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JUVENILE POLICE INFORMANTS

Friendship, Persuasion, and Pretense

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The use of juvenile informants by police is rarely discussed among law enforcement, and published research is virtually nonexistent. In most cases, ethical issues, legal circumstances, and traditional police secrecy keep any teenager involvement in covert law enforcement operations hidden. This article seeks to shed some light on the use of minors in police investigations through a presentation of known cases and semistructured interviews with law enforcement agents. The qualitative interviews reveal fundamental concerns regarding the precarious nature of the role of juveniles in the investigation process, despite the limitations of the sample size and generalizability of the data. The primary issues addressed in the research include coercion in the recruitment process and the potential for physical and emotional harm of the young informants.

Keywords: *informants; juvenile informant; juvenile justice; police investigations; law enforcement operations*

The use of informants represents one of the nastier and messier aspects of law enforcement work—charged with controversy and shrouded in secrecy (Rubinstein, 1973). The term *informant* generally applies to a person who has access to criminal networks and offers information in exchange for some type of special treatment under conditions of anonymity (Cooper & Murphy, 1997). The use of informants involves complex ethical issues surrounding bargaining, motivations, and trust. The relationships between officers and their informants often create an indelicate interchange between a person in power and a relatively powerless person being pressed to penetrate more deeply into dangerous territory. Cooper and Murphy (1997) note that “there appears to be considerable scope for coercive and manipulative handling of individuals who are often on anything but equal terms with the police” (p. 5). In addition, from a policing perspective the desire to solve a case and make an arrest may entice officers to engage in questionable or unethical behavior to further manipulate informers, especially in cases in which the potential informant is uncooperative.

Police use of underage informants presents many of the same problems that have been documented in regard to adult informants (e.g., Innes, 2001; Marx, 1988; Roberts, 2002; Skolnick, 1966; Wilson, 1978). This article examines emergent trends, noting some of the lethal consequences for youths who have taken on the role of police informant

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through case presentations. The research also presents the views of law enforcement personnel regarding their involvement with young people in undercover work and details legislative responses to the use of underage informants.

The use of adult informants represents the “dirty secret of policing” (Reuter, 1982, p. 22), and the extent of the practice in the United States is unknown. The inherent secrecy surrounding police informants has limited the depth of research, although a number of scholars have examined the world of the adult informer (e.g., Dunnighan & Norris, 2000; Jacobs, 1997). The even-greater secrecy surrounding the use of juvenile informants is connected to the particular rights of minors, the confidentiality of juvenile records, and the discretion of police officers to employ what they regard as necessary crime-solving investigative techniques. Law enforcement agencies and prosecutors, more often than not, insist that the number of cases involving minor informants is negligible. Others, however, claim that the use of underage operatives is frequent (Blair, 1998; Osther, 1999).

Overall, the use of informants appears to have increased in the United States during the past few decades. Curriden (1991) reported that an analysis of 1989 search warrants in the U.S. District Court in Atlanta, Georgia, revealed that police used confidential informants in 90% of the cases, an increase of 60% from 1980. Curriden (1995) also found that the number of federal search warrants in four major cities that relied exclusively on an unidentified informant increased from 24% to 71% between 1980 and 1993. The increased use of informants may be directly related to more recent court cases that increased the discretionary spectrum for law enforcement and courts. In the 1960s, the Supreme Court restricted the use of informants by limiting police discretion (*Aquilar v. Texas*, 1964). *Aquilar* (1964) established two-prong criteria that required law enforcement to provide evidence that the informant was both credible and knowledgeable. A subsequent decision, *Illinois v. Gates* (1983), eased the burden placed on police officers to legitimate their use of informants; courts now are required to look at the totality of the circumstances. Generally, the Supreme Court and other federal courts have upheld the use of informants and continue to allow broad discretion and self-regulation by law enforcement agencies to determine how informants are “managed, monitored, and compensated” (Glover, 2001, p. 759).

Informants are an essential part of proactive law enforcement and are considered crucial for investigation and identification of drug traffickers (Dunnighan & Norris, 2000; Jacobs, 1992, 1977; James, 2003; Karchmer, 1977; Siebert & Gitchoff, 1972; Williams & Guess, 1981). The cooperation of informants is fundamental in most police intelligence-gathering operations, particularly in regard to victimless or consensual crimes (Dorn, Karim, & South, 1992). Many offenders, in fact, would not be arrested without involvement of informants (Reuter, 1982). Authorities face greater investigative obstacles when minors are involved in the wrongdoing. Older law enforcement agents have difficulty effectively working undercover with teenage suspects and often are unable to infiltrate youth drug cultures (Jacobs, 1992). Young informants may be the only practical way to gain entry into certain subcultures.

Informants are recruited through a variety of methods, and their roles vary by situation. The duties of confidential informants include targeting individuals for investigation, observing suspects, and collecting evidence. Jacobs (1996), for example, in a study of high school undercover agents, described how officers employ “unwitting informants” who provide information and introductions in routine social interactions. These operations involve only a passive role by the teenagers, who generally are unaware of their own participation. Unwitting informants gain entrance to the targeted group for the undercover agents, who then use the teenagers without revealing their role as narcotics officers. In comparison, investigative informants are more

active, and their relationships with detectives are more complex (Reuter, 1982; Williams & Guess, 1981). In most cases, juveniles are recruited in drug trafficking investigations; and in some instances, they are employed to infiltrate gangs. A more benign use of young informants is in sting operations designed to identify businesses selling alcohol and tobacco products to underage customers (Ingold, 2005; Sinclair & Herbert, 1998; Solomon, 1996).

Informants are motivated to assist police for a number of reasons, including money, fear, revenge, egocentrism, and eccentricity (Dunnighan & Norris, 2000; Harney & Cross, 1968; Marx, 1974; Williams & Guess, 1981). The best informants are those who are motivated to “work off” charges (Skolnick, 1966; Wilson, 1978). Informants sometimes receive monetary compensation, lighter sentences, lower bail, or other special considerations (Mauet, 1995). Securing cooperation with promises of leniency tempts those who face possible incarceration and, in some cases, may constitute institutionalized blackmail (Cloyd, 1982; Marx, 1981; Moore, 1977). The motives for juvenile to become informants are likely to be similar to adults, though they may be more gullible and higher risk takers and may lack the ability to make mature decisions (Osther, 1999).

An underlying distrust marks the relationship between police and informants. Police may develop a symbiotic relationship with adult informants but remain wary of their motives (Pogrebin & Poole, 1993). A police officer in the Pogrebin and Poole (1993) study said of informants: “You can’t turn your back on them for a second or they will bite you. They lie to you all the time. They are untrustworthy. They have the morals of an alley cat” (p. 387). In some cases, the bond, whether positive or negative, that develops between an officer and an informant can be exploited by the latter (Marx, 1988). Juvenile-police bonds, however, are more likely to be exploited by law enforcement because of the power discrepancy in the relationship and the naivety of the youth.

The reliance on juveniles to inform, particularly in drug cases, may actually encourage further criminal involvement. Manning (1980) observed that continued drug use by adult informers was expected by police, although dealing was considered taboo. Pogrebin and Poole (1993) also assert that informants commonly take advantage of their status by pursuing criminal opportunities. Problematic issues are compounded when informants feel compelled to lie or to exaggerate to gain or retain favors from law enforcement agencies or court officials. Police-proffered favors may include giving informants money, allowing them to keep drugs purchased in a set-up buy, and/or overlooking or reducing criminal charges.

Further evidence of criminal activity can be used by investigators to increase pressure on the informants to assist in providing more information (Skolnick, 1966). The immaturity and the malleability of young informants may encourage increased manipulation by the police.

Juvenile Informant Cases

In 1998, 17-year-old Chad MacDonald was killed by three suspected drug dealers in Brea, California, after having set up an undercover methamphetamine buy for the police. MacDonald’s death prompted scrutiny of police investigations that involve teenagers. His mother had consented to her son’s informant role so that he could avoid prosecution on possession charges, though she claims that she was coerced into signing a waiver of liability. Police officials claim that MacDonald’s role as informant had been terminated before he was kidnapped, tortured, and murdered. The MacDonald case highlights controversial issues that arise when juveniles become involved in police investigations as informants.

MacDonald's first encounter with the police occurred near the beginning of 1998. The taped conversation between police officer Keith Watson and MacDonald indicates that Watson had an agenda when he began questioning the youth during what seemingly was a routine traffic stop. A police transcript reveals that Watson, after MacDonald denied any previous arrest record, said, "Okay, well, your name's come up a few times here in the last couple of weeks from a couple of people" (Brea Police Department, 1998). When MacDonald asked for what, the officer replied, "Well, kind of a serious thing, you're selling drugs" (Brea Police Department, 1998). During the arrest, Watson discovered 11 grams of methamphetamine in MacDonald's vehicle and mentioned the accusation of drug dealing several times. This episode launched a sequence of events that labeled a young man, who struggled with his own drug problem, as a "snitch."

MacDonald, who was 3 months shy of his 18th birthday, faced possible short-term detainment in a juvenile facility that may have included some type of treatment program. Law enforcement agents instead offered to dismiss MacDonald's possession charges if he agreed to assist in their investigative efforts. On January 15, the police arranged for Chad to make a drug transaction. He purchased methamphetamine at a suspected drug house while wired with a transmitter hidden in a fake pager. Police raided the house a few days later, but no drugs were found. The woman who sold the drugs confronted MacDonald several days later and accused him of being a "narc." An attorney involved in the case commented, "Chad had a big mouth. A whole bunch of people knew. Things got out of hand. They thought he was going to be snitching them off" (Pfeifer, 1998b, p. 1).

The events leading up to Chad's death suggest that the police ignored his requests for help; their indifference was revealed in transcripts in which the officers refer to MacDonald as "just a little dirtbag" and an "animal." Two weeks before his death, Chad had reported several incidents of harassment to the police: "I been hit over the head with a glass. My tires have been slashed. My truck got part of it stolen last night" (Pfeifer, 1998a, p. 1). The following week, MacDonald was arrested again for the possession of two grams of methamphetamine and a small amount of marijuana. He told the arresting officers that he had made the purchase as an informant. Police say that MacDonald purchased the drugs for personal use and claim that during the arrest he was told that his role as an informant was finished.

On March 1, MacDonald disappeared. His mother, concerned over Chad's activities, contacted police detective Bill Hutchinson and expressed doubts over her decision to allow her son to act as a police informant. She also requested help for his drug problem. Hutchinson replied,

He [Chad] was mixed up with these people before the Brea Police Department got involved. So don't even allude, don't even suggest that we had something to do with this. Your son was mixed up in this stuff a long time ago. (Pfeifer, 1998a, p. 1)

MacDonald and his 16-year-old girlfriend had been kidnapped, held hostage, and tortured for several days. MacDonald's body was found in an alley in South Los Angeles on March 3. His girlfriend was raped and shot in the face—she survived. Witnesses report that the killers, who intended to teach MacDonald a lesson, called him a snitch and a narc (Louv, 1998). Police officials insist that MacDonald was no longer acting as an informant at the time of his death (Martelle & Hayes, 1998). The family's lawyer, however, says that the police, who had knowledge of Chad's continued drug use, failed to offer adequate protection.

The MacDonald incident is not an isolated case. Cecil Calloway, a 16-year-old, was beaten and murdered in 1982 after he had given city vice squad officers in Roanoke,

Virginia, information that led to the arrest of several area drug dealers (Jackson, 1994). Vice officer Pete Sullivan explained that Calloway volunteered to act as an informant because he wanted to help. The youth was paid a small amount of money and, according to police, he took pride in his role, bragging that he was a junior narc. Sullivan says that juvenile informants are well aware of the risks: "They know it in the back of their minds. And we take every precaution we can with our informants. We don't throw them to the wolves with their eyes closed." In response to Calloway's death, he commented, "I feel bad about it. But I don't feel responsible for it" (Pfeifer, Peter, & Christensen, 1998, p. 16).

In 1997, Gregory "Sky" Erickson, a 15-year-old police informant in Estherville, Iowa, was found in an abandoned farm house shot in the head, his body set on fire. Erickson's father, who provided a copy of the consent form he had signed to allow the police to use his son, believes that the boy's death was a result of his role as a police informant. In a personal interview, Erickson says that he had agreed to the deal to protect Sky's future: "I had no choice, even knowing the danger." Local police, however, emphatically denied this: "We don't use juveniles as informants," declared the police chief in a phone interview. Police officer Ken Juede contradicted this statement when he testified that he had recruited Erickson to gather information in exchange for dismissing drug possession charges. Juede, attempting to minimize the youth's role, explained: "Erickson wasn't recruited to purchase drugs but to 'spot' drugs for the police" (Hazlett, 1998).

In Virginia Beach, 17-year-old Robbie Williamson, 2 days after helping the police make a drug bust, committed suicide when he received threatening calls from a known drug dealer (DeRochi, 1991). The boy's mother says that she was never contacted by the police and that a closer background check by law enforcement officers would have revealed her son's mental instability. Williamson was on probation for theft and burglary and had been in and out of psychiatric treatment facilities. Police claim that Williamson volunteered to act as an informant and that they felt he was mature enough to make his own decisions (Pfeifer et al., 1998).

In Lexington, Kentucky, a 16-year-old was wired to help with the investigation of a male prostitution ring. During the sting operation, the youth was accompanied by his 14-year-old cousin, who engaged in oral sex with the suspect. The police, although monitoring the conversation, allegedly did nothing to prevent the sexual act from occurring (Duke & Marx, 1984).

In all these cases, it appears that police had failed to provide adequate supervision and protection for the teenagers: Popular belief is that their deaths were directly related to their informant role. The incidents have prompted several of the informants' parents to file million dollar wrongful-death lawsuits. Cindy MacDonald's \$10 million lawsuit includes \$4 million in punitive damages to "teach the cops a lesson" (Dillow, 1998). The social and legal implications of using juveniles to assist in police investigations are an almost totally unexplored realm. This article offers the first examination of recruitment methods, role conflicts, and possible outcomes in investigative practices that employ young informants.

An Examination of Police Perspectives

This exploratory research is based on interviews with 21 law enforcement agents in a large midwestern city; detailed demographics on the department and participants are not included to help protect confidentiality because information on the size and structure of the agency may lead to organization or individual identification. The interviews were undertaken to gain additional perspective into the roles juvenile informants play in law enforcement and

to determine what issues are important for future research agendas because few studies have systematically investigated the practice. The difficulty of obtaining a larger sampling of officers represented a major obstacle in the methodology because of an overall reluctance by law enforcement to discuss the topic. Consequently, after the first interview, a snowball sampling method was used to acquire referrals and gather further qualitative data from police officers who were willing to admit that juveniles are sometimes used in investigations and candidly discuss associated issues. Clearly, the low number of participants limits generalizability and may not reflect majority perspectives in other cities, though consistent themes were identified among this group of respondents.

Semistructured interviews were conducted in a variety of sites chosen as convenient by the officers and took from 45 to 90 minutes (average interview length was 60 minutes). The interviews allowed police officers to identify and elaborate on issues that they perceived as important. The tapes were transcribed verbatim for analysis, and the data were categorized according to the content domain. The major themes that emerged centered on information gathering, recruitment, relationships between the police and their informants, and issues surrounding recidivism.

Confidential Informants or Cooperating Individuals?

Law enforcement agencies generally deny that juveniles are placed in the role of informant, but the majority of individual police officers interviewed admitted that the "practice has become more common in the past 5 years because of the crack down on crime, especially drugs." A police investigator explained how the use of youth is a customary, commonsense practice:

You get a lot of juveniles who are involved in a lot of crime. Consequently, they have information about friends or other people they are involved with. Because you are in contact with them and are working with them they will have the most information. So, it is not uncommon to have juvenile informants. They are doing the burglaries, doing the drug deals, and stealing cars.

Overall, police officers tend to avoid labeling the juvenile: "They are not informants. They just bring me information because they owe me. I help them, they help me." Officers also distinguish between using juveniles for intelligence gathering versus as informants. The former is said to represent an informal process, whereas the latter is a formal arrangement. According to one officer, juveniles commonly are used only to gather information:

Kids who come to know you and come to trust you will start to provide you with information, but they offer the information, you are not asking. They give information about concealed weapons, who has drugs, or who's buying alcohol and from where.

Procedures for information gathering are unclear and often cross boundaries that make them undistinguishable from informing. The same officer, for example, admitted that often he asked for information, though strictly on an informal basis. Police insist that gathering intelligence from juveniles is based on friendship, not on informant roles and financial rewards:

Informants? I like the term *friends*, juvenile friends who are interested in helping. It is common to use friends while investigating cases. These friends supply the force with as much information as they think the friend owes the force. We normally make our

friends through cases they are involved in. If our friends are willing, we will use their information and help them out in their case. That is how we make friends.

Officers acknowledge the thin line between gathering intelligence and paying a person for information:

In the gang unit, I talked to gang members and I'd do them favors. It might not necessarily be money or criminal prosecution. It might be, find them a job, or buy their baby diapers, or find them a babysitter or something like that.

The Recruitment Process

Despite disclaimers, a high level of coercion is generally present in the recruitment of the juvenile turned informant. Law enforcement agents agree that young informants usually have had previous experience in the juvenile justice system and are once again in trouble. One officer explained the process:

Most have been brought in on some charge, usually a possession of drugs or intent to sell. Most of these kids have had minor run-ins before, and we offer them a deal. We tell them to help us out, give us names, locations, and we will get them off or get them a lower charge.

The recruitment of a youth does not seem to depend on the seriousness of his or her previous record. An investigator rhetorically asked: "If this is his first time and he had never been in trouble before, why not use him?"

Police officers deny that teenagers are pressured into cooperating. The recruitment process, according to one detective, uses persuasion:

I would not call it coercion, maybe persuasion, but some of these kids are so scared, a lot of them are young, and with all the new laws with mandatory minimum sentences with drugs means they will probably be put in detention, and we persuade them to work with us.

Another officer legitimized his approach as "factual" coercion: "Police might say stuff like, 'You don't want your parents to find out' or 'You can go down with this whole thing.'" The majority of officers interviewed did not view their approaches as coercive but rather as good police work.

Informed consent is a crucial element of recruitment. Investigators may bypass the need for consent by avoiding the informant label: "I really don't need consent. I am only getting information from them. They are friends of mine." Most departments require the consent of a parent if they are to use a juvenile as an informant or decoy. Parents, when deciding whether to consent, however, are placed in a catch-22. They must choose between having their child detained or imprisoned and a promise of freedom, perhaps placing them in a dangerous situation. One parent, who had agreed to allow his son to act as an informant, stated, "I had no choice, even knowing the danger I wanted to protect his future" (personal communication).

Relationship and Motivation Conflicts

Police and informant relationships vary by situation, though trust is seldom present. Police officers in this study noted the underlying suspicion in the alliance: "It is a vicious

cycle of how we work. I know they are using me and they know I was using them, I mean, there was no love there by any means.”

Interactions between police and juveniles, particularly those who face adjudication as delinquents, are likely to be adversarial. Police may justify the use of juveniles as informants through a degradation process that demeans the youth and dismisses the possibility of rehabilitation. A police chief, for example, stated, “There’s a category of people who, though they may be juveniles, are streetwise, worldly wise . . . they are for all practical purposes grown-ups” (Jackson, 1994, p. 1). Prevailing police attitudes indicate that the danger an informant faces is just deserts for his or her prior actions. This denial of responsibility among police officers who use juvenile informants was expressed in the following manner:

They are already involved in this type of group, lifestyle. Juveniles endanger themselves daily. The police do not place them in those situation, they place themselves there.

The motives and objectives of police officers likely will be at odds with those that provide the impetus for minors to participate in the informer role. Juveniles may decide to assist the police out of fear, to gain status among their peers, or for the thrill involved in covert operations. Juveniles may turn as a means of continuing their drug use. According to one officer,

Each kid is different, and each informant that is out there does it for different reasons. I know a lot of informants that I’ve seen in the past do it so the cops won’t mess with them while they’re doing their dirty deeds.

In contrast, the positive aspects of the role may include increased self-esteem, diversion, and educational lessons. A police officer explained,

Sometimes just getting information from a juvenile informant burns bridges for them and that deters them from continuing their criminal acts or involvement. I have found that juveniles will seek us out and give us information so to burn their bridges with the criminal group. The juvenile knows that arrests will be imminent.

Similarly, another officer stated,

Kids may see how damaging it is when you hurt other people or when you sell drugs and when you rip people off. Hopefully, it kind of makes them think about what they are doing and how they hurt other people and what the police do to try and put a stop to it.

Justifications by law enforcement agents on motives, however, may be self-serving, providing specious support for using youth in surveillance roles.

Rehabilitation and Recidivism

The use of minors as informants may diminish treatment and rehabilitation efforts and further contribute to their delinquency. Herbert and Sinclair (1977) argue that when a juvenile is used to purchase drugs, there is no criminal intent because he or she is acting under the direction of the police. It is more likely, however, that the criminogenic environment will encourage continued offending. A police officer commented,

We are putting them back into the criminal element in which he is trying to get away from; he still a kid and he is going to have judgment errors, but you can’t save him from

everything. On top of that you are also condoning that behavior as he is working for you, and unless it is incredibly structured—you can't let them run amok—you bet we are contributing to his delinquency.

Clearly, the role of informant further encourages risk-taking behavior. An officer noted the likelihood of delinquency drift (Matza, 1964) and recidivism:

You take a kid who already has judgment errors and you are asking him to go back into that criminal environment. Even though he is supposedly on the good side now, I know for a fact that they fade back and forth.

The Thin Line Between Protection and Peril

The informant role places children in physical and psychological danger. The protection of juvenile informants requires substantial attention by the police:

There's no way to specifically say, "Yeah, we're going to protect you in a situation like this because every situation you go into, you don't know how it's going to end up." There's an element of danger in everything you do, when you're dealing with the criminal element. You're sending that informant in there to buy dope, sell dope, locate dope. No, you can't guarantee their safety.

Undercover work requires that an informant's identity be closely guarded by investigative officers (Williams & Guess, 1981). Juveniles are less likely to understand the importance of anonymity and brag to peers about their role. A detective commented,

We never use their names; everything is confidential. A lot of times when someone finds out something it is because the kid opens his mouth.

Another officer supported this position:

We always run the risk that people will discover the source because kids are stupid. If the perpetrator does find out, it is most often the kid's fault for bragging to all of his friends about his undercover adventures with the police.

The potential physical danger involved in informant work is the most serious threat to juveniles. Minors are placed in a high-risk environment and are especially vulnerable to retribution (Sinclair & Herbert, 1998). An officer in this study offered the following example:

This 15-year-old boy gave us some information, and within a year he was killed in a drive-by [shooting]. We are not sure if it was directly related—it may not have been. He did get into some other trouble after his contact with us, so we do not know if he was just in the wrong place at the wrong time. But, word was someone found out he gave some information, and so he was marked and someone wanted him dead.

Snitches, Tattle Tales, and Rats

The stigma attached to being an informant undoubtedly discourages juveniles in some cases from assisting police. DARE programs, for example, have come under fire for

encouraging children and teenagers to report friends and family to law enforcement agencies (Bovard, 1994; Pereira, 1992). Critics suggest that encouraging children to report may create a subculture of tattle tales and finks. On one hand, informing is encouraged to promote good citizenship and can be viewed as a virtue, even a duty (Marx, 1988; Weinstein, 1999). On the other hand, children are taught at an early age that the act of tattling is taboo. The current trend, however, is to encourage and reward informing behavior. Nationwide, school boards, in collaboration with local police, have introduced campus anti-crime programs that offer rewards ranging from \$10 to \$100 for kids who report wrongdoing by peers (Fritz, 1998). Columbine High School principal Frank DeAngelis told students returning to classes in Littleton, Colorado, after one of the worst school shootings in the nation that "snitching may save lives." But, teenagers usually are aware of the negative connotations and possible consequences of informing. As one police officer stated,

There are always those who won't say a word; they would rather get locked up for years then rat out these assholes who do not give a shit about them. In their world there is nothing worse then being a snitch.

Discussion

Based on available, though limited, information, the majority of law enforcement agencies are unlikely to have established policy for the use of underage informants; most are reluctant to officially admit to the practice. The Juvenile Justice Commission in Santa Clara County, California, surveyed 14 jurisdictions about their use of juvenile informants; 9 of those that responded reported having never used juveniles, except in cases involving tobacco stings (Louv, 1998). In some precincts, juveniles may be used as informants, but not without the knowledge and written consent of the parents or guardian, unless the youth has been adjudicated as an adult. Brown (1985) suggested that the decision to employ a minor should include a panel consisting of the chief of police, the police officer working with the juvenile, the prosecuting attorney, the judge, and a parent or legal guardian.

The California legislature, in response to Chad MacDonald's death, passed emergency legislation that restricts the use of juvenile informants. Assemblyman Scott Baugh, author of "Chad's Law," insisted that "there's absolutely no need to fight the war on drugs with children" (Bailey, 1998, p. B4). Then-Governor Pete Wilson commented that "solving crimes is the responsibility of law enforcement officials and other qualified adults, not children" (Bailey, 1998, p. B4). The original measure sought to ban all juvenile informants, but law enforcement officials insisted that certain cases necessitate their use. Youths 13 and older are allowed to work undercover without judicial authorization on cases involving surveillance of retailers selling cigarettes and alcohol to underage children. In all other cases, police are required to obtain parental consent and judicial approval. In cases involving charges against the arrested youth turned informant, the judge must consider the age and maturity of the youth, the gravity of the youth's alleged offense, and the question of whether there is probable cause that the minor committed the alleged offense. The minor must be informed of mandatory minimum and maximum sentence for the alleged offense, and the court must disclose the benefits the minor may obtain by cooperating with the police. Critics of the legislation note that district attorneys can avoid judicial approval if the juvenile is transferred to adult court and that parental consent can be waived if the parent is part of the investigation (Louv, 1998). Santiago (2000) notes that the California

law is ineffective in protecting youth and that the practice of using juvenile informants places children at risk and should be stopped. He argues that police use of juveniles contributes to the delinquency of a minor and potentially exposes children to immoral places. Osther (1999) notes that effective state legislation must (a) ban the use of young children (e.g., 12 or younger), (b) establish clear and comprehensive guidelines to determine levels of maturity, (c) protect juveniles from overly dangerous situations, and (d) require officials to consider all alternatives.

Protective legislation may restrict and hamper police investigation and apprehension efforts. Reuter (1982) notes the problem of formalizing agent-informant relations: "The tighter the requirement of formal control, the more likely the agent is to avoid registering his informant" (p. 19). Strict guidelines may encourage illegal ways of rewarding the informant. More often than not, police discretion will determine how teenagers are treated or mistreated in the juvenile justice system. Using juveniles as informants or "friends," according to one officer, is likely to continue as long as drug use continues:

Drugs are a huge problem—it's unbelievable. It's like a drugstore and for people to think that we should stop the use of juveniles [informants] . . . I can't agree. You couldn't get in there, so what are we going to do? Just let them go?

The emphasis on drug arrests and the continued use of illegal substances by teenagers increases pressure on law enforcement agents to engage juvenile informants. Organizational goals, such as departmental funding, promotions, and arrest numbers, also will encourage covert operations with juveniles. Investigators, who are concentrating on crime solving, typically subscribe to the notion that the end justifies the means (Manning, 1980). Others state that the "morality of the means is as important as that of the ends" (Marx, 1988, p. 222). Further research that can inform policy and police procedures is needed to fully understand the dynamics of juvenile informant situations from a variety of perspectives, including, for example, judges, families, youths, and other involved parties.

Clearly, information provided by juveniles is useful to police officers, but the role of an investigative informant places the youth in danger. The use of minors in this manner is a punitive measure that negates rehabilitation, fails to hold juvenile offenders accountable, and endangers the legitimacy of the criminal justice system. The practice undermines community relationships by increasing suspicion and decreasing respect among involved parties.

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