

DEPARTMENT GENERAL ORDER 99-62

OFFICE of the CHIEF OF POLICE
REPLACES: SOP: 502.10.00

DATE: November 11, 1999

INFORMANTS

I. PURPOSE.

The collection of insider information is often essential to the satisfactory completion of many investigations involving complex criminal operations and their associated network of individuals. As such, the following procedural guidelines have been established for the development, management, and control of informants.

II. DEFINITIONS.

Confidential Informant - Anyone who provides information to the Police Department, and whose identity must be concealed/protected for security reasons.

Entrapment - Situations where a law enforcement officer, or a person acting in cooperation with such an officer, for the purpose of obtaining evidence of the commission of a crime, solicits, encourages, or otherwise induces another person to engage in conduct when he/she was not ready and willing to engage in same.

Informant Master File - A file of current and past informants maintained by the Commander of the Criminal Investigations Division, with access strictly limited to those commissioned officers who can demonstrate a viable and legitimate "need to know."

III. DEVELOPMENT OF INFORMANTS.

Informants may be developed by any member of the Police Department during the course of their regular duties. Once an individual has indicated a willingness to serve as a source of information, and has been formally approved to function in such a role, a confidential background information sheet and a "Cooperating Individual Release" form shall be completed and entered into the CID master file under a unique code number. The informant will then be apprised of communications instructions and assigned a contact person.

Once developed, each informant shall be considered a source of information to the department as a whole. As such, officers who may cultivate an informant shall refer all information in regard to criminal activity to their supervisor or CID. Under no circumstances shall an officer retain such information for their private use or advantage.

IV. INFORMANT MASTER FILE.

A master informant file shall be maintained by the Commander of the Criminal Investigations Division. This shall include a Cooperating Individual Background Information Form, a liability release form, the individual's photograph and fingerprints, and criminal history.

A. Background Information

All informants shall be photographed, fingerprinted and have a personal information form completed on them, except where circumstances and/or time constraints preclude such procedures. In such instances, the Commander of the Criminal Investigations Division, in consultation with the Commander of the Investigations and Support Bureau and the Chief of Police, must approve a waiver of established procedures prior to any active use of the informant.

The types of information which shall be included in the Personal Information form will include:

- | | |
|---------------------------|----------------------|
| 1. Name | 9. Color Eyes |
| 2. Home Address | 10. Color Hair |
| 3. Home Phone | 11. Employer |
| 4. Date of Birth | 12. Business Address |
| 5. Social Security Number | 13. Business Phone |
| 6. Vehicle Information | 14. Criminal History |
| 7. Height | 15. Code Number |
| 8. Weight | |

The Informant Master File shall be filed in alphabetical order.

Should an informant refuse to provide requested personal information and other type identifiers, same shall be immediately excluded from consideration as a source of intelligence or information.

In the event an informant relocates, is incarcerated for an extended period of time, no longer desires to serve in such a capacity, or is unable to serve, the pertinent background forms, etc. shall be maintained for a period of three(3) years, at which time same shall be purged from the file.

B. Code Numbers

Each informant shall be assigned a code number. Such security designators will take the form of a sequential letter/number combination (e.g. CI-1, CI-2, CI-3, etc.).

C. Security of Informant file

The master Confidential Informant file shall be secured in a safe located in the Criminal Investigations Division. Access to same shall be restricted to the division and bureau commanders, and the Chief of Police.

The Commander of the Criminal Investigations Division shall be responsible to maintain the informant files.

V. USE AND CONTROL OF INFORMANTS.

Informants may serve as a valuable source of information; however, the use of such an investigative tool must be conducted within set environmental and operational controls.

A. General Issues

- 1). An informant shall not be permitted access to sensitive information collected or maintained by this department.
- 2). Informants shall be advised that they are not employees of the Police Department, that they have no law enforcement powers, and are not to represent themselves as police officers.
- 3). Informants shall be apprised of the laws pertaining to entrapment.
- 4). Informants shall not be permitted to commit crimes. Once an officer determines or learns that an informant has committed a crime within the City of Clayton, the relevant facts shall be reported to the supervisor or Commander of CID. If the facts indicate

prosecution is warranted, the case shall be submitted to the St. Louis County Prosecuting Attorney for consideration. Should the crime be committed outside of the department's venue, the facts shall be presented to the supervisor or Commander of CID, who will direct the appropriate police agency be contacted.

- 5). Officers of this agency shall not offer informants immunity from prosecution, or enter into any other improper agreements, in exchange for their cooperation.

B. Security Issues.

The personal safety and security of department personnel and each informant shall take precedence over any information that may be obtained via such a means. As such, the following procedures will guide the conduct of department personnel in their interactions with informants.

- 1). The confidential informant's code number shall be the only identifier entered into a police Incident Report.
- 2). Telephone communications between a confidential informant and his/her case handler shall utilize the CI's assigned code number only. No personal names shall be used during contacts over potentially unsecured communications channels.
- 3). Each confidential informant will be advised not to disclose his/her status as a cooperating individual with this department. This shall also include other law enforcement agencies.
- 4). Department personnel shall not reveal the identity of an informant outside of the department except on a need to know basis.
- 5). Personal contacts between informants and department personnel shall be held at a time and location designated by the controlling officer.
- 6). Personal contacts between informants shall be made by at least two officers in those instances where the informant is unfamiliar to the contact officer, or where other circumstances exist to create a question of officer safety. Otherwise, should an informant be known to an officer, and deemed to be reliable and trustworthy, it

shall be at the discretion of the officer to contact same alone or in the presence of an assist officer.

- 7). Where a threat against an informant's physical well being is determined to be a real possibility, the informant will be advised to seek temporary shelter elsewhere and the department will offer such protection as its resources allow.
- 8). The department may elect not to use an informant where maintenance and security are beyond its resources.

C. Juvenile Informants

Juveniles shall generally not be utilized as an informant. However, should a situation arise where a juvenile offers to serve as an informant, written approval must first be granted from the subject's parents or guardian. The written approval and other supporting documentation shall then be presented to the Chief of Police who shall have full and complete authority to approve or disprove of the juvenile's involvement, irrespective of cause.

D. Use of Informants by Patrol Officers

Patrol officers who develop an informant shall be required to adhere to the same procedures in regard to informants which have been established for CID personnel. However, intelligence and/or information which is beyond the scope of the patrol officer's normal duties shall be forwarded to CID for evaluation. Should the commander or supervisor of the unit desire a meeting with the informant to judge the validity of the source, same shall be arranged in a timely manner.

E. Payment of Informants

Monetary payment of informants shall be determined on a case by case basis. The officer who developed the informant and/or will handle same, shall discuss the amount of total fees and payment schedule with the CID commander, who shall be responsible to approve any and all such payments.

In those instances where approval is granted, the fees paid to an informant will generally be based on the quality, quantity, and timeliness of the information provided. Payment will be in cash after the desired information has been received. The informant will also be required to sign a receipt for the any funds received.

Payment shall be made out of the CID Operations Fund, with appropriate entries made in the fund's accounting ledger. Completed receipts shall be maintained as proof of each expenditure, and will be made available at the time the fund is audited. In the event operating funds need to be replenished, the Commander of the Criminal Investigations Division, will petition the Chief of Police, through the proper chain of command, to allocate additional monies to cover the fund's shortfall.

BY ORDER OF:

RICHARD T. MORRIS
Chief of Police

RTM:dld

CALEA Reference: 42.2.9