


| | | |
|-----------------------------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------|
|  | <h1>Garner Police Department</h1> <h2>Written Directive</h2> | |
| | Chapter: 800 - Operations | |
| | Directive: 840.03 - Management of Confidential Informants | |
| Authorized by: Chief Brandon Zuidema | | Effective Date: October 1, 2015 |
| CALEA Standards: 42.2.7, 43.1.3 | | Last Revision: July 14, 2014 |

840.3.1 – Purpose

This directive establishes policies and procedures for the use and control of confidential sources of information and the control and disbursement of funds intended for assisting with investigations.

840.3.2 – Policy

It is the policy of the Garner Police Department to recognize the importance of confidential sources of information as legitimate investigative tools for police operations and to compensate persons providing such information monetarily when necessary and appropriate.

840.3.3 – Definitions

- A. Cash Advance (a.k.a. "Advance") – funds provided to an officer from the Special Investigations Fund for a preplanned expense or for unforeseen opportunities to make controlled purchases.
- B. Controlled Test – providing funds to a potential informant to allow them to make a purchase of a controlled substance and/or stolen or counterfeit property to demonstrate their ability to serve in the role of an informant.
- C. Employee Transaction Ledger – an electronic ledger maintained by the Criminal Investigations Division (CID) Commander for each employee who receives funds from the Special Investigations Fund; this ledger details all advances, expenditures, and return of funds for the involved employee. (Note – the employee is also expected to maintain a personal copy of the ledger to track their assigned funds).
- D. Entrapment - Activity on the part of a police officer or on behalf of the department that causes or lures an otherwise innocent person to commit a crime that he/she did not contemplate committing.
- E. Expenditure – any approved spending of funds from the Special Investigations Fund.
- F. Informant - A confidential source that discreetly provides information. The informant may provide information, and/or be directed to perform certain authorized acts in exchange for monetary or other considerations.
- G. Informant Expense – funds provided to an informant to reimburse a cost related to their providing information, making a purchase, or otherwise assisting in a criminal investigation and/or prosecution.
- H. Informant Fee – funds provided to an informant to compensate the informant based on the quality and usefulness of the information provided.
- I. Managing Officer – An officer maintaining an ongoing professional relationship with an informant.

- J. Master Transaction Log – a log maintained by the CID Commander to sequentially track all transactions involving funds from the Special Investigations Fund.
- K. Special Investigations Fund – a confidential department fund primarily for the purpose of supporting the operations of the drug, vice, and organized crime control functions.
- L. Special Investigations Fund Ledger – an electronic ledger maintained by the CID Commander for recording all credits to and debits from the Special Investigations Fund.
- M. Transaction – any advance, deposit, or expenditure that changes the balance of the Special Investigations Fund.

840.3.4 – Informant Guidelines

- A. Once a managing officer has identified a potential confidential informant, the managing officer will:
 - 1. Establish the credibility and reliability of the informant and the information they provide. Methods include, but are not limited to:
 - a. Assessing information previously provided;
 - b. Checking with other law enforcement agencies or officers that the informant has reportedly provided information to;
 - c. Conducting surveillance; and/or
 - d. The use of controlled test situations.
 - 2. Complete a [Confidential Informant Personal History Statement \(GPD form 840.3-A\)](#) to document the individual's background as it relates to serving as an informant.
 - 3. Explain to the informant the terms of the [Informant Statement of Understanding \(GPD form 840.3-B\)](#) and have the informant and a witness (and a parent/guardian if necessary) sign the form. The managing officer will also sign and date the form at the time the explanation is made. Special attention should be given to entrapment and its definition.
 - 4. Have the informant approved for use by the CID Commander or a CID Sergeant.
 - 5. Submit the approved informant information packet to the CID Commander within five (5) days of approval. These forms become part of the Secured Informant File.
- B. The Department will accept information from any source. Persons less than 18 years of age can only be used with the written consent of their parent or legal guardian. No person under the age of 16 years will be used as an informant unless specifically approved by the Operations Bureau Captain or, in his/her absence, the Chief of Police.
- C. If it is determined that an informant is on supervised probation or parole, the managing officer will coordinate with the informant's probation/parole officer to ensure that using the informant will not violate or interfere with any conditions of their probation or parole.
- D. The managing officer shall attempt to determine if the informant is being used by another officer and/or law enforcement agency to prevent duplication of effort and/or compromise of an investigation.

840.3.5 – Informant Files (42.2.7)

- A. A confidential master file of informants will be maintained by the CID Commander. A separate file will be maintained for each individual informant and will include the following:
 - 1. The *Confidential Informant Personal History Statement*, including biographical and background information;
 - 2. The informant's code name or number, if used;
 - 3. The informant's criminal history record information, if any;
 - 4. A narrative description of any information received from or other involvement by the informant; and
 - 5. The signed *Informant Statement of Understanding*.
- B. The managing officer will assist in maintaining current informant files by documenting in a memorandum any changes related to the informant(s) based on their performance and/or a change in their status.

840.3.6 – Managing Informants

- A. When the use and/or role of an informant are questionable, the managing officer will seek guidance from the CID Commander or a CID Sergeant. The managing officer will not make promises to an informant that cannot be kept. Only the District Attorney will make agreements regarding pending charges against an informant.
- B. Officers are to use all reasonable measures to protect the identity of informants, including clandestine meetings and communications.
- C. Activity involving an informant may sometimes create a life-threatening situation. Caution should be used in all circumstances. Approval to use an informant in such situations (except in cases involving exigent circumstances) must be granted by the Operations Bureau Captain, who shall seek guidance from the District Attorney if necessary. In cases involving exigent circumstances the Operations Bureau Captain should be notified as quickly as possible.
- D. Whenever possible, the managing officer will meet personally with an informant of the opposite sex in the presence of another officer to make an investigation less susceptible to compromise.

840.3.7 – Special Investigations Fund Administration (42.2.7; 43.1.3)

- A. The Special Investigations Fund will be controlled and maintained by the CID Commander.
 - 1. Access to the Special Investigations Fund will be limited to the CID Commander and the Special Investigations Unit (SIU) Sergeant in the CID Commander's absence. The Operations Bureau Captain will have the authority to access the fund in the event of an emergency when neither the CID Commander nor the SIU Sergeant is available.
 - 2. The determination to advance funds or reimburse an officer for expenses will be the responsibility of the CID Commander. The Operations Bureau Captain will review any contested requests for funds.
- B. Employees receiving Special Investigations Fund advances are fully accountable for all such funds.
- C. All documentation pertaining to transactions of funds will be maintained in the secure Special Investigations Fund file.

840.3.8 – Authorized Expenditures of Funds (42.2.7; 43.1.3)

- A. The following are defined as authorized expenses utilizing funds from the Special Investigations Fund:
1. Payment to a citizen who comes forward with information in a felony or serious misdemeanor investigation that results in an arrest and/or the recovery of stolen property and/or controlled substances.
 - a. Any payment of this nature must be approved by the CID Commander or a CID Sergeant.
 - b. Any payment of this nature over \$500 must be approved by the Operations Bureau Captain.
 2. Expenses directly related to a covert operation
 - a. Food, drink, meals, and miscellaneous expenses when directly related to a covert operation or necessary to maintain the clandestine nature of the operation.
 - b. Rental car fees, facilities, or equipment necessary to conduct a covert operation or surveillance directly related to a specific investigation.
 3. Purchases of controlled substances and/or stolen property with the expectation of additional seizure and/or the verification of information related to an existing case. These purchases may be made by an officer in an undercover capacity or by a registered informant.
 4. Emergency use of a motel or hotel to ensure the safety of an informant or witness.
 5. Travel for purposes of extradition, information and evidence gathering, testifying out of county, or background investigations when there is not sufficient time to apply for travel funds.
 6. Informant fee payments
 - a. Fee payments to informants are authorized only if:
 - 1) The informant's actions lead to the purchase of a controlled substance and/or stolen property in the furtherance of a criminal investigation; or
 - 2) There is a reasonable expectation that the information provided will lead to the prevention of criminal activity, seizure of property or illegal goods, and/or verification of intelligence for an existing investigation; or
 - 3) The informant testifies in court or takes other action to assist in a criminal investigation and/or prosecution.
 - b. Fee payments to informants will be made only after the information and/or property is obtained and is proven to be of value.
 - c. An informant must be approved in order to be eligible to receive a fee payment from the Special Investigations Fund.
 - d. Informant fee payments are made at the discretion of the managing officer with guidance as necessary or appropriate from the CID Commander or a CID Sergeant. Any informant fee payment of over \$150.00 must be pre-approved by the CID Commander.
- B. The following categories of expenditures are not authorized utilizing funds from the Special Investigations Fund:

1. Preplanned official travel directly related to scheduled conferences, training, or schools.
2. Personal items, alcoholic beverages, entertainment, and other expenditures not directly related to operations or not allowed under departmental directives.
3. Goods or services that can be procured under existing purchasing procedures without endangering an investigation or operation.

840.3.9 – Special Investigations Fund Transaction Guidelines (43.1.3)

- A. All advances, expenditures, and other uses of the Special Investigations Fund will be managed by and will be the fiscal responsibility of the CID Commander.
- B. The Operations Bureau Captain must approve advances or expenditures of funds in excess of \$500.00.
- C. Each transaction of funds will be assigned a sequential transaction number by the CID Commander. The transaction number will use the “year-sequential number” format (i.e. 12-001).
- D. The CID Commander will typically provide investigators and/or other sworn personnel with funds from the Special Investigations Fund for the following purposes:
 1. Cash advances to be used for:
 - a. Non-planned opportunities to make controlled purchases (a.k.a. “buy money”),
 - b. Informant purchases, and/or
 - c. Informant fees;
 2. Planned operations (“requested advances”); and/or
 3. Training opportunities involving the department’s canine unit.
- E. Each transaction of funds to and from the Special Investigations Fund involving an officer will be documented on a [Special Investigations Fund Transaction form \(GPD form 840.3-C\)](#) and will be recorded in the Special Investigations Fund Ledger.
 1. The CID Commander will complete the “Fund Debit/Credit” section of the *Special Investigations Fund Transaction* form. The CID Commander will document the following information:
 - a. The sequential Special Investigations Fund activity number,
 - b. The date of the transaction,
 - c. The amount of the transaction,
 - d. Whether the transaction involves a debit (and the purpose) or a credit (and the type),
 - e. The officer issuing or returning the funds (name and employee number), and
 - f. The officer receiving the funds (name and employee number).
 2. The officer receiving or returning the funds and the CID Commander will sign the form.

- a. If the transaction is a cash advance for an amount over \$500.00, the Operations Bureau Captain will also be required to approve the transaction and sign the form prior to the cash advance being provided.
 - b. In the event the credit is a deposit from budget funds, only the CID Commander is required to sign the form.
3. The officer will be provided a copy of the completed and signed form as a personal record. The officer will be responsible for documenting the transaction on their copy of their Employee Transaction Ledger prior to the end of the day in which the transaction occurs.
 4. The CID Commander will log the transaction in the Special Investigations Fund Ledger and will note such on the *Special Investigations Fund Transaction* form; he will also log the transaction in the Employee Transaction Ledger and the Master Transaction Log prior to the end of the day in which the transaction is reported.
- F. Each expenditure involving funds from the Special Investigations Fund will be documented as follows:
1. The officer expending the funds will document the expenditure on a *Special Investigations Fund Transaction* form.
 - a. The following information will be documented in the "Cash Expenditure" section of the form (the "Fund Debit/Credit" section will be left blank):
 - 1) The assigned GPD case number, if applicable,
 - 2) The date of the transaction and the date the form is submitted,
 - 3) The employee who disbursed the funds (name and employee number),
 - 4) The name of the person who received the funds expended (or in the case of a informant, their assigned ID number),
 - 5) A description of how the funds were used (with the total amount broken down into the noted categories),
 - 6) The total amount of funds expended, and
 - 7) The signature of the officer reporting the expenditure.
 - b. If funds are provided to an informant, the informant will initial the form to indicate their acknowledgment of receiving the funds.
 - c. Any expenditure from advanced funds by an officer to an informant or suspect shall be witnessed by another officer or, if another officer is not available, by an independent third party (not another informant).
 - 1) The person witnessing the expenditure will sign the form.
 - 2) The only exception is if officer safety or the nature of the criminal investigation precludes a witness being present; in this case, the CID Commander must approve the expenditure in advance and note his/her approval in lieu of a witness signature when the form is submitted.
 2. When reporting an expenditure, the officer will collect all relevant receipts and any related documentation and will meet with the CID Commander for the purpose of reporting the expenditure.

- a. Once the documentation is audited and found to be complete, the CID Commander will sign the form as necessary to conclude the transaction.
 - b. The officer will be provided a copy of the completed form as a personal record.
3. The officer will record the expenditure on their Officer Transaction Ledger prior to the end of the day in which the expenditure is reported.
 4. The CID Commander will log the expenditure in the Special Investigations Fund Ledger and will note such on the *Special Investigations Fund Transaction* form; he will also log the expenditure in the Employee Transaction Ledger and the Master Transaction Log prior to the end of the day in which the expenditure is reported.
 5. Reporting of expenditures must be completed within five (5) business days of the completion the expenditure.

840.3.10 – Special Investigations Fund Auditing Procedures

- A. The CID Commander will submit quarterly reports of fund credits, debits and expenditures to the Operations Bureau Captain. In preparing this report, the CID Commander will:
 1. Audit the Special Investigations Fund Ledger to verify that all funds and all *Special Investigations Fund Transaction* forms are accounted for and that the ledger balances. The CID Commander will document the audit as a line item in the ledger.
 2. Audit the Employee Transaction Ledger for any employee who has been advanced funds from the Special Investigations Fund and has not yet accounted for all such funds.
 - a. The CID Commander will require each officer to show possession of the funds and/or receipts for expenditures.
 - b. The CID Commander will document each audit as a line item in the respective Employee Transaction Ledger. The employee will then initial a memorandum prepared by the CID Commander to verify the audit was conducted.
 3. Audit the Master Transaction Log to verify that Special Investigations Fund transactions and the respective *Special Investigations Fund Transaction* forms are accounted for.
 4. Provide a cover memo outlining the audit process along with a memo documenting the individual Employee Transaction Ledger audits and printed copies of the appropriate page(s) from the Special Investigations Fund Ledger, all “active” Employee Transaction Ledgers and the Master Transaction Log.
- B. The Administrative Lieutenant will conduct unannounced audits of the fund on at least a quarterly basis and will submit a report through the chain-of-command to the Chief of Police following each audit. The Administrative Lieutenant will:
 1. Audit the Special Investigations Fund Ledger to verify that all funds and all *Special Investigations Fund Transaction* forms are accounted for and that the ledger balances. The Administrative Lieutenant will have the CID Commander document the audit as a line item in the ledger.
 2. Audit the Employee Transaction Ledger for any employee who has been advanced funds from the Special Investigations Fund and has not yet accounted for all such funds.
 - a. The Administrative Lieutenant will require each officer to show possession of the funds and/or receipts for expenditures.

- b. The Administrative Lieutenant will have the CID Commander document each audit as a line item in the respective Employee Transaction Ledger. The Administrative Lieutenant will document each audit as a line item in employee's copy of their Employee Transaction Ledger. The employee will initial a memorandum prepared by the Administrative Lieutenant to verify the audit was conducted.
 3. Audit the Master Transaction Log to verify that Special Investigations Fund transactions and the respective *Special Investigations Fund Transaction* forms are accounted for.
 4. Provide a cover memo outlining the audit process, findings and any recommendations for changes. The Administrative Lieutenant will also provide a memo documenting the individual Employee Transaction Ledger audits and printed copies of the appropriate page(s) from the Special Investigations Fund Ledger, all "active" Employee Transaction Ledgers and the Master Transaction Log.
- C. Any discrepancy in accounting for funds in any audit procedure outlined above will be immediately reported to the Administrative Bureau Captain, the Operations Bureau Captain, and the Chief of Police.