


Fort Collins Police Services Policy Manual

 FORT COLLINS POLICE	POLICY	608
	TITLE	Informants

608.1 PURPOSE AND SCOPE

- (a) In many instances, officers cannot conduct a successful investigation without the use of informants. To protect the integrity of the Agency and officers using informants, it shall be the policy of this Agency to take appropriate precautions by developing sound informant policies.
1. The title “informant” applies to a person who:
 - (a) Has entered into a written agreement with a law enforcement agency regarding the deposition of criminal charges in exchange for providing information as a part of an investigative process; or
 - (b) Is compensated for providing information as a part of an investigative process, whether it is a one-time occurrence or as part of an on-going relationship.
 2. A “juvenile informant” applies to a person who:
 - (a) Participates, on behalf of this Agency, in a prearranged transaction or series of prearranged transactions for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party that results in a plea to a lesser charge or the dismissal of a pending juvenile petition or criminal charge against the juvenile.
 3. For the purposes of this policy, the term informant is not meant to apply to a person or organization who provides information to law enforcement and does not get compensated or become a part of the investigative process (i.e. a business firm furnishing information from its files, an employee of an organization who through the routine course of his/her activities obtains information of value, or a concerned citizen who witnesses an event of interest to law enforcement).
- (b) All persons who will be utilized as informants should be recognized as such. All informants will be documented with the Agency and that documentation will be kept on file at the NCDTF. Informants will be documented in the following way:
1. All informants must have a Confidential Information Sheet completed and placed in the informant file. The informant sheet will reflect a tracking number (CI number) assigned to that respective informant.

608.2 INFORMANT FILE SYSTEM

A NCDTF supervisor or an authorized designee shall be responsible for maintaining informant files. A separate file shall be maintained on each informant.

608.2.1 CONFIDENTIAL FILES: PROCEDURE AND MAINTENANCE

- (a) As indicated above, each file shall be coded with an assigned informant tracking number.
- (b) For an informant that is compensated for providing information on a one or two-time basis, an informant history shall be prepared by the controlling officer.

POLICY	608
TITLE	Informants

- (c) For an informant who will become further involved in the investigative process or has been compensated more than twice, an informant history shall be prepared to correspond to each informant file and shall include the following information:
1. Informant's name and/or aliases;
 2. Date of birth;
 3. Physical description: height, weight, hair color, eye color, race, gender, scars, tattoos, or other distinguishing features;
 4. Current home address and telephone numbers;
 5. Current employer, position, address, and telephone numbers;
 6. Vehicles owned and registration information;
 7. Names, addresses, and phone numbers of relatives and associates;
 8. Informant's photograph
 9. Evidence that a criminal history check has been made;
 10. A set of fingerprints (absent a verified SID or FBI number);
 11. Name of the controlling officer initiating use of the informant;
 12. Signed Confidential Informant Cooperation Agreement (DA approval also needed if consideration is needed on pending criminal charges);
 13. Updates on active or inactive status of the informant;
 14. If an informant is on parole, work release, or probation, then permission to utilize their services must first be obtained from their controlling parole officer or probation officers of the court of jurisdiction; and
 15. Information on any prior informant work.
- (d) All informant files and the associated intelligence entries will be secured in a central repository maintained by the NCDTF and treated as confidential information not subject to public disclosure. Access to these files shall be restricted to the controlling officer(s), the Chief of Police, the Criminal Investigations Division Assistant Chief, NCDTF supervisors, or their authorized designees.
- (e) 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 officers or the reliability of the informant.
- (f) The informant files shall be reviewed quarterly by the NCDTF sergeants and/or the CID sergeants.
- (g) Criminal justice records requests seeking informant files should be routed to the NCDTF supervisors or their authorized designees. Subpoenas seeking informant files should be routed to the City Attorney's Office.

608.3 USE OF INFORMANTS

Informants are used in a manner to protect not only the informant, but the integrity of the individual officer and this Agency, and to enhance investigative results. Informants are assets of the Agency, not a specific officer. Informants may be reassigned to the control of another officer at the discretion of a NCDTF supervisor or a CID supervisor. Before using an individual as an informant, an officer must receive approval from their supervisor. The officer shall compile sufficient information through a background investigation to determine the reliability, credibility, and sustainability of the individual which may include, but is not limited to, age, maturity, and risk of physical harm.

POLICY	608
TITLE	Informants

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13 years is prohibited. A parent or legal guardian's written consent shall be secured prior to the use of any juvenile informant between the ages of 13 and 17. Final approval to use a juvenile informant must be obtained from the Chief of Police or an authorized designee.

608.4 GUIDELINES FOR HANDLING INFORMANTS

All informants are required to sign and abide by the provisions of the Confidential Informant Cooperation Agreement. The controlling officer working with the informant shall discuss each of the provisions of that agreement with the informant.

Details of the agreement are to be approved in writing by a NCDTF supervisor before being finalized with the 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, Deputy Chief, an assistant chief, a NCDTF supervisor, or their authorized designees.
 - 1. Identities of informants shall otherwise be kept confidential to the extent provided by law.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Agency, and that they shall not represent themselves as such.
- (d) The relationship between officers and informants shall always be ethical and professional.
- (e) Social contact with an informant shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of a supervisor.
- (f) At least two investigators shall be present when contacting an informant. All significant contacts with an informant, and all information obtained during these contacts will be documented in writing and placed in the informants file or, if applicable, in a police report.
- (g) In all instances when Agency funds are paid to informants, a payment voucher shall be completed in advance, itemizing the expenses. The informant will also sign a receipt showing the amount of the funds received. The receipt will be witnessed by an officer or supervisor who is not the controlling officer.
- (h) Where an informant is to participate in an undercover purchase in which he/she may come in contact with either official funds or anything else of potential evidentiary value, they will be searched thoroughly before and after the undercover encounter, and where possible, be kept under continuous observation during the operation. In addition, if the informant is driving his or her own vehicle, the vehicle will be searched thoroughly before and after the undercover operation. Officers of the same sex will participate in the search. All searches must be based on the informant's prior written or oral consent.

608.4.1 DEACTIVATION OF INFORMANTS

An informant should be deactivated when:

- (a) He/she no longer has the potential to furnish information or services that could lead to a prosecution for criminal activity.
- (b) He/she is no longer willing to cooperate.

POLICY	608
TITLE	Informants

(c) His/her cooperation has been determined to be unsatisfactory.

A written summary regarding the reason for the informant's deactivation shall be placed in the informant file by the controlling officer or a supervisor from the NCDTF.

608.4.2 RELATIONSHIP WITH INFORMANTS

No employee of the Agency shall knowingly maintain a social relationship with an informant while off-duty, or otherwise become intimately involved with an informant. Employees of the Agency shall neither solicit nor accept gratuities or engage in a business transaction with an informant.

608.5 INFORMANT PAYMENT PROCEDURES

The process for payment to any informant must be established and followed in a manner that withstands public opinion and scrutiny. A strict procedure for disbursements must be followed to provide for a good accounting of the use of Agency funds. The disbursement of funds for informants, regardless of the source of the funds (NCDTF, CID, etc.) shall be handled in accordance with established state law and City policies, ordinances, and protocols.

608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any 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 the drugs seized;
- (e) The informant's previous criminal activity;
- (f) The level of risk taken by the informant; and
- (g) Other factors that may motivate the informant.

608.5.2 INFORMANT CASH DISBURSEMENT POLICY

The Agency will follow a cash disbursement policy for informants. No informant will be told in advance or given an exact amount of services rendered.

- (a) A NCDTF sergeant or CID sergeant can authorize funds for payment of evidence and/or information up to two hundred fifty dollars (\$250.00).
- (b) The NCDTF Commander or a CID lieutenant may approve payments up to five hundred dollars (\$500.00).
- (c) The CID Assistant Chief may authorize payments up to one thousand dollars (\$1000.00).
- (d) The Chief of Police or his designees may approve payments up to five thousand dollars (\$5000.00).
- (e) Per City Code Section 8-161, any amount in excess of five thousand dollars (\$5000) must be approved by the City Purchasing Agent. IF funds are used for the purchase of meals for the informant, the original receipt will also be submitted. A receipt for the requested funds will be signed by the requesting officer and the supervisor dispersing the funds, noting the total amount provided to the officer.

POLICY	608
TITLE	Informants

- (f) The NCDTF Commander and sergeants are authorized to disburse and return money to this fund.

608.5.3 CID INFORMANT/BUY FUNDS

In addition to the above disbursement policy, there are additional criteria for CID buy funds. CID payment of two thousand dollars (\$2000.00) and under may be paid in cash out of CID buy funds.

- (a) CID informant/buy funds may be used for the following purposes:
1. Paying documented informants for information.
 2. Purchasing items that will be used as evidence, develop suspects, further an investigation, or lead to an arrest.
 3. Procurement of evidence, informant, or recovery of property from crimes committed in other jurisdictions.
 4. Purchase of services.
- (b) All CID informant/buy funds will be secured within the locked CID safe.
1. Access will be controlled by a CID lieutenant who is authorized to issue and turn in funds. The CID Assistant Chief will also have access to the safe combination and is authorized to issue and turn in funds.
 2. Safe combinations will be changed when the CID Assistant Chief or a CID lieutenant are transferred from the division.
- (c) Expenditures will be authorized by a CID lieutenant or designee before funds are distributed. The funds are to be used for criminal investigations, with expenditures verified by documentation and receipts (where possible).

608.5.4 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be informed of his/her responsibility to report the cash on the Internal Revenue Service (IRS) as income. If funds distributed exceed six hundred dollars (\$600.00) in any reporting year, the informant should be provided IRS Form 1099 (26 CFR § 1.60411). If such documentation or reporting may reveal the identity of an informant and by doing so jeopardize any investigation, the safety of peace officers, or the safety of the informant then IRS Form 1099 should not be issued. In such cases, the informant shall be provided a letter identifying the amount he/she must report on tax returns as "other income," and shall be required to return a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file (26 CFR § 1.60413).

608.5.5 AUDIT OF PAYMENTS

A quarterly audit of the NCDTF confidential funds and CID buy funds will be conducted by the City Accounting Department or the FCPS Financial Manager 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. This audit will be witnessed by the NCDTF Commander or an authorized designee for the NCDTF confidential funds and by a CID lieutenant or an authorized designee for CID buy funds.