



# NEW BEDFORD POLICE GENERAL ORDER

Subject CONFIDENTIAL INFORMANT POLICY	General Order Number <b>5-02</b>
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Re-evaluation Date	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amends
C.A.L.E.A.	Cross references

## I. GENERAL CONSIDERATIONS AND GUIDELINES

1. People who provide information to the police generally fall into one of three categories; named citizens who are victims of or witnesses to criminal activity, anonymous tipsters who provide information without revealing their identity to the police, and informers whose identities are known to the police, but by agreement are not revealed. This policy concerns itself only with this third type of source, the confidential informant.

2. The department recognizes the importance of confidential informants. They are often a requirement to the successful resolution of many types of crimes, particularly in the areas of vice and narcotics. Often, their information actually prevents crime or assists the police in curtailing ongoing criminal conduct.

3. The courts have long upheld the use of confidential informants by law enforcement and, so long as proper procedures are followed, courts will seldom compel the police to reveal their identities.

4. Because some confidential informants have criminal backgrounds, and because investigations based on their cooperation are highly sensitive, the close supervision of matters related to informants is essential. On one hand, the protection of the informant's identity is necessary to shield him or her from physical harm and, oftentimes, to allow the informant to maintain a relationship with the target being investigated. On the other hand, some informants have abused their relationships with law enforcement officials by continuing to engage in criminal conduct, by compromising ongoing investigations, or even by corrupting the officers who have been assigned to manage them. Such abuses undermine the public's faith in the criminal justice system, diminish the effectiveness of the police and, in extreme cases, place the lives of officers and the public at risk.

5. The purpose of this policy is to provide parameters for the conduct of police officers who use informants, and thereby to ensure the safety of the officers and the public, preserve the integrity of the department and its investigations, diminish the likelihood that a court will order the disclosure of an informant's identity, and ensure that informants do not abuse their relationship with members of the department for their own unwarranted benefit.

## II. Policy

1. The Department shall develop and use confidential informants, as well as other sources of information, as a means to detect, investigate, and prosecute violators of state and federal law.

## III. Definition

1. Confidential Informant (CI): A person who provides information to a Department investigator on a continuing or regular basis, and wishes their identity to remain confidential.
2. This does not include "concerned citizens" who provide information on an informal or casual basis, whether or not the citizen requests anonymity.

## IV. Special Circumstances

1. Certain persons should not be used as informants, except in special circumstances with the approval of the Commanding Officer of the Organized Crime Intelligence Bureau and the Chief of Police such persons include:
  - A. Juveniles (a child who has not yet attained their eighteenth (18) birthday), without parental, guardian or legal custodian's approval;
  - B. Persons wanted on warrants;
  - C. Persons with a criminal record for perjury
  - D. Fugitives from justice
2. Precautions shall 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 and approval from the informant's parole officer should be obtained before their use if practical.
  - C. An officer may allow an informant to temporarily possess drugs or other contraband during a controlled buy or, if the investigation warrants, when the informant accompanies an undercover officer.

Note: When meeting with informants of an opposite sex or same sexual preference members shall ensure that at least two (2) members are present.

## V. Development

1. Officers of all ranks and assignments are encouraged to develop confidential informants, and to use information provided by them to further criminal investigations. Any officer using a confidential informant to further a proactive investigation shall first notify their immediate supervisor. The officer's immediate supervisor or designee is responsible for notifying the Commanding Officer of the Organized Crime Intelligence Bureau. The Commanding Officer of the Organized Crime Intelligence Bureau will determine as to whether or not the CI will be registered with the department for use.
2. This procedure should not deter the use of a confidential informant during an emergent situation where the amount of time required to gain approval would adversely affect the outcome of the investigation. In those cases, the officer's immediate supervisor will be responsible for

authorizing the informants use until the Commanding Officer of the Organized Crime Intelligence Bureau be contacted for approval.

3. Although individual officers are responsible for recruiting informants, informants do not "belong" to the officer, but represent a resource to the department.

4. All department employees are reminded that information concerning confidential informants is highly sensitive. Accordingly, department employees shall never disclose or confirm any information, no matter how trivial, to any person or organization, which may tend to confirm the existence of a particular informant or otherwise tend to identify a particular informant unless:

- A. As necessary and with the consent of the informant in furtherance of a criminal investigation;
- B. Ordered to do so in a judicial proceeding or by court order; or
- C. Requested to do so by another law enforcement agency with a demonstrated need to know, as determined by the Commanding Officer of the Organized Crime Intelligence Bureau.

## **VI. Registration of Confidential Informants.**

1. When a person indicates a willingness to cooperate and provide information, the contact officer or his immediate supervisor shall:

- A. Interview the person as soon as practical;
- B. Investigate the background and suitability of the potential informant; and
- C. Complete and submit to the Commanding Officer of the Organized Crime Intelligence Bureau an Informant Registration Form (CI Form 1A) containing the following information:

1. Background information and necessary biographical data;
2. A summary of the informant's criminal history, if any;
3. Information to be used for locating and contacting the informant;
4. The signature of the officer and his/her immediate supervisor.

D. Complete and submit a Confidential Informant Guideline Form (CI Form 1B) and explain each of the terms to the informant. Special attention should be given to explaining avoiding entrapment. The contact officer shall sign and date the form indicating that the form was read to the CI and that the CI acknowledged and understood what he/she was being read. A location for the informant to acknowledge each line of the form will be provided. The Informant shall sign the form and initial each line acknowledging each term. The CI's reluctance to sign the form will not disqualify the CI from cooperating as long as the primary handler and a second officer can attest to the CI having been read and explained the form, in which case both officers shall the sign the form. Informants shall be made aware of the following agreement (CI Form 1B);

**Confidential Informant Guideline Form (CI Form 1B):**

1. I agree not to break any laws or commit any crimes while working for the New Bedford Police Department and understand my relationship with this Department will not protect me from arrest/prosecution for any Federal State or Local Law except when the crime is justified in connection with an authorized police investigation to obtain evidence. \_\_\_\_\_

2. I understand that I am not to disclose to anyone that I provide services for the New Bedford Police Department. \_\_\_\_\_

3. I understand that I am not a police officer and that I am not to carry documents or equipment that may cause another person to believe that I am a police officer. \_\_\_\_\_

4. I understand that I am not to affect an arrest for any violation of the law as part of my services to the New Bedford Police Department. \_\_\_\_\_

5. I understand the law regarding entrapment and I understand that I am not to participate in any activity which is considered entrapment. \_\_\_\_\_

6. I understand that I am not to use my services to the New Bedford Police Department to resolve personal matters. \_\_\_\_\_

7. I understand that I am to stay in close and frequent contact with my assigned law enforcement representative. \_\_\_\_\_

2. The Commanding Officer of the Organized Crime Intelligence Bureau shall:

A. Check the CI's name against the current and Undesirable/Deactivated confidential informant file.

B. Approve or not approve the use of the confidential informant.

1. If the confidential informant is not approved:

a. Notify the contact officer for the decision and reasons for it.

b. Place a copy of the CI registration form in the Undesirable/Deactivated file with an explanation of why the informant was not approved.

2. If the confidential informant is approved:

a. Establish the informant's master file and mark it with the new informant's CI Registration Number. The CI Registration Number will be generated by the Commanding Officer of the Organized Crime Intelligence Bureau.

b. Notify the contact officer of the CI's registration number. All future correspondence between the handler, immediate supervisor, and the Commanding Officer of the Organized Crime Intelligence Bureau, relating to this CI, shall be by use of this CI registration number whenever practical.

## VII. Protecting the Informant's Identity

1. The law recognizes the government's privilege not to reveal the identity of a confidential informant. Protecting the identity of all informants from disclosure is an important factor for two reasons:

A. The informant's safety from retaliation on part of the criminals they helped implicate; and

B. Disclosure of their identity would prevent the informant from assisting on future investigations.

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2. However, the privilege is not absolute, and should be respected as far as reasonably possible consistent with fairness to a defendant.

## **VIII. Informant Management**

1. The Commanding Officer of the Organized Crime Intelligence Bureau shall ensure that all informant files are secured and only accessible to him/her.

2. The Commanding Officer of the Organized Crime Intelligence Bureau will review the status of each active informant on an annual basis. When the file indicates that an informant has not been utilized for one year, the Commanding Officer of the Organized Crime Intelligence Bureau will review with the contact officer the informant's status.

3. Officers should attempt to establish the credibility and reliability of the informant. Methods include, but are not limited to;

- A. Assessing any information previously provided;
- B. Checking with other law enforcement agencies for whom the informant provided information;
- C. Corroborating details by other informants or by police investigation;
- D. Surveillance; or
- E. Controlled buys.

4. In conducting a controlled buy with an informant, the officer must;

- A. Instruct the informant to go directly to and from the location of the buy without making contact with anyone else, if possible;
- B. Search the informant thoroughly (or have an officer of the same gender conduct the search) to determine whether he/she is in possession of narcotics and to determine how much money the informant is carrying. If the informant is going to drive from the site of the search to the buy, his/her vehicle should also be searched;
- C. Provide the informant with a sufficient amount of department recorded funds to purchase the narcotics;
- D. Maintain surveillance of the informant from the time he/she is searched until the informant enters the location of the buy or meets with the target;
- E. Maintain surveillance of the informant from the time he/she leaves the location of the buy until he/she meets the officer;
- F. Search the informant (or have him/her searched) again, retrieving any evidence purchased and noting the amount of money that he/she spent;
- G. Interview the informant about the details of the purchase and the location where the buy occurred; and
- H. Package and mark the evidence in accordance with department procedure.

## **IX. Undesirable Informants**

1. The primary handler shall submit a report detailing a CI's undesirable conduct to their immediate supervisor whenever a CI:

- A. Endangers officer's safety
  - B. Deliberately gives false or misleading information; or
  - C. Displays behaviors that are otherwise determined to be undesirable or inappropriate for use as an informant.
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2. The immediate supervisor shall submit to the Commanding Officer of the Organized crime Intelligence Bureau:

- A. A report with his/her recommendation and a copy of the primary handler's report detailing the undesirable conduct.

3. The Commanding Officer of the Organized Crime Intelligence Bureau shall:

- A. Make a determination of whether or not the CI should be deactivated.
- B. Place a copy of the primary handler's report in the informant's file.
- C. Remove the informant's file from the active list and place it in the Undesirable/Deactivated file.

## **X. Confidential Funding**

1. The department will maintain a Confidential Investigations Fund for the purpose of purchasing contraband and otherwise supporting intelligence operations.

Management of Confidential Funds:

- A. The accounting system that documents confidential funding activities will be managed by the Commanding Officer of the Organized Crime Intelligence Bureau.
- B. All requests for expenditures from the confidential fund must be approved by the Commanding Officer of the Organized Crime Intelligence Bureau prior to any disbursements.
- C. All Confidential Funds Voucher Forms (CI Form 1C) for transactions involving confidential informants will refer to the informant by his CI Registration Number only.
- D. Completed payment voucher forms shall be treated as law enforcement sensitive and shall not be disclosed to unauthorized personnel.

## **XI. Accounting Procedures**

1. An accounting system for the Confidential Funds Account, which includes a balance ledger sheet, shall include the following entries for each transaction:

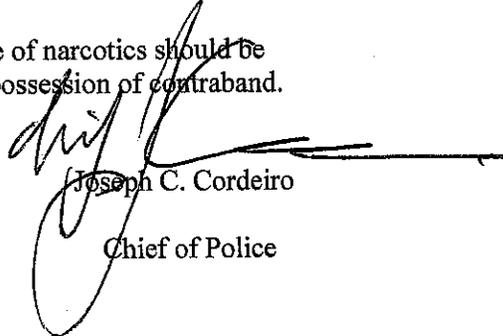
- A. Date of transaction
- B. Type of transaction
- C. Detective involved in transaction
- D. Supervisor authorizing transaction
- E. Case information applicable to transaction
- F. Total money dispensed

2. The account will run concurrently with the department's fiscal year and will be balanced monthly. An annual audit will be performed by an officer designated by the Commanding Officer of the Professional Standards Unit or his/her designee. An audit report shall be forwarded to the Chief of Police upon completion.

3. Department funds will not be used for personal use, nor will they be mixed with personal funds. All departmental funds will be produced upon demand.

## **XII. Precautions with Informants**

1. The informant should never be permitted to take charge of any phase of the investigation.
2. Officers must take precautions to ensure that informants do not entrap targets of investigations. Entrapment is an activity on the part of a police officer, or an informant working at the direction of a police officer, that induces or lures an innocent person to commit a crime that he/she did not otherwise contemplate committing. It is a defense to criminal charges and includes acts of persuasion, coercion, trickery, or fraud carried out by law enforcement officers or their agents to induce a person to commit a crime that he/she would not otherwise commit.
3. Meetings with informants should not normally be held at the police station or a courthouse. The locations where officers meet with informants should be varied so that a pattern is not created.
4. All planned meetings with informants should occur with two officers when practical. If the informant refuses to meet a second officer, the contact officer should consider whether his/her safety may be at risk, or whether the informant is planning to lodge an allegation against the officer. Should the officer decide to meet the informant alone in such a situation, a second officer should observe the meeting in a covert manner if practical. In the event that a single officer must meet with an informant alone, the officer shall seek supervisory approval prior to the meeting when practical. Emphasis is placed on the safety of the officer and the preferred method is to have two officers present whenever practical.
5. Informants should not attend operational briefings, and should be allowed limited exposure to undercover and surveillance personnel, and the vehicles they drive.
6. **OPPOSITE SEX:** The contact officer should meet personally with an informant of the opposite sex only in the presence of another officer.
7. Officers may assist confidential informants with clearing minor warrants and, with the approval of their immediate supervisor, utilize them to further an investigation while working to clear the warrants.
8. An officer shall never promise to an informant a specific outcome related to any pending court case in return for information, assistance or attempt to influence an informant's prosecution for a crime of violence. In cases where an informant is facing charges for a lesser offense, an officer may inform the assistant district attorney prosecuting the case of the informant's assistance with an investigation, if appropriate.
9. An informant accompanying an undercover officer on a purchase of narcotics should be searched prior to the buy to confirm that he/she is not armed or in possession of contraband.



Joseph C. Cordeiro

Chief of Police

**Attachments:**

- Appendix A – Form 1A Informant Registration
- Appendix B – Form 1B Confidential Informant Guidelines
- Appendix C – Form 1C Confidential Funds Voucher

cc: All Divisions and Bureaus  
Policy Manual

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# NEW BEDFORD POLICE DEPARTMENT

## INFORMANT REGISTRATION FORM

CI Registration Number: \_\_\_\_\_ Date Activated: \_\_\_\_\_

**True Identity:** \_\_\_\_\_

Street: \_\_\_\_\_ Telephone: \_\_\_\_\_

City: \_\_\_\_\_ Social Security#: \_\_\_\_\_

DOB: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Height: \_\_\_\_\_ Build: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Mother: \_\_\_\_\_ Father: \_\_\_\_\_

Employer: \_\_\_\_\_ Telephone: \_\_\_\_\_

Spouse: \_\_\_\_\_ Telephone: \_\_\_\_\_

M/V Make: \_\_\_\_\_ Color: \_\_\_\_\_ Year \_\_\_\_\_ Model: \_\_\_\_\_ Reg. #: \_\_\_\_\_

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Officer Activating Informant: \_\_\_\_\_

Criminal Record Summary: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# New Bedford Police Department

## Confidential Informant Guidelines

**Confidential Informant Number:** \_\_\_\_\_

**Confidential Informant's True Name:** \_\_\_\_\_

**INSTRUCTIONS:** The confidential informant named above will read each statement, and will be told the purpose and the content of each statement as it relates to the role of information contributed to the New Bedford Police Department. The confidential informant will acknowledge the understanding of each and, preferably, affix his/her initials at the end of each question and sign the form. If the confidential informant's cooperation is hindered by having him/her sign or initial this form, it shall not affect his ability to cooperate provided that a second officer is present and signs the form in addition to the primary handler when these guidelines are explained. Should there be any question by any person witnessing the reading and initialing of each statement regarding the confidential informants understanding, the process will be halted and the statement will be further explained.

1. I agree not to break any laws or commit any crimes while working for the New Bedford Police Department and understand my relationship with this Department will not protect me from arrest/prosecution for any Federal State or Local Law except when the crime is justified in connection with an authorized police investigation to obtain evidence. \_\_\_\_\_
2. I understand that I am not to disclose to anyone that I provide services for the New Bedford Police Department. \_\_\_\_\_
3. I understand that I am not a police officer and that I am not to carry documents or equipment that may cause another person to believe that I am a police officer. \_\_\_\_\_
4. I understand that I am not to affect an arrest for any violation of the law as part of my services to the New Bedford Police Department. \_\_\_\_\_
5. I understand the law regarding entrapment and I understand that I am not to participate in any activity which is considered entrapment. \_\_\_\_\_
6. I understand that I am not to use my services to the New Bedford Police Department to resolve personal matters. \_\_\_\_\_
7. I understand that I am to stay in close and frequent contact with my assigned law enforcement representative. \_\_\_\_\_

Confidential Informant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Primary Handler's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# NEW BEDFORD POLICE DEPARTMENT

## CONFIDENTIAL FUNDS VOUCHER

Date of Expenditure: \_\_\_\_\_

Name of Target or Case #: \_\_\_\_\_

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Purchase by Undercover Officer: \$ \_\_\_\_\_

Money: Fronted by Undercover: \$ \_\_\_\_\_

Expenses Incurred by Undercover Officer: \$ \_\_\_\_\_

Purchase by Informant: \$ \_\_\_\_\_

Expenses Incurred by Informant: \$ \_\_\_\_\_

Payment to Informant: \$ \_\_\_\_\_

Other: \$ \_\_\_\_\_ TOTAL: \$ \_\_\_\_\_

\*\*\*\*\*

Name of Undercover Officer: \_\_\_\_\_

Officer's Agency: \_\_\_\_\_

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Informant's Registration Number: \_\_\_\_\_

Agency Identifier for Outside Informant: \_\_\_\_\_

Informant's Control Officer: \_\_\_\_\_

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Miscellaneous Remarks: \_\_\_\_\_

\_\_\_\_\_

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Officer's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_