



INFORMANTS

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INDEX AS:

Informants
Investigations

Intelligence

I. PURPOSE

The purpose of this order is to identify those procedures to be used in identifying, and evaluating potential informants. In addition it identifies those procedures that are to be used when utilizing informants.

II. POLICY

It is the policy of the Iowa City Police Department to effectively and efficiently utilize police informants, to properly document their identity and activities, maintain effective control of their funding and activities, utilize them in accordance with the law.

III. DEFINITIONS

Confidential Informant (CI) - An "independent agent" and anyone who provides investigative information to a police officer on an on-going basis with expectations for receiving personal benefit. The informant may or may not want his/her identity immediately known to others in the law enforcement or general community. This person shall satisfy department personal information requirements such as biographic and performance information. (This does not include undercover officers or information received from members of outside agencies/organizations)

Source - Any person who provides investigative information and may or may not expect some benefit from such action.

Unwitting Source - A suspect or any other person involved in criminal activity who supplies information without knowledge that they are doing so.

Control officer - A contact officer for the informant who is responsible for insuring proper control of CI's completion of forms relating to a CI.

IV. PROCEDURES

A. CRITERIA TO ESTABLISH A CONFIDENTIAL INFORMANT (CI)

1. Use of an individual, as an informant shall be documented, which includes establishing the department's expectations of the informant. The supervisor of the control officer shall approve acceptance and use of an informant.
2. When advising an informant of departmental expectations, the informant shall be advised:
 - a. That their only purpose is to assist the department.
 - b. They are prohibited from engaging in any illegal activity while acting as an informant.
 - c. They have no power of arrest and are not permitted to conduct searches, or carry a weapon.
 - d. They must not compromise the department's interests and activities; and
 - e. They must accept the measure of direction necessary to effectively and safely utilize his/her services.
3. The control officer has the responsibility to initiate documentation. This shall be accomplished by the use of a CONFIDENTIAL INFORMANT AGREEMENT form.
4. A permanent sequential Confidential Informant Identification Number will be assigned by the Lieutenant of Investigations or his/her designee.
5. The informant's name should not appear outside the Confidential Informant File. The informant shall not be referred to in future reports except by the assigned informant number.
6. The control officer shall be responsible for completing an Informant Data form, which contains personal information about the informant.

B. CENTRAL INFORMANT REGISTRY

1. All informant files will be secured in the office of the Street Crimes Action Team.
2. The Informant file will be maintained with the following information:

- a. Informant payment record
 - b. Current photograph;
 - c. Fingerprints when possible;
 - d. Signed Confidential Informant Agreement form.
 - e. Informant Data form.
 - f. Receipts for purchases of information and assistance.
 - g. Copies of statements signed by the informant.
 - h. Any administrative correspondence pertaining to the informant.
 - i. Any deactivation report or declaration of unsatisfactory behavior.
 - j. Criminal history.
 - k. Associates.
 - l. Personal idiosyncrasies.
- 3. No expense report will be approved for an informant who is not registered.
 - 4. Each quarter the Lieutenant of Investigations shall forward a report to the Commander of Field Operations, which includes:
 - a. Total number of informants.
 - b. Number of informants deactivated in the recent quarter and the reason.
 - c. All funds expended on confidential informants.
 - 5. The Central Informant Registry shall be open to inspection by the Chief of Police or designee, and/or the Commander of Field Operations.
 - 6. Sworn personnel may review an individual's informant file upon approval of the Lieutenant of Investigations. The requesting officer shall submit a written request explaining the need for review. A copy of the request for review shall be maintained in the CI's file.
- C. CENTRAL INFORMANT REGISTRY SECURITY**
- 1. The Lieutenant of Investigations shall be responsible for the security of all files in the Central Informant Registry. These files shall be kept in a separate and secure storage facility segregated from other files.
 - 2. When unattended, the storage facility shall be kept locked.
 - 3. Access to files shall be limited to those employees having a legitimate need, as determined by the Lieutenant of Investigations or Commander of Field Operations.
 - 4. An informant file shall not leave the Street Crimes Action Team office without the commander's approval or the approval of the Commander of Field Operations.
 - 5. A sign-out log shall be maintained indicating the date, time, informant number, time in and out, and the signature of the person reviewing the file.
- D. CONTACTING AND USE OF INFORMANTS**
- 1. Investigators shall make reasonable efforts to independently corroborate information to ensure that the informant/source is not required to testify in court; however, the informant/source shall be informed that the necessity of in court testimony is a possibility.
 - 2. Investigators shall meet with informants/sources in places, which do not expose the informant/source to being recognized.
 - 3. When contacting an informant/source of the opposite sex, a second officer should be present.
 - 4. It shall be the responsibility of the control officer to control the informant/source.

5. Individuals currently subject to the custody of the Department of Corrections, (on Probation or Parole) should not be used as informants except under the following conditions:
 - a. The investigating officer has contacted and received written consent from the person parole or probation officer to allow the CI to participate in the investigation. and
 - b. The CI's criminal history and the written consent form shall be included in the CI's file.
 6. Informants will be arrested if found engaging in illegal activity.
 7. Informants will not take, nor will the department condone, any actions that would constitute entrapment.
 8. All relationships with informants shall be on a professional basis. Personal relationships with informants are prohibited.
 9. All interviews with confidential informants will be audio recorded and the recordings maintained in their CI file.
- E. FINANCIAL TRANSACTIONS WITH INFORMANTS AND SOURCES**
1. Limited funds are available to conduct financial transactions with confidential informants and sources.
 2. All monies provided to confidential informants shall be documented.
 3. The money shall be obtained from the Commander of Field Operations.
 4. These funds shall be maintained and accounted for by the Lieutenant of Investigations.
 5. On an annual basis, the Commander of Administrative Services, or their designee, shall audit the funds.
 6. When paying an informant/source in cash, a second officer should observe the transaction.
 7. Payment for information or services provided by the informant/source shall be documented on a Receipt of Confidential Funds form.
 - a. Once completed the form shall not be altered.
 - b. The receipt of confidential funds form shall be forwarded to the Lieutenant of Investigations and included in the quarterly report.
 - c. The Receipt of Confidential Funds form shall contain the following:
 - 1) A description of the information/evidence received.
 - 2) The amount of the payment.
 - 3) The signature of the informant receiving the funds.
 - 4) The signature of the officer making the payment.
 - 5) The signature of the officer witnessing the payment.
 8. Payment of informants and sources are made in connection with anticipated results and expected outcome from the information received.
 9. Informant funds may be used for information and introduction or recovery of evidence.
 10. When supervisors are determining authorization for payment, they shall consider the following:
 - a. How critical is the information to the case?
 - b. Nature of the information.
 - c. Motivation of the informant.
 - d. Is the information verifiable?
 - e. Cultivation of the informant.
 - f. Reliability of the evidence and/or informant.

- g. How timely is the information?
 - h. Is information pertinent to case goals?
 - i. Investigator's rationale.
11. Supervisors should always be aware that overpayment or continued high payments may result in the informant having motivation to manufacturing information or obtain it illegally.
 12. Payment Authorization Guidelines (per incident)
 - a. Up to \$500 - Lieutenant of Investigations.
 - b. Up to \$1000 - Commander of Field Operations or Administrative Services.
 - c. Above \$1000 - Chief of Police or designee.
 13. When using confidential funds which are provided pursuant to an agreement between the Iowa City Police Department and a State or Federal agency, the agreement's requirements for receipt of these funds shall be followed. When in conflict with departmental policy, a decision shall be made by the Commander of Field Operations.

F. JUVENILE INFORMANTS

While the Iowa City Police Department prefers not to use juveniles as informants, it is recognized that there are circumstances, where they may be the best or only source of information. Therefore, juveniles may be used as informants pursuant to the following guidelines.

1. The juvenile and a parent or guardian must meet with the control officer.
2. The juvenile informant and a parent or guardian must read and sign the Confidential Informant Agreement form.
3. A parental consent form allowing the juvenile to assist in a criminal investigation shall be read and signed by the parent or guardian of the juvenile informant.
4. All forms, agreements and information related to a particular juvenile informant shall be kept in a secured file as outlined in IV. 3 and, maintained separately from adult informant files.
5. All other informant guidelines remain in effect.

G. DEACTIVATING AN INFORMANT

1. In the event that the continued use of an informant would prove detrimental to the goals of the Iowa City Police Department or the safety of its officers, if the informant has proven to be unreliable, or the informant was activated on a particular case and it has been adjudicated, the informant will be deactivated. The deactivation will be communicated to the informant and the date and time documented on the confidential informant status report.
2. Deactivation may be accomplished by an officer completing a Confidential Informant Status Report noting the reasons why an informant should be deactivated.
3. Upon approval of the Lieutenant of Investigations, the informant's assigned informant number and corresponding file will be marked "DEACTIVATED". An unreliable informant's file will be classified as deactivated.
4. A deactivated informant file will be maintained in the confidential record file; however the informant will not be utilized as an informant without approval by a supervisor and appropriate corroboration of all information.

H. EXCEPTION – MULTIAGENCY TASK FORCE

If an ICPD officer is assigned to a multiagency task force that has standard operating procedures in place regarding confidential informants, that officer will follow those procedures (e.g.: the Johnson County Drug Task Force currently utilizes procedures adopted from the Iowa Division of Narcotics Enforcement). If the task force does not have standard operating procedures in place regarding confidential informants, the officer will adhere to the ICPD procedures.

Jody Matherly, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.