




# COLUMBIA POLICE DEPARTMENT

*"Policing Excellence through Community Partnerships"*

<b>Directive Type:</b> General Order	<b>Effective Date:</b> 06-20-2016	<b>General Order Number:</b> 02.04
<b>Subject:</b> <i>Confidential Sources and Funds</i>		
<b>Amends/Supersedes:</b> Section 02, Chapter 04, Confidential Sources and Funds, 2008	<b>Chief of Police:</b> 	
<b>Distribution:</b> All Personnel	<b>Review Date:</b> July 1	<b># of Pages:</b> 5

## 1.0 DIRECTIVE

The Columbia Police Department recognizes the importance of confidential sources of information. Such sources are prerequisite to the successful solution of many crimes, as well as being important in other areas of investigation. They may provide information that results in the prevention of violence or disruption of public order.

The courts have long upheld the use of confidential sources as legitimate and necessary tools for law enforcement to solve crimes and prevent criminal activity. Each police officer will be cognizant of the role of the confidential source and the need to use the source properly.

## 2.0 CONFIDENTIAL SOURCES

### 2.1 Definitions

Confidential Source - Any person who discreetly provides information voluntarily.

Informant - A confidential source who:

1. Provides information in exchange for monetary or other lawful consideration; and/or
2. By virtue of providing information is directed by the contact officer to perform certain lawful acts; or
3. By his position or knowledge is solicited by the Columbia Police Department to provide information to which he has access.

Contact Officer - A police officer that maintains the ongoing professional relationship with a confidential source.

Entrapment - Activity on the part of a police officer or on behalf of his agency that induces or lures an otherwise innocent person to commit a crime that he did not contemplate committing. It is the implanting of criminal intent in the mind of the person: Acts of persuasion, coercion, trickery, or fraud carried out by law enforcement

officers or their agents to induce a person to commit a crime which he would not otherwise commit.

## 2.2 Records and Reports for Confidential Sources

After an officer has developed a confidential source that he intends to use again, he should then complete a "Agent/Informant Profile" for that source. The "Agent/Informant Profile" will contain the source's name, address, description, criminal history and an assigned code number. The assigned code number may be utilized to identify a source, so that the source's name is not utilized, thereby jeopardizing confidentiality. The "Agent/Informant Profile" and "Agent/Informant Liability Wavier" will be forwarded to the Special Operations Division Commander or designee.

Each time a contact officer makes personal contact with a confidential source he will complete an "Informant Contact Form". The completed "Informant Contact Form" will be forwarded to the contact officer's supervisor for review. After review by the supervisor, the form will be forwarded to the Criminal Investigations Division Commander.

## 2.3 Records and Reports for Informants

After an officer has developed an informant whom he intends to use again he shall have an up to date "Agent/Informant Profile" on the informant.

An "Agent/Informant Liability Wavier" will be read to the informant. The "Agent/Informant Liability Waiver" will be discussed with the informant to assure that the informant understands the terms. Special attention should be given to entrapment and its definition. The contact officer should sign and date the "Agent/Informant Liability Waiver" when the explanation is mad. Nothing in this section prevents the contact officer from requiring that an informant sign the "Agent/Informant Liability Wavier" in certain unusual or sensitive cases.

Each time a contact officer makes personal contact with an informant, he must complete an "Informant Contact Form". The "Informant Contact Form" will be forwarded to the contact officer's supervisor for review. After review by the supervisor, the form will be forwarded to the Special Operations Division Commander.

The Criminal Investigations Division Commander will maintain a master file containing the "Agent/Informant Profile", "Agent/Informant Liability Wavier", and the "Informant Contact Form" of all informants and confidential sources in a secure location and access will be rigidly controlled.

## 2.4 Informant Handling Procedures

The contact officer should meet personally with an informant of the opposite sex only in the presence of another officer. The contact officer's supervisor may grant an exception if it is in the best interest of the Department.

In situations where the use and/or role of the informant is questionable, the contact officer will seek guidance from his supervisors, the City Attorney, or the Solicitor.

The contact officer will not make promises to an informant that he cannot keep. Only the City Attorney or Solicitor will make agreements regarding a pending criminal charge against an informant.

Care must be utilized in all circumstances, especially when activity involving an informant may create a life-threatening situation. In those cases, except in an exigent circumstance, approval shall be required from the Criminal Investigations Division Captain who may obtain guidance from the City Attorney or Solicitor. In an exigent circumstance, the Division Commander shall be notified as soon as possible

The Columbia Police Department will accept information from any source; however, at no time will any person under the age of eighteen (18) years of age be used as an informant for this Department unless approved by the

Chief of Police.

If it is known an informant is on supervised probation or parole, the contact officer will coordinate with the informant's probation officer to ensure that use the informant does not interfere with conditions of the probation or parole.

The contact officer should attempt to determine whether or not the informant is being used by another law enforcement agency and/or other law enforcement officer to prevent duplication of effort.

## 2.5 Reliability of Informant and Information

The contact officer should attempt to establish the credibility and reliability of information from the informant. Methods include, but are not limited to, assessing any information previously provided, checking with other law enforcement agencies for which the informant provided information, surveillance, or the use of controlled test situations.

## 3.0 MAINTENANCE OF CONFIDENTIAL FUNDS

The Criminal Investigations Division Commander is responsible for maintaining and authorizing the disbursement of all confidential funds. These funds may be utilized to pay informants, purchase contraband, and finance investigations as approved by the Chief of Police.

The Criminal Investigations Division Commander shall maintain a Confidential Funds Ledger that identifies the following:

- Initial balance
- Date of expenditures/credits
- Officer name
- Cash Voucher Number
- Cash disbursed/received
- Balance on hand

As funds are depleted, the Criminal Investigations Division Commander may submit a request for approval of additional funds from the City of Columbia Accounting Office. All deposits will be documented in the Confidential Funds Ledger.

## 4.0 DISBURSAL OF CONFIDENTIAL FUNDS

Officers wishing to receive confidential funds for an informant, confidential source, or in conjunction with an investigation must complete a Confidential Funds Request form.

- Confidential Funds Requests must be authorized by the OCN Unit Supervisor and the Criminal Investigations Division Commander.
- Authorized Confidential Funds Request forms shall be presented to the Criminal Investigations Division Commander.
- The Confidential Funds Expenditure Log shall be utilized to record all cash disbursements and funds returned, if any.
- A Cash Voucher will be signed by the officer receiving the funds.
- The Confidential Funds Expenditure and Cash Vouchers will indicate the assigned Confidential Fund

Expenditure Number.

## **5.0 EXPENDITURE AUTHORIZATION**

Informant fees not in excess of fifty dollars (\$50) may be expended at the discretion the individual contact officer.

Informant fees in excess of fifty dollars (\$50) but not more than two hundred dollars (\$200) must be approved by the officer's immediate supervisor.

Informant fees in excess of two hundred dollars (\$200), but not more than five hundred dollars (\$500) must be approved by a Division Commander.

Informant fees or disbursements in excess of five hundred dollars (\$500) must be approved by the Chief of Police or his designee.

## **6.0 CONFIDENTIAL FUNDS ACCOUNTABILITY**

Officers will be held accountable for cash drawn from the Confidential Fund Expenditure fund. Officers are required to submit unused cash and/or submit Confidential Fund Expenditure forms totaling the amount of funds received within ninety (90) days of the date of issuance.

The OCN Unit Supervisor will review and sign off on the Confidential Fund Expenditure forms ensuring that the cash returned and those expended equal the amount received at least quarterly.

The Criminal Investigations Division Commander will ensure that all issued confidential funds are accounted for at least quarterly. The OCN Unit Supervisor shall be contacted when officers exceed the ninety (90) day time limit.

Officers may request additional funds only after previous cash advances have been accounted for. The Confidential Fund Expenditure forms will be submitted to and maintained by the OCN Unit Supervisor. Officers will be required to complete a new Confidential Funds Request form.

## **7.0 COMPLETING CONFIDENTIAL FUND EXPENDITURE FORMS**

Officers shall document all disbursements of funds for informant fees, informant expense, officer's expense, and other expenses will be recorded utilizing the Confidential Fund Expenditure form. Officers shall include the total expenditures associated with the case, sign, and submit the Confidential Expenditure form to the unit supervisor for evaluation.

### **7.1 Informant Fee Section**

This section will be utilized to document expenditure of confidential funds paid to informants for information or services rendered. The following information will be recorded:

- Date
- Case number, if related to an active case
- Incident number, if applicable
- Informant's full name
- Officer's name
- Amount of money disbursed
- Description of the information received or service being paid for.

Informants will be required to sign his/her name (or alias) acknowledging the receipt of the funds.

### **7.2 Informant Expense / Controlled Buy Section**

This section will be utilized to document expenses incurred by the informant while assisting in a police investigation. It shall also be used to document funds provided to the informant for supervised purchases of controlled substances, stolen property, or other contraband.

### 7.3 Officers Expense / Undercover Purchases Section

This section will be utilized to document expenses incurred by the officer while working a specific case. It shall also be used to document funds used to purchase controlled substances, stolen property or other contraband by the officer.

### 7.4 Other Expense Section

This section will be utilized to document any other expenditure necessary to expedite an investigative or undercover operation. The unit supervisor must authorize "other" expenditures unless exigent circumstances exist. Should exigent circumstances exist; officers will provide a written explanation of the circumstances on the back of the confidential fund expense form.

## **8.0 CONFIDENTIAL FUND EXPENDITURE RECORDS**

The Confidential Funds Ledger, Cash Vouchers, and the Confidential Funds Expenditure Log will be maintained by the Criminal Investigations Division Commander and stored in a secure location.

Confidential Fund Request and Confidential Fund Expenditure forms will be maintain by the OCN Unit Supervisor and stored in a secure location.