



**Las Cruces Police Department
GENERAL ORDERS
ADMINISTRATION VOLUME 1
GO-129 INFORMANTS (Daily)
Revised 04/26/2016**

129 INFORMANTS

PURPOSE

The purpose of this General Order is to establish procedures and guidelines for the proper handling of informants.

POLICY

The Las Cruces Police Department (LCPD) allows the use of informants by officers as an effective means of gaining information in investigations and prosecutions.

APPLICABILITY

This General Order applies to all commissioned employees. This General Order supersedes all previous versions. This General Order is not applicable to employees assigned to the Dona Ana County – Las Cruces Metro Narcotics Agency.

REFERENCES

CALEA 42.2.2, 42.2.7
NMML OPR.02.06

DEFINITIONS

Confidential Informant (CI) – An informant who wishes to keep his/her identity protected from others.

Informant - A person who provides information or services to the department in return for money, other benefit, or consideration from the department, a prosecutor, court, or other government agency at the request or with the involvement of the department.

Source - Any person who provides information without the expectation of compensation for the information provided and will not take an active role in the investigation.

129.01 USE OF INFORMANTS – GENERAL PROCEDURES

A. The use of an informant shall require prior supervisory notification and approval. In addition, it is the officer's responsibility to keep their supervisors informed, on an ongoing basis, of their activities involving the development and use of informants.



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Officers may consider clearing the use of the informant with the Dona Ana County District Attorneys' Office.

- B. Supervisors shall be aware of the activities of the officers under their supervision who are involved in the development and use of informants.
- C. The identities of informants shall be protected from unnecessary disclosure.
- D. Unlawful activities by informants shall not be encouraged or condoned.
- E. Employees shall not knowingly maintain or seek out social relationships with informants or otherwise become personally involved with informants. Employees shall not buy, sell, receive, or transfer for personal gain, benefit or advantage, anything of value to or from a person known by the employee at the time of the transaction to be an informant. Nothing in this section is intended to apply to or affect a legitimate, routine retail or wholesale purchase from a licensed business that an informant may own or be employed by.
- F. An officer shall be accompanied by another officer when meeting with an informant; unless approved by a supervisor beforehand.
- G. An officer shall be accompanied by another officer when meeting with an informant of the opposite sex.
- H. The supervisors of an officer requesting permission to use an informant shall ensure that the officer is trained in the procedure for handling informants.
- I. Reports that involve the handling of informants shall place special emphasis on documenting the use of contingency funds and the types of contraband or evidence involved is applicable.

129.02 ESTABLISHING INFORMANTS

- A. Prior to the use of an informant, the officer's immediate supervisor shall review and approve the use of the informant. This shall include an in-person meeting between the informant and the requesting officer's immediate supervisor. The informant shall be required to disclose any other law enforcement agency they are currently working with or have worked with.
- B. Informants under the supervision of the Department of Corrections or any other court restricted status shall require permission from the informant's assigned probation



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officer prior to use of the informant. A memo signed by a supervisor authorizing use will be placed into the individual informant file.

- C. Informants who want to work with Dona Ana County – Las Cruces Metro Narcotics Agency (Metro) shall be required to follow that agency’s procedures for registration of informants. Officers assigned to Metro shall adhere to Metro policies regarding the use of informants.
- D. Information provided by informants shall be evaluated and tested for accuracy by the officer handling the informant, when practical.
- E. Informants shall provide the officer with evidence of their full identity. The officer shall be required to complete a department Confidential Source Packet. The informant shall be assigned an informant number. The controlling officer shall obtain a photograph of the informant and a copy of the informant’s NCIC criminal history.
- F. Informants must read and agree to all mandates outlined in the Confidential Source Code of Conduct portion of the Confidential Source Packet. A signature from the informant indicating understanding shall be required.
- G. The Confidential Source Packet, photo, and criminal history shall be submitted to the CIS Lieutenant for his/her approval.
- H. The CIS Lieutenant shall review the Confidential Source Packet for completeness. The CIS Lieutenant shall determine if the informant has valuable information to offer the department.
- I. The CIS Lieutenant may approve or disapprove the use of an informant for the department.
 - 1. If the CIS Lieutenant disapproves of the informant, the officer may appeal this decision to the Chief of Police or his/her designee for consideration. The officer must inform the CIS Lieutenant denying the request of his/her intention to seek approval from the Chief of Police or his/her designee, prior to appealing the decision.
 - 2. If the CIS Lieutenant approves usage of the informant, he/she shall assign an informant number to the informant and may assign an assumed name to further protect the informant’s identity. The informant number shall be made known to the controlling officer, and shall be reflected on the Contingency Expenditure Report receipt book every time the informant is given money. The number shall be used



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during audits to cross reference the informant involved in order to ascertain their identity.

- J. Informants shall sign for all monies using his/her name or the assumed name reflected in the Confidential Source Packet; Officer's handling the informant shall include the informant number on all documents in order to allow auditors to ascertain informant identity when applicable.
- K. Informants shall not be used or paid, nor will the information they provide be used as the basis for an arrest or search warrant unless that information has been registered in accordance with the procedures established by the CIS Lieutenant. Specific procedures for working with informants, maintenance of intelligence files, and criminal intelligence activities are available through the Criminal Investigations Section Lieutenant.

129.03 MAINTENANCE OF INFORMANT FILES

- A. The CIS Lieutenant shall be responsible for the management of confidential informant files and procedures related to the management of all informants. The Criminal Investigations Section will outline the handling of criminal intelligence information and criminal intelligence activities in its Standard Operating Procedures.
- B. The CIS Lieutenant shall maintain all informant files in a locked fireproof safe at all times. The informant file shall include the original Confidential Source Packet along with the assigned informant number and alias, the informant's photo and criminal history, and documentation regarding the informant's reliability. Additionally a record of all transactions between the department and the informant shall be maintained in the informant files.
- C. The CIS Lieutenant will ensure that any adverse information regarding the informant, such as the termination of their relationship with the Las Cruces Police Department, be so noted in the informant's file.
- D. Informant identities shall be safeguarded at all times by the CIS Lieutenant, and will be divulged only when compelled to do so by court order during an in camera hearing or during an audit when questions or concerns arise. The inspection of informant files under these circumstances shall be controlled and limited by the Chief of Police to ensure that informant exposure is kept to a minimum.
- E. The CIS Lieutenant may appoint a designee to maintain the informant files during the CIS Lieutenant's absence upon approval of the Chief of Police.



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- F. An internal review of the department's informant files shall be made twice a year (at least 120 days apart) under the direction of Professional Standards Unit.
- G. An informant file may be purged when 5 or more years have passed since the last contact with the informant, and then only with the approval of the Deputy Chief of Administration.

129.04 DUPLICATE USE OF INFORMANTS

When an officer registers an informant with the CIS Lieutenant and another officer is on record as using the same informant, both officers and their immediate supervisors shall be notified that the informant is already on record. In the event an officer uses an informant used by another officer they shall coordinate with one another to avoid duplication of effort, information, payment, and conflicts in the use of the informant.

129.05 PROBLEM INFORMANTS

- A. The criteria for classifying an informant as a problem informant include, but are not limited to:
 - 1. Acting in a way which endangers the safety of an officer.
 - 2. Revealing the identity of an undercover officer or the existence of an investigation.
 - 3. Engaging criminal activity while an informant.
 - 4. Intentionally giving false information.
 - 5. Unreliability in the handling of money or evidence in an investigation.
- B. Officers are responsible for reporting an informant as a problem informant. Problem informants will first be reported to the officer's immediate supervisor via memorandum. The memorandum shall be forwarded to the CIS Lieutenant for inclusion in the informant's file. Designation as a problem informant will not necessarily exclude the person from being used as an informant. However, use shall require the prior approval of the CIS Lieutenant.