# 2-69 INFORMANTS

**Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

A. Related SOP(s)

2-8 Use of On-Body Recording Devices

B. Form(s)

PD 1201 Informant Profile Sheet
PD 1202 Confidential Informant Agreement of Understanding Signature Card
PD 1204 Voucher Expense Report

C. Other Resource(s)

None

D. Active Special Order(s)

None

E. Rescinded Special Order(s)

None

## 2-69-1 Purpose

The purpose of this policy is to outline the protocols for the control and use of Informants.

## 2-69-2 Policy

It is the policy of the Albuquerque Police Department (Department) to take necessary precautions when using Informants by developing sound Informant control procedures.

N/A

## 2-69-3 Definitions

A. Informant

1. A person who provides information on suspected criminal activities, including the following specific categories:

a. Confidential Informant (CI):
i. An individual who furnishes information to a law enforcement officer about individuals suspected of committing crimes or criminal activity for consideration, either financial, prosecutorial, or judicial, under the direct

supervision of a law enforcement officer, and who is provided with a reasonable expectation of confidentiality; and

ii. An individual who actively participates in a criminal investigation or intelligence operation under the direct supervision of a law enforcement officer with or without compensation.

b. Juvenile Informant: Any individual under the age of eighteen (18) who is either a paid or unpaid Informant;

c. Paid Informant: An individual who provides information about actual or alleged criminal activities with the expectation of financial compensation or other considerations. The compensation may include money or consideration for pending criminal charges;

d. Unpaid Informant: An individual who provides information about actual or alleged criminal activity who does so with no expectation of compensation but does expect anonymity; and

e. Unwitting Informant: An individual who is involved in criminal activity and acts as an intermediary to negotiate illegal transactions, purchase contraband, or otherwise unwittingly acts as an Informant. An Unwitting Informant shall not be documented as an Informant.

B. Informant File

A folder containing the true identity of Informants used by Department personnel. All Informant files shall be kept at the Investigative Services Division (ISD) under the control of the ISD Commander or their designee.

C. Payment

The exchange of information for money, goods, and/or services between an Informant and the Department or the drafting of agreements through the prosecuting attorney's office to reduce charges or establish plea agreements with Informants.

6 **2-69-4 Procedures**

A. Use of Informants

1. Sworn personnel shall:

a. Follow the procedures outlined in this Standard Operating Procedure (SOP) when gathering information from Informants;

b. Prepare CI files;

i. Sworn personnel shall submit the CI file to the Career Criminal Section Lieutenant for a CI number and ensure that the CI number is assigned before using a Paid Informant.

ii. An Informant shall not be paid until sworn personnel create the file with the assigned CI number.

5 c. When meeting with Informants, have a minimum of two (2) officers present and also provide backup as necessary;

i. When necessary, the second officer may witness the meeting from a discreet distance, provided that the witness officer can observe all actions and transactions between the officer and the Informant.

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d. Only use a Juvenile Informant when written permission has been granted by the juvenile's parent(s) or guardian(s);
e. Document all operations involving the use of Informants;
f. Substantiate all information received from Informants;
g. Report all information the Informant provides that discloses imminent danger to life to their Unit supervisor before law enforcement action is taken; and
h. Ensure that the Informant is identified before the Informant is paid for services by completing the following:
   i. Informant Profile Sheet; and
   ii. Confidential Informant Agreement of Understanding Signature Card.

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2. Sworn personnel shall not:

a. Use an Informant to circumvent any constitutional rights or guarantees of community members;

N/A

b. Activate their on-body recording devices (OBRD) during any investigative interactions involving a CI, in accordance with SOP Use of On-Body Recording Devices;
c. Use Informants in an active role when they are on probation or parole unless there is written approval from the probation or parole officer or authorized judge; or
d. Intentionally disclose an informant's identity unless it becomes necessary to do so. In the event it becomes necessary to intentionally disclose an informant's identity, a supervisor shall review the necessity of the specific disclosure prior to the disclosure.

3. The ISD Supervisor shall:

a. Meet with a Paid Informant before the first payment is made; and
b. Ensure the Paid Informant understands all applicable requirements and limitations.
   i. Sworn personnel shall report all subsequent meetings with Paid Informants to their immediate supervisor.

B. Informant Files

1. The Career Criminal Section Lieutenant shall maintain Informant files.

a. Under no circumstances shall any other Department division, section, or unit keep or maintain an Informant file.

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C. Source Evaluation

1. Sworn personnel shall complete the Source Evaluation by using the CI Packet.

a. Sworn personnel shall use the Source Evaluation to:
   i. Validate the Informant's reliability as based on past information; and
   ii. Confirm all proper documentation has been completed and is in the Informant's file.

2. Sworn personnel shall evaluate Informants based on the validity of the information they provided.

3. The Career Criminal Section Lieutenant or their designee shall re-evaluate active Informants biannually.