



GENERAL ORDER

**DURHAM POLICE DEPARTMENT
DURHAM, NC**

NUMBER:

1036 R-2

CONFIDENTIAL INFORMANTS

Effective Date: 12/15/1995

Revision Dates: R-1 05/01/1996; **R-2 01/10/2005**

INTRODUCTION

It is the policy of the Durham Police Department to cultivate the use of individuals wishing to cooperate in the furtherance of law enforcement functions. It is also the policy of the Durham Police Department to carefully control the nature, manner and means in which these individuals are utilized.

PROCEDURE

Procedures governing the use of, documentation required, and payment to informants will be contained in the SOP Handbooks for Organized Crime and Criminal Investigation Divisions.

Personnel requiring funds for vice and narcotics related activities will obtain these funds from the Organized Crime Division. Personnel requiring funds for other criminal activities will obtain these funds from the Criminal Investigation Division. The SOP's governing these Divisions will be followed by all personnel receiving funds.

The District/Division Commander of the personnel requesting the funds will contact the Division Commander of either the Organized Crime Division or the Criminal Investigation Division, depending on the offense involved, and will make the request and will provide details of the purpose. The OCD or CID Commander is authorized to either authorize or deny the request.

The requesting Division/District Commander will notify the requesting personnel of the location to receive the funds.

DOCUMENTATION

All individuals meeting the definition of or being used in the capacity of a Confidential Informant (CI) will be documented.

INFORMANT FILES

All informant files will be considered highly confidential and be kept under lock and key by the respective Division Commander in master files based on the type of information the CI normally offers. No information is to be released from these files concerning a CI without the expressed approval of the Division Commander. Access to information should be thought of as an organizational resource and not as an individual resource.

USE OF CONFIDENTIAL INFORMANTS

No informant will be used in any capacity until final approval by the OCD and/or CID Commanders has been given as the result of a review of the complete informant file. Such approval will be documented in the file by memorandum.

No person under the age of 18 years of age will be used as an informant in any capacity without the written consent of the person's parents or guardian and the expressed approval of the Division/District Commander. The use of such persons will be approved only in the most unusual of circumstances and then only after full discussion of the case with the District Attorney's office and the Department's Legal Advisor.

No individuals on parole, probation, community release or any other supervised or unsupervised program will be used without the full knowledge and consent of the person or agency maintaining jurisdiction over the individual.

ARREST OF INFORMANT

Informants for Criminal Investigations or Organized Crime

When officers assigned to CID or OCD learn that one of their confidential informants has been arrested by an officer of this Department on a warrant and the complainant is an officer of this Department, or when the informant has received a citation from an officer of this Department, that officer must seek verbal authorization from their Division Commander before attempting to have the charges adjusted or negotiated.

The Division Commander shall grant verbal authorization only when it can be shown that such assistance to the informant is in the best interest of justice and the citizens of this City, and that the informant will provide information sufficient for the issuance of a warrant prior to the adjustment or negotiation of any charges.

Once Investigators receive verbal permission from the Division Commander, they shall inform the District Attorney or one of his assistants of their desire to have the charges adjusted or negotiated. Under no circumstances shall the court dates of the informant be changed from the arresting or charging officer's court dates unless the arresting or charging officer agrees.

Unless special circumstances exist, a supervisor in the Criminal Investigative Division shall notify the uniformed officer that a disposition is being negotiated.

Informants for Uniform Patrol Bureau

When officers assigned to the Uniform Patrol Bureau learn that one of their confidential informants has been arrested by an officer of this Department on a warrant and the complainant is an officer of this Department, officers seeking assistance for their informants must seek verbal authorization from their District Commander before attempting to have the charges adjusted or negotiated.

The District Commander shall grant verbal authorization only when it can be shown that such assistance to the informant is in the best interest of justice and the citizens of this City, and that the informant will provide information sufficient for the issuance of a warrant prior to the adjustment or negotiation of any charges.

Once officers have verbal permission from their District Commander, they shall inform the District Attorney or one of his assistants of their desire to have the charges adjusted or negotiated. Under no circumstances shall the court dates of the informant be changed unless the arresting officer agrees.


USE OF INFORMANT AS SPECIAL OPERATIVE

The use of informants as operatives actually purchasing or otherwise involved in transactions concerning drugs or other contraband is to be resorted to only when the use of an officer for such a purpose is impossible or impracticable. Refer to the Organized Crime Division SOP Manual for specific requirements.

OTHER OPERATIVES

On rare occasions, circumstances may require individuals other than those defined as informants to be used in an operative capacity.

All actions necessary for the protection of the individual, the case's integrity and the department will be taken as in the case of an informant operative with the exception of the informant package and the background information check. No such use of an individual will be accomplished without the knowledge and approval of the Division/District Commander.


Steven W. Chalmers
Chief of Police