

## Informants

### 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

#### 603.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Redding Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Redding Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

### 603.2 POLICY

The Redding Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of the Redding Police Department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

### 603.3 USE OF INFORMANTS

#### 603.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of the Redding Police Department should not guarantee absolute safety or confidentiality to an informant.

#### 603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable (Penal Code § 701.5)
- (d) The Chief of Police or the authorized designee

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#### **603.3.3 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

#### **603.4 INFORMANTS ON PAROLE/PROBATION**

An officer wishing to use an informant who is currently on probation must first notify the informant's Probation Officer and obtain approval from the Probation Officer prior to using the informant. Information regarding the approval shall be noted in the informant's file.

An officer wishing to use an informant who is currently on California State parole shall contact a Special Agent with the CDCR Special Service Unit (SSU) to obtain approval. Information regarding the approval shall be noted in the informant's file.

An officer wishing to use an informant who is currently on Federal parole or probation must submit a letter of intent to the local Federal Parole Officer. This letter must outline what activities the informant will be involved in and what provisions can be made to protect the informant. A copy of this letter will be placed in the informants' file. The Federal Parole Office must then obtain permission from the court for the informant to participate. The approval letter shall be placed in the informant's file.

#### **603.5 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Investigations supervisors, or the NPU supervisor.
  1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be told they are not acting as police officers, employees or agents of the Redding Police Department, and that they shall not represent themselves as such.
- (d) An officer shall notify their supervisor prior to meeting with an informant. In the event of an exigency, the supervisor shall be notified at the earliest opportunity.
- (e) The relationship between Department members and informants shall always be ethical and professional.
  1. Members shall not become intimately involved with an informant.
  2. Social contact shall be avoided unless it is necessary to conduct an official investigation and only with prior approval of the supervisor.

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3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.
  4. Officers are prohibited from providing informants their personal phone numbers or address unless their personally owned cellular phone is used for work purposes under the stipend program.
- (f) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of their supervisor.
1. Officers may meet informants alone in an occupied public place, such as a restaurant.
  2. Under no circumstances shall an officer meet with an informant of the opposite sex without being accompanied by another officer.
- (g) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- (h) In all instances when Department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (i) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

#### 603.5.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of an officer.
- (c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this Department to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

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- (f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

#### **603.6 INFORMANT FILES**

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of Department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Investigations Division. The Investigations Division Commander shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Investigations supervisors, and NPU supervisor.

The Investigations Division Commander will periodically audit the informant files. Informants that are inactive for a period of six months will be placed on an inactive file. If an informant is reactivated, a new WSIN/NCIC check, driver's license printout, and criminal history shall be completed. Informants that have remained inactive for a period of ten years will have their files purged.

All outstanding warrants shall be cleared prior to use of the informant unless previously approved by a magistrate, district attorney, or the Investigations Division Commander.

#### **603.6.1 FILE SYSTEM PROCEDURE**

A separate file shall be maintained on each informant and shall include an informant number and designation as either "Confidential Informant" (CI), "Confidential Reliable Informant" (CRI) or Citizen Informant. An informant Personal History form must be completed and the file shall consist of the following:

- (a) A complete Informant Personal History record form
- (b) A current photograph of the informant
- (c) Date and time of the WSIN and NCIC checks
- (d) Copies of the CJIS Super Message Key Results, L-1 and Criminal History
- (e) A copy of the informant's Driver's License printout
- (f) Informants without a valid DL shall not operate a motor vehicle while engaged in investigations.
- (g) An Informant Performance Record
- (h) An RPD Special Consent Form
- (i) Entrapment and Preponderance of Evidence definition forms

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#### **603.7 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant's previous criminal activity
- The level of risk taken by the informant

An Investigations supervisor or NPU supervisor will be responsible for the payment approval.

##### **603.7.1 PAYMENT PROCESS**

Upon payment to the informant of reimbursement or reward monies, a numbered receipt will be completed and signed by the officer and supervisor in charge of the payout. A case number or explanation for payment will also be noted on the receipt. Upon review by a supervisor, the receipt number will be recorded in a ledger designated specifically for such payments. The informant shall sign a copy of the receipt indicating the amount of money received. This receipt will be maintained in the informant's file.

**NOTE:** The Investigations Division Commander shall conduct a periodic review of the informant ledger.

##### **603.7.2 REPORTING OF PAYMENTS**

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.