

GENERAL ORDER

PORT WASHINGTON POLICE DEPARTMENT

SUBJECT:	INFORMANTS	NUMBER:	6.3.2
		ISSUED:	11/16/2009
SCOPE:	All Sworn Personnel	EFFECTIVE:	11/16/2009
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INDEX AS: CI
 Confidential Informants
 Funds, Confidential Informants
 Informants

PURPOSE: The purpose of this policy is to provide regulations for the control and use of confidential informants (CI).

This Chapter consists of the following numbered sections:

- I. DEFINITIONS
- II. POLICY
- III. PROCEDURE

I. DEFINITIONS

CONFIDENTIAL FUND: The department accounting and banking system that provides officers with investigative expense monies.

CONFIDENTIAL FUND CUSTODIAN: The Captain of Police Operations is responsible for dispensing and monitoring the use of investigative funds by officers, under the supervision of the Chief of Police.

CONFIDENTIAL INFORMANT (CI) FILE: File maintained in order to document all information that pertains to confidential informants.

UNRELIABLE INFORMANT FILE: File containing information pertaining to individuals determined generally unfit to perform as informants.

II. POLICY

- A. In many instances, a successful investigation cannot be conducted without the use of CIs. While the use of CIs 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 this law enforcement agency to take necessary precautions by developing sound informant control procedures.

III. PROCEDURE

- A. A confidential informant/informant is a person who cooperates with police to obtain information or evidence of violations of state and/or federal laws. Most informants cooperate with police to gain consideration of pending criminal charges against them, and some informants are paid money for their services.

B. Informant Use

1. Informants and information obtained from them can be used in any type of investigation that police may become involved in. They are most frequently used in the investigation of drug trafficking offenses.
2. Prior to seeking approval to use an individual as an informant, the officer shall do the following:
 - a) Debrief the individual and then attempt to verify the information through independent investigation to establish the individual's reliability.
 - b) Conduct a background investigation of the individual, which will include at the very least, checking the subjects criminal arrest record in CIB/NCIC as well as local law enforcement agencies where the individual has resided.
3. Before using an individual as an informant, an officer must receive initial approval from the Captain of Police. The District Attorney must also grant approval for an informant that may receive consideration for pending state charges or the City Attorney if an informant may receive consideration from a pending city charge.
4. After initial approval is obtained to use an individual as an informant, the officer wishing to utilize the informant will open an informant file that shall be maintained by the Captain of Police Operations.
5. Once approval to use an individual as an informant has been granted it can be cancelled at any time, should it be determined that it is not in the best interest of the department to utilize an individual as an informant.

6. All individuals determined to be unsuitable for use as an informant, both those initially found to be unsuitable, as well as those who had been utilized as an informant and later found to be unsuitable, shall be referenced in the department informant file.
7. The identity of informants, their control number, and other information sources, must be strictly controlled to protect against unwarranted disclosure which could expose an informant to retaliation and/or jeopardize an ongoing investigation.

C. Informants Who are on Probation/Parole

1. The Wisconsin Department of Corrections, Division of Probation and Parole maintains a strict protocol regarding persons under their supervision being used as informants. The following procedure must be adhered to:
 - a) It is necessary for all officers who wish to have persons, under the supervision of Probation/Parole, get approval from the Division of Probation and Parole. The Chief of Police, or the Chief's designee must make all requests to the Regional Chief of the Division of Probation and Parole for an informant's participation in undercover activities.
 - b) The request must contain the following:
 - (i) The scope, nature and duration of the activity.
 - (ii) Voluntary participation of the informant.
 - (iii) Will the activity involve criminal acts or violate rules of supervision?
 - (iv) Will the activity put the informant in any immediate danger?
 - (v) What is the value of the informant's activity to law enforcement?
 - (vi) What is law enforcement's role in the activity?
 - c) The decision of the Regional Chief of the Division of Probation and Parole is final.

D. Informant File

A master name file containing the names and control numbers of all informants will be kept secured in the Chief's Office.

1. A personal file shall be maintained on each informant used by officers. Each file and informant will be given a control number that will be referenced in an index kept secure with the files themselves. Each file should contain the following information:

- a) An informant registration form.
 - b) Contact officer information and code name or number linked to the informant.
 - c) In cases where an informant will be given consideration of charges, a memorandum of understanding developed by the City Attorney or District Attorney will be used.
 - d) The informant's geographical data, background information, photograph, fingerprints, and criminal history.
 - e) A brief synopsis of all information obtained from the informant to establish the informant's reliability. The synopsis should contain references to the Port Washington Police Department, or other departments' case numbers when applicable.
 - f) Ledger forms for documenting any expenditure from confidential funds that were incurred involving the informant for which the individual file pertains to.
2. The Captain of Police Operations shall be responsible for maintaining the informant files and an indexing system.
 3. Access to the informant files shall be restricted to the Captain of Police Operations and shall be kept in a secure area inside the Chief's Office. Other sworn personnel may review individual informant files with the approval of the Captain of Police Operations.

E. General Guidelines for Handling an Informant

1. Every informant is required to read, or have read to them, the Port Washington Police Department Statement of Understanding Form. They are then to sign the form and abide by the rules as they are specified on the form.
2. All officer-informant relationships will be maintained on a strictly business basis. No member of the Port Washington Police Department shall knowingly maintain a social relationship with any informant while off duty, or otherwise become personally involved with an informant. Members of the Port Washington Police Department shall not solicit or accept gratuities, or engage in any private business transaction with an informant.
3. All contacts with an informant shall be documented and made a part of the informant file. Information shall include:
 - a) Date
 - b) Time
 - c) Location
 - d) Reason for meeting

- e) Information Exchanged
 - f) Others Present
 - g) Officer that cultivated informant
4. Whenever possible, an officer shall be accompanied by at least one other officer when meeting an informant of the same sex. In all cases an officer will be accompanied by another officer when meeting with an informant of the opposite sex.
 5. Juveniles shall only be utilized as an informant in accordance with state laws pertaining to juveniles, and after obtaining a parental waiver.
 6. Under no circumstances will an officer permit, encourage, or tolerate an informant's involvement in illegal acts.

F. Confidential Funds Authorization

1. The confidential fund custodian shall have the following responsibilities with respect to the department's confidential fund:
 - a. Maintenance of the fund in accordance with all appropriate laws and procedures;
 - b. Proper disbursements and deposits;
 - c. Bookkeeping and banking procedures;
 - d. Direction of a quarterly internal audit of the fund by a third party;
 - e. Maintenance of a file containing copies of all relevant fund transaction documents; and
 - f. Purging of the confidential fund records in accordance with state records retention provisions.
2. An annual audit of the confidential fund shall be performed by the city auditor from outside the department in order to evaluate the continued integrity of the fund, and the need for any additional controls.
3. The confidential fund custodian shall make disbursements from the confidential fund only to authorized personnel for the following purposes:
 - a. Payments that are to be made directly to confidential informants;
 - b. Investigative funds for the purchase of illegal drugs, contraband and other criminal evidence;

- c. Purchases of food and beverages for a confidential informant;
 - d. Expenditures for authorized undercover operations; and
 - e. Flash and front money.
4. The confidential fund custodian shall not be permitted to make disbursements from the confidential fund to him/herself.
 5. Confidential fund transaction records shall be stored in a secured location, and access shall be restricted in accordance with applicable laws, ordinances and department procedures.

G. Withdrawals and Expenditures from Fund

1. The Captain of Police Operations is designated the confidential fund custodian and shall be responsible for the security, proper use and accounting of confidential funds.
2. The Captain of Police Operations shall submit an annual memorandum to the Chief of Police listing the names of officers authorized to make withdrawals from the fund. All officers seeking to make withdrawals from the fund who are not on the authorization list must obtain approval from the Captain of Police Operations or Chief of Police.
3. Prior to the issuance of any money from the confidential fund, an officer shall complete and submit to the fund custodian a written and approved request for funds.
4. The confidential fund custodian shall issue the requesting officer a copy of the receipt acknowledging that funds were requested and received by the officer.


H. Accounting for Expended Funds

1. All officers receiving confidential fund monies shall prepare a written expense report accounting for all monies withdrawn from the fund, within five (5) days of withdrawal. The report should include:
 - a. Item or informant control number on which the monies were expended;
 - b. Date and place of the expenditure;
 - c. Copies of receipts, where applicable;
 - d. Type of investigation; and
 - e. Case number, where applicable.

2. The written expense report with all supporting documents and receipts shall be submitted to the Captain of Police Operations for review and approval.
3. For all funds expended, the officer issuing payment shall ensure that an appropriate receipt is obtained, unless such an action would jeopardize a transaction or operation.
4. All unexpended funds shall be returned to the confidential fund custodian by the officer as soon as immediately practical. The fund custodian shall record in the fund receipt book acknowledging that such funds were re-deposited as unexpended.
5. Each officer may maintain a personal file containing a record of all confidential fund transactions, and copies of all relevant receipts and department fund forms.
6. The Chief shall periodically review and audit the fund receipt book against available funds with the City Treasurer for accounting purposes.

APPROVED:

DATE:



9/14/16

Chief Kevin Hingiss

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