

3-01/110.75 - Managing Informants

Deputies shall obtain their sergeant and lieutenant's approval prior to using a defendant informant or paid informant. The deputy, and their supervising sergeant and lieutenant, shall evaluate the informant's background to determine if the informant is suitable for use.

Review and approval shall be accomplished by the requesting deputy's submission of a complete informant package to their supervising sergeant and lieutenant. A determination for approval shall include consideration of the informant's history of criminal offenses, (including the current arrest charge if a defendant informant), driver history, and other known activities which might compromise an investigation or discredit the Department.

The informant's motivation, reliability, and potential involvement in criminal activity shall be evaluated against the nature and seriousness of the offense under investigation, as well as the evaluator's strong belief that the informant will perform in a satisfactory manner. The approval shall be documented on the approval line of the Informant Activation Form (SH-AD-685).

The approving lieutenant may give verbal approval if he or she is not present and when time is of the essence. The requesting deputy shall inform the lieutenant of the contents of the informant package including the informant's criminal history, current charge if any, other pertinent facts and background known to the deputy, and the informant's true motivation for assisting law enforcement. The deputy shall note the verbal approval on the Informant Activation Form and without delay forward the entire package to the approving lieutenant for his or her final signature within five (5) days of the verbal approval.

The continued use and active status of an informant requires that the informant's file be updated at least every 180 days with the appropriate review of current background information including DMV records, CII/NCIC/RAPS records and CCHRS records. Any new arrest record, or significant occurrence since the last informant approval date will be brought to the Sergeants and Lieutenants attention for re-approval. A new Informant Activation Form with the attached RAPS record shall be completed and the request to "reactivate" box shall be checked and forwarded for the sergeants and lieutenants' signature. Approved reactivation forms shall be placed into the permanent Informant Package file.

Whenever any member of this Department observes or learns that an informant has committed any criminal act, whether in furtherance of any ongoing investigation or not, proper police action shall be taken at that time. In addition, all relevant facts of the criminal activity shall be reported to the member's supervisor for referral to appropriate officials, if necessary.

Informant Safety

Sergeants and lieutenants who supervise detectives using informants shall ensure all operations involving informants are planned with the attentive consideration for the safety of all parties. Diligent and thorough review of all operations plans, written or verbal, shall be conducted by the Sergeant and Lieutenant before granting approval. Clear and reliable communications, containment, backup, and other contingency plans shall be considered when approving operation plans. Subsequent to all operations, a debriefing shall occur which will be noted in all after action reports.

Confidential Reports

In order to protect the informant and the confidentiality of investigations, it may be necessary to report the informant's activity using a confidential report. In those cases where confidentiality is important and where the informant's activity is not yet material evidence intended to be used to prosecute any known crime, the informant's activity may be reported using confidential reporting procedures prescribed herein. If the informant's activity does not require confidentiality, the normal reporting procedures may be used.

Confidential investigation reports shall be initiated whenever there is a determination by the investigator that the information received using a confidential informant will be worked. Confidential reports drawing an URN using 441 statistical code (special investigation) shall be written and maintained at the Unit in a confidential report file. These confidential informants' activity reports will NOT be forwarded to Records and Identification Bureau or receive the usual distribution but will be maintained in a separate and secured confidential investigative report file maintained by the unit commander.

This process of limited distribution of reports will only be used to document confidential informant activity in order to protect the informant's identity and document activity such as Special Appropriation Funds expenditures and evidence booked (e.g., controlled purchase of contraband).

The informant should not be referred to by name in the confidential report. The informant control number should be used in place of the name.

When drawing the confidential URN from LARCIS, the informant's name "kind" code should be a "C" for confidential and the name should not be entered in order to further protect informant identities.

As appropriate to each particular case, a supplemental report must be written as to the collection, type, quantity, and disposition of evidence and an accounting of all expenses incurred for informant activity such as:

- Evidence purchases;
- Informant fees; and/or
- Investigative expenses, including those authorized expenses incurred by informants.

Any investigative information received or developed regarding the case shall be documented in the confidential case file using supplemental reports, case notes, memorandum, and surveillance logs. Such information may be important in providing the necessary probable cause to establish that a crime has occurred and need for further action, such as a search warrant.

Confidential investigative reports shall be inactivated after 30 days or kept active by a supplemental report as circumstances dictate. For example, a controlled buy, documented on a confidential report, becomes the basis for a search warrant. Once the warrant is executed and the contraband seized, the confidential report is inactivated. First reports documenting seizures or arrests should not contain any reference to confidential report numbers. Should the investigation result in a finding of no violations or arrests, the confidential report shall be inactivated by a supplemental report documenting the arrest.

The investigator shall determine the need to reveal, or keep confidential, any informants' identify. If needed, the investigator will consult with the District Attorney's Office regarding potential discovery proceedings. Generally, if the information or evidence provided by the informant is material or exculpatory to the prosecution of a suspect, the informant's identity could be revealed.

Supervisor's Responsibilities

The investigator's sergeant and lieutenant shall constantly maintain strict supervision of all informant activity. Sergeants and lieutenants shall conduct regular checks and audits of all informant related activities including, but not limited to:

- Investigator's redbook, investigative file activity logs, and case journals;
- 441 files;
- Informant activity packages;
- Informant payment sheets; and
- Random field audits of informant's activities or the information contained within the informant package could be conducted if the supervisor believes, or has reason to believe that improprieties exist.

Unit Commander's Responsibilities

The unit commander will cause a lieutenant to inspect and audit, on a semi-annual basis, the unit's informant files for a security of records, active and inactive status, logging of informant activity and associated documentation of payments made, including the personal interview of informants who have received multiple or large, singular, or aggregate cash payments for services.

Depending on the number of informants registered by the unit, the unit commander will determine the appropriate number of informant audits and inspections to be conducted. The auditing lieutenant will indicate on the back of the informant's activity card (SH-AD -549) the date and name of the lieutenant who conducted the audit. Any discrepancies or indications of policy violations shall be brought to the attention of the unit commander.

Division Responsibilities

Each unit who utilizes, manages, or otherwise deals with informants within a division shall be responsible for keeping and maintaining their own respective informant files. The files shall be kept in a locked and secure area. Informant numbers shall be issued by the operations staff of the respective units utilizing the informant. A log kept in a secure area should also document the informant's name, date of birth, date of informant activation, date of inactivation, handling investigator, and the 180-day expiration date.

Each division that employs the use of informants shall at a minimum, conduct an annual audit of each unit's informant files. The unit's annual command inspection would satisfy this requirement if a thorough audit and inspection of informant files was conducted.
