

GENERAL ORDER, OPERATIONS, NUMBER 7

APRIL 3, 2001

WATERLOO POLICE DEPARTMENT

A. SUBJECT:

Confidential Informants

B. PURPOSE:

To establish a standard and consistent procedure concerning confidential informants and the payment of funds for evidence, information or contraband to aid in criminal investigations.

C. POLICY:

The Department recognizes that confidential informants are necessary and useful and all employees are encouraged to develop these sources. The following procedures shall be adhered to by all employees to reduce the inherent risks associated with the use of confidential informants.

D. PROCEDURES:

1. An employee who has developed a confidential informant (C.I.) who wishes to take police action or document information received from the C.I. must first document the C.I. with the Department.
 - a. If the action taken is of an exigent nature, which precludes advance documentation of the C.I., it must be done as soon as practical after the fact.
 - b. An employee shall document a C.I. by submitting a copy of the C.I.'s arrest record to the Captain of the Investigative Division.
 - c. If the C.I. does not have an arrest record, either locally or elsewhere, documentation shall be made by a memo to the Captain of the Investigative Division setting out the identity of the C.I. and other biographical data with a certification by the employee that checks have been made and no arrest record could be located.
 - d. If the C.I. is to be a paid informant or is to receive funds for expenses or purchases for the Department, a handwriting exemplar must also be submitted. This exemplar shall be a copy of a "Supplement to Personal History" form or an exemplar from another law enforcement agency.
 - e. Each documented C.I. shall be assigned a number and fictitious code

name which will be recorded on the documentation by the Captain of the Investigative Division. The C.I. and/or employee shall choose the code name. The number will consist of the employee's I.D. number with a sequential suffix. Example: A1234-1.

2. The Captain of the Investigative Division shall maintain a confidential informant file and be responsible for its security and upkeep.
 - a. The Captain of the Investigative Division shall not reveal the identity of another employee's C.I. unless directed to do so by the Chief of Police.
 - b. An employee shall not reveal the identity of another employee's C.I. unless directed to do so by the Chief of Police.
3. When an employee authors an investigative report or intelligence memoranda that is based on information or other material furnished by a C.I., the C.I. must be identified by using the assigned C.I. number and code name. An employee shall not merely state: received information from a confidential source....in a Department report.
 - a. An employee should always make attempts to independently verify or corroborate information supplied by a C.I. and to include in the report the results of the attempts.
 - b. The basis for a C.I.'s knowledge shall also be included to support the credibility of the information.
4. The Captain of the Investigative Division shall receive funds through established Department procedures to be held, controlled and used for payment for the following:
 - a. Purchase of contraband.
 - b. Purchase of stolen property.
 - c. Purchase of information concerning criminal activity.
 - d. Immediate expenses incurred directly related to the above purchase.
5. Payments of amounts more than \$250.00 must be authorized through the chain of command.
6. An employee may apply to the Captain, or a Lieutenant, of the Investigative Division for authorization to make payments for the above purposes.
7. A payment shall not be authorized to an undocumented C.I. unless expressly

authorized by the Captain of the Investigative Division or Chief of Police, under D.1.a. If the payment is authorized, the employee shall sign a receipt for the funds and have the C.I. sign another receipt which shall be furnished to the employee. Said receipt shall be returned promptly to the Captain of the Investigative Division along with proper C.I. documentation.

8. The Captain of the Investigative Division shall furnish a monthly list of expenditures to the Chief of Police.
9. A C.I. must never be instructed or allowed to commit an illegal act to further his attempts to provide help to the Department. A C.I. must also be instructed as to what entrapment is and cautioned not to engage in entrapment, as it will ultimately destroy an otherwise sound investigation.
10. An employee must constantly monitor the information provided by a C.I. and other activities of the C.I. to insure that credibility is maintained. If an employee becomes aware that a C.I. intentionally or negligently provides false or baseless information or otherwise commits an act which is not what the C.I. purports, the employee, a supervisor and/or the Captain or Lieutenant of the Investigative Division must make a decision as to whether to continue to utilize the C.I. In the absence of mitigating circumstances, use of the C.I. should be discontinued.
11. Employees are cautioned that there are many different motives and intentions that cause potential C.I.'s to work with law enforcement. Many are not honorable or legitimate motives and intentions. Consequently, employees should treat a C.I. as what he is, a tool, and not become personally attached to the C.I. in other than a professional manner. Employees shall discourage C.I.'s from making contact with them during off duty hours, except by contact through the Department.
12. Many C.I.'s are convicted felons or on the fringe of the criminal element. As such, a C.I. may be in a position to want to do physical or professional harm to an employee for his or her own personal gain. A supervisor should always be notified when their subordinates are utilizing a C.I.
13. To protect employees and the Department, an employee should have another employee present as a witness when disbursing funds to a C.I. and obtaining a receipt.

By order of:

Thomas J. Jennings
Chief of Police