Introduction
In September 2014, after a Boston Globe article described the overdose death of a UMass Amherst student who had once been a confidential informant for the UMass Amherst Police Department, Chancellor Subbaswamy suspended the use of confidential informants by the department, changed the department’s reporting line and oversight from the Vice Chancellor for Administrative and Finance to the Vice Chancellor for Student Affairs, and ordered a review of the confidential informant program. A working group was convened in early October to conduct this review, and to make recommendations to the Chancellor regarding its continued use.

The charge from the Chancellor was as follows:

“The review will consider whether the program should be discontinued or revised to include mandatory substance abuse treatment and parental notification.”

The working group members are
Diane Curtis, Director of Pre-Law Advising and Senior Lecturer, Political Science (Chair)
Brian Burke, Senior Counsel, President’s Office
Charles DiMare, Director, Student Legal Services
Diane Fedorchak, BASICS Project Director, Center for Health Promotion
Adina Giannelli, President, Graduate Student Senate
Samuel Kamlarz, Director, Residence Hall Association
Jean Ahlstrand MacKimmie, Director, Residence Education, Residential Life
Sara Littlecrow Russell, Associate to Vice Chancellor for Student Affairs and Campus Life
Vinayak Rao, President, Student Government Association
David Vaillancourt, Senior Associate Dean of Students
Lt. David White, UMass Amherst Police Department

The working group has been meeting throughout the second half of the Fall 2014 semester and has gathered significant information regarding a number of matters related to the confidential informant program, especially with regard to the investigation of drug crimes involving UMass Amherst students. Our discussions and recommendations have involved the balancing of a range of competing interests that go well beyond the scope of this review, and which are impossible to resolve in the analysis and assessment of a single law enforcement tool. Accordingly, this report and attendant recommendations represent a necessarily contingent set of conclusions, one that assumes several aspects of the surrounding conditions: that drug use and trafficking occur on the UMass Amherst campus, that this use and trafficking is problematic for a number of reasons, and that the
UMass Amherst Police Department (UMPD) has a role to play in addressing these problems.

It should also be noted clearly that it was not within the working group’s purview or charge to investigate in any respect the unfortunate tragedy that sparked review of the confidential informant program, and we have not undertaken any inquiry into that case. The working group was also not charged with investigating whether or to what extent UMPD follows its stated CI policies in every case. Our review has been limited to the policy as written and as described by the UMPD, and to whether that policy should be continued in its current stated form.

Given these assumptions and limitations, our review assesses the use of a particular law enforcement tool – the use of students as confidential informants in the investigation of illegal drug use, possession, and sales on the UMass Amherst campus.

**Background and description of program**

The University of Massachusetts Amherst Police Department is charged with providing a safe and secure environment for the university community. UMPD is a full-service police department staffed by 61 officers, and is one of two Massachusetts university police departments fully accredited by both the Massachusetts Police Accreditation Commission (MPAC) and the national Commission on Accreditation for Law Enforcement Agencies (CALEA).\(^1\)

Among the investigative tools that UMPD has long had at its disposal, especially in the investigation of drug-related crimes on campus, has been a confidential informant program. The Department defines “confidential informant” as any person who provides information to a Department detective or other officer on a continuing or regular basis, often for monetary or other lawful consideration, and wishes his/her identity to remain confidential. This does not include “concerned citizens” who provide information on an informal or casual basis. (See Appendix A for UMPD’s Confidential Informant Policy.)

Typically, there are three ways in which an individual becomes a confidential informant for the UMPD. In the first instance, an individual who faces arrest for a misdemeanor drug possession or trafficking offense\(^2\) is offered an alternative by the police: instead of being immediately arrested or summoned to court (charged with a crime), the individual agrees to act as a confidential informant for the UMPD. In exchange, UMPD defers charging the individual for the underlying offense, pending the outcome of the investigation(s) with which the confidential informant might be associated (see “UMPD Confidential Informant Procedures” below for additional details).

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\(^1\) The other fully accredited university police department in Massachusetts is the Boston University Police Department.

\(^2\) Confidential informants can and sometimes are used in the investigation of non-drug crimes, most notably in investigating employee theft. In recent years, UMPD has used confidential informants almost exclusively in the investigation of drug crimes, and this review focuses on these informants.
The second method also involves an offer coming initially from the police, but in this case it involves an offer of payment in exchange for work as an informant. Individuals who fall into this category almost always have already worked with the police as confidential informants in exchange for the potential leniency described above.

Finally, there are individuals who come forward voluntarily to the police with the promise of useful information, but who ask to remain confidential. Current UMPD practice is to follow the CALEA-mandated procedures employed with the first two types of informant, in order to denominate an informer of this type “confidential,” and therefore to ensure that the individual’s identity will in fact remain confidential.3

A “confidential informant” should not be confused with either an anonymous informant or a cooperating witness. An anonymous informant is one whose identity is not known to the police – i.e., someone who provides information via a tip line or other means, without disclosing his or her identity. A “cooperating witness” is an individual who, usually in exchange for leniency from the police or the prosecutor, agrees to testify in court; his/her identity is not confidential, and must be disclosed to the defense.

A “registered” confidential person is one who provides information to a Department detective or other officer on a continuing or regular basis, often for monetary or other lawful consideration, and wishes his/her identity to remain confidential. The Department develops and uses confidential informants (CIs) as well as other sources of information to enhance efforts to detect, investigate and prosecute violators of state and federal law. Although CIs are typically thought of in terms of drug investigations or assignments, other investigation types may be supported by these systems following the same policy requirements.

While UMPD, like most police departments, has always used confidential informants, in 2009, the Department adopted a written policy on informants that conforms with standards required by its accrediting agencies, CALEA and MPAC. The current UMPD policy is set out in Appendix A. Among other requirements, the procedure recommends against the use of certain classes of individuals as confidential informants (juveniles, persons wanted on warrant, persons with criminal histories of perjury, sexual assault or rape, and persons with history of “serious mental illness or defect”). The policy also recommends “additional precautions” when using addicts or parolees as confidential informants.

The policy requires additional record-keeping procedures, and restrictions on how and when officers meet with informants. Importantly, however, the policy and attendant forms explicitly allow no promises of legal leniency to be made to charged individuals.

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3 In the prosecution of crimes, courts have long recognized law enforcement’s privilege not to disclose the identity of informants. Commonwealth v. Kelsey, 464 Mass. 315 (2013), Roviaro v. US, 353 U.S. 53 (1957). Only when the identity of the informant is material to a potentially viable defense is the government required to disclose it, typically at trial or in significant pretrial hearings. Commonwealth v. Kelsey.
The policy is silent with regard to promises to individuals who have not yet been charged, and implicitly authorizes exactly such promises in its reference to “other lawful consideration.”

The policy does not require referral to substance abuse treatment, to Student Legal Services, or to any other university or non-university office or other service. The policy is silent regarding whether potential informants are advised of their Miranda rights, but UMPD suggests that all such informants would receive non-custodial Miranda warnings as a matter of course, including being advised of their right to consult with an attorney.

Because the policy is centered on maintaining confidentiality of the informant’s identity, it does not allow for notification of the individual’s informant status to parents or anyone else outside the UMPD, and strictly limits the personnel within the UMPD who can be aware of the informant’s identity.

In recent years, UMPD has used fewer than 15 informants annually (2012 and 2013 numbers); in 2014, prior to the suspension of the CI program, the department had used no informants whatsoever. The UMass Amherst Student Legal Services Office reports consulting with approximately 30 or so students each year prior to 2009 regarding their status as confidential informants. SLSO states that these were not exclusively UMPD informants, but also included Amherst Police Department and other local department informants. According to Director Chuck DiMare, the number declined significantly after the decriminalization of marijuana in 2009.

**UMPD Confidential Informant Procedures**

An individual who has committed an offense in violation of state law may be given options to defer court processes. A potential informant is not told they will not be charged with a crime in exchange for information and/or controlled narcotics purchases. It is in the discretion of the investigating detective and his/her supervisor to decide if the information provided is of adequate value to forego charging of the individual. The managing detective determines in conjunction with the Detective Lt. if charges should be brought forward. (An Assistant District Attorney may also be involved in this determination, depending on the case.) In addition, the individual must weigh the personal options regarding whether to consult with an attorney, accept the charges and go to court, and/or accept the implication of University sanctions. On rare occasions, an informant who has provided the Department with valuable, proven information in previous cases may be given the opportunity to provide additional information in exchange for payment.

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4 UMPD Lt. David White is a member of our working group, and provided much of the information about UMPD practices that are not explicitly described in the written policy.

5 These numbers are based on the estimates from the Director of Student Legal Services, as no specific records to this effect are available. The working group was unable to determine what proportion of the informant population sought and/or received advice from legal counsel. The working group was also unable to determine the proportion of informants that are recruited by police departments outside UMPD.
When an individual decides to assist with information or controlled purchases, department procedure and law requires certain steps be followed to ensure the true intentions of the process which is to mitigate crime and criminal activity in the community. When a person indicates willingness to cooperate and provide information, s/he is interviewed by the UMPD Detective Bureau (DB) Commander or designee, as soon as practical. The DB Lieutenant or designee will:

- Investigate the background and suitability of the potential informant, limited by what information can be gained via accessible sources. Student conduct and academic records, Dean of Student and/or Residence Hall sanctions, and UHS, BASICS, CHP, and CCPH records are not available to UMPD for this purpose.

- If the person is approved as an informant, the recruiting investigator will complete the following forms as needed, which will be maintained by the DB Lieutenant (copies of forms attached as Appendix B to this report):
  - Personal Information Form (Standard Form 40, aka SF-40)
  - Claim Release Form (SF-41)
  - Code of Conduct Form (SF-42)
  - Working Agreement Form (SF-43)
  - Concealed Transmitter or Recorder Form (SF-44)
  - Activity Record (SF-45)

Activities of UMPD Confidential Informants

Drug activity and sales occur in many different locations throughout the campus, and are not limited to the residential areas of the University. A confidential informant who is going to make additional purchases of narcotics is strictly managed by the investigating detective. When a purchase is arranged, the CI and detectives meet and develop a plan to outline the type of drug to be purchased, the cost, who will be present at the transaction and the description of the location. Lastly, as the most important consideration, a safety plan is developed to mitigate potential dangers that can be inherently involved in narcotics transactions. This is accomplished often by open wireless transmissions to the safety officer that is nearby the locations. Other officers in the area are prepared to assist and observe the transaction as necessary.

The CI is provided with funds from the investigating detective, and the amount is recorded on the Activity Record. The CI is instructed to purchase a specific amount of a specific drug. The CI then attempts to purchase the predetermined amount of drugs from the identified seller. The types of drugs that may be involved in such arranged transactions include all schedules, classes, and quantities of illegal and regulated narcotics. Typically, CIs are not used to purchase marijuana or alcohol, but circumstances could dictate otherwise depending on the investigation.
At the end of the transaction, the CI returns to a prearranged location to de-brief the purchase and to provide further information that can be used in the investigations. This will include developing a direction to “insulate” the informant by introducing an undercover officer or another CI into the next purchase. Ultimately, the hope would be the seller would not be able to specifically point to the persons that are cooperating with the police. The informant also turns over the narcotics purchased to the investigating detective, and returns any unused funds. The investigating detective makes a record of the transaction on the appropriate Activity Record.

Informant Status

As a matter of practice, informants are evaluated every six months (January & July). Most often, the informant is determined to be “inactive” and all paperwork is filed indicating the same when the previously agreed number of transactions are completed. This is pre-arranged with the CI and the detective. If a former informant should have the opportunity to provide information again, new paperwork and a new interview in conjunction with responsibilities are completed by the managing detective.

Drug use and trafficking at UMass Amherst

In order to assess the value of the confidential informant program as a law enforcement tool, the working group found it important to understand the extent of the problem it is used to address. The extent of drug use and sales involving UMass Amherst students is difficult to measure directly, of course, and so the working group turned to indirect indicators.

The first of these indicators is arrests and referrals. According to the UMPD Annual Security Report, in 2013, there were 57 referrals to UMPD for violations of drug laws by UMass Amherst students, and 22 arrests. Another indirect indicator is the number of smoking violations in the residence halls, of which residence hall officials estimate 70-75% involve marijuana. In 2013-14, there were 792 smoking violations recorded, but it is difficult to say with any confidence how many may have involved marijuana. The Dean of Students Office reports 36 drug-related violations during the 2013-14 academic year.

We also have data from two different aggregate self-reports – students who were surveyed as part of the National College Health Assessment, and those referred to BASICS due to alcohol and other intoxicant violations. Neither is a perfect measure, but give some indication of the extent of drug use by UMass students. Both data sets indicate students’ self-reported drug use in the prior 30 days:

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6 Note that some students reported use of multiple drugs. Data compiled by Sonya Satinsky, PhD, MPH, Director, Center for Health Promotion, January 2015.
<table>
<thead>
<tr>
<th>Substance</th>
<th>UMass NCHA Data, Fall 2014 (n = 518)</th>
<th>BASICS Data, 2013-2014 (n = 1336)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana</td>
<td>36.8% (n = 191)</td>
<td>53% (n = 602)</td>
</tr>
<tr>
<td>Cocaine</td>
<td>5.0% (n = 26)</td>
<td>3% (n = 34)</td>
</tr>
<tr>
<td>Stimulants</td>
<td>4.1% (n = 21)*</td>
<td>7% (n = 79)</td>
</tr>
<tr>
<td>Sedatives</td>
<td>2.5% (n = 13)</td>
<td>3% (n = 34)</td>
</tr>
<tr>
<td>Hallucinogens</td>
<td>2.3% (n = 12)</td>
<td>5% (n = 57)</td>
</tr>
<tr>
<td>Opiates</td>
<td>0.7% (n = 4)**</td>
<td>2% (n = 23), prescription 0.1% (n = 1), heroin</td>
</tr>
</tbody>
</table>

* Dataset does not distinguish between prescription and non-prescription stimulant use
** Dataset only includes non-prescription opiate use (heroin, smack)

It’s difficult to confirm whether these numbers mirror exactly the actual extent of student drug use. Student perceptions, for example, indicate that prescription stimulants might be significantly more widespread than indicated above, and national numbers on young adult drug use differ from these reports as well.⁷

Also of considerable concern is the recent dramatic increase statewide in opiate use generally, and in heroin use⁸ and overdoses attributable to heroin use⁹ in particular. There is no reason to believe that UMass Amherst students are or will be immune to this trend.

**Costs and Benefits of UMPD Confidential Informant Program**

The working group identified a number of costs and benefits of the continued operation of the confidential informant program, as well as the potential costs of prohibiting the use of confidential informants. These costs and benefits are outlined below.

**Benefits of UMPD Confidential Informant Program**

While many offices on campus play a role in responding to student drug use and trafficking – most notably, the Dean of Students Office, Residential Life, and UHS/CHP

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– UMPD by definition takes the lead role in enforcing drug laws, often working in coordination with one or all of the above.

UMPD, like all police departments, relies on a number of strategies to address the traffic in illegal drugs, and is especially interested in targeting higher level traffickers that bring large quantities of drugs into the campus community. Significant among these strategies is the use of confidential informants to identify dealers, and to make controlled purchases of drugs.

During the 18-month period from September 2012 to February 2014, 49% of UMPD drug arrests were based on the cooperation of or information provided by confidential informants. UMPD considers confidential informants a core component of its drug enforcement strategies.

The working group identified the following benefits of the UMPD CI program as a tool in law enforcement.

**Significant tool in investigation of drug-related activity (as well as, on occasion, other illegal activity)**

- It is difficult to obtain accurate information about dealers and their activity without the cooperation of purchasers. The UMPD does also have other personnel at their disposal, but finds their use inadequate to deal with the problem. The Northwestern District Attorney’s Office identifies the use of confidential informants as “Essential to the task of investigating criminal conduct” because CIs are “in many cases . . . the only persons willing and able to help police detect and deter criminal conduct.”

**Confidentiality procedures protect the safety of both the informants and other community members.**

- The confidentiality procedures established under the CI program protect both those informants who are recruited by UMPD, as well as those who come forward voluntarily. Without that protection, informants would be at risk of retaliation from dealers, users and others, and the larger community would be at risk from ongoing drug trafficking and its attendant activities.

**Enhances UMPD capacity to find higher level dealers**

- In particular, the UMPD’s ability to identify and arrest the higher level drug dealers who are bringing the larger quantities of illegal substances into the university community is greatly enhanced by the use of lower level dealers as confidential informants.

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10 Even though no new informants were enrolled in the program in 2014, information provided by informants in 2013 led to arrests in 2014.

11 Statement of Northwestern District Attorney David Sullivan to the Chancellor’s Working Group on Confidential Informants, provided via email November 17, 2014.
The working group also noted the following benefits, which reflect the benefits of UMPD’s overall drug enforcement efforts, and are not solely the result of the use of this particular enforcement strategy:

**Protection of the residential community, especially first-year students**

Drug use and sales in the residence halls are a particular danger for first-year students, who are living away from family for the first time in their lives, and are especially susceptible to peer pressure as they begin crafting their duly independent lives. There is also concern about the nexus -- well established outside the university setting -- between drug trafficking and possession of firearms. First-year students are also required to live in the residence halls, which may give rise to an enhanced duty on the part of the university to provide them with adequate security measures. UMPD’s drug enforcement activities would arguably play a role in fulfilling this duty.

**Reduction in availability of drugs in the university community**

Targeted, strenuous enforcement of drug laws on campus can reduce the availability of drugs in the university community. Many students have expressed concerns about drug use and sales on campus and support university anti-drug efforts.

**Visible enforcement of criminal drug laws acts as a public health deterrence**

A visible law enforcement response to drug trafficking and use can provide the necessary pressure to encourage problem users to seek help voluntarily from UHS/CHP. Widespread knowledge of the existence of the UMPD CI program can enhance the perceived visibility of the enforcement efforts, by increasing doubt among students regarding whether someone they know might inform on them. (But see the cost of these increased doubts below.)

**Costs of retaining the UMPD Confidential Informant Program in its current form**

The working group identified a number of important costs to the CI program in its current form.

**Potential adverse effects on informants themselves**

Students who are recruited to become informants for UMPD are placed in the position of making a very difficult decision, possibly without awareness of the availability of advice or counsel from outside the department. Their fear of what an arrest and/or student conduct process might lead to, as well as their fear of their parents finding out about their drug involvement, makes them particularly vulnerable to coercion. The risk of coercion is

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12 Mullins v. Pine Manor, 389 Mass. 47 (1983) (college had a duty to protect its students from the criminal acts of third parties on campus). It’s not clear that the case applies to a public university, or whether the facts of drug dealing would be distinguishable from the facts of Pine Manor, involving a rape.

13 Catherine Ferris, “SGA members discuss their support of the confidential informant program after last week’s debate,” The Daily Collegian, October 14, 2014. Informal interviews conducted by student members of the working group reflected similar concerns.
the primary concern cited by both undergraduate and graduate students who oppose the
CI program.\textsuperscript{14}

Students who agree to become informants are asked to maintain confidentiality about
their status as informants, and therefore to dissemble and/or lie in particular situations on
an ongoing basis.

In large part due to the very nature of the informant program, the working group was
unable to obtain information from current or former informants about their experiences,
and so were deprived of a valuable perspective on the process. What we do have is some
limited research on informants in general, but not in the university setting. The bulk of
social science research on informants is aimed at criminal justice professionals: how to
“handle” informants, enhance their reliability, etc. The limited scholarship on the impacts
on participating individuals of the informant experience tends to support what common
sense might suggest: Individuals facing first time arrest tend to make quick decisions
about becoming informants, based more on fear of arrest/punishment than on any fully
informed, rational weighing of their options.\textsuperscript{15}

Moreover, once individuals become informants, the pressure of continued dissembling
about their dual roles – pretending to be a dealer/user while gathering information for the
police – appears to have serious and potentially long term effects on the individual. In an
interview-based study with 84 former informants, Miller found

For most informants, regardless of motivation, assuming the role of informant
produces a double stigma. First subjected to the moral degradation ceremony,
labeling, and treatment as criminal by the police, informants must also reconcile
the self stigmatization that comes from the betrayal and treachery inseparable
from the role. In an effort to gain psychological relief, they employ “techniques of
neutralization” (Benson, 1985; Maruna & Copes, 2005; Sykes & Matza, 1957).
Informants are variably committed to drug subcultures and experience
guilt or shame when they agree to snitch, the most serious of all drug subculture
infractions.\textsuperscript{16}

\textsuperscript{14} Christopher MacDonald, “After last Monday’s debate, some SGA senators look to abolish confidential
informant program,” \textit{The Daily Collegian}, October 14, 2014. Student members of the working group also
report these concerns among their constituents.

\textsuperscript{15} J. Mitchell Miller, “Becoming an Informant,” \textit{Justice Quarterly}, Vol 28, No. 2 (April 2011) 203, 211
(“The decision to become an informant did not entail lengthy deliberation for those self-described as naive
dealers arrested for the first time. Not knowing what would happen next, agreeing to become an informant
provided temporary relief from the intense stress associated with being busted and the fear of immediate
incarceration.”). See also, Alexandra Natapoff, \textit{Snitching: Criminal Informants and the Erosion of
American Justice} (2009), at 40 (discussing “the lopsided power dynamics of the way informants are often
created in the first place. Informants can be the most defenseless players in the criminal justice drama—
those without counsel or education, those with substance abuse problems, or those who are otherwise
susceptible to official pressure.”)

\textsuperscript{16} Ibid., Miller at 215.
These findings are somewhat limited in their application to UMass Amherst students working as confidential informants. Community informants normally work with their law enforcement “handlers” over a significantly longer period of time, involving a much larger number of controlled buys than UMPD confidential informants. The latter, as noted above, generally make roughly three buys, and are only performing their informant role over a period of no more than six months. Accordingly, some of the longer term effects of stigmatization and dissembling might be expected to be less severe for UMass Amherst student informants. It should be noted as well that individuals recruited to become informants are already participating in a lifestyle that at least partly involves dissembling and dishonesty, as they are dealing illegal drugs.

Nonetheless, the working group had serious concerns that an arm of the University would play a role in encouraging additional dissembling.

Missed opportunities to intervene with potentially addicted students

The process whereby a student becomes an informant takes place entirely within the auspices of the UMPD, and remains confidential between the student and two members of the police department. Accordingly, there is no opportunity for the student to be assessed regarding his or her own substance use and possible abuse, or to be offered treatment. (UMPD officers are not currently trained in the recognition of addiction in individuals, and it is not clear that they could be, given that concealing one’s addiction is a hallmark of substance abuse.)

Moreover, because punishment by the justice system and the university is deferred, and in most cases, ultimately withheld, there is never any requirement that students seek any kind of assessment or treatment. To the extent that the threat of criminal penalties provides effective coercion to induce substance abusers to seek treatment (a point of some dispute among scholars), deferring and withholding such penalties may make intervention less likely.

Lack of opportunity to consult with legal counsel

Individuals who are asked to become confidential informants are not initially charged with a crime, and therefore are not necessarily afforded the opportunity to consult with legal counsel. UMPD indicates that all CIs are orally informed of their right to counsel when they are enrolled in the program, but there is no such requirement in the department’s written policy. Student Legal Services attorneys report that clients being recruited as informants have on occasion been warned against speaking with SLSO or any other legal counsel by police officers from other local departments – not UMPD.

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17 At least two UMPD officers will begin training in late January to become Drug Recognition Experts. That training is focused on detecting intoxication, not addiction.
Confidential consultation with legal counsel could have a significant impact on the individual’s understanding of the consequences of accepting the offer to become a confidential informant.

_Lack of parental notification regarding drug use or confidential informant status_

One of the primary motivations for students to agree to become confidential informants in exchange for deferred, and likely withheld, charges and related disciplinary processes is the desire to avoid alerting their parents to their drug use or trafficking. For students who become involved with UMPD as confidential informants, there is no notification of either their drug-involved activities or their status as CIs.

This non-notification is consistent with the default rule regarding student educational records, pursuant to the Federal Family Educational Rights and Privacy Act, under which students are the sole owners of their educational records. Notification to parents of any information regarding their adult children’s university education, without the student’s express permission, is the exception. The University may (but is not required to) release information to parents, without permission from the student, in certain circumstances, including when the student is dependent on his/her parents under IRS rules, or for health and safety concerns. As a general policy, the University respects student privacy rights in their educational records, and does not release information even to parents of dependent children unless specifically requested. It’s worth noting in this regard that almost all University students are legal adults. In parallel circumstance outside the university setting, i.e., in which non-university police departments recruit similarly aged non-students to become confidential informants, parental notification does not arise as an issue, and is not a standard practice.

However, certain exceptions currently exist: when students are arrested and/or found responsible by the university for drug involvement, their parents are generally notified, under standards set forth in the Code of Student Conduct. When a student is arrested by UMPD, the Dean of Students Office is notified, and, usually, begins the conduct process. If the student is found responsible for a violation of the Code of Student Conduct, the Dean of Students notifies the student’s parents. (If a student is arrested by another police

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18 Even with these exceptions, certain offices and individuals on campus are governed by other, non-FERPA, requirements. For example, attorneys in the Student Legal Services Office and counselors in the Center for Counseling and Psychological Health and the Center for Women & Community adhere to the normal confidentiality and privilege requirements of their respective professions, under which they are prohibited from revealing student confidences to anyone, including parents, except in very limited circumstances (normally, to prevent imminent harm to the student or another person, and then only to the extent necessary to prevent that harm from occurring).

19 Code of Student Conduct, Trustee Doc. #T-94-059, Sec. I-B, Paras. 1-3 (July 1, 2013).

20 This practice is only in the case of violations of the Student Conduct Code, not for non-compliance with rules of other administrative units such as Residential Life, Campus Recreation, Academic Honesty Policy, University Store, Transportation Services, and the Office of Information Technologies. See ibid., Sec. II-A, Para. 1.
department, the Dean of Students’ office only begins a conduct proceeding if it becomes aware of the arrest.) The Dean of Students Office also currently calls/notifies parents when a student has been transported for alcohol or other medical and mental health concerns. These calls are made outside of the conduct process, as allowed under FERPA’s health and safety exceptions. UMPD does not notify students’ parents directly in any situation, but if a student is arrested and/or summoned to court, as a practical matter, there is a good chance that his or her parents will learn of the offense – either because the arrest becomes a public record (and is often published in the local newspaper’s police report), or because, at that point, the student seeks assistance from his or her parents with the subsequent legal proceedings.

The underlying rationale for notifying parents is to ensure that the student is getting the family support, attention and advice that he or she needs at a critical juncture in his or her life. If a student instead enters into the confidential informant program, and has his or her punishment deferred and ultimately withdrawn, he or she does not receive the necessary family support. This undermines the University’s significant interest in the wellbeing of our students, and contradicts the University’s approach in other contexts.

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\textit{Lack of communication with other offices on campus}

The CI program in its current form prohibits notification to anyone outside the UMPD that an individual student has had charges deferred and is acting as a confidential informant. Accordingly, no one in the Dean of Students office, Residential Life, or UHS/CHP knows about the student’s status until or unless the student divulges it voluntarily (and such disclosure would be in violation of the student’s explicit agreement with the UMPD). This impedes the ability of other offices to support the student and/or address any underlying substance use or trafficking issues.

UMPD has expressed concern that notifying other offices on campus may weaken the Commonwealth’s privilege against disclosure of an informant’s identity in an eventual court case in which evidence based on the informant’s activities were to be presented. However, this concern does not appear to be well-founded. Consultations with several attorneys, including both prosecutors and defense counsel, indicate that notifications to other university offices that ensure confidentiality regarding a student’s identity and participation in the CI program, would not limit the government’s privilege in any way. The informant’s identity would still be protected to the same extent as it currently is in any subsequent criminal proceeding involving the informant’s provision of information.

\textit{Increased distrust of UMPD and unwillingness to cooperate with UMPD}

By and large, both undergraduate and graduate students have expressed surprise at learning of the existence of a confidential informant program at the University. It is safe to say that very few students were aware of the program prior to the September 2014 Boston Globe article. In public discussions of the confidential informant policy at SGA meetings, and in additional interviews conducted by student members of the working
group, students have expressed disappointment and even a sense of betrayal at the program. These students believe that the program violates an implicit trust they previously had with the department, and makes them less willing to cooperate with UMPD officers. These beliefs are based in large part on the assumption that a confidential informant program is inherently coercive, and therefore is wrongfully exploiting vulnerable students.

**Increased student distrust of one another, and increased risk of injury to CIs**

Students have also expressed concern that the existence of a CI program makes them less likely to trust their fellow students. This is of course the corollary of the element identified as a “benefit” in the section above: the idea that not knowing whether your classmate might inform on your drug activity might deter you from engaging in that behavior in the first place. Nonetheless, students highlight this concern as one that contributes to an unwanted and unproductive “surveillance state” or Big Brother atmosphere on campus.

Perhaps more concerning, and an element identified by scholars of informant programs, is the heightened risk to the informant of cooperating with the police. There is some evidence that students have previously been identified as so-called “snitches” and have, as a result, faced ostracization and isolation by fellow students. Worse is the risk that they might be subject to assault by other dealers and/or users, as the latter fear that their own activities will be revealed. This, of course, is the primary reason for procedures which would ensure the confidentiality of the informant’s identity, and for limiting the length of involvement and the number of controlled purchases. It is unclear to what extent these procedures adequately protect informants, but the working group was not made aware of any specific cases of such retaliation or intimidation at UMass Amherst.

**Potential contribution to discriminatory enforcement of drug laws**

The absence of comprehensive records detailing the demographics of confidential informants, and the lack of oversight of the program from any University office outside the police department, raises the concern that offers of participation in the confidential informant program might be deployed in a discriminatory manner. It should be emphasized that the working group identified no such discrimination, but was also not equipped with sufficient information with which to assess this risk.

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No formal survey of students was undertaken by the working group to confirm whether the opinions expressed in these fora are representative of the entire student body, but the working group has no indication that they are not. It should also be noted that most students interviewed by working group members stated that they had little if any detailed knowledge of the CI program and how it works in practice.
Costs associated with ending the confidential informant program

The working group identified one potential cost to ending the informant program that is distinct from the loss of identified benefits: the possibility that the University might face enhanced liability for injuries related to drug activity due to its declining to employ this particular law enforcement tool. If the UMPD is held to a duty of care in drug enforcement that requires the use of informant programs – because, for example, it is standard practice for similar university police departments to employ confidential informants in their drug interdiction efforts – then, the University might face increased liability due the absence of one.

Our review of the practice at other universities, however, does not support the contention that this might rise to the level of a universally accepted standard. Although CALEA and MPAC certification standards require the existence of a CI policy, they do not require that police departments in fact use confidential informants. An informal survey of other UMass campuses and state universities indicated that while many have CI policies in place, none are currently using confidential informants, nor have they done so in the recent past.

This may be an indicator that other universities rely to a greater extent on the police departments of surrounding communities, due to the latter’s far greater resources. UMass Amherst has the largest residential population of any of the state universities and system campuses. UMass Amherst is also unique in the state for having a university police force that is larger than any of the surrounding community’s departments.

Finally, it should be emphasized that if UMass Amherst were to end use of this particular law enforcement tool – the confidential informant program – it would not be ending the anti-drug activities of either UMPD or other offices on campus. UMPD would continue to enforce drug laws, and the Dean of Students Office and the BASICS program in particular would continue their own anti-drug efforts.

Recommendations

The working group was unanimous in finding that the confidential informant program in its current form should be ended. The costs identified clearly outweigh the benefits. Working group members found it much more difficult to reach consensus on whether the concerns and costs identified could be adequately mitigated by revisions to the program, or whether the use of student informants should be banned entirely. Indeed, even individual members changed their views on this central dilemma more than once over the course of our work. Importantly, the SGA adopted a position in October specifically finding that there were no potential safeguards that could adequately address student concerns with the program. Prohibiting the use of informants deprives the UMPD of an

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22 SGA Resolution 2014-F3, adopted October 14, 2014 (“[I]n the opinion of the SGA, there is no possible significant change that would make the confidential informant program in use by UMPD safe for all
important tool in protecting our campus community from the very real ills associated with illegal drug use and trafficking. On the other hand, continued use of students as informants imposes serious costs both on individual students and on our community as a whole.

Accordingly, the working group defers to the Chancellor the ultimate question of whether to end the CI program or whether to attempt to mitigate its costs through the imposition of various safeguards. If the CI program is to be retained, the working group unanimously recommends the changes listed below to its written policy and operation. The working group found that the CI program implicated issues that went well beyond the scope of the group’s charge. Some of these are so closely entwined with the group’s charge that they found a place in our recommendations; others are much broader, but worthy of note, and support the working group’s decision to defer to the Chancellor on the ultimate issue of whether to abandon the program. These include the appropriate and relative roles of UMPD, the Dean of Students Office, and UHS/CHP in addressing the use of illegal drugs by UMass Amherst students.

In making these recommendations, the working group is mindful of the reality that many police departments interact with our students and maintain confidential informant programs using UMass Amherst students, not just the UMPD. As a result, regardless of the ultimate decision regarding the UMPD program and these recommendations, our students may still be recruited as confidential informants by other police departments, under policies that may not contain any of the safeguards recommended below. The working group believes this should be an important consideration moving forward, and addresses it more specifically in recommendation #10 below.

The working group also notes the potential benefit of retaining a CI program with enhanced protections for student participants and with transparency-related requirements: such a program could serve as a model for our surrounding communities, and help to ensure that our students are treated fairly regardless of which police department they might encounter. This potential benefit is also discussed in more detail in recommendation #10 below.

These recommendations apply only to students recruited by the UMPD to provide information or to participate in controlled purchases. See Recommendation #7 below regarding students who come forward voluntarily with information and who seek to remain confidential.

1. **UMPD must inform students of the availability of free legal counsel and advice from UMass Amherst Student Legal Services or another attorney of the student’s choosing, and provide the student with the opportunity to consult with counsel prior to the student’s agreeing to become a confidential informant.**
Students should be informed that this consultation will be confidential between the attorney and the student, and that the attorney may be able to provide the student with a fuller understanding of the legal implications of agreeing to become a confidential informant.

2. **UMPD must refer the student for assessment by the BASICS Director prior to the student agreeing to become informant.** The BASICS Director will, in her discretion, communicate directly to UMPD if, in her judgment, the student is an inappropriate candidate for becoming a confidential informant.

In establishing the protocol for these referrals, it is critical that UMPD and the BASICS Director maintain the strictest confidentiality regarding the identity of the student being recruited as an informant, and the fact of his/her recruitment/participation. The protocol should establish written safeguards for ensuring this confidentiality which, at a minimum, should restrict knowledge of the student’s identity and potential informant status to the BASICS Director alone.

3. **UMPD must consult with the Dean of Students regarding the potential confidential informant prior to finalizing the student’s recruitment into the program.** A protocol should be established to ensure confidentiality of this consultation, especially with regard to the student’s identity and status as a confidential informant. The Dean of Students should coordinate with the UMPD on the deferral of disciplinary action against the student. The Dean of Students may, in his or her discretion, recommend against a student’s participation in the CI program in appropriate circumstances, based on his/her knowledge of the student’s conduct history at the University. Notwithstanding confidentiality concerns, the Dean of Students should have the discretion to notify the student’s parents of his or her participation in the confidential informant program if the Dean of Students finds there is a threat to the student’s health or safety.

This recommendation contemplates the development of a protocol that will ensure the strictest of confidentiality, especially with regard to the student’s identity and participation in the CI program. The working group recommends that a single individual within the Dean of Students Office, preferably the Dean of Students him or herself, be the only person entrusted with the knowledge that the student is involved in the CI program. This protocol should be designed to protect the student as well as to protect the government privilege against disclosure in a criminal proceeding.

4. **Only students who face charges of distribution or possession with intent to distribute illegal drugs should be recruited as potential confidential informants in narcotics cases. Students facing simple possession or other lesser charges should never be included in the program.**

Some members of the working group would further recommend that CIs only be used in the investigation of felony level crimes; other members of the working group believe that the logistical difficulties in determining in advance whether an investigation will result in
felony charges make this recommendation impracticable (indeed, it might provide an unintended incentive toward over-charging).

5. **Confidential informants should only be asked to make controlled buys of illegal drugs that fall within the same category of drugs for which he/she faces charges.**

For example, a student who faces charges of distributing illegal prescription drugs should not be asked to make a controlled buy of heroin or hallucinogens.

6. **UMPD’s written policy on confidential informants should be completely revised to include not just the safeguards described in these recommendations, but to provide significantly more detailed guidance on each step of the UMPD procedure.**

The working group found the UMPD’s written policy to be somewhat minimal as compared to the written policies of some other law enforcement agencies. For example, the Boston Police Department policy on confidential informants is significantly more detailed, and provides much more specific guidance to its personnel. The working group recommends a collaboration including representatives from, at a minimum, UMPD, the University’s general counsel, UMass Student Legal Services and the Northwestern District Attorney’s office, to undertake this revision.

7. **UMPD should establish a separate written policy to ensure confidentiality for students who are not recruited by the Department but who volunteer information regarding criminal activity.**

Students who are not facing charges, and who come forward voluntarily with information that may be useful to the department’s investigations, must be afforded confidentiality. However, such students generally do not require the same referrals to legal counsel, substance use counseling, or the Dean of Students as those facing charges or university conduct actions.

8. **In no circumstances should UMPD offer payment to a student in exchange for his or her participation in the confidential informant program.**

9. **The revised UMPD confidential informant policy should require enhanced recordkeeping and provide for periodic review by the Vice Chancellor of Student Affairs and Campus Life. Data collection should include basic (but non-identifying) demographic information, charges faced by confidential informants, length of service and number of controlled buys, ultimate disposition of potential charges against informants, the usefulness or effectiveness of information collected in further law enforcement activities, and other information and outcomes as identified by the Vice Chancellor. To the extent possible without compromising student confidentiality, such aggregate information should be publicly available.**

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10. Efforts should be made by the Chancellor, the Vice Chancellor for Student Affairs and Campus Life, and the UMPD to encourage the adoption of confidential informant programs that include these safeguards by other area police departments, preferably in coordination with the Northwestern District Attorney’s Anti-Crime Task Force.

As noted above, the working group determined that UMass Amherst students are recruited to become confidential informants by other local area police departments. The working group is concerned that these practices may impose similar costs on our students and our university community as those identified above. As part of its ongoing collaborative work with local communities and their law enforcement efforts, the University should establish and engage in discussions about the appropriate limitations on the use of UMass Amherst students as confidential informants.
Appendix A

UMPD Confidential Informant Policy
Policy

The Department will develop and use confidential informants (CI’s) as well as other sources of information to enhance efforts to detect, investigate and prosecute violators of state and federal law. Although CI’s and "buy money" are typically thought of in terms of drug investigations or assignments, other investigation types may be supported by these systems following the same policy requirements.

Confidential Informants Definition

Any person who provides information to a Department detective or other officer on a continuing or regular basis, often for monetary or other lawful consideration, and wishes his/her identity to remain confidential. This does not include “concerned citizens” who provide information on an informal or casual basis.

Special Circumstances

Certain persons should not be used as informants, except in special circumstances with the approval of the Unit Commander or designee. Such persons include:

- Juveniles (Under the age of 18 without parental or guardian approval); 42.2.7 g
- Persons wanted on warrants (M.G.L c268 s.32);
- Persons with a criminal record for perjury;
- Persons with a criminal history for rape or sexual assault; or
- Persons with a history of serious mental disorder or defect.

Precautions should be taken to protect the reputations and safety of informants and investigators. Some informants may require additional precautions:

- Addicts – Should be carefully supervised and controlled
- Parolees – Should be avoided whenever possible. Parolees are prohibited from associating with felons; approval from the informant’s parole officer is required.
Registration of Informants

When a person indicates willingness to cooperate and provide information, s/he will be interviewed by the Detective Bureau (DB) Commander or designee, as soon as practical. The DB Lieutenant or designee will:

- Investigate the background and suitability of the potential informant;
- If the person is approved as an informant, the recruiting investigator will complete the following forms as needed, which will be maintained by the DB Lieutenant:
  - Personal Information Form (Standard Form 40, aka SF-40)
  - Claim Release Form (SF-41)
  - Code of Conduct Form (SF-42)
  - Working Agreement Form (SF-43)
  - Concealed Transmitter or Recorder Form (SF-44)
  - Activity Record (SF-45)

Identity Protection

Protecting the identity of all informants from disclosure is important.

- At the same time, the reliability of each informant needs to be established for the purpose of supporting probable cause.
- Case law stipulates that the "Governed privilege" not to disclose the identity of an informant has long been recognized in the Commonwealth.
- (Governed privilege — continued)
  - This privilege, which is not absolute, should be "respected as far as reasonably possible, consistent with fairness to a defendant."
  - (Commonwealth v. Douzanis)

Information Management

The Detective Bureau Commander or designee shall maintain a file for each CI, in a locked and secure location accessible only to assigned DB personnel. This file must include:

- Code Name and Code Number designations;
- Biographical and background information;
- Criminal history records;
- Standard Forms SF-40, SF-41, SF-42, SF-43, SF-44 and SF-45; or a notation as to why any of those forms were not utilized;
- Other information deemed necessary by the Deputy Chief of Operations.
Maintenance: Every six months from the registration date, the DB Lieutenant shall evaluate the CI’s work performance, usefulness, reliability, and desirability.

Records Retention: CI files will be kept in accordance with the recommendations of the Massachusetts Statewide Records Retention Schedule which may be found at http://www.sec.state.ma.us/arc/arcpdf/0211.pdf

Expenditures

CI related expenditures must be recorded as required by written directive GEN-2 Fiscal Management.

The criteria for expenditures of funds to CI’s are as follows:

42.2.7 e

- The CI must meet reliability standards as described in Sec 4, above.
- The CI must provide information that is deemed relevant and useful by the investigating officer.
- The amount of the CI payment must be approved by the DB Lieutenant.
- Payment to the CI will generally be made by the investigating officer and always in the presence of a supervisor. Meetings with CI’s, including meeting to make payments, should follow the guidelines set forth in the section of this policy: Precautions.
- In cases where the expenditure may exceed $250 (for example, if this department offers a large reward for information related to an investigation), the approval of the Deputy Chief of Operations is required in accordance with GEN-2.

Audit: Every six months CI files will be audited to ensure accuracy in reporting, storage and viability. Of the two audits conducted per year one will be announced and one will be unannounced by the DCA or designee.

Activity Tracking

The primary handler of each CI shall maintain an Informant Activity Record SF-45, and assure that current copies are forwarded to the DB Lieutenant for inclusion in the master file.

Non-primary handlers having contact with a CI not assigned to them shall notify the primary, to assure timely recording of the CI activity.

Undesirable Informants

If a registered informant endangers officers, or deliberately gives false or misleading information, or is otherwise determined to be undesirable for use as a CI, the primary handler must submit a report detailing the undesirable conduct to the Detective Bureau Commander.

Promises to Informants

Officers may make recommendations to a prosecutor’s office, probation officer, or other criminal justice agency for a disposition on behalf of the CI. Officers may inform the
prosecuting attorney or other agency of the information provided by the CI and the results of the investigation. Officers cannot make a promise to a CI concerning the outcome of a pending court case. The disposition of court cases is in the province of the prosecutor's office and the Judiciary.

Precautions

CI's may sometimes gain authority, by acting as agents of the police, to participate in activity that may otherwise be criminal. Such authorization must be carefully considered, and judiciously granted. Factors to consider include: the potential for violence, the effect on innocent people, the Department's ability to efficiently supervise the CI, and the objective of the investigation.

- In the event that any officer uncovers information that an informant has engaged in unauthorized criminal activity, s/he must notify the DB Lieutenant or designee who shall conduct an immediate evaluation of the information and take such action as they deem necessary and appropriate.

- When a CI is involved in unauthorized criminal activity, every effort will be made to prosecute the CI, when prudent.

- Meetings with CI's must be:
  - Attended by two officers; and
  - With prior notification of the DB Lieutenant or designee, or as soon as practical thereafter.

- Any and all payments to CI's will be done in the presence of a UMPD supervisor.

- Contact or introductions between CI's; and with any other undercover officers; should be minimized when possible, to protect the integrity of personnel and operations.

- Association with CI's should be kept to the minimum necessary for effective investigation purposes.

- If an officer associates with an informant, when not on duty or during the course of an investigation, they shall notify their supervisor as soon as practical and document the reason for such association in the CI's file. An Investigative Report entry may be used for this purpose.

Search Warrants

Search warrant applications and affidavits incorporated therein, containing information from a CI, must be reviewed and approved by a supervisor before filing the application with the court.
Patrol Officer CI's

- Officers assigned to patrol who are seeking to use an individual as a CI should advise their patrol supervisor.

- The patrol supervisor shall then consult with the DB Lieutenant, to determine if the use of the proposed CI is approved.

- If the CI is approved, the DB Lieutenant in consultation with the patrol supervisor, shall determine whether the DB Lieutenant, or another designee, shall register and manage the CI.

Management of CI Defined: The management of confidential informants is a team effort. As such, there shall be a designated primary investigator and secondary investigator involved in the on-going management of the confidential informant. It is the intent of this policy that wherever possible, this team shall work together to conduct all matters relative to the ongoing management of the confidential informant.

- All CI paperwork (i.e. sign up forms, background, and log of activity) shall be kept in the DB CI file.
Appendix B

UMPD Confidential Informant Policy Forms
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<tr>
<th>Name (Last, First, Middle)</th>
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<td>Service Number</td>
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<td>Officer's Name &amp; Signature Date ID #</td>
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<tr>
<td>Authorizing Supervisor's Signature</td>
<td>Date ID #</td>
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UNIVERSITY OF MASSACHUSETTS AMHERST
POLICE DEPARTMENT

Confidential Informant Working Agreement

SF-41 Confidential Informant Claim Release Form

WHEREAS, ____________________________________________________________________________, registered as a confidential informant with the University of Massachusetts Amherst Police Department, HEREIN REFERRED TO AS “The Agency”, and requests permission to act as a confidential informant, including riding with police officers in government owned vehicles or privately owned vehicles, accompanying and helping police officers as confidential informants and, knowingly engaging in occasional hazardous situations.

WHEREAS, it is understood that the Agency, cannot accept responsibility for or guarantee the safety of such individual when acting in such a capacity as confidential informants; now, therefore,

BE IT AGREED as follows:

That in consideration of his/her being permitted to act as a confidential informant for police officers the undersigned hereby voluntarily assumes all risks of accident, injury, or damage to his/her person and property and hereby releases and discharges the Agency, its employees and agents; including but not limited to police officers of the Agency, from ever} claim, liability, or demand of any kind for or on account of any personal injury or .damage, or injury or damage to property of any kind sustained whether caused by the negligence of the Agency, its agents or employees, including but not limited to police officers, or otherwise.

The undersigned hereby also agrees to hold the agency, its agents and employees, including but not limited to police officers, harmless from any claim, liability, or demand of any kind which may arise against any or all of them resulting in any way from his/her acting as a confidential informant for the Agency, or accompanying a police officer or officers in the performance of their duties.

Dated this____ day of__________________, 20____, at ________________________________

(Location)

Informant Signature  ____________________________________________________________________________

Informant ID Number  ____________________________________________________________________________

Witness  ____________________________________________________________________________

Witness  ____________________________________________________________________________

Controlling Officers Printed Name & ID Number  ____________________________________________________________________________

Supervisors Printed Name & ID Number  ____________________________________________________________________________

Controlling Officers Signature  ____________________________________________________________________________

Supervisors Signature  ____________________________________________________________________________

SF-41  ____________________________________________________________________________

Rev. 6/08
Confidential Informant Code of Conduct

1. ________________, the undersigned clearly understand that while I am assisting and cooperating with the University of Massachusetts Amherst Police Department, I am forbidden from and will not commit any of the following acts or engage in any of the following activities:

1. I will not sell, deliver, or possess any controlled substances, illegal or illicit drugs or any substances purported to be the same, at any time.

2. I will not sell, deliver, or cause to be sold or delivered any controlled substances, illegal or illicit drugs, or any substances purported to be the same, to any person who would in turn sell or deliver the substances to any other person.

3. I will not use my sex, sexuality, or any sexual activity, to induce, or persuade anyone to sell or deliver any controlled substances, illegal or illicit drugs, or any substances purported to be the same, or engage in any criminal activity.

4. I understand that I cannot search anyone, any place, or any thing for any reason.

5. I understand that I cannot carry a firearm or weapon for any reason or at any time.

6. I have had what constitutes entrapment explained to me, completely understand it, and will not engage in any such activity at any time.

7. I agree not to discuss, disclose, or communicate in any way, to anyone, any information regarding any investigation or activity, that I may be involved in or aware of.

8. I understand that any violations of the code of conduct, or any violations of law will be fully investigated with appropriate action being taken, including criminal prosecution for any criminal violations.

9. I understand that no officer has the authority to make any promises or predictions regarding any criminal charges that I may have pending against me. This does not preclude the officer from meeting with the prosecutor to discuss my assistance and cooperation and to make requests for consideration.

10. I understand that I am cooperating of my own free will and not as the result of any promises, or any intimidation, or threats.

Dated this __________ day of __________, 20____, at __________ (Location)

Informant Signature ____________________________________________________________________________

Informant ID Number __________________________________________________________________________

Witness ________________________________________________________________________________________

Witness ______________________________________________________________________________________

Controlling Officers Printed Name & ID Number ______________________________________________________________________________________

Supervisors Printed Name & ID Number ______________________________________________________________________________________

Controlling Officers Signature ____________________________________________________________________________

Supervisors Signature ____________________________________________________________________________
I, ____________________________, the undersigned clearly understands that while I am assisting and cooperating with the University of Massachusetts Amherst Police Department that I am forbidden from and will not commit any of the following terms of behavior:

1. I agree to be truthful to my controlling officer and the agency at all times and will answer all questions and inquiries made upon me to the best of my knowledge and ability.

2. I agree to submit to a polygraph test whenever requested by my controlling officer or the agency.

3. I agree to submit to a urinalysis test whenever requested by my controlling officer or the agency.

4. I agree to strictly abide by and not violate any laws including narcotics and drugs laws.

5. I agree to submit to a search of my person, my possessions, and any vehicle that I may have in my possession, whenever requested by my controlling officer or the agency.

6. I agree to notify my controlling officer of any contact with other law enforcement officers or agencies.

7. I agree to strictly follow and adhere to all established rules and procedures.

8. I understand that however unlikely, there is a possibility that my identity may have to be disclosed and that I may be required to testify in court.

9. I agree to advise my controlling officer of any and all criminal activity that I become aware of.

10. I agree to advise my controlling officer of any and all suspected police corruption that I become aware of.

Additional Agreements:

________________________________________________________________________

Dated this __________ day of __________, 20____, at __________________________ (Location)

Informant Signature __________________________ Informant ID Number __________________________

Witness __________________________ Witness __________________________

Controlling Officers Printed Name & ID Number __________________________ Supervisors Printed Name & ID Number __________________________

Controlling Officers Signature __________________________ Supervisors Signature __________________________

SF-43 Rev. 6/08
UNIVERSITY OF MASSACHUSETTS AMHERST
POLICE DEPARTMENT

Confidential Informant Working Agreement

Concealed Transmitter and Recording Consent Form

I,_____________________________________________________, give permission to the
(Print or Type Name)
Officers of the University of Massachusetts Amherst Police Department to conceal a
transmitter and/or recording device on me or about my person. The purpose of this
transmitter and/or recording device is to monitor and/or record conversations between
myself and anyone that I have a conversation with.

This consent is given of my own free will. No promise, threat, or coercion of any kind was
used in order to obtain my consent.

Dated this_______ day of ______________, 20____ at ______________
(Location)

Informant Signature

Informant ID Number

Witness

Witness

Controlling Officers Printed Name & ID Number

Supervisors Printed Name & ID Number

Controlling Officers Signature

Supervisors Signature

SF-44 Rev. 6/08
Confidential Informant Activity Record

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Remarks:

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Rev. 6/08