Book Review

Natapoff, Alexandra (2009) *Snitching: Criminal Informants and the Erosion of American Justice*. New York: New York University Press

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Surveillance scholars have in general displayed a preoccupation with technological means of surveillance, with the result that studies of human surveillance remain thin on the ground. One of the many achievements of legal scholar Alexandra Natapoff's study of criminal informants within the American criminal justice system is to alert us to the continued significance of human surveillance, and to the hefty consequences that can attend its deployment. Natapoff's study commences with the empirical observation that the use of informants in America – the practice of snitching – is rapidly expanding. The central paradox of informant use is confronted at the outset. Natapoff concedes that informants can be 'uniquely productive helpmates of government' (p.2) through their infiltration of terrorist organizations, gangs, corporations and other organizations otherwise impermeable to law enforcement. Nevertheless, the engagement of criminal informants foregrounds numerous insidious characteristics of the American criminal justice system. It is unregulated and hidden from public scrutiny, it invites inaccuracy, crime and corruption, and, an issue of particular concern to the author, it inflicts particular harms on vulnerable individuals including racial minorities, those suffering from substance abuse problems, the poor and the mentally ill.

This conundrum remains a tension throughout the book. At the end of chapter one it is noted again that 'informant use inflicts significant wounds on the integrity of the criminal process, even as it contributes to the law enforcement project in unique and sometimes powerful ways' (p.44). While possible benefits are acknowledged, the remainder of the book, as the sub-title would suggest, is largely dedicated to the deleterious impacts of criminal informant use as currently practiced in the US. Unsurprisingly for a legal scholar, the study commences with an examination of what is termed 'informant law.' The legal rules of snitching are not only vague, but are also used by law enforcement bodies to exempt them from the usual rules governing investigative techniques. The section of this chapter that deals with the use of informants as investigative tools should be of considerable interest to surveillance scholars. Natapoff demonstrates how the convergence of informants and new technologies has led to more powerful and intrusive forms of police surveillance that bypass legal requirements for obtaining warrants (pp.55-57).

Chapter three deals with the risks that accrue within the criminal justice system from the use of snitches. Those who are innocent may plead guilty, while unreliable informants play a dubious role in shaping police decisions about what is worth investigation, and who should be arrested and charged. Chapter four argues that the use of criminal informants has a wider chilling effect on the criminal justice system. It creates, Natapoff argues, a 'clandestine culture' whereby the American criminal justice system is moving towards making cases, dockets and practices secret, largely under the guise of protecting informants and maintaining the integrity of investigations. In the process public transparency is comprised.

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Snitching reaches something of a crescendo in chapter five, where many of the themes earlier sketched coalesce in a discussion of the impact of criminal informants within marginalized and impoverished urban communities. The practice of snitching is situated against a larger, and for many scholars depressingly familiar, context of the disproportionate engagement of the US criminal justice system with young black males. The widespread use of informants involved in the street level drug trade as part of the 'war on drugs' has led to such disadvantaged communities being saturated by a culture of snitching. This impacts upon communities in a number of ways. Natapoff astutely observes that it amplifies the very inequalities of which the practice is a part. As law enforcement engages informants from 'the hood' a racial focusing is produced that channels policing efforts back into these communities, as street-level snitches finger neighbours, friends and relatives. Empirical evidence cited suggests that search warrants are excessively issued against Blacks and Hispanics. These disadvantaged communities consequently suffer from an inequitable overexposure to the potentially injurious costs of snitching: false accusations, mistaken warrants, erroneous raids and wrongful convictions. Drawing upon the work of psychologist Tom Tyler, Natapoff suggests that this amplification of racialised policing has a corrosive impact on legitimacy and trust in the institutions of criminal justice. It is, she observes, a 'destructive lesson in civics that the law is for sale' (p.115). Informant use thus becomes a social policy in its own right, albeit a powerfully destructive one.

Natapoff then considers the 'stop snitching' campaign, which emerged from a DVD produced by Baltimore rapper Skinny Suge and the production of controversial t-shirts that propounded the 'stop snitching' message. Natapoff interprets the campaign as further evidence of the erosion of trust in criminal justice experienced in socially vulnerable communities. *Snitching*, acknowledging that informing occurs beyond marginalized communities, then considers the use of informants in a number of other contexts: white collar crime, organized crime, political surveillance and terrorism. Not content to simply document the social disorganization and injustice perpetuated by snitching practices, the final chapter offers normative proposals that return to the central conundrum of both the book and the use of criminal informants. Natapoff sensibly recognizes that the problems associated with snitching 'cannot be solved solely by changing legal rules' (p.175). Nevertheless, as a legal scholar, it is into the first-aid kit of law and regulation that Natapoff reaches in an effort to suture a haemorrhaging system. The recommendations are detailed, but include improved data collection and documentation, limits to the crimes for which cooperation can accumulate benefits, strengthening witness protection programs, limiting the use of vulnerable informants and creating an independent authority to dispense benefits to informants.

Snitching is not without flaws. Being based primarily on legal documents and newspaper reports, it is unable to achieve the proximity to the disorganized and chaotic street life with which it is centrally concerned attained by the work of ethnographic researchers such as Rosenfeld, Jacobs and Wright (2003). Moreover, Natapoff pays little attention to the potential of criminal informants to foster disorganization *within* law enforcement bodies that has been noted in several studies (Brodeur 1992; Norris & Dunnigham 2000). These criticisms aside, *Snitching* is an excellent, readable and well-argued study on a topic that remains under-examined. Natapoff is to be applauded, not only for documenting how injustices are perpetuated but for advancing possible strategies that may begin to mitigate them. Lastly, *Snitching* is a salient reminder to surveillance scholars of the continued importance of human surveillance and its potential effects.

References

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