

	<b>PALACIOS POLICE DEPARTMENT</b>	
	<b>Policy 7.43 Informants</b>	
	<b>Effective Date: 01/04/2021</b>	<b>Replaces: 02/07/2006</b>
	<b>Approved:</b>  <b>Milton Rivera, Chief of Police</b>	
	<b>Reference:</b> TBP: 7.11 and 7.12	

## POLICY

In many instances, a successful investigation cannot be conducted without the use of confidential informants or CIs. While the use of CIs is an effective tool in investigations, it can be undermined by the misconduct of the CI or the officer utilizing the informant. Therefore, it shall be the policy of this law enforcement agency to take necessary precautions by developing sound informant-control procedures.

### I. PURPOSE

The purpose of this policy is to provide regulations for the control and use of confidential informants (CIs).

### II. DEFINITIONS

- A. Confidential Informant: An individual who provides services or information to the police, with or without being paid, but who wishes to remain anonymous.
- B. Confidential Informant File: File maintained in order to document all information that pertains to confidential informants.

### III. PROCEDURES

- A. Establishment of an Informant File System
  - 1. The CID Lieutenant in charge of the criminal investigations' functions shall be responsible for developing and maintaining confidential informant files.
  - 2. A file shall be maintained on each confidential informant (CI) used by officers. Each file shall be coded with an assigned informant control number and shall contain the following information:
    - a. Informant's name
    - b. Informant payment record, which provides a summary of informant payments and which is kept on top of the file
    - c. Receipts for purchase of information

- d. Copy of each statement made by informant
  - e. Name of officer initiating use of the informant
  - f. Informant's photograph, fingerprints, and criminal history record
  - g. Briefs of information provided by the CI and its subsequent reliability
  - h. Signed informant agreement
  - i. Update on active or inactive status of informant.
3. If it is determined that an informant is unreliable, the informant's file shall be placed in the "Unreliable Informant File."
  4. All persons determined to be unsuitable for use as a CI shall be referenced as "unreliable" in the Informant File.
  5. Confidential informants who at any time provide officers with false or erroneous information or statements shall have the notation "Unreliable" and the details of the erroneous information placed in the CI file. Officers shall not use any information provided by an individual who has previously been designated an unreliable informant.
  6. Informant files shall be maintained in a secured area within the criminal investigations section.
  7. Access to the informant files shall be restricted to the Chief of Police, the Lieutenant of criminal investigations, or their designees.
  8. Sworn personnel may review an individual's informant file only with the approval of the Lieutenant of criminal investigations.

#### B. Recruitment and Use of Informants

It is critical that officers exercise good judgment in their use of informants, and that they understand the motivation that prompts an individual to serve as an informant. The most common motives include providing information as a means to eliminating or reducing a criminal case against themselves, for money, and a sense of civic responsibility. But there might be other reasons, making it important that officers ascertain the true motive.

1. Officers may recruit informants in the following manner:
  - a. From the members of the public who may have information about specific criminal activities occurring in the city.
  - b. From individuals arrested for non-violent crimes, such as possession of controlled substances. No CIs will be recruited for purposes of reducing or eliminating any charges where there is a victim of a crime or charges involving family violence.
  - c. From individuals who volunteer to be a CI, with or without payment.
  - d. Juveniles (under age of 21) shall not be used. While officers may receive information and act on confidential information given by a juvenile, the juvenile shall not be considered a CI nor encouraged nor paid any monies (other than through the Crimestopper program) for any work done. The use of juveniles for tobacco or alcohol sting operations is permitted if approved by the Chief of Police and with the approval signature of both custodial parents.

2. Before using an individual as a CI, an officer must receive initial approval from the CID Lieutenant.
3. Before using any individual who is currently on probation or parole, the officer must obtain permission from the controlling probation or parole officer.
4. The officer shall compile information through a background investigation that is sufficient to determine the reliability and credibility of the individual.
5. After the officer receives initial approval to use an individual as a CI, an informant file shall be opened.

#### C. General Guidelines for Handling CIs

1. All CIs are required to sign and abide by the provisions of the departmental informant agreement. The officer utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
  - a. Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon;
  - b. Informants will be arrested if found engaging in any illegal activity, and they will receive no special legal considerations;
  - c. Informants are not to take, and the department will not condone, any actions that may be considered entrapment. Entrapment occurs when the informant encourages, persuades, or otherwise motivates a person to engage in criminal activity.
2. No member of this agency shall knowingly maintain a social relationship with CIs while off duty, or otherwise become personally involved with CIs. Members of this agency shall not solicit any favors, accept gratuities from, or engage in any private business transaction with a CI.
3. Whenever possible, an officer shall be accompanied by another officer when meeting with a CI.

#### D. Payments to Informants

1. The department maintains a confidential fund for payment to informants. Payments to informants (CIs) will be approved by the Chief of Police in advance of any payment.
2. Officers wishing to secure the services of a paid informant shall do the following: prepare and present to his or her Lieutenant a Request-for-Funds form with the CI's number, a short explanation of what information is being purchased, and what case or incident the information pertains to. The Lieutenant will determine if the payment is appropriate and forward the request to the Chief of Police.
3. Payment can be requested the following purposes: information alone; investigative funds for the purchase of illegal drugs, contraband and other criminal evidence; purchases of food and beverages for a confidential informant; expenditures for authorized undercover operations; and flash and front money.

- a. If the expenditure is approved by the Chief of Police, the CID Lieutenant will log out the money to the officer and have the officer sign a receipt for the money on the Request Form. The Lieutenant shall also note the disbursement in the confidential funds log.
  - b. The officer will meet with the informant with at least one other officer or Lieutenant present and obtain the information and make payment to the CI. The CI will sign a receipt for the funds.
  - c. If no payment is made, the funds will be returned to the CID Lieutenant before the end of shift.
  - d. The receipt will be returned to the CID Lieutenant along with a summary of the information provided and will place the original of the receipt in the confidential fund log.
  - e. A copy of the receipt and the summary of information given will be placed in the CI's file.
4. Narcotics Informants
- a. Payment for any covert drug purchase should follow all standard protocols for proving reliance, including searching the informant prior to the purchase, providing only purchase cash, surveillance to and from the purchase, and a complete search following the purchase, witnessed by at least two officers.
  - b. If at all possible, a single CI should not be allowed to identify a narcotics target and make a purchase for the prosecution of that target. A separate CI should be used if possible to prevent a CI from using the law-enforcement system to his/her advantage.
5. Maintenance of the confidential fund. (TBP: 7.12)
- a. The CID Lieutenant is assigned the responsibility for maintaining the informant fund. The fund will be maintained in a locking cash box that is kept locked in the safe in the CID Lieutenant's office.
  - b. At no time will there be more than \$500 in the informant fund.
  - c. The confidential fund custodian shall make payments only to those who have approval from the Chief of Police or a designee.
  - d. The custodian is not permitted to make disbursements from the confidential fund to himself/herself.
  - e. A disbursement log and receipt book will be maintained inside the cash box with the funds. Entries in the log will be made for every disbursement or return as well as replenishment of the fund.
  - f. The disbursement log shall record the beginning balance, date of withdrawal, amount, name of receiving officer, CI number, case number if any, and ending balance.
  - g. After an officer returns with a receipt signed by the informant, the CID Lieutenant will check the signature to ensure a match with the signature on file, and place a copy of the receipt in the informant file along with a statement of the information or service received. The original of the receipt will be kept in a file in the safe with the cash box.
  - h. When the amount in the informant fund drops below \$100, the CID Lieutenant will request replenishment from the city finance department.

- i. At least every six months, the Chief of Police or a designee not connected with the management of the fund will conduct an audit of the fund and operational procedures. The audit will be documented and forwarded to the Chief of Police and the city finance department. A notation of the audit will also be made in the disbursement log.