

Approved By: Geoffrey Jones Chief of Police

CALEA 6th Edition Standard: 17.4.2; 42.2.6

608 CONFIDENTIAL INFORMANTS

608.1 PURPOSE AND SCOPE

This written directive will specify the procedures to be followed when using confidential informants to include:

- A. Inclusion of informants in a master file;
- B. Content of the informant file, to include biographical and background information, criminal history record, if any, and code name or number of each informant;
- C. Maintenance and security of informant file and related codes;
- D. Other methods to protect the identity of informants;
- E. Criteria for paying informants, account maintenance, and audits;
- F. Safety of informants;
- G. Precautions to be taken with informants; and
- H. Special precautions to be taken with juvenile informants.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Confidential informant - A person who provides information about criminal activity to peace officers, whose identity is privileged in order to insulate the informant from retribution by those involved in crime. This policy excludes individuals assisting solely in alcohol enforcement investigations.

608.2 POLICY

In many instances a successful investigation is dependent on the use of confidential informants. To protect the integrity of the Columbia Police Department, the officers using informants, and the informants themselves, it shall be the policy of this department to take appropriate precautions by adhering to the following guidelines and procedures.

608.3 INFORMANT FILE SYSTEM (42.2.6 a, b)

The Vice Narcotics and Organized Crime (VNOC) supervisor or the authorized designee shall be responsible for maintaining an informant master file system. A separate file shall be maintained on each confidential informant.

608.3.1 FILE SYSTEM PROCEDURE (42.2.6 b, c, d)

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and shall include the following information:

- A. Informant's name and/or aliases;
- B. Date of birth;
- C. Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features;
- D. Current home address and telephone numbers;
- E. Current employer, position, address and telephone numbers;
- F. Informant's photograph;
- G. Evidence that a criminal history check has been made;
- H. Briefs of information provided by the informant and his/her subsequent reliability will be documented in a report; if an informant is determined unreliable, the informant's file will be marked as "Unreliable";
- I. Name of officer initiating use of the informant;
- J. Signed informant agreement;
- K. Update on active or inactive status of the informant.

The informant files shall be maintained in a secure area within the Vice Narcotics and Organized Crime Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of members of Columbia Police Department or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, the Bureau Commander, the Special Operations Commander and the Vice Narcotics and Organized Crime supervisor or their authorized designees. Access to the informant files shall be through the Vice Narcotics and Organized Crime supervisor. Detectives shall not reveal the identity of any informants, outside the conditions listed above, unless ordered to by a Judge.

608.4 USE OF INFORMANTS (42.2.6 b)

Before using an individual as a confidential informant, an officer must receive approval from the Vice Narcotics and Organized Crime supervisor. The officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

608.4.1 JUVENILE INFORMANTS (42.2.6 g and h)

For purposes of this policy, a "juvenile informant" means any juvenile who participates on behalf of this department in a prearranged transaction, with direct face-to-face contact, with a suspected violator.

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A cooperating juvenile who assists this department in enforcement activities involving alcohol or tobacco retail sales to minors is not considered an informant for purposes of this policy.

The use of juveniles 12 years old and younger as informants is prohibited. Juveniles who are 13 to 17 years old may only be used as informants with the written consent of each of the following:

- A. The juvenile's parents or legal guardians;
- B. The juvenile's attorney, if any;
- C. The court in which the juvenile's case is being handled, if applicable;
- D. The Chief of Police or the authorized designee.

608.5 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS (42.2.6 d, f, g)

All confidential informants are required to sign and abide by the provisions of the Department informant agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.5.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS (42.2.6 f and g)

No member of the Columbia Police Department shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the Columbia Police Department shall neither solicit nor accept gratuities or engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following requirements must be met:

- A. Officers shall not withhold the identity of an informant from the Chief of Police, the Bureau Commander, the Special Operations Commander, the Vice Narcotics and Organized Crime supervisor or their authorized designees.
- B. Identities of informants shall otherwise be kept confidential.
- C. Criminal activity by informants shall not be condoned.
- D. Informants shall be told they are not acting as police officers, employees or agents of the Columbia Police Department and that they shall not represent themselves as such.
- E. The relationship between officers and informants shall always be ethical and professional.
- F. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Vice Narcotics and Organized Crime supervisor.
- G. Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with approval of the Vice Narcotics and Organized Crime supervisor or under exigent circumstances. Officers may meet informants alone in an occupied public place, such as a parking lot or restaurant. When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer whenever reasonably possible. Male officers may not meet female informants without the presence of another officer.

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- H. In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

608.6 NARCOTICS INFORMANT PAYMENT PROCEDURES (17.4.2; 42.2.6 e)

The potential payment of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. To maintain a good accounting of such funds requires a strict procedure for disbursements.

608.6.1 PAYMENT PROCEDURE (17.4.2 c; 42.2.6 e)

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- A. The extent of the informant's personal involvement in the case;
- B. The significance, value or effect on crime;
- C. The amount of assets seized;
- D. The quantity of drugs or contraband seized;
- E. The informant's previous criminal activity;
- F. The level of risk taken by the informant;
- G. Other factors that may motivate the informant.

The Vice Narcotics and Organized Crime supervisor will discuss the above factors with the Special Operations Commander and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police or the authorized designee.

608.6.2 PAYMENT PROCESS (17.4.2 c and e; 42.2.6 e)

The case number shall be recorded justifying the payment. The signature of the Chief of Police or the authorized designee (Special Operations Commander) is required for disbursements over \$500. Payments of \$500 and under may be paid in cash out of the Vice Narcotics and Organized Crime buy/expense petty cash fund. The Vice Narcotics and Organized Crime (VNOC) supervisor will be required to sign the voucher for amounts under \$500.

The Vice Narcotics and Organized Crime buy/expense petty cash fund is a petty cash fund managed by the VNOC supervisor in compliance with the FISCAL MANAGEMENT AND DEPARTMENT-OWNED PROPERTY Policy. These funds shall be maintained in a locked cash box that is secured at all times by the VNOC supervisor.

To complete the transaction with the confidential informant, the case agent shall have the confidential informant sign the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Columbia Police Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

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If the payment amount exceeds \$500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case.

608.6.3 REPORTING OF PAYMENTS

Each confidential informant who may receive a cash payment shall read or have read to him/her the information in the Columbia Police Department's Confidential Informant/Cooperating Citizen Agreement form. This information includes a statement of his/her responsibility to report the cash payments to the Internal Revenue Service (IRS) as income. In such cases, the confidential informant shall provide a signature on the Confidential Informant/Cooperating Citizens Agreement form serving as acknowledgement of receipt of the information. The completed Confidential Informant/Cooperating Citizen Agreement form shall be retained in the confidential informant's file.

608.6.4 AUDIT OF PAYMENTS (17.4.2 a, d)

The VNOC supervisor will be responsible for keeping a ledger or other system that identifies the initial balance, credits, debits, and the balance on hand of the buy/expense petty cash fund used for paying informants.

At least quarterly the Special Operations Commander or the authorized designee shall conduct a thorough audit of all informant funds and records of disbursement for the purpose of accountability and security of the funds. Petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.