



# **POLICY AND PROCEDURE NO. 520**

## **Confidential Informants**

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4 Pages

### **1. GENERAL CONSIDERATIONS AND GUIDELINES:**

Confidential informants may be used to enhance efforts to detect and investigate violators of state and federal law, and they must be carefully monitored and supervised.

A confidential informant is a person who provides information on an ongoing regular basis, often for monetary compensation or other lawful consideration, and wishes his/her identity to remain confidential. Confidential informants should be willing to supply information, make controlled buys, and keep in contact on a regular basis with an investigative officer. Confidential informants do not include concerned citizens or others who provide information on an informal or casual basis.

All investigative personnel are encouraged to use informants as a valuable source in the furtherance of criminal investigations. Officers should develop and use confidential informants as well as other sources of information to enhance their efforts to detect, investigate, and prosecute violations of state and federal laws.

### **2. REGISTRATION OF INFORMANTS:**

When a person indicates a willingness to cooperate and provide information, the person will be interviewed by the Unit Commander or designee, as soon as practical. The Unit Commander or designee will investigate the background and suitability of the potential informant. If the person is approved as an informant, the recruiting investigator will prepare an Informant Information Report (Exhibit 1), which will be kept at the Unit.

Note: The investigator should debrief the CI regarding his/her knowledge of other crimes.

Protecting the identity of all informants from disclosure is important. At the same time, the reliability of each informant needs to be established for the purpose of supporting probable cause. Current case law stipulates that the "government privilege not to disclose the identity of an informant has long been recognized in the Commonwealth. The privilege, which is not absolute, should be respected as far as reasonably possible consistent with fairness to a defendant." (Commonwealth v. Douzanis)

Each Unit using informants shall maintain a file for each CI, in a locked and secure location accessible only to the Unit Commander or designee. This file must include:

- A. Code Name and Code Number designations;
- B. Biographical and background information;
- C. Criminal history records;
- D. Standard Agreement Statement, (Exhibit 2); and
- E. Other information deemed necessary by the Unit Commander.

Periodically, the Unit Commander must evaluate the CI's work performance, usefulness, reliability, and desirability.

CI related expenditures must be recorded on a Confidential Expenditure Fund Voucher and Confidential Expenditure Fund Log as outlined in the Confidential Funds, and Money Seizure Policy.

An audit of all informant files may be conducted as directed by the Division Deputy Chief. The Captain of the respective division shall conduct an audit on an annual basis. Staff inspections may only audit the Confidential Informant files for reasonable cause, as directed by the Chief of Police.

### **3. MANAGEMENT OF INFORMANTS:**

Division personnel should take precautions to protect the reputation and safety of informants and investigators. When using informant information in an application for a warrant all reasonable precaution should be taken in an effort to protect the identity of the informant. The identity of an informant shall be restricted to individuals having a lawful right to know.

Officers may make recommendations to the District Attorney's Office in support of a confidential informant. All recommendations shall be made through the shift commander to the unit commander. With the approval of the shift commander officers may inform the prosecuting attorney or other law enforcement agency of the information provided by the confidential informant and the results of the subsequent investigation. Officers cannot make a promise to a confidential informant concerning the outcome of a pending court case. The disposition of court cases is in the province of the prosecutor's office and the judiciary.

### **4. SPECIAL CIRCUMSTANCES:**

Certain persons should not be used as informants, except in special circumstances with the approval of the Unit Commander or his/her designee. Such persons include:

- A. Juveniles (under the age of 17, without parental or guardian approval);
- B. Persons wanted on warrants (M.G.L. c.268, s.32);
- C. Persons with a criminal record for perjury;
- D. Persons with a history of serious mental disorder or defect.

### **5. GENERAL PRECAUTIONS:**

Additional precautions should be taken to protect the reputations and safety of informants and investigators. Some informants may require additional precautions:

- A. Addicts – should be carefully supervised and controlled.
- B. Parolees – should be avoided whenever possible. Parolees are prohibited from associating with felons; approval from the informant's parole officer is required.
- C. Persons of the opposite gender, or with sexual preference that may make an investigation more susceptible to compromise through alleged improprieties.

Confidential informants may sometimes gain authority, by acting as agents of the police, to participate in activity that would otherwise be criminal. Such authorization must be carefully considered, and judiciously granted. Factors to consider include:

- A. The potential for violence,
- B. The effect on innocent people,
- C. The police department's ability to effectively supervise the confidential informant,
- D. The objective of the investigation.

In the event that any officer uncovers information that an informant has engaged in unauthorized criminal activity, he/she must notify the shift commander who shall notify the unit commander and conduct an immediate evaluation of the information and take such action as he/she deems necessary and appropriate. When a confidential informant is involved in unauthorized criminal activity, every effort will be made to prosecute the confidential informant, when prudent.

Whenever possible and practical, meetings with confidential informants must be:

- A. Attended by two officers; and
- B. With prior notification of the shift commander or his/her designee, or as soon as practical thereafter.

Confidential informants must not be introduced to more than a minimum number of undercover officers to ensure that informants gain as little information concerning undercover operations and unit activity as possible.

Association with confidential informants should be kept to the minimum necessary for effective investigation purposes. If an officer associates with an informant, when not on duty or during the course of an investigation, the officer shall notify his/her supervisor as soon as practical and document the reason for such association.

Whenever practical, a confidential informant should not report to the unit office in order to protect the informant's identity and the identity of other undercover officers.

## **6. SEARCH WARRANTS:**

Search warrant application and affidavits incorporated therein, containing information from a confidential informant, must be reviewed and approved by a supervisor before filing the application with the court.

## **7. PAYMENT OF INFORMANTS:**

Vice and gang unit personnel are authorized to pay informants from the confidential expenditure fund. Compensation shall be authorized by a supervisor and will be determined on a case-by-case basis. A confidential fund voucher shall accompany all payments in accordance to the confidential investigative fund policy.

Per:

*Gerald J. Vizzo*

Chief of Police

GJV/CJ:km

**Associated Documents**

Exhibit 1 Informant Information Report

Exhibit 2 Informant Standard Agreement