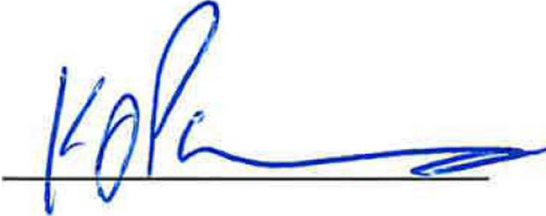


BELCHERTOWN POLICE DEPARTMENT

DEPARTMENT DIRECTIVE

POLICY NUMBER: 2.02	
Use of Confidential Informants	AUTHORIZED SIGNATURE:  Kevin J. Pacunas Chief of Police
New: _____ Amended: __X__ Review/ Revision: _____	Date of Issue: 10/17/2017 Effective Date: 10/17/2017 Review/ Revision: 11/10/2022
Directive: #	Subsequent Reviews: Every 3 years Next review: November 2025

PURPOSE: Policy #2.02 has been amended to remove references to Det. Raymer.

This policy and cover page will be placed in all Departmental Policy and Procedure Manuals and electronic libraries.



BELCHERTOWN POLICE DEPARTMENT

Subject: Use of Confidential Informants	Number: 2.02
Category: Investigations	Type: Policy
Effective Date: June 19, 2018	Last Review Date: November 2022
Issuing Authority: Chief Kevin J. Pacunas	Next Review Date: November 2025
Amends or Rescinds:	
References: CALEA 42.2.7; 17.4.2	

GENERAL CONSIDERATIONS & GUIDELINES

In general, the Belchertown Police Department does not utilize any informants outside of the department’s association with the Northwestern District Attorney’s Anti-Crime Task Force. When informants are used by the Anti-Crime Task Force, all files are maintained by the Anti-Crime Task Force in accordance with the policies and procedures set by the District Attorney’s Office and the Massachusetts State Police, who jointly oversee and operate the Anti-Crime Task Force.

If an officer or dispatcher is approached by an individual wanting to provide ongoing information to this department as a confidential informant, that officer or dispatcher should refer the person to the investigations supervisor and/or the officer(s) assigned to the Anti-Crime Task Force. The assigned officer(s) can then utilize the informant through the Anti-Crime Task Force and in accordance with their policies and procedures.

In the event that the department utilizes a confidential informant outside of the Northwestern District Attorney’s Anti-Crime Task force the following policies and procedures will be followed.

I. POLICY

A. It is the policy of the Belchertown Police Department that:

1. Confidential informants, or sometimes referred to as cooperating individuals, may be used to enhance efforts to detect, investigate and prosecute criminals; and
2. All necessary precautions shall be taken to protect the identity of confidential informants and guard against the misconduct or misuse of confidential informants.

II. PROCEDURES

A. INTERACTION WITH INFORMANTS

These procedures apply to both uniformed and investigative personnel.

1. The informant should be treated courteously regardless of his/her character, education or occupation.
2. The investigator should be scrupulous in the fulfillment of all ethical promises that he/she has made, as any other policy results in distrust and the ultimate loss of the informant's services.
3. The informant should never be permitted to take charge of any phase of an investigation. **{42.2.7F}**
4. Meetings with informants should not be held at the police station unless it is advantageous to the investigation and can be safely done. When practical, two (2) officers should be present when meeting with informants. Additionally a supervisor should be made aware prior to the meeting.
5. The circumstances surrounding a meeting should not be repeated to the extent that a recognizable pattern is created.
6. In corresponding with the informant, the department should never be identified. **{42.2.7 F}**
7. To preserve this secrecy, each confidential informant shall be assigned a code number.
8. All of the investigator's informants will be included in a master file, locked and maintained by the officer in charge of the investigator's office. The investigator may keep a working file for the confidential informant and this file will also be kept in a locked cabinet or desk drawer. **{42.2.7A,C}**
9. Information on the informant will be recorded on the appropriate form and will include: his/her designated, code number; biographical and background information; criminal history, if any; place and manner of contact; telephone number(s); pretext to be used when contacting (if any); the primary and alternate investigator who may make contact; and a notation regarding the informant's availability with regards to time or travel. Further notation should be made with regard to the informant's track record; and his/her involvement in prior operations. If possible a photograph will be included in the file. **{42.2.7A,B,C,D}**
10. Informants will be required to sign a Standard Agreement Statement form.

B. JUVENILE INFORMANTS

A. A juvenile informant may be used if:

1. Officers have met and discussed the involvement with at least one parent or legal guardian.
2. Officers have obtained written permission from at least one parent or legal guardian.

NOTE: In the case of a juvenile, whose parents are separated or divorced, permission shall be obtained from the parent having legal custody.

3. Officers have obtained permission from the Chief of Police.

B. When meeting with a juvenile informant, two officers should be present. {42.2.7G}

C. CRIMINAL ACTIVITY BY AN INFORMANT

1. Informants sometimes gain authority from police officers for participation in activity, which would otherwise be criminal. Such authorization must be carefully considered. Authorization for such activity shall be as follows:

- a. The Chief of Police or his/her designee only must approve the use of an informant for activities, which would otherwise be criminal. The Chief of Police's approval should only cover activities, which there is little danger of violence, or corrupt action by a public official is not involved.
- b. When authorizing activity which would otherwise be criminal, the Chief of Police or his/her designee shall attempt to ensure the following:
 - a. There is minimal effect on innocent people;
 - b. The informant is not the primary source of technical expertise or financial support;
 - c. The informant's activity is closely monitored

2. Unauthorized criminal activity by an informant shall be dealt with as follows:

1. An officer learning of unauthorized criminal activity by an informant shall notify the Chief of Police or his/her designee, who will in turn notify the Chief of Police.

2. The Chief of Police shall:

- a. Decide whether or not to delay notification of appropriate law enforcement personnel;

- b. Decide whether or not to request appropriate authorities to delay or forgo enforcement action; and
 - c. Decide whether or not to continue the use of the informant.
3. The Chief of Police must contact the District Attorney's Office from the affected jurisdiction if he/she wants to delay notification of law enforcement authorities or request authorities not to take action. Only after contacting the appropriate District Attorney shall the Chief of Police make the decision to delay such notification or make such request and continue the use of the informant.

D. OTHER CONSIDERATIONS

1. Because of the visibility and restricted mobility of the uniformed officer, consideration should be given to the time and place of meeting an informant when on uniformed duty.
2. A plausible explanation or ruse should be agreed upon (between the officer/informant) in the event that they are observed.
3. Extended meets with informants while on duty are not encouraged. However, the officer's discretion, good judgement and the amount of activity on the shift should be considered when conducting meetings. **{42.2.7(f)}**
4. The patrol supervisor should be consulted if an officer feels he/she may be distracted from other duties during such meets.
5. If an officer interacts with an informant while off-duty or not engaged in an investigation, the officer shall notify the supervisor of investigations and document the interaction.

E. CONFIDENTIAL FUNDING {42.2.7(e)} {17.4.2}

1. The department does not maintain, or have access to, confidential investigation funds for the purpose of purchasing contraband and otherwise supporting intelligence operations.

F. DISMISSING INFORMANTS

1. If after a period of time an informant becomes undesirable (ineptitude, compromise, criminal activity, false or inaccurate information, etc.) the investigator will advise the officer in charge of investigations of the situation and a decision will be made as to the informant's further use.

2. Since the question of the informant's usefulness may arise in the future, the reason(s) for dismissal will be recorded and maintained in the master file.