

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Confidential Informants		CHAPTER/SECTION NO.: 29.16, 29.17	
EFFECTIVE DATE: June 1, 2001		REVIEW DATE:	
AMENDS/SUPERSEDES:		APPROVED: ** See Master File Sheriff	
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29.16 Discussion

29.16.1 Development and utilization of informants is an essential element in the overall law enforcement effort, and in accomplishing Sheriff's Office goals. As such, the purchase of information, evidence, and the use of informants are fundamental elements in the investigation of crimes or criminal activity. Information collected from informants shall be limited to criminal conduct and related to activities that present a threat to the community.

29.17 Policy

- 29.17.1 The "criminal" type informant who provides information to a deputy may be equally willing to provide information to others concerning the deputy and law enforcement activities. Informants must be under careful supervision and the relationship between deputies and criminal informants shall be of a completely ethical and professional nature.
- A. Social contact, other than normal family functions will be avoided, if possible, or unless necessary in the furtherance of an official investigation, and then only with the prior consent of a deputy's supervisor.
 - B. The acceptance of a gratuity or gift from the informant can only be condoned if such an act is in the furtherance of an official investigation and is approved in advance by

the deputy's supervisor/s.

C. Information obtained from informants shall be carefully screened as to the veracity and value, and documented and corroborated, if possible. The following evaluation system should be used to evaluate the source of the information and the information itself.

1. **Evaluation of Source** - This refers to the reliability of the source of information and is an index of the consistency with which or how the information is reported. The source reliability scale consists of four numbers, one through four, and is used as follows:

- a. **High Reliability** - Refers to a source about whom there may be very little doubt as to its authenticity, trustworthiness or competency. However, information obtained from the source in the past has, in the majority of instances, proved to be reliable.
- b. **Usually Reliable** - Refers to a source about whom there may be some doubt as to its authenticity, trustworthiness or competency. Information obtained from the source in the past had, in the majority of instances, proved to be reliable.
- c. **Not Often Reliable** - Refers to a source about who there is doubt as to its authenticity and trustworthiness. Information supplied in the past is not reliable, although occasional valid reports have been submitted.
- d. **Reliability Unknown** - Refers to a source whose reliability has not

been determined by either experience or investigation. No way of knowing its authenticity, trustworthiness or competency.

2. **Evaluation of information** - This refers to the validity of the information and is an index of the accuracy or trust of the information. The validity assessment scale consists of the following:

- a. **Factual** - Refers to information which is substantiated or confirmed by one or more independent sources. The information is logical within itself and agrees with other information on the same subject.
- b. **Probably True** - Refers to information which gives every indication of being accurate, but which has not been confirmed. The information is logical within itself and agrees with other information on the same subject.
- c. **Improbable** - Hearsay.
- d. **Truth Cannot be Judged** - Refers to information, the truth of which cannot be judged at the time because of lack of knowledge or intelligence on the same subject.

D. Personal contact with informants should be accomplished with two deputies present, when practical.

E. Contacts with informants, involving transfer of information or activity debriefings, shall be documented and placed into a log which will be kept in the informant's file. The log entry will contain entries of specific dates, times, places information received,

and deputies present.

F. Whenever possible, all informant contacts with suspects should be monitored and, when monitoring is not practical, informants should be required to keep in close personal contact with the informant's control deputy.

G. Informants should be debriefed regularly with regard to suspect contacts for the purpose of providing an ongoing record of progress of a case.

29.17.2 Approval to use Informant/Operator:

A. No informant shall be used as an operator (active participant in an investigation) without the case agent/deputy first having the approval of the appropriate investigations supervisor.

B. The deputy will submit an informant report form, a criminal history, a current photograph and fingerprint card of the informant to the investigations supervisor for a thorough records and identity check.

C. The informant's true identity must be known prior to utilizing his/her services. The use of an informant who has concealed his/her true identity could prove, at the very least, embarrassing to all parties concerned with his/her use.

D. Any pending cases the informant has should be noted on the informant report form.

E. Personnel Authorized to Use Informants

1. Deputies in investigations assignments will most often be authorized to use informants, particularly paid confidential informants, as authorized by the Investigations Lieutenant.

2. A patrol deputy may develop and use informants, with the approval of his/her supervisor AND if all other requirements of this policy are met.
3. Patrol deputies using a paid confidential informant must get the approval of the Investigations Lieutenant and satisfy all other requirements of this policy.

29.17.3 Informant Advisory Form

- A. The deputy will submit to his/her supervisor a signed informant advisory form.
- B. The form is intended to advise the informant of his/her responsibilities and restrictions while working as an operator for the Weber County Sheriff's Office.
- C. The informant advisory form will protect the deputy in many situations where the informant's conduct or activity becomes unfavorable.

29.17.4 Informant Master File

- A. The informant master file will:
 1. Be a coded dossier system containing pertinent information identifying the informant and describing his/her activities.
 2. Be maintained by the investigations lieutenant or his/her designee in a locked filing cabinet.
 3. only be accessed by the investigator and the supervisory chain of command.
 4. Include individuals who are or have been controlled informants who are actively seeking information on behalf of the

Office under Office control.

5. Not necessarily include individuals who are supplying information in a passive manner based upon their current knowledge. **However, only those individuals in the informant master file are eligible for payments from the investigative fund.**
 6. Contain the following documents/information:
 - a. The informant report form.
 - b. The BCI/FBI criminal history.
 - c. A current photograph of the informant.
 - d. The informant advisory form.
 - e. Contact reports.
 - f. Informant expenditure records.
 - g. Informant code name or number.
- B. The procedure for a deputy to enter an informant into the file is:
1. Complete all required forms
 2. Submit forms to the investigative lieutenant for review and to receive an informant number.
 3. Direct the informant and complete informant contact reports in conjunction with support provided by the appropriate investigations unit.
- C. **Deputies working with informants are:**
1. **Responsible to supervise the informant.**
 2. **Responsible for ensuring the required information about his/her informant has been included in the informant master file.**
 3. **Responsible to complete all documentation as required by this**

policy.

4. Authorized to review the respective individual informant files whenever they deem necessary.

D. Confidential informant files will be purged at the discretion of the appropriate Investigations Section or Unit Supervisor.

1. Purged confidential informant files will be shredded or burned.
2. Purging will be documented in the file.

29.17.5 Procedure When Making Informant Buys

A. Purchase of evidence, or other items which are the object of an investigation, by an informant will be fully corroborated. Every informant buy will require a minimum of two deputies for surveillance purposes. Each buy will be controlled in the following manner:

1. The informant will be thoroughly searched preceding the buy.
2. The informant will be searched by a deputy of the same sex.
3. If the informant's vehicle or residence is utilized in the investigation, the vehicle and/or residence must also be thoroughly searched.
4. Whenever possible, the informant will be fitted with a transmitting device which will allow surveillance deputies to monitor and record any conversations between the informant and the suspect(s). Exception to this must be previously approved by the unit supervisor directing the investigation.
5. The informant will be given Investigations Section funds, or other authorized task force funds as appropriate, which have been recorded by

serial number and photocopied for the purchase of any evidence or property in question.

6. To avoid any errors, all personal funds should be taken from the informant and receipted by serial number and by the controlling deputy prior to contact with the suspect. The personal funds shall be returned to the informant and receipted for as soon as practical after the purchase is completed.
7. Constant surveillance will be conducted on the informant after the search until he/she meets with surveillance deputies after the buy or other contact.
8. When the purchase or operation is completed, the informant will then again be thoroughly searched as in step one. All evidence and unspent investigations section funds will be retrieved from the informant.
9. When possible, the entire process should include the same deputy, with the same witness present.
10. The informant shall be thoroughly debriefed and a written statement, signed by the informant will be obtained.
11. The statement shall include:
 - a. complete description or identification of the suspect,
 - b. a detailed account of all circumstances and conversations involved in the transaction,
 - c. description and identity, if possible, of other persons present, and any other important facts.
12. The lead detective will need to know all elements and statutory provisions of the suspected crime, to insure information the informant gives includes elements

necessary to prosecute the suspect.

13. The statement shall be forwarded to the investigative supervisor for review.

29.17.6 Informants with Pending Cases

A. Although it is sometimes necessary to exchange consideration in pending cases for informant services, this practice will require careful scrutiny. The following guidelines are applicable in those instances:

1. The pending case(s) is/are of Weber County Sheriff's Office origin or that the agency from which the case originated is consulted prior to use of the informant.
2. The informant is notified that his/her cooperation and efforts are to show good faith and reliability, and not a guarantee of leniency in his/her pending case(s). However, the County Attorney may be consulted concerning the cooperation of the informant.
3. The informant is informed that the disposition of his/her case(s) lies in the hands of the city/county attorney and a court of law.
4. A signed written statement of these conditions is obtained by the controlling deputy. This statement would be applicable if charges were actually filed by the city/county attorney's office or in cases where criminal charges are being held by a police agency.
5. Probation and parole officials are consulted to verify the informant is not on probationary or parole status.

B. The terms of any "deal" must be made known to appropriate prosecuting attorney's office and to the informant. Although the controlling

deputy will be utilizing the services of the informant, only the prosecuting attorney's office and a court magistrate can guarantee a disposition which is favorable to the informant in exchange for his/her services.

C. In cases where the charge is being held by a police agency, the appropriate prosecuting attorney's office should be consulted prior to utilizing the informant's services.

D. Terms of contract between the informant, the agency and the County Attorney's Office will specify the following:

1. Including, but not limited to, identified suspects and/or locations
2. Informant will not carry weapons of any kind
3. Informant will not use drugs unless legally prescribed by a licensed physician
4. Informant will submit to drug testing at discretion of controlling deputy
5. Informant will not commit any illegal acts other than those legally authorized and supervised by controlling deputy to facilitate the investigation
6. Good faith efforts resulting in obtaining of evidence sufficient to accomplish investigation goals will be the standard used to determine satisfactory performance of the informant
7. Any other conditions deemed necessary to control the informant and investigation

E. Completion dates for agreed upon work for the office will be set by the controlling deputy and the County Attorneys Office for informants with pending cases.

F. The attorney assigned to the pending case shall be apprised regularly of the informant's progress and work pursuant to his/her pending case, and on any agreements or representations that have been made to the

informant.

- G. Care should be taken in contacting any possible informant who has a pending case and is presently represented by counsel on that case so that informant's right to representation is not infringed upon.

29.17.7 Protecting Informant Identity

- A. As a general procedure, the informant should not see or meet deputies other than his/her controlling deputy, and that deputy's partner/witness.
- B. Informants will not be given a deputy's home address or telephone number for routine contacts, since the possession of the number may compromise the informant and the deputy.
- C. A business telephone number shall be given to all informants where the controlling deputy can be reached.
- D. Informants will not normally report to deputies at the Sheriff's Office. Contacts should be arranged in inconspicuous, private places that will not attract unnecessary attention. Under some circumstances, it may be appropriate or necessary to bring an informant to the Office. Those situations will be evaluated on an individual basis.
- E. Each informant will be told that any deviation from the controlling deputy's instructions may result in the cancellation of any deals, promises, or contracts.

29.17.8 Paying Informants

- A. No money shall be paid to any informant unless the following conditions are satisfied:
 - 1. The informant has a complete informant master file.

2. A receipt for the payment is signed by the informant in the informant's true name. If applicable, the informant's fictitious name/number should be signed also.
3. The deputy making payment is accompanied by another deputy/witness.
4. Prior approval for the payment has been authorized by the investigative supervisor.

B. Financial Accountability

1. The receipt form for investigative fund expenditures will be used.
2. All monies paid to an informant will be recorded by the investigator on a payment log in the informant's file.
3. Money shall not be paid to any informant prior to the completion of his/her services, unless other arrangements were authorized at the beginning of the investigation.
4. Payments will generally be made in full at the conclusion of the investigation, unless otherwise authorized.
5. Deputies are discouraged from offering an informant a fixed sum of money prior to an agreement being authorized.
6. Payment amounts will first be discussed with the investigative supervisor.
7. Informants will be paid in amounts appropriate to the following criteria:
 - a. The nature and complexity of the investigation.
 - b. The impact of the investigation/arrest on the

community.

- c. The past reliability and work record of the informant.
- d. The informant's willingness to testify in court.
- e. Actual value of the informant's service to the case.

C. The investigative supervisor will confer with the Investigations Section Commander on matters concerning the purchase of drugs and payment for drug related information, as well as matters concerning the purchase of non-drug information that are to be paid for out of investigations funds.

29.17.9 Controlled Juvenile Informants

A. Situations will arise wherein a juvenile will be utilized as an informant. The following guidelines will apply:

- 1. The use of controlled juvenile informants will generally be avoided. They will only be used with prior authorization by the Investigations Section Commander.
- 2. Written parental permission shall be required, or that of the legal guardian in the parent's absence.
- 3. The controlling deputy will consult with the city/county attorney's office or a juvenile court magistrate prior to initiating a case that will eventually be prosecuted by that agency.
- 4. It is generally advisable to seek the authorization of the judge of the juvenile court. The preceding will be determined on a case-by-case basis, in the judgement of the juvenile court.
- 5. No juvenile will be utilized as an

operator without written authorization from all parties concerned. (Parents, juvenile court judge, attorney for the juvenile, if applicable)

29.17.10 General

- A. All informants shall be considered a Sheriff's Office resource, rather than the resource of a particular investigator or deputy, although the operator of the informant may be the individual who developed and recruited the informant.
- B. Known involvement in a new criminal offense will generally result in termination of use of that informant.
 - 1. The investigations supervisor and contact deputy shall be apprised of any such occurrence.
 - 2. The controlling deputy shall then consult with the appropriate prosecuting agency concerning any further use of that informant.
- C. In all cases in which an informant was utilized as an operative or participant, the prosecutor handling the case shall be apprised of the informant's criminal offense, criminal history, his/her reliability, and any other information concerning his/her work history as an informant. The informant's file shall be available for review to the prosecutor for this purpose.