

Geneva Police Department GENERAL ORDERS		CONFIDENTIAL INFORMANTS	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 50.5 <input type="checkbox"/> amends:		cross-reference: Accreditation/Recognition standards: C.A.L.E.A.: NYS L.E.A.P.: 50.5	
effective date: 10.30.03	issue/amend date: 10.30.03 / 2.19.15 / 9.8.20		

I. PURPOSE	The purpose of this Order is to establish policies and procedures for the establishment and handling of confidential informants and other policies and procedures for confidential informants. Nothing in this order prohibits or restricts officers from obtaining and documenting information from street sources, citizen sources, or non-compensated informants.
II. DEFINITIONS	<p>A. <u>Case Officer</u>: Officer who maintains primary control, direction, and focus of the activities of a Confidential Informant assigned to him/her.</p> <p>B. <u>Compensation</u>: For purposes of this order, “compensation” means any benefit or inducement given to a person in exchange for information or cooperation in a criminal investigation. Benefits or inducements include but are not limited to money compensation, not filing criminal charges or filing reduced charges, favorable treatment in a criminal matter, or recommendations or requests for favorable or lenient treatment in a criminal matter.</p> <p>C. <u>Confidential Informant (“CI”)</u>: For purposes of this order, “Confidential Informant” means a private person who provides information to the Geneva Police Department about criminal offenders or activities, or cooperates with the Department by performing actions in furtherance of an investigation under the direction of the Department, and is acting under the direction and control of the Department.</p> <p>D. <u>Confidential Informant File (“CI File”)</u>: An operational or working file maintained by the Informant Coordinator to document all information that pertains to confidential informants.</p> <p>E. <u>Confidential Informant Index (“CI Index”)</u>: An alphabetical index file maintained by the Informant Coordinator containing listing individuals who are past or present CI(s).</p> <p>F. <u>Informant Coordinator</u>: The Supervisory Officer designated as Supervisor of the Drug Enforcement Unit (DEU) will serve as Informant Coordinator.</p> <p>G. <u>Special Authorization Informants</u>: Specified categories of informants that, due to special management risks, must be approved by the Chief of Police prior to being used as a CI.</p>
III. POLICY	<p>A. The Geneva Police Department recognizes that use of confidential informants is necessary to successfully investigate certain types of criminal offenses, e.g., drug-related offenses. The Department also recognizes that the use of informants must be strictly controlled and monitored to ensure the integrity of investigations utilizing informants and to ensure adherence to pertinent legal standards.</p>

III. POLICY (CONT.)

- B.** This Order sets forth procedures covering informant-related issues including:
 - 1. General procedures for interacting with and handling informants;
 - 2. Procedures for payment of informants; and
 - 3. Procedures for establishing informant files and what documentation is required for those files. Department personnel will strictly adhere to these procedures. Any informant-related issues that are not addressed in this order will be referred to the Chief of Police for resolution.
- C.** All CIs are considered the assets of the Geneva Police Department and not of any individual Officer or component of the Department.
- D.** Due to the nature of their duties, most CIs will work with DEU Investigators. However, any Geneva Police Officer or Detective may utilize a confidential informant as needed. In such cases, the policies and procedures in this order will be followed. Officers not assigned to DEU will obtain prior approval from their Commanding Officer to work with the Informant Coordinator to establish and work with a confidential informant.
- E.** Any time that Department personnel take specific enforcement action, e.g., obtain a search warrant, based in whole or part on information received from a CI, Officers will take a sworn statement from the CI concerning the information received. The Chief or other Supervisor must authorize any exception to this procedure.
- F.** Service as a CI for the Geneva Police Department will be strictly voluntary. GPD personnel will not coerce, threaten, or attempt to force an individual to become a CI or to provide information or assistance.
- G.** Before taking any enforcement action based upon information received from an informant Officers will generally take all reasonable steps to independently corroborate the information received. In rare cases, action may be taken based solely upon information received from an informant. Such action will be permitted only in cases in which the informant in question has a substantial and consistent record of reliability **and** gives a sworn statement concerning the information.
- H.** All GPD personnel will preserve the confidentiality of Confidential Informants. No GPD personnel may disclose the identity of any Confidential Informant outside the Geneva Police Department. Personnel may disclose this information to other law enforcement personnel on a “need-to-know” basis with approval of the Informant Coordinator, to assigned prosecutors, or in compliance with an order of a court of competent jurisdiction

IV. GENERAL GUIDELINES FOR HANDLING CI'S

- A.** All CIs will be required to sign and abide by the provisions of a written *Working Agreement for Cooperating Individuals* **See Attachment A**. The CI will read and initial every provision of the agreement.
- B.** CIs will also be required to sign other agreements/contracts as appropriate, including agreements/contracts through the Ontario County District Attorney’s Office or the United States Attorney’s Office (USAO).

**IV. GENERAL
GUIDELINES FOR
HANDLING CIs
(CONT.)**

- C.** The officer establishing the CI shall discuss and document each of the provisions of the *Working Agreement*, clearly emphasizing that CIs will **NOT**:
1. Represent themselves as employees or Officers of GPD or any other governmental agency;
 2. Be empowered to act as Police Officers;
 3. Participate in acts of violence;
 4. Possess a firearm or other weapon while acting on behalf of GPD;
 5. Use any unlawful techniques to obtain information;
 6. Initiate, plan, or participate unlawful or criminal acts;
 7. Engage in any activities that are not previously authorized by his or her Case Officer, and then only as necessary to obtain information or evidence needed for the purpose of investigation or prosecution.
- D.** All relationships between GPD employees and CIs will be strictly professional. Social, financial, or business relationships or contacts between GPD employees and CIs are prohibited. Examples of prohibited conduct include but are not limited to the following:
1. Socializing with CIs and/or their families.
 2. Becoming romantically involved with CIs.
 3. Purchasing or selling items to CIs.
 4. Borrowing money or accepting services from a CI.
 5. Engaging in a private business relationship or transaction with a CI.
 6. Having off-duty contact with CIs or contact outside the scope of the professional law enforcement relationship.
- Note:** This does not prohibit Case Officers from responding to messages (e.g., text messages, phone calls) from CIs while in off-duty status.
- E.** It is preferable that at least two (2) Officers be present for any CI meeting. There **MUST** be at least two (2) Officers present for any CI meeting in the following circumstances:
1. When meeting with a CI of the opposite sex; or
 2. Meetings during which an informant will be paid.
- F.** The following guidelines will be followed in making promises or guarantees to CIs:
1. Officers will not make promises to a CI relative to judicial leniency or how a judge may sentence a CI. Officers may agree to inform a judge (through the prosecutor) of the CI's cooperation and assistance.
 2. Officers may guarantee immunity from prosecution on a criminal charge or promise prosecutorial leniency **only** with the prior authorization of the District Attorney's Office.
 3. Officers may agree to inform appropriate authorities (e.g., prosecutors, probation or parole authorities) of the CI's assistance and cooperation.
 4. Officers will not make an absolute guarantee that the CI's identity will not be disclosed. Although all efforts will be made to avoid disclosure of a CI's identity, Officers cannot absolutely guarantee this.

**IV. GENERAL
GUIDELINES FOR
HANDLING CI'S
(CONT.)**

**V. SPECIAL
AUTHORIZATION
INFORMANTS**

- G.** Officers will not directly contact or communicate with any Judge on behalf of a CI. Any necessary information regarding a CI will be communicated to Judges through the appropriate prosecutor, unless requested by the Judge for Search Warrant purposes.
- H.** All contacts with a CI during which information is received and/or compensation occur will be documented in writing in accordance with current Departmental procedures.
- A.** The following categories of persons will be considered “Special Authorization Informants”:
1. Persons under the age of eighteen (18).
 2. Persons under a treatment for a mental illness.
 3. A first-time or “walk-in” informant will be considered a Special Authorization Informant until the standard background investigation and review for establishment of a CI is completed. *See §VII* below.
 4. Individuals determined to be unreliable, unfit, or unsuitable to perform as CIs, or CIs who have violated informant rules, the *Working Agreement*, or directives from Case Officers. This includes but is not limited to the following:
 - a. The CI has been unreliable;
 - b. The CI has lied or provided false information, or has testified untruthfully in any proceeding;
 - c. The CI fails or refuses to perform any obligation(s) under an agreement;
 - d. The CI has violated informant rules, the *Working Agreement*, or directives from Case Officers or other supervising Officer(s);
 - e. Officers have lost contact with the CI for an extended period of time; or
 - f. The CI for any reason has proven unfit or unsuitable to perform as a CI.
- B.** Officers may accept and document information from persons falling into the above categories. However, such persons may not act under the direction and control of GPD or become compensated confidential informants, nor may any enforcement action be based upon information from such persons, without the prior express written permission of the Chief of Police.
- Note:** In the event that unanticipated need arises to use a Special Authorization Informant prior to written approval, and any delay to obtain written approval may jeopardize the investigation, the Chief of Police may give temporary verbal approval pending completion and approval of required paperwork.
- C.** The following procedures will be followed for Special Authorization Informants:
1. The Informant Coordinator or his designee will complete the procedures listed in *§VII below* (Establishment of CIs).
 2. The Informant Coordinator will forward all documentation gathered to the Chief of Police. The Informant Coordinator will attach a cover memorandum requesting authorization for use of the Special Authorization Informant. The memorandum will detail the justification for such use, including:
 - a. The significance of the case and/or investigative target;
 - b. An explanation of the need to use the CI (e.g., why other investigative means cannot be used and/or why other CIs cannot be utilized); and
 - c. Any special precautions to be taken relative to the Special Authorization Informant.

**V. SPECIAL
AUTHORIZATION
INFORMANTS
(CONT.)**

3. The Chief of Police will review the documentation and either approve or deny the request. If approved, the Chief of Police may establish additional conditions for use of the Special Authorization Informant.
4. Once a Special Authorization Informant is approved, the Informant Coordinator will keep the Chief of Police fully advised of any problems or issues that arise relative to the Informant.
5. The Informant Coordinator will notify the Chief of Police when the Special Authorization Informant is deactivated and the result of the investigation.

D. Special Rules For Persons Under the Age of 18

1. A parent or legal guardian **must** be present during the initial CI interview. A parent or legal guardian may also be present during subsequent interviews if they so desire. If the parent/guardian declines to be present during subsequent interviews the Case Officer will document this.
2. A completed *Working Agreement and Claim Release Form* will be reviewed and signed by **both** the CI and his or her parent or legal guardian. These documents must be signed by both the parent/guardian and prospective CI before the person is used as a CI.
3. The presence of the parent/guardian at the initial meeting, and the signature of the parent/guardian on the *Working Agreement and Claim Release Form*, may be waived if the prospective CI:
 - a. Is or has been legally married;
 - b. Has entered into active military service; or
 - c. Has voluntarily withdrawn from parental control and supervision (e.g., living separate and apart from and not being supported by the parent(s)/guardian).
4. If the prospective CI is the subject of a court proceeding (e.g., criminal proceeding, juvenile delinquency case, PINS case, etc.), or is otherwise under the supervision of a court, the court's permission may be required. In such cases the appropriate authorities (e.g., District Attorney or County Attorney) will be consulted to determine the need for court permission.

A. Persons on Probation or Parole

1. Use of a person on probation or parole as a CI will require advance notification to and approval of the District Attorney's Office and NYS Parole.

B. Persons With Pending Criminal Charges

1. Caution must be exercised in using persons with pending criminal charges as CIs. In such cases, the Informant Coordinator must obtain permission from the appropriate prosecutor (District Attorney's or USAO) prior to using the person as a CI. Also, depending on the circumstances, permission from the Judge may also be required. The prosecutor will be consulted on this.
2. Officers will review the conditions of bail or release for any CI with pending criminal charges, and ensure that any actions taken by the CI on behalf of the Geneva Police Department do not violate any of these conditions. Any request for modification of these conditions will be communicated to the Judge through the appropriate prosecutor.
3. Officers will not question or attempt to obtain information from a CI about his or her pending criminal charge(s) without consulting first with the prosecutor.

**VI. SPECIAL
PROCEDURES FOR
OTHER
CATAGORIES OF
INFORMANTS**

**VI. SPECIAL
PROCEDURES FOR
OTHER
CATEGORIES OF
INFORMANTS
(CONT.)**

C. Wanted Persons

1. GPD personnel will not be permitted to use wanted persons as a CI until the wanted person surrenders himself or herself to the proper authorities. After that, such persons may be used as CIs provided the rules for persons with pending criminal charges are followed. *See §VI(B)* above.

Note: In the event the CI is wanted by a jurisdiction outside Ontario County, and that jurisdiction notifies GPD that it will not extradite the CI, then that person may be utilized as a compensated CI with the permission of the District Attorney's Office.

2. In the event a current CI becomes wanted (e.g., due to commission of a crime or a failure to appear in court on a pending charge) Officers will make efforts to locate and apprehend the CI or arrange for his or her surrender. Under no circumstances will GPD personnel assist or facilitate a CI in avoiding apprehension or prosecution.

D. First-Time Informants

1. Normally, the best indicator of CI reliability is the proven track record of the CI in past cases. However, with a first-time informant there will be no past history upon which to rely. Therefore, it is critical to independently verify and corroborate information received from a first-time informant as fully as possible before taking any enforcement action based upon such information.
2. Enforcement actions, e.g., search warrants, based in whole or part on information from a first-time informant will not be permitted unless the important aspects of the informant's information have been independently verified or corroborated. Any deviation from this rule will require the following:
 - a. The first-time informant has given a sworn statement concerning the information; **and**
 - b. Use of the first-time informant is necessary to take advantage of a significant investigative or enforcement opportunity; **and**
 - c. Prior authorization is received from the Chief of Police.

A. The Informant Coordinator or other designated Officer will take the following steps to establish a CI:

1. The prospective CI will be fully debriefed. The interviewing Officer will seek as much information as possible in order to assess what information the CI has and whether he or she may be useful. In conducting this debriefing, Officers should seek information about all criminal activity that is known to the prospective CI, not just information relating to the Officer's area of responsibility. For example, if being debriefed by a drug investigator, an effort should be made to obtain not only drug-related information, but information on other crimes (e.g., burglaries, robberies, weapons, etc.). A written synopsis of this debriefing will be included in the appropriate case file.
2. The *CI Personal History* Form will be fully completed (*see Attachment B*).
3. A Criminal History Record Information (CHRI) will be run using the NYSPIN. The printout will be retained in the CI File.
4. GPD's record management system will be queried to obtain any available information about the CI. Copies of any documents located in this search will be retained in the CI File.

**VII.
ESTABLISHMENT
OF CIs**

**VII.
ESTABLISHMENT
OF CIs (CONT.)**

5. The CI Index will be checked to determine whether the person has served as a CI in the past. If so, the existing CI File will be reviewed to determine whether there were any issues or problems with the past use of the CI. If any of the circumstances listed above in §V(A)(4)a-f are documented in the CI file the procedures for a Special Authorization Informant will be followed.
6. A photograph of the CI will be taken and included in the file.
7. If the prospective CI is a Special Authorization Informant, the procedures set forth in § V above will be followed. Also, the procedures set forth in § VI will be followed if applicable (i.e., persons on probation or parole, persons with pending criminal charges, wanted persons, or first-time informants).

B. In deciding whether to establish a person as a confidential informant the following factors should be considered:

1. The nature of the investigation and the importance of the information or assistance the CI could furnish should be considered.
2. The motivation of the CI shall be taken into account. Some common motivations are a desire for compensation or consideration in pending criminal charges, revenge, or fear.
3. The seriousness of any past or present criminal conduct in which the CI has been involved should be considered.
4. Any past or present relationship between the CI and the prospective target(s) must be taken into account.
5. The personal safety of the CI should be considered. Any service as a CI will involve some element of risk. However, Officers shall consider whether there are any unusual or unreasonable risks to the safety of the CI, or his/her family or associates.
6. The CI's reliability and truthfulness shall be considered as well as the availability of means to verify or corroborate the CI's information.

C. Based upon review of these and other pertinent factors the Informant Coordinator (or, in the case of a Special Authorization Informant, the Chief of Police) will determine whether the potential benefit of using the CI outweigh the risks involved. Also, a decision must be made whether there should be additional conditions or restrictions imposed on the CI to minimize any risks.

D. If, based upon the foregoing steps, the decision is made to use a prospective CI, Officers will review the following documents with the CI and have the CI sign the documents in the presence of the officer(s):

1. *Working Agreement for Cooperating Individuals (see Attachment A);*
2. *Code of Conduct for Confidential Informants (see Attachment C); and*
3. *Confidential Informant Claim Release Form (see Attachment D).*

**VIII. CI FILE
MANAGEMENT
SYSTEM**

A. Use of Informant Files and Indices

1. Informant files and indices will be utilized to:
 - a. Provide a source of background information about the CI;
 - b. Provide a complete history of the information received from the CI;
 - c. Enable review and evaluation by the appropriate supervisor of information given by the CI, the CI's conduct, and the continued suitability of the person to serve as a CI;
 - d. Document the reliability of the CI; and
 - e. Prevent and minimize incidents that could be used to question the integrity of the Department and/or its officers.

B. Responsibility For File Maintenance and Security

1. The Informant Coordinator will be responsible for developing and maintaining CI files and indices. The Informant Coordinator may designate other members of Department to assist him in these duties.
2. All CI files and indices will be maintained in a secure location with restricted access.
3. Access to informant files and indices will be restricted to only the Informant Coordinator, DEU members, the Chief of Police, a prosecutor, and such other personnel, as they deem necessary. *See §VIII(B)(4)* below.
4. The Chief of Police or his/her designee will perform an annual staff inspection of CI files and indices to ensure security, confidentiality, and compliance with Department policies and procedures.
5. CI files and indices will be maintained indefinitely.

C. CI File

1. A separate CI File will be maintained for every prospective CI.
2. The CI File will contain the following:
 - a. All documents, reports, etc. gathered during the CI establishment process. *See §VII*, above.
 - b. Any agreements with other entities, e.g., the District Attorney's Office or the US Attorney's Office.
 - c. Any special conditions for use of the CI, e.g., Special Authorization Informants.
 - d. After activation as a CI, any police reports or other documentation relating to the CI will be included in the CI File. The Case Officer will be responsible to update criminal history and local records checks of active CIs to ensure that information is kept current.
 - e. Officers will document information received from CIs in the appropriate report (e.g., Crime Report, Investigative Action Report, and Criminal Intelligence Report).

**VIII. CI FILE
MANAGEMENT
SYSTEM (CONT.)**

- f. Each CI File will contain an *Informant Activity and Contact Record* (*see Attachment E*). This form will be used to compile a log of significant contact with the CI. The following will be noted in the form:
 - 1. All significant contacts in which the CI performs any services (e.g., makes a buy of controlled substances, makes a recorded telephone call, etc.); and
 - 2. All contacts during which a CI is paid.
- g. Records of payments or other compensation to the CI will be included in the CI File. This will include a completed and signed *Receipt for Payment* (*see Attachment F*) for each individual. *See §IX*, Informant Payments and Compensation.
- h. In the event a CI has been deactivated, a copy of the *CI Deactivation Form* (*Attachment G*) and any other pertinent documentation will be included in the CI File. *See §X* below.
- i. Documentation of any of the following if applicable:
 - 1) The CI has been unreliable;
 - 2) The CI has lied or provided false information, or has testified untruthfully in any proceeding;
 - 3) The CI fails or refuses to perform any obligation(s) under an agreement;
 - 4) The CI has violated informant rules, the *Working Agreement*, or directives from Case Officers or other supervising officer(s);
 - 5) Officers have lost contact with the CI for an extended period of time; or
 - 6) The CI for any reason has proven unfit or unsuitable to perform as a CI.

D. CI Index

- 1. The Informant Coordinator will maintain an alphabetical index list of all past and present established confidential informants. This may be a separate alphabetical index or the set of CI files indexed alphabetically by name.

E. Review and/or Removal of CI Files

- 1. Access to CI files and indices will be strictly limited to a need-to-know basis.
- 2. In the event there is a legitimate need to review CI files, e.g., a prosecutor handling a criminal case involving a CI, the person reviewing the file will be asked to do so in the secure location where the file is stored rather than removing the file.
- 3. In the event a CI file or any portion thereof must be removed from its secured location, or a photocopy of any contents of a CI file must be released, e.g., court-ordered discovery, the person receiving the file will sign a *CI File Receipt* noting the document(s) and/or photocopies that have been turned over. *See Attachment H*.
- 4. The Receipt will be placed in the CI File. If the entire file has been removed the Receipt will be placed in the file's location until it is returned. This will document who has possession of the file while it is not in GPD custody. When the file is returned, the Receipt will be placed in the file.

**IX. INFORMANT
PAYOUTS AND
COMPENSATION**

- A.** CI(s) may be paid for information regarding criminal activity and/or for assistance in an investigation (e.g., purchasing drugs, stolen property, etc.), and for incidental expenses associated with the investigation or CI travel. The Chief of Police must authorize payments to CI(s) for any other purpose.
- B.** Except as set forth below, the Informant Coordinator must authorize payment to CI(s).
- C.** The Chief of Police must authorize informant payments as follows:
 - 1. Any amount in excess of \$100.00 or \$150.00 for a single payment;
 - 2. Any amount in excess of \$500.00 in any one month;
 - 3. Payment(s) in excess of \$1,000.00 in any calendar year;
 - 4. Any payment regardless of amount that will be made on a “commission” basis, i.e., any payment based on a percentage of asset forfeitures resulting from the CI’s information or assistance.
- D.** **There will be a minimum of two (2) Officers present to witness all CI payments.** The CI will sign the Receipt for Payment form (*See Attachment F*) acknowledging receipt of the payment and two Officers will sign as witnessing the payment. This form will be maintained in the CI File. The payment will also be noted on the *Informant Activity and Contact Record (See Attachment E)*.

**X. DEACTIVATION
OF CIs**

- A.** The Informant Coordinator or Chief of Police may determine that it is necessary to formally deactivate a CI. Grounds for deactivation include:
 - 1. The CI has been unreliable;
 - 2. The CI has lied or provided false information, or has testified untruthfully in any proceeding;
 - 3. The CI fails or refuses to perform any obligation(s) under an agreement;
 - 4. The CI has violated informant rules, the *Working Agreement*, or directives from Case Officers or other supervising officer(s);
 - 5. Officers have lost contact with the CI for an extended period of time; or
 - 6. The CI for any reason has proven unfit or unsuitable to perform as a CI.
- B.** Whenever CIs are deactivated, the Case Officer or other Officer will clearly inform them that they are no longer CIs and they are no longer authorized to act or engage in any activity on behalf of the Geneva Police Department. The CI will sign a *Deactivation Form* acknowledging this; an Officer will sign the form as a witness.

Note: If contact with the CI has been lost, or the CI refuses to sign, the Case Officer will complete and sign the *Deactivation Form See Attachment G*. The Case Officer will note the circumstances in the Comments section of the report, explaining why there is no signature from the CI.
- C.** Documentation of the deactivation and the reasons for that action will be included in the CI file. CIs who are deactivated for any of the reasons listed above in **§X(A)** will be considered Special Authorization Informants for any reactivation or future use as a CI.

XI. CI PROCEDURES

A. Recording of Informant Conversations and Meetings

1. Any conversations between CIs and suspects or targets may be monitored via a transmitter, and/or recorded.
2. Whenever a CI conversation will be monitored via a transmitter, and/or recorded the CI will review and sign a completed *Concealed Transmitter/Recording Form*. *See Attachment I*.
3. Any time the CI will meet with the target(s) in a public place the meeting may be videotaped if feasible.

B. Informant Buy Procedures

The following procedures will be followed when utilizing CIs to buy controlled substances, firearms, stolen property, or other evidence or contraband:

1. Officers will thoroughly debrief the CI to obtain as much information as possible.
2. Immediately prior to leaving the presence of Officers, the CI will be thoroughly searched for weapons, drugs, cash, etc. In addition, any vehicle to be used by the CI will be thoroughly searched. These searches will be repeated after the meeting with the target(s).
3. Serialize, photograph, or photocopy all buy money. Buy money may also be marked if appropriate.
4. The meeting between the CI and target(s) may be transmitted and/or recorded. Prior to the meeting Officers will conceal any transmitting and/or recording devices on the CI and test them to ensure they are in proper working order.
5. Officers will conduct surveillance of the CI as he approaches and leaves the area of the meeting. Officers will also conduct surveillance of the location while the CI meets with the target(s). The nature of the location in question, and other circumstances (e.g., counter-surveillance tactics by the target(s)) will determine how close the surveillance will be.
6. The following dates and times will be documented on the *Narco Buy Report* *See Attachment J*:
 - Initial meeting/debriefing and search of CI (and CI's vehicle if applicable);
 - Departure from office or meeting place;
 - Arrival at the destination;
 - Exit by CI from vehicle if applicable;
 - CI entry into building if applicable;
 - Meeting with target(s) (if feasible);
 - Drug deal or other transaction (if feasible);
 - CI exit from building or location;
 - Securing of drugs or other contraband from CI; and,
 - Post-buy searches of CI (and vehicle if applicable).

XI. CI PROCEDURES (CONT.)

7. As soon as feasible after the transaction has concluded Officers will retrieve the drugs, contraband, or other evidence from the CI and any remaining buy money. Officers will thoroughly search the CI to ensure that they have obtained all drugs, evidence, contraband, buy money, etc.
8. Conduct any necessary identification procedure (e.g., photographic identification) to confirm identity of target(s).
9. Officers will thoroughly debrief the CI and a statement may be taken if needed.
10. Conduct field test of any suspected drugs obtained.
11. Tag and secure any drugs or other evidence obtained in accordance with established procedures.
12. Officers will document all of the above information in their report(s).

XII. SUMMARY OF CI-RELATED DUTIES AND RESPONSIBILITIES

A. The Chief of Police will:

1. Approve CI-related policies, procedures, and training curriculum for Department personnel;
2. Review and approve security and confidentiality procedures;
3. Authorize CI payments as set forth in §*SIX* of this order;
4. Review and approve or deny applications for utilization of Special Authorization Informants as set forth in §*V* of this Order;
5. Require annual staff inspection of security, confidentiality, and content of CI files and indices.

B. The Informant Coordinator will:

1. Ensure that Case Officers and other Officers supervising CI(s) are trained in CI-related policies and procedures;
2. Ensure that Officers utilizing CI(s) are following proper procedures and that all required documentation and reports are completed in a timely manner;
3. Authorize establishment and use of CI(s) in accordance with applicable policies and procedures;
4. Ensure the confidentiality and security of CI files, indices, and other records;
5. Ensure that Case Officers and CI(s) are familiar with their roles and responsibilities;
6. CI(s) are fully informed as to their roles and responsibilities;
7. Serve as a point of contact to prosecutors for CI-related issues;
8. Assign Case Officers to supervise CI(s);
9. Assign other officers to act as Case Officer in the absence of the primary Case Officer;
10. Monitor assignments and contacts frequently with Case Officers to keep apprised of activities and prevent duplication of efforts;
11. Coordinate all compensation for CI(s) and authorize CI payments unless approval of the Chief is required;

**XII. SUMMARY OF
CI-RELATED DUTIES
AND
RESPONSIBILITIES
(CONT.)**

12. Terminate use of or deactivate a CI when any circumstances arise that indicate the CI is unreliable, unfit, or unsuitable to perform as CI(s), has violated informant rules, the *Working Agreement*, or directives, or when an unusual or unreasonable risk to the CI's safety arises;
13. Cooperate with staff inspections for audits and verification of policy compliance; and
14. Ensure that the Chief of Police is fully informed of any CI-related issues or problems as quickly as possible.

C. The Case Officer or Other Officer Supervising CIs will:

1. Be fully knowledgeable of Departmental rules, regulations, policies, procedures, and directives regarding CI(s) and trained in CI selection, employment, direction, and control;
2. Routinely brief the Informant Coordinator on CI activities and keep the Informant Coordinator fully informed of any CI-related issues or problems;
3. Compile sufficient information through a background investigation in order to determine the identity of the prospective CI for establishment;
4. Preserve the confidentiality and security of all information obtained;
5. Complete all required forms and records for CI establishment;
6. Conduct orientation and training of the CI to include at a minimum:
 - a. The objectives of the CI's mission;
 - b. The permissible methods to be used to accomplish those objectives;
 - c. Compensation procedures;
 - d. Instructions on avoiding entrapment and other legal constraints;
 - e. Communication and reporting requirements;
 - f. Rules of conduct; and
 - g. Cover stories, alibis, and security/confidentiality precautions.
7. Ensure that all agreements and other required forms are signed and witnessed, given to the Informant Coordinator for review, and secured in the CI File;
8. Provide written documentation as required for expense reports;
9. Prepare the CI to work with other Officer(s) as required;
10. Prepare the CI for required court appearances and assist the prosecutor with case preparation; and
11. Personally terminate use of or deactivate the CI when any circumstances arise that indicate the CI is unreliable, unfit, or unsuitable to perform as CIs, has violated informant rules, the *Working Agreement*, or directives, or when an unusual or unreasonable risk to the CI's safety arises. Such action will be reported to the Informant Coordinator immediately.

Approved By

MICHAEL J. PASSALACQUA

CHIEF OF POLICE

ATTACHMENTS

- A. *Working Agreement for Cooperating Individuals*
- B. *CI Personal History Form*
- C. *Code of Conduct for Confidential Informants*
- D. *Confidential Informant Claim Release Form*
- E. *Informant Activity and Contact Record*
- F. *Receipt for Payment*
- G. *CI Deactivation Form*
- H. *CI File Receipt*
- I. *Concealed Transmitter/Recording Form*