In a recent study on the supply and use of crack cocaine in Nottingham we noted (see references) how frequently some dealers were thought to enjoy a favoured relationship with the police. Other dealers said these dealers had a ‘licence to deal’. In the formal sense of course no such licence could be granted and the police, not surprisingly, denied that favours were being granted. Yet the so called ‘licensed’ dealers appeared to practice with immunity. They were thought to be police informers reaping the benefits from their close police connections.

The police clearly rely heavily on informers and the informer system to obtain prosecutions, whether in the drugs field or not. They do so under the approval of none other than the Lord Chief Justice. “For many years it has been well recognised that the detection of crime was assisted by the use of information given to the police by members of the public. Those numbers might be either professional informers who gave information regularly in the expectation of financial or other reward, or public spirited citizens who wished to see the guilty punished for their offences. It was in the public interest that nothing should be done which was likely to encourage persons of either class from coming forward.” (Regina vs Rankine 1986). Not only that but as Lord Justice Bingham stated there were rewards too. "It was particularly important that persons concerned with the importation of drugs into the UK should be encouraged by the sentencing policy of the courts to give information to the police. An immediate confession of guilt, coupled with considerable assistance to the police could therefore be marked by a substantial reduction in what would otherwise be a proper sentence." (Regina vs Afzal 1989)

In this case a sentence of seven and a half years was reduced to six years. There was not, however, an expectation of a reduction in sentence just because the offender was an informer. Reductions had to be related to index offences. In Regina vs Preston and McAlery, Mr Justice Farquharlarson in the Court of Appeal, delivering the judgement of the court
said: "What the courts should not take into account therefore as a result of this judgement is evidence of information given by an accused person which does not relate to the crime of which he now stands. The proper course to be taken was that where information is given by an accused person which does not relate to the crime of which he is charged then that is a matter which the authorities can properly take into account, but it is a matter for the court to consider in mitigation of the sentence passed."

In spite of these legal judgements little is known about murky world where accusation and counter accusation commonplace, and where mistrust and deceit are the tools of the trade. The informer system is an under-research area and obtaining data is difficult. On the one hand police have an understandable reluctance to talk openly about informers, as do the informers themselves. On other some drug dealers in our research claimed to informers when they were not, or claimed not to be when they were. And some claimed to be giving false information but were accepted as informers nonetheless. Almost all drug dealers with whom we spoke said they knew identity of the informers, but that may not have been correct either. The only certainty if we may echo the views of John Grieve, is that the drug scene is imbued with treachery. He says this as a practising policeman with long expertise of handling informers, and adds that there are more informers in the drug field, in aggregate and proportionate terms than in any other area of crime.

Definitions and Types of Informers

Dorn et al (see references) use a definition of informers derived from the US Drug Enforcement Agency as "any non law enforcement person... who supplies information about criminal activities to a police officer". Dorn et al suggests that the use of informers seems set to increase given the changing nature of the drug scene, where dealers and user positions tend to be more fluid. John Grieve, following Lord Justice Lane above (Regina vs Rankine), sees informers as of two types: the public spirited, whose motivation is often based on the view that s/he is acting as if s/he was the police officer, or who may simply act out of malice. The second type, usually the paid informant, has more complex motives but who is closely associated with the crime about which s/he provides the information. In contrast Dunningham does not mention the public spirited group, but divides the professional informers as being either the supergrass type—i.e. having been arrested then becomes willing to give information against others in return for a lighter sentence, and the regular informer who gives information about crimes, usually in return for a fee.

Dunningham provides one of the few pieces of information on the informers themselves. In
a survey of detectives and their informers in one police force area he found that the typical informer was male, under the age of 30, unemployed, and with previous convictions (also incidentally the typical criminal). And to confirm the comments made above by John Grieve, Dunningham also noted that about 30 per cent of all informers will be drug users who will inform on a wide variety of crimes other than on drug use.

What seems clear from our own data is that the financial inducements to become an informer are poor. Something else must drive them along. In Nottingham there is a local Community Action Trust which aims to assist the police in solving drug related crime. It can agree relatively large payouts, perhaps up to £5,000, but that is rare. Such payments anyway are only made after a successful conviction, and the informer must wait for, and presumably hope for the conviction to be speedily obtained. Mostly payments come from the Police Central Fund which is awarded by the police authority and amounts to about £40,000 a year. It is for the whole force and for all crimes.

The usually payments to informers, drugs or otherwise is £40.

Given the absence of major financial incentives what then motivates these offenders to inform? There are a number of possibilities for the drug informer: revenge, pressure from police, an active enjoyment of the role, the associated power that comes from being an informer, fear and the possibility of eliminating competition, or a wish to be given a more lenient sentence when the inevitable happens. There are probably as many motives as there are informers. The evidence from elsewhere suggests that drug informers are mainly concerned with eliminating the opposition. Our Nottingham data suggests a rather broader picture where two motives dominate: the wish to be treated more leniently in prosecution, and the advantages to be gained from the so called ‘licence to deal’. Other motives were less common, but they were there nonetheless. Perhaps our data is very situation specific as all the major Nottingham dealers had relationships. It was also thought that the demand for drugs was sufficiently great to provide room for all existing dealers. Rivalry and competition were not therefore as fierce in Nottingham as perhaps elsewhere.

Informers as offenders

All the evidence suggests the best informers are involved in the crimes about which they inform. This is so whether they inform on bank robbery or drug dealing. The most useful informer is a
participating informer described by John Grieve as one, "who’s role goes beyond mere
observation and reporting and who’s activities are recorded and controlled by the police so he
may be subsequently be professionally or legally assessed". In Nottingham drug informers, in
common with other informers were allowed to participate in crime providing they take a minor
role. But how minor is minor? Does it include illegal possession and supply? Presumably so.
Yet as one police officer said: "I know informers I've dealt with who have got away with too
much. If I catch them they'll get themselves nicked. People will try to use you and drug dealers
are difficult to control."

Informers, or rather suspected informers, were viewed with a mixture of resentment by other
dealers and sometimes resentment by members of the public. It was thought by some dealers
that informers were planted by higher level dealers to learn of possible police operations,
thereby giving those higher level dealers an unfair advantage. But equally alarming is the way
other dealers exploit the informer. In Nottingham we found that some dealers were operating
from an informer's house believing that they were able to capitalise on the informer's perceived
police immunity. We are convinced this type of protected dealing created one of the busiest
crack houses in Nottingham much to the dismay of the local residents.

Or to draw on the case of another crack house which ran openly for a long period. From this the
police were doubtless able to gather much information. But the disadvantage was that an active
crack house operated unimpeded in a residential area. It is not just the disruption and open
threats to local residents by the drug dealers that was the problem but that crack use increased
locally and generally during that period. Some residents felt justified in questioning whether
crack use in Nottingham would have become so established were it not for the actions of the
drug squad in cultivating informers. We think this leads to an important question. To what extent
is the size of the drug problem directly attributable to the actions of the police whose task it is to
reduce it? Our data suggests this question needs to be asked often, for we suspect the answer
is that policing by the use of informers can, and often does make it worse. Informers are
resented but also pitied. They are seen to be used by everyone. The police are often accused of
dropping these informers but justify this on the grounds that every informant is only as good as
the last bit of information, and no informer can be expected to be protected forever.