

**SENECA FALLS POLICE DEPARTMENT
GENERAL ORDER**

General Order: 410	Rescinds: New Issue
Subject: Procedures for Using Informants	NYS Accreditation: 50.5
Effective Date: 07/01/13 By Order Of: Stuart W. Peenstra, Chief of Police	

I. PURPOSE

The purpose of this policy is to establish procedures governing the development, use and categorization of informants.

II. POLICY

The Seneca Falls Police Department encourages the development and use of informants; those who wish to provide information related to criminal matters or who wish to provide intelligence information related to possible future criminal activity. This policy will insure the proper procedure and legal use of informants by members of the Seneca Falls Police Department.

III. CATEGORIZATION OF INFORMANTS

- A. Private Citizen--is any person who provides information to any member of the Seneca Falls Police Department with or without the expectation that his/her identity will remain confidential.
- B. Defendant Informant--is a defendant in a pending Federal or State case who expects compensation for providing assistance (either in the form of prosecutorial or judicial consideration).
- C. Restricted Use Informant--is any person who:
 - 1. Is less than sixteen years of age.
 - 2. Has been declared an unreliable informant.
 - 3. Is currently on Federal or State probation or parole.
- D. Paid Informant--is any person receiving monetary gain for services or information provided to the Seneca Falls Police Department.

IV. PROCEDURES

A. Activation and Identity of Informants

- 1. Upon receipt of information from a person fitting categories B, C, and D above, personnel will complete an Informant Personal History Report. Said report will be forwarded to and maintained by the Investigator.
- 2. The Investigator will assign a confidential informant (CI) number to identify the informant and file same in an informant file. All subsequent information received from the informant shall be documented on a Seneca Falls Police Department Field Intelligence Form (FIF) using only the CI number to identify the informant.

3. Access to the informant files will be limited to the Chief of Police, Investigator, or their designee(s). In addition, any Seneca Falls Police Department member activating an informant will be allowed access to that particular informant file.
4. The Seneca Falls Police Department Informant Personal History Report shall include but not be limited to the following information:
 - a. Name
 - b. Address
 - c. Telephone numbers (home, business, pagers and cellular)
 - d. Race, date of birth, SS#
 - e. Occupation and employer
 - f. Informant identification number
 - g. Informant's Seneca Falls Police Department or other agency arrest jacket number, if the informant has a criminal arrest record
 - h. Names, addresses and telephone numbers of the informant's nearest relatives
 - i. Name of officer activating informant
 - j. Names of additional officers using informant
 - k. Dates and CR#'s of information supplied by the informant. This section will be used to establish the informant's reliability
 - l. Type of informant
 - m. A photograph shall be attached to the Information Identification Report
 - n. Signature of the informant

B. Use of Informants

1. Seneca Falls Police Department members shall not enter into any agreements with, or make any promises to, any informant concerning the final disposition of any criminal case. This consideration can only be authorized and approved by a member of the Seneca County District Attorney's office concerning state prosecutions or a member of the United States Attorney's Office concerning federal prosecutions.
2. The use of a defendant informant will occur only after a written agreement is signed by the defendant, his/her attorney and a member of either the District Attorney's Office or the United States Attorney's Office. The form and content of the written agreement will be approved by either the Assistant District Attorney preparing the agreement or an Assistant United States Attorney.
3. Use of an informant under sixteen (16) years of age shall not occur unless the written consent of a parent or guardian is obtained.
4. Proactive use of an informant who is on probation or parole (federal or state) shall not occur unless that informant's Probation or Parole Officer has been advised. The date and time of said notification with the response by the Probation or Parole Officer shall be placed in the informant's file.
5. Unless approved by his/her supervisor, a member of the Seneca Falls Police Department will not meet with a defendant or paid informant unless accompanied by another officer.

6. When an officer is meeting a confidential informant of the opposite sex, a supervisor should be advised (or another officer if no supervisor is available) prior to the meeting. The meeting should take place in a public place if at all possible, and the time of the meeting should be carefully documented.
 7. Informants, except for defendant informants who are cooperating based on a written agreement, will not be equipped with any listening or recording device unless that informant gives his/her permission in writing to have their conversations overheard and/or recorded.
 8. A cash payment to an informant for information or assistance provided must be approved by the Chief of Police.
 9. Any officer identifying an informant shall advise the informant that his/her cooperation does not allow him/her to violate any state or federal laws nor is the informant justified in violating any laws in furtherance of gathering or providing information to the Seneca Falls Police Department. In addition, each informant shall be advised that they have no official status, implied or otherwise, as a sworn or civilian member of the Seneca Falls Police Department.
- C.** When being used proactively, or when an informant's information becomes the basis for a criminal prosecution, or is to be used as the basis for a search warrant, the informant shall be made aware that no guarantee can be made with regard to the confidentiality of their identity. Excluded from this is any defendant informant who is cooperating pursuant to a written agreement.
- D.** Prior to using information gained from an informant as the basis for a criminal prosecution or search warrant, an evaluation will be made by the identifying officer with his/her supervisor to decide if the information is:
1. Received from an established and/or reliable informant.
 2. Logical and probable.
 3. Confirmed or corroborated by an independent source or through independent investigation.
 4. Basis of the informant's knowledge.