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| YORK-POQUOSON SHERIFF'S OFFICE | GENERAL ORDERS |
| SUBJECT: Informants | NUMBER: GO 2-11 |
| EFFECTIVE DATE: December 1, 2002 | REVIEW DATE: December 12, 2018 |
| AMENDS/SUPERSEDES: GO 2-11, January 1988 | APPROVED: _____  Sheriff |
| VLEPSC: OPR.02.06 | |

1 **INDEX WORDS**

- 2
3 File, master
4 Informants
5 Juveniles
6

7 **POLICY**

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9 The Sheriff encourages the development and use of informants. The proper legal use of an
10 informant can greatly assist in obtaining vital information that may be used in any investigation.
11 Informants serve the interests of the Sheriff's Office when they are properly managed through a
12 file system that maintains information on their reliability and history. Files not only provide the
13 Sheriff's Office with key information in assessing an informant's reliability, but they detail the
14 informant's history and furnish a means of supervisory review of the information. Supervisors
15 may use the files to handle any controversies in which the integrity of Sheriff's Office personnel
16 has been questioned.
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18 **PURPOSE**

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20 The purpose of this order is to set forth procedures to help members of the York-Poquoson
21 Sheriff's Office develop and effectively use informants and the information obtained.
22

23 **DEFINITION**

- 24 • Informant
25 ○ For purposes of this order, an informant is anyone who provides useful information
26 concerning crime including vice, organized crime, or intelligence, with or without the
27 expectation of compensation or reward.
28 ○ Usually, a reward means monetary payment, assisting the commonwealth's attorney
29 or the courts, or simply the satisfaction of a personal need to contribute to the
30 improvement of the neighborhood.
31

32 **PROCEDURES**

- 33 • General precautions:
34 ○ Any person who provides information is a potential informant within the definition of
35 this policy.
36 ○ In many cases, useful information will flow as a result of friendly, courteous
37 conversations and questioning, by building rapport, by providing efficient law-
38 enforcement service, and by just listening and talking.

- 39 ○ In developing informants, deputies shall ensure confidentiality of informant identities
40 and transactions and shall observe lawful accountability.
- 41 ○ Deputies shall not make any deals with people concerning charging, pleading, or
42 sentencing. Deputies may, however, consult with the commonwealth's attorney
43 regarding these matters.
- 44 ○ Informant information may become the basis for a variety of legal and law
45 enforcement processes. Deputies shall carefully consider the possibility of being
46 required to identify an informant in the courtroom, possibly placing the informant in
47 jeopardy.
- 48 ○ Informants are not law-enforcement officers and have no arrest powers and are not
49 permitted to conduct searches and seizures.
- 50 ○ Informants receive no special legal exemptions.
- 51 ○ When feasible, deputies shall have witnesses to their transactions with informants.
- 52 ○ Whenever an informant receives pay for information, informants shall sign a receipt
53 for money and another deputy shall witness the transaction.
- 54 ○ No juvenile shall be utilized in on-going law enforcement operations as an informant
55 without the permission of his or her parent or guardian.
- 56 ○ Deputies shall not tell informants that confidentiality can be guaranteed.
- 57 ○ Informants who participate in operations will be advised that they could be required
58 to testify in court.
- 59
- 60 ● Identity of informants
- 61 ○ Each deputy who wishes to develop and utilize an informant in an on-going law
62 enforcement operation shall prepare a confidential file on him or her according to the
63 following requirements.
- 64 ○ The Commander of Investigations shall develop and maintain a master informant file
65 for the inclusion of all informants.
- 66 ○ On the front of the file, place the following information:
- 67 ▪ Deputy's name, and
- 68 ▪ The informant's number, which is:
- 69 ❖ The deputy's employee number followed by an alphabetic letter, A for first
70 informant, B for the next, C for the next, etc.
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- 72 ▪ If the informant is a juvenile, write the word "Juvenile" on the file.
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- 74 ○ Prepare or collect the following and place the following documents inside the file:
- 75 ▪ Informant's biographical and background information including:
- 76 ▪ Name,
- 77 ▪ DOB,
- 78 ▪ Physical description,
- 79 ▪ Aliases,
- 80 ▪ Address,
- 81 ▪ Home or mobile telephone number, and
- 82 ▪ Employer, to include:
- 83 ❖ Position/Job title,
- 84 ❖ Employment address,

- 85 ❖ Employment telephone number.
- 86
- 87 ▪ Criminal history record summary, if any and
- 88 ▪ Photograph.
- 89 ▪ Summary or information the informant has or can be expected to provide.
- 90 ▪ Record of any payments made.
- 91 ▪ Degree of involvement of informants in any operation, including an update on the
- 92 active or inactive status of the informant.
- 93 ▪ Any information on the reliability of the informant shall be included.
- 94
- 95 ○ Cooperating [Informant Agreement](#), located in the Forms Folder in Power DMS, will
- 96 be signed by the informant and witnessed by a minimum of two reputable individuals.
- 97 ○ The deputy shall give the informant file to the Commander of Investigations who will
- 98 then place it into secure storage.
- 99 ○ Access to the file shall be restricted to the Sheriff, Chief Deputy, the Commander of
- 100 Investigations or their designees.
- 101 ○ The informant files shall not be opened unless an emergency arises which makes it
- 102 essential to identify people. In this case, the Sheriff or Chief Deputy authorizes
- 103 disclosure of information.
- 104 ○ Files shall be released only to the deputy preparing the file or in response to a
- 105 subpoena.
- 106 ○ Once an informant file has been prepared, all future references to the informant in any
- 107 reports shall be by informant number only.
- 108 ○ Informant names shall not be used.
- 109 ○ Debriefs of informants shall be committed to a memorandum to file.
- 110 ○ Any contact with an informant shall be documented.
- 111 ○ Two or more deputies may develop the same person as an informant. Each deputy
- 112 shall develop a separate informant file and assign an informant number.
- 113 ○ Once the informant file has been prepared, the deputy is responsible for keeping the
- 114 file current.
- 115 ○ The deputy requests the numbered file from the Commander of Investigations, places
- 116 the additional information within, and returns it.
- 117 ○ Informant files can be retained indefinitely, but deputies are encouraged to keep only
- 118 active informants on file.
- 119 ○ Inactive informant files shall be maintained by the Investigations Division
- 120 Commander.
- 121 ○ Both patrol deputies and investigators will follow the same requirements for the use
- 122 of informants as outlined in this policy.
- 123
- 124 • Special precautions when using juvenile informants
- 125 ○ Use of juvenile informants is particularly sensitive.
- 126 ○ Deputies must obtain parental permission prior to utilizing juvenile informants in on-
- 127 going law enforcement operations.
- 128 ○ In addition to receiving parental permission, deputies shall consult with the
- 129 Commonwealth's attorney and follow all requirements of the juvenile court, if
- 130 required.

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- Criteria for paying informants
 - The Investigations Division Commander can advise on the availability of funds to pay informants.
 - Informants shall be paid on a monetary scale commensurate with the level of help or information provided.
 - The Commander of Investigations will determine this scale in consultation with the Sheriff and Chief Deputy.
 - Payments will be adjusted as needed to reflect the present economy.
 - Informants are required to sign a Cooperating [Informant Agreement](#) found in the Forms folder in Power DMS, in which, line # 6 specifically addresses all funds received by the informant are subject to Federal and State Tax Laws.
 - It is the sole responsibility of the informant for reporting any funds/income received.

- Legal uses of informants
 - Specific legal guidelines exist regarding the use of informants.
 - The following points are offered to help deputies judge the usefulness of their informants:
 - If possible, corroborate informant tips through independent investigation.
 - If informant tips form probable cause to arrest or search, the deputy involved must be prepared to justify to the court why the informant is credible and his or her information reliable.
 - If no reason requires the informant's identity to be kept confidential, the deputy may give the informant's name in the affidavit or let the informant fill in an affidavit himself.
 - There is no reason not to disclose the informant's name if he or she is willing to testify in court.
 - When referring to unnamed informants, deputies must rely on a magistrate to make a common-sense decision whether, given the veracity and basis of knowledge of informants supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place.
 - If a deputy relies on an informant's information for proving probable cause, in the affidavit he or she shall allege:
 - ❖ The facts from which the informant concluded that the thing to be searched for is probably on the person or premises to be searched; and,
 - ❖ Based on the totality of the circumstances, the facts from which the deputy concluded that:
 - The informant was credible; or
 - The information furnished by the informant was reliable.
 - Informant reliability may be established by the following considerations:
 - ❖ The informant has given reliable information in the past.
 - ❖ The informant is a private citizen whom the deputy knows or who has a reputation for truthfulness.
 - ❖ The informant states that he or she has participated to some extent in the illegal activity (Statements against own self-interest).

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- ❖ The information that one informant gives is corroborated by another informant.
- ❖ The information given by the informant is corroborated by law enforcement surveillance.
- Informants shall not take any actions, and the Sheriff's Office shall not condone any actions that may be deemed to be entrapment.