

ALBUQUERQUE POLICE DEPARTMENT
* PROCEDURAL ORDERS*

Effective: 03/15/2012; Replaces: 06/07/2005
12- PO

2-04 **INFORMANTS**

POLICY:

The department uses information supplied from a variety of sources, including informants. Information supplied by informants will be utilized only if the information relates to allegations of a criminal act and in accordance with rules of criminal procedures and constitutional guarantees. Guidelines are hereby set forth for the management of records, funds, operations at the department level, and maintenance of the files which are kept at the unit or section in which they originated.

Note: This policy in no way attempts to affect the Crimestoppers program, policies or procedures as established by the Crimestoppers Citizens' Board of Directors.

DEFINITIONS:

2-04-1 INFORMANT
[N/A]

Anyone who provides information on a suspected criminal activity including one or more of the following specific categories.

2-04-2 CONFIDENTIAL INFORMANT (C.I.)
[N/A]

A paid or unpaid individual who is providing information to the police department; who for reasons of personal safety or other valid considerations, requests that his/her identity be kept confidential.

2-04-3 UNWITTING INFORMANT
[N/A]

An individual involved in criminal activity who acts as an intermediary to negotiate illegal transactions, purchase contraband, or who otherwise unwittingly acts as an informant.

2-04-4 PAID INFORMANT
[N/A]

Anyone who provides information about actual or alleged criminal activities with the expectation of financial compensation or other considerations. The compensation can include money, goods, services, or consideration on pending criminal charges.

2-04-5 UNPAID INFORMANT
[N/A]

Anyone providing information about actual or alleged criminal activity and does so with no expectation of compensation but does expect anonymity.

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- 2-04-6 CONCERNED CITIZEN/WITNESS
[N/A]
An individual who is providing information about actual or alleged criminal activity without expectation of reward or consideration on pending criminal charges.
- 2-04-7 ANONYMOUS INFORMANT
[N/A]
Anyone calling the police department with information who wishes to remain anonymous.
- 2-04-8 JUVENILE INFORMANT
[N/A]
Any informant under the age of eighteen.
- 2-04-9 PAYMENT
[N/A]
The actual exchange of information for money, goods, and services, or the draft of agreements through the prosecuting attorney's office to provide reduction of charges or plea agreements with informants.
- 2-04-10 EXPENSE REPORTS
[N/A]
Internal administrative documents (PD form 1204) used to provide an audit trail. Expense reports do not contain any information concerning the actual information received, nor do they report activity of the officer in matters concerning the case. Expense reports are not used to circumvent normal intelligence or criminal case files.
- 2-04-11 RECEIPTS
[N/A]
Receipts are normal business receipts or, in emergencies, handwritten receipts used to provide additional audit methods to ensure the proper use of Department funds. Receipts are attached to expense reports where applicable to provide a unified expense file on each operation involving informants.
- 2-04-12 INFORMANT FILES
[N/A]
Those files containing the true identity of confidential informants used by the employees of the Albuquerque Police Department. Informant files are kept at the appropriate activity level with all the necessary documentation to identify the informant.

RULES:

- 2-04-13 USE OF INFORMANTS
- [3] A. All personnel to include uniformed patrol officers will follow these procedures when gathering information.

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[3]

- B. Informants will not be used to circumvent any constitutional rights or guarantees of citizens, nor will they be utilized to entrap offenders.
- C. The Officers supervisor must be present during the initial meeting when a confidential informant signs the confidential informant file. Supervisors will ensure the confidential informant understands all requirements and limitations set for confidential informants. All subsequent meetings with informants will be reported to the officer's supervisor.
- D. When meeting with informants, a minimum of two officers will be present. When necessary, the second officer can witness the meeting from a discreet distance, provided that the witness officer can observe all actions and transactions between the officer and the informant. All meetings with confidential informants shall be recorded and held for 90 days.
- E. A juvenile informant may only be utilized when written permission has been granted by the parent or guardian.
- F. Informants will not be utilized in an active role when they are on probation or parole unless there is written approval from the probation or parole officer.

[6]

- G. All operations involving the use of informants will be documented in offense reports, intelligence reports, and/or informant profile sheets to comprehensively describe the activity or operation that occurred. This documentation should include statements, tape recordings, expense reports, and/or receipts.
- H. Efforts shall be made to substantiate or otherwise verify all information received from informants prior to utilization of such information unless there is imminent danger to life or property. This type of exception must be approved by command level staff.

[6]

- I. Prior to an informant being paid for services, initial identification will be required. Identification requires completion of an Informant Profile Sheet (PD form 1201), the completion of an Informant Signature Card (PD form 1202), and an identifiable photo of the individual. The investigating officer's supervisor will be required to meet with all paid informants prior to the first payment.

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2-04-14
[6] INFORMANT FILES

A. An informant file will be completed on all paid and unpaid informants. The file will contain the Informant Profile Sheet (PD form 1201), the name of the officer collecting the information, and any appropriate comments evaluating the informant.

2-04-14
cont'd

B. The file will contain all transactions involving the informant, including the following:

1. Any payments to the informant.
2. Expense reports.
3. Receipts.
4. Any relevant criminal offense reports that may have a direct bearing on the classification/evaluation of the informant.
5. Biographical and background information.
6. Criminal history record.
7. Code name or number of each informant.

C. For paid informants, the file will also contain an Informant Signature Card (PD form 1202) and an identifiable photo. The Informant Signature Card shall include the confidential informant's legal signature. Under no circumstances will a fictitious signature or alias signature be used.

[5]

D. Intelligence reports or other unauthorized documents will not be retained in informant files.

E. Informant files will be maintained by the Special Investigations Division Narcotic Lieutenant. Officers/Detectives will prepare confidential informant files and submit the file to the SID Narcotic Lieutenant for a code number prior to utilizing the use of a confidential informant. It will be the Officers/Detectives responsibility to ensure a code number is issued prior to the informants use. An informant will not be paid until a file is created with an assigned confidential number issued.

[7]

F. To ensure the safety and confidentiality of informants, access to informant files will be restricted to authorized personnel, as determined by the **Special Investigations Division** Commander, on a right and need to know basis. The files will be physically secured in a file cabinet or safe where access can be monitored at the Section level.

G. The file will be stored and retrieved using a numeric or coded filing system. This code will be used to identify the informant in all other reports and transactions. The code number will be obtained from the Informant Log Book (PD form 1206). The informants true identity will not appear on any exterior portion of the file

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H. The informant file will be completed within five working days of receipt of the initial information from the informant. It is the responsibility of the investigating officer to ensure that the informant file is complete.

[7] I. Appropriate items once in the file may not be purged. It may be necessary to show the overall performance of the informant when considering payment or reliability.

2-04-15
[7] INFORMANT LOG BOOK

A. An informant log book (PD form 1206) will be maintained with consecutive numbers to enable authorized personnel to identify the informant. The Informant Log Book will remain in the custody of the Section commander or his/her authorized designee and will be subject to audit by Inspections Unit personnel at the direction of the Chief of Police.

B. It will be the responsibility of the investigating officer to ensure that the informant is assigned a number from the Informant Log Book.

2-04-16
[7] SOURCE EVALUATION

A. Informants are to be evaluated for reliability prior to disseminating any information unless there will be an immediate impact on life or property. In this case, prior to release of information, Command approval for dissemination will be required.

B. The evaluation will be conducted by the investigating officer, and the evaluator will use the following criteria as found on PD forms 1201 and 1205:

Source Evaluation

Information Evaluation

- A. Completely Reliable
- B. Fairly Reliable
- C. Reliability Unknown
- D. Anonymous

- 1. Confirmed By Another Source
- 2. Possibly True
- 3. Truth Unknown

C. The Informant Profile Sheet will be dated to ensure the informant is evaluated with the most current information. Upon completion of the investigation for which the informant was used, the investigating officer will re-evaluate the informant using another Informant Profile Sheet.

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2-04-17
[6] CONFIDENTIAL INFORMANT PAYMENT POLICY

Informants who are assisting officers in an investigation may be offered a monetary reward based on the outcome of the investigation.

- A. Any reward will be based on the SID payment schedule as determined and approved by the Special Investigations Division Commander or his designee. Any deviation from this schedule must be approved in writing by the officers' supervisor and the SID Commander or his designee.
- B. Other property such as real estate, jewelry, vehicles, firearms, and furniture which is forfeited, will not be included for purposes of determining the amount of the reward offered to the informant.
- C. Rewards are to be linked to the benefit the Albuquerque Police Department receives from the informant's contribution to the investigation.
 1. If an informant's contribution helped initiate the investigation, but is several steps removed from the arrest or seizure, then the reward offered to the informant will be reduced or eliminated appropriately.
- D. Officers will carefully document the following:
 1. Any promises of reward made to an informant.
 2. The role or contribution of the informant in the investigation.

2-04-18
[7] PAYMENT OF INFORMANTS

- A. Prior to payments, the investigating officer will submit a request for informant funds for the purpose of receiving information from documented informants.
- B. The section/watch commander and his/her unit supervisor will determine the necessity, feasibility and the reason for any cash payment to an informant. The amount to be paid to the informant will be determined based upon the value of the information, the impact of payments on departmental/unit funds, and the input from the case detective or investigating officer.

- [6] C. The section commanders or their designated representatives will be the only ones authorized to disburse cash to officers for payment to informants only after submission of a written request, for Operational Funds Voucher (PD form 1203), by the requesting officer to his/her immediate supervisor.
- D. Upon issuance of the funds, the investigating officer will sign a receipt for the funds, and the receipt will be attached to the expense report completed by the officer.

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E. A receipt will be completed when funds are distributed to the informant with the informant's legal signature, the signature of the officer disbursing the funds, and the signature of a witnessing officer. Officers will ensure that the informant's legal signature is on the receipt. Under no circumstances will fictitious or alias signature be used on the receipt.

[6] F. Any payment to an informant over \$1,000.00 requires prior approval from the appropriate Deputy Chief of Police.

[6] G. Payments of over \$5,000.00 require approval from the Chief of Police.

2-04-19 EXPENSE REPORTS

[6] A. An expense report (PD form 1204) will be completed on all disbursements. The original receipts of cash out, cash in, and the payment receipt signed by the informant will be attached.

[7] B. An expense report and a receipt will be required for each transaction by the officer, to contain sufficient information to cross reference the receipt to a specific expense report.

[7] C. The expense report contains only the informant's designated number. The signature of the disbursing officer and the witnessing officer shall appear on the report **as well as the officer's supervisor signature.**

D. **All completed expense reports including receipts will be hand delivered by the unit supervisor to SID and submitted to the SID Narcotic Lieutenant.**

2-04-20 CASH ON HAND LOG BOOK

[6]

A log book will contain the numerical sequence of the cash disbursement. This numerical sequence will correspond to the cash receipt log. The log will also contain the name of the investigating officer and the amount disbursed. This log book will show the available cash on hand (cash on hand ledger).

2-04-21 AUDIT OF INFORMANT FUNDS

[7]

A. The section commander is required to conduct continual audits of informant funds to ensure proper use and to promptly identify procedural deficiencies. Additionally, section commanders will periodically audit the actual informant file to ensure that proper documentation and evaluation of informants is occurring.

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B. The Section commander should report any findings of concern up the chain of command as soon as they are identified.

[N/A]

C. The Department's Inspections Unit will also conduct audits of the informant files to include payment practices, informant evaluation, appropriateness of payment, and to ensure that all rules and procedures set forth in this section are being followed.

2-04-22 FUND DISBURSEMENTS

- A. Fund disbursements will be issued by the SID fiscal manager to area commanders or his/her designee.
- B. Funding will be determined by SID Commander.
- C. All supervisors utilizing informant funds will adhere to SID Standard Operation Procedures concerning the usage of funds, tracking, expenditures, and auditing procedures (refer to SID SOP Narcotic Section).