

DALTON POLICE DEPARTMENT

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I. Policy

It is the policy of the Dalton Police Department to utilize Confidential Informants, whenever possible, to bring about the successful conclusion of law enforcement investigations.

II. Definitions

- A. *Alternate handler* – The Officer designated by the primary handler to assist or assume control of the Confidential Informant in the absence of the primary handler.
- B. *Confidential Informant (CI)* – An individual, documented and controlled in accordance with this directive, who by agreement, collects and / or provides information or assistance of law enforcement value while operating under the instructions and supervision of a Dalton Police Officer.
- C. *Confidential Informant Control Supervisor (CICS)* – The CID Supervisor who shall be responsible for maintenance and security of all files and for ensuring that all informant-related activities are conducted in accordance with this directive.
- D. *Confidential Informant (CI) file* – A controlled access file maintained by the CICS containing identification, historical data, and performance data on a specific CI.
- E. *Master Source Logbook* – A hand-written listing maintained by the CICS that includes all sources of information and Confidential Informants (CI). This logbook shall be indexed by name and number.
- F. *Master Source File* – An electronic file containing a master listing of all sources of information and CIs by name, number, and other identifying information, as determined and maintained by the CICS. This is used as a reference file to avoid CI file duplication.
- G. *Primary handler* – The Officer who recruits or directly controls a particular Confidential Informant.
- H. *Source of information (SOI)* – An individual that aids the Department or any Officer and does not request that his / her identity remain confidential.

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III. Procedures

- A. The intent of this program is to develop and utilize useful Confidential Informants (CIs) in all types of criminal investigations. A CI recruitment effort shall be emphasized in crimes against persons, property, vice, drug trafficking, and organized crime activity.
- B. The sensitive nature of a CI program and the potential danger to CIs, if compromised, dictate that all aspects of CI procedures be conducted with extreme care and discretion.
- C. Recruiting and initial contact with CIs is accomplished primarily by Officers of this Department. Each CI is assigned to a primary handler who is responsible for maintaining contact with the CI, exercising appropriate control over the CI's police-related activities, tasking and directing the CI, systematically debriefing the CI, relaying information to those best suited to utilizing it, and ensuring that a file is maintained that reflects the CI's current status and activities. This relationship requires that all reasonable measures be implemented to protect CIs and that only individuals capable of providing information within the spirit of this directive are classified as CIs.

IV. Reporting

- A. The CICS is responsible for the management, security, and integrity of the CI program. The CICS shall ensure that the files are kept up-to-date, that CI performance is continually evaluated, and that any coordination required between other agencies, courts, or Officers is conducted in accordance with established guidelines.
- B. All CIs recruited and utilized by this Department shall be reported to the CICS, who shall assist in completing documentation, directing CI efforts, and providing any other assistance requested or required.
- C. Evaluation Criteria

All information obtained from CIs shall be evaluated in accordance with the following guidelines:

- 1. Completely reliable – There is no doubt of its authenticity, trustworthiness, or competency. Information supplied by a CI in the past has proved to be reliable in all instances.
- 2. Usually reliable – There may be some doubt as to its authenticity, trustworthiness, or competency. However, information obtained from the CI in the past has, in the majority of instances, proved to be reliable.
- 3. Fairly reliable – There is usually some doubt as to its authenticity or trustworthiness. Information obtained from this CI in the past has proved to be reliable in a moderate number of cases. Note: Information of this nature shall be classified as raw intelligence data, and this information shall not be disseminated.

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4. Reliability cannot be judged – Reliability has not been determined by experience or investigation. There is no way of knowing its authenticity, trustworthiness, or competency. Note: Information of this nature shall be classified as raw intelligence data, and this information shall not be disseminated.

V. **File Initiation and Records Management**

A system of recording certain information and maintaining specific files is necessary to ensure that CI-related efforts are coordinated, that CIs and their handlers are protected, and that the information obtained is put to the most efficient use possible. The following sections deal with the record system and files concerning CI activities and biographical information, which shall be maintained by the CICS.

- A. The primary handler shall be responsible for creating the CI file by labeling a standard size file folder and securing it in the area designated by the CICS. This shall be completed as soon as the CI is recruited. The file upkeep shall be the responsibility of the primary handler, and file security shall be the responsibility of the CICS.
- B. Each CI file shall contain the following information and documentation:
 1. Up-to-date photograph that is taken at the time of recruitment
 2. Set of fingerprint cards, complete with signature
 3. Biographical and background information, including information on how the CI can be located
 4. Criminal history record
 5. CI identification number and / or fictitious name assigned to the CI
 6. Confidential Source Report, complete with signatures (See Appendix A)
 7. Copies of any Confidential Source Report / Informant Payment Receipts (See policy GO92-7.12, Confidential Expenditures)
 8. Listing of all incident report numbers or cases generated by the CI's information and the results of those investigations
 9. Juvenile Waiver Form, if applicable (See Appendix B)
 10. Reports documenting all meetings and activities, including information received that is not documented elsewhere (i.e., case reports or intelligence files). A signed Confidential Source Report / Informant Payment Receipt containing a case number and / or a criminal intelligence number shall be sufficient documentation of a meeting, provided that details of the meeting are included in the stated report.
 11. A meeting log shall be maintained to document meetings with CIs that do

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not result in the use of a Confidential Source Report / Informant Payment Receipt. This log shall include: date, time, duration of meeting, and reference for additional information.

- C. All above documentation shall be updated as the information changes or if an inactive CI is reactivated. Criminal history reports should be updated annually or more frequently, if needed.
- D. Under no circumstances shall any Officer, without the express permission of the primary handler and / or the CICS, review or discuss another handler's CI files or discuss the identity of a CI. Only the following personnel shall have access to the files maintained by the CICS:
 - 1. Primary handler or alternate handler, if a specific need arises
 - 2. Confidential Informant Control Supervisor
 - 3. Criminal Investigations Division Operations Supervisor
 - 4. Criminal Investigations Division Commander
 - 5. Assistant Chief of Police
 - 6. Chief of Police
- E. All CI files shall be maintained separately from other files by placing them into a safe or into a drawer that can be secured.
- F. All inactive CI files shall be maintained for a minimum period of one (1) year. After the minimum period has passed, and the CICS has determined the CI file is no longer needed, the CI file and all its contents shall be destroyed. The CICS shall erase any recorded material and shred all paper material in the file. A notation of the destruction of the file shall be made in the Master Source Logbook. Entries made in the Master Source Logbook and in the Master Source File shall be maintained permanently.

VI. **Restrictions**

- A. The Department may utilize juveniles as Confidential Informants on a limited basis. No juvenile (under 18 years of age) shall be utilized as a CI by any Officer without having obtained a parent or guardian's permission (Juvenile Waiver Form – Appendix B). Under no circumstances shall a juvenile be used as a CI in any manner that encourages or requires him / her to use illegal substances or alcohol.
- B. No Officer shall have contact with a CI that is not of a professional nature. No Officer shall meet with a CI alone. No social or off-duty contacts shall be allowed.
- C. All Officers are prohibited from accepting gifts, loans, or any other form of gratuities from a CI.
- D. No Officer shall meet or conduct investigative activities with an active CI without

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the knowledge of the primary handler or CICS.

- E. Only information concerning criminal activities is authorized for collection by CIs and maintained within the files of this Department.

VII. **Utilization Guidelines**

- A. Officers are to use caution and discretion in order to protect the identity of a CI. The identity of a CI should only be disclosed to those individuals who have a lawful right and a need to know that information.
- B. The following procedures shall be used to protect the safety of the CI:
 - 1. When being utilized during an operation to gather evidence or information, the CI shall be equipped with an electronic device that allows the handler to receive audio and / or video transmissions of the CI's activities.
 - 2. The number of personnel involved in operations utilizing a CI shall be limited to only those needed to comply with this directive and to safely conduct the operation.
 - 3. The CI's personal information shall not be used on Department forms, reports, or paperwork, other than what is required by this directive.
- C. Contact with CIs shall be such that their knowledge of Department facilities, operations, activities, and personnel is kept to a minimum.
- D. All meetings with CIs require the presence of two (2) Officers or at least one (1) back-up surveillance Officer in the area.
- E. Officers should take additional precautions when dealing with CIs of the opposite gender and with CIs whose sexual preference may make an investigation more susceptible to compromise through alleged improprieties.
- F. Any inappropriate behavior displayed by a CI during any meeting shall be brought to the immediate attention of the CICS, and a notation of the behavior shall be documented in the CI file.
- G. Payments to CIs and the CIs' use of funds shall be made in accordance with policy GO92-7.12, Confidential Expenditures.
- H. Officers shall not make any explicit or implicit promises or predictions regarding the likely disposition of any criminal charges that are pending against the CI. Confidential Informants may only be advised that the Officers will make the extent of the CI's cooperation known to prosecuting authorities.
- I. All active CIs shall normally be contacted by their primary handler or the alternate handler at least once every thirty (30) days. All contacts shall be recorded in the CI file by the handler.
- J. If no useful information is received and / or contact cannot be established in 180

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days, the CI should be terminated and the file placed on inactive status and maintained for a period of one (1) year, unless pending litigation requires lengthier maintenance. An entry reflecting the basis for the CI's termination shall be placed into the CI file.

- K. When the services of a CI are terminated, if possible, a debriefing shall occur and the results annotated in the CI's file. The CI shall also be advised that, although formal assistance to the Department is no longer required, the Department should be notified of any threats which may be directed toward him / her as a result of services rendered. Further, the Officer handling the debriefing should attempt to obtain any criminal information known to the CI that has not been previously reported.
- L. If debriefing a CI is not considered appropriate in the judgment of the primary handler or CICS, an entry to this effect, explaining the full circumstances by citing specifics, shall be included in the CI file. The reasons for not debriefing a CI may include, but are not limited to:
 - 1. A debriefing would not be in the best interest of the Department.
 - 2. A debriefing would, in some way, serve to compromise, needlessly delay, or endanger the CI.
 - 3. The CI moves out of the area without prior notice.
 - 4. Termination is for cause, and the CI is suspected of engaging in criminal activity.
 - 5. The CI has not been sufficiently productive or actively contacting the Department, as required.
 - 6. The primary handler has substantial reasons, not mentioned above, for terminating further contact with the CI.

VIII. **Probationers and Parolees**

- A. Before utilizing a CI that is on active probation or active parole, the primary handler shall:
 - 1. Send a letter to the appropriate agency requesting permission to use the probationer / parolee as a CI.
 - 2. Receive documented approval from the appropriate agency.
- B. The primary handler shall be responsible for notifying the appropriate agency if the CI's services are no longer needed.

IX. **Patrol Officer's Use of Confidential Informants**

- A. Patrol Officers are encouraged to recruit Confidential Informants.

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- B. Most CIs that come to the attention of Patrol Officers will be as a result of an arrest situation.
- C. Should an arrestee indicate that he / she wants to work as a CI, he / she shall be charged as usual.
- D. The Watch Commander shall be advised, and a preliminary interview shall be conducted to determine the following:
 - 1. The CI's motivation
 - 2. The CI's past dealings with any law enforcement agency
 - 3. On whom or what the CI can provide information
- E. Extreme care should be taken to ensure the CI's confidentiality.
- F. The Patrol Officer and / or the Watch Commander shall contact the CICS, and the CI shall be entered into the CI file after a careful review and assessment are made.
- G. A determination shall be made, after the CI has worked, as to the value of his / her information and / or services.

This policy supersedes any policies previously issued.

BY ORDER OF

CHIEF OF POLICE

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Appendix A

CONFIDENTIAL SOURCE REPORT

C/S NUMBER Control Detective Alternate Detective DATE

1. IDENTIFYING DATA

C/S Name _____ Full True Name _____

Race ___ Sex ___ Height ___ Weight ___ Hair color ___ Eye color ___ DOB _____

Address: _____

Home Phone: _____ Cell Phone: _____ Occupation: _____

GCIC-NCIC checked by: _____ Date: _____

Results attached: Yes () No () Criminal Record: Yes () No ()

DL# _____ State _____ SS# _____

Photo in file: Yes () No () Fingerprint cards with Signature: Yes () No ()

Informant a Juvenile: Yes () No () Juvenile Waiver Form: Yes () No ()

Intelligence files checked: Yes () No ()

Description of vehicle driven: Make _____ Model _____ Color _____
Tag _____ State _____ Other vehicles _____

Name, address and phone number of next-of-kin:

2. GENERAL NATURE OF SERVICE OR INFORMATION EXPECTED

(Check one or more)

_____ Narcotics – Specify _____

_____ Organized Crime _____ Fraud/White Collar Crime

(a) How was the informant recruited/motivated? _____

(b) Contact procedures and any pre-set locations for meetings: _____

(c) Threats against the informant, danger anticipated, and countermeasures to be taken: _____

(d) Personal or other problems which might hinder the informant's effectiveness: _____

3. CONFIDENTIAL SOURCE ADVISEMENT
(Have the C/S read carefully and sign below)

I understand that while I am a confidential source for the Dalton Police Department (DPD) I am forbidden to do any of the following:

- A. Sell or deliver any controlled substance, dangerous drug, marijuana, or any substance purported to be the same to anyone.
- B. Use sex or sexual activity to induce the sale or delivery of a controlled substance, dangerous drug, marijuana, or any other substance purported to be the same to anyone.
- C. Search any person, suspect, house, papers, or personal effects.
- D. Become involved in any activity which might be construed as entrapment.
- E. Engage in any illegal activity or improper conduct so long as I am working as a confidential source, including carrying a weapon or impersonating an officer of the law.
- F. Divulge to any person, except the agents with whom I am associated, my status as a confidential source for the DPD, unless required to do so in court. I shall not represent myself to others as an employee or representative of the DPD.

I also understand that:

- G. I am agreeing to function as a confidential source of my own free will and accord and not as a result of any intimidation, promises, or threats.
- H. I understand that my relationship with the DPD will not protect me from arrest and prosecution for any violation by me of federal, state, or local laws.
- I. I am not an employee of the DPD. I am an independent contractor on a case or time basis and any payment I receive will be my responsibility in reporting any income for tax purposes.
- J. No officer or agent of the DPD may make any explicit or implicit promises or predications regarding the likely disposition of any criminal charges that are pending against me; only that the officer(s) will make the extent of my cooperation known to the prosecuting authorities.

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- K. I further agree to permit Agents of the DPD and other law enforcement officers to monitor all communications between myself and any parties involved in an investigation or criminal activity by usage of radio transmitters, audio and video recorders, or any other equipment.
- L. I further agree to permit Agents of the DPD to conduct searches of my person, personal effects, and vehicle prior to and immediately following the purchase of contraband in order to ensure I am not in possession of any other funds or contraband at the time of the operation.
- M. I further acknowledge that as a confidential source and independent contractor, I am not entitled to Workmen's Compensation or Unemployment Compensation from the DPD. I shall not hold the DPD liable for any injuries or damage incurred by reason of my association with the DPD.
- N. I further agree not to use the DPD or any of its agents as credit or employment references.
- O. I further agree to maintain a strict accounting of all funds and equipment provided to me by the DPD as part of my activity as a confidential source. I understand that misuse of DPD funds and equipment could be grounds for criminal prosecution of me.
- P. I further agree that after making a purchase of anything of evidentiary value, I will immediately contact the agents with whom I am associated for delivery of such evidence to them.
- Q. I further agree and understand that because of my standing as a confidential source of the DPD, I may be called upon to testify in criminal proceedings. If called upon to testify in any criminal proceedings, I agree to do so in a forthright and truthful manner.
- R. I agree that violation of any of the above provisions will result in termination of my association with the DPD and possible criminal prosecution.

C/S NAME (Signature)

C/S NAME (Printed)

TRUE NAME (Signature)

TRUE NAME (Printed)

WITNESS

DATE/TIME

Approving Supervisor

DATE/TIME

DET CPR 920124 R0719

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Appendix B

JUVENILE WAIVER FORM

I (we), the undersigned, (father, mother, and/or guardian) of _____, a minor, hereby consent(s) to the participation of said minor in a criminal investigation, fully understanding the risks involved. I (we) do hereby expressly waive any and all claims and any and all loss or damage resulting from or arising out of said minor's assistance to the Dalton Police Department, which we may now or hereafter have as parent(s) (and/or guardian) of said minor, and also all claims or rights of action for damages which the said minor has or may hereafter have, either before or after he/she reached his/her majority, resulting or to result from said criminal investigation. I (we) further promise to bind myself (ourselves), my (our) heirs, administrators and executors jointly and severally to the aforementioned waiver. I (we) further state that I (we) have carefully read the foregoing waiver and know the contents thereof, and I (we) sign the same as my (our) own free act.

Witness this ____ day of _____, 20 ____

In presence of:

Caution: Read Before Signing

Father

Mother

Guardian

DET WVR 920427

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