



Section 4/700 ♦ Criminal Investigations		
4 / 710	Confidential Informants	10/17/03
Accreditation Standards	42.2.7	

**4 / 710.05 PURPOSE**

The purpose of this order is to establish policy and procedure for the control of and use of confidential informants (CI's).

**4 / 710.10 POLICY**

The use of confidential informant(s) is commonly accepted as an effective tool in conducting investigations. However, law enforcement personnel are slower to recognize the damage which may occur to a law enforcement agency, to individual law enforcement officers, to investigations, and to citizens when a CI commits misconduct or the law enforcement officer handling the CI engages in misconduct or poor CI control methods. It shall be the policy of this agency to establish appropriate confidential informant control methods.

**4 / 710.15 DEFINITIONS**

**Confidential Informant** – Persons who by virtue of their surroundings and associations have a degree of access to information and are motivated to provide information to law enforcement for a variety of reasons. Confidential Informants are generally on the fringes of, or at, or near the core of criminal activity. These persons' contact with law enforcement is of a closed or covert nature: it is not an open source or overt contact.

**Open Sources** – Public and private agency overt contacts.

**Confidential Sources** – Public and private agency covert contacts.

**Confidential Informant Dossier** – File maintained to document all information that pertains to an individual CI.

**Confidential Informant Index** – An index or cross-reference system designed for quick identification and assessment of CI's.

**Restricted Use Informants** – Persons who, because of some specific status or circumstance, are limited, or restricted, in their scope of ability to function as a CI for law enforcement. Examples are juveniles and persons who are on parole and or probation.

**Confidential Informant Control Number (CICN)** – In accordance with the *Criminal Investigations Manual, page 2-59/Documentation*, confidential informant's will be assigned a control number which shall consists of the

handling officer/investigator's identification number, a hyphen, and a sequential number.

**Confidential Informant Information Sheet** – Departmental Report used to document CI's identity and biographical/historical data.

**Intelligence Reports** – Departmental Report used to document information from each briefing of a CI, payments to a CI, supervisory review of a CI, and the active/inactive status of a CI. A CI should only be referenced by their CICN on an Intelligence Report. All Intelligence Reports related to CI documentation will be copied to the individual CI file and to the Master Intelligence File.

**Confidential Informant Tracking Sheet** – Departmental Report used as a quick reference to document informant payments and investigative outcomes based on CI information and assignments.

**4 / 710.20 PROCEDURES**

**A. ESTABLISHMENT OF AN INFORMANT FILE SYSTEM**

1. The Commander of the Special Operations Division or his/her designee shall be responsible for developing and maintaining all confidential informant files as well as an indexing system.
2. The handling officer or investigator shall maintain a Confidential Informant Dossier on each confidential informant (CI). Each file shall be assigned a Confidential Informant Control Number CICN and will minimally contain the following information:
  - CI's name and biographical data documented on a Laurel Police Department Confidential Informant Record.
  - Confidential Informant's photograph, fingerprints and criminal history record. Inquiries for parole and probation status should also be initiated and documented.
  - Signed confidential informant agreement.
  - Briefing notes and corresponding Intelligence Reports related to any and all information

provided by the CI and documentation regarding CI reliability, i.e., investigative follow-up information or corroborating information.

- Confidential Informant Tracking Sheet noting all CI payments, corresponding Intelligence Report for CI payment, and investigative outcomes as noted on CI Tracking Sheet.
  - Update on active or inactive status documented on an Intelligence Report.
  - Any dissemination of any part of the CI file shall be documented on an Intelligence Report and placed in that CI file.
  - CI's will only be referenced by their CICN on Intelligence Reports and a copy of each Intelligence Report relating to CI documentation will be placed in the individual CI file and in the Master Intelligence File.
3. An indexing system will be established and maintained by the Commander of the Special Operations Division to track both confidential informants and unreliable informants. This index system will identify the CI by both their CICN and their name and will provide a statement regarding the CI's status and reliability.
  4. The Confidential Informant Dossier and the Confidential Informant Index shall be maintained in a secured area with limited passkey access within the Special Operations Division. Access to confidential informant files shall be restricted to the Chief of Police, the Deputy Chief of Police, the Commander of the Investigative Services Division, or their designees.
  5. Sworn personnel may only review a CI file upon approval of the Commander of the Special Operations Division. The requesting officer shall submit a written request, which explains the need for the review. A copy of the request will be placed in the Confidential Informant Dossier.

#### **B. PAYMENT OF CONFIDENTIAL INFORMANTS**

1. Confidential Informants will only be paid upon the approval of the Commander of the Special Operations Division or his/her designee.
2. All payments to CI's will be documented on both a cash receipt and an Intelligence Report.

3. The CI will sign the cash receipt for all cash disbursements and all CI payments will be witnessed by at least two (2) agency employees.
4. At the end of each calendar year, the Commander of the Special Operations Division will prepare a report for submittal to the City Office of Finance which references the CI's CICN and the amount paid during the previous calendar year for reporting to the Internal Revenue Service and preparation of W-2 if appropriate. Additionally, officers and investigators will emphasize to CI's their liability for income tax.

#### **C. USE AND GENERAL GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

1. Before using an individual as a CI, an officer or investigator must submit the initial Confidential Informant Dossier through their chain of command for approval by the Commander of the Investigative Services Division.
2. All persons determined to be unsuitable for use as a CI shall be referenced in the Confidential Informant Index.
3. Any officer wishing to utilize an unreliable informant shall receive prior approval from the Chief of Police or his designee.
4. All officers and investigators when completing the Confidential Informant Dossier will discuss each of the provisions of the CI agreement and will emphasize the following:
  - CI's are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon.
  - CI's will be arrested if found engaging in illegal activity. They will receive no special legal considerations.
  - CI's are not to take any actions that may be considered entrapment. Entrapment occurs where the CI encourages, persuades or otherwise motivates a person to engage in criminal activity.
5. No member of this agency shall knowingly maintain a social relationship with a CI while off duty, or otherwise become personally involved with a CI. Members of this agency

shall not solicit, accept gratuities or engage in a private business transaction with a CI.

6. An officer or investigator will refrain, whenever possible, from meeting a CI without another law enforcement officer.
7. An officer or investigator will obtain written parental permission to include in the Confidential Informant Dossier when requesting permission/approval to use a juvenile as a restricted use informant.
8. An officer or investigator will inquire of the Department of Parole and Probation as to the status of a potential informant and will receive permission from the parole or probation agent to utilize said person as a CI. This information will be included in the Confidential Informant Dossier at the time of initial approval.
9. The Commander of the Special Operations s Division, or his/her designee, will meet with all active CI's every ninety (90) days to debrief the CI for continued utilization. The Commander or his/her designee will complete an Intelligence Report to document the debriefing referencing the CICN. A copy of this Intelligence Report will be placed in the Confidential Informant Dossier. A second copy of this Intelligence Report will be placed in the Master Intelligence Report File.
10. Officers and investigators will refrain from meeting with CI's at identified police facilities.

**END OF ORDER**