

	<b>ROSENBERG POLICE DEPARTMENT</b>	
	<b>General Order 7.43 Informants</b>	
	<b>Effective Date: 04-05-2013</b>	<b>Replaces: N/A</b>
	<b>Approved:</b>  Chief of Police	
	<b>Reference: TBP 7.11 and 7.12</b>	

## I. 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.

## II. PURPOSE

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

## III. DEFINITIONS

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

## IV. PROCEDURES

- A. Establishment of an Informant File System
  - 1. The commanding officer in charge of the criminal investigations function 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, kept on top of the file. This record provides a summary of informant payments.
  - c. Receipts for purchase of Information
  - d. Copies of Statements 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. If an informant is determined to be unreliable, the informant's file shall be placed in the unreliable informant file;
  - h. Signed informant agreement; and
  - i. Update on active or inactive status of informant.
3. Confidential informants that at any time provide officers with false, 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 had previously been designated an Unreliable informant.
  4. Informant files shall be maintained in a secured area within the criminal investigations section.
  5. Access to the informant files shall be restricted to the Chief of Police, the supervisor of criminal investigations, or their designees.
  6. Sworn personnel may only review an individual's informant file upon the approval of the supervisor of criminal investigations.

#### B. Use of Informants

1. Before using an individual as a CI, an officer must receive initial approval from the CID supervisor.
2. The officer shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.
3. After the officer receives initial approval to use an individual as a CI, an informant file shall be opened.
4. All persons determined to be unsuitable for use as a CI shall be referenced as Unreliable in the Informant File.

#### 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. They will receive no special legal considerations; and
  - c. Informants are not to take, and the department will not condone, any actions that may be considered entrapment. Entrapment occurs where 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, accept gratuities, or engage in any private business transaction with a CI.
  3. Whenever possible, an officer shall always be accompanied by another officer when meeting with a CI. When meeting with a CI of the opposite sex, the officer must be accompanied by another officer.
  4. Juveniles will not be utilized as confidential informants.

#### 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, or designee, in advance of any payment. Officers wishing to pay an informant for information shall:
  - a. Prepare a Request for Funds form with the CI's number, a short explanation of what information is being purchased and what case of incident the information pertains to and present to his or her supervisor. The supervisor will determine if the payment is appropriate and forward the request to the Chief of Police.
  - b. If approved by the Chief of Police, or designee, the CID supervisor will log out the money to the officer and have the officer sign receipt of the money on the Request Form. The supervisor shall also note the disbursement in the confidential funds log.
  - c. The officer will meet with the informant with at least one other officer or supervisor present and obtain the information and make payment to the CI. The CI will sign a receipt for the funds.
  - d. If no payment is made, the funds will be returned to the CID supervisor before the end of shift.

- e. The receipt will be returned to the CID Supervisor along with a summary of the information provided and will note place the original of the receipt in the confidential fund log.
  - f. A copy of the receipt and the summary of information given will be placed in the CI's file.
2. Maintenance of the confidential fund. (TBP: 7.12)
- a. The CID Supervisor is assigned the responsibility for maintaining the Informant Fund. The fund will be maintained in a locking cash box and locked in the safe in the CID Supervisor's office.
  - b. At no time will the funds be greater than \$1,500.
  - c. The confidential fund custodian shall make disbursements from the confidential fund only to authorized personnel for the following purposes:
    - i. Payments that are to be made directly to confidential informants;
    - ii. Investigative funds for the purchase of illegal drugs, contraband and other criminal evidence;
    - iii. Purchases of food and beverages for a confidential informant;
    - iv. Expenditures for authorized undercover operations; and
    - v. Flash and front money.
  - d. The confidential fund custodian shall not be permitted to make disbursements from the confidential fund to himself.
  - 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, officer receiving, CI number, case number if any, and ending balance.
  - g. After an officer returns with a receipt signed by the informant, the CID supervisor will check the signature to ensure a match with the signature on file, copy the receipt, 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 of funds in the Informant Fund drops below \$500, the CID supervisor will request replenishment from the city finance department.
- i. At least every 6 months, the Chief of Police or 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.