

GENERAL ORDER



DISTRICT OF COLUMBIA

Title		
Confidential Sources, Confidential Informants, and Cooperating Witnesses		
Topic	Series	Number
OPS	304	12
Effective Date		
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Replaces:		
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Related to:		
GO-304.01 (Operation and Management of Criminal Investigations)		
GO-PCA-501.02 (Handling Interactions with Transgender Individuals)		

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I. BACKGROUND

Confidential sources, confidential informants, and cooperating witnesses play a key role in assisting law enforcement agencies in solving major organized crime and drug cases. It is critical that confidential sources, informants, and cooperating witnesses be accorded proper and lawful treatment.

The degree to which members may be held responsible for the safety of confidential informants and cooperating witnesses changed dramatically with the United States Court of Appeals decision in Butera V. District of Columbia, et. al., 344 U.S. App. D.C. 265; 235 F.3d. 637 (2001). In this case, a confidential informant volunteered to assist Metropolitan Police Department detectives working on a multiple homicide investigation. The informant offered to buy drugs from persons who might have information concerning the homicides. The detectives gave the confidential informant marked money and dropped him off in front of the drug dealers' house. The informant was to enter the house through the rear door as this was his normal practice. The detectives did not observe the informant enter the house. Unbeknownst to the detectives, the confidential informant was not able to enter the house and was later found in an alley behind the house where he had been attacked and killed by several persons.

The confidential informant's mother filed suit against the involved detectives and the District of Columbia. The mother alleged that her son's constitutional right to have police protection was violated when the detectives failed to prevent third parties from killing him. Following a jury verdict in favor of the plaintiff, the detectives and the District of Columbia appealed asserting, among other things, that they did not have a constitutional duty to protect the confidential informant from private violence.

The court examined the law on the protection issue in all fifty (50) states and noted that this was the first time it had arisen in the District of Columbia. More importantly, the court found that other courts of appeals had applied different tests to determine whether the actions of state employees amounted to constitutional violations.

The court held that in December 1997 that the confidential informant's constitutional right to protection by the District of Columbia and its police officers from third-party violence was not clearly established. Thus, the law enforcement officers did not violate the confidential informant's constitutional right to have police protection. However, following this decision, all Metropolitan Police Department members were placed on notice that a confidential informant or cooperating witness may have a constitutional right to protection by members from danger that members create or enhance that results in harm by third parties.

II. POLICY

It is the policy of the Metropolitan Police Department (MPD) that members may develop and use confidential sources, confidential informants, and cooperating witnesses to assist in obtaining information related to on-going criminal activity or to aid in completing criminal and internal investigations within the limits of current local and federal laws and in compliance with this and other applicable MPD directives.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Central Source Registry System – Metropolitan Police Department's secure, online database system used to register confidential sources, confidential informants, and cooperating witnesses. The database is located on the MPD Intranet and can only be accessed by authorized MPD users.
2. Confidential Informant – Non-law enforcement person who provides assistance with criminal investigations. The assistance may include, but is not limited to, providing information or criminal intelligence, making undercover officer introductions, making controlled purchases of drugs or other contraband, and obtaining evidence related to a criminal offense.

Confidential informants may be required to testify in a court proceeding and generally receive monetary compensation for their assistance.

3. Confidential Source – Non-law enforcement person who provides information that furthers a criminal investigation or provides criminal intelligence without receiving monetary or judicial consideration. A confidential source is generally not expected to be called as a witness in a court proceeding. Confidential sources are not necessarily involved in criminal activity. However their occupations may place them in a position to obtain pertinent information and provide it to law enforcement organizations.
4. Control Number – Unique identifier automatically assigned to approved confidential sources, confidential informants, and cooperating witnesses by the Central Source Registry System.
5. Control Officer – Member who initially develops a confidential source or confidential informant and who arranges and coordinates activities involving the confidential source, confidential informant, or cooperating witness and the MPD.
6. Cooperating Witness – Defendant who has a criminal case pending within the court system who is cooperating as part of a plea agreement or for judicial consideration regarding the pending case. Cooperating witnesses are often required to provide testimony in court in exchange for judicial consideration.
7. Juvenile – Any person under eighteen (18) years of age unless the person has been emancipated by the court.
8. Master File – File maintained by the Investigative Services Bureau, Narcotics and Special Investigations Division (NSID) for each confidential source, confidential informant, and cooperating witness used by the MPD. The file contains biographical and background information, including a criminal history, aliases, acquaintances, control number, and copies of any supplemental reports regarding information the confidential source, confidential informant or cooperating witness supplies.
9. Member – Sworn employee of the Metropolitan Police Department.
10. NSID Informant Coordinator – Official the rank of lieutenant or above assigned to the NSID, designated by the NSID Commanding Official to serve as the coordinator for the use of confidential sources, confidential informants, and cooperating witnesses for the MPD. The NSID Informant Coordinator approves or disapproves recommended confidential source, confidential informant, and cooperating witness candidates, and serves as a subject matter expert regarding the use of informants and sources for the MPD.

11. Unit Informant Coordinator – Official, the rank of lieutenant or above, or civilian equivalent, designated by the NSID Commanding Official to coordinate the use of confidential sources, confidential informants, and cooperating witnesses within the member's assigned unit. The Unit Informant Coordinator recommends approval/disapproval of confidential source, confidential informant, and cooperating witness candidates, and serves as a subject matter expert for the assigned unit regarding the use of informants and sources.
12. Unit Operational File – Set of records containing a copy of the master file, the control number assigned to each confidential source, confidential informant, and cooperating witness as well as all operational reports and other materials that document activities and contacts with Control Officers.

IV. REGULATIONS

- A. The identities of confidential sources, confidential informants, and cooperating witnesses shall be kept confidential.
- B. Juveniles shall not be used as confidential sources, confidential informants, or cooperating witnesses.

NOTE: This does not preclude members from obtaining information from juveniles about criminals or criminal activity through interviews when a juvenile is a suspect in a criminal investigation, a victim of a crime, or a witness to a crime.

- C. No member shall attempt to register or otherwise utilize a confidential source who has a pending criminal case and/or is represented by counsel without the approval of the United States Attorney's Office.
- D. Confidential sources, confidential informants, and cooperating witnesses are assets of the MPD and shall operate under the full direction and control of their designated Control Officer.
- E. Members shall obtain information from confidential sources, confidential informants, and cooperating witnesses in accordance with current laws and consistent with the constitutional rights of all persons involved.
- F. Members shall ensure that information acquired from confidential sources, confidential informants, and cooperating witnesses is obtained through universally accepted law enforcement methods designed to establish the reliability of the information for appropriate use in criminal proceedings [e.g., *Illinois v. Gates*, 462 U.S. 213 (1983), "totality of the circumstances" test in determining probable cause].

- G. Requests to have confidential sources, confidential informants or cooperating witnesses serve in a different capacity shall be submitted in writing through the chain of command to the Commanding Official, NSID, for approval. Upon approval, the NSID Informant Coordinator shall ensure the appropriate classification change is made in the Central Source Registry System.
- H. Confidential informants and cooperating witnesses shall be given police protection as the particular circumstances or involvement may allow or require.
- I. Contacts between members and confidential sources, confidential informants, and cooperating witnesses shall be professional in nature and related to ongoing investigations.
- J. Members shall not have contacts with confidential sources, confidential informants, and cooperating witnesses that are social in nature and not related to a specific law enforcement purpose.
- K. Confidential sources shall not receive monetary compensation, obtain evidence (e.g., purchase drugs), or participate in law enforcement operations.
- L. All monetary compensation provided to a confidential informant shall be documented promptly in accordance with the provisions of GO-OPS-304.05 (Confidential Fund) and this order.
- M. Cooperating witnesses shall not receive any monetary compensation for their testimony in court proceedings.
- N. Under no circumstances shall a member use the services of a confidential informant in exchange for payment of any type, without first obtaining approval and a Control Number from the NSID Informant Coordinator.
- O. No member of the Department shall utilize a confidential informant, confidential source, or cooperating witness that has been deactivated due to unreliability.

V. PROCEDURES

A. Confidential Sources

When a member wishes to use a person as a confidential source, the following procedures shall be adhered to:

1. The initiating member shall:

- a. Register the confidential source candidate in the Central Source Registry System; and
 - b. Electronically submit the registration to the Unit Informant Coordinator for approval via the Central Source Registry System.
2. The Unit Informant Coordinator shall review each confidential source registration and ensure that all required fields have been completed and all required documentation is scanned and attached to the registration (e.g., WALES/NCIC printout); and
 - a. Approve the registration; or
 - b. Disapprove and return the registration to the initiating member via the Central Source Registry System.

NOTE: If the Unit Informant Coordinator approves the registration for a confidential source, the registration is electronically forwarded to the NSID Informant Coordinator for final approval.

If the Unit Informant Coordinator disapproves a confidential source registration, a message is electronically sent back to the initiating member with instructions on how to remedy any noted deficiencies.

3. For disapproved registrations, the initiating member shall correct the deficiencies and resubmit the registration to the Unit Informant Coordinator for approval.
4. The NSID Informant Coordinator shall review all confidential source registrations and ensure that all required fields have been completed, and all required documentation is scanned and attached to the registration; and
 - a. Approve the registration; or
 - b. Disapprove and return the registration to the Unit Informant Coordinator via the Central Source Registry System.

NOTE: Upon final approval of a confidential source registration by the NSID Informant Coordinator, a control number is automatically generated by the Central Source Registry System and electronically forwarded to the initiating member, the Unit Informant Coordinator, and the NSID Informant Coordinator.

In cases where the NSID Informant Coordinator disapproves a confidential source registration, a message is electronically sent back to the Unit Informant Coordinator with instructions on how to remedy any noted deficiencies. After the deficiencies are corrected by the initiating member or the Unit Informant Coordinator, the registration shall be resubmitted for approval.

5. The Unit Informant Coordinator shall assign a Control Officer and at least one (1) alternate control officer for each confidential source.
6. Confidential sources shall never be authorized or permitted to:
 - a. Participate in any act of violence;
 - b. Participate in any act that constitutes obstruction of justice (e.g., perjury, entrapment, witness tampering, destruction of evidence);
 - c. Participate in any act designed to obtain information for the MPD that would be unlawful if conducted by a law enforcement officer (e.g., breaking and entering, illegal wiretapping, illegal search); or
 - d. Initiate or instigate any plan or strategy to commit a federal, state, or local offense that is not under the full direction of the MPD.
7. Members shall restrict conversations with confidential sources to gathering information for investigative purposes.

NOTE: This is to avoid any false claims of misconduct.
8. Members shall consult with other appropriate information sources in order to accurately evaluate and verify information gathered from a confidential source.
9. Members shall ensure that information gathered from confidential sources is related to an investigative objective and substantiated through investigative techniques, other information, and/or other reliable confidential sources, confidential informants, or cooperating witnesses.
10. All contacts between members and confidential sources shall be documented on a PD Form 854 (Investigative File Report).
11. When information is collected that can be used by other members of the MPD or outside law enforcement agencies to initiate or further an

ongoing investigation, the Control Officer shall notify the appropriate unit or agency through the appropriate chain of command and document the notification on a PD Form 854.

12. Documentation regarding confidential sources shall be maintained in accordance with Part V.G of this order.
13. If a confidential source is deemed unreliable at any time, a notation shall be made in the Central Source Registry System that the confidential source is ineligible for future use by members, and the file shall be closed.

B. Developing Confidential Informants or Cooperating Witnesses

When a member cultivates, or is contacted by a person who could potentially be utilized as a confidential informant or cooperating witness, the member shall:

1. Seek advice or assistance from the Unit Informant Coordinator, or a unit official, before proceeding;
2. Ensure that a supervisor is present for the initial interview along with the initiating member;

NOTES: An extensive initial interview is necessary to properly evaluate a confidential informant or a cooperating witness.

3. When necessary, members may contact the Investigative Services Bureau, Narcotics and Special Investigations Division to assist with such interviews;
4. Attempt to establish the motives, capabilities, and truthfulness of a confidential informant or cooperating witness;
5. Attempt to confirm that the information provided by the confidential informant or cooperating witness is reliable;
6. Conduct a background investigation for all confidential informants and cooperating witnesses to include biographical and criminal history, outstanding warrants, driver's license history, permanent and local address, and previous experience as a confidential informant or cooperating witness; and
7. Provide the confidential informant or cooperating witness with a copy of the *Informant Conduct Form* (Personal History Report: Conduct of Persons Cooperating with the MPD) and explain, in detail, all the

guidelines and regulations governing the informant's behavior and working conditions.

NOTE: Title 26 USC § 6041 requires that confidential informants be provided with a written notification of the requirement to complete a 1099 tax form if they receive over \$600 per year.

C. Registering Confidential Informants or Cooperating Witnesses

1. The initiating member shall:

a. Compile the following information for the online registration package:

- (1) *Informant Basic Data* with all sections completed;
- (2) Current photograph showing the face and physical build of the informant or witness;
- (3) Fingerprints, including a notation as to where prints are on file;
- (4) Employment background;
- (5) Criminal background;
- (6) WALES, JUSTIS, and Triple I printout;
- (7) Arrest record or no record slip;
- (8) Request by special employee (if needed);
- (9) Initial debrief WACIIS report and/or PD Form 854; and
- (10) Signed *Informant Conduct Form*;

b. Scan the completed documents, including fingerprint cards and photograph, into a PDF format;

c. Use the online Central Source Registry System to complete the required fields to register the confidential informant or cooperating witness;

d. Attach the scanned PDF File containing all required documents to the registration application in the Central Source Registry System; and

- e. Upon completing all required fields and attaching the PDF documents, electronically submit the completed online registration to the Unit Informant Coordinator for approval.
2. The Unit Informant Coordinator shall review each confidential informant/cooperating witness registration and ensure that all required fields have been completed and all required documentation is scanned and attached to the online registration (e.g., WALES/NCIC printout, fingerprint card, photograph); and
 - a. Approve the registration; or
 - b. Disapprove and return the registration to the initiating member via the Central Source Registry System.

NOTE: If the Unit Informant Coordinator approves the registration for a confidential informant or cooperating witness, the registration is electronically forwarded to the NSID Confidential Informant Coordinator for final approval.

If the Unit Informant Coordinator disapproves a confidential source registration, a message is electronically sent back to the initiating member with instructions on how to remedy any noted deficiencies.

3. For disapproved registrations, the initiating member shall correct the deficiencies and resubmit the registration to the Unit Informant Coordinator for approval.
4. The NSID Informant Coordinator shall review all confidential informant and cooperating witness registrations and ensure that the required fields have been completed and all required documentation is scanned and attached to the registration; and
 - a. Approve the registration; or
 - b. Disapprove and return the registration to the Unit Informant Coordinator via the Central Source Registry System.

NOTE: Upon final approval of a confidential informant/cooperating witness registration by the NSID Informant Coordinator, a control number is automatically by the Central Source Registry System and electronically forwarded to the initiating member, the Unit Informant Coordinator, and NSID Informant Coordinator.

In cases where the NSID Informant Coordinator disapproves a confidential informant or cooperating witness registration, a message is electronically sent back to the Unit Informant Coordinator with instructions on how to remedy any noted deficiencies. After the deficiencies are corrected by the initiating member or the Unit Informant Coordinator, the registration shall be resubmitted for approval.

D. Information Gathering from Confidential Informants and Cooperating Witnesses

1. The Unit Informant Coordinator shall assign a Control Officer and at least one (1) alternate Control Officer for each confidential informant and cooperating witness.
2. Contacts with confidential informants and cooperating witnesses shall be made by the assigned control officer who shall be accompanied by another member as a witness.

NOTE: When practicable, the member accompanying the Control Officer should be the alternate Control Officer. The alternate Control Officer will become acquainted with the informant or witness by accompanying the Control Officer to meetings. This use of an alternate Control Officer will facilitate necessary contacts any time the Control Officer is not available.

3. When members are interviewing and interacting with confidential informants or cooperating witnesses of the opposite gender, one (1) member shall be of the same gender as the confidential informant or cooperating witness whenever practicable.
4. Members shall restrict conversations with confidential informants and cooperating witnesses to gathering information for investigative purposes.

NOTE: This is to avoid any false claims of misconduct.

5. Members shall consult with other appropriate information sources in order to accurately evaluate and verify information gathered from a confidential informant or cooperating witness.
6. Members shall ensure that information gathered from any source is related to an investigative objective and substantiated through investigative techniques, other information, confidential sources, and/or other reliable confidential informants or cooperating witnesses.

7. All contacts between members and confidential informants or cooperating witnesses shall be documented on a PD Form 854.
 8. When information is collected that can be used by other members of the MPD or outside law enforcement agencies to initiate or further an ongoing investigation, the Control Officer shall notify the appropriate unit or agency through the appropriate chain of command and document the notification on a PD Form 854.
- E. Receiving Operational Assistance from Confidential Informants and Cooperating Witnesses
1. Confidential informants and cooperating witnesses shall not be encouraged, sponsored, enlisted or recruited to perform otherwise illegal activity as part of a police operation (e.g., sting, gun buy-back, undercover operation, surveillance, or stake-out) without written authorization, in advance, by the Assistant Chief, Investigative Services Bureau. Narcotics or “drug” buys shall be exempt from this requirement.
 2. Otherwise illegal activity conducted by confidential informants and cooperating witnesses shall be authorized in advance, in writing, for a specified time period, not to exceed ninety (90) days, by:
 - a. The Assistant Chief, Investigative Services Bureau, or a designee, in consultation with the Assistant Chief, Internal Affairs Bureau, when necessary or appropriate; and
 - b. The appropriate Supervisory Federal Prosecutor, when applicable.
 3. When authorizing otherwise illegal activity, the Assistant Chief, Investigative Services Bureau, or other authorizing authority shall:
 - a. Consider:
 - (1) The risk the confidential informant or cooperating witness might misunderstand or exceed the scope of his/her authorization;
 - (2) The extent of participation by the confidential informant or cooperating witness in the otherwise illegal activity;
 - (3) The risk that the MPD will not be able to closely supervise the participation of the confidential informant or cooperating witness in the otherwise illegal activity;

- (4) The risk of violence, physical injury, property damage or financial loss to the confidential informant or cooperating witness or others; and
 - (5) The risk that the MPD will not be able to ensure that the confidential informant or cooperating witness does not profit from his/her participation in the authorized otherwise illegal activity.
 - b. Document in writing that:
 - (1) The otherwise illegal activity is necessary to:
 - (a) Obtain information or evidence essential for the success of an investigation that is not reasonably available without such authorization; or
 - (b) Prevent death, serious bodily injury, or significant damage to property.
 - (2) The benefits to be obtained from the participation of the confidential informant or confidential witness in otherwise illegal activity outweigh the risks.
4. **Prohibited Conduct for Confidential Informants and Cooperating Witnesses**

Confidential informants and cooperating witnesses shall never be authorized or permitted to:

 - a. Participate in an act of violence;
 - b. Participate in an act that constitutes obstruction of justice (e.g., perjury, entrapment, witness tampering, destruction of evidence);
 - c. Participate in an act designed to obtain information for the MPD that would be unlawful if conducted by a law enforcement officer (e.g., breaking and entering, illegal wiretapping, illegal search); or
 - d. Initiate or instigate any plan or strategy to commit a federal, state, or local offense that is not under the full direction of the MPD.
5. **Precautionary Measures for Confidential Informants and Cooperating Witnesses**

- a. Unless the Assistant Chief, Investigative Services Bureau, or where applicable, the Commanding Official, NSID, or Commanding Official, CID, determines otherwise, due to exigent circumstances, every operation in which the MPD participates with a confidential informant or a cooperating witness, shall be attended by no less than six (6) MPD members who shall be positioned within a reasonable proximity to the situation.
- b. Whenever the MPD utilizes a confidential informant or a cooperating witness in a police operation, the supervisor in charge of the operational plan shall:

- (1) Closely supervise the activities of the confidential informant or cooperating witness;
- (2) Provide operational direction to the confidential informant or cooperating witness;

NOTE: This includes providing the confidential informant or cooperating witness with specific instructions regarding his/her role in the operation and conduct that the confidential informant or cooperating witness is prohibited from engaging in.

- (3) Conduct a risk assessment for any operation that involves utilizing a confidential informant or cooperating witness. The risk assessment shall be followed by a pre-operational briefing with the confidential informant or cooperating witness to provide information that will enhance the safety of the individual during the operation;
- (4) Use police district and/or unit members to assist with operational objectives where appropriate and/or available;
- (5) Ensure that the confidential informant or cooperating witness is reasonably monitored at all times. An operation shall immediately cease when it becomes evident that the confidential informant or cooperating witness cannot be effectively monitored;
- (6) Utilize surveillance equipment or signaling devices, as appropriate, in accordance with GO-OPS-304.04 (Interception of Wire or Oral Communications);

- (7) Discontinue an operation when a confidential informant or cooperating witness drastically deviates from the operational plan;
- (8) Take all reasonable steps to minimize the adverse impact of the confidential informant's or cooperating witness' activities on innocent persons; and
- (9) Ensure that for covert operations, a female member assists with conducting pre-and post-contact searches of female confidential informants and cooperating witnesses.

F. Payments to Confidential Informants

1. When making payments to confidential informants, members shall comply with GO-OPS-304.05 (Confidential Fund).
2. The final determination regarding the compensation amount for a confidential informant shall be made on a payment-by-payment basis by a unit official, the rank of lieutenant or above.
3. Whenever a member receives cash from the element's confidential fund, he/she shall initial the appropriate column on the related PD Form 129 (Officer's Account Record).
4. Whenever a member expends cash received from the element's Confidential Fund, the member shall, before checking off duty, prepare and submit a PD Form 127 (Confidential Fund Expenditure Sheet), detailing the circumstances surrounding the expenditure of the money.
5. A copy of the PD Form 127 shall be forwarded, through the appropriate unit official (the rank of civil service sergeant or above), to the Unit Informant Coordinator or the NSID Informant Coordinator, as applicable.
6. Any applicable receipt for expended money shall be attached to the PD Form 127.
7. All payments to a confidential informant shall be recorded on a PD Form 153 (Receipt for Expended Advanced MPD Funds) signed by the confidential informant acknowledging receipt of the funds and witnessed by the Control Officer and one (1) other MPD member.
8. Payments to a confidential informant shall not be made during a one-on-one encounter with the confidential informant.

9. The completed PD Form 153 shall be attached to PD Form 127 to verify each entry and shall be retained at the element for three (3) years, and then destroyed.

G. Documentation Requirements for Confidential Sources, Confidential Informants, and Cooperating Witnesses

1. The NSID Confidential Informant Coordinator shall create and maintain the Master File for each confidential source, confidential informant, and cooperating witness registered by the MPD.
2. The Unit Informant Coordinator shall create and maintain a Unit Operational File for each confidential informant, cooperating witness, and confidential source assigned to members in the Coordinator's unit.
3. Master Files and Unit Operational Files shall be kept in a secure, locked area with strict access control.
4. Each Unit Operational File shall include a copy of the Master File and documentation regarding all contacts with each confidential informant, cooperating witness, and confidential source.
5. Whenever a member utilizes a confidential informant, cooperating witness, or confidential source whose Control Officer is assigned to another unit:
 - a. The member shall ensure that a copy of all documents pertaining to the use (e.g. PD Form 854, PD Form 163, PD Form 127, PD Form 153) are hand-carried to the designated Unit Informant Coordinator of the unit where the Control Officer is assigned; and
 - b. The Unit Informant Coordinator shall ensure copies of the documents are included in the Unit Operational File.
6. In situations where a significant period of time passes without any contact from an "active" confidential source, confidential informant, or cooperating witness, the Control Officer shall conduct a WALES/NCIC query, an Interstate Identification Index (Triple I) check, and/or search other related criminal databases to ensure that the informant has not been arrested since their last contact with their Control Officer.

NOTE: Depending on the circumstances and nature of the offense, the arrest of a confidential source, confidential informant, or

cooperating witness that is actively working for the MPD may be grounds for deactivation based upon the unreliability of the source.

7. If no activity is reported from a confidential source, confidential informant or cooperating witness for one (1) year or more, the NSID Informant Coordinator shall classify the file as "inactive."

NOTE: This should not be interpreted to mean the status of the confidential source, confidential informant, or cooperating witness with the MPD has been terminated.

8. When a member of the MPD wishes to use a confidential source, confidential informant, or cooperating witness who has been classified as "inactive," a new confidential informant registration packet shall be prepared and forwarded to the NSID Informant Coordinator for review and approval.
9. When a confidential source, confidential informant, or cooperating witness is classified as "unreliable," the Master File shall be deactivated and flagged in the Central Source Registry System to ensure that the person is not utilized by another police district or unit within the MPD.
10. When a confidential informant, cooperating witness, or confidential source is deactivated due to unreliability, the NSID Informant Coordinator shall be responsible for notifying each Unit Informant Coordinator to ensure that any utilization of the deactivated confidential informant, cooperating witness, or confidential source is discontinued immediately.
11. All records pertaining to confidential informants, cooperating witnesses, and confidential sources that have been classified as deactivated or inactive shall be retained for a period of ten (10) years after such a classification is made.
12. The NSID Informant Coordinator shall maintain a current list of all confidential sources, confidential informants, and cooperating witnesses including their names and control numbers.

VI. ROLES AND RESPONSIBILITIES

A. Unit Informant Coordinators shall be responsible for:

1. Being fully knowledgeable and informing members in their units of the requirements set forth in all MPD directives related to the utilization of confidential sources, confidential informants, and cooperating witnesses;

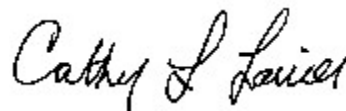
2. Overseeing the recruitment, selection, approval, orientation, and supervision of confidential sources, confidential informants, and cooperating witnesses in their assigned unit in accordance with this order;
 3. Ensuring that investigative activities conducted by members that involve confidential sources, confidential informants, and cooperating witnesses are done in accordance with the provisions of this order and other related MPD directives;
 4. Monitoring the status of investigations and contacts between members assigned to their unit and confidential sources, confidential informants, and cooperating witnesses;
 5. Reviewing and approving all reports generated from contacts with confidential sources, confidential informants, and cooperating witnesses to ensure that activities are being properly documented and are oriented toward achieving stated objectives;
 6. Conducting appropriate computer checks (e.g., WALES, NCIC) and entering any updated information on confidential sources, confidential informants, and cooperating witnesses in the Central Source Registry System;
 7. Verifying that all unit operational files are properly maintained, updated, and secured;
 8. Ensuring that the appropriate forms and documents are forwarded to the NSID Informant Coordinator.
- B. The NSID Informant Coordinator shall be responsible for:
1. Being fully knowledgeable of the requirements set forth in all MPD directives related to the utilization of confidential sources, confidential informants, and cooperating witnesses and providing guidance to Unit Informant Coordinators;
 2. Reviewing and approving confidential sources, confidential informants, and cooperating witness's registration packages in accordance with this order;
 3. Serving as the Unit Informant Coordinator for the NSID;
 4. Overseeing the Central Source Registry System and ensuring that the System functions properly;

5. Verifying that all unit operational files are correct, complete, and properly secured by conducting random audits;
 6. Maintaining an updated roster of all Unit Informant Coordinators on the MPD; and
 7. Ensuring that the appropriate forms and documents are hand-carried to the Unit Informant Coordinators.
- C. Commanding Officials shall be responsible for:
1. Ensuring that members under their command are informed of and follow this order, and that they receive appropriate advice and assistance from their Unit Informant Coordinator regarding confidential sources, confidential informants, and cooperating witnesses;
 2. Designating an official, the rank of lieutenant or above, or a civilian equivalent, to serve as the Unit Informant Coordinator and forwarding the name to the Commanding Official, NSID. In Police Service Districts, the District Vice Lieutenant shall serve in this capacity;
 3. Ensuring that the identities of confidential sources, confidential informants, and cooperating witnesses are kept confidential and that the files and any information they provide are kept in a secure, locked file;
 4. Ensuring that each confidential source, confidential informant, and cooperating witness is advised of his/her roles and responsibilities in reference to investigations and the related MPD policies and procedures;
 5. Acting as a liaison in matters that require communication or cooperative effort between their organizational element and any other law enforcement agency;
 6. Overseeing the purging of confidential source, confidential informant, and cooperating witness source records and files when appropriate;
 7. Ensuring that a memorandum is prepared and forwarded to the Commanding Official, NSID, for review and a final determination any time there is a recommendation to deactivate a confidential source, confidential informant, or cooperating witness; and
 8. Ensuring reconciliations of confidential funds are conducted in accordance with G.O. 304.05 (Confidential Funds).

- D. The Commanding Official, Metropolitan Police Academy, in consultation with the Commanding Official, NSID, shall develop and conduct periodic roll call and in-service training for all sworn members on the application of this policy, including the legal aspects of drug and vice investigations.
- E. The Assistant Chief, Internal Affairs Bureau, shall be responsible for ensuring that the Internal Affairs Bureau:
 - 1. Assigns and maintains their own confidential source, confidential informant, and cooperating witness control numbers, master files, and operational files; and
 - 2. Complies with the provisions of this order regarding the utilization of confidential sources, confidential informants, and cooperating witnesses.

VII. CROSS REFERENCES

- A. Illinois v. Gates, 462 U.S. 213 (1983)
- B. Butera v. District of Columbia, et al., 344 U.S. App. D.C. 265; 235 F.3d 637 (2001)
- C. GO-SPT-304.04 (Interception of Wire or Oral Communications)
- D. GO-OPS-304.05 (Confidential Fund)



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