

GLENCOE POLICE DEPARTMENT
POLICIES / RULES / PROCEDURES

POLICY NUMBER: 3.17

POLICY TITLE: CONFIDENTIAL INFORMANTS/INFORMATION

SECTION: OPERATIONS

PURPOSE:

The purpose of this policy is to provide guidelines to the Glencoe Police Officers regarding the use of confidential informants/information.

POLICY:

Because the nature of Law Enforcement required the use of cooperating person to accomplish a variety of task, it is the policy of the Glencoe Police Department to use the services of confidential informants and sources within specified guidelines. In order to protect both the officer and the informants, informants and other individuals who furnish reliable enforcement information and the officers of the Department who work with them should have parameters in which to work. Officers will exercise reasonable care for the safety of the informant(s).

PROCEDURE:

1. **Informant use:**

- A. Only individuals who are believed able to furnish reliable information and maintain the confidentiality of the Police Department's interest and activities may be utilized as informants.

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- B. An officer must obtain the approval of his/her Supervisor prior to utilizing any informant unless the lack of sufficient time precludes the approval. The Supervisor should be notified as soon as practical after this situation arises.
- C. All informants will have a “controlling officer” who will be responsible for initial informant documentation and updates of the informant file.
- D. Prior to any informants use, Court Services will be contacted to verify if the possible informant is currently on probation. Only persons whose informant status will not be in violation of any probationary restrictions will be used as informants.

2. **CI/Informant Files:**

All cooperating individuals who are deemed useable, as a CI will be assigned a specific unique number.

- A. The officer enrolling the CI into the CI program will obtain this number from the Chief of Police at the time of initial enrollment.
- B. The unique number will consist of the last two digits of the year and a three-digit number signifying the chronological number of the CI.

A cooperating individual or informant files shall maintained on all informants used by officers of the Police Department.

- A. A file is to be maintained providing a record identifying the CI and summarizing his/her activities. The following must be included:
 - Personal history, including a photograph
 - An executed Cooperative Individual Agreement
 - A criminal history, warrant check, and driver’s license check
 - A summary of investigative information furnished and results of his/her activity on behalf of the Glencoe Police Department.

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- B. The ten conditions enumerated under the cooperating individual agreement must be explained to the cooperating individuals and that person must sign and date the agreement.
- C. The file shall contain information gained by the officer as a result of the initial debriefing. This entry should outline the specific functions to be performed by the informant and/or agreements between the informant and the officer or other law enforcement personnel.
- D. Updated reports concerning the cooperating individual/informant's performance should be made in a timely fashion. They should include references to any Department cases by case number, or other law enforcement agencies case numbers if applicable.
- E. Informant files should be reviewed quarterly by the controlling officer and the Chief of Police/Captain.
- F. When a cooperating individual's agreement is terminated, the extent of the informant's cooperation, and his results should be noted in the final entry.
- G. Any time an informant is found to be unreliable; an entry should be made reflecting that fact.
- H. The CI files will be color coded by status of the CI. The coding is as follows:

- Green - Active
- Blue - Inactive
- Red - Unreliable or otherwise unusable

Each CI's identity and the information furnished is to be kept in the strictest of confidence. The reliability of each CI is to be evaluated periodically. In addition to investigative information furnished, financial information regarding payments for services and expenses must be documented for auditing purposes.

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- A. An additional file is to be maintained to record all financial activity regarding payments made to, and purchases made by this CI wherein the CI is identified only by number. These files are to be located with the confidential buy money.
- B. The CI files shall remain under the complete control of the Chief of Police in appropriate lockable security cabinets.
- C. Only the officer to whom the CI is assigned, and the Chief of Police shall have access to the files, and only on a right-to-know basis. Access to the CI files by any other individual must be by permission of the Chief of Police.

3. **Active and Inactive Status:**

- A. CI's will be considered active until the specific entry has been made in the CI file indicating that the CI's is on inactive status.
- B. The file for each active CI must be updated at least once every 90 days by means of an entry detailing the progress and development of the CI.
- C. If a CI has not furnished any information of value to the Glencoe Police Department for a period of nine months; if in the opinion of the controlling officer, the CI is no longer able to furnish information; if information furnished by the CI has typically proven to be unreliable; the CI file shall be placed in an inactive status with the reason stated on memorandum and filed in the CI file.
- D. CI's who have been categorized as inactive for whatever reason, may be reactivated only with permission of the Chief of Police.
- E. If at any time during the criminal investigation, information is received that that person has exceeded or violated the conditions of the Cooperating Individual Agreement, the cooperating individual status will be immediately terminated. Documentation of the violation of the agreement and the termination will be in memorandum format and placed in the CI file. When this occurs the CI file will be placed on the inactive status.

4. **Limitations on person(s) used as a CI:**

A. JUVENILES:

- Juveniles are considered to be any individuals who have not attained the age of 18. No juvenile will be used except in unusual instances where, after consideration of the situation and circumstances, the officer concludes their usefulness is essential to the investigation and receives permission from the Police Chief.
- Under no circumstances will juveniles be paid without the express written permission of a parent or guardian.
- Individuals under the age of 18 can be used as an informant only with the written consent of a parent or legal guardian or unless the person can document their emancipation.
- The use of juvenile CI's is to be approved on a case-by-case basis by the Chief of Police.

B. CI'S OF OPPOSITE SEX:

- Informants who are the opposite sex of the officer will be used as CI's only in those cases where they are essential to the successful investigation and prosecution of a case.
- Great care must be taken that any contacts made are in such a manner as to refute possible later claims of misconduct raised by either the CI or a defense attorney. There will be a minimum of two officers present at any time a CI who is the opposite sex of the officer is interviewed.

C. PENDING DEFENDANTS:

- The use of a defendant presently charged in a state or federal system should be cleared with the appropriate prosecutor and if practical, with the defendant's attorney.

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- This individual may be informed that the extent of their cooperation will be brought to the attention of the court.
- No agreements should be made without express approval of the prosecutor of the criminal case. Preferably, all agreements should be made in a joint meeting with the prosecutor, officer, defendant and defendant's attorney. The results of this meeting should be documented in writing and copies provided to all involved.
- Former drug-dependent persons, who have successfully completed or are participating in a recognized treatment program, shall be used only when it is deemed absolutely essential to an investigation by the Police Captain or Chief. Consideration must be given to the danger that a rehabilitated individual, or one with a strong likelihood of rehabilitation may again become drug-dependent because of being re-introduced to the drug environment.

D. PERSONS ON PROBATION, PAROLE, OR CONDITIONAL RELEASE:

- Use of persons who are currently on probation, parole, or conditional release are prohibited except in cases where it is absolutely essential for the investigation and successful prosecution or a criminal case.
- In all cases where it is contemplated that this type of person be utilized as a CI, the appropriate probation agent, parole agent, and the prosecutor must be consulted. All must agree that use is permissible prior to the initiation of any investigation where this person is used as a CI.
- The Chief of Police must grant final approval for use of this type of person as a CI.

5. **CI Operation:**

A. CONFIDENTIALLY:

- The policy of the Glencoe Police Department is to insure the confidentiality of the identity of the CI as long as it is legally and ethically appropriate.
- An officer shall not disclose the identity of a CI to any individual who has no need or right to know that identity.
- An officer should not promise a CI that his identity will never be revealed inasmuch as at some time a court may require disclosure of the CI's identity for obtaining prosecution.
- When presented with the question of disclosure in preparation for a trial, the officer should explore the following possibilities:
 1. If a demand for disclosure is anticipated before trial, possible alternatives to the disclosure should be discussed with the prosecutor.
 2. If the question of disclosure arises at the trial, the officer shall advise that the identity of the CI is privileged information. If the court refutes the claim of privilege, the officer shall request time to confer with the prosecutor for possible alternatives.
 3. If the prosecutor does not aid the officer, the officer himself may ask for a recess for appropriate conversation with a Supervisor or other superiors in deciding whether to disclose the CI's identity.
 4. Consideration must be given to the danger to society resulting from the dismissal of the case the effect the disclosure may have on the willingness of other individuals to act as CI's, and the danger to the CI him/herself.

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B. DEVELOPMENT:

- The officer to whom the CI is assigned shall attempt to gain the confidence and respect of the CI.
- In developing the CI, the officer must be truthful and make no promises or statements that the Officer does not intend to carry out.
- The Officer should encourage the CI's activity by demonstrating gratitude for information received and also afford them the level of courtesy to which they are entitled.
- The Officer shall take those steps necessary to protect the identity of the CI.

C. CONTROLLING THE CI:

- Officers shall maintain control over their relationships with CI's.
- No member of this Department shall knowingly maintain a social relationship with CI's while off duty or become personally involved with CI's.
- Members of this Department shall not solicit, accept gratuities, or engage in any private business transaction with a CI.
- Officers should attempt to corroborate all information from the confidential source, particularly at the time when the CI's information is being scrutinized for reliability prior to placing them in the CI file.
- The Officer should refrain from furnishing any information to the CI except when absolutely necessary.

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- The Officer should remain aware that a strictly business relationship exists between the officer and the CI. Officers should refrain from becoming personally involved in a CI's activities or personal problems to the extent that it would tend to influence the Officer's judgment in matters concerning the CI.
- At no time shall an officer who is utilizing a CI knowingly allow the CI to carry or be in possession of a firearm while in the capacity of a CI.

D. DOCUMENTING CONTACTS:

- Every significant meeting or conversation, whether in person or by telephone, shall be documented.
- All criminal offense information, regardless of its apparent significance, shall be recorded and placed in the CI's file. If the act or offense is in relation to a criminal investigation, a supplemental report shall be completed. The CI shall only be identified by numbers in these reports.
- A copy of all reports shall be placed in the appropriate CI files.
 - a. Whenever an Officer wishes to establish a CI file, the Officer must first determine if the prospective CI has ever been utilized previously. Under no circumstances will more than one file be in existence for a particular CI.
- A complete debriefing will be completed as soon as practical after activities in which the CI participated are concluded.
 - a. A report will be filed with the investigative case file outlining the contents of this debriefing session.
 - b. If the event involves the purchase of evidence, the report shall relate that the CI was searched before and after the purchase.

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D. PAYMENTS:

- All payments to CI's shall be recorded in accordance with the Confidential Buy Fund Policy.
- Any informant payment of fifty dollars or more must be approved by the Police Chief or in his absence, the Police Captain. Informant payments shall be initialed by the informant. All financial payments shall be noted on a financial receipt.
- Where an informant has participated in an activity (i.e. witnesses a drug transaction, paid monies to as target, etc.), to which the informant may be required to testify (non-intelligence cases), a formal statement will normally be taken. However, when taking the statement may adversely impact the investigative outcome, this procedure may be waived if the information is reported on a regular supplemental investigation report form.
- Officers should corroborate all cooperating individual/informant information concerning criminal activity before compensation is made.

E. LAW VIOLATIONS BY A CI:

- Officers shall treat evidence of violations of law by their CI's no differently than they would treat evidence of violations of law by other individuals.
- Any evidence of violations of law shall be reported immediately to the Police Captain.
- The Police Chief or Captain shall decide whether to continue to use the CI. In making this determination, the following factors should be considered:
 1. The seriousness of the crime in terms of danger to life and property;

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2. The reliability of the information received concerning the alleged violation of law by the CI, and
3. The value of the information that the CI has provided or will provide in the future to the Glencoe Police Department.

ACCOUNTABILITY:

All members of the Department are responsible for ensuring that this and all other policies of the Department are followed. Deviations from this policy are permitted within the scope of authority granted all members of the Department; however, the deviation must be reported in accordance with policy 1.04 (Policy Deviations - Reporting Requirements).