



Somerville Police Department 		TYPE:		POLICY NUMBER:		VERSION:	
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		Subject: Use of Confidential Informants					
Issuing Authority: Charles Femino Chief of Police		Signature: 		Effective Date: December 24, 2021			
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Purpose

The department recognizes the importance of confidential sources of information. These sources often provide critical information that lead to the solving of crimes. Information from confidential informants can prevent violence and help maintain public order.

The courts have long upheld the use of confidential informants as a legitimate and necessary tool for law enforcement. Each police officer should be cognizant of the role of the confidential informant and the need to use the informant properly. Police officers should cultivate all legitimate informants including witnesses, other police officers, anonymous tips, and persons who may reveal information through casual conversation.

The use of informants, however, requires detailed documentation and administrative control. All actions by the confidential informant must be carefully supervised to provide investigative integrity. This policy will provide uniformity, accountability, and protection to officers and the department in official actions with confidential informants, and it will also serve to enhance the effective use of confidential informants.

Policy

Confidential informants may be used to enhance efforts to detect, investigate, and prosecute criminals. All necessary precautions shall be taken to protect the identity of confidential informants, to protect the integrity of the agency, and to guard against the misconduct or misuse of confidential informants.

Definitions

Source of Information: Any person who provides information about criminal activity to the department.

Informant: A confidential source who:

1. Provides information in exchange for monetary or other lawful consideration, or merely to assist law enforcement.
2. By virtue of providing information is directed by the contact officer to perform certain lawful acts.
3. By his/her position or knowledge is solicited by the police department to provide information to which he/she has access.
4. Witnesses, other law enforcement personnel, anonymous tips, and persons who may reveal information through casual conversations are not to be considered confidential informants.

Contact Officer: A police officer that maintains an ongoing professional relationship with a confidential source.

Procedures

A. Development of Confidential Informants

1. **Informant Manager**: The Chief of Police shall designate the Narcotics Detective Sergeant as the Confidential Informant Manager to oversee the agency's use of confidential informants.
2. **Informant Registration**:
 - a. All confidential informants shall be registered with the department.
 - b. Registration of informants is mandatory when an officer:
 - (1). Has developed a confidential informant whom the officer intends to use.
 - (2). Wants to document the use of a source of information with the intent to formulate a confidential informant relationship.
 - (3). Wants to activate an inactive informant/source of information.
 - c. The officer shall register the informant by submitting an informant registration package which includes:
 - (1). Completed [Form - 203A - Confidential Informant Personal History](#)
 - i. Biographical Data to Include (if available) – Name, DOB, Current Address, Contact Info.

- ii. Background Data to Include (if available) – Previous Addresses, Previous Phone number(s), Education Level.

(2).Criminal history (BOP, III)

(3).Local police record, if any

(4).[Form - 203B - Confidential Informant Agreement Form](#)

(5).Recent photograph

d. If the contact officer is unable to obtain all of the information required, he/she shall:

(1).Submit as much of the informant registration package as possible, with a signed copy of the Confidential Informant Agreement.

(2).Provide a written explanation of the reasons he/she is unable to obtain the missing information.

(3).Provide a summary of the information possessed by the informant and its relative importance to the success of an investigation.

3. Application Processing:

a. The Confidential Informant Manager will process informant registrations.

b. Upon receipt of an application, the manager will assign an Informant Registration Number and a code name, which will be noted in the Informant Registration Package.

c. The Confidential Informant Manager shall review the application and accompanying documents and determine the suitability of the informant.

d. If the Informant Registration Package is incomplete, the manager, in consultation with the Criminal Investigation Division Commander, shall weigh the importance of the informant's information against the missing information in determining suitability of the informant.

4. Disapprovals: If the use of the person as an informant is disapproved:

a. Document the reason for disapproval in the Other Pertinent Information Section of the Confidential Informant Personal History Form.

b. Notify the contact officer of the decision.

c. File the Informant Registration Package in the master file for reference.

5. Approvals: If the use of the person as an informant is approved, the Informant Manager shall:

- a.** File a copy of the Informant Registration Package in the master file.
- b.** Notify the contact officer of the approval and the informant's registration number.

B. Master File Security

A. File Maintenance

- a.** The Confidential Informant Manager shall maintain a secure master file of all informants which shall be contained in the Narcotics Bureau. [42.2.7(a)] [42.2.7(c)]
- b.** Master files shall be secured in a locked container within the locked Narcotics Bureau. The Master File shall be the only file for each individual Confidential Informant, Investigators will not keep individual confidential informant files, all files will remain in the Master File and under the control of the Confidential Informant Manager. [42.2.7(c)]
- c.** Each file in the master file shall contain the following: [42.2.7(b)]
 - (1). A copy of the Confidential Informant Personal History Form
 - (2). Criminal History (BOP III)
 - (3). Local Police record
 - (4). A signed copy of the Confidential Informant Agreement Form
 - (5). Confidential Informant Registration Number
 - (6). All Confidential Informant Contact Forms
 - (7). All Confidential Informant fund Expenditure Forms
 - (8). Recent photograph.
- d.** Each informant's file shall be maintained for a minimum of ten (10) years after the informant is declared inactive or disapproved.
- e.** The Confidential Informant Manager shall review the status of each active recorded informant or source of information on a yearly basis. When the file indicates that an informant has not been used for one (1) year, the Chief or his/her designee will notify the contact officer to discuss the informant's status.

B. File Access [42.2.7(d)]

- a.** Informant files are considered confidential and shall be available only on a need-to-know basis.
- b.** Access to the Informant Master File shall be limited to:
 - (1). Informant Manager or his/her designee.

(2). Chief of Police or his/her designee.

(3). Captain in charge of the Criminal Investigations Division.

C. Contact with Informant

1. Contact Documentation:

- a. Each time an informant supplies information concerning an investigation to the contact officer, the officer will complete a [Form - 203C - Confidential Informant Contact Form](#) This Form shall contain:

(1). A summary of the information received from the informant.

(2). Whether the information was used at the time received.

(3). A summary of any corroboration of the informant's information.

- b. The form will be forwarded to the Confidential Informant Manager to be placed in the Master File.

2. Informant Handling:

- a. Officers are to seek and accept only that information which furthers investigative activities and law enforcement responsibilities.
- b. The informant should be treated with consideration, regardless of his/her character, education, or occupation.
- c. The contact officer should be scrupulous in the fulfillment of all lawful and ethical promises which the officer has made.
- d. The contact officer should attempt to determine whether the informant is being used by another law enforcement agency.

3. Alternate Contact:

- a. Introduce the informant to a second officer. The informant should be told to contact the second officer during times when the contact officer is unavailable.
- b. Officers shall keep the Confidential Informant Manager informed of activities involving informants.

D. Compensating Informants [42.2.7(e)]

1. Cash payments for information given, services rendered, or expenses incurred will be made as follows:

- a. All informant payments shall require two (2) officers to be present.
 - b. The informant will fill in his/her name and the amount of the payment on [Form - 203D - Confidential Informant Expenditure Form](#).
 - c. This receipt shall then be signed by the witnessing officers.
 - (1). The receipt must be completed in full, listing the reasons the informant is being paid, by whom, and a brief summary of the investigation.
 - (2). Completed Confidential Informant Fund Expenditure Forms (201E) shall be treated as security sensitive information and shall not be disclosed to unauthorized personnel.
 - d. The receipt shall be forwarded to the Confidential Informant Manager to be placed in the informant's master file.
 - e. All cash payments for any other items purchased for an informant's personal benefit must be recorded in the informant's file.
2. If practicable, informants will not be paid until the case is completed or the information provided is verified.

E. Covert Purchases

1. All transactions in which an informant receives funds for the purpose of purchasing goods or contraband will be witnessed by two (2) officers.
 - a. The informant will be thoroughly searched preceding the buy. If the informant's vehicle or residence is used in the investigation, a thorough search will also be conducted of those areas to which the informant had access.
 - (1). The serial number of the bills will be recorded or the bills will be photocopied before providing them to the informant.
 - (2). The informant shall not purchase any contraband with his/her personal funds.
 - (3). All personal funds should be taken from the informant before contact with the suspect. The personal funds shall be returned to the informant immediately after the buy.
 - b. When possible, constant surveillance will be conducted of the informant between the time of the search and when the informant meets with officers after the buy.
 - c. After the buy, the informant shall be thoroughly searched again.
 - (1). All evidence and narcotic funds will be retrieved from the informant.

(2). When possible, the entire process should be accomplished by the same officer, with the same witness.

2. The informant shall be thoroughly debriefed. A report shall be written, which will include a complete description of the suspect, a detailed account of all circumstances and conversations involved in the transaction, and any other facts that may be of importance.

f. Precautions with Informants [42.2.7(f)]

1. Meeting Informants

- a. Informants provide information for a variety of reasons, usually for their own benefit. The best interests of the informant and of the officer may not be the same.
- b. It is preferable when meeting with informants that the meeting is done by more than one officer. In the event that a single officer must meet an informant alone:
 - (1). The officer shall advise the supervisor of the time, location, and approximate duration of the meeting.
 - (2). The officer shall contact the supervisor when the meeting is over.
- c. The informant should never be permitted to take charge of any phase of the investigation.
- d. The circumstances surrounding a meeting should not be repeated to the extent that a recognizable pattern is created.
- e. The proper name of the informant should never be used in telephoning.
- f. OPPOSITE SEX: The contact officer should meet personally with an informant of the opposite sex only in the presence of another officer.
- g. PROBATION/PAROLE: If it is known that an informant is on supervised probation or parole, the contact officer will coordinate with the informant's probation or parole officer to ensure that using the informant does not violate conditions of the probation or parole.

2. Protecting Informant's Identity: [42.2.7(d)]

- a. In order to avoid the risk that the confidential informant's identity might be disclosed in court proceedings, officers should:
 - (1). Use informants only for introductions while having an undercover officer develop the relationship with the target and execute the transaction.

- (2). Prohibit the informant's involvement in planning an operation, other than in providing information.
- (3). Not permit the informant to participate in the criminal offense, unless absolutely necessary, and instruct the informant to leave as soon as possible after negotiations or transactions begin.
- (4). Not permit the informant to be a witness to the criminal activity which will result in charges being brought against a suspect.
- (5). Attempt to make the informant's testimony cumulative. For example, if the target in a drug case can be persuaded to bring a friend, the informant's testimony might be cumulative to what others present would say, and the informant's identity may not have to be revealed.

g. Special Precautions: Juvenile Informants [42.2.7(g)]

1. A juvenile (person under the age of 17) informant may be used if:
 - a. Officers have met and discussed the involvement with at least one (1) parent or legal guardian.
 - b. Officers have obtained written permission from at least one parent (1) or legal guardian. (Form 203)
 - c. In the case of a juvenile whose parents are separated or divorced, permission shall be obtained from the parent having legal custody.
 - d. The use of a juvenile informant must be approved by the Chief.
2. For a meeting with a juvenile informant, two (2) officers should be present.