

<b>MEDICAL UNIVERSITY OF SOUTH CAROLINA</b>	
<b>DEPARTMENT OF PUBLIC SAFETY</b>	
<b>POLICY AND PROCEDURE #75</b>	<b>SUBJECT: USE OF CONFIDENTIAL INFORMANTS</b>
<b>EFFECTIVE DATE: 1 January 1999</b>	<b>PAGE 1 OF 10</b>
<b>REVIEW DATE: 1 January 2001</b>	<b>APPROVED:</b>
<b>CHANGE DATE:</b>	

### **A. Purpose**

The purpose of this policy is to provide regulations for the control and use of Confidential Informants (CI=s).

### **B Policy**

In many instances, a successful investigation cannot be conducted without the use of CI=s. While the use of CI=s is an effective tool in investigations, it can be undermined by the misconduct of either the CI or the officer utilizing the informant. Therefore, it shall be the policy of the department to take necessary precautions by developing sound informant control procedures. **(CALEA 42.2.1.a)**

### **C. Definitions**

1. Confidential Informant: A person who discloses information of an investigative interest and who does not want his/her identity revealed; an informer.
2. Confidential Informant File: Records maintained in order to document all information that pertains to CI's.
3. Unreliable Informant File: Records which document individuals determined generally unfit to perform as informants.

### **D. Classification of Informants**

1. **Class One**: Those with only a minor record or no criminal record at all.

2. **Class Two:** Those with serious criminal records. Serious, though subject to interpretation, would certainly include most felonies and some misdemeanors. Any use of a person with a serious criminal record as an informant in an investigation should be done only with the approval of the Director and/or Deputy Chief.

3. **Class Three:** Those with records for violent crimes or such extensive ongoing criminal history that they are disqualified for use as reliable informants.

### **E. Categories of Participation**

1. **Participating Informant:** An informant acting at the direction and under the control of an officer/investigator.

2. **Nonparticipating Informant:** An informant acting independently of police input, and quite often provide information anonymously.

### **F. Procedures**

#### 1. Establishment of an Informant File System

a. The Chief Investigator shall be responsible for developing /maintaining a master informant file and an indexing system through the appointment of an Informant File custodian. **(CALEA 42.2.9.a)**

b. Participating informant(s) will be added to the informant filing system when they are determined to be acting at the direction and under the control of an officer/investigator.

c. A file shall be maintained on each CI used by officers. **(CALEA 42.2.9.c)** Each file shall be coded with an assigned informant control number and shall contain the following information:

1) Informant's name;

2) Name of officer initiating use of the informant;

3) Informant's photograph, fingerprints, and criminal history record;

4) Summaries of information provided by the CI and its subsequent reliability. (If an informant is determined to be unreliable, the informant's file shall be placed in the unreliable file category);

5) Signed informant agreement; and

6) Update on active or inactive status of informant. **(CALEA 42.2.9.b)**

d. An informant history summary, coded with the informant control number, shall be prepared to correspond to each informant file and include the following information:

1) special skills or avocations;

2) date of birth;

3) aliases;

4) height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features;

5) current home address and telephone number;

6) residential addresses over the past five years;

7) current employer, position, address and telephone number;

8) marital status and number of children;

9) vehicles owned and their registration numbers; and

10) places frequented.

e. Informant files shall be maintained in a secured area within the Chief Investigators's Office.  
**(CALEA 42.2.9.d)**

f. The informant files shall be utilized in order to:

1) provide a source of background information about the informant;

2) provide a complete history of the information received from the informant;

3) enable review and evaluation by the appropriate supervisor of information given by the informant; and

4) minimize incidents that could be used to question the integrity of officer/investigators or the reliability of the CI.

g. Access to the informant files shall be restricted to the Director, Deputy Chief, Chief Investigator and/or the designated file custodian. **(CALEA 42.2.9.e)**

h. Sworn personnel may review an individual's informant file. The requesting officer shall submit a written request explaining the need for review. A copy of the request, with the officer's name, shall be maintained in the CI file. If emergency circumstances exist then verbal request will be permitted followed by a written request within (5) five working days. **(CALEA 42.2.9.e)**

## 2. Use of Informants

**(CALEA 42.2.9.g)**

- a. Before using an individual as a CI, an officer must receive approval from the Director and/or Deputy Chief or his designee.
- b. The officer shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual and forward the information to the custodian of the Informant File.
- c. After the officer receives approval to use an individual as a CI, an informant file shall be opened in accordance with above procedures.
- d. All persons determined to be unsuitable for use as a CI shall be referenced in the Unreliable Informant file.
- e. An officer wishing to utilize an unreliable informant shall receive prior approval from the Director or Deputy Chief.

### 3. General Guidelines for Handling CIs

#### **(CALEA 42.2.9.g)**

- a. All CIs are required to sign and abide by the provisions of the Division Informant Agreement. The officer utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
  - 1) Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures and may not carry a weapon.
  - 2) Informants will be arrested if found engaging in any illegal activity. They will receive no special legal considerations.
  - 3) Informants are not to take, and the department will not condone, any actions that may be considered

entrapment. Entrapment occurs where the informant encourages, persuades or otherwise motivates a person to engage in criminal activity.

b. No member of the department shall knowingly maintain a social relationship with CIs while off duty, or otherwise become personally involved with CIs. Members of the department shall not solicit or accept gratuities or engage in any private business transaction with a CI.

c. Whenever possible, an officer shall always be accompanied by another officer when meeting with a CI, especially a CI of the opposite sex .

d. Juveniles shall only be utilized as CIs with the authorization of the Director and the advance written permission of the parents/guardians.  
**(CALEA 42.2.9.h)**

e. Patrol officers wishing to develop and utilize informants may do so in accordance with all sections of this procedure. **(CALEA 42.2.9.i)**

#### 4. Criteria for Paying Informants

a. Any person who is to receive payment for information charged against the department's confidential fund for information must be established in the CI File.

b. The amount of payment shall be commensurate with the value of services/information provided and based on the following factors:

1) the level of operation of the target;

2) the amount of actual/potential seizure; and

3) the significance of the contribution to the objectives of the department.

c. When an informant assists in developing an investigation, either through supplying information or actively participating in it, he/she may be paid for his/her service either in a lump sum or in payments. Payments for information leading to a seizure, with no defendants, will be held to a minimum.

d. To pay another agency's informant, he/she must first be established as an informant for the department. Sharing payment with the other agency is preferable and duplication of payments is prohibited.

e. All payments will be strictly handled in accordance with all other policies/procedures. All payments must be receipted by the funds custodian and witnessed. A copy of the receipt will be placed in the informant's file along with a copy of the expenditure voucher. **(CALEA 42.2.9.f)**

Attachments:

Attachment #1 Master Confidential Informant File

Attachment #2 Request For Review of Confidential Informants File

Attachment #3 Confidential Informants File Record

Attachment #4 Confidential Informant History Summary

DEPARTMENT OF PUBLIC SAFETY  MASTER CONFIDENTIAL  INFORMANT FILE				
Informant Control Number	Date	Approved By	Initiating Officer	Activity Termination Date






Attachment #1

***REQUEST FOR REVIEW OF CONFIDENTIAL INFORMANT FILE***

Being a duly sworn officer of the Department of Public Safety, Medical University of South Carolina I request to review the confidential informant file of .

**Informant control number;**

**Explanation of need for review; Date;**

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**Requesting officer=s name (print) Requesting officer=s signature**

**Informant file custodians name (print) Informant file custodians signature**

Attachment #2

***CONFIDENTIAL INFORMANT FILE RECORD***

1) Informant=s name; Control number:

2) Initiating officer ;

3) Informant=s; **photograph fingerprints criminal history record**

( circle items in file)

4. Summary of information provided by **CI**.

5. I knowingly and willingly have agreed to assist a representative of the Department of Public Safety, Medical University of South Carolina as a confidential informant in criminal investigations. I have not been guaranteed compensation or assistance in the reduction or dismissal of criminal offenses that may be pending against me.

6. Status of informant; **Active Inactive**

(Circle)

Narrative explanation if applicable;

Attachment #3

### ***CONFIDENTIAL INFORMANT HISTORY SUMMARY***

#### **Informant control number**

1) special skills or avocations;

2) date of birth;

3) aliases;

- 4) height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features;
- 5) current home address and telephone number;
- 6) residential addresses over the past five years;
- 7) current employer, position, address and telephone number;
- 8) marital status and number of children;
- 9) vehicles owned and their registration numbers;
- 10) places frequented;

Attachment #4