

**Police Department
Baltimore, Maryland**

General Order 20-77

J-1

15 February 1977

Subject: *Informants/Sources of Information*

BACKGROUND

The use of volunteer sources of information, whether concerned citizens or informants, has long been an effective and judicially recognized investigative tool used by law enforcement agencies in pursuit of their mission against crime. The apprehension and conviction of innumerable offenders and the seizure and/or recovery of contraband and fruits of crimes have oftentimes been directly attributable to those persons who assisted the police agency out of a sense of duty or for monetary gain or other consideration. It is imperative, therefore, that officers establish and maintain such reliable sources. We realize however, some persons may at times be of other than good character and association with them may create situations which unjustifiably reflect poorly on an officer. In order to protect our sources of information and law enforcement personnel and to insure the reliability of information received, administrative control must be maintained.

POLICY

It is the policy of the Baltimore Police Department to maintain avenues of communication open to all citizens. Our experience reflects the vast majority of those we serve are most willing to volunteer information vital to the department's carrying out its duties and responsibilities.

Additionally, it is the policy of this agency to scrupulously guard the confidentiality of our volunteer sources of information, whether concerned citizen or informant.

PURPOSE

The purpose of this Order is to promulgate within one directive guidelines and procedures, previously set forth individual instructions or recognized in existing practice, for the utilization of sources of information, informants, and defendant-informants.

DEFINITIONS

Sources of information are individuals who supply information to a member of the department and do not receive any fee, expenses, or other consideration and **whose identities** are not necessarily protected.

Informants are defined as those who, for furnishing information to the department, receive a fee, expenses, or other valuable consideration from the department and/or whose identity is protected as confidential.

Defendant-informants are defined as persons subject to arrest and prosecution for an offense or a defendant in a pending criminal case, who under the specific direction of a member of this department, with an expectation of payment or other valuable consideration, provides information regarding illegal activities or performs other lawful service.

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GENERAL

While these procedures are vital to the protection of police integrity and informant confidentiality, nothing in this order shall be construed to inhibit the free flow of information from the citizens of our community to this agency. A cooperative citizenry is our most valuable asset in crime prevention and investigation.

Administrative procedures exist for documenting informant contacts, informant activities, and establishing the reliability of past information received from informants.

It is realized that many officers have sources of information who are not paid but are apprehensive of their identities being revealed. This trust and need for confidentiality is recognized; and until the source is paid out of departmental funds or receives other special consideration, this type of source need not be subject to the administrative procedures herein defined.

Members are advised, however, our informant control system may also serve as a repository for documentation of meetings with persons of questionable character or meetings under suspicious circumstances. Any member may enroll any source of information for their own protection. **Members shall enroll all known convicted felons, who are utilized as sources of information, in the informant control system.** It is not necessary to have this individual sign the Informant History form or Instructions to Informants form as outlined in Annex A (Informant Control Procedures).

Example: A casual, open contact with an individual leads to an invitation for an officer to accompany the individual to a secluded area or place of questionable nature. Even though no information of value to this or any other law enforcement agency is received, the officer must be mindful of the implication of such meetings and should, for his/her own protection, document the meeting in keeping with the guidelines provided in this Order.

Command personnel, Captain and above, shall not act as a continuing conduit for information provided by informants, but shall be responsible for insuring compliance with the proper management of the informant process as set out in this Order.

While the need for an exception to this policy is recognized, the need for administrative control is also apparent. Consistent with this, whenever information is received by command personnel, Captain and above, directly from a paid informant or one who is receiving some other special consideration for services rendered, the command member shall immediately report in writing all such contacts to the Director of the Inspectional Services Division.

PRIOR TO THE USE OF INFORMANTS IN INVESTIGATIVE PURSUITS MEMBERS SHOULD CONSIDER:

The character and motivation of the individual informant; his past or potential involvement in the matter under investigation or in related criminal activity; his proven reliability and truthfulness or the availability of means to verify information which he provides; and,

The potential value of the information he may be able to furnish in relation to the consideration he may be seeking from the government for his cooperation.

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REQUIRED ACTION

I. Instructions to Informants

Members of the department shall make clear to the informant he is not in any way a member of this department and he is not vested with any authority vested in members of this department.

Members shall also inform the informant that in carrying out any assignment for the department the informant shall not:

1. Participate in any act of violence or
2. Use unlawful techniques to obtain information for the department, i.e., electronic surveillance, breaking and entering, opening or tampering with mail, etc.; or
3. Initiate a plan to commit acts; or
4. Participate in criminal activities of persons under investigation, except insofar as the controlling member determines that such participation is necessary to obtain information needed for purposes of developing probable cause for arrest and prosecution. Under such circumstance proper direction and control on the member's part is critical, i.e., in controlled buys of CDS.

Members of the department are further reminded they are to remain above reproach in all their dealings with informants. Additionally, neither the department nor any of its members may provide immunity from prosecution.

Whenever a member of this department learns that persons under investigation intend to commit a violent crime, informants used in connection with the investigation shall be instructed to try to discourage the violence.

any **question** regarding the propriety of an informant's involvement in the commission of a criminal act in furtherance of his assignment shall be referred to competent legal authority. Referrals of this nature shall, wherever possible, be made in a manner not divulging the identity of the informant or the specifics of the investigation at hand.

Under no circumstances shall a member of the Baltimore Police Department take any action to conceal a crime committed by one of his informants.

Any and all violations known to have been committed by an informant shall promptly be reported to the Commanding Officer of the District/Division or Section to which the controlling member is assigned. The Commanding Officer shall insure notice if such violation is given to appropriate law enforcement and prospective authorities.

The immediacy of arrest action must be left to the judgment of the individual member. Factors of consideration would be the nature and severity of the crime, the existence of probable cause or warrants of arrest, probability of the informant fleeing jurisdiction, etc.

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In the extraordinary circumstances where both the investigation at hand and the violation believed to have been committed by the informant being used in the investigation is of a serious nature, immediate consultation with appropriate legal authority shall be made.

II. Use of Defendant-Informants

In addition to the procedures applicable to the use of informants the following procedures shall be adhered to in the use of Defendant-Informants:

Members are not authorized by law to make and shall not make any promise or inducement regarding pending criminal prosecution.

A Defendant-Informant may only be advised that cooperation will be brought to the attention of the appropriate prosecutor.

Should a Defendant-Informant seek consideration greater than that provided for by this Order such request shall be communicated to the appropriate prosecutor. Any agreement regarding the consideration sought shall be a matter of direct negotiation between the prosecutor and the Defendant-Informant and/or his attorney.

- III. All members of this department are reminded of the restrictions placed on confidential police information. Any breach of the security surrounding an informant's identity or action shall be construed to be a serious transgression of departmental procedures subject to appropriate disciplinary action. Information as may be furnished by informants or sources shall be disseminated only on a need-to-know basis.

EFFECTIVE DATE

This Order shall be effective on the date of publication.

Commissioner

ANNEXES

- A.** Informant Control Procedures

DISTRIBUTION

"A"

Plus All Departmental Bulletin Boards

I certify that I have read and fully understand this Order.

Signature

INFORMANT CONTROL PROCEDURES

I. Informant and Defendant-Informant Identification

All informants as defined in this Order, shall be given a confidential control number, preceded by the appropriate district/section alpha prefix.

All departmental members presently using or subsequently recruiting informants shall complete an Informant History form and shall explain and have signed an Instructions to Informants sheet for each informant.

A signed Informant History and an Instructions to Informant Sheet shall be given directly and personally to the district/section Commanding Officer for retention in a sealed envelope in the informant's folder.

Only the informant's control number shall be referred to and included in subsequent departmental communications wherein a particular informant is reflected, i.e., expense vouchers, warrant affidavit, etc.

Should a member of the department be transferred, the informant records shall remain in the original unit. Subsequent use of the informant by this member will necessitate submitting new Informant History and Instructions to Informants Sheets for file with the Commanding Officer of the new assignment.

In order to insure a continuance of valuable information, members should wherever practical and possible introduce their informant or source to another departmental member who can serve as an alternate departmental contact in the original member's absence.

The expenditure of confidential funds shall be in accordance with procedures outlined in our departmental directive entitled "Confidential Funds."

II. Commanding Officer's Informant Files

Commanding Officers shall maintain an informants cross reference index and individual Informant folders.

1. Informant cross reference cards shall be kept in alphabetical order by name as well as numerically by coded control number. A nickname or alias files may also be maintained.
2. Individual informant folders shall be filed numerically by control number. Only the control number should appear on the outside of the folder.

In order to substantiate previous reliability of an informant, folders shall include field and/or members' reports relating informant contacts and contributions in criminal cases, informant fee vouchers, previous warrant affidavits, etc. The Commanding Officer shall also maintain in these folders additional pertinent biographical information on the informant, including the Informant History and Instructions to Informants Sheets in sealed envelopes.

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The cross index and folders shall be maintained in the unit's safe or other securely locked file.

All informant files and reports will be maintained in strictest confidence in the division/district of origin, regardless of the transfer, promotion, etc., of the contact officer.

Should the informant become inactive, the files shall not be destroyed but kept in the safe or locked cabinet in an inactive file.

III. Informant Contacts

Following every contact which reveals negative or positive information regarding the informants activities or provides this or another law enforcement agency information of apparent value, members shall submit a report to their commanding officer via official channels stating therein the informant control, time, date, place, and subject of the contact. Where appropriate, copies of supplemental field reports may suffice.

Information of a highly sensitive nature may be reported directly to the member's commanding officer or other official of this agency as deemed appropriate and provided for by established procedure.

Should an informant provide information regarding a criminal act which reportedly is to occur in the near future, and the type of criminal activity falls outside the receiving member's unit's normal operations, the appropriate departmental or non-departmental unit shall be promptly notified verbally. A written report, via official channels shall follow. The department's need-to-know policy shall govern the dissemination of information received.

NOTE: When in the member's judgment a contact with anyone is under such circumstances as may cast aspersions on the member's integrity, the member should promptly submit a report to his/her Commanding Office regardless of the type of information received.

IV. Review of Information Received

Commanding Officers shall review all informant reports to insure the informant's actions and activities are not detrimental to the contact officer or to the department.

Commanding Officers shall also conduct a periodic review of informant folds and quality of the information received to ascertain if the individual should be maintained as an informant. Additionally, they shall insure periodic review of the informants arrest history for purposes of keeping their files current.

Should a member of this department come under investigation regarding their contact with informants, member(s) of the Internal Investigation Division, only after receiving written approval from the Deputy Commissioner, Administrative Bureau, shall be allowed access to the informant files named in the Deputy Commissioner's written authorization by the district/section Commanding Officer.

INSTRUCTIONS TO INFORMANTS

- _____ You are not a member of the Baltimore Police Department.
- _____ You do not have any police authority or power of arrest.
- _____ In carrying out any assignment for the Baltimore Police Department you shall not participate in any act of violence.
- _____ You shall not use any unlawful techniques or means to obtain information for the department.
- _____ You shall not initiate a plan to commit criminal acts.
- _____ You shall not become involved in criminal activities.
- _____ You shall not undertake any investigation of any kind without the expressed approval and direction of your control agent.
- _____ You shall abide by the direction of your control agent.
- _____ Neither the Baltimore Police Department or any of its members provide you immunity from prosecution.

The above conditions have been read by me or read to me and I fully understand them.

Signature

Date/Time

Control Agent/Member

Date/Time

INFORMANT HISTORY

District/Division _____ Date _____

Informant No. _____ Prior Informant No. _____

Name _____ Alias _____

Address _____ Phone No. _____

Sex _____ Race _____ D.O.B. _____ Place of Birth _____

Ht. _____ Wt. _____ Color of: Hair _____ Eyes _____

S.S. # _____ Driver's License # _____ (State) _____

Occupation _____ Employer _____

Address _____

Phone No. _____

Criminal Record Yes No - If yes, explain on reverse

B of I No. _____ FBI No. _____

Controlled Dangerous Substance History

Addict Distributor Both Neither

Length of Addiction _____ Drug(s) Abused _____

Drug Arrest(s) and Disposition(s) _____

Indicate (on reverse side) circumstances under which contact with this individual was initiated. (This information must be made available to the reviewing Commanding Officer.)

Informant's Signature _____

Interviewer's Signature and Assignment _____