

CITY OF ANDERSON POLICE DEPARTMENT

Anderson, South Carolina

DIRECTIVE TYPE General Order	EFFECTIVE DATE August 25, 2008	NUMBER 1607
SUBJECT Use and Control of Confidential Informants		
REVISED		
REFERENCE SCLEA 16.1.7	AMENDS/SUPERSEDES All Others	
DISTRIBUTION All Personnel	RE-EVALUATION DATE Annual	NO. PAGES 7

A. Purpose

To provide an official policy to guide use and control of confidential informants, the criteria for payment of informants and the maintenance of informant records.

B. Policy

In many instances a successful investigation cannot be conducted without the use of confidential informants. While the use of confidential informants is an effective tool in investigations, it can be undermined by the misconduct of either the confidential or the officer utilizing the informant. It is the policy of the City of Anderson Police Department to use the procedures and guidelines set forth by this directive to use and control confidential informants. (SCLEA 16.1.7)

C. Procedures

1. The Criminal Investigations Division Captain and Special Operations Captain will each designate a member of their division to serve as the Source Control Officer to maintain a master file of all confidential informants. This file will be secured and be under the exclusive control of the Criminal Investigations Division and Special Operations members designated as the Source Control Officers.
2. Each registered informant file will contain the following documents:

- a. A master file containing identifying and locating data, biographical and background information, plus any other documents connected with the informant's true identity.
 - b. Name and CRT number of officer initiating use of the informant.
 - c. Current photograph and criminal history record, if any.
 - d. An informant payment record that provides a summary of informant payments, if any.
 - e. One set of fingerprints.
 - f. Receipts for purchase of information.
 - g. Report of informant's involvement in any and all operations.
 - h. Copies of any statements signed by the informant (unsigned copies will be placed in appropriate investigative files).
 - i. Any administrative correspondence pertaining to the informant, including documentation of any representations made on his or her behalf or any other non-monetary consideration furnished.
 - j. Code number and/or name of the source.
3. Maintenance of informant files
 - a. For each informant in an active status, the Source Control Officers shall review the informant file on an annual basis to assure it contains relevant and current information.
 - b. Where a material fact that was earlier reported in the Confidential Informant File is no longer correct (i.e., a change in criminal status, means of locating informant, etc.), a supplemental report shall be submitted with the correct information.
4. Security of informant file and related codes
 - a. Informant files will only be made available to an officer(s) with a necessary and legitimate need to know.
 - b. The only place in which the informant's name and code number will appear together is in the master file.
5. Other methods to protect the identity of informants

- a. Informant files will be kept under the control of Criminal Investigations and Special Operations and only dispersed by the Source Control Officers for each division. Only the Source Control Officers and/or his/her designee will have access to Criminal Informant files.
 - b. Only the Source Control Officers and/or his/her designee can disperse Criminal Informant files.
6. Criteria to pay informants
- a. Typically any person who is to receive payments charged against the Assets Forfeiture Account will be established as an informant. This includes persons who may otherwise be categorized as sources of information or informants under the control of another agency. The amount of payment shall be commensurate with the value of services and/or information provided and should be based on the following factors:
 - (1) The level of operation of the targeted individual, organization or operation.
 - (2) The amount of the actual or potential seizure.
 - (3) The significance of the contribution made by the informant to the desired objectives of this Department.
 - b. Circumstances in which payments to informants may be made:
 - (1) When an informant assists in developing an investigation, either through supplying information or actively participating in it, he/she may be paid for his/her service either in a lump sum or in staggered payments. Payments for information leading to a seizure, with no defendants, will be held to a minimum.
 - (2) To use or pay another agency's informant, he/she would be established as an informant of this Department. These payments shall not be a duplication of a payment from another agency, however, sharing a payment is acceptable and preferable.
 - (3) Funds may be used for the purchase of narcotics, controlled substances or other evidence required to determine the existence of a narcotics related crime, or to establish the identity of a participant in a crime.
 - (4) The designated funds custodian in Criminal Investigations and Special Operations will receipt all payments for their division. Any

payments to an informant, regardless of the reason, will be witnessed and a receipt will be obtained. A copy of the receipt may be placed in the informant file along with a copy of the Special Operations Money Expenditure Report. Once a receipt has been completed, it may not be altered or changed in any way. The receipt must be signed by the person receiving the funds and witnessed by another individual.

- (5) All payments to informants and other expenditures from the Assets Forfeiture Account must be approved by the Chief of Police or the Chief's designee.

7. Precautions to be taken with Informants

- a. There are general precautions to be taken when dealing with informants. Common sense and prudent judicial management dictate that the below listed general policies be adhered to in order to protect the integrity of the individual officer and to enhance investigative results:
 - (1) Informants are assets of the Department, not to a specific officer. At its discretion, management may reassign an informant to the control of another contact officer.
 - (2) Officer/informant contacts will be of a strictly professional nature. External social or non-police business contacts are expressly prohibited.
 - (3) Contacts with informants will be such that their knowledge of law enforcement facilities, operations, activities, and personnel is limited to the minimum necessary to their successful utilization.
 - (4) Whenever practical, two officers will be present at all contacts with an informant of the opposite sex.
 - (5) All significant contacts with the informant and all information obtained at these contacts will be documented in writing in the Informant File.
- b. Informants shall be advised at the outset that
 - (1) They shall not violate criminal law in the furtherance of gathering information or providing services and any evidence of such a violation will be reported to the appropriate law enforcement agency.
 - (2) They have no official status, implied or otherwise, as agents or employees of the City of Anderson Police Department.

- (3) The information they provide may be used in a criminal proceeding, and although the Department will use all lawful means to protect their confidentiality, this cannot be guaranteed.
 - (4) Informants will not reveal their association with the Police Department to other persons.
 - (5) Officers may not offer inducement to the informants that are not in accordance with law and/or Department policy.
 - (6) Informants shall not be present for any type of conversation between the suspect and his/her attorney.
 - (7) Informants are solely responsible for reporting all taxable income that they receive from the city of Anderson Police Department.
 - (8) A written agreement (form APD-1650) shall be obtained which requires a supervisor's signature.
 - (9) Should the CI become aware of a crime of violence, the CI must report it to the City of Anderson Police Department.
 - (10) Form APD-1650 or a form containing at least the information contained within APD-1650 shall be used. Refer to Form APD-1650 for precise governance of advisements given to informants.
- c. When an informant is to participate in an undercover purchase in which he/she may come in contact with either official funds, controlled drugs, or anything else of potential evidential value, he or she will be thoroughly searched before and after the undercover encounter, by a police officer of the same sex as the informant and, where possible, kept under continuous observation in between. The reason for this is to preclude questions as to the validity or integrity of the evidence. A written or verbal statement from the informant will also be obtained and placed in the file. When dealing with informants, always adhere to the following:
- (1) The officer sets the deals, not the informant. Do not allow an informant to arrange for a deal or purchase without approval from the contact officer.
 - (2) Do not become too close to the informant.
 - (3) Limit the amount of personal information about yourself provided to the informant.

- (4) Informants will not be encouraged to call officers at home. At the officer's Discretion, the officer may provide their pager number to the informant.
 - (5) The officer and the Department control the informant, not vice versa.
 - (6) All interactions with the informant including his/her development, establishment, debriefing, and utilization shall be carried out with the highest regard for confidentiality. When he/she is to be brought to the Department, it should be done in a manner so as to attract minimal attention, both upon entering and exiting, and while he/she is in the confines of the Department itself. Unnecessary disclosure of his/her identity in discussions shall be avoided. Documents and reports concerning his/her informant status shall be kept secure.
 - (7) Meetings outside the office should be done, insofar as possible, in "neutral" locations. Where the disclosure of the informant's status to a prosecutor is necessary, the prosecutor should be reminded to handle this fact with similar regard for security.
8. Special Precautions to be taken with Juveniles
- a. Persons under the age of eighteen (18) can provide information regarding criminal activity but shall never be used as a Confidential Informant.
9. Procedures for the use of informant by patrol officers
- a. Patrol officers may develop and utilize informants in accordance with this procedure. The patrol officer must register the informant with the Source Control Officer in the Criminal Investigations Division or Special Operations Division. An informant file must be established as prescribed in this procedure. All such informant files will be a part of the informant master file. The Source Control Officer must approve the registration of the informant. Patrol officers must comply with all sections of this procedure when dealing with informants. Patrol officers must adhere to all procedures regarding registration, confidentiality, general precautions to be taken, special precautions for juveniles and criteria for payment of informants.
 - b. The Criminal Investigations Division Captain and Special Operations Captain or a designate will make unannounced inspections of the property room and temporary property storage areas, in addition to and in support of any other inspections, to determine that proper record keeping, accountability of evidence, proper storage and cleanliness, and proper disposal methods are being followed.

- c. This inspection does not necessarily have to be comprehensive, may include any areas of property operations, and will include a random comparison of records with physical property present in the property room.
- d. Any problems found during these inspections will be documented and corrected as appropriate.

By order of:



Martin D. Brown, Chief of Police

8-26-2008
Date