Informant Management

Because drug markets are not easily accessible through formal social control (Jacobs, 1997), the utilization of informants in any capacity is an essential tool for law enforcement. Even though their use is a necessity, it is imperative to remember that informants are typically a part of the networks that law enforcement is trying to penetrate. Consequently, practitioners must regulate their behavior, as their actions outside the realm of their inscribed duties can affect the reliability and suitability of the informant.

Instituting a law enforcement program that features outside participants, specifically those with previous criminal records, must regulate their activities closely to ensure they are in compliance with program policies. Creating a procedural baseline for participant activities is critical on all levels of the criminal justice spectrum, especially from an Intelligence-Led Policing (ILP) standpoint. Informant Reliability is essential for determining the accuracy and usefulness of information (Carter, 2004). ILP promotes action based on intelligence, so it is critical for law enforcement officials to ensure the reliability of informants for the sake of their own investigations. Additionally, reliability is critical in court proceedings that utilize the information provided by CI's. Often, defense attorneys question the reliability of informants in an attempt to pull the information or evidence from the proceedings (Carter, 2004; Turcotte, 2008).

Law enforcement personnel often use deceptive techniques to recruit and manage informants; however, there are mechanisms that officers can use to control informant actions (Turcotte, 2008). Tasking is the primary tool for managing informants. In doing this, officers give informants specific instructions to carry out their task. Tasking allows law enforcement to control the collection of evidence rather than waiting for informants to provide information (Turcotte, 2008). By giving investigators this primary authority over the intelligence gathering process, officers can control outcomes. Another form of management is the use of meetings. Meetings require officers to maintain relationships with sources throughout the duration of their tenure, either by phone calls or organized meetings (Turcotte, 2008). By maintaining these relationships and requiring meetings with informants, officers can build more substantial cases through notes, receipts, etc. (Turcotte, 2008).

Informer Privilege

While providing services to law enforcement, CIs should expect certain privileges for their work. Law enforcement officials and CI program facilitators are required to uphold various policies that help maintain accountability amongst themselves and the organization in general, but officers and prosecutorial bodies who work directly with CIs have a duty to keep informants safe, also known as Informant Privilege (Rich, 2012). For informants, privilege is the assurance of safety. Anonymity is the main desire for many informants as the disclosure of their identity could lead to physical harm (Gutterman, 1967; Leson, 2012). Although anonymity is not guaranteed due disclosure of artifacts exposing their identity, video/audio evidence, etc., CI program facilitators make valid attempts to ensure confidentiality. However, informant privilege expands beyond confidentiality. Being fully prepared to enter into dangerous drug deals is a necessity for many informants. Many juveniles and young people become CIs to avoid

prosecution for minor drug crimes, but it is important to consider their potential naivety in more threatening environments.

Many states have adopted laws to regulate the use of CIs to place an emphasis on informant safety, specifically, access to counsel, adequate training for officers and informants, and special considerations for vulnerable persons like juveniles, mentally ill and handicapped, and drug- addicted informants (Gutterman, 1967; Leson, 2012; Rich, 2012). Access to counsel is the right for a defendant to have an attorney or be appointed an attorney for any criminal proceedings (Rich, 2012; Sixth Amendment to the United States Constitution, 1791). This is not always made apparent to those who are offered the ultimatum of prosecution or informant work (Leson, 2012). Many informants agree to become one due to the coercive nature of the arresting officer or the fear of being punished. Having an attorney present can help informants make informed decisions, and if defendants decide to become informants, clear, written terms of their work can be established with the help of their attorney (Leson, 2012).

Whether an informant is a seasoned veteran or new to the dangerous drug market, law enforcement must train individuals to conduct buys in a safe and effective way. Although drug markets are inherently un-safe, program facilitators must allow informants to remove themselves from dangerous situations without fear of criminal sanctions (Leson, 2012). In conjunction, officers must train informants on how to recognize dangerous situations and appropriate ways to remove themselves should the situation become dangerous (Leson, 2012).

Training is especially important for vulnerable groups, like juveniles, mentally handicapped, and the drug-dependent. It is important to note that although vulnerable persons may not provide the best look for law enforcement due to higher possibilities of coercion, vulnerable persons still have personal autonomy (Rich, 2012). For juvenile informants, CI

programs must have age restrictions. At a certain point, juveniles do not possess the maturity level or level of autonomy an older juvenile possesses. Agencies must also consider the juvenile's best interest before that of the court (Rich, 2012).

Mentally ill and mentally handicapped persons are equally as autonomous as other members of society; however, practitioners must consider whether these individuals are acting and agreeing to become informants intelligently, willingly, and knowingly (Rich, 2012). Drug-dependent individuals are typically unreliable due to their association with drug markets. It is stated that drug-addicts should be treated the same way as mentally handicapped persons. Much like the mentally handicapped, drug-addicts are more likely to be subject to coercion and should be approved only through court approval (Leson, 2012; Rich, 2012).

Linking CIs and Intelligence-Led Policing

Intelligence-Led Policing is a prevalent style of policing that focuses on information gathering as a prerequisite to performing any investigation. CIs can serve as a useful tool for ILP driven agencies. CI's provide a direct link to criminal organizations and cultures that law enforcement professionals would not otherwise have access to. Recognizing CI use as a method of Intelligence-Led Policing can provide agencies with opportunities for speedier investigative practices, in-depth information on criminal subcultures, and the prevalence of certain drugs within the market.

Intelligence-Led Policing Framework

The term "intelligence" has a variety of working definitions in the law enforcement sector. For the case of CI use, Evidential Intelligence and Operational Intelligence will be the most critical for this evaluation (Peterson, 2005, pg. 3). Evidential Intelligence seeks to use evidence to assure arrests, convictions, and continue investigations. Operational Intelligence

refers to intelligence that reinforces long-term investigations into similar targets (Peterson, 2005). Both of these intelligence practices embody the work of CIs and their supervisory agents.

Intelligence-Led Policing is a collaborative mechanism forted in improved intelligence gathering and operations, community-policing techniques, and problem solving (Carter, 2004; Peterson, 2005; Wells, 2009). ILP resembles the Problem-Oriented Policing model and is considered to be the accountability factor of CompStat that emphasizes an analysis based decision-making process (Ratcliffe, 2007; Wells, 2009). CIs illustrate the combination of these policing models in that CI's offer direct access to criminal activity while their actions are being monitored closely by law enforcement. CI use is heavily regulated, so maintaining accountability across all levels of law enforcement and practices involving CI's in critical to maintaining legitimacy within the program. ILP's promotion of accountability in lower levels of law enforcement and requiring management to play an active role in setting objectives and developing plans to achieve those objectives makes for an acceptable framework for CI use.

Unlike other forms of policing, ILP promotes action-based information rather than acting on chance or will. Community engagement provides local law enforcement with an insider's perspective on crime within certain areas, especially those with little known criminal activity. CIs are useful in these cases due to their potential proximity to criminal activity and ease of intelligence gathering from their peers (OSCE, 2015; Peterson, 2005). Drug crimes fall under the umbrella of some of the most underreported criminal activities, so it is up to intelligence gathering from citizens, both criminally active and non-criminally active to pinpoint hot-spot areas of drug trafficking and manufacturing.

Intelligence gathering can become overwhelming for many law enforcement practitioners because when it is first gathered, it is raw numbers. However, once synthesized and analyzed,

intelligence can give law enforcement a more wholistic view of crime (Wells, 2009). This is especially important with drug crimes. Utilizing informants in these cases is only as successful as their clarity on trending substances within specific areas. Informants provide an insider's perspective on a community's drug culture and economic structure of the drug market. Not only are they directly involved with the day to day criminal activity, but they understand the means of contact, trending drugs, trafficking information, and local manufacturers.

Use and Misuse of CIs and Intelligence-Led Policing

Ethical principles in law enforcement practices has come under scrutiny in recent years due to the media's portrayal of inappropriate or inhumane acts committed by law enforcement officials. Though it is debated whether these officers were committing crimes or performing their responsibilities, ethical law enforcement practices is a reoccurring theme in modern policing. Many practitioners attribute poor ethical behavior to a lack of training (Johnson & Cox, 2004; Kooken, 1947); however, this could be sprouted from an arrest-focused phenomenon that associates arrest rates to officer success. To combat this, agency management must be the governing body to hold officers and subsequent programs to agency standards.

Fulfilling inscribed policies and protocol is critical to the efficacy and sustainment of the agency and its moving parts. To prevent agency oversight, supervisors must hold subordinates accountable for their actions and ensure they are upholding their responsibilities in a manner that coincides with agency sanctions and protocol (Carter, 2004). Training, at all levels, is essential for adequate policy fulfillment. Training gives supervisors and subordinates the knowledge to appropriately and effectively perform their responsibilities to agency standards, thus alleviating any discrepancies in investigative protocol (Carter, 2004).

Investigations in an ILP model are led through active information collection and tips or leads provided through a third party (Carter, 2004). Information collection requires constant attention and repeated verification and analysis (U.S. Department of Justice, Bureau of Justice Assistance, 2008). When working with third parties, specifically CIs, agencies must inform them of legalities when working with law enforcement, especially in regard to field work. Providing training to agents and third-party informants provides transparency in protocol and uniformity in intelligence gathering (Carter, 2004). Without adequate training in information and intelligence gathering, the potential for legal issues rises and the reliability of intelligence decreases.

Public perception of law enforcement success is synonymous with agency output. Taxpayers value numbers and statistical data as a method of accountability, ensuring that local agencies are producing an output that coincides with taxpayers' monetary contributions (Moore & Braga, 2003). This produces a stigma of quantity over quality when it comes to combating crime. While one agency produces far more arrests, another agency may produce more convictions, however, once a case makes it to the prosecutorial side, those statistics are not relative to law enforcement. Creating an illusion of success based on numbers can not only lead to a false sense of effectiveness, but there is an emergence of unethical practices being made to produce a high output for public satisfaction (Sparrow, 2015). The appearance of more arrests leads to an illusion of officer accomplishment, thus spurring a chain reaction of arrest-driven goals. Attaining and maintaining this "success" calls on officers to do whatever means necessary to keep that persona not only for themselves, but for their agency (Sparrow, 2015). Whether it be for the workplace, its investigative practices, or community relations, agencies develop programs to fulfill goals and reach objectives.

The use of CIs as a means of undercover policing musters concerns of liability in the safety of the informant, deception of targets, and the viability of the information/intelligence collection mechanism used by the informant and agency (Mabia, Iteyo, & Were, 2016; Nathan, 2017). Intelligence-Led Policing emphasizes the use of proactive intelligence gathering techniques, and informants personify that model. CI programming and other similar frameworks spark questions into the legality of these deceptive practices. While the use of informants is legal, controversy surrounds its deceptive nature and intrusive means of intelligence gathering. The complaints of undercover work use confuse rights violations with rights infringements. To explain this paradigm, a rights violation is unjustified while a rights infringement is justified (Nathan, 2017).

Establishing CI programs takes preparation and training of not only the agency, but the officers that will work towards its intended goals daily. Utilizing CIs requires preparation and enhanced training to ensure they are being used in an ethical and appropriate way. ILP has introduced a mechanism for law enforcement to have a greater impact on crime, crime developments, and the social implications of crime while maintaining and addressing the demand for accountability among officers (Organization for Security and Co-Operation in Europe, 2017). With law enforcement scrutiny on the rise, it is essential for agencies to identify programs that would best fit their needs, while also maintaining these programs through its lifetime. By evaluating programs and ensuring efficacy, success and positive public perception will follow.

CI Program Implementation

This section will review protocol for general program implementation and what organizations and agencies can do to prepare for and ensure the success of different programs. Program implementation varies across disciplines; however, they all pursue common goals of

successful adaptation and effective maintenance. When adapting new protocol, it is essential for agencies to research effective methods of implementation and decide whether certain protocol will fit the needs of their agency. In doing this, the agency develops tools to determine which programs, informants, and policies will work for their department. Determining the longevity of programs is impossible, however, with adequate evaluation, a long-standing and effective program is attainable.

Program Integrity and Adaptation

Implementing new policies and programming requires complete organizational compliance to ensure its successful integration. To achieve success by whatever definition, program facilitators must evaluate program integrity, or the degree to which the program was implemented and utilized as originally intended (Deurden & Witt, 2012). While maintaining program integrity, organizations must also modify different aspects of the program to ensure it will successfully conform to organizational standards and protocol (Guevara, Loeffler-Cobia, Rhyne, & Sachwald, 2011). CI Programs are created in accordance with agency protocol; however, agency protocol may not be conducive to maintaining an efficient program, so it is vital for agencies to examine ways to ensure the programs' longevity and performance.

Deurden and Witt (2012) identified five dimensions that should be recognized to ensure program integrity. The first, Adherence, gauges the organization's ability to implement the program in relation to operational expectations. In other words, did the organization maintain the integrity of the program when adopting its practices? The second and third dimensions, Dosage and Quality of Delivery, examines the methods in which the program was presented to organization members and the quality in which it was presented (Deurden & Witt, 2012). The way in which a program is presented can make or break implementation. Organization members

are less likely to accept change when the policies are not presented in an organized and constructive way. The fourth dimension, Participant Responsiveness, measures engagement and involvement. For CI programs, this could be compared to the amount of buys they perform and the quality of buys they perform. The fifth dimension, Program Differentiation, recognizes how different aspects of the program contributes to the outcomes (Deurden & Witt, 2012). When these dimensions are combined, agencies can work to recognize appropriate protocol and change failing ones to help maintain the efficacy of the program.

The implications of effectively and efficiently implementing a CI Program are considerable. The possibilities of mismanaging informants due to discrepancies and inconsistencies of protocol are substantial because protocol drives the standard for how programs should operate (Deurden & Witt, 2012; Guevara, et al., 2011). CI Programs require thorough planning and examination of agency protocol to determine the best method of implementation, to not only ensure the longevity and overall effectiveness of the program, but sustain its importance.

Program Sustainment

Creating a program is only half the battle, as longevity should be a goal of any new program. The "Getting to Outcomes" (GTO) approach of program implementation outlines ten procedures for creating and sustaining a lasting program (Chinman, Imm, & Wandersman, 2004, pg. xiii). This can be a useful mechanism for agencies to use when implementing a CI program. This approach illustrates a step-by-step plan for the preliminary stages of program implementation and tracks it through the duration of the program. GTO also emphasizes the importance of continuous monitoring of the program and evaluating the effects it has had on the agency and community (Chinman et al., 2004). Sustaining a program is critical in regard to law

enforcement. As funding for local law enforcement steadily decreases around the country, it is important to ensure that current programs are meeting agency expectations. Continuous monitoring and policy adaptation are of the utmost importance for the vitality of programs.

Organizational Stability

To maintain a fully-functioning and profitable program, the organization itself must ensure its own stability to adequately reinforce and adapt programming. Evidence-based organizations and programs are grounded in well-researched and thorough examinations of policy, protocol, and outcomes, so to begin integrating these ideas, organizations must assess their suitability and stability to ensure success (Guevara et al., 2011). Additionally, central management directives, support, and interagency reliance are key factors in quality program implementation (Mihalic, Irwin, Fagan, Ballard, & Elliot, 2004). Assessments of the organization as a whole, in conjunction with its moving parts, can establish a formula for easy and efficient implementation.

Personal assessments of the organization as a whole can illustrate strengths and weaknesses within organizational structure, specifically pinpointing where your organization stands compared to where it intends to go (Guevara et al., 2011). Institutional programming can produce meaningful results when they are set up to do so. Effective program implementation and its outcomes is dependent on the organization's ability to adapt to new policy, strengthen current policy, and overall stability of the environment in which the program exists.

Informant Culture and Characteristics

Due to the complexity of informant motivation, there is not a single type of CI. However, there is a motivating factor that sparks their interest or duty to assist law enforcement. These motivations attribute to their potential effectiveness in the field. Additionally, there are

sociological characteristics that should be considered when determining potential contribution and reliability. The implications associated with the following factors are important to examine as they may challenge the effectiveness and efficiency of CI programs.

Motivations and Incentives

There is a large motivation spectrum for CIs, and these motivations can affect numerous agencies and the quality of investigations. Recognizing these motivations in the preliminary stages of activating informants is critical for law enforcement as funding and time can be diminished by a faulty informant. Identifying the types of informants can help officers better understand the people they are "employing" while also determining the best way to handle them during investigations.

The most common types of informants are those who were "hammered" to avoid legal repercussions of their own actions (Miller, 2011, pg 214). Hammered informants are forced to cooperate and perform due to pending criminal charges. The second most common type of informant is "mercenary" informants (Miller, 2011, pg. 214). These are informants who are monetarily motivated, which is typically seen as greed rather than payment for a service (Miller, 2011, pg. 214). However, monetary motivations are contingent on success of cases and departmental policies, so it is common that many mercenary informants partake in questionable behavior to gain information or even fabricate information for quick cash. The "vengeful" informant is revenge seeking and motivated strictly to incriminate a foe. These informants take many forms: criminal competition, heartbroken intimate partners, or even friends (Miller, 2011). The final type of informant is the "police buff" (Miller, 2011, pg. 214). Like the vengeful informant, police buffs are typically involved in one case and do not contribute to multiple

investigations. Police buffs contribute for the sake of involvement in criminal investigations and typically become a hindrance if they partake in multiple acts (Miller, 2011, pg. 214).

Informants are motivated for complex reasons, and they are all unique in terms of aptitude, ability, and desire, however, it is up to law enforcement personnel to identify these motivations to ensure a quality investigation (Kash, 2002; Miller, 2011). It is also important for law enforcement to recognize the sociological typology of informants to determine the accuracy of information being received and how it can positively contribute to potential criminal proceedings.

Sociological Characteristics

People can take on an informant role at any moment, and the type of informant they become depends on their social roles in the community. Their social roles can affect contributions in terms of amount, scope, and accuracy. However, it must be acknowledged that any information about a criminal investigation or crime in general is information that is worth a second glance.

Kash (2002) asserts that informants may be insiders or outsiders of crime. Inside informants are involved, in some capacity, with the criminal activity to which they provide information; concurrently, outsiders are not involved with the criminal activity (Kash, 2002). Identifying the relationship the informant has with the crime they provide information about helps reveal motivations and can bolster or negate the reliability of their contributions (Kash, 2002). Relationship to crime is typically associated with the frequency of information given by a CI, and their involvement is usually an intelligence gathering mechanism that is used for large scale investigations (Kash, 2002). Criminal associations and frequency of service can potentially

determine the reliability of informants as they both contribute to the access and viability of the information that is received.

Summary

The scale of potential contribution is an important factor that law enforcement must consider when tasking work or believing information that CIs produce. By assessing motivating factors, law enforcement can potentially determine the validity of information, reliability of the informant, and the overall contributions to investigative efforts. In doing this, agencies have the opportunity to create a more effective program that demonstrates quality investigative practices with respect to utilization of informants.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY: STUDY ONE

Dual Study Connection

To effectively display both the independence of Study One and Study Two and the reliance of Study Two on Study One, the following figure was created. Figure 1, as presented below, demonstrates the autonomy of each study with respect to their specific methodologies and results. Additionally, this signifies the relationship between the results of Study One and the coding instrument for Study Two.
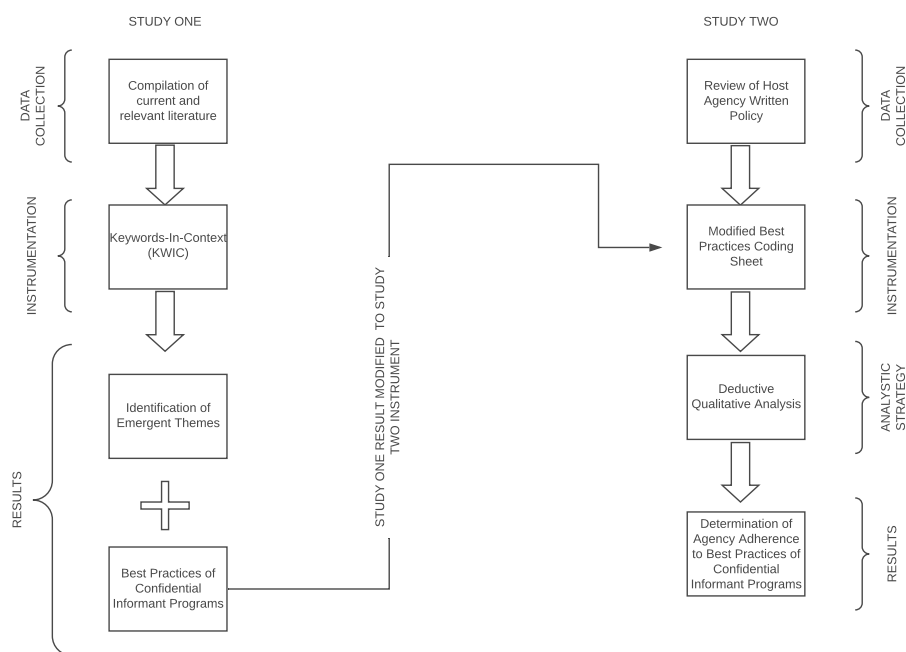
Figure 1. Dual Study Connection. This figure serves as a visual representation of Study One and Study Two.

Introduction

Considering the void in research regarding CI use, this study will contribute to this limited body of research to better inform best practices for CI programs. Toward this aim, this research will be conducted in two stages. First, this study will rely on literature from multiple agencies and practitioners to consolidate a list of best practices of CI Programs. This portion of the study provided the foundation and methodology for the second portion. The design of Study One sought to provide overall concepts and themes that are related to CI programming and use.

Data Collection

The first stage of the present study used current literature to assemble a list of best practices regarding the use of CIs and the policies in which successful CI Programs operate. an extensive review of CI-based literature was completed to determine reoccurring themes, policies, and protocol among both agency-produced and peer-reviewed literature regarding CI programs.

Instrument

To review the literature, the Keywords-In-Context (KWIC) method was used to identify prevalent themes and definitions that are the foundation to creating and sustaining a successful CI program. KWIC allows a qualitative analysis of verbiage to be completed on any textual artifacts (Leech & Onwuegbuzie, 2007). This method was utilized because it emphasizes the actual language of authors and provides an index of key verbiage used throughout works that can be compared to other, similarly focused literature. The literature that was utilized for the KWIC method was government publications, agency issued memos and protocol, and peer-reviewed literature.

Summary

Identifying commonalities in related literature allows important concepts to gain attention in formal documents. This portion of the study sought to pinpoint common practices among multiple agencies with respect to verbiage and common descriptors. In doing this, the study was able to identify commonalities in meaning and not just specific wording. KWIC allows for a more meaningful approach to content analyses by utilizing the meaning of phrases and the reoccurrence of common words ((Leech & Onwuegbuzie, 2007).

CHAPTER 4

RESULTS: STUDY ONE

Introduction

In this chapter, the results of the study are presented and discussed with reference to the aim Study One, which was to determine the best practice of Confidential Informant Programs. The method used to identify these practices were presented in the preceding chapter and outlined the use of Keywords-in-Context (KWIC) along with its importance in identifying common themes amongst an array of literature. Five components emerged from this review: Standard Practice, Informant Privilege, Informant Management, Informant Files, and Maintaining Legitimacy.

Description of Major Themes

Standard Practice describes policies and practices that are common among most CI programs. The Department of Justice (DOJ) details these practices as guidelines for federal agents working under the DOJ (U.S. Department of Justice, Attorney General, 2001). Informant Privilege specifically addresses confidentiality of CIs. Privilege is a mechanism of safety for informants; however, legal precedent typically overrules this when convictions are concerned (American University Law Review, 2012; Tarwacki, 2013). Informant Management details the finite managerial duties of agents to train, watch, and discipline informants to ensure their viability and success during their tenure in the program. Informant files are the backbone to investigations. Files allow proper documentation and organization that is essential to creating

successful cases against defendants. Maintaining Legitimacy is a common goal for all law enforcement practitioners. By fulfilling commonplace protocol and ensuring transparent and ethical practices, there is little room for legitimacy of CI led investigations to come into question.

For CI programs, there are specific elements that must be considered to successfully implement it and sustain it long-term. The following concepts characterize essential policy themes for CI programs: (a) Standard Practice, (b) Informant Privilege, (c) Informant Management, (d) Informant Files, and (e) Maintaining Legitimacy. These concepts were identified in literature regarding CI programs.

Standard Practice. This is the groundwork for any program. This outlines generic, housekeeping policies that are typically routine in every program. The Department of Justice created a blueprint for federal CI programs that featured many of these commonplace policies that were also featured in other agency-produced literature (U.S. Department of Justice, Attorney General, 2001). Their policies established Standard Practice as initial reviews of potential informants, continuous reviews of active informants, communication between agency and governing bodies, and willingness to terminate unruly informants.

Informant Privilege. Privilege describes the benefits available to informants, however, this study strictly focuses on confidentiality as an inherent privilege for active informants. This privilege is ensured only through the communicative efforts between program facilitators and prosecuting bodies (Tarwacki, 2013). Not only are benefits of informants a priority, but consciousness of officer/informant safety and acknowledgement of motivations that may contribute to ineffectiveness or unreliability (Tarwacki, 2013). This idea can be categorized as Informant Management.

Informant Management. Safety of officers and informants is a necessary concern of informant programs. According to Tarwacki (2013), officers must remain vigilant when working with opposite gendered informants to avoid spurious allegations and potential inappropriate relations between themselves and informants. As for informants, officers must create a working environment in which acknowledges the hazardous environment in which informants work; on the same note, officers must provide outlets for informants to remove themselves from these situations when necessary (American University Law Review, 2012; Tarwacki, 2013). By accepting these policies, officers and informants are provided a more professional and safer program environment. While safety is important, potential corruption of informants must be realized to ensure certain motivations are filtered out before accepting a new informant (Tarwacki, 2013). Many people become informants for the wrong reasons, and this can affect the longevity and efficiency of the program.

Informant Files. Upon unearthing motivations for CIs, detailing components of the motivation (i.e. impending drug charges, revenge, monetary gain) is quintessential in developing a thorough and resourceful Informant File. Informant Files are comprised of general background information, arrest records, motivations, affiliations, and any other paperwork relating to CI work (U.S. Department of Justice, Attorney General, 2001; U.S. Department of Justice, Drug Enforcement Administration, 2002). Creating a standardized organizational pattern for files and detailing all important information related to the informant not only helps officers, but it allows for prosecuting bodies to verify the reliability of informants in court proceedings (HB 750, as proposed).

Maintaining Legitimacy. Recalling all of the previously stated components, it can be concluded that they all contribute to Maintaining Legitimacy within the program. With the

increased media attention and public scrutiny law enforcement has received, it is imperative for agencies to maintain transparency when appropriate and conduct their affairs to the highest legal, professional, and moral standards at all times. The use of CI's is seen by many practitioners and non-practitioners as unethical, however, when programs are conducted with legal precedent and safety at the forefront, provides a useful and noteworthy ILP tool.

The various practices enlisted under these components were collected from a variety of agencies and legal authorities in the United States. These policies were condensed into a single form, "Best Practices of CI Programs", that includes the component, criteria, definitions, and source. This is the outcome of the first portion of the study and will be used as a foundational component for Study Two.

Table 1

Consolidation of Best Practices of Confidential Informant Programs.

Best Practices of Confidential Informant Programs			
Component	**Criteria**	**Definition**	**Source**
Standard Practice	Initial Eligibility Determination	The agency completes an Initial Suitability Report and Recommendation that addresses factors of Age, Alien Status, Affiliations, Motivations, etc.	Department of Justice (2001)
	Continuing Suitability Review	The agency reviews CI files annually.	Department of Justice (2001)
	Prisoners, Probationers, Parolees, or Supervised Releasees	The agency initiates contact with governing bodies to ensure that a person's participation in the program does not violate the terms of their probation, parole, or supervised release.	Department of Justice (2001)
	Deactivation of Confidential Informants	The agency terminates the informant immediately in cases of unauthorized illegal activity.	Department of Justice (2001)
Informant Privilege	Confidentiality	The agency works closely with prosecuting bodies to ensure the anonymity of informants.	Tarwacki (2013)
Informant Management	Acknowledgement of Informant Motivations	The agency recognizes what motivations cause the informant to begin working for the agency.	Tarwacki (2013)
	Safety of Informant/Officers	The agency has a standardized protocol should informants experience an act of violence during their activities.	Tarwacki (2013)
		The agency has a protocol for working with different gender informants to ensure there is limited opportunity for spurious allegations against officers.	Tarwacki (2013)
		The agency does not punish informants who exit dangerous situations prior to obtaining the evidence sought.	American University Law Review (2012)
Informant Files	Maintenance	The agency provides informants with information regarding their work.	U.S. Department of Justice, Drug Enforcement Admn. (2001)
		The agency uses a standard protocol for maintaining informant files.	U.S. Department of Justice, Drug Enforcement Admn. (2001)
		The agency using a systematic coding scheme.	U.S. Department of Justice, Attorney General (2001)
	Safety of Files	The coding scheme provides useful information.	U.S. Department of Justice, Attorney General (2001)
		The agency keeps the files in a safe or locked file cabinet.	U.S. Department of Justice, Attorney General (2001)
		The files are segregated from all other files.	U.S. Department of Justice, Attorney General (2001)
	Standard File Inventory	The agency has a sign-out log for the files.	U.S. Department of Justice, Attorney General (2001)
		The agency uses standard forms that are common in all CI files.	U.S. Department of Justice, Attorney General (2001)
		The agency compiles a Confidential Source Establishment Report that contains useful information for trial strategy, particularly if the informant has committed crimes the government knows about that would affect his credibility at trial.	Cincinnati Police Department
Maintaining Legitimacy	Counsel	The agency updates files regularly.	American University Law Review (2012)
	Cases of Juvenile Informants	The agency provides informants with access to counsel, so they may have assistance reading paperwork and making decisions related to informant work.	American University Law Review (2012)
	Drug Addiction	The agency has a protocol for the use of juvenile informants.	American University Law Review (2012)
	Informant Reliability	The agency filters out informants with known drug addictions due to their potential inability to effectively cooperate with law enforcement.	HB 750

Summary

Study One exhibits the major themes and best practices present in Confidential Informant Programs. Through an analyzation of current literature available regarding the topic, this study was able to develop a condensed and thorough examination of Best Practices of Confidential Informant Programs. Because this study was conducted using agency produced literature and peer-reviewed studies, the outcomes presented in this chapter are well-rounded and applicable to both scholarly research and practical use. To show its use in the field, the outcomes presented here will be modified and used in Study Two, which will help determine agency adherence to the aforementioned Best Practices of Confidential Informant Programs.

CHAPTER 5

RESEARCH DESIGN AND METHODOLOGY: STUDY TWO

Introduction

This chapter seeks to explain the relationship of the information collected in Study One as it propels the research for Study Two. By utilizing the results from the preliminary research, this study sought to test the hypothesis that the components presented as Best Practices of Confidential Informant Programs were utilized in an agency with a high-functioning CI program. Included in this chapter are the tools used to evaluate the CI program as well as descriptions of the agency and protections required to complete the study.

Population and Data Collection

The first stage of the present study will use current literature to assemble a list of best practices regarding the use of CIs and the policies in which successful CI Programs operate. In stage two, this list will be used as the coding strategy to analyze written protocol of a CI Program in a rural county in Mississippi that has a notable pool of heroin and methamphetamine users, manufacturers, and distributers. The county is especially significant due to its geographical positioning and direct highway access to New Orleans, one of the most attractive drug and gang epicenters in the country. Demographics of the county and agency are listed in Table 2.

Table 2
Demographics of Host Agency County of Residence. [1]

Category	Total
Total Population	55,270
Population per Square Mile	68.9
Per Capita Income	$22,136
Poverty Rate	0.172

According to the 2017 Census, the host county has a total population of 55,270 residents with

68.9 residents per square mile. With a state population of 2.984 million residents and 82

counties, the average county population in the State of Mississippi is 36,391. Residents of the

host county average a per capita income of 22,136, which is comparable to the per capita income

of the State of Mississippi. Additionally, the county's poverty rate of 0.172 is just under the

State's at 0.198.

The crime rate of the host county is important to consider due to its close proximity to the

Greater New Orleans area which is known for its drug and violent crimes. Drug crimes are not

featured in many crime report publications because they are typically linked with other violent

crimes that are publicized (Markowitz, 2005), so it is critical to highlight violent and other crime

rates in the host county to illustrate the necessity and potential contributions that the CI program

makes. These facts are displayed in Table 3.

Table 3
Crime Totals of Host Agency County of Residence. [2]

Category	Total
Violent Crime	41
Murder and Nonnegligent Homicide	1
Rape	17
Robbery	4
Aggravated Assault	19
Property Crime	827
Burglary	411
Larceny/Theft	373
Motor Vehicle Theft	43

[1] US Census Bureau 2017
[2] Uniform Crime Report 2010

The host county's most recent submission to the Uniform Crime Report was in 2010.

Table 2 charts all of the crime totals reported by the agency during that year. Total violent crime

for the county is 41 compared to the total property crime cases that peaks at 827. Of the violent

crime cases in the county, there was only one case of Murder and/or Nonnegligent Homicide.

Rape cases were the second highest violent crime subcategory in the county. Robbery and

Aggravated Assault totals at 21 cases. Violent crimes have the potential to feature drug-related

influences, with violent crimes (Craddock, Collins, & Timrots, 1994). Property crimes are

especially significant to drug ventures. Drug habits require excessive monetary funding, and

many users and abusers rely on quick means of gathering revenue to reinforce their habit. All of

the instances of property crimes listed in the table above can contribute to gathering revenue at

the expense of another.

Agency Involvement

Permission was obtained from agency leadership to perform this study. A letter was

written on June 4, 2018 and sent to the Assistant District Attorney in the area asking for

permission to gain access to CI program written policies. A response was sent from the Deputy

Sheriff agreeing to participate in the study on June 20, 2018. Upon agreement, the agency

provided written and presumably used policies describing the rules and regulations regarding the

CI program. Participation in the study is contingent on complete anonymity of the agency.

The CI program has been active since the mid-1980s, averaging 10-15 working

informants per year. Due to the importance of this program with respect to the drug activity in

the agency's jurisdiction, the agency seeks to reevaluate their inscribed policy and institute new

wording or practices that reflect modern policing and evidence-based practice. The written

protocol the agency provided featured five major policy sections with multiple sub-sections, detailing duties and responsibilities of those involved with the CI program.

Protections

Upon recognition of involvement by the host agency, a request to complete the study was submitted to the Institution Review Board (IRB) of the University of Mississippi. To ensure anonymity and bolster the protections required by IRB, no access to confidential information regarding specific informants was required. Additionally, the host agency has been and will remain anonymous throughout the duration of the study. If any files are published that feature any identifying information, the identifiers will be redacted.

<center>**Coding Procedures and Analytic Strategy**</center>

A modified version of the best practices sheet was created to analyze written policy of confidential informant programs. This coding sheet lists the five main components, questions that are relative to the definitions provided in the figure, and a section for a distinct code. The coding scheme features three, specific criteria that evaluates agency policy in comparison to best practices. "0" will serve as the baseline code for best practices that are clearly stated in agency protocol. "1" describes best practices that are not stated in agency protocol. "2" codes for best practices that are not stated in policy but are implied. This systematic coding scheme acknowledges all variations of practice and will determine where the program is lacking in regard to their own written policies and procedures.

Table 4
Coding sheet for descriptive analysis of host agency protocol.

Coding Sheet for Best Practices of Confidential Informant Programs		
Component	**Program Practices**	**Code**
Standard Practice	The agency completes an Initial Suitability Report and Recommendation that addresses factors of Age, Alien Status, Affiliations, Motivations, etc.	
	The agency reviews CI files annually.	
	The agency initiates contact with governing bodies to ensure that a person's participation in the program does not violate the terms of their probation, parole, or supervised release.	
	The agency terminates the informant immediately in cases of unauthorized illegal activity.	
Informant Privilege	The agency works closely with prosecuting bodies to ensure the anonymity of informants.	
Informant Management	The agency recognizes what motivations cause the informant to begin working for the agency.	
	The agency has a standardized protocol should informants experience an act of violence during their activities.	
	The agency has a protocol for working with different gender informants to ensure there is limited opportunity for spurious allegations against officers.	
	The agency does not punish informants who exit dangerous situations prior to obtaining the evidence sought.	
	The agency provides informants with information regarding their work.	
Informant Files	The agency uses a standard protocol for maintaining informant files.	
	The agency using a systematic coding scheme.	
	The coding scheme provides useful information.	
	The agency keeps the files in a safe or locked file cabinet.	
	The files are segregated from all other files.	
	The agency has a sign-out log for the files.	
	The agency uses standard forms that are common in all CI files.	
	The agency compiles a Confidential Source Establishment Report that contains useful information for trial strategy, particularly if the informant has committed crimes the government knows about that would affect his credibility at trial.	
	The agency updates files regularly.	
Maintaining Legitimacy	The agency provides informants with access to counsel, so they may have assistance reading paperwork and making decisions related to informant work.	
	The agency has a protocol for the use of juvenile informants.	
	The agency filters out informants with known drug addictions due to their potential inability to effectively cooperate with law enforcement.	
	The agency compiles a reliability report to ensure that the prosecution will have adequate information for court proceedings should the informant's reliability come into question.	
	The agency and subsequent officers do not promise certain benefits to informants for their cooperation.	
	The agency initiates contact with governing bodies to ensure that a person's participation in the program does not violate the terms of their probation, parole, or supervised release.	

0 = Clearly Stated In Policy   1= Not Stated in Policy
2= Not Stated in Policy but Impllied

A deductive qualitative content analysis on the agency's inscribed protocol will be completed to determine whether the program coincides with best practices. This type of analysis was chosen because it allows for descriptive analyzation and meaningful results with respect to the evaluation of written protocol (Cho & Lee, 2014). This analysis will evaluate whether this specific program specifically states the best practices in their policy. Revealing the agency's adherence to best practices will show agency leadership the importance of program implementation research and will provide insight on where the program may be lacking. In performing a deductive qualitative content analysis, this research seeks to determine whether an active CI program is thoughtfully including modern, evidence-based policy to promote accountability within the program and department.

Agency Policy Description

The written policy provided by the host agency details the rules and regulations required of agents and CIs working in the program. The program is utilized by the Narcotics Section of the host agency with the Chief Deputy overseeing daily operations and implementing new standards. When contacted, the Chief Deputy released a copy of the policy along with all other written artifacts related to the CI program. The material provides a contextual background of how all constituents of the CI program must conduct affairs and prepare documentation for use both inside and outside of the program.

Within the contents of the twelve-page document, there are sixteen sections that outline procedures regarding supervisory dedications, dress code, duties and responsibilities, general operations, evidence reporting, and CI file procedures. Although not formally included in the written policy, a file content section will be included in the policy description to clarify the what standard forms are provided by the agency and are expected to be used by the agents.Through

this outline, agents should be able to clearly orchestrate goals of the program ethically and thoughtfully to ensure adequate evidence collection for potential legal matters.

Supervisory Dedication

This section was brief and did not provide much context into specifics when utilizing the chain of command. However, the policy specifically states that agents are supervised by a Division Commander who reports to a Chief Investigator. The Chief Investigator reports to the Chief Deputy, who then reports to the Sheriff. This is quickly negated by the final statement of the section that gives the Commander the authority to designate the chain of command for agents.

Dress Code

Investigators are authorized to dress in a manner that is appropriate to the environment they are working in. When an arrest is anticipated, or when working in a proactive capacity the investigator must wear attire that clearly identifies him/her as a police officer. A minimum of two "SHERIFF" identifiers must be worn, along with a visible Sheriff's badge during these times. Clearly acknowledging their agency affiliation creates clarity when in the field and interacting with civilians and suspects.

Duties and Responsibilities

Outlining the duties of supervisory agents and their subordinates creates clear designations so is limited overlap and fewer blurred lines. The duties and responsibilities of supervisory agents will consist of planning, organizing, directing, coordinating, training and assisting the efforts of investigators. The Division Commander will assign work to subordinates and evaluate performance, prepare and submit written reports, correspondence and routine departmental forms. The Division Commander shall ensure the legality and maximum efficiency

of program efforts by ensuring staff adherence to all applicable laws and guidelines. Guidelines include ensuring anonymity of CIs, proper use of personnel, equipment, and funding, and maintaining inter- and intra-agency liaisons for the purpose of information exchange with various local, state, and federal law enforcement agencies.

Investigators are assigned the following duties: The detection, investigation and suppression of vice activities; this will be accomplished by using proactive, reactive, and special investigative techniques. Investigators will produce written and detailed case reports in a timely fashion, document narcotics complaints in accordance with Division procedures, and assist other department and other agency operational units as assigned, to include maintaining a liaison with federal, state and local agencies in order to exchange information. All requests for assistance should be coordinated through the Chief Investigator. These agents will perform investigations as they are assigned and will make daily contact with supervisors or the Chief Investigator.

General Operations

In order to obtain information and evidence related to narcotics activity, it may be necessary that the department use undercover operators in a variety of covert operations. Such operators shall not become agent provocateurs or engage in entrapment. In all covert operations, certain procedures should be initiated to increase the overall safety of the operation and increase the probability of a successful outcome.

Investigators will analyze crime elements, locations, suspects and victims in order to establish patterns, particular types of victims or locations where covert operations will be most effective. This analysis will include those probable offenders who may be residing in or frequenting the target area, vehicles used, habits, associates, methods of operation, or any other pertinent information that may be useful in the operation. The analysis information may be

obtained from other law enforcement officers, case reports, criminal intelligence data, contributor information and information obtained from other agencies.

Personnel assigned to the operation should be familiarized with the target area or neighborhood through maps, background reports, Intel files and may involve pre-surveillance reconnaissance. All investigators assigned to the covert operation will have two-way radios to enable them to communicate with other units and dispatch. When operations require Investigators to be assigned to an operation with a representative from another agency, there will be clearly defined channels of communication established prior to the operation. Action or "bust signals" and emergency signals will be clearly communicated to, and acknowledged by, all participants prior to the operation. Any arrests made in connection with any operation will be in accordance with all applicable local, state and federal laws.

Undercover Operations. Undercover operations are employed in many narcotics investigations. Frequently, an Investigator assigned to an undercover operation must assume an alternate identity and develop a credible cover story establishing background and abilities in order to gain the confidence of a criminal suspect, determine the nature of the suspects activities and acquire evidence of the criminal conduct. Prior to initiating any undercover operation, the following procedures should be considered.

In short term undercover operations, no suspect will be contacted by an investigator unless cover units are nearby in visual or audible contact to provide back up for the undercover officer. In long term undercover operations, it may not be possible for cover officers to be present during all contact will suspects. Undercover officers may be required to carry only alternate cover identification during an operation. All true identification will be removed from the investigator's person and vehicle prior to contacting the suspect(s). Only that undercover

identification material furnished by or acquired with the approval of the Narcotics Division Commander will be used. The Division Commander will maintain a record of all items issued to or used by the undercover officers. All information related to undercover identification will be held in strict confidence and will not be divulged to anyone outside the Narcotics Division.

Supervisory approval shall be required prior to the beginning of any undercover operation. Under extenuating circumstances such as street narcotics deals, approval may not be obtainable before conducting the operation. As soon as possible, the Investigator will notify a Unit Supervisor of the undercover operation. A Unit supervisor will closely control all approved undercover operations.

During undercover operations, many conversations between suspects, undercover officers and informants occur. Having these conversations recorded improves the quality of the criminal case. This involves the use of covert recording/transmitting devices. This also enables backup officers to monitor the ongoing undercover operation and results in improved officer safety. By using a covert transmitter, backup officers will become aware of problems that may pose a threat to the undercover officer or the informant. It is understood that, in some cases, having a covert transmitter may, in itself, pose a threat to the undercover officer, and it may not be possible to use such a device.

Surveillance. Prior to initiating a surveillance operation, agents must use the following procedures if time allows. Procedures for observation, moving surveillance, and arrests will be determined prior to the beginning of an operation. Whether the surveillance is fixed, a moving surveillance, or electronic surveillance, all Investigators will be aware of and evaluate the potential legal ramifications of their actions concerning any surveillance operation. When possible, surveillance vehicles should be rotated at intervals to decrease the possibility of

attracting the attention of suspects to particular vehicles. Relief for Investigators assigned to surveillance will be the responsibility of a Unit Supervisor when it is determined that the surveillance may be long-term. Each Investigator is responsible for accurately documenting their role in the surveillance operation. Surveillance reports will be submitted for review as soon as possible.

      Raids. Conducting a raid is one of the most dangerous aspects of law enforcement work and is used frequently in narcotics enforcement activities (Manning, 1980; Mazerolle, Soole, & Rombouts, 2007). The Narcotics Division will place emphasis on developing raid skills, and no raid will be conducted without first obtaining authorization from a Division Commander. Before a raid is executed, a written operation plan must be on record and approved by supervisory agents. All raids will be conducted in accordance with appropriate constitutional, federal, state and local laws. An Investigator will be the operational leader of the raid, and will coordinate, supervise and organize strategies and tactics for approaching, entering, securing and leaving a targeted area. Strategies and tactics used to execute the raid including, the number, identities, and physical descriptors of those inhabiting the targeted location. Involved agents must determine any modes of transportation available to the suspect(s). It is the responsibility of involved agents to identify any potential legal ramifications and those that may affect safety of agents or innocent civilians. Documentation must be kept throughout the preliminary stages of the raid, as well as incidents that happen during and after the raid.

Evidence Reporting

      All personnel are responsible for processing, storing and disposing of evidence. The following policies describe how agents should process evidence and secure property for both safety and ease of access when needed. To ensure the proper chronicling of evidence and

property, agents must ensure that they are properly labeled and coded to correspond to their specific case/investigation. Because this agency program deals primarily with narcotics, they included a specific section on how to properly handle these substances.

Narcotics. All suspected controlled substances will be properly weighed, marked, packaged and sealed in clearly identified containers. The investigator who recovers any evidence is responsible for logging the evidence and filling out the required chain of custody. Packages containing suspected controlled substances, except liquids, shall be weighed and/or counted prior to being logged into evidence. The actual count or the packages gross weight will be noted in the investigative report, and on the chain of custody form. If a container of suspected controlled substances in liquid form are weighed, the gross weight will be noted on the chain of custody form. If possible, the approximate gross weight will also be noted on the container. If the liquid substance cannot be properly weighed, the recovering Investigator will attempt to describe the container and approximate volume of the vessel. For reason of accidental contamination, any controlled substances will be packaged separately from all other items. Narcotics operations also typically include other forms of evidence, like money and firearms. These will also require documentation and proper filing.

Officer Conduct. Law enforcement personnel come into contact with different modes of evidence, and all are required to be turned into the department. Under no circumstances will any officer keep evidence, contraband, confiscated or found property on their person, at their home, in their vehicle, at their work area, or under their control beyond the amount of time that is reasonably necessary to place it into the custody of the Evidence Room. Evidence and property will be logged in the same working day that it is obtained.

Confidential Informant File Maintenance

Confidential Informant Files detail all contributions, evidence, and documentation associated with a specific CI. These files assist in case development and keep investigations organized. The host agency listed this section as "File Procedures", however, it also included descriptions of CIs, CI establishment procedures, payments, conduct when interacting with CIs and informant privilege.

General Procedures. The host agency declares that the CI files will be developed and maintained in accordance with Standard Operating Procedures; however, there are no specific procedures listed.

Contributor Types. The host agency states that a CI is any person who, under the direction and control of a specific Investigator, with expectation of compensation or consideration, furnishes information or performs lawful services for host agency in its investigations and operations. A Restricted Use CI is any person who meets any of the following criteria and will be limited to the authorized uses as indicated:

A. Persons less than 18 year old- should have the written permission of a parent or guardian. Exceptions to this procedure require prior Division Commander approval.

B. Persons on felony bond, probation/parole, or persons who have been previously declared unreliable are subject to use only with prior authorization from the Chief Investigator. There are no exceptions to this rule.

To clarify, the host agency specifically declares that law enforcement officers and sources of information or a person or organization who provides information without becoming a

party to the investigation itself, would not be considered a CI under the provisions set forth by the agency.

Contributor Establishment. If a person fits the criteria set forth above, the following procedures will be used to establish that individual as a CI. The potential CI will be contacted, developed and debriefed by at least two Investigators to ascertain their level of usefulness. If the potential CI is female, all attempts to have a female Investigator present should be made.

This subsection also includes identification procedures to ensure that the agency is aware of the full extent of the potential CI's identity. The file should include all standard forms that are provided by the agency. These forms are consistent throughout all CI files. Concurrently, a background investigation should be completed prior to their use to identify whether they have active warrants and to verify their reliability if they were used by another agency for similar purposes.

CI File Security and Purge. CI files are confidential, and access is restricted to the Investigators. The files will be kept in a secure storage facility in the program office. The CI file will be reviewed quarterly for activity by the Division Commander. Document copies in the CI file will be purged and destroyed by shredding if there has been no activity during the current and past three years. These procedures provide a security and safety factor for investigations.

Payments. Any person who is to receive payments charged against the funds must be established as a CI within the CI files. This includes persons who are CIs under the control of another agency. An exception may be made with prior approval of the Chief Investigator. CIs may be paid for directly working with a case agent or for valid information given. The amount paid to a CI must be commensurate with the value of the information and/or service provided. The policy goes on to detail more specific guidelines regarding the award totals and witnessing

and authorization of payments. Payments made to CI's shall be documented on the agency payment voucher. The payment voucher will be filed in the office. The unit supervisor will maintain the file and have the file available for review.

Conduct When Dealing with CIs. Personnel assigned to the SID will always maintain a professional relationship when dealing with CI's. Unit members will not engage in any form of activity that may be considered personal in nature with a CI. Unit members are prohibited from meeting or engaging in activities with CI's which are in any way outside the scope of their official duties. Members will always have a second officer present when meeting with a CI. If the CI is female, all attempts to have a female investigator present should be made. In unique situations, a Unit Supervisor may authorize an exception to the two-officer rule when this is necessary. Information from CI meeting will be documented on the Contributor Activity Report and will be kept in the CI files.

Informant Privilege. When preparing a case file, the CI number may be used to identify the contributor. If a judge orders that the true name of the CI be revealed, the member may defer that function to the Chief Investigator. If the member has been specifically ordered by a judge to reveal a CI's name, they must do so. If the Investigator has a specific concern regarding the CI's safety, it is recommended that they speak with the judge regarding their concerns and attempt to delay the disclosure of the CI. The agency does not authorize a member to act contrary to a judge's order to engage in an activity that may be considered contempt of a court of law. Whenever a CI's identity is revealed, it is recommended that a copy of the court order be placed in the CI's file. During preparation for a trial the District Attorney's Office will request the identity of an informant if that informant was directly involved in the case.

Standard Forms

There are nine standard forms provided by the agency that should be featured in all CI files. These forms provide information related to the CI as well as descriptions of contributions and their investigative effort. The forms include a Contributor Questionnaire that asks for basic background information regarding previous or current criminal activity and a basic of agreement of service in which the CI must sign to validate their working relationship for the host agency. A Contributor Activity Report Form is the most highly used form provided by the agency. This form is used each time a CI contributes new information to a specific case. To gather more background on a potential CI before completing a background check, they must complete the Contributor Background Information sheet that asks more specific information about their personal and criminal history. Because this agency uses juveniles, they require a Juvenile Authorization Form for any persons under the age of 18. This form is a basic, signature-only release form that requires a signature from both the potential CI and their legal guardian. To ensure recognition of a potential CI's true identity, they must complete the Contributor True Name Record that legally obligates them to announce their true identity and their assumed name or alias. This is also helpful as the agency promotes the use of aliases when CIs work in the field as to help ensure their safety after the working relationship is over.

Identifying the alias the CI will use is also helpful when CIs use audio recordings during controlled buys. When a CI's alias is stated in the audio recording, it must be noted for legal proceedings that the alias was known by law enforcement as to not negate the evidence. This also provides all parties of the case clarity when listening and dissecting information obtained in the recordings. These recordings are methodically planned and require a Controlled Buy Checklist to be completed prior to and after the buy is completed. This ensures that all resources

are provided to the CI prior to completing their work and that all evidence is collected after it is finished.

The agency codes each informant with specific number that chronicles the year they were established and the order in which they became active. The Confidential Informant List has preset numbers in which the agent will list each informants name and their phone number for ease of access. This form is highly confidential and is only accessible by investigators. This is the only form not physically present in CI files and not distributed to prosecuting bodies for case development.

Working for the host agency may result in monetary payments or, in some cases, criminal expungement. The final form provided by the agency is the Voucher for Purchase of Information and Evidence. This form has a dual purpose as it provides money for controlled buys as prescribed by the investigators and allows payment to CIs for their contributions. The form details the amount needed and any remarks to be made regarding the payment. In this section, agents may detail what contributions warranted the payment or current street values for the narcotics intended to be bought.

Summary

Study Two utilizes Best Practices of Confidential Informant Programs in real-time programming. By using a highly active CI program, it was assumed that their policies and procedures would reflect a majority of the practices listed in the sheet. This chapter sought to detail the design and methods used to complete the second portion of this research, while also giving a background of the literature that would help describe the host agency's written policy while keeping true to the protections put forth by IRB. This approach sought to propel evidence-

based research by utilizing information collected in preliminary stages to compare to what is

actually being used and practiced in the field.

CHAPTER 6

RESULTS: STUDY TWO

Introduction

The following chapter describes the results of host agency adherence to Best Practices of Confidential Informant Programs. This study utilized a modified version of the Best Practices Sheet that was listed in Chapter 5 as Table 4. The table presented questions to compare the host agency's written policies to the policies presented as best practices.

Coding Results

The coding scheme for this study included three distinct codes to analyze written policies. "0" will serve as the baseline code for best practices that are clearly stated in agency protocol. "1" describes best practices that are not stated in agency protocol. "2" codes for best practices that are not stated in policy but are implied. The host agency's written policy was compared to the information listed in Table 4, and the results of this study are presented in Table 5. The results are explained in a qualitative manner that provides examples of specific verbiage from the host agency's written policy. The explanations are organized by specific code and seek to provide a more critical review of the contents of the policy.

Table 5

Completed coding sheet for descriptive analysis of host agency protocol.

Coding Sheet for Best Practices of Confidential Informant Programs		
Component	**Program Practices**	**Code**
Standard Practice	The agency completes an Initial Suitability Report and Recommendation that addresses factors of Age, Alien Status, Affiliations, Motivations, etc.	2
	The agency reviews CI files annually.	0
	The agency initiates contact with governing bodies to ensure that a person's participation in the program does not violate the terms of their probation, parole, or supervised release.	1
	The agency terminates the informant immediately in cases of unauthorized illegal activity.	1
Informant Privilege	The agency works closely with prosecuting bodies to ensure the anonymity of informants.	0
Informant Management	The agency recognizes what motivations cause the informant to begin working for the agency.	0
	The agency has a standardized protocol should informants experience an act of violence during their activities.	1
	The agency has a protocol for working with different gender informants to ensure there is limited opportunity for spurious allegations against officers.	0
	The agency does not punish informants who exit dangerous situations prior to obtaining the evidence sought.	1
	The agency provides informants with information regarding their work.	0
Informant Files	The agency uses a standard protocol for maintaining informant files.	0
	The agency using a systematic coding scheme.	0
	The coding scheme provides useful information.	0
	The agency keeps the files in a safe or locked file cabinet.	0
	The files are segregated from all other files.	2
	The agency has a sign-out log for the files.	1
	The agency uses standard forms that are common in all CI files.	0
	The agency compiles a Confidential Source Establishment Report that contains useful information for trial strategy, particularly if the informant has committed crimes the government knows about that would affect his credibility at trial.	2
	The agency updates files regularly.	0
Maintaining Legitimacy	The agency provides informants with access to counsel, so they may have assistance reading paperwork and making decisions related to informant work.	1
	The agency has a protocol for the use of juvenile informants.	0
	The agency filters out informants with known drug addictions due to their potential inability to effectively cooperate with law enforcement.	1
	The agency compiles a reliability report to ensure that the prosecution will have adequate information for court proceedings should the informant's reliability come into question.	1
	The agency and subsequent officers do not promise certain benefits to informants for their cooperation.	0
	The agency initiates contact with governing bodies to ensure that a person's participation in the program does not violate the terms of their probation, parole, or supervised release.	1

0 = Clearly Stated In Policy   1= Not Stated in Policy
2= Not Stated in Policy but Impllied

Clearly Stated in Policy

Twelve program practices were found to be clearly stated in the host agency's written policy. To be considered for this code, the practice must be explicitly stated in the policy and easily connected to the information presented in the coding sheet. The host agency's written policy did not necessarily use the exact verbiage presented in the coding sheet; however, the verbiage they used could be clearly connected to the practices. For example, practice two in the coding sheet suggests that the agency should review CI files annually, but the host agency's written poicy states "the CI file will be reviewed quarterly for activity…". Because this practice is within the yearly review clause of Best Practices, it was considered to be clearly stated in policy.

To provide further clarification of this code, practice seventeen regarding the use of standard forms will be discussed. The written protocol described various forms that agents will use when completing informant files. Attached as appendices are other forms not explicitly mentioned in the written policy, but are clearly labeled as forms to be featured in informant files. So this fell under the clearly stated in policy code. This example was an outlier in the other policies because although it was not written as a policy, it was included with the host agency's written policy packet.

Not Stated in Policy

Nine program practices were found to not be stated in the host agency's written policy. This code allowed for less interpretation than the other codes as this questioned whether the policy was not present in any capacity in the written policy. Practice three questions whether the agency contacts governing bodies to ensure that their participation in the program does not violate the CI's probation, parole, or supervised release. The host agency's written policy does

require the potential CI to reveal whether they are on probation, parole, or supervised release, however, there is no indication that they use this information to contact governing bodies or ensure their participation does not interfere with their status.

Another example of a program practice not clearly stated in written policy is practice nine. This practice describes a safety measure that would allow CIs to remove themselves from dangerous situations in the field. There is absolultely no mention of informant safety in the host agency's written policy. Because of this void of policy, it easily fell under this code. With this in mind, there are instances of policies being absent in written policy but they are implied due to the presence of other policies.

Not Stated in Policy but Implied

Three program practices were found to not be stated in the host agency's written policy. To be categorized under this code, the practice cannot be explicitly stated in the written policy, but implied due to the presence of other policies. Practice eighteen questions whether the agency complies a report that helps with trial strategy and details crimes committed by the CI that may put into question their credibility. The host agency's written policy does not mention reports to help with trial strategy, but it can be implied that the entirety of the CI file can and will be used for trial prep and hearings to prove CI credibility.

Another example of this code is practice fifteen that evaluates whether CI files are segregated from all other files. The host agency does designate a secure storage facility in the unit's office, and it can be assumed that they designate a specific storage unit for CI files to keep them organized and easily accessible by authorized personnel. Although other assumptions could be made regarding program policies, there is an inherent disadvantage doing this because of the nature of the work done by CI's and CI programs.

Summary

In this chapter, the results from the analysis of the host agency's written policy was presented in Table 5 with the specific coding schemes for each practice. Additionally, a descriptive qualitative analysis was completed to describe why various policies were categorized under different codes. It was found that less than half of the program practices were clearly stated in the host agency's written policy. This is significant to the findings because although the host agency features a high-functioning CI program, they do not necessarily utilize all Best Practices in their written protocol.

Chapter 7 will describe the importance of the results of Study One and Study Two and the implications this has on the research and host agency. Additionally, the coming chapter will describe the various ways that these practices may be present within the agency but not enscribed in policy.

CHAPTER 7

CONCLUSIONS AND IMPLICATIONS

Introduction

This study aims to identify commonly used practices for CI programs while also analyzing an active CI program to determine whether they explicitly utilize these practices in their current version of the program. By utilizing an active and successful CI program and revealing their adherence to the aforementioned best practices, this research should be able to deduce that similar agencies and programs could benefit from the adaptation of best practices of CI programs. Additionally, the host agency can utilize these results to rescript their written protocol to introduce modern, evidence-based practice, as well as provide policy that is clearly and thoughtfully written.

Conclusions

This study sought to develop Best Practices of Confidential Informant Programs, and with the literature that was available at the time of analysis, the practices described in the list are considered to be current and thorough. Study One and Study Two are linked through an evidence-based practice mechanism (Davies & Nutley, 2000). Study Two utilizes the results of Study One and helped determine the level of agency adherence to the topics discussed in Study One.

Study Two provided an in-depth review of the host agency's written protocol and determined how the program practices were or were not enscribed in the agency produced

literature. This Study found that less than half of the best practices were clearly stated in agency policy. Because of this, it can be affirmed that the host agency does not completely reflect Best Practices. The host agency can combat this by updating their written procedures and including thoughtfully written policies that clearly reflect the information presented as Best Practices of Confidential Informant Programs. Given that the host agency may potentially utilize all of the program practices listed in the Best Practices sheet and simply do not have them enscribed in written policy provides a route for future research.

<div align="center">

Limitations and Assumptions

</div>

Study One

In the initial review of the literature, the only limitation was the apparent gap in research on CIs and their subsequent programming. To combat this, the researcher pulled different bodies of literature surrounding Intelligence-Led Policing- as the theoretical framework, Program Implementation- as a methodology for developing and adapting best practices of CI programs and limited general research in conjunction with agency-produced policies regarding CIs and subsequent programming. With this in mind, the researcher made assumptions of what could be considered "best practices" based on public records and limited research. This will make results inconclusive and unreliable. Limitations and Assumptions allow for ambiguity and take away a true holistic view from research, so a clear picture of a certain phenomenon may be skewed (Simon, 2011).

Though these limitations and assumptions could cause issues in conclusions, there are advantages through this research. By bridging the gap between multiple bodies of literature, a void can be filled and will provide a thorough examination of an active informant program that has not been previously done for public review. Additionally, the host agency can review all

results from this study to determine program strengths and weaknesses and make changes accordingly.

Study Two

Multiple assumptions had to be made while performing the analysis of the host agency's written policy. Because agencies may not possess the same language as another agency, especially those used to develop the Best Practices of Confidential Informant Programs, assumptions had to be made to determine the meaning and significance of certain policies and even names of standard forms, etc. These assumptions were made based on the context in which they were written and the content of the standard forms. These assumptions could hinder this research due to the possibility of wrongfully interpreting policies and its verbiage. Further, because this study only analyzed written protocol, it could not be determined whether or not the agency was actually performing best practices. However, this does not hinder the possible advancement of this project, as this could serve as a basis for further research.

<div align="center">

Designation for Further Research

</div>

This study sought to create a generalized Best Practices of Confidential Informant Programs as there was limited literature available and no clear consensus on this topic. The first stage of the research considered all available literature regarding CI programming, but the second portion of the study did not delve into the innerworkings and daily operations of the host agency. The entirety of this study skimmed the surface on what research could be conducted to enhance the knowledge and understanding of a highly effective Confidential Informant program. Possible avenues of future research are an internal review of agency practices, content analyses of informant files and quantitative analyses to determine effectiveness of informants.

Additionally, further research is also needed to determine whether the agencies perform what is stated in their policies.

Internal Review of Agency Practices

Because written policy may not reflect what is practiced by an agency, a researcher may find that performing an internal review of agency practices may enhance the research on Best Practices. To achieve an extensive review of the agency, the researcher may perform interviews of agents working in the program to determine whether they perform duties within the realm of Best Practices. Additionally, shadowing agents experiencing their daily activities may reveal whether or not they actively engage in practices listed as Best Practices. Performing an internal review of the agency used in this study would enhance this research and allow the study to evaluate whether the stated practices are daily practices.

Informant File Content Analyses

To complete a more in-depth review of the host agency, a researcher could access individual informant files and complete a content analysis to determine a secondary level of adherence to best practices (Mayring, 2004). This analysis could also reveal other aspects of informant files that are not revealed in written policy. Additionally, this type of research can determine whether the agency is abiding by their own written policy. The files provide a real-time look at what CIs contribute to investigations and can help determine whether these contributions are effective in gaining convictions.

Informant Effectiveness

Determining the effectiveness of informants requires a quantitative approach that could lead the researcher to develop a two-fold study. First, the researcher could potentially determine whether certain informant attributes are related to informant success. These attributes could lie in

gender, age, or even their involvement in criminal activity. This can help the agency pinpoint whether the types of informants they are recruiting are advantageous to their investigations. Secondly, the researcher could create a linear study that determines whether the program has become more successful over a certain number of years. This can show whether the program is showing positive or negative progression and allow the host agency to decide whether or not they must institute policy changes to restructure the program.

Implications for Practice

The host agency did not possess a written policy that was completely congruent with Best Practices of Confidential Informant Programs. That being said, the host agency can use this data to bolster their written policies and ensure transparency among agency management and proprietors of the CI program. Upon initial review of the agency's written policy, it was difficult to read and not organized. There were practices listed under inappropriate headings which made it difficult to follow and analyze correctly. It could benefit the host agency to reorganize their written policy so current and future agents may easily navigate the policies.

Considering the limitations that were present regarding language and clarity of policy, the agency could benefit from expanding their written policy to provide context so that practitioners may fully understand the intent of the policies. Providing a clear and concise mechanism for training, especially those rooted in evidence-based practice, provide meaning to the practice (Duerden & Whitt, 2012). Additionlly, it is the duty of organizations to provide their practitioners with a justifiable and easily communicated policy to avoid unwanted interpretation (Johnson & Cox, 2004).

Additionally, with the lack of adherence to Best Practices, it would benefit the integrity of the agency and program to include clear procedures that outline Best Practices. Additionally,

leaving no room for interpretation of policies will help maintain legitimacy of the organization and require less clarification from agency management in the future. Legitimacy is a common theme in regard to the criminal justice discipline, especially in regard to practitioners, so it is critical to provide a thorough and well-researched foundation to agency employees as this could potentially thwart investigations or negatively impact the agency as a whole (Tankebe & Liebling, 2013).

Summary

The problems addressed in this study was the identification of Best Practices of Confidential Informant Programs and whether the host agency adhered to these practices. The review of literature showed the lack of consensus of Best Practices and the lack of evidence-based practice in regard to Confidential Informants and related programming. Most of the literature provided surface level information regarding CI's and general procedures adopted by programs. This evidence was mainly presented as qualitative information and there were limited peer-reviewed studies regarding CI use. The literature used provided strictly practical information and did not discuss any experimental findings regarding CI's or CI programs. The findings from the present study indicate that Best Practices are not always reflected in high-fuctioning programs.

REFERENCES

References

Carter, D. L. (2004). *Law enforcement intelligence: A guide for state, local, and tribal law enforcement agencies*. Washington, DC: U.S. Dept. of Justice, Office of Community Oriented Policing Services.

Chinman, M., Imm, P., & Wandersman, A. (2004). *Getting to outcomesTM 2004:Promoting accountability through methods and tools for planning, implementation, and evaluation*. Santa Monica, CA: RAND Corporation.

Cho, J. Y., & Lee, E. (2014). Reducing confusion about grounded theory and qualitative Content analysis: similarities and differences. *The Qualitative Report*, *19*(32), 1-20. Retrieved from https://nsuworks.nova.edu/tqr/vol19/iss32/2

Cincinnati Police Department. (2015). Confidential Informant Management and Control. *Policy Manual*.

Craddock, A., Collins, J. J., & Timrots, A. D. (1994). Fact sheet: Drug-related crime. Washington, D.C.: U.S. Dept. of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Davies, H. T., & Nutley, S. M. (2000). *What works?: Evidence-based policy and practice in public services*. Great Britain: Policy Press.

Duerden, M. D., & Witt, P. A. (2012). Assessing program implementation: What it is, why it's important, and how to do it. *Journal of Extension, 50*(1), 1-8.

Durlak, J. A. (1998). Why program implementation is important. *Journal of Prevention &*

Intervention in the community, 17(2), 5-18.

Guevara, M., Loeffler-Cobia, J., Rhyne, C., & Sachwald, J. (2011). *Putting the pieces together: practical strategies for implementing evidence-based practice.* National Institute of Corrections, Washington, DC. (024943).

Gutterman, M. (1967). Informer Privilege. *Journal of Criminal Law and Criminology,58*(1), 32-64.

Hagborg, J. M., Strömwall, L. A., & Tidefors, I. (2012). Prosecution rate and quality of the investigative interview in child sexual abuse cases. *Journal of Investigative Psychology and Offender Profiling, 9*(2), 161-173.

Jacobs, B. A. (1997). Contingent ties: Undercover drug officers use of informants. *The British Journal of Sociology,48*(1), 35-53. doi:10.2307/591909

Johnson, T. A., & Cox, III, R. W. (2004). Police ethics: Organizational implications. *Public Integrity, 7*(1), 67-79.

Kash, D. (2002). Rewarding CIs: Cashing in on terrorism and narcotics trafficking. *Case Western Reserve Journal of International Law,34*(2), 231-244.

Kooken, D. L. (1947). Ethics in police service. *Journal of Criminal Law & Criminology, 38*, 172.

Leech, N. L., & Onwuegbuzie, A. J. (2007). An array of qualitative data analysis tools: a call for data analysis triangulation. *School Psychology Quarterly, 22*(4), 557.

Leson, I. (2012). Toward efficiency and equity in law enforcement: "Rachel's Law" and the protection of drug informants. *Boston College Journal of Law & Social Justice, 32*, 391-419.

Mabia, J.H., Iteyo, Cc, Were, E. (2016) Effectiveness of intelligence-led policing in the management of domestic crimes in Kenya: A case of Kakamega County. Glob J Nurs ForensicStud 1: 111. doi: 10.4172/2572-0899.1000111

Manning, P. K. (1980). *The Narcs' game: Organizational and informational limits on drug law enforcement*. Cambridge, MA: MIT Press.

Markowitz, S. (2005). Alcohol, drugs and violent crime. *International Review of Law and Economics, 25*(1), 20-44.

Mayring, P. (2004). Qualitative content analysis. *A Companion To Qualitative Research, 1*, 159-176.

Mazerolle, L., Soole, D. W., & Rombouts, S. (2007). Street-level drug law enforcement: A meta-analytic review. *Campbell Systematic Reviews, 3*(1), 1-47.

Mihalic, S., Irwin, K., Fagan, A., Ballard, D., & Elliot, D. (2004). *Successful program implementation: Lessons from blueprints* (204273)*. Washington DC: U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention.

Miller, J. M. (2011). Becoming an informant. *Justice Quarterly,28*(2), 203-220. doi:10.1080/07418825.2010.506881

Moore, M. H., & Braga, A. (2003). *The "Bottom Line" of policing: What citizens should value (and measure!) in police performance (*2003108466)*. Washington, DC: U.S. Dept. of Justice, Office of Justice Programs, National Institute of Justice.

Natapoff, A. (2004). Snitching: The institutional and communal consequences. *University of Cincinnati Law Reviview,73*, 645-703.

Nathan, C. (2017). Liability to deception and manipulation: The ethics of undercover policing. *Journal of Applied Philosophy,34*(3), 370-388. doi:10.1111/japp.12243

Organization for Security and Co-Operation in Europe (OSCE)a. (2017). *OSCE Guidebook: Intelligence-Led Policing*. Vienna, Austria.

Peterson, M. R. (2005). *Intelligence-led policing: The new intelligence architecture (210681)*. Washington, DC: U.S. Dept. of Justice, Bureau of Justice Assistance.

Ratcliffe, J. H. (2007, August). Integrated intelligence and crime analysis: Enhanced information management for law enforcement leaders. *Police Foundation Reports*. Retrieved from: https://www.policefoundation.org/docslibrary.html/

Rich, M. L. (2012). Brass rings and red-headed stepchildren: Protecting active criminal informants. *American University Law Review, 61,* 1-66. doi:10.2139/ssrn.1998787

Simon, M. (2011). *Assumptions, limitations and delimitations*. Retrieved from dissertationrecipes.com.

Sparrow, M. K. (2015). *New perspectives in policing: Measuring performance in a modern police organization (248476)*. Washington, DC: U.S. Dept. of Justice, Office of Justice Programs, National Institute of Justice.

Tankebe, J., & Liebling, A. (2013). Legitimacy and criminal justice: An introduction. *Oxford University Press.*

Tarwacki, R. E., Sr. (2013). *CIs: Ethical Considerations for the Practitioner*. Retrieved from https://www.academia.edu/4434874/Confidential_Informants_Ethical_Considerations_for_the_Practitioner

Taslitz, A. E. (2011). Prosecuting the informant culture. *Michigan Law Review,109*(6), 1077-1102.

Turcotte, M. (2008). Shifts in police–informant negotiations. *Global Crime,9*(4), 291-305. doi:10.1080/17440570802543508

Sixth Amendment to the United States Constitution (1791) U.S. Const. amend. VI, § 2.

United Nations, Office on Drugs and Crimes. (2011). Criminal intelligence manual for analysts.

      Vienna: United Nations.

United States, Department of Justice, Attorney General. (2001). *The Attorney General's*

      Guidelines Regarding the use of CIs (pp. 126-153).

United States, Department of Justice, Drug Enforcement Administration. (2002). *DEA Agent's*

      Manual (pp. 1-639). Retrieved from

      https://files.shroomery.org/cms/DEA%20Agents%20Manual%202002.pdf

United States, Department of Justice, Inspector General. (2015). *Audit of the Drug Enforcement*

      Administration's confidential source policies and oversight of higher-risk confidential

      sources (pp. 1-45). Retrieved from https://oig.justice.gov/reports/2015/a1528.pdf

United States, Department of Justice, Justice Programs, Bureau of Justice Assistance.

      (2008). *Reducing Crime through Intelligence-Led Policing* (pp. 1-44). Retrieved from

      https://www.bja.gov/Publications/ReducingCrimeThroughILP.pdf

Wells, R. (2009). Intelligence-led policing: A new paradigm in law enforcement. *PATC Law*

      Enforcement Training Articles Archive. Retrieved from

      http://www.patc.com/weeklyarticles/intelligence_policing.shtml

Wilson, C. P. (2005). "Where's Whitey?": Black Mass, ethnic criminality, and the problem of the

      informant. *Crime, Law & Social Change,43*, 175-198.

VITA

Education:

    University of Mississippi
    May 2017- December 2019
    Masters of Science in Criminal Justice

    University of Mississippi
    August 2013-May 2017
    Bachelor of Science in Criminal Justice with Minors in Political Science and History

Job Experience

    University of Mississippi
    August 2017- May 2019
    Graduate Assistant for the Department of Legal Studies

Honors

    Alpha Phi Sigma
    Restorative and Commuity Justice Student Scholarship, 2018

    University of Mississippi
    Summer Research Assistantship, 2018

    University of Mississippi
    Phi Kappa Phi Honor Society, 2018

Presentations

Cuevas, K. & Doty, P. (2018). Designing Prisons with a Restorative Justice Backdrop. Presented at the Academy of Criminal Justice Sciences Annual Meeting in New Orleans, Louisiana.

Cuevas, K. (2018). Evaluation of Confidential Informant Use in Legal Settings: Why Do 10 When You Can Send a Friend? Presented at the University of Mississippi 3-Minute Thesis Competition.