


LEESBURG POLICE DEPARTMENT REGULATIONS AND GENERAL ORDERS MANUAL		
General Order Number: 306	Section: CRIMINAL INVESTIGATIONS	Effective Date: SEPTEMBER 2022
Title: CONFIDENTIAL INFORMANTS		
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I. INFORMANTS

- A. Informants are persons who provide law enforcement with information about criminal activity in a confidential context. Informants are an essential resource in effective police operations and criminal investigations. Police officers are authorized and encouraged to recruit, develop, and operate informants in the conduct of authorized criminal investigations, operations, and the collection of criminal intelligence. Informants are categorized as either registered Confidential Informants or non-registered informants.
- B. Witnesses, victims, tipsters, and cooperating defendants are all examples of non-registered informants. Individual officers recruit and manage their own non-registered informants. Information from non-registered informants must be documented in police reports if that information is used to justify enforcement action. The non-registered informant's identity may be concealed in criminal complaints and affidavits for search warrants. The informant's identity must be disclosed to the prosecution and may be ordered disclosed to the defense during judicial proceedings. Non-registered informants will not be paid from investigative funds, nor will they be employed to conduct otherwise illegal activity.
- C. For investigations that require a higher degree of formal confidentiality and accountability the informant must be registered as a Confidential Informant.

II. CONFIDENTIAL INFORMANTS

- A. "Confidential Informant" (CI) is a registered informant who actively provides law enforcement continuing useful and credible information or cooperation regarding criminal activity. CI's are formally recruited, registered, and managed under the Confidential Informant Program. CI reliability is formally recorded and evaluated. CI identity is not to be known beyond the case officers, CI Program Managers, and prosecuting attorneys directly involved in the investigation, unless disclosure is judicially ordered. CI's are the only informants authorized to commit otherwise illegal activity under the supervision of law enforcement. Information from CI's with established reliability may be used as the basis for initiating investigations and obtaining search and arrest warrants without identifying the CI.

III. USE OF CONFIDENTIAL INFORMANTS IN CRIMINAL INVESTIGATIONS

- A. All information obtained from CI's will be documented and is subject to judicial and supervisory review.
- B. Any compensation payments made to informants will be documented on LPD Form 419. Investigative funds provided for expenses or contraband purchases will be documented on LPD Form 419A.

- C. CI identity may be concealed in all records except the CI File.
- D. Officers will inform the Office of the Commonwealth's Attorney of the identity of all CI's in a case that is being prosecuted. Officers must be prepared to disclose the identity of CI and the totality of information provided at some stage of the judicial process, if required.
- E. Officers may exercise their discretion in accordance with General Order 103 and decline to charge a CI with minor criminal or traffic offenses in consideration of information or cooperation provided. Officers do not have discretion in the case of felonies or serious misdemeanors (i.e. Possession of Controlled Substance, DUI, Assault and Battery). Officers may defer the charging decision until the CI has completed cooperation. The ultimate decision to decline prosecution rests with the Office of the Commonwealth's Attorney. Such serious offenses will be fully documented and investigated, and any contraband involved will be seized, documented, and placed in evidence.
- F. CI's may provide assistance to law enforcement for the following reasons:
 - 1. CI's may be paid for their services with investigative funds.
 - 2. CI's may be motivated solely by the desire to assist law enforcement.
- G. Officers shall not engage in personal relationships with CI's. Business, romantic, or close personal relationships are clear conflicts of interest that could potentially taint the reliability of any information provided.
- H. CI's are the only non-law enforcement personnel who are authorized to engage in otherwise illegal activity under the control of law enforcement personnel, in furtherance of authorized criminal investigations.
- I. Officers and other employees will not violate the confidentiality of CI identity. Information will only be shared with officers and prosecutors with a need to know for law enforcement purposes. Officers who learn or suspect the identities of CI's will not discuss that information outside the scope of official investigations or operations.
- J. An informant of the opposite sex of the officer shall only be contacted with a second officer covering or in attendance.

IV. RECRUITMENT OF CONFIDENTIAL INFORMANTS

- A. When an officer decides to recruit a person as a CI, the officer will contact one of the Confidential Informant Program Managers (CIS Commander, CIS Supervisor, or Special Investigations Unit Supervisor). The Program Manager will review the CI files and determine whether that person has ever worked as a CI for the Leesburg Police Department and whether that CI was reliable or had been terminated. The Program Manager will also confidentially query other agencies about the prospective CI. If the Program Manager does not detect a conflict or problem, he/she will issue a CI Number and assign a Control Officer.
- B. The Control Officer will prepare a Confidential Informant File. The Control Officer will fully interview the prospective CI. If the Control Officer agrees that the subject meets the requirements of a CI and is willing to become a CI, the prospective CI will sign the Confidential Informant Agreement. If specific sentences or paragraphs of the Confidential Informant Agreement are not applicable, the Control Officer will line out those passages and the Control Officer and Confidential Informant will initial the modifications to the agreement. Once all documents and requirements of the Confidential Informant File have been completed, the Control Officer will submit it to a Program Manager, who will file it in the CI file that will be maintained in the CI safe. The CI will then be "Registered."
- C. In time-sensitive situations, officers may make a preliminary recruitment by having the prospective CI sign a Confidential Informant Agreement on the spot. File review, preparation of a Confidential

Informant file, and assignment of a CI number can be done at a later time. All information and investigative assistance provided by the CI must still be documented. The risk of this abbreviated procedure is that the prospective CI might have previously proven unreliable as a CI.

V. MANAGEMENT OF THE CONFIDENTIAL INFORMANT PROGRAM

- A. The Confidential Informant Program of the Leesburg Police Department is managed by the Commander of the Criminal Investigations Section assisted by the Special Investigations Unit Supervisor and the Criminal Investigations Section Supervisor. Management functions include the maintenance of secure CI files, assignment of CI numbers, and supervision and review of CI operations.
- B. CI files are maintained in a secure safe in the Criminal Investigations Section. Direct access to the CI files is limited to the Criminal Investigations Section Commander, the Criminal Investigations Section Supervisor, and the Special Investigations Unit Supervisor. Individual officers may request to review individual CI files with the approval of one of the persons above.
- C. A roster of all registered CI's will be maintained in the secure safe along with each CI's current status. The status may be reflected as:
 - 1. Active- The CI is currently in contact with its Control Officer and is continuing to provide useful information.
 - 2. Inactive- The CI is not in contact with its Control Officer and is not currently providing useful information. Inactive CI's may be reactivated or assigned to other Control Officers.
 - 3. Terminated- The CI has repeatedly given unreliable information or has broken the conditions of the Confidential Informant Agreement. Terminated CI's will only be reactivated with a review by the CI Program Manager.
- D. In order to maintain the confidentiality CI's will be referred to in a neutral gender (it, its, etc.).
- E. Each CI will be managed by a single Control Officer. The CI Program Managers (CIS Commander, CIS Supervisor, or SIU Supervisor) may authorize an alternate Control Officer to operate a CI under conditions of an emergency or extreme necessity if the Control Officer is not available.

VI. CONFIDENTIAL INFORMANT FILES

Individual Confidential Informant files should contain the following as a minimum:

- 1. Confidential Informant Agreement (LPD Form # 408)
- 2. Photograph of CI
- 3. CI Background (LPD Form # 418)
- 4. CI Activity Record (LPD Form 415)
- 5. CI Activity Report (Text narrative)
- 6. Copies of investigative reports relating to CI activities.
- 7. Copies of any documentation relating to CI activities or reliability.
- 8. Compensation Receipts (LPD Form 419)
- 9. Investigative Funds Receipts (LPD Form 419A)
- 10. Juvenile Waiver (LPD Form 412)

VII. DOCUMENTATION OF CI PERFORMANCE

- A. All CI activities and debriefings will be documented in a supplement report.
- B. Control Officers will evaluate CI reliability and note the evaluation in the CI Activity Record. Evaluations include:

1. Credible-Most of the information provided by the CI has been corroborated.
2. Unknown- The information provided by the CI has been neither confirmed nor denied.
3. Not Credible- The information provided by the CI has been proven wrong.

VIII. TERMINATING A CONFIDENTIAL INFORMANT

- A. If the Control Officer determines that the CI is unreliable, unsuitable, or risky, the Control Officer will terminate the CI. The case agent will note the reason for termination in the CI Activity Record. Termination may result from:
 1. Illegal activity not conducted pursuant to an authorized and supervised investigation.
 2. Failure to follow the directions of the Control Officer.
 3. Violation of conditions of the Confidential Informant Agreement.
 4. Release of information of about the investigation.
- B. Circumstances of the termination will be documented in a CI Activity Report.
- C. If a CI wishes to end its own service, the Control Officer will record that information in the CI Activity Record. The Control Officer will evaluate the services of the CI to that point and place the CI in an Inactive or Terminated status, as appropriate.

IX. JUVENILES AS CONFIDENTIAL INFORMANTS

Control Officers will obtain approval of a parent or legal guardian of a CI under 18 years of age. LPD Form # 412 should be used to document parental approval. All request to utilize CI's under 18 years of age require CIS Commander pre-approval.

X. PROBATIONERS AS CONFIDENTIAL INFORMANTS

Control Officers will obtain approval of the probation officer of a CI who is on probation if the prospective CI will be expected to commit otherwise illegal activity. Probationers may be recruited as CIs to provide information without probation officer approval.

XI. CONSULTATION WITH COUNSEL

Control Officers will consult with the counsel of prospective CIs who have been charged with criminal offenses and whose service as a CI is offered in exchange for potential consideration in the disposition of those charges. Only a prosecutor can enter into a formal agreement with the CI and its counsel regarding consideration and disposition of a charge.