

City of Johns Creek Police Department

<i>Subject:</i> Informant Management / Investigative Funds		<i>Number:</i> 02-42
<i>Reference:</i> See also “Fiscal Management”		<i>Amends:</i>
<i>Effective:</i> 04/08 <i>Revised:</i> 03/10 04/15 01/16	<i>Review Date:</i> Annually	<i># of Pages:</i> 9

PURPOSE:

Establish procedures for the documentation, utilization, and control of informants, and the control and accountability of investigative funds within the Johns Creek Police Department.

POLICY: (02-42)

The policy of the Johns Creek Police Department is to provide clear and concise operational methods for managing informants and investigative funds. Informants can be a valuable tool. However, the guidelines for their use and control must be strictly followed.

Scope: This policy is applicable to all members and employees of the Department.

DEFINITIONS:

Informant - A person who provides information or lawful services to the Police Department under the direction or control of a specific officer in his or her investigation and operation, with or without expectation of compensation or confidentiality.

Confidential Informant - Informant whose identity is not revealed.

Control Officer - An officer who has direct control and responsibility for an informant and for funds paid to the informant.

Investigative Funds - Funds budgeted annually to provide monetary compensation to informants, to use for undercover purchases to make controlled buys, for reimbursements of officer expenses, or other expenses incurred during an investigation.

Source of Information - A person, not under the direction or control of a specific officer, who provides information without becoming a party to the investigation (e.g., a concerned citizen who witnessed or has information about an incident). The source of information may be compensated for information provided. If the source of information seeks continuing

compensation, comes under the direction and control of a specific officer, or becomes an active part of the investigative process, this person's status should be changed to that of an informant.

PROCEDURES:

Establishing Informants (02-42-01)

- A. An informant must meet the following criteria:
 1. The person must be in a position to measurably assist the Department in investigations.
 2. In the officer's judgment, the person will not compromise the Department's interest and activities.
 3. The person will accept the measure of direction necessary to use his or her services.

- B. Prior to establishing an informant, the Control or establishing officer will,
 1. Check if there are any criminal charges against the person.
 - a. If there is a prosecution pending against the person and the decision is made to use the person as an informant, the officer will advise the person that he or she can only advise the prosecutor or the court of the informant's cooperation and cannot make any other assurances.

 - b. If there is a pending case(s) against the person, the control officer will contact the Assistant District Attorney who is handling the case and the arresting agency only if the informant is providing or renders substantial assistance.

 - c. Whenever an officer wants to discuss dismissing a prosecution with a prosecutor or judge, the officer must notify his or her supervisor of those intentions. The Chief of Police shall also be notified.
 2. When a person is on probation or parole, the officer must request permission from the person's probation or parole officer and the judge in the case before using that person as an informant. The Chief of Police shall also be notified.

- C. The decision to use a person as an informant will be made after the control officer confers with the above agencies and his or her immediate supervisor.

- D. The Department discourages establishing any informants less than 18 years of age. At no time will this Department place or utilize a person under the age of 17 years of age in any covert or undercover capacity.

1. If the controlling officer chooses to use an informant who is 17 years of age, the officer will obtain written consent from the informant's parent(s) or guardian(s), whenever possible, and discuss all of the dangers involved in the operation.

Documentation of Informants (02-42-02)

- A. When an officer establishes a new informant, he or she will complete and explain the forms within the confidential informant packet to the new informant, which contain:
 1. Biographical and background information. (Informant fact sheet)
 2. Criminal history record and drivers history, if any, along with a photograph when possible; may also run a Linx or TLO report if necessary.
 3. Record of payments made to informants.
 4. Information or documentation received from informants, if applicable.
 5. Informants involvement in operations along with the informant conduct agreement and consent form when applicable.
 6. Oral Intercept Device Waiver
 7. Fingerprints
 8. Photograph
 9. Informant establishment report
 10. Signature/handwriting example



- C. If applicable, the CRT Commander will advise the control officer if the person has been used as an informant by this Department in the past.
- D. The CRT Commander shall ensure the informant files are maintained separately from the central records system, and are stored in a secured filing cabinet.
- E. Access to an individual informant file shall be made upon the approval of the CRT Commander or Intelligence Unit, and shall be limited to the officer controlling the informant or authorized police personnel with an official need for access.
- F. Documentation is for the protection of the informant in the event of future involvement with law enforcement officers and agencies, as well as the protection of the controlling officer.

Informant Master File (02-42-03)

- A. An informant Master File shall be maintained by the CRT Commander.

- B. A large black rectangular redaction box covering several lines of text. A small white square is visible in the center of the redacted area.

- C. The master file shall contain the following information:

[REDACTED]

Utilizing Informants (02-42-04)

A. Whenever an officer establishes an informant, he or she will advise the person of the following:

1. The informant will not violate any criminal law when gathering information or providing services.
2. The informant has no official status, implied or otherwise, as an agent or employee of the Police Department.
3. The Department will do everything possible to ensure confidentiality, but it cannot be guaranteed.

[REDACTED]

C. The entire relationship and direction come from the officer.

1. Informants are used for the benefit of the Police Department and not a specific officer. The Supervisor of the Control Officer may reassign the informant to another officer.
2. Contacts between an officer and an informant will be of a strictly professional nature. Social or personal business contacts are strictly prohibited.
3. Contacts with an informant will be such that his or her knowledge of the Department's facilities, operations, activities, and personnel is kept to the minimum.

[REDACTED]

D. Officers should attempt to verify the credibility of the information the informant has provided.

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

F. Whenever the informant becomes unreliable, useless, dangerous or otherwise undesirable, it is the responsibility of the controlling officer to document this information and forward it the CRT Commander or his designee.

1. It is the responsibility of the CRT Commander or his/her designee to mark that informant's file indicating deactivation.
2. If information is received at a later date by either the controlling officer or any other officer indicating the informant should be re-evaluated as to his or her credibility with the purpose of reactivation, this information will be forwarded to the CRT Commander or his/her designee. After reviewing the updated information and a satisfactory report has been documented, the informant can be reactivated.

G. Whenever the informant changes his or her address, phone number, etc., it is the responsibility of the controlling officer to direct the updated information to the CRT Commander or his/her designee.

H. When the information the informant provides is used in a criminal prosecution, the Department will avoid disclosure of an informant's identity if at all possible, even if no prior agreements of confidentiality were made.

1. The informant's confidentiality will be thoroughly discussed with the prosecutor prior to the case being tried.
2. When disclosure of an informant's identity in a case may adversely affect the outcome of a more significant case or investigation, the controlling officer may recommend the case be dismissed after discussion with the prosecutor.
3. When the question of disclosure of an informant's identity arises at trial, the officer should request time to confer with the prosecutor.

Utilizing a Source of Information (02-42-05)

When a Source of Information (SOI) provides valuable information in reference to an investigation, the SOI may be compensated for their assistance. Requests for payment to SOIs will be evaluated on a case by case basis by the CRT Commander. If a payment is approved by the CRT Commander, the officer who received the information will complete an Investigative Funds Expenditure form documenting the payment to the one-time source of information. The Investigative Funds Expenditure form shall document the following:

1. The date and time
2. The case number
3. The name of the SOI
4. The amount paid to the SOI
5. The signature of the SOI
6. A brief summary of the nature of the information provided by the SOI.

Payments to an SOI will not exceed \$100.00.

Investigative Funds Management (02-42-06)

A. Each year the Department provides in the budget for an Investigative Fund as determined by the Chief of Police. The CID and CRT Commanders are authorized to receive and disburse cash independently of each unit. The following procedures shall apply to both CID and CRT.

B. The CID Lieutenant and CRT Commander shall make requests for issuance of investigative funds through the respective Division Majors and Chief of Police. Upon approval, a check or cash shall be issued by the appropriate City financial officer to the CID/CRT Commander. The check shall then be cashed and credited into the pre-numbered confidential transaction record. The check receipt shall be attached to the record.

C. The funds will be the responsibility of the CID/CRT Commander to maintain, direct, and control for the purpose of fiscal accountability. The CRT/CID Commander shall maintain their confidential transaction records independently of each unit.

D. The amount of cash under the direct control of the CID/CRT Commander will not exceed \$2,500.00 each, unless otherwise designated by the Chief of Police. This cash will be maintained by each of the Commanders in a locked, safe and secure location.

E. Both the CID and CRT Commanders will maintain a separate Investigative Fund Ledger, which shall identify the initial balance, any credits (cash received), any debits (cash disbursed), and the balance on hand.

F. When a transaction is completed to or from the Investigative Fund, the CID/CRT Commanders or their designee will record the following information in the ledger:

1. Date of transaction;
2. Name of the officer and/or informant code number;

3. Type of transaction (informant fee, SOI fee, informant expense, controlled buy, officer's expense, undercover buy, other expense, other reimbursement/ deposit);
 - a. If a deposit, record the amount under deposit; if an informant fee or expense, record amount under informant expense; if any other expense, record amount under investigative expense.
4. Under no circumstances will Investigative Funds be used for purchases of food or personal items for any member without prior authorization from the respective Commanders.
5. The case number and investigative fund expenditure number; and
6. Law enforcement action taken.

G. Expenditures that exceed \$1,000.00 require the approval from the Chief of Police or his/her designee.

H. Unless detrimental to an investigation, receipts will be obtained whenever possible to verify expenses. However, documentation in the form of an Investigative Fund Expenditure (IFE) form will be completed in all cases.

Criteria for the use of Investigative Funds (02-42-07)

D. The funds will be used to finance the following:

1. Payments to informants for fees and expenses;
 - a. The amount of the fee paid to an informant will be based upon the investigative value of the information provided, the offense under investigation and the work performed in furtherance of the investigation.
 - b. The amount to be paid an informant should not be predetermined unless there is direct knowledge of the past reliability of the informant. No fee will be based upon a percentage of assets seized or any other potential financial outcome of an investigation.
 - c. Payment of fees should be made only after the reliability of the information is verified. The past reliability of the informant can be used to determine when the fees should be paid.
 - d. Payments for expenses should be made as soon as possible and supported by receipts.
2. Undercover purchases such as narcotics, stolen property, etc.; and
3. Purchase of items from legitimate businesses to be used in storefront/fencing operations, where the identity of the Department must be concealed.
4. Other expenses incurred during an investigation or operation connected with the investigation.

5. Payment for relocation of a witness or informant due to real or potential threats. Reimbursable expenses may include temporary living expenses, travel, or other similar expenses.
6. Purchase of an alcoholic beverage during covert operations in order to blend in with surroundings, or in reference to underage alcoholic beverage enforcement operations.
7. Flash money to be used in affecting arrests where no actual expenditure is anticipated.

Procedures for Disbursing Investigative Funds (02-42-08)

A. The CID/CRT Commander shall dispense operational funds. In the absence of the CID/CRT Commanders, an alternate officer shall be designated.

B. All cash disbursed from the Investigative Fund shall require signed receipts upon disbursement to officers.

C. An officer may request a cash advance of investigative funds for investigative purposes:

1. He or she must first receive approval of the expenditure in advance from his or her immediate supervisor.
2. If the total amount is an estimated expenditure, the officer will submit a Cash Advance Receipt form documenting the purpose of the disbursement to the supervisor for his or her approval.
3. The supervisor will indicate approval of the transaction by signing and dating the receipt.
4. The officer will then submit the receipt to the appropriate Commander, who will disburse the appropriate funds. The officer will receive a copy of the cash receipt form at this time.
5. If the officer only expends a portion of the advanced investigative fund, he or she will return the balance to the Commander Lieutenant in a timely manner. The Commander will fill out the second section of the cash receipt form documenting the return of the unused funds and give the officer a copy of this receipt. An Investigative Funds Expenditure report will be completed to document the expended funds.

Utilizing Investigative Funds (02-42-09)

A. Only Sources of Information, Informants, and Confidential Informants who have been documented by CID or CRT shall receive payments from the Investigative Fund.

B. Officers will complete an Investigative Fund Expenditure (IFE) Report Form when using investigative funds. The Investigative Fund Expenditure Report Form requires the following procedures:

1. The officer will mark the type of expenditure and complete the appropriate section and all required signatures.

■ [REDACTED]
[REDACTED]
[REDACTED]

3. If a Source of Information, the SOI will sign his or her name in the appropriate section.
4. All transactions that are completed on the same date and time with one informant relative to the same investigation can be documented on the same IFE form.
5. When the Commander receives the form, he or she will sign and date the form as verification of his or her review and approval.

D. Funds utilized to buy contraband shall, upon recovery, become evidence. They shall be logged and secured in the Department's evidence room in accordance with normal evidence procedures.

E. The respective Commander shall account for these funds as evidence and remove them from records as expenditures when replenishing the Department's budget.

F. Funds for major purchases of contraband in excess of \$2,500 are available with the approval of the Chief of Police.

Report of Expenditures and Audit (02-42-10)

The CID Lieutenant and CRT Commander will each conduct a quarterly accounting of cash activities and expenditures of their investigative funds. This report shall include a reconciliation of cash received, expended, and the remaining balance.

Periodically, the Division Major(s), or designee may also audit the investigative and evidence funds paid out to officers, informants, confidential informants, or sources of information. Under no circumstances shall names of confidential informants or sources be recorded in the audit record.

The City Finance Department may at any time, audit, or cause to be audited, the cash handling procedures for the investigative funds. The CID Lieutenant or CRT Commander shall be responsible for assisting and cooperating in these audits. No information or document will be submitted during this audit that reveals the identity of a confidential informant.

43.1.3
17.4.1