

|                                                                                   |                                                                                |                                    |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------|
|  | <b>STANDARD OPERATING PROCEDURE</b><br><small>State Form 39870(R/S-06)</small> | Reference Number<br><b>INV-017</b> |
|                                                                                   | Subject<br><b>Enforcement Aid Fund/Anti-Drug Abuse Grant Fund</b>              |                                    |
|                                                                                   | Special Instructions<br><b>Replaces INV-017 dated April 4, 2024</b>            | Effective Date                     |

## **I. PURPOSE**

Establish guidelines for obtaining, using, and accounting for confidential funds used in support of criminal investigations.

## **II. POLICY**

Criminal investigations requiring confidential monetary disbursements may be supported by the Enforcement Aid Fund/Anti-Drug Abuse Grant Fund. Both funds shall be managed by the Drug Enforcement Section (DES) Commander or designee and audited annually. Employees requesting or utilizing the Enforcement Aid Fund/Anti-Drug Abuse (EAF/ADA) Grant Funds shall adhere to the following procedures.

## **III. PROCEDURE**

### A. Investigative Account Procedures

1. Initial requests for funds must be signed by the Investigations Division Commander or designee prior to payment being authorized.
2. The EAF/ADA Grant Fund shall be administered by the DES Commander or designee, who shall securely maintain accurate records pertaining to the fund.
3. The Fiscal Division shall coordinate a financial audit of the EAF/ADA Grant Fund with the State Board of Accounts following the end of each fiscal year.
4. Department employees requesting EAF/ADA Grant Funds shall do so by completing a [Request for Funds Report form \(Stock #659-A\)](#).

a. The initial Request for Funds Report form shall include the:

- i. Requesting officer's full name, PE number, and district of assignment;
- ii. County name(s) and number(s) of the criminal activity; and
- iii. Specific anticipated criminal activity, such as dealing in cocaine, dealing in marijuana over ten pounds, etc.

B. Once completed the Request for Funds Report form shall be forwarded to the requesting employee's commanding officer.

1. The commanding officer shall approve or deny the request.

a. If denied, the Request shall be returned to the requesting employee.

b. If approved, the commander of the requesting employee shall forward documents to the DES Commander or designee. An appropriate endorsement shall be placed on the Request for Funds Report form shall be signed and dated in the “Endorsement-Authorized Commanding Officer” space.

2. The DES Commander or designee shall approve or deny the request.

a. If denied, the completed Request for Funds Report form shall be returned to the requesting employee’s commanding officer who shall return them to the requesting employee.

b. If approved, the completed Request for Funds Report form shall be forwarded to the Investigations Division Commander or designee for signature. If the Request for Funds Report form is signed by the designee, the designee shall sign the designee’s own name.

3. When determining approval, the commanding officer and DES Commander or designee shall evaluate the accuracy, credibility, and completeness of the initial information available and the current importance of the investigation. The evaluation shall be based upon the scope and nature of the investigation; the existence of valid criminal intelligence available to initiate the investigation; the method of the investigation; such as surveillance, undercover, or sting; and the resources available to successfully complete the investigation.

C. After the completed Request for Funds Report form has been signed by the Investigations Division Commander or a designee, it shall be returned to the DES Commander. The DES Commander shall:

1. Draw from the EAF/ADA Grant Fund a control number that shall be placed on the Request for Funds Report form;
2. File copies in numerical order by the EAF/ADA Grant Fund control number;
3. Return a copy along with a check to the requesting officer;
4. Record the following information in the EAF/ADA Grant Fund ledger book and the checkbook register:

- a. Date the check is written,
- b. Check number,
- c. EAF/ADA Grant Fund control number,
- d. Amount of the check, and
- e. Name of the payee.
- f. Issue the check made payable to the employee making the request for funds. That employee shall be the only person authorized to endorse the check. Unused checks shall be returned to the disbursing officer, unendorsed, with an explanation memorandum.

D. Department employees shall report all expenditures on Request for Funds Supplement form (Form 659-A). The supplement and all attachments shall be submitted to the immediate supervisor on the first of each month. The reports, after the commander’s review, shall be forwarded to DES Commander by the tenth of the month. If there are no expenditures, the supplement shall be submitted stating “No expenditures this time period.”

1. All supplements shall contain the following information:

- a. EAF/ADA Grant Fund control number;
- b. Name and PE number of submitting employee;
- c. Date the supplement was prepared;
- d. Date of each expenditure;
- e. Amount of each expenditure;
- f. Case number and/or lab number reference pertaining to each expenditure, if applicable; and
- g. Detailed EAF Expenditure Report to include, if applicable:

(i) The confidential informant number (if money was paid to a CI).

NOTE: Do not list the name of the CI. List the date and amount of money paid each day. Each payment is limited to a maximum of five days (\$100.00 per day x 5 days) unless a different payment amount, more than \$500.00, is authorized by the Drug Enforcement Section Commander or designee. A payment exceeding \$500.00 requires careful examination of the investigation and the level of services provided by the CI during the specific investigation.

(ii) A receipt number from the Investigation Receipt form (Stock #659-B).

NOTE: If money was paid, list the date and amount paid for each day.

(iii) A description of items purchased along with the amount spent on each; and approximate amount and county where the items were purchased.

(a) When describing amounts of drugs purchased, the following weight and measurement terms shall be used:

NOTE: Do not refer to purchases in street terms.

- 1) Grams: For cocaine, methamphetamine and any other powdered substance.
- 2) Ounces: For marijuana and marijuana related substances.
- 3) Dosage units: For LSD and any other pills or capsules.
- 4) Fluid ounces: For any liquid purchases.

(b) Firearms purchases shall be listed as follows:

- 1) Handgun (automatic, semi-automatic, revolver);
- 2) Rifle (automatic or semi-automatic);
- 3) Shotgun (automatic, pump action, double barrel, etc.);
- 4) Location where evidence is being held;
- 5) Name and/or description of defendants; and
- 6) Receipt number of the certified mail receipt or attached photocopy of the receipt (when evidence is mailed to the laboratory).

2. The final supplement, attachments, and all unspent funds shall be submitted, by the original requesting employee, to the Investigations Division Commander or designee within 90 calendar days from the date the check was issued.

E. All funds returned to the EAF/ADA Grant Fund shall be made by check or money order. The expense for the money order shall be listed as an expenditure on the supplement.

F. All supplements shall be reviewed for accuracy and completeness by the employee's commanding officer prior to being forwarded to the DES Commander or designee.

1. A copy of the supplement shall be retained by the preparing officer.

2. Once the supplement and attachments reach the DES Commander, they shall be reviewed by the DES Commander or designee and, if acceptable, a copy shall be filed with the original Request for Funds Report paperwork.

### G. General Guidelines

1. Money drawn from the EAF/ADA Grant Fund may be spent on the following items:

a. Controlled substances:

(i) The maximum allowable purchase amount for a trooper or detective is \$1,000.00.

(ii) Purchases of \$1,001.00 up to \$1,750.00 shall require the approval of a first or second line supervisor from the DES.

(iii) Purchases of \$1,751.00 to \$2,500.00 shall require the approval of the DES Commander.

NOTE - The fronting of money to suspects in advance of receiving the controlled substance should be avoided and shall only occur in those cases where it is absolutely necessary to facilitate the purchase or further the investigation.

b. Evidence other than drugs needs supervisor approval.

2. Confidential informants shall be documented in the manner prescribed by [INV-011](#). Confidential informants shall not be paid money until documentation has been reviewed and approved by the DES Commander or authorized designee.

a. Maximum Payment Amounts to a Confidential Informant:

(i) Money paid to a Class 3 informant shall not exceed \$100.00 per day unless authorized by the DES Commander or designee, based upon careful consideration of all circumstances involved with the investigation.

(ii) Total payments made to a Class 2A informant shall be made only with prior approval of the appropriate area commander or DES Commander or designee. Payments shall be paid according to the following schedule and shall not exceed the listed maximum limit amounts.

a) Up to \$100.00 – Information leading to the seizure of drugs.

b) Up to \$150.00 – Arrest and a misdemeanor seizure of drugs.

c) Up to \$300.00 – Arrest and a felony seizure of drugs.

d) Up to \$400.00 – Arrest and a felony seizure of drugs and property.

e) Up to \$400.00 – Seizure of property or cash valued in excess of \$1,000.

(iii) Total payments to a Class 2A informant for any one investigation shall not exceed \$400.00 without prior approval of the DES Commander or designee.

Note: The amounts listed above (i-iii) shall not be exceeded without the approval of the DES Commander or designee.

b. Payment to a Class 2A informant is only authorized when the informant:

- (i) Being paid is not a convicted felon;
- (ii) Was not involved in any criminal activity in which the informant is a suspect or is likely to be arrested;
- (iii) Was documented as a Class 2A Informant only for the purposes of developing information concerning criminal acts that the informant has not been or is not a part; and
- (iv) Information was the primary cause of the arrest/seizure.

c. Payment to an informant is never to be considered as a reward.

d. Confidential informants shall not be paid, in advance, for per diem or intelligence.

e. Food and drinks shall not be purchased for confidential informants when they are being paid per diem.

f. A confidential informant, whose motivation is leniency for a past criminal conviction or act, shall be paid per diem only with prior written approval of the reporting officer's commander. Exceptions may include reimbursement of the confidential informant's out-of-pocket expenses.

g. Intelligence payments shall start at \$50.00 per day but shall not exceed \$100.00 per day.

NOTE: The officer receiving the intelligence needs to conduct a thorough and detailed analysis of the intelligence received to determine the compensated value of the intelligence provided. The payment for intelligence shall fall within the ranges listed in the above paragraph above.

h. Limited expenditures may include, but are not limited to:

- (i) Expense for mailing evidence to the laboratory;
- (ii) Cover charges and admission fees (when they are required for the criminal investigation);
- (iii) Limited amounts of food and drink (may be bought by an investigator working an approved undercover assignment) when the purchase is necessary to further the investigation;\*
- (iv) Token Gambling (both lawful and unlawful) (which may include; pull tabs, punch boards, slot machines, poker machines, pool games, and pinball games, etc.)\*\*:

a) Limited expenditures for lawful gambling at riverboat casinos must be necessary to maintain cover and have prior approval by the immediate supervisor.

b) Any proceeds from lawful and unlawful gambling shall be returned to the Enforcement Aid Fund and be explained on the Request for Funds supplement.

\*NOTE: The expenditure must be necessary to maintain cover and shall be explained in each entry of the supplement.

\*\*NOTE: All token gambling activity shall be reported on the Criminal Incident Report or a

separate Criminal Activity Report form.

i. Relocation expenses for confidential informant may be paid only with the prior written approval by the DES Commander or designee.

j. All expenditures for the purchase of general merchandise to be used to trade for drugs in lieu of U.S. currency shall have prior written approval by the DES Commander or designee.

k. All other expenditures for purchase of services require prior written approval by the DES Commander or designee. A copy of the written approval shall be attached to the Request for Funds Supplement.

l. Money drawn from the EAF/ADA Grant Fund shall not be spent for any purpose other than that for which it was requested unless granted by prior written approval from the DES Commander or designee.

m. Exceptions may be made in emergency situations with the prior verbal or written approval of the immediate supervisor. The employee shall list the PE number of the approving authority on the Request for Funds supplement.

n. The amount of the emergency expenditure shall be within the limits outlined in this procedure.

o. The case officer shall be responsible to maintain control and possession of all controlled substances being utilized during a reverse sting operation. The case officer shall ensure that a supervisor has approved the operational plan and is present during the actual delivery.

p. The case officer shall be responsible to maintain control and/or possession of a Department "flash roll" being utilized in an undercover operation. The case officer shall ensure that a supervisor has approved the operational plan and is present during the actual delivery.

n. The officer who originally requested the EAF/ADA Grant Funds may receipt money to other Department employees.

1. Employees may not receipt the funds to anyone other than back to the original requesting officer.

o. A witness is not required when money is receipted from one Department employee to another Department employee. The employee receiving these funds shall submit a supplement listing the details of the receipt and the expenditure of the funds.

p. EAF/ADA Grant Funds shall not be receipted to employees of another agency without prior written approval from the DES Commander or designee.

1. Employees conducting Investigations and requesting to utilize funds from a source other than the EAF/ADA Grant Fund shall complete a Request for Funds Report and a Request Summary. Each request shall be individually identified by substituting the ST account number, normally used for EAF disbursements, with an ORI number and a suffix that will uniquely identify the funding agency and the number of occasions funds were appropriated.

2. The requests must be completed and approved prior to each appropriation. A master log of the ORI numbers issued shall be maintained by the DES Commander. Employees drawing funds from a source other than EAF/ADA Grant Funds shall contact the DES Commander for ORI number assignment.

NOTE: All supplemental reports must be completed and associated with the corresponding ORI number issued until the funds are either exhausted or returned to the funding agency.

3. In the event that the officer receives additional monies from the same source for the same investigation or a new investigation, the officer must repeat the preceding procedure detailed in Section I.

4. Employees utilizing funds from another agency shall report them in the same manner as Department EAF/ADA Grant Fund monies. The amount of expenditures shall be within the limits outlined in this procedure. Exceptions shall require prior written approval from the providing source and the DES Commander or designee.

5. Section I does not apply when Department employees are merely assisting another agency with an immediate undercover buy that is witnessed by a member of that agency.

q. Employees utilizing EAF/ADA Grant Funds may be directed by the DES Commander or designee, with the approval of the Superintendent, to submit to a polygraph examination regarding the use of those funds.

r. Employees utilizing the EAF/ADA Grant Fund may be required to reimburse the Department for unauthorized expenditures.

s. The DES Commander or designee may require that funds be returned to the EAF/ADA Grant Fund disbursing officer at any time for accounting or auditing purposes.

G. This procedure is to be used in conjunction with all relevant Department regulations rules, policies, and procedures.