

Some problems of cooperation of police officers with informants¹

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Introduction

Information coming from informants is of high value because it often contributes to solving the key issues in an investigation by definitively simplifying investigative and evidential proceedings. It has not only a prophylactic and organizational dimension, but also an economic one².

This method is also very effective in the fight against ordinary delinquency. This is why it is commonly used by all police forces in the world at various levels of operational work, from reconnaissance, through investigation, and leading to prevention³. Its use can bring excellent results. However, it requires good organizational work, precise control and detailed clearing accounts with particular persons who were charged with these tasks⁴.

¹ The notion “informants” is used alternatively with the notion “personal sources of informations” and includes all categories of sources cooperating with the Police.

² M. Kolejwa, *Poufne osobowe źródła informacji w badaniach kryminalistycznych*, [in:] idem (ed.), *Poufne osobowe źródła informacji w rozpoznaniu, inwigilacji i wykrywaniu sprawców przestępstw kryminalnych. Materiały z konferencji naukowej Warszawa 26–27 września 1983 r.*, Warszawa 1984, p. 34.

³ Ibid., p. 44.

⁴ Ibid., p. 36.

In Poland, it has been noticed that there is a necessity for increased effectiveness of police operational and reconnaissance procedures by the reconstruction of an existing reconnaissance system. It is, first of all, necessary to create an efficiently working agentive ring in criminogenic circles⁵. After all, without using informants, it is hard to imagine the carrying out of operational procedures in an effective way, especially against organized crime groups⁶.

Until quite recently police cooperation with persons who were not police officers⁷ was in Poland a subject which was not thoroughly analyzed, considering the lack of legal solutions and an assumption that this cooperation is included in the area of operational procedure, which is, in fact, confidential⁸. It seems nowadays that on account of the fact that this matter is becoming more and more open, this manner of its perception has outlived its usefulness.

The changes in legal status which took place in Poland after 1989 caused serious difficulties in the area of using informants' help, actually restricting it to informants' motivation connected with material profits or their wicked motives. Due to economic reasons it constantly faces serious difficulties. It is often hampered by improper rules by using operational reserve funds⁹ by high-ranking police decision makers. Accord-

⁵ T. Hanausek, *Kryminalistyka w Polsce przełomu wieków*, Problemy Kryminalistyki 2001, No. 232, p. 6.

⁶ A. Szumski, *Wykorzystanie taktyki i techniki kryminalistycznej w ramach czynności operacyjno-rozpoznawczych*, Wrocław 2010, p. 304.

⁷ In the range of operational-reconnaissance actions conducted by the police, it can with some limitations result from Art. 19 para. 1 Police Act (uniform text Journal of Laws 2011 No. 287, item 1687 as amended), collect confidential information, gather it, check and process it. Most importantly, from the point of view of the discussed topic is Art. 22, the above-mentioned Act, which states that the police, while carrying out their tasks can use the help of persons who are not policemen. For such help these persons can be paid from police operational funds. The rules for creating and managing this fund according to Art. 22 para. 3 the above-mentioned Act, are defined by the Minister of Internal Affairs.

⁸ A. Bulsiewicz, *Problematyka osoby zaufanej na tle obowiązującego ustawodawstwa oraz projektowanych zmian w Polsce*, [in:] H.J. Hirsch et al. (ed.), *Prawo karne i proces karny wobec nowych form i technik przestępczości*, Białystok 1997, p. 457.

⁹ The use of this fund is regulated by *Zarządzenie nr pf-1/05 MSWiA z dnia 10.01.2005 r. w sprawie zasad tworzenia i gospodarowania funduszem operacyjnym Policji*, unpublished; and *Wytyczne nr 2 pf KGP z dnia 13.10.2008 r. w sprawie stosowania*

ing to T. Hanausek, the factors which have definitely weakened, if not eradicated, the possibility of using this medium widely, in order to examine criminogenic circles were also agents' abuses in political cases, and the institution of lustration which was provided to eliminate the consequences of these abuses¹⁰.

Over the last 25 years, a lot of new problems have appeared, connected with the realisation of operational — reconnaissance procedures which should be quickly solved. Yet, the current attitude of decision — makers towards them is that they try not to notice them. It only strengthens a noticeable decrease in the effectiveness of the police in this area¹¹. These problems concern mainly cooperation with informants and have already been mentioned by Z. Rau. They are, among others, as follows:

— possession of objects by informants, during carrying out the tasks, that could be evidence of a crime, for example drugs, weapons, counterfeit banknotes and documents;

— the problem of a so-called a participating informant and a so called control purchase;

— revealing official and state secrets during the operation to informants;

— using aggravating materials during recruitment of informants¹².

Some of these problems were to be solved by an operational-reconnaissance act of Parliament. However, the time that has passed since a draft of the act was submitted to Parliament and the numerous problems which emerged during preparatory work on it, do not give grounds for optimism as for a quick coming into force of the regulations included in the Act.

przepisów dotyczących gospodarowania funduszem operacyjnym Policji w zakresie kwalifikowania i dokumentowania niektórych wydatków operacyjnych, unpublished.

¹⁰ T. Hanausek, op. cit., p. 6.

¹¹ <http://www.polityka.pl/tygodnikpolityka/kraj/1507204,1,tajna-instrukcja-przeciw-policji.read>; access 25.02.2014 r. and http://www.wiadomosci24.pl/artykul/ile_zarabia_policyjny_informator_a_co_traci_swiatek_koronny_266501.html, access: 24.02.2014.

¹² More detailed in Z. Rau, *Czynności operacyjno-rozpoznawcze w polskim systemie prawa — działania w kierunku uniwersalnej ustawy*, [in:] L. Paprzycki, Z. Rau (ed.), *Praktyczne elementy zwalczania przestępczości zorganizowanej i terroryzmu. Nowoczesne technologie i praca operacyjna*, Warszawa 2009, pp. 729–730.

In the debate about operational-reconnaissance procedures it is ignored, for many reasons, the existence of various other problems which result from practice and which have a significant influence on the effectiveness of cooperation with informants. The purpose of this study is their presentation and to also show solutions. It seems to be absolutely necessary because, over the last few years, a collapse in this area has been noticeable, which is confirmed by Z. Rau, according to whom “for many different reasons there are fewer and fewer informants and the quality of information confidentially collected is decreasing”¹³.

The aspects of improprieties

After 1989 a significant crime wave was reported¹⁴. For this reason police officers had much less time to cooperate with informants, as they were involved with their current duties. A noticeable collapse of an agentive ring was hidden by experienced police officers in different ways. Despite this, they could not completely conceal the existing problem. Several years from the date when the political system in Poland was transformed, in 2006, before a period of increasing resignations from the police force by experienced officers, a wide range of inspections were held in all Poland’s administrative regions. They were to check the status of improvement work in the police, taken in order to increase the effectiveness of operational work. During inspections the following aspects of incorrectness were found:

- a lack of cooperation between operational officers and their collaborators;
- a lack of analysis of the placement of informants in criminal circles and areas of threat in accordance with a map of crime threats;
- a lack of evaluation of collaborators concerning their credibility and effectiveness.

¹³ Z. Rau, Interview for the TV channel TVN in the program *Czarno na białym* emitted on 9.04.2013, http://www.tvn24.pl/wideo/z-anteny/ryzykowna-gra,724856.html?playlist_id=17209, access: 8.05.2014.

¹⁴ See J. Warylewski, *Wymiar sprawiedliwości karnej w Polsce — diagnoza statystyczno-kryminologiczna wybranych aspektów*, [in:] *Między nauką a praktyką prawa karnego. Księga Jubileuszowa Profesora Lecha Gardockiego*, Warszawa 2014, pp. 336–346.

The causes of these aspects of improprieties according to inspectors from the Ministry of Internal Affairs and Administration were: the insufficient commitment of police officers carrying out their duties, a lack of expressing agreement to cooperate with the police, unrealistic plans of some units and a lack of sufficient control from the Provincial Police Headquarters. The responsibility, as far as control is concerned, belongs to chiefs of units or the heads of criminal departments in the District Headquarters of Police. The direct realisation is a matter of responsibility of the police officers who carry out the above-mentioned tasks¹⁵. Similar aspects of improprieties were also pointed out in the results regarding control of the effectiveness of cooperation with informants during a reconnaissance of pseudo-fans groups which was held in 2008¹⁶.

A lot of improprieties connected with informants has been indicated in reports from control operations and they are as follows:

1. no further use of information included in informative reports,
2. insufficient range of instructions from superiors and police officers regarding the regulations of operational work,
3. the incorrect fulfilment of operational work control by official superiors,
4. building a structure of fund expenditure based on paying, first of all, persons anonymously giving information,
5. a lack of documents showing methods of using information coming from informants and steps taken in connection with use of information,
6. keeping documentation in a way which makes it impossible to trace which case the information collected during operational work with informants was used, and what result it brought,
7. paying informants for information about wanted persons, confirming their presence in a place of accommodation and for information with a wide range of generality reflecting common knowledge¹⁷.

¹⁵ *The report from a control in the Ministry of Internal Affairs and Administration in 2006, p. 37. All the reports can be found on website: bip.msw.gov.pl — on website bookmark Kontrolę.*

¹⁶ *The report of the MSWiA from 2008, p. 61.*

¹⁷ The above-mentioned list of improprieties was based on reports from a control in the Ministry of Internal Affairs and Administration in 2006, 2008, 2009, 2010, 2012.

The presented results of the control even indicate the possibility of criminal activity. Confirmation of it can be for instance, first paying all persons giving information (often anonymous ones). This category of sources is not registered¹⁸ so checking if delivered acknowledgement of receipt of payment was signed by informants is very difficult.

The causes of problems

The causes of problems connected with cooperation with informants vary greatly. They result from the fact that, contrary to the situation before 1989, the recruitment of informants by police officers is directed in most cases to fulfil statistical requirements. Thus, one of the basic tasks is increasing numbers of gained collaborators because police officers are evaluated for the number of sources and amount of information. That is why police workers are not especially interested in the effectiveness and credibility of this operational tool. The most appreciated sources are those who have possible access to various social groups. The common habit of action taken by the police results in a situation whereby priorities and tasks assigned to informants are often changed. In these cases an informant does not have to be recruited again to carry out new tasks. It is enough to include in his description a relatively wide accessibility. In practice, some of these sources are so called “dead souls”¹⁹. It results, among others, from a lack of systematic and detailed control of work of operational officers by their direct superiors²⁰ and also their incompetence. This also caused by interrupting rules of cooperation

¹⁸ More details on the subject of informants in E. Gruza, M. Goc, J. Moszczyński, *Kryminalistyka — czyli rzecz o metodach śledczych*, Warszawa 2008, pp. 66–67; and R. Netczuk, *Tajny współpracownik policji na tle prawnoporównawczym*, Katowice 2006, pp. 111–113.

¹⁹ <http://www.przeglad-tygodnik.pl/pl/artykul/gliniarze-uchole>, access: 5.02.2014.

²⁰ K. Horosiewicz, *Nadzór przełożonych nad współpracą policjantów z osobowymi źródłami informacji*, *Przegląd Policynjny* 2013, No. 3, p. 247.

with informants elaborated for years²¹ which was rightly pointed out by R. Jaworski²².

The registration of “fictitious” sources is possible as a commitment to cooperation and acknowledgement of receipt of payment by informants, which can be signed using one’s initials or a pseudonym written in capital letters. Currently, informants give practically no materials in writing in the form of a life-story, a list of family members and acquaintances or, most of all, denunciations written by themselves²³. The commitments to cooperation have a form of a special declaration only signed by the source. The usefulness of graphology to find a person who appended such a signature is then, unfortunately, not significant. Maybe it is just these circumstances which influenced the introduction of an obligation for an accompanying policeman to participate during a meeting with an informant. The attempts to “cheat the system” by police officers often are not possible to be detected by a bureaucratic system²⁴ because of the lack of current verification by other sources placed in a particular criminal group. Apart from this, too little involvement of officers from the Bureau of Internal Affairs of the Central Headquarters of Police in relation to this trade is being noticed. They take steps only when they are informed by colleagues of officers who are engaged in such corrupt practices. If such steps are taken, then some reservations appear to impair their profession-

²¹ Cf. P. Skubisz, *Falszerstwa dokumentacji operacyjnej popełnione przez funkcjonariuszy Urzędu Bezpieczeństwa i Służby Bezpieczeństwa*, [in:] F. Musiał (ed.), *Osobowe środki pracy operacyjnej — zagadnienia źródłoznawcze*, Kraków 2013, pp. 191–217.

²² R. Jaworski, *Aktualne zagadnienia informacji i dowodów pochodzących ze źródeł osobowych*, [in:] V. Kwiatkowska-Darul (ed.), *Czynności procesowo-kryminalistyczne w polskich procedurach*, Toruń 2004, pp. 129–130.

²³ Cf. F. Musiał, *Podręcznik bezpieczeństwa. Teoria pracy operacyjnej Służby Bezpieczeństwa w świetle wydawnictw resortowych Ministerstwa Spraw Wewnętrznych PRL (1970–1989)*, Kraków 2007, p. 114.

²⁴ See *Zarządzenie nr pf-1248 Komendanta Głównego Policji z 21 listopada 2005 r. w sprawie koordynacji wykorzystywania możliwości operacyjnych osobowych źródeł informacji*, unpublished.

alism²⁵. Revealing possible incorrectness connected with cooperation with informants is rather rare and accidental²⁶.

The conformation of a “statistical” approach to this operational method are informal demands articulated by superior officers from the Central and Provincial Headquarters of Police. They expect every operational officer to handle at least two informants and one collaborator (so-called system 2 + 1). Sometimes this number is even overestimated by overzealous direct superiors. These expectations do not completely match the current realities of operational work in local units of police where the number of informants should result exclusively from virtual needs of currently led operational cases. Such requirements destroy the creativity of operational police officers. Also, the question emerges of whether people who articulate these demands have any experience in working in local units. To satisfy these unrealistic expectations, informants can be qualified higher in the hierarchy by policemen from provincial police headquarters than their virtual abilities really are. It creates the delusive conviction among their superiors that criminal groups are filled with informants. The rank of a source in the hierarchy of informants²⁷ does not decide, however, about the value of given information, and this way of thinking is unfortunately characteristic of many police decision-makers. Thus, the rational stipulation is to connect categories of informants with a category of a unit, because it is a crucial requisite of the possibility of its management. It is difficult to imagine the guidance of a collaborator by policemen from a precinct. Also, an informal requirement to meet an informant every month does not match the realities of terrain work. It should result from the needs of procedures and steps taken in their area. It was already pointed out 30 years ago by the Deputy of Chief of Police at that time, General J. Gruba: “It is necessary to stop the scheme of monthly meetings. Yes, they are indispensable but concentration on them seems to be old-fashioned. It is statistical cooperation which does not bring satisfactory results. The received information

²⁵ http://wiadomosci.gazeta.pl/wiadomosci/1,114871,12094058,Okradali_policyjny_fundusz_Dlaczego_zginal_policyjny.html, access: 5.02.2014.

²⁶ http://wiadomosci.gazeta.pl/wiadomosci/1,114871,12094058,Okradali_policyjny_fundusz_Dlaczego_zginal_policyjny.html, access: 5.02.2014.

²⁷ See E. Gruza, M. Goc, J. Moszczyński, op. cit., p. 67.

is generally late”²⁸. Further causes of problems in cooperation with informants should be found in the unwillingness to start such cooperation for fear of being unmasked. Sometimes the motivation of people initiating cooperation is not recognised, and this is the consequence of wrong selection and elaboration of a candidate, which causes that recruitment is not properly done. What is more, a principle superior in the past of the protection of the source of information is not always used. It was obeyed even at the cost of the discontinuation of initial procedures, due to a culprit’s non-detection. At present, the willingness to immediately arrest a suspect pointed out by an informant prevails, even if he is threatened with being unmasked and consequently risks his life and health²⁹. Operational officers are also involved in strict lawsuit proceedings and even preventative ones. On the one hand, it results in their unmasking before persons under operational interest. On the other hand, in wanting to fulfil the above-mentioned requirements, because of a lack of time, they are sometimes forced to “take a short cut” as concerns the recruitment and cooperation with informants.

The causes of the problems connected with cooperation of policemen with informants should also be found in the lack of proper theoretical preparation of police officers³⁰. The direct result of this is, in many cases, their helplessness during the recruitment of informants. It often collides with unrealistic expectations of their superiors who do not take into consideration the numerous restrictions that result from the duty of policemen, for instance in precincts. It forces them to report information gained in the line of duty as gained from an informant. Sometimes they create fictitious sources, to whom they attribute collected information, claiming that for such a low payment they will not be able to recruit a valuable source. It can result in a willingness amongst some policemen to compensate for their efforts which were put into keeping such a practically unproductive source, for example, via collecting undue money from an operational fund. The existence of such a problem is confirmed by empirical surveys carried out among operational officers. They dem-

²⁸ J. Gruba, *Podstawowe problemy pracy z poufnymi osobowymi źródłami informacji*, [in:] M. Kolejwa (ed.), op. cit., p. 192.

²⁹ Cf. R. Netczuk, op. cit., pp. 86–87.

³⁰ This topic will be presented more widely in a separate study.

onstrate that one of the basic problems appearing in operational work is mutual mistrust among both the people using an operational fund and the ones who control them³¹.

Maintaining the “fiction” concerning the number of informants is possible when mutual deals appear between superiors and their subordinates. The controls from the superior institutions are almost always formal and rarely concentrate on checking the existence of the documentation confirming cooperation without verifying if it really works³². Subsequently, K. Horosiewicz points out that controls, in the course of which it was checked whether the control meetings of the superiors with an informant were held, which were to confirm virtual cooperation of policemen with an informant, showed that in most cases this duty was neglected³³.

It seems that strict compliance with the regulations defining cooperation with informants and the virtual and thorough verification of their abilities, both by immediate superiors and controllers from superior institutions could lead to questions about the usefulness of cooperation with many of them. It would result, however, in a diminishing of the general number of informants run in particular units, which in turn would decrease the evaluation of work of the heads of criminal departments and chiefs of local police units and would influence their further professional careers.

While presenting the problems connected with cooperation with policemen with informants it cannot be forgotten that leading operational procedures means constant contact with social circles characterized by a low level of morality. Carrying out the assigned tasks effectively requires from officers the adoption of a method and way of thinking of these people against whom the operational procedures are conducted. Sometimes, due to the lack of proper technical implementation or the lack of a sufficiently high amount of money to recruit collaborators, they are forced to use an ambiguous method (from a moral point of view)³⁴. Regular contacts with persons from the criminal underworld are significant threats to policemen. Sometimes they begin to tolerate acts which

³¹ Z. Rau, *op. cit.*, p. 722.

³² Cf. K. Horosiewicz, *op. cit.*, pp. 241–242.

³³ See *Ibid.*, p. 246.

³⁴ R. Netczuk, *op. cit.*, p. 143.

are against the law if they lead to an achievement of the results beneficial from the point of view of aims of a particular operation. The acceptance of such behavior can lead to a gradual adoption of system of values represented by informants. In such cases officers themselves often become prone to a proposal of cooperation made by an informant³⁵. Creating erroneous documentation concerning cooperation with informants by dishonest policemen who partly cooperate with a criminal group can also be caused by the desire to protect these sources from the actions of other policemen from an operational department, or the controls taken by the officers from the Bureau of Internal Affairs of the Central Headquarters of Police. For this it can be used, for example, a coordinating reservation of a particular person³⁶. Then every piece of information about checks and interest coming from other policemen from other units is sent to a leading officer. It is possible to create even a fictitious informant in order to register meetings with a person who corrupts or blackmails the policeman³⁷. The registered cooperation with informants can be a good undercover way to give information to a criminal group.

The problem with an informant can also be caused by a significant generation change in this unit. According to Z. Rau: "If now in the Criminal Department in the District or Regional Headquarters in Warsaw the oldest policeman has completed five years of duty and the majority of others are officers who have completed 2–3 years of duty, it is clear that they cannot gain experience from anyone"³⁸. It is nothing new that in the work of an operational officer his experience plays a key role, and the process of training of operational workers is scheduled for years. It is also influenced by frequent staff turnover in the police³⁹ including the manag-

³⁵ Ibid., p. 177.

³⁶ See *Decyzja nr 125 Komendanta Głównego Policji z dnia 5 kwietnia 2013 r. w sprawie funkcjonowania Krajowego Systemu Informacyjnego Policji, Dz. Urz. KGP 2013, Poz. 28, § 92, 93.*

³⁷ Cf. R. Jaworski, op. cit., p. 130.

³⁸ Z. Rau, Interview for TV channel TVN in the program *Czarno na białym* emitted on 9.04.2013, http://tvn24.pl/wideo/z-anteny/ryzykowna-gra,724856.html?playlist_id=17209 (access: 8.05.2014).

³⁹ <http://www.polityka.pl/tygodnikpolityka/kraj/1524223,1,wielkie-zmiany-w-ki-erownictwie-policji.read?backTo=http://www.polityka.pl/tygodnikpolityka/kraj/1587501,1,pozegnanie-policjanta-despero.read>, access 13.08.2014.

ing staff of criminal departments. It means the supervision of cooperation with informants often has the mock character or even a conservative one⁴⁰. Also, officers are not properly instructed in many cases by their superiors as concerns such cooperation. It is confirmed by the results from ministerial controls in which the wrong interpretation is pointed out, little knowledge, or even a lack of knowledge of the regulations by those responsible for the proper control of operational work as a whole. It was also evidenced by a lack of control by superiors at a middle level of criminal department as regarding the compliance with regulations concerning operational work⁴¹.

The control of credibility of information

The credibility of information collected from an informant should firstly be checked with the help of a so-called parallel network, meaning that informants — one or a few — come from the same social circle of those carrying out the same or very similar tasks. Comparing the information, it should be checked if it is concurrent, so that it corresponds with reality. Supplementary activities can be, among others, an observation by operational officers⁴². In this way, an informant's credibility was evaluated (honest and gives all the information in his/her possession)⁴³. Before 1989 control meetings with the participation of a superior of a leading officer were relatively rare⁴⁴. It resulted from an existing system of internal control which guaranteed the possibility of a thorough verification of operational procedures. The system of work evidence of informants im-

⁴⁰ K. Horosiewicz, op. cit., pp. 246–247.

⁴¹ It concerns first of all *Zarządzenia nr pf-634 KGP z dnia 30.06.2006 r. w sprawie metod i form wykonywania przez Policję czynności operacyjno- rozpoznawczych*, unpublished; *Zarządzenie nr pf-1292/08 KGP z dnia 19.12.2008 r. zmieniające zarządzenie w sprawie metod i form wykonywania przez Policję czynności operacyjno- rozpoznawczych*, unpublished; *Zarządzenie nr pf-671/11 KGP z dnia 7.06.2011 r. zmieniające zarządzenie w sprawie metod i form wykonywania przez Policję czynności operacyjno- rozpoznawczych*, unpublished.

⁴² R. Netczuk, op. cit., p. 88.

⁴³ E. Pietrzyk, *Wykorzystanie materiałów kompromitujących w pracy operacyjnej z osobowymi źródłami informacji*, [in:] F. Musiał (ed.), op. cit., p. 152.

⁴⁴ R. Netczuk, op. cit., p. 88.

posed then an obligation for the thorough characterisation of sources and the circumstances of collecting information. The superiors had almost total control over the methods used whilst carrying out assigned tasks⁴⁵. Unfortunately these days, the system of control over informants' work by superiors, fails, even though it has been improving for years⁴⁶. Their controls are mostly formal. The workers are not required in principle, to work out extensively the source of information⁴⁷. One of the basic rules which a proper control of superiors fulfils over the work with informants is protecting themselves from falsifying documentation by rank and file police officers⁴⁸. It is very rare when, according to the rule of selection, for the recruitment of one source at least, for candidates being chosen and worked out simultaneously, and the most suitable source is being recruited from them.

The accompanying policeman

The changes in internal control concerning the correctness of cooperation with informants by the introduction of the institution of an accompanying policeman⁴⁹ have never reached any essential justification accessible for all policemen working in operational departments. It is difficult to treat seriously a slogan repeated by superiors that it is necessary to increase officers' safety during cooperation. This is confirmed by the fact that for many years any consultations while presenting new ideas for new operational regulations have had a fake character. The opinions of either operational officers working in district units or police instructors are not taken into account by their superiors. Such consultations are only for the sake of appearances, to introduce their own, unfortunately often unpolished ideas. A good example of this is just the institution of the accompanying policeman. This institution was probably taken from

⁴⁵ Ibid., pp. 105–107.

⁴⁶ See K. Horosiewicz, op. cit., pp. 246–247.

⁴⁷ See F. Musiał (ed.), *Typowanie, opracowanie, pozyskiwanie i praca z tajnymi współpracownikami. Dwie analizy Stanisława Walacha z lat 1972–1974*, [in:] F. Musiał (ed.), op. cit., p. 421.

⁴⁸ Cf. F. Musiał, *Podręcznik bezpieczeństwa...*, Kraków 2007, p. 138.

⁴⁹ K. Horosiewicz, op. cit., p. 245.

the regulations of the operational work of the secret service. It was not, however, adopted to the specific operational work of the Polish police. It is sometimes obeyed only formally, for example, when in the documentation from a meeting there is a note concerning the participation of a policeman who, in fact, was not present in this meeting. On the other hand, the frequent lack of one permanent accompanying policeman during a meeting with an informant, which, in a superior's opinion is connected with a difficult staff situation, can result in the identity of the source to be known by most of the officers from the operational department of a particular police unit. It can threaten the informant being unmasked within a criminal group and can lead to his resignation from further cooperation due to a lack of confidence, as a result of the constantly changing officers participating in meetings. In this way the significance of the institution of the accompanying policeman is being distorted and it seemed to guarantee, firstly, the continuation of cooperation with informants, in case a leading policeman was absent.

Conclusion

At present the Polish police force faces the necessity of a significant increase in effectiveness of informants, especially taking into consideration the fundamental changes in criminal law procedures. It can definitely simplify the detection and evidential process. To make it happen it needs to diagnose an existing system of this cooperation and to draw proper conclusions. As demonstrated in this study the changes, both in the existing regulations and those ones connected with current problems, are needed.

The existing regulations of legal status of a secret collaborator arouse a lot of doctrinal doubts as for an appropriate level of control of actions based on using a ruse and intensity of interference in the right to privacy. But excessive formalism in operational work is not always advisable because, in reality, the information and the way it is used is the most important. Nevertheless, some rigours must be scrupulously obeyed, especially when it concerns cooperation with informants. It is necessary both to enforce effectively knowledge of standing procedures and their use by

officers and to resign from looking at this cooperation with informants only from a statistical point of view. Such an approach only causes the significant decrease in effectiveness of the police in this area.

During the recruiting and cooperation with informants, the basic criterion which needs to be considered by policemen should be usefulness but not statistical aspects and the assigned number of sources of a specified category. The number of informants is not important but their effectiveness is, so first of all, the credibility of giving information, contrary to the views of many current police decision makers, recruitment of a valuable informant should be treated as a complicated and long-lasting process, which requires high skills of operational workers and a huge expenditure of work. The help and control of superiors is indispensable even during the stage of planning, selection, , and finally during working out the tactics of recruitment. Unfortunately, both of these elements often do not exist.

Summary

The use of information collected by police officers from informants can bring excellent results. However, it requires good organizational work and precise control. In Poland a collapse in this area has been noticed. Thus, not only is it necessary to change the regulations, but also to solve numerous problems that appear in practice and which are the main subjects of this study.

Keywords: informant, information, police.