


FORT SMITH POLICE DEPARTMENT

POLICIES AND PROCEDURES

SUBJECT	Use of Confidential Informants		
NUMBER	1102.13	EFFECTIVE DATE	July 20, 2001
SCHEDULED REVIEW DATE	Annually beginning January 1	ISSUE DATE	July 20, 2001
DATE REVIEWED		REVISION DATE	August 19, 2014
APPROVED BY		CALEA STANDARDS	LE 42.2.7

I. Purpose and Scope

- A. The purpose of this policy is to define procedures for the utilization and control of confidential informants by members of the Fort Smith Police Department. This policy applies to all sworn members of the Fort Smith Police Department.

II. Policy

- A. In many instances, the use of confidential informants provides valuable information that provides the key to the successful conclusion of investigations that are being conducted by the Fort Smith Police Department. While the use of confidential informants may often be an effective tool in investigations, it must be recognized that the investigation can be undermined by the misconduct of either the confidential informant or the officer utilizing the informant. Therefore, it is the policy of the Fort Smith Police Department to consistently take all necessary precautions to protect the welfare of confidential informants and to employ sound confidential informant control procedures.

III. Definitions

- A. *Confidential Informant (C/I)* – An individual who provides information to and/or aids by other means, a member of the Fort Smith Police Department in an investigation in return for money or some other consideration. *As such, persons who voluntarily provide the Police Department with information, and who wish to remain anonymous, on an irregular basis **without** compensation or consideration, **would not** have to be entered into the Master File of Informant Information.*
- B. *Master File of Informant Information* – A restricted access file or database maintained by a single CID supervisor to document all information that pertains to confidential informants and to include a record of all transactions associated with each informant.

IV. Procedure

- A. The Informant Control System serves to maintain accountability over confidential informants, to establish informant reliability, and to protect the identity of the informants. A Master File of Informant Information (the file) is to be maintained within the Criminal Investigations Division by a designated supervisor. *Any individual being utilized by any*

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member of the Police Department, who falls within the description of a C/I as defined above in Section III, Item A will be registered in the master file. [LE 42.2.7.a]

- B. Any officer who has developed a confidential informant is to complete a "C/I Information Sheet" (FSPD Form 115) and have the C/I sign a "Confidential Informant Conditions" sheet (FSPD Form 116). A criminal records check on the C/I will be conducted. The officer shall then present the completed C/I Information Sheet, the signed Confidential Informant Conditions Sheet, any and all associated records from the criminal record check, and a photograph of the C/I to the designated supervisor charged with maintaining the file in order to register the C/I in the file. In the event of the absence of the designated supervisor in charge of the file, the Narcotics Captain or the Criminal Investigations Division Commander may temporarily approve a C/I.
1. The confidential informant will be assigned an Informant Control Number (ICN) by the designated supervisor. That number will then be provided to the contact officer and will serve as the code number for that informant. All references to the informant will be by the assigned code number unless otherwise required. **Do not use an informant code number on search warrants or in supplements.**
- C. The Master File of Informant Information will include, at a minimum, the following information: [LE 42.2.7.b]
1. Detailed documentation of the following information:
 - a. Name of informant, including any and all known aliases;
 - b. Date of birth;
 - c. Social security number;
 - d. Home address and telephone number;
 - e. Physical description, including any tattoos or distinguishing features;
 - f. Place of employment, including current position, address and telephone number;
 - g. Marital Status; and
 - h. Vehicles owned or used and their registration numbers.
 2. Background information and criminal history record, if any;
 3. Photograph of informant;
 4. A signed digital copy of the Confidential Informant Conditions sheet;
 5. Assigned code number for the informant;
 6. Name of contact officer initiating the use of the informant;
 7. Record of payments to informants.

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- D. If, at any time during the course of an investigation, an informant is determined to be unreliable, the informant's file shall be flagged as Unreliable and updated with the facts surrounding the individual's unreliability as an informant.
- E. To establish the exclusive control and security of the Master File of Informant Information, a single supervisor will be designated to be responsible for the maintenance of this file. [LE 42.2.7.c] [LE 42.2.7.d]
1. All new C/I file entries and updates of existing C/I files will be conducted by this single individual.
 2. It will also be the responsibility of this supervisor to ensure that an informant is assigned only one code number, even in cases where an informant is providing information to more than one officer.
 3. Any investigator with control over or contact with a confidential informant or access to the Informant Database **shall not** provide information about any C/I to any individual unless ordered to do so by the supervisor who has control over the C/I file.
 4. Any inquiries as to confidential informant information, whether from within the Department or from sources outside the Department, shall be conducted through the supervisor in charge of the file. This supervisor shall have the discretion to deny the release of the information unless compelled to do so by a court order.
 5. In the event that information on a C/I is to be released, the supervisor in charge of the file who will be releasing the information shall contact the investigator with control over the C/I prior to releasing any information and inform him of the pending release. Any such release of information will be thoroughly documented in the corresponding file.
- F. The Master File of Informant Information will be maintained and secured utilizing the Department's CrimeNtel ® Informant database. This database will only be accessible by the supervisor assigned to its maintenance and those approved by the Division Commander. Any documents requiring retention in the Master File, such as the signed Confidential Informant Conditions Sheet, and criminal history records, shall be converted to a digital record and stored as such with the appropriate informant record in the Informant Database. Information contained on other documents, such as the Informant Information Sheet, shall be transferred to appropriate fields in the Informant Database. Original documents will be returned to the submitting officer. Upon return to the submitting officer, it shall be his/her responsibility to ensure that those documents are either destroyed or secured in an appropriate manner. [LE 42.2.7.d]
- G. To protect the identity of confidential informants, officers will make every effort to protect the identity of a C/I to include, but not be limited to, the following precautions: [LE 42.2.7.d]
1. All references to the C/I on receipts or other documents will be by the assigned control number. **When completing reports accessible to the public, filing affidavits for search warrants or other supplements, officers should refer to the individual simply as a "C/I". They must not include any reference to the assigned code number. Officers should never refer to a C/I by name in any document.**
 2. Arrangements should be made with informants to conduct meetings at locations where the identity of the informant is not likely to be jeopardized.

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3. In all cases where a C/I is being utilized as a point of contact with the suspect, attempts should be made to introduce an undercover officer as soon as possible to remove the C/I from the situation.
- H. Supervisors will review the information supplied by confidential informants and evaluate its potential value. Such factors as the possible number of cases that may be cleared, the quantity of controlled substance, the value of stolen property, and the overall value of the information for investigative needs are to be weighed as the supervisor evaluates the amount of payment. **[LE 42.2.7.e]**
1. A supervisor must approve all confidential informant payments.
 2. Any payment to a confidential informant in excess of one hundred fifty dollars (\$150.00) must be approved by the Chief of Police.
- I. Officers requesting informant funds will do so in the following manner:
1. After a supervisor has evaluated the circumstances and decided on the appropriate amount to be paid, the requesting officer must complete a "Receipt of Informant Fund" form and submit it to a supervisor authorized to dispense confidential informant funds.
 2. Upon receiving the funds, the officer must sign the form and initial the amount in the cash journal acknowledging the receipt of the funds. A second officer witnessing the transaction must also sign the form.
 3. The requesting officer must enter the C/I's code number on the form and a synopsis of the transaction.
 4. If the transaction does not occur or if there is a balance remaining, the officer is to immediately return the unused portion to the issuing supervisor. The investigating officer's supervisor is responsible for ensuring that the officer provides a written accounting of the transaction to the issuing supervisor as soon as is practicable.
 5. Upon the return of funds, the supervisor will sign the form and return the amount to the fund. The form will then be forwarded to the Narcotics supervisor.
- J. Officers utilizing informants must make certain that the informant understands their role and restrictions.
1. Informants have no official authority. **They may not represent themselves as officers or agents of the Police Department.**
 2. **Informants are not exempt from any criminal acts they commit on their own and without the knowledge of the Police Department.**
 3. Informants may not engage in entrapment. Acts of persuasion, coercion, or fraud may not be used to entice another into criminal acts.
 4. **Informants may not be armed.** Informants caught carrying concealed weapons are subject to criminal prosecution the same as any other individual.
- K. For the protection of the officer and the Police Department, officers must be cautious in their use of informants. Additional precautions should be observed when dealing with informants. **[LE 42.2.7.f]**

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1. Officers are to have another officer accompany them or are to notify a supervisor each time they meet an informant of the opposite sex.
 2. Officers are not to knowingly involve informants in life threatening situations. Where such situations occur, they are to be reported as soon as practical to the Division Commander.
 3. No member of the Police Department shall maintain a social relationship with a C/I or former C/I while either on or off duty, or otherwise become personally involved with a C/I or former C/I.
- L. Juveniles will not be utilized as confidential informants without the following conditions being met: **[LE 42.2.7.g]**
1. Prior approval from the Division Commander or Deputy Chief of the Non-Uniform Bureau;
 2. Written permission from the juvenile's parent or legal guardian in the form of a completed "Confidential Informant Parent Consent Form" (FSPD Form # 117); and
 3. The Master File of Informant Information containing the record of a juvenile is tagged in a way that clearly indicated the informant is a juvenile.
- M. Patrol officers utilizing confidential informants shall include their informant in the Master File in the same manner described above in Section IV, Item B. and shall conduct their business through the appropriate Division with respect to the type of information the C/I has divulged.
- N. If a C/I is on parole or court probation, the handling officer should, whenever practicable, notify the individual's parole or probation officer and advise them of this fact. A notation of the parole or probation status, the name and telephone of the parole or probation officer, and the date notified should be included in the file.

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