



## **2-69 INFORMANTS**

### **Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):**

A. Related SOP(s)

2-8 Use of On-Body Recording Devices (Formerly 1-39)

B. Form(s)

PD 1201 Informant Profile Sheet

PD 1202 Confidential Informant Agreement of Understanding Signature Card

PD 1204 Voucher Expense Report

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

### **2-69-1 Purpose**

The purpose of this policy is to outline the protocols for the control and use of Informants.

### **2-69-2 Policy**

It is the policy of the Albuquerque Police Department (Department) to take necessary precautions when using Informants by developing sound Informant control procedures.

### **N/A 2-69-3 Definitions**

A. Informant

1. A person who provides information on suspected criminal activities, including the following specific categories:
  - a. Confidential Informant (CI):
    - i. An individual who furnishes information to a law enforcement officer about individuals suspected of committing crimes or criminal activity for consideration, either financial, prosecutorial, or judicial, under the direct supervision of a law enforcement officer, and who is provided with a reasonable expectation of confidentiality; and
    - ii. An individual who actively participates in a criminal investigation or intelligence operation under the direct supervision of a law enforcement officer with or without compensation.



- b. Juvenile Informant: Any individual under the age of eighteen (18) who is either a paid or unpaid Informant;
- c. Paid Informant: An individual who provides information about actual or alleged criminal activities with the expectation of financial compensation or other considerations. The compensation may include money or consideration on pending criminal charges;
- d. Unpaid Informant: An individual who provides information about actual or alleged criminal activity who does so with no expectation of compensation but does expect anonymity; and
- e. Unwitting Informant: An individual who is involved in criminal activity acts as an intermediary to negotiate illegal transactions, purchase contraband, or otherwise unwittingly acts as an Informant. An Unwitting Informant shall not be documented as an Informant.

B. Informant File

A folder containing the true identity of Informants used by Department personnel. All Informant files shall be kept at the Investigative Services Division (ISD) under the control of the ISD Commander or their designee.

C. Payment

The exchange of information for money, goods, and services between an Informant and the Department or the draft of agreements through the prosecuting attorney's office to reduce charges or establish plea agreements with Informants.

**6** 2-69-4 **Procedures**

A. Use of Informants

1. Sworn personnel shall:

- a. Follow the procedures outlined in this Standard Operating Procedure (SOP) when gathering information from Informants;
- b. Prepare CI files;
  - i. Sworn personnel shall submit the CI file to the Career Criminal Section Lieutenant for a CI number and ensure that the CI number is assigned before using a Paid Informant.
  - ii. An Informant shall not be paid until sworn personnel create the file with the assigned CI number.

- 5** c. When meeting with Informants, have a minimum of two (2) officers present and also provide backup as necessary;
  - i. 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.
- 5** d. Only use a Juvenile Informant when written permission has been granted by the juvenile's parent(s) or guardian(s);



- e. Document all operations involving the use of Informants;
- f. Substantiate all information received from Informants;
- g. Report all information the Informant provides that discloses imminent danger to life to their Unit supervisor before law enforcement action is taken; and
- h. Ensure that the Informant is identified before the Informant is paid for services by completing the:
  - i. Informant Profile Sheet; and
  - ii. Confidential Informant Agreement of Understanding Signature Card.

2. Sworn personnel shall not:

- a. Use an Informant to circumvent any constitutional rights or guarantees of community members;
- b. Activate their on-body recording devices (OBRD) during any investigative interactions involving a CI, consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties); or
- c. Use Informants in an active role when they are on probation or parole unless there is written approval from the probation or parole officer or authorized judge.

N/A

3. The ISD Supervisor shall:

- a. Meet with a Paid Informant before the first payment is made; and
- b. Ensure the Paid Informant understands all applicable requirements and limitations.
  - i. Sworn personnel shall report all subsequent meetings with Paid Informants to their immediate supervisor.

B. Informant Files

1. The Career Criminal Section Lieutenant shall maintain Informant files.

- a. Under no circumstances shall any other Department division, section, or unit keep or maintain an Informant file.

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C. Source Evaluation

1. Sworn personnel shall complete the Source Evaluation by using the CI Packet.

- a. Sworn personnel shall use the Source Evaluation to:
  - i. Validate the Informant's reliability as based on past information; and
  - ii. Confirm all proper documentation has been completed and in the Informant file.

2. Sworn personnel shall evaluate Informants based on the validity of the information that they provided.



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3. The Career Criminal Section Lieutenant or their designee shall re-evaluate active Informants biannually.

REDLINED



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### Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

~~2-8 Use of On-Body Recording Devices~~

2-8 Use of On-Body Recording Devices (Formerly 1-39)

B. Form(s)

PD 1201 Informant Profile Sheet

PD 1202 Confidential Informant Agreement of Understanding Signature Card

PD 1204 Voucher Expense Report

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

### 2-69-1 Purpose

The purpose of this policy is to for the Albuquerque Police Department (Department) to outline provide the protocols for the control and use of Informants. ~~In some instances, a successful investigation cannot be conducted without the use of Informants. While the use of Informants can be an effective tool, it can be undermined by misconduct of the Informant or improper management by the handler.~~ Informants.

### 2-69-2 Policy

It is the policy of the Albuquerque Police Department (Department) to take necessary precautions when using Informants by developing sound informant control procedures.

**N/A**

### 2-69-3 Definitions

~~A. Anonymous Source~~

~~An unknown individual contacting the Department with information who wishes to remain unknown.~~

~~B. Confidential Expense Report~~

~~Internal administrative document used to provide an audit trail, which includes the completion of Form Voucher Expense Report. Expense reports shall not contain any~~



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~~information concerning the actual information received or the activity of the officer in matters concerning the case. Expense reports shall not be used to circumvent normal intelligence or criminal case files.~~

~~C.A.~~ A. Informant

1. ~~An individual~~ person who provides information on ~~a~~ suspected criminal ~~activity~~ activities, including the following specific categories:

~~1.a.~~ a. Confidential Informant (CI):

- ~~i.~~ i. An individual, ~~under the direct supervision of enforcement officer, who is provided with a reasonable expectation of confidentiality, and who~~ who furnishes information to a law enforcement officer about individuals suspected ~~criminals~~ of committing crimes or criminal activity for consideration, either financial, prosecutorial, or judicial; ~~or a~~ under the direct supervision of a law enforcement officer, and who is provided with a reasonable expectation of confidentiality; and
- ~~ii.~~ ii. ~~A person~~ individual who actively participates in a criminal investigation or intelligence operation under the direct supervision of ~~a law~~ a law enforcement officer with or without compensation.

~~2.~~ Juvenile Informant:

~~b.~~ Any informant individual under the age of eighteen (18) who is either a paid or unpaid informant:

~~3.~~ Paid Informant:

~~c.~~ An individual who provides information about actual or alleged criminal activities with the expectation of financial compensation or other considerations. The compensation may include money or consideration on pending criminal charges:

~~4.~~ Unpaid Informant: ~~and~~

~~d.~~ Anyone An individual who ~~providing~~ provides information about actual or alleged criminal activity who does so with no expectation of compensation but does expect anonymity; and:

~~5.~~ Unwitting Informant:

~~e.~~ An individual who is involved in criminal activity ~~who~~ acts as an intermediary to negotiate illegal transactions, purchase contraband, or ~~who~~ otherwise unwittingly acts as an informant. An ~~unwitting~~ Unwitting informant ~~is not to~~ shall not be documented as an informant.



~~D.B.~~ B. Informant File

~~Files~~ A folder containing the true identity of informants used by Department personnel. All informant files shall be kept at the Investigative Services Division (ISD) under the control of the ISD Commander or their designee. ~~Under no circumstances shall any other Department division, section, or unit keep or maintain an informant file.~~

~~E.C.~~ C. Payment

~~The actual~~ exchange of information for money, goods, and services between an ~~an~~ informant and the Department or the draft of agreements through the prosecuting attorney's office to ~~provide reduction of~~ reduce charges or establish plea agreements with informants.

~~F.~~ Receipts

~~Normal business documents or, in emergencies, handwritten documents 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.~~

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**2-69-4 Procedures**

A. Use of Informants

1. All sworn ~~Sworn~~ personnel ~~shall follow~~ shall:

1-a. Follow the procedures outlined in this Standard Operating Procedure (SOP) when gathering information from informants;

~~2. Sworn personnel shall not activate their on-body recording devices (OBRD) during any investigative interactions involving a CI, consistent with SOP Use of On-Body Recording Devices.~~

b. Sworn personnel/detectives shall prepare Prepare C confidential informant I files and;

~~3. Sworn personnel shall~~ submit the CI file to the ~~ISD Narcotics~~ Career Criminals Section Lieutenant for a CI number ~~prior to the use of a paid informant.~~

i. ~~It shall be the sworn personnel's/detective's responsibility to~~ and ensure that a the CI number is ~~issued prior to the informant's use.~~ assigned before using a Paid Informant.

a.ii. ~~An informant~~ Informant shall not be paid until a sworn personnel create the file ~~is created with an~~ assigned CI number.



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~~4. An ISD supervisor shall meet with a paid informant prior to when the first payment is made. ISD supervisors shall ensure the paid informant understands all applicable requirements and limitations. All subsequent meetings with informants shall be reported to the sworn personnel's/detective's immediate supervisor.~~

~~a. Prior to an informant being paid for services, initial identification shall be required. Identification requires completion of Form Informant Profile Sheet and Form Signature Card.~~

**5** ~~c. When meeting with informants, have a minimum of two (2) officers shall be present and also provide backup as necessary.~~  
~~5.i. 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.~~

**5** ~~6.d. Only use a Juvenile informant shall only be used when written permission has been granted by the juvenile's parent(s) or guardian(s).~~  
Document all

~~7. Sworn personnel shall not use informants in an active role when they are on probation or parole, unless there is written approval from the probation or parole officer, or authorized judge.~~

**7** ~~8.e. All operations involving the use of informants shall be documented.~~

~~f. Efforts shall be made to substantiate~~Substantiate all information received from informants.~~Information disclosing;~~

~~9.g. Report all information the informant provides that discloses imminent danger to life shall be reported to the unit~~to their Unit supervisor prior to before law enforcement action is taken; and

~~h. Ensure that the informant is identified before the informant is paid for services by completing the following:~~

~~i. Identification requires completing t~~The Confidential Informant Agreement of Understanding Profile Sheet; and

~~ii. t~~The Confidential Informant Agreement of Understanding Signature Card forms.

Sworn

~~2. Informants~~personnel shall not be used:

~~a. Use an informant~~ to circumvent any constitutional rights or guarantees of community members;

**N/A** ~~b. Activate their on-body recording devices (OBRD) during any investigative interactions involving a CI, consistent with SOP Use of On-Body Recording Devices (refer to SOP Use of On-Body Recording Devices for sanction classifications and additional duties); and~~

~~c. Use informants in an active role when they are on probation or parole unless there is written approval from the probation or parole officer or authorized judge.~~



3. The ISD Supervisor shall:

- a. Meet with a Paid Informant before the first payment is made; and
- b. Ensure the Paid Informant understands all applicable requirements and limitations.
- 10.i. Sworn personnel shall report all subsequent meetings with Paid Informants to their immediate supervisor.

B. Informant Files

- 1. ~~Informant files shall be maintained by the ISD Narcotics~~ The Career Criminal Section Lieutenant shall maintain Informant files.

- 2.a. Under no circumstances shall any other Department division, section, or ~~unit~~ units keep or maintain an informant file.

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C. Source Evaluation

- 1. ~~The Sworn personnel shall complete the Source Evaluation shall be completed by the investigating officer/detective~~ by using the CI Packet.

- 2.a. ~~The Sworn personnel shall use the Source Evaluation shall to:~~

- a.i. Validate the informant's reliability as based on past information; and
- b.ii. Confirm all proper documentation has been completed and in the informant file.

- ~~3.2. Informants~~ Sworn personnel shall be evaluated evaluate Informants based on the validity of the ~~information that they provided by the informant.~~

- ~~4. Re-evaluation of active informants shall be conducted biannually by the ISD Narcotics~~ The Career Criminals Section Lieutenant or their designee.

- 3. shall re-evaluate active Informants biannually.