

DALTON POLICE DEPARTMENT

	<i>Effective Date</i> May 1, 1998	<i>Number</i> GO92-7.12
<i>Subject</i> Confidential Expenditures		
<i>Reference</i> CALEA Standard – 17.4.2		<i>Revised</i> July 27, 2021 July 25, 2023
<i>Distribution</i> All Personnel	<i>Re-evaluation Date</i> July 2023 July 2025	<i>No. Pages</i> 11

I. Policy

It is the policy of the Dalton Police Department to maintain a confidential expenditure fund for the furtherance of investigations into various types of criminal activities, such as organized crime and illicit drug trafficking, and for the payment of sources of information. This fund shall be included in the Department budget and shall be known as the Purchase of Evidence / Purchase of Information (PEPI) fund.

II. Definitions

- A. *Approving Authority* – A Supervisor authorized to approve expenditures.
- B. *Authorized Expenditure* – Approved use for the PEPI fund.
- C. *Authorized Personnel* – Personnel approved to expend or request funds.
- D. *Cash advances* – Funds drawn from the Funds Custodian(s) for a specific operation.
- E. *Confidential Source / Informant Payment Receipt* – The approved document to track expenditures.
- F. *Fronted funds* – Funds given to a target of an investigation prior to receiving evidence from that target.
- G. *Funds Custodian(s)* – The appointed person(s) that dispenses the PEPI funds and maintains the appropriate records for the tracking of the PEPI funds.
- H. *Reimbursements* – Funds returned to an Officer for actual investigative expenses incurred and paid for by non-departmental personal money.

III. Procedures

- A. Personnel Authorized to Expend Funds

Unless otherwise authorized by the Chief of Police, only the Criminal Investigations Division (CID), the Drug Enforcement Unit (DEU), the Safe Streets Task Force (SSTF), or the Patrol Special Operations Supervisor are authorized to expend funds or request reimbursements from the PEPI fund.

B. Authorized Expenditure

1. The use of PEPI funds may be authorized for the following activity:
 - a. Services of confidential sources and informant sources
 - b. The purchases of evidence, information, and / or contraband
 - c. Gathering of criminal information / surveillance operations
 - d. Special operational clothing, equipment, and / or supplies
 - e. Food and lodging
 - f. Travel expenses
 - g. Payment of rewards
2. The aforementioned expenditures may be authorized, provided that each of the following conditions exists:
 - a. The expenditure is clearly required in the furtherance of an investigative mission. This requirement shall be documented on the Confidential Source / Informant Payment Receipt (Exhibit A), in a criminal intelligence report, or in a supplemental report to the Confidential Informant file.
 - b. PEPI funds shall only be used for expenditures that are not otherwise budgeted for when, due to time restraints of the investigation, the normal appropriations procedure will hinder the investigation, i.e., the expenditure cannot be financed in the time required from normal operating appropriations. (This section refers primarily to expenditures for clothing, equipment, false business fronts, etc.)

C. Expenditure Restrictions

Expenditures are subject to the following additional restrictions:

1. Expenditures over \$500 require the approval of a DEU, Patrol Special Operations, or CID Supervisor. All expenditures over \$1,500 require the approval of the Chief of Police or his / her designee.
2. Evidence purchase operations of over \$500.00 require a minimum of four (4) Officers; two (2) Officers for Informant control and two (2) Officers to confront the target if the operation is compromised.

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

3. Special Operation Clothing, Equipment, and Supplies

This section does not refer to standard civilian clothing or office equipment and supplies. This section refers to specific types of items in each category:

- a. Clothing: Formal wear, occupational uniforms, etc.
- b. Equipment / supplies: Any item that is not presently in use by the Department or a specific need for a certain type of vehicle, etc.
- c. Any item purchased becomes the property of the Department for future use or disposition.

4. Food and Lodging

- a. Food and lodging may be authorized when the exigencies of specific investigative situations require an Officer to reside temporarily in a particular location that cannot be funded due to time restraints through normal appropriations. Officers requesting funds or reimbursements of personal funds for food expenses shall receive payment for meals taken away from their residences only if it is necessary in the furtherance of an investigation. For example, the subject of the surveillance enters a restaurant and the Officer, in order to maintain cover, is required to also order a meal.
- b. All expenses within this category require prior approval and receipts to be submitted. Expenses for food require prior approval by the employee's Supervisor. Expenses for lodging require prior approval by a Division Commander.

5. Travel Expenses

All travel expenses incurred by Officers during the course of an investigative mission must be accompanied by receipts and have prior approval of the appropriate Division Commander. Additionally, Officers are not authorized to use their privately-owned vehicles during the course of any operation, unless specific authorization has been granted by their Division Commander.

6. Requests for Reimbursement of Non-departmental Personal Funds

- a. All requests for reimbursements must be signed by the approving authority, recorded on the Confidential Source / Informant Payment Receipt, and submitted to the Funds Custodian(s).
- b. Requests for reimbursement are only authorized as an emergency expenditure and must have the telephonic approval of one of the designated approving authorities. Expenses may be pre-approved for reimbursement by approving authorities if they are anticipated by the Officer and specific guidelines are identified and an

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

operational plan designed. An example of a pre-approved expenditure: a target of a surveillance operation is anticipated to possibly be en route to Any Town, USA. If the surveillance ensues, Officers involved in the operation will be authorized reimbursement for authorized expenses incurred. Pre-approved requests for reimbursement expenditures must be documented on an inter-office memorandum prior to commencement of an operation.

7. Payment of Rewards for Information Given in a Major Case Resulting in Arrest and Prosecution of a Suspect
 - a. At the completion of adjudication of criminal charges, the lead case Investigator shall submit a recommendation for reward payment with a description of the level of assistance rendered by the witness. The recommendation shall be forwarded to the CID Division Commander and then to the Chief of Police for review.
 - b. A W-9 tax form shall be submitted to the City of Dalton Finance Department to establish the payee as a one-time vendor. The payee shall then sign the detail portion of the check to acknowledge receipt of the funds. This detail portion shall also be signed, as a witness, by the CID Division Commander and one other Department member. The detail portion of the check, along with a copy of the request letter, shall be maintained in the Property and Evidence Section.

D. Issuance of Funds

Officers assigned to the SSTF and the DEU shall be issued PEPI funds to have on hand. The unit Supervisor, upon approval of the Division Commander, shall determine the amount of funds issued to each unit member. These funds shall be used in accordance with this policy and shall be subject to inspection at any time. The Officer who expended the funds shall complete the Confidential Source / Informant Payment Receipt (Exhibit A) prior to the conclusion of the operation or debriefing. Prior to the end of the Officer's shift the Confidential Source / Informant Payment Receipt shall be forwarded to the appropriate Supervisor. The Supervisor shall forward the Confidential Source / Informant Payment Receipt to the Funds Custodian(s) for filing and re-issuance of funds.

E. Requests for Cash Advances

1. Officers requesting funds shall complete the request form and receive the signature of the designated approving authority prior to receiving funds from the Funds Custodian(s). The approving authority shall be determined by the amount of funds requested. The approving authority may request additional information concerning the investigation prior to approving the request for cash advances.
2. The Officer shall return all funds not expended (including change made by the establishment or offender) for the operation along with the request form

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

and the Confidential Source / Informant Payment Receipt to the Funds Custodian(s).

F. Fund Use for Evidence Purchases

1. Prior to providing any funds to anyone who is not a law enforcement officer for the purpose of purchasing evidence (drugs or other), a Confidential Source Report (Exhibit B) shall be completed in full with all required signatures and approved by an appropriate Supervisor.
2. The completed Confidential Source Report shall be maintained in the Confidential Informant file.

G. Payment of Confidential Sources and Confidential Informants

Confidential Sources and Confidential Informants may be given monetary compensation for information they provide. Officers must consider the following criteria as a basis for payments:

1. The value of the information to the investigative effort.
2. The validity of the information.
3. Whether the information was already known.
4. The Confidential Source or Confidential Informant's role in the investigation. For example, he / she made a controlled buy, made an introduction to others, etc.

IV. **Funds Deposits and Verification**

- A. The CID Division Commander shall be responsible for cashing checks drawn on PEPI accounts and depositing said funds in the appropriate container maintained by the Funds Custodian(s).
- B. At each deposit, the CID Division Commander shall audit the funds to verify the cash available in the PEPI account and then add the amount of the deposit. The transaction shall be printed from the PEPI software and signed by the Funds Custodian(s) and the CID Division Commander. The CID Division Commander shall maintain a file of the deposits in his / her office.

V. **Funds Custodian(s)**

- A. The Property and Evidence Technician(s) is designated as the Funds Custodian(s).
- B. The confidential expenditure funds shall be maintained in appropriate containers provided for such purposes and secured within the Property and Evidence Section.

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

- C. The number of funds shall be determined by the Department budget. The Funds Custodian(s) shall maintain each fund, along with the pertaining files noted in the Department's PEPI software, separately.
- D. Upon receipt of the Confidential Source / Informant Payment Receipt or the approved request for cash advances, the Funds Custodian(s) shall, through the use of the Department's PEPI software and the Confidential Source / Informant Payment Receipt, record:
 - 1. Date money was issued or spent and to whom the money was issued
 - 2. Amount issued or spent
 - 3. Confidential Source / Informant Payment Receipt number
 - 4. Authorizing official for the expenditure
 - 5. Signature of Officer
 - 6. Witness signature
 - 7. Funds acknowledgement, if required (Funds Custodian(s))
- E. The Department's PEPI software shall be maintained to identify the account's initial balance, credits (cash income received), debits (cash disbursed), and the current balance on hand.
- F. The original copy of the Confidential Source / Informant Payment Receipt, along with any related receipts, shall be filed in a designated, approved container within the Property and Evidence Section along with any other required documents, such as approved requests for cash advances.
- G. When an expenditure is made to a Confidential Source / Confidential Informant for evidence, information, and / or contraband, an entry into the Department's PEPI software shall reflect a payment going to the source or informant handler. A summary of this information shall be placed in the related Criminal Intelligence report or in the appropriate Confidential Informant / Source file.
- H. The Funds Custodian(s) shall ensure the Department's PEPI software is kept up-to-date and accurate at all times.

VI. **Fronting of Confidential Expenditure Funds / Flash Rolls**

- A. Unless specifically authorized by the Division Commander, no confidential expenditure funds shall be "fronted" or given in advance to any target of an investigation during the course of the investigation. It shall be the responsibility of the approving authorities with the authorization of the Division Commander to determine the use of the front money, weighing the risk of its loss versus the termination of the attempted purchase.

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

- B. The use of flash rolls is prohibited unless there are more than three (3) Officers participating in the operation for the purpose of officer safety and fund control. Flash rolls are an effective means of retaining control of funds during “Buy-Bust” operations. The danger of a robbery being committed by the offender is also a determining factor.

VII. **Loss or Theft of Funds**

- A. In the event any confidential expenditure funds are lost or stolen by anyone, the appropriate Division Commander shall be notified immediately and made aware of the circumstances.
- B. The Officer supervising the operation shall prepare an inter-office memorandum to the Chief of Police and forward the same through their Division Commander prior to ending his / her tour of duty or at the conclusion of the operation.

VIII. **Funds Audit**

- A. A quarterly audit of all PEPI funds shall be conducted, and a report of the findings shall be forwarded to the Chief of Police.
- B. Auditors shall consist of two employees of the Department, one of which is a Supervisor.

This policy supersedes any previous policies issued.

BY ORDER OF

CHIEF OF POLICE

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

EXHIBIT A

NUMBER

CONFIDENTIAL SOURCE REPORT / INFORMANT PAYMENT RECEIPT

I certify that on this date, _____, a total of \$ _____
was paid to _____, at _____

For: _____ Drug Purchase	_____ Supplies and Equipment
_____ Surveillance Expenses	_____ Transportation
_____ Informant Payment	_____ Food and Lodging
_____ Special Clothing	_____ Other

Describe: _____

Date: _____ Case Number _____

I certify that these funds will only be used in accordance with the applicable general, order governing the use of confidential funds. I further certify that all unspent funds and / or evidence procured through the use of these funds shall be returned to the Dalton Police Department fund custodian or that the evidence / property was placed into the evidence depository.

Attachments: _____ Number of attachments: _____ Receipts attached: Yes No

Signature of REQUESTING OFFICER

Signature of PAYEE

WITNESS

FUNDS RECEIVED / sign and date

SUPERVISOR signature

Signature of FUNDS CUSTODIAN

EPF CSR 090127

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

Exhibit B

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.

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

- 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