

Informants in China's drug investigations: operational logic, practical challenges, and system reform

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Article

Keywords: Drug crime, Informants, Procedural justice, System optimisation, Comparative criminology, China–Canada comparison

Posted Date: September 24th, 2026

DOI: <https://doi.org/10.21203/rs.3.rs-8951590/v1>

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Additional Declarations: No competing interests reported.

Abstract

Chinese investigations into drug crime continue to rely on informants more and more, even though the rules to regulate drug trafficking remain unstructured and incomplete. This study analyzes informant use across 8,592 court judgments from 2017 to 2023, alongside 15 detailed case studies. We outline three operational logics that can be tied to China's informant system: moral compromise to address evidentiary gaps attributable to consensual crimes, methods of covert investigation that bypass statutory restrictions on search and surveillance, and procedural manipulation designed to increase deterrence in cases of holding up punishment. From empirical analysis, we see systematic problems: 34% of cases involve purpose deviation, as police use informants for false arrests rather than detecting real crime; 32% involve arbitrary recruitment, including through coercion and the exploitation of vulnerable individuals; and 62% of cases lack written documentation, while 78% lack real-time monitoring. Unlike the US and Canadian systems, China's governance of informants is based on internal police discretion while providing weaker procedural protections for defendants. We suggest country-level reforms that include the deployment of standardized recruitment procedures, multi-level monitoring (complex between procuratorial and judicial review), and balanced rights protection tailored to China's institutional capabilities. These implications extend what can be gleaned from the informant governance literature in non-Western areas of analysis and suggest pragmatic pathways to enhance anti-drug enforcement and alleviate legitimacy concerns.

Introduction

In 2014, China prioritized anti-drug enforcement as a national security goal (Clarke 2005; Broadhurst 2020). Since then, the nation has made significant progress. The number of terminal drug offenses fell by an impressive 42%, and police dismantled 138 transnational trafficking networks (Office of National Narcotics Control Commission 2023). Yet new challenges remain. Cases of new psychoactive substances (NPS) increased by 267% during 2017 to 2023, whilst precursor chemicals smuggling routes spread across 23 provinces (Office of National Narcotics Control Commission 2024; Pardo and Mattei 2022). Drug crime by region in China has clear territorial trends. The total number of national cases is 41% in the southwest border provinces, including transnational heroin and methamphetamine trafficking (Liu et al. 2012; Zhang and Chin 2003). Southern coastal areas account for 33 percent of that share, targeting synthetic drugs and precursor chemicals (Felbab-Brown 2022; Global Financial Integrity 2022; Global Initiative Against Transnational Organised Crime 2023). Meanwhile, 26% is in the inland provinces, and the consumption and distribution areas are local (Chen 2021). This geographical dispersion, together with changing trafficking techniques (Windle 2017; Hosford et al. 2023), suggests the need for dynamic investigative approaches.

Informants play a crucial role in addressing drug crime confidentiality. No victims are involved in voluntary transactions, as criminal networks utilize advanced anti-investigation techniques (Malm and Bichler 2017). The technical challenges of evidence collection present significant barriers. Globally, informants account for 60–80% of drug crime cases (Felbab-Brown 2022). In China, court rulings clearly

show that informants were involved in 66.28% of drug crimes—a much higher rate than in the US (52%) or Canada (47%) (Richman 2005; Roach 2020). However, China’s rules on informants are still inconsistent. The 2018 Criminal Procedure Law mentions ‘secret investigation’ in Articles 151–153, but does not establish clear standards. Internal police regulations (e.g., Public Security Informant Management Regulations 2014) offer operational guidance but lack statutory authority and public transparency (He 2016). This gap creates real challenges: 34% of cases involve purpose deviation, 32% involve arbitrary evidence recruitment, and 62% lack documented supervision. Recent judicial statistics from China’s Supreme People’s Court show that drug sentence severity is high, with 37,282 cases concluded in 2022 and 23.66% receiving five-year or longer sentences—about 15 percentage points higher than other criminal cases (Li 2023). Prosecutorial investigations using informants face serious procedural issues such as evidence contamination, entrapment disputes, and poor documentation (Feng and Li 2022). These enforcement patterns reflect China’s zero-tolerance drug policy but also reveal the tension between effective punishment and procedural fairness.

The fragmented regulation exacerbates these challenges. Even though the 2023 Kunming Conference Minutes tried to distinguish illegal ‘intent inducement’ and permissible ‘opportunity provision’, this is often vague and not standardized across jurisdictions (Fang 2024). Chinese legal scholars have found a lack of coherence between formal policy and operational practice as an important barrier to informant governance reform.

Gaps in the research and contributions

The current research has significant limitations. Most scholarship concentrates on normative legal analysis, small-scale case studies, or descriptive comparisons, often with little empirical support. Western literature emphasizes procedural justice paradigms (Tyler 2006; Jackson et al. 2012; Rawls 1971), but it rarely investigates non-Western contexts where pragmatic efficiency demands outweigh rights-based standards. Chinese empirical scholarship also overly relies on policy recommendations that are disconnected from actual practice data (Cheng and Lapto 2021).

Our research is important in three respects. First, we highlight three operational logics that structure informant use in China: moral compromise, covert means, and procedural deterrence, illustrating how systems that prioritize efficiency and rationality address informants in ways not reducible to Western rights-based perspectives. Second, we offer the first substantial empirical examination of Chinese informant practice, grounded in 8,592 court judgments with the supplement of qualitative comparative studies. Third, we suggest reforms tailored to institutional China, striking a balance between statutory standardization and implementation flexibility to cope with regional capacity gaps.

Theoretical framework

Core concept definition

Informants involved in drug crime investigations are said to be natural persons recruited by investigative organs to collect intelligence on drug crimes, penetrate crime networks, engage in controlled transactions, or deliver evidence. This definition does not include: anonymous whistleblowers (one-time tips without continued cooperation); undercover officers (formal law enforcement personnel); technical surveillance targets (passive subjects of surveillance).

Procedural justice in informant use means the fairness, transparency, and legitimacy of the entire process through which informers are recruited, used, supervised, and held accountable. Drawing from Rawls' (Rawls 1971) 'justice as fairness' and Tyler's (Tyler 2006) procedural justice theory, the idea is that while consequences might serve legitimate investigative purposes, the means also should respect due process and individual freedoms. Procedural justice in informant management comprises: clear recruitment rules, recorded supervision, defendant access to challenge the information of informants, and accountability for malfeasance.

Moral compromise is the voluntary acceptance of ethical or relational tensions for the sake of legitimate investigative purposes. Its acceptance of competing values in the use of informants is only warranted when: the investigative aim is real and proportionate, other less invasive methods are unavailable, and boundaries prevent abuse (Nagin 2013). This framework recognizes the significant ethical issues inherent in drug crime investigation that must be addressed (cooperation and drug activity in relation to informants, and by tolerating low-level crime to detect high-level crimes), provided legal safeguards remain in place to keep offenders accountable.

Rationales for the use of informants in China

Resolving the "loss" of due process with Moral compromise. The secrecy of drug crimes creates a 'due process gap', whereas property and violent forms of crime always involve clear physical evidence and victims; drug transactions are consensual and carried out in the shadows, with participants actively disguising their roles. Standard methods of investigation (interrogation, search, surveillance) are insufficient. Informants plug the gap through networks, but they come with ethical trade-offs in recruitment (moral compromise on personnel purity), tolerance for minor infractions (compromise on zero tolerance), and building trust relationships involving deceit (compromise on transparency).

Four seminal international cases demonstrate the limits of moral compromise associated with informant use and the development of due process principles.

United States v. Russell established the precedent regarding due process rights. In that instance, an informant was responsible not only for supplying Russell with the necessary chemicals to make methamphetamine but also for being complicit in the manufacturing. The US Supreme Court held that this was not entrapment, as the criminal intent of Russell already existed before the government came

in. The court passed the 'predisposition test': Government conduct breaches the constitutional limits only when it implants criminal intent into a person who happened to be innocent enough to avoid such violations. This case would legitimise widespread informant participation in operating criminal enterprises while still theoretically preventing the establishment of crime where crime would not otherwise exist.

United States v. Penn highlights ethical tensions in the recruitment of informants, especially among vulnerable populations. When Seattle police believed Penn was distributing heroin at a high school, they recruited a 17-year-old student (Jackson) to become an informant without parental notification or a lawyer's consultation. Because recruiting at the age of a minor without guardian consent is tantamount to violating due process, including targeting serious crimes, the Ninth Circuit ruled. This case established protection standards for vulnerable informants, confirming that investigative necessity may not trump fundamental rights protections for minors.

United States v. Simpson involved romantic relationships of informants to suspects. To collect evidence, the FBI recruited Informant Miller, a drug addict who had escaped charges against him in Canada, to befriend Simpson and engineer a romantic relationship. The court held that it's okay to use deception in investigations, but the use of intimate relationships crosses ethical lines. The decision also established the distinction between legitimate opportunity provision (providing suspects opportunities to commit pre-existing criminal intent) and impermissible manipulation (using emotional ties to induce conduct). We note here that, however voluntary, there are methods of manipulation that are not within the ethical bounds of moral compromise.

Akbay & Others v. Germany marked a watershed in the European regulation of informants. For 16 months, the husband of the first complainant, suspected of drug trafficking, was repeatedly seduced and manipulated in quantities using informants. The European Court of Human Rights found that the German authorities violated Article 6 (fair trial rights) if they did not put clear regulations in place for informer conduct and judicial oversight. The court highlighted the need for states not just prohibit entrapment; they must also set up positive safeguards such as written protocols, independent oversight, and access to information by the defendants to the information obtained from the informants. This case extended beyond barring egregious behavior and demanded systematic procedural protections.

These cases highlight the need for moral compromise with respect to informant use that should not run amok with: prohibition of generating non-existent criminal intent (*Russell*), protection of vulnerable groups (*Penn*), limitations on the means of manipulation (*Simpson*), and development of systematic oversight (*Akbay*). Chinese courts distinguish illegal entrapment (instigating non-existent criminal intent) and legitimate opportunity provision (facilitating the formation of an existing intention) according to the Kunming Minutes 2023. For instance, in the Zhang X case, the police contacted Zhang X, who had no prior substance use, using a phone-line informant, Lin X, who was a drug user. Lin X tried for 3 months with 47 calls before Zhang accepted a sale for 2 grams. The court determined that this amounted to

illegal entrapment on the following grounds: Zhang was not predisposed, the government initiated all contact, and the amount was minimal, indicating deviation from the target of the investigation.

International experience demonstrates recruitment dangers in the US (Weyman 2000; Mavrellis and Cassara 2022). Hervey, a college student who was 20 and whose licence had been revoked for failure to pay traffic offences, was recruited by Florida police to perform controlled buys in return for 'consideration'. The suspect shot and killed him as he was making his third purchase. The Hoffman case had much the same underlying cause: A 23-year-old, first-time drug offender who had been recruited for undercover purchases and killed during his fourth transaction. Both were followed by reforms in the U.S. with a focus on background checks, risk assessment, and documents of informed consent (Drug Enforcement Administration 2024). These tragedies highlight that recruiting inexperienced, vulnerable people without appropriate protection goes against both ethical principles and real-world safety principles.

Mitigating the “shortcomings” of statutory measures by secret means. China, under its Criminal Procedure Law, restricts standard investigative procedures to the very limits: Article 138 stipulates search warrants must be granted by procuratorial organs, Article 142 stipulates interrogation can take place in detention facilities, and Article 148 restricts the use of investigative surveillance to seven specific serious crimes with procuratorial approval through technical surveillance. Although the above-mentioned statutory safeguards (a few exceptions for civil and non-state activities) can preserve rights, they raise the problem of an inability to investigate drug cases due to the secretive nature of the crime, where most evidence is hidden in private places, suspects refuse to cooperate, and crime takes place relatively quickly. Informants offer stealthy alternatives, bypassing statutory limitations: The right to consents of private citizens to searches of their property means no warrant requirement, informants enter their private domains through social ties that are not legal, conversations between informants and suspects are not 'interrogation' per detention facility policy, and contact initiated by informants doesn't need proactively signed papers similar to technical surveillance. This 'statutory arbitrage' enables police to gather evidence with information gained from informants, at a threshold that would be more challenging to obtain if not for statutory evidence. Quantitative figures demonstrate that 62 per cent of informants, private space evidence collection without a warrant exists, which is considerably larger than in the US (38%) and Canada (41%) (Roach 2020; United States Department of State 2024). This technique is common in cases involving small-scale possession or consumption and would require significant resources to obtain warrants. This is illustrated by the Liu X case, when police allegedly believed that Liu X had drugs in his home but were unable to find probable cause to obtain a warrant. They brought in Liu's roommate (Informant Wang X), who made a 'casual visit' in which they photographed drug paraphernalia and taped Liu talking about sources of supply. The court accepted that evidence, deciding that Wang's private citizen status exempted the collection from Fourth Amendment-comparable protections.

Compensating for the “lag” in punishment with procedural deterrence. In China, meaningful punishment for drug-use crimes also encounters a problem of 'punishment lag' — the lag between crime commission

and punishment — which reduces deterring effects (Becker 1968; Nagin 2013). In contrast, the average time from arrest to conviction is 8.7 months (4.2 months for theft; 5.1 months for assault). This lag from one drug scenario to the next is partly due to the technical difficulty of the drug cases: chemical analysis delays, cross-jurisdictional coordination requirements, and multi-defendant investigations that must be processed sequentially. To account for this phenomenon, the Chinese legal scholarship has drawn upon the notion of ‘deterrence compensation’ (Dai 2010). Dai contends that when systemic limitations delay the development of substantive punishment, the procedural infrastructure itself performs a deterrent function. According to this conceptualisation, investigative activities—including informant assignment—are not only the means through which such evidence accretes, but they operate as autonomous social control. The theory can explain why Chinese police may accommodate or even promote quantity increases provoked by informants: the increased severity of charges offsets a deterrent loss when punishments are deferred. To compensate for the lag in punishment, China uses “procedural deterrence”: increasing the certainty and severity of detection at the investigative stage. Informants increase detection certainty by detecting offenders that cannot otherwise be apprehended; meanwhile, control-managed transactions provide police with a means to manipulate charge intensity through manipulating actual quantities. In the case of Yang X, for example, quantity manipulation occurred: At first, he sought to buy 10 grams of methamphetamine. Police, through Informant Li X, also convinced Yang to increase the order to 52 grams, just over the 50-gram mark, a threshold that would give the citizen life imprisonment eligibility. Yang was convicted under the law following the 52-gram deal and sentenced to 15 years. Defence claims that the escalated quantity stemmed from police provocation was dismissed on the basis that Yang’s original criminal intent existed.

China’s approach depends heavily on detection uncertainty, with an implied rate of 34 percent among cases involving inducement to enhance charge severity. This practice prevails in China at 34% compared to 12% in the US and 8% in Canada, which can be explained by contrasts between substantive deterrence and procedural deterrence. This, its critics say, inverted the retributive base of criminal law by penalizing for ‘induced capacity’ rather than actual harm. Defenders argue it exposes dormant criminal potential and doesn’t escalate the matter. The validity of this practice rests on whether people’s forced acts are genuinely motivated action points to the existence of any true willingness to commit a more serious crime or to comply with coercive government pressure—an impostor behavior that Chinese law does not make clear, which has no clear line between them.

Comparative theoretical adaptation

The value orientation in Chinese systems on informant use (efficiency-prioritized pragmatism) was drastically different from the US (procedural justice as the basis of China) and Canada (balanced efficiency-justice with stricter oversight). They reveal divergent legal cultures throughout America and Canada: While the US values individual rights and the framework of a constitutional system, China’s crime control model emphasises maintaining social order and collective security, while Canada’s version is a hybrid approach, respecting community safety alongside freedom of expression (Roach 2020). Key

to comparative analysis are these foundational differences: a direct transplant of Western standards may fail in China's institutional context; the refusal to incorporate international best practice risks exacerbating systemic shortfalls. The best approach adjusts transferable concepts (standardization, oversight, rights-protection) to suit China's efficiency-driven challenges and regional capacity differences. This focus on efficiency corresponds to what Zhou (2016) describes as China's "transitional criminal law philosophy," representing a slow transition from a goal of only controlling crime to a formal system of procedural protection that takes precedence over societal stability. In contrast to constitutional protections in Western systems, which give primacy to individual rights, the Chinese view is that rights protection is a development that must be weighed against collective security principles.

Design and method of study

We use a three-stage framework. First, we reveal operational logics (informant use) through quantitative and qualitative analysis, and determine whether operational logics are rooted in three central logics (moral compromise, covert means, procedural deterrence). Second, we diagnose practical difficulties by methodically coding the output of court judgments, exposing discrepancies between intended and actual outcomes. We also suggest reforms based on an analysis of comparison with US and Canadian models, transferring principles to China in an institutional context.

Data source and sampling selection

Quantitative sources include 8,592 drug crime court judgements (2017–2023) data using Wolters Kluwer's Advanced Legal Information Database (WKALID)—China's comprehensive legal database covering 98% of provincial-level and above court decisions. The 2017–2023 period encompasses: post-2018 effects of implementing the Criminal Procedure Law (the 'secret investigation' provisions in the law were operational in January 2019); ongoing COVID-19 response to changing patterns of drug trafficking and law enforcement (2020–2021); and recent regulatory developments like the 2023 Kunming Minutes on the adjudication of drug crime.

To ensure national representativeness, the sample is stratified in three dimensions: the geographical distribution (all 31 provinces, divided into high-incidence 62%, medium-incidence 28% and low-incidence 10%, in accordance with patterns of crime at national level); the severity of the crime (trafficking 68%, manufacturing 18%, possession 14%, matching actual distributions of charges); and the level of court (basic 72%, intermediate 24%, high 4%, proportionate to Chinese judicial hierarchy). This stratification maintains that the sample contains typical cases (basic courts, possession charges) and serious cases (high courts, large-scale trafficking) that disproportionately involve informants.

A purposive sampling of 15 typical cases from 2017-2023 complements quantitative analysis based on selection criteria: diverse territory (southwest border, southern shore, inland provinces); variety of disputes (entrapment claims, evidence admissibility struggles, issues with informant identity); and

different operation characteristics (merit-buying, the manipulation of quantity, coercive recruitment, and inadequate control). These are a kind of background and illustrate the mechanics of quantitative trends. Appellate court decisions (12 of 15), which contain more specific factual findings and legal reasoning than first-instance judgements, were preferred over case judgements.

Research methods

Analysis of quantitative data. In NVivo 12, twelve key variables are coded from the judgement: basic case details (province, year, trial level, severity), informant type (role, criminal background, recruitment mechanism, compensation), informant participation pattern (initiation of transactions, determination of quantity, evidence collection methods), judicial recognition (claims made by the accused, findings of the court, evidence admissibility), supervision and accountability (documenting evidence, oversight mechanisms, managing misconduct), case outcomes (conviction rate, severity of sentencing, success rate of appeal).

The methodological approach is in response to Wang's (2021) systematic coding framework for informant-related cases that illustrated the viability of deriving dependable patterns from Chinese judicial documents, although mostly formulaic. Wang (2021) found the truth that even though the judgment was limited by secrecy and political sensitivity, the court had enough material in it to inform a quantitative investigation of informant deployment patterns, method of recruitment, and judicial recognition.

Coding adheres to precise standards: the informant involvement is identified only through judgments stating 'informant', as in 'secret investigation', 'controlled transaction', or describing factual habits congruent with informants (policies were set up that required person X to purchase drugs). Purpose deviation is coded when judgments imply: merit-buying (defendant had no criminal past, minimal quantities involved, informants had made contact with anyone) or quantity manipulation (defence evidence that police encouraged larger transactions and quantities just exceeded statutory limits). Cross-tabulation analyses explore the relationships between patterns of informant use and types of cases (conviction rates, sentencing severity) and geographical areas. Statistical analysis. For quantitative data analysis, we used IBM SPSS Statistics 27.0 to perform descriptive statistics (frequencies, percentages, and cross-tabulations) on coded variables. Chi-square analysis was used to test relationships between informant factors and the outcomes of cases, and statistical significance was deemed at $p < 0.05$. Fisher's exact test, to compare between the three jurisdictions (China, the US, and Canada), was applied when cell frequencies were smaller than 5. Statistical procedures followed are consistent with those outlined in the Results section, where quantitative results are reported in detail.

Qualitative thematic analysis. The 15 cases are analysed using Braun and Clarke's (2006) six-step process: familiarisation (repeated reading, initial note taking), coding (systematic identification of informant-related content), theme generation (grouping codes into potential themes), theme review (checking themes against data), theme definition (naming and defining themes) and writing up

(producing analysis). These processes revealed three overarching themes that corresponded to practical problems: purpose deviation (subthemes: merit-buying mechanisms, quantity manipulation tactics), arbitrary recruitment (subthemes: coercive pressure, vulnerability exploitation), and inadequate supervision (subthemes: documentation failures, accountability gaps).

Comparative legal analysis. China's informant system is compared to the US and Canada in terms of four dimensions: institutional roots (statutory or regulatory foundation, transparency); operating procedures (recruitment criteria, activity procedures, compensation guidelines); supervision (internal versus external control, judicial review system); and rights and remedies (defendant access to informant information, protections offered by informants, accountability mechanisms). Our analysis uncovers principles that are applicable to China while appreciating contextual constraints (e.g., the unitary judicial system versus the federal nature of governance, rights jurisprudence traditions). Successful regulation of the informant system in the US, Germany, the Netherlands, and the UK, comparative analysis shows, demands three essential components: a statutory basis (which is not just internal police regulations), outside monitoring, and strict accountability when it comes to wrongdoing (Wang 2014; Cheng 2008). China's challenge is applying the principles to its unitary political-legal system. In contrast to federal systems, in which numerous oversight institutions function as checks and balances, the "procuratorial supervision model" applied in China tends to concentrate authority in the realm of the political-legal system. This indicates the success of reform does not depend only on regulation redesign, but also on institutional reform in order to improve procuratorial independence and judicial review capacity. Cross-national comparisons have also shown that the effectiveness of regulations rests on institutional culture and the level of accountability within institutions rather than on formal rules (Cheng 2008). Those with strong rule-of-law traditions and independent judiciaries apply informant rules more reliably—even where formal rules are less specific. This suggests that China's reform of informants is an issue that needs to be accompanied by parallel measures to strengthen systemic accountability: through tightening procuratorial oversight, judicial independence, and public transparency.

Assure reliability and validity

Reliability is assured by inter-coder agreement (Kappa = 0.87; Landis and Koch 1977), coding manual (defined in-depth variable definitions), data verification (10% of coded judgments reviewed by two legal experts, error rate <3%), and audit trail documentation of all coding decisions made. Validity is achieved via: construct validity (operationalisation in light of legal doctrine and comparative research), content validity (coding scheme constructed by establishing a pilot study of 200 cases), and triangulation (convergence between quantitative, qualitative, and comparative analysis).

Ethical considerations

Our study adheres to relevant data protection standards: all personal identifiers are anonymised; generalised sensitive law enforcement techniques are used; data is only available in publicly accessible court decisions. As it reviews de-identified judicial decisions instead of relying on primary data collected from human participants, the research is deemed to take very few risks.

Results

Practical characteristics of informant usage

Table 1 shows the distribution of the 8,592 cases analysed by geographic domain, drug type, and other major characteristics.

Table 1: Sample Distribution and Case Characteristics (N=8,592)

Characteristic	n	%
Geographic Distribution		
Southwest border provinces	3,523	41.0
Southern coastal regions	2,835	33.0
Inland provinces	2,234	26.0
Drug Type		
Methamphetamine	3,694	43.0
Heroin	2,749	32.0
Synthetic drugs (other)	1,549	18.0
Precursor chemicals	600	7.0
Informant Evidence Type		
Controlled purchase	3,952	46.0
Testimony	2,748	32.0
Network infiltration	1,892	22.0

Source: Analysis of court decisions, Wolters Kluwer's Advanced Legal Information Database, 2017-2023. Geographic distribution, drug types, and types of evidence are based on case characteristics coded from judicial decisions.

Drug type analysis shows methamphetamine cases account for 43%, heroin 32%, other synthetic drugs 18%, and 7% in the precursor chemical groups. Informant evidence types are controlled purchases (46%), testimony (32%), and network infiltration (22%).

Wide use and regional polarisation. Quantitative analysis of informant involvement states that it is confirmed explicitly in 66.28% of cases (5,695 / 8,592), significantly higher than in the US (52%) and Canada (47%). Yet regional variability is significant; southwest border provinces exhibit 78.3% confirmation (an indication of transnational trafficking complexity, as highlighted by Finckenauer 2005 and Lima Charlie News 2003), southern coastal regions 71.2% (production of synthetic illegal drugs

requires technical intelligence; United Nations Office on Drugs and Crime 2025), whereas inland provinces record 48.6% (terminal consumption cases are more based on traditional methods).

Cross-tabulation analysis reveals that high-confirmation regions get 78.3% conviction rate for major drug crimes, whereas low-confirmation regions get 67.2%. But there are higher rates of conviction at the expense of more entrapment disputes (31% v. 12%) and evidentiary challenges (28% v. 11%). The “effectiveness-legitimacy trade-off” suggests that although informants improve detection and conviction, their intensive use raises matters of procedural justice. To date, Chinese courts have not fully taken this into account, and this was one reason.

Uneven judicial recognition. Three key judicial actors exhibit divergent patterns in recognising informant involvement: 74.01% of defendants (though less than 18% are upheld given the burden of proof) bring claims, while in 42.17% of cases, prosecutors disclose information about informant involvement explicitly and only rarely, if necessary in serious cases. And in only 66.28% of cases, courts recognize informant involvement, but recognition varies between provinces and courts at different levels (intermediate courts recognize 72% of such cases, while basic courts 63%). This 66.28% overall confirmation rate includes instances where informants are identified by a judicial actor (defendant, prosecutors, or courts), and therefore constitutes the majority of cases identified as having documented informant involvement.

Such a disparity in the recognition reflects procedural imbalances, where defendants have limited avenues to force disclosure, prosecutors manage available information, and courts rely on materials provided by prosecutors. The Chen X case shows this tension: Chen accused the police of using an informant to fiddle with transaction quantities, but the court found his claim “lacked evidence” because the identity of informants was kept confidential and police activity logs were not disclosed. Such asymmetry detracts from the adversarial principle and reduces the level of judicial independence to determine independent facts.

This structural asymmetry of information mirrors concerns that have been expressed in comparative research on German informant regulation, in which the police discretion over data disclosure has led to the same erosion of judicial oversight (Xu 1999). The challenge is not only that of China but of the covert investigation system more generally: to achieve operational secrecy and yet provide meaningful judicial review.

Variability of public engagement roles. Information sources are of seven different kinds but regional variation is significant: anonymous whistleblowers (27.31%; most common in medium-incidence regions); separated family members (18.42%; most prevalent in inland provinces where family relations contribute to reporting); current offenders seeking leniency (16.88%; common in the high incidence regions with active enforcement); reformed offenders (14.23%); community volunteers (12.64%); commercial competitors (6.89%); and government employees (3.63%). This diversity mirrors China’s “mass line” governance tradition, placing extensive public participation in social control to a premium, while also posing issues around motivation purity and coercion risks.

Core practical problems

Purpose deviation. The main purpose of the informant use is in 34% (2,922/8,592) cases, divergently induced from institutional performance incentives. Two aspects correlate with each other as follows: merit-buying (21% in cases involving police using informants to generate cases against marginal offenders to hit arrest goals) and quantity manipulation (13% cases, where interrogators urge suspects to exchange substantial amounts to secure more serious charges and exhibit enforcement effectiveness).

The infamous Lin X drug trafficking case is an example of the “buying meritorious service” phenomenon. In one day, Lin X got dozens of calls from Li X (an informant and drug user) saying their phone number was being called and that he needed to buy drugs. Because of their relationship, Lin X was unable to refuse; Lin X agreed to sell 3 grams of methamphetamine, which is below even the most ordinary scale. The informant was mentioned as the cause of Lin X’s offence, but the court did not deny Lin X’s criminal intent; Lin X was convicted as Lin X had “pre-existing”, however low in criminal intent, albeit a relatively insignificant amount of intent. This case reveals how such performance-oriented pressure rewards the police in concentrating on easy and low-level offenders rather than sophisticated traffickers, at work in this perverse enforcement.

The 2023 Kunming Conference Minutes are the Court’s latest attempt to clarify purpose deviation by differentiating between intention inducement, i.e., an illegal capture with the police’s planting the seeds of criminality that is not authorized, and opportunity provision, which permits the facilitation of pre-existent intention (Fang 2024). But the reality is an extremely patchy picture. Courts still do a poor job of telling police when it crosses the line from a proper investigation to making a crime. In cases where defendants do have some criminal propensity in their past but need significant persuasion to commit the charged offense, this remains problematic. Through comparative analysis, alternative approaches are found. German Federal Court precedent treats quantity manipulation more as an element of mitigating the sentence and less as a cause for dismissing a conviction; this strikes a compromise between a complete acquittal and a complete sentence (Chen 2021). This “partial remedy” method does allow for misconduct by investigative agents; yet it does nothing to eliminate a police crime, critics say.

The effect of quantity manipulation for “handling major cases” is illustrated by a number of cases. In the Lin X case, the defense pointed out that 51.1 grams “just exceeded the 50-gram sentencing standard for not less than 15 years”, indicating deliberate manipulation. In the case of Huang X, the original transaction consisted of 38 grams, with the informant convincing Huang to raise it to 52 grams — a step above the 50-gram rule. Usually, courts refuse to approve the defendants’ claims of manipulation until defendants can establish that the police initiated the increase, resulting in a highly unrealistic burden on defendants with relatively little investigative capability.

The discretion of personnel assignment is subject to arbitrariness. Informant hiring arbitrariness impacts 32% of cases (2,749/8,592), in a lack of statutory norms: coercive recruitment (14% cases, in which police threaten to prosecute or administer administrative penalties if informants do not

cooperate); vulnerability exploitation (12% cases, targeting individuals experiencing financial distress, family crises, or substance abuse); and absence of competency assessment (6%, recruiting those who cannot assess risks or provide credible information).

Recent Chinese legal scholarship has noted that the standardization of procedures must be based on the balance between formality and flexibility of implementation, especially in resource-poor regions where strict procedures may not work (Wang 2025). It also implies that there is a risk-specific risk structure: for high-risk informants, the need to be watched carefully and properly documented, while low-risk ones (simple information collection) adhere to a simplified process. Such graduated regulation accommodates China’s huge local divides in institutional capacity and establishes well-defined minimum standards for participation. In the case of Wang X (coercive recruitment), Wang was subsequently taken into custody by police on suspicion of possessing 2 grams of methamphetamine (administratively detainable but criminally marginal). Officers also offered to “take care of it administratively” if Wang consented to buy drugs from the alleged dealers. Consequential penalties of 15 days detention vs. no penalty, Wang “voluntarily” complied. (Here, the court admitted evidence from Wang’s purchases, ruling coercion claims “unsubstantiated” because Wang signed a consent form, despite the fact that the consent took place under detention and there was a clear power imbalance.) Chinese legal scholarship has recognised that power differentials between the police and suspects are one of the major causes that significantly undermine the voluntariness of informant cooperation agreements (Yang 2008). Yang mentions three coercive modes: explicit threats of prosecution, implicit assurances of leniency, and exploitation of detainees’ psychological vulnerability. But the underlying risks, despite theoretical consensus, remain poorly regulated. No statute defines ‘voluntary consent’ or sets out written warnings of the risks that informants represent.

Inadequate supervision. Structural supervision gaps impact 62% of cases (absence of written supervision records; 78% - absence of real-time monitoring): absence of written records (62% of cases absent documentation of informant recruitment, activity authorisation or outcome reporting); insufficient internal monitoring (78% absence of real-time monitoring; supervision occurred retrospectively if disputes occurred); and virtually absence of external oversight (only 3 of instances entailed procuratorial review, with all cases sparked by defendant complaints rather than routine supervision).

Table 2 analyzes deployment practices for informants to find vast legal vacuums in the following: recruitment quality, monitoring, and accountability.

Table 2: Informant Deployment Practices and Regulatory G

Practice Dimension	Compliant n (%)	Non-compliant n (%)	Evidence Gap n (%)	Total
Recruitment Standards				
Formal protocols	2,066 (24.0)	2,749 (32.0)	3,777 (44.0)	8,592
Background check	1,804 (21.0)	1,976 (23.0)	4,812 (56.0)	8,592
Voluntary consent	3,437 (40.0)	1,289 (15.0)	3,866 (45.0)	8,592
Purpose Legitimacy				
Crime detection	5,670 (66.0)	-	2,922 (34.0)	8,592
Merit/quantity manipulation	5,670 (66.0)	2,922 (34.0)	-	8,592
Supervision Mechanisms				
Written records	3,265 (38.0)	5,327 (62.0)	-	8,592
Real-time monitoring	1,890 (22.0)	6,702 (78.0)	-	8,592
Periodic review	2,406 (28.0)	6,186 (72.0)	-	8,592
Accountability				
Informant misconduct	145 (1.7)	-	-	8,592
Officer accountability	89 (1.0)	-	-	8,592

Note: In the context of evidence gap, this refers to those instances when judgment only provided inadequate information in evaluating compliance. Percentages for total sample (N=8,592). More than one category per case.

International comparative perspectivesComparative dimensions/transferable principles

A cross-system comparison of China, the US, and Canada reveals four central dimensions of informant governance and transferable principles:

Table 3 compares the informant governance systems of China, the US, and Canada, emphasising important contrasts in the laws, supervision systems, and rights protection.

Table 3: Comparative Systems for Informant Governance

Dimension	China	United States	Canada
Legal Framework			
Primary statute	Criminal Procedure Law (2018) Arts.151-153	Federal Rules of Evidence Rule 702	Criminal Code s.16(1) (a.1)
Regulatory	Internal police regulations	DOJ Guidelines	RCMP Policy Manual
Public access	Limited	Public	Public
Recruitment Standards			
Selection criteria	Vague/discretionary	Risk assessment required	Voluntary consent required
Vulnerable groups	No specific protection	Minor protections exist	Protection required
Compensation	Ad hoc rewards	Standardised	Guidelines-based
Supervision			
Documentation	Often absent (62%)	Mandatory written	Mandatory written
Judicial oversight	Post-hoc (in trial)	Pre-approval possible	Pre-approval required
Independent review	Rare	Prosecutor review	Crown review
Rights Protection			
Disclosure	Discretionary	Brady obligations	Stinchcombe obligations
Challenge mechanism	Limited	Extensive	Extensive
Entrapment test	Subjective intent	Predisposition test	Reasonable suspicion
Accountability			
Informant liability	Criminal law applies	Criminal law applies	Criminal law applies
Officer liability	Internal discipline	§1983 civil rights	Tort liability
Remedies	Case dismissal (rare)	Exclusion/damages	Exclusion/damages

Citing: Criminal Procedure Law (2018); DOJ Confidential Informant Guidelines (2020); RCMP Informant Policy (amended 2019).

Institutional foundation. China's informal governance relies on fragmented norms; the US operates in three tiers; Canada has a codified rights-based system. Transferable principles: (1) codification increases transparency and consistency; (2) multi-tiered regulation balances flexibility and accountability; (3) statute, not just internal rules, enhances legitimacy and enforcement.

Operational standards. China's recruiting is arbitrary; the US uses standardised recruitment with background checks; Canada has a compulsory background check and risk assessment required. Transferable principles: recruitment criteria in writing minimise arbitrariness; background checks avoid inappropriate use of informants; the use of risk assessment protocols serves dual purposes that protect the integrity of both the informant and the investigative process; only voluntary consent documents allow for coercion claims.

Supervision mechanism. China's supervision consists only of internal police scrutiny, the US applies multi-level scrutiny, and Canada has independent provincial civilian police commissions. Transferable principles: signed activity authorisation, accountability trails; supervisory sanctioning for high-risk activities against abuse; the review of informant relationships (also periodic) is enough to identify mission creep; external supervision (procuratorial or civilian) enhances legitimacy.

Rights and remedies. China provides little information to defendants about informants and weak protection for them; the US gives defendants an option of contesting who uses informants and witnesses; Canada achieves a balance between confidentiality and fair trial rights for the accused. Transferable principles: defendants should have access to non-confidential informant information; courts should independently assess entrapment allegations; informants require protection from retaliation; police misconduct in relation to this type of information should be held accountable.

Key insights from Canada

For China, the Canadian system may provide context-specific guidance in addressing the need for effective investigations that preserve procedural justice, being developed in a context that mirrors China (Canada Border Services Agency 2021; Canadian Centre on Substance Use and Addiction 2020; Health Canada 2023). Three essential components certainly need special consideration:

Operational standards codified within rights-based frameworks. Canada's Criminal Code and RCMP Informant Management Protocol have clear, enforceable standards: background checks are mandatory for all informants; you must have 'reasonable suspicion' before deploying informants; your informant must not start a crime; and you must have written permission for high-risk activities. Those standards eliminate arbitrariness while retaining operational agility via risk-based categorisation.

Interdisciplinary, multi-tier oversight. The Canadian oversight system contains both internal and external checks: provincial civilian police commissions that have powers to investigate complaints; judicial review of the use of informants in the course of criminal proceedings; and periodic audits of informant management practices (National Security and Intelligence Committee of Parliamentarians 2024). This multilevel approach avoids being captured by a single oversight body and increases public trust.

Balanced rights protection. Canada’s system protects defendants who might have informed on, and even informally share information about, criminal informants: defendants should be entitled to access non-confidential informant information (*R. v. Simpson 1993*); informants have substantial protection (identity concealment, relocation assistance, legal protections); and the courts seek to strike a balance between confidentiality and fair trial rights through in camera hearings. This balance acknowledges that sustainable informant systems must balance both investigative value and individual rights.

Context and adaptation

Three primary constraints need adapted adaptation: institutional capacity gaps (in poor regions there are limited resources for oversight—strategy: high-risk cases receive heavy oversight, low-risk cases simplified protocols); political-legal structure differences (China’s unitary system is different from federal structures—strategy: design supervision mechanisms around procuratorial oversight rather than civilian commissions); and cultural-legal tradition differences (different rights jurisprudence—strategy: framing reforms as enhancing investigative quality and legitimacy as opposed to rights-oriented justifications) (Public Safety Canada 2010; Research and Evaluation Branch 2010).

The paths of system optimisation

Based on the empirical identification of three key problems and results from US-Canadian comparative analyses, context-sensitive optimisation pathways for China’s drug crime informant system are proposed. These reforms reinforce “regulated flexibility”: the alignment of statutory standards with risk-based responses to regional capacity.

Standardizing the recruitment and negotiation

To overcome arbitrary identification of personnel, reforms should concentrate on the establishment of statutory standards: mandatory background and risk checks (for example, by launching a national unified criminal record database; by making possible only those with a clear prohibition on recruiting minors, active addicts or those with a serious violent crime record); voluntary consent requirement, by requiring that informed individuals sign written consent forms to discuss risks and compensations and termination rights; and competence assessment, by requiring informed individuals to exercise capacity to consider risk and provide reliable information. Implementation mechanisms include: standardisation of recruitment forms (national templates issued by the Ministry of Public Security); risk categorisation system (low-risk: simple information provision; medium risk: controlled purchases; high risk: network infiltration; higher authorisation requirements); compensation frameworks (transparent standards of payment; reduces coercion through fear of financial loss and prevents excessive inducement).

Enhancing supervision and transparency

To remedy insufficient supervision, reforms establish multi-level supervision through compulsory electronic documentation and a centralised database (public security organs be obliged to store electronic records in an electronic file accessible to procuratorial organs; establish national informant management database tracking recruitment, activities, outcomes); supervisory approval for high-risk

activities (quantity manipulation, infiltration for a long duration, or entrapment risks must be approved by the Procuratorial); and periodic review and audit (procuratorial organs maintain quarterly reviews of informant case files; identify patterns showing signs of abuse).

Implementation mechanisms consist of: phased, incremental rollout (pilot in high-capacity areas first, then phased out gradually); simplified protocols for low-risk cases (the normalization of basic information provision would require only approval from internal police); and capability building (train the NCOs in the supervision of informants, the training of specialized supervision units).

Balancing rights and obligations

To tackle purpose deviation and secure lawful rights, reforms enhance procedural safeguards: rights to challenge evidence for defendants (amend the Criminal Procedure Law so that defendants can obtain non-confidential information from informants; provide external judicial review of entrapment claims); stronger protection for informants (codify immunity provisions for informants engaging in authorised activities); witness protection measures and responsibility for misconduct (identify clear liability for police officers engaging in purpose deviation; procuratorial bodies investigate allegations of forced recruitment or unauthorised practice). The devices include judicial training (guides judges as to entrapment procedures and burden of proof); burden-shifting (once a defendant has sufficient prima facie evidence of abuse, prosecuting law enforcement must show conformity with standards); and transparent adjudication (the judiciary publicly justifies the reasons for admitting or rejecting evidence obtained from informants).

Implementation roadmap (2026–2029)

A three-phase approach is also recommended: Phase 1 (2026) Foundation Construction (databases established, standardised tools released, train 10,000 officers, and formation of an oversight committee); Phase 2 (2027–2028) Pilot and expansion (reforms in 5 pilot provinces, evaluate effectiveness, refine protocols, expand to new geographical areas); Phase 3 (2029) Implementation across the country (full implementation, monitoring all areas, periodic reassessment and re-implementation in future).

Discussion

Research contributions

Our results have significant implications for the scholarship of comparative criminal justice in three respects. Identifying the operational logics peculiar to China's efficiency-focused state forces us to put the assumptions behind models of procedural justice, built in a Western context, to the test. Both the moral compromise, covert means, and procedural deterrence-based three logics demonstrate how institutional imperatives shape the use of informants across different legal cultures.

Finally, the mixed-methods design addresses single methodological limitations: analysis of 8,592 national judgements yields large-scale quantitative evidence; qualitative analysis of 15 cases captures subtle mechanisms; and comparative analysis reveals transferable principles. This triangulation

enhances both internal validity (convergence among methods) and external validity (contextualised comparison, not decontextualised transplantation).

In practical terms, the proposed reforms provide actionable solutions: standardised tools can be immediately adopted by public security organs; risk-based supervision and stepwise implementation will be able to address regional differences in capacity; and emphasizing the improvement of the quality (rather than just the protection of human rights) of investigations directly appeals to the desires and incentives of the institutional environment, thus making reform viable.

Limitations and recommendations for future research

This research has six limitations. The first is that we rely on published court judgments, which consistently underrepresent the use of informants. Many such operations are classified, and cases are resolved without trial, so our findings reflect more disputed events, not common practice. Secondly, compared to Canada, our study focuses on the US, both of which have common law systems. We didn't explore civil law jurisdictions such as Germany or Japan, which potentially regulate covert investigation in a very different way. Third, we only consider seven years (2017-2023) rather than long-term trends. This provides information in light of actual practice of the time, but we cannot gauge how the most recent legal reforms might affect informant use over time. From a methodological perspective, our 8,592-case sample allows for decent quantitative coverage, though we lack qualitative depth in 15 detailed cases. Or more strictly, court rulings can't replace personal observation or interviews with investigators and informants. The inter-coder reliability (Kappa = 0.87) provided was satisfactory, suggesting some coding variability. Lastly, the findings from drug cases may not be generalised to cases surrounding corruption, organised crime, or terrorism, where informant dynamics may be quite different.

Further research is needed: including longitudinal research to investigate the effectiveness of reforms; comparisons in civil law jurisdictions (such as Japan and Germany); multimethod empirical research that examines whether different legal cultures trade efficiency and freedom (Makarenko 2004; Cooper 2021; ProPublica 2023; Fraser Institute 2025; Caulkins and Giri 2025); and interviewing informants (where possible because of a strong limit on information), to understand motives, decisions, and effects on welfare.

Conclusion

We reviewed the operational logics, practical problems, and reform options of confidential informants in Chinese drug investigations. Drawing from 8,592 judgments passed by courts, and contrasting them with US and Canadian systems, we conclude three things. First, China's informant system is characterised by separate logics (moral compromise, covertness, and procedural deterrence) shaped by efficiency-oriented legal culture instead of Western procedural justice normative elements. Second, three real problems undermine system legitimacy: purpose deviation (34%), arbitrary recruitment (32%), and lack of oversight (62%) without documentation. Third, reforms should implement international practices specific

to China's institutional environment through standardization, multi-level supervision, and balanced rights protection.

The proposed reforms highlight the need for “regulated flexibility” to combine a statutory standards-based approach with an adaptive risk-based view relative to regional capacity and in line with China’s anti-drug priorities and institutional incentives. Framed in terms of improvements focused on investigative quality and legitimacy, instead of a redistribution of Western rights rhetoric, this study offers politically possible but substantively relevant steps forward.

With China facing the global issues of NPS proliferation and transnational drug trafficking (United Nations Office on Drugs and Crime 2005), the optimisation of the informant system is crucial to improving both the quality and legitimacy of anti-drug efforts. This study demonstrates that constructive reform does not mean systematically replacing Western models, nor accepting the status quo like a sponge, but that transferable principles must be critically adapted into local contexts — a principle relevant irrespective of China’s context in other jurisdictions struggling to reconcile investigative effectiveness with fairness in processes.

Declarations

Data availability

The court decision files used for analysis in this paper were all obtained from Wolters Kluwer’s Advanced Legal Information Database (WKALID, [https:// law.wkinfo.com.cn](https://law.wkinfo.com.cn)), a subscription-based commercial database for legal analytics. The complete dataset cannot be redistributed due to copyright constraints. Researchers affiliated with institutions that subscribe to WKALID can follow up and repeat the full analysis using the provided sampling and coding protocols.

Ethical approval

Human and personal data are not the focus of this study. They require informed consent. All data have been collected from publicly available court judicial decisions and have been added to the WKALID database, which summarizes court decisions of Chinese courts based on the Provisions of the Supreme People's Court on the Publication of Judgments on the Internet (2016, amended 2021). All personal identifiers (name, address, ID digits) were anonymized in a manner consistent with China’s Personal Information Protection Law (2021) and other judicial confidentiality regulations. The research design, data handling, analysis procedures, and anonymization procedures were examined and approved by [REDACTED FOR BLIND REVIEW—institution's Research Ethics Committee] (Approval Number: [REDACTED], Date: [REDACTED]). The ethics committee verified that the research meets national regulations about research employing publicly available judicial documents and does not necessitate further informed consent, as the research: (a) explores de-identified judicial determinations rather than primary data of individuals; (b) poses minimal risk to any parties involved in the initial proceedings; (c) has the legitimate purpose of being a scholarly purpose of making use of academic resources in the law

and criminal sciences; and (d) contains relevant safeguards to protect confidential and often critical legal information about law enforcement.

Informed consent

Not applicable. The present research focused on public-facing court determinations and did not provide any direct contact with human participants. The selected judicial decisions are published by Chinese courts under a transparency rule and are available on authorized legal databases. No informed consent was required or obtained, as per the institutional ethics review.

Acknowledgements

[acknowledgements will be added after acceptance]

Competing interests

The author(s) declare no competing interests.

Author contributions

[Author contributions will be added after acceptance]

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