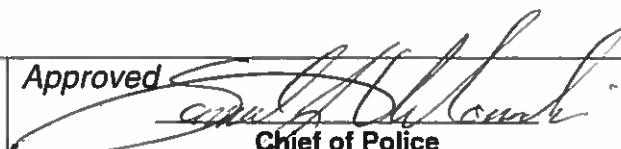


**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

Effective Date August 26, 2015		Amended Date		Directive 7.09.1	
Subject Informants					
Reference			Approved  Chief of Police		
Distribution All Personnel City Manager City Attorney		TPCA Best Practices Recognition Program Reference 7.11; 7.12		Review Date December 13, 2017	
				Pages 7	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

This directive provides specific guidelines relating to the qualifications, use, and handling of confidential informants/sources.

SECTION 2 POLICY

In many instances, a successful investigation cannot be conducted without the use of confidential informants/sources. While the use of confidential informants/sources is an effective tool in investigations, it can be undermined by the misconduct of the confidential informants/source or the officer utilizing the informant. Therefore, it shall be the policy of this department to take necessary precautions by developing sound informant-control procedures.

SECTION 3 DEFINITIONS

- A. **Confidential Informant/Source:** A person approved by the Criminal Investigation Division to, for compensation or some special consideration, provide information under police direction concerning criminal activity.
- B. **Confidential Informant File:** File maintained in order to document all information that pertains to confidential informants.
- C. **Special Consideration:** The offering of a reduced charge or other leniency in exchange for the person's cooperation in a case and information provided by the person.

SECTION 4 PROCEDURES

A. APPLICATION OF DIRECTIVE

1. Confidential Source

- a. Any person may be a confidential source if the person meets the qualifications listed in this directive.

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2. Protecting Informant's Identity

- a. When a person has been approved to be an informant, officers will take precautions to protect the person's identity.

3. Special Consideration

- a. A person who meets the qualifications to be a confidential source may be given special consideration when the person wants to provide information or participate in an investigation when the person:
 - i. has criminal charges pending or has been charged with a criminal offense; and
 - ii. likely has information to offer or is willing to participate in a manner that will enhance a criminal investigation

4. Minors (TPCA 7.11a)

- a. Persons under the age of eighteen (18) will not be used as informants but may be interviewed, and information given by them may be used in the course of a criminal investigation.

5. Not applicable

- a. A person who merely wants to be a "snitch" and provide information, without a desire for remuneration or special consideration, shall not be considered a confidential source and the provisions of this directive shall not apply.

6. Coordination with Criminal Investigation Division (TPCA 7.11a)

- a. Field officers are encouraged to develop various sources of information about criminal activity in their assigned work areas, including informants.
- b. If a field officer develops a potential informant, the officer will provide the person's information to a Criminal Investigation Division Supervisor.
- c. Once a person is approved to be an informant, Criminal Investigation Division will work with the informant directly or may allow the officer to work with the informant under the direct supervision of the Criminal Investigation Division Investigator.

7. Compensation

- a. No compensation or special consideration concerning the case will be made or promised to any person by a field officer, unless the person has been approved by the Criminal Investigation Division to be an informant and the Criminal Investigation Division has authorized the field officer to communicate the offer to the informant. (TPCA 7.11b)

B. INTERACTION WITH INFORMANTS (TPCA 7.11a)

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1. Multiple Members Required for Interaction

- a. In order to protect the integrity of the investigation and to safeguard the officer against false claims of abuse of office or other inappropriate conduct, all meetings with an informant shall be made with another member present.

2. Documentation

- a. Any meeting with an informant shall be documented and recorded on the informant log that is maintained by the Criminal Investigation Division.

C. RELATIONSHIP WITH INFORMANT (TPCA 7.11a)

1. Prohibited

- a. Any personal relationship with an informant is proscribed by Lancaster Police Department General Orders Manual, Directive 2.02.1 "Professional Conduct and Code of Conduct."

2. Reporting Relationship

- a. Any member who is already in a relationship with a potential informant or with a person who becomes an informant shall notify the Chief of Police about the relationship without unnecessary delay.

D. CONFIDENTIAL SOURCE FILE (TPCA 7.11c)

1. File Required

- a. Whenever a confidential source is used pursuant to and in accordance with this directive, a confidential source file shall be maintained.

2. Contents of File

- a. The file shall minimally include:
 - i. Confidential Source Packet;
 - ii. related incident report(s);
 - iii. all forms required by this directive

3. Maintenance

- a. The Criminal Investigation Division Commander is responsible for maintaining and updating the confidential source file.

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- b. The confidential source file shall be maintained in a locked cabinet by the Criminal Investigation Division Commander. Only the Chief of Police, Assistant Chief of Police, and the Criminal Investigation Division Commander may have access to the cabinet. (TPCA 7.11d)

E. QUALIFICATIONS TO BE CONFIDENTIAL SOURCE

1. Criteria for Approval

- a. A person may be used as a confidential source if the person is: (TPCA 7.11a)
 - i. not on probation or parole;
 - ii. not involved in a sexual offense, violent felony, first degree or capital offense

2. Review of Request

- a. The Criminal Investigation Division Commander shall review all requests for the use of confidential sources. The commander should minimally determine:
 - i. whether the person meets the qualifications listed in this directive;
 - ii. the person's motive for cooperating;
 - iii. the credibility of the person;
 - iv. the potential risk of the person jeopardizing the investigation;
 - v. the safety or danger risks that would be posed by the person

3. Extenuating Circumstances

- a. In extenuating and extraordinary circumstances, a person who does not meet the criteria to be a confidential source may be approved. If necessary, the district attorney should be consulted prior to the approval.

4. Completion of Informant Packet

- a. If the commander determines the person meets the criteria to be a confidential source and the person will likely provide beneficial information or the use of the information will likely enhance the investigation, the commander will cause to be completed a Confidential Source Packet in accordance with this directive. The completed packet will be forwarded to the Support Services Assistant Chief of Police for review and approval.

F. CONFIDENTIAL SOURCE PACKET (TPCA 7.11c)

1. Packet Required

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- a. The Confidential source Packet must be completed whenever it is determined that a person will be a viable candidate for a confidential source, without regard to the person's preference about anonymity.

2. Information Required

- a. The following information will be needed to complete or be included with the packet:
 - i. the person's full name and any known aliases and nicknames (including "street" names);
 - ii. complete physical description, including scars, marks, and tattoos (photos of the scars, marks, and tattoos is preferred);
 - iii. fingerprints;
 - iv. vehicle information;
 - v. residence information;
 - vi. employment information;
 - vii. known associates, including gang affiliation(s);
 - viii. two (2) photographs;
 - ix. full criminal history report;
 - x. copy of driver's license or identification card

3. Forms Required (TPCA 7.11b, 7.11c)

- a. The packet shall also contain the following documents:
 - i. cooperation agreement form;
 - ii. special investigation narrative;
 - iii. contract for plea bargain recommendation;
 - iv. statement form;
 - v. payment log; and
 - vi. waiver form to intercept oral communications

G. INFORMANT LOG (TPCA 7.11c)

- 1. Required

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- a. Any time the use of confidential source is approved, an entry in the Informant Log shall be completed.

2. Information Required

- a. The log will minimally capture the following information:
 - i. source's name;
 - ii. control or Identification Number permanently assigned to the informant;
 - iii. controlling investigator's name;
 - iv. related incident numbers;
 - v. authorizing person's name

3. Maintenance

- a. The log shall be completed and maintained by the Criminal Investigation Division Commander.

H. ACQUISITION OF FUNDS AND PAYMENT PROCEDURES (TPCA 7.12c)

1. Request for Funds

- a. Request for payment must be approved by the Support Division Assistant Chief of Police.
- b. Payments may not be authorized unless the person has been approved to be a confidential source in accordance with this directive.
- c. To request a payment, the Investigator will prepare a payment request form and forward it to the Support Division Assistant Chief of Police for approval. Upon approval, the form will be forwarded to the property technician, who is the confidential fund custodian, for processing. (TPCA 7.12a)
- d. The investigator will return all unused funds to the property technician. The property technician will provide a returned funds receipt to the investigator and a copy of the returned receipt will be placed in the informants files and a copy scanned into the offense/incident report in the department's Records Management System.

2. Receipt of Funds

- a. The Investigator will receive and sign for the funds from the confidential fund custodian.

I. MAINTENANCE OF THE CONFIDENTIAL FUND (TPCA 7.12)

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1. The Property Technician is assigned the responsibility for maintaining the confidential funds. The fund will be maintained in the safe located in the property and evidence room. (TPCA 7.12a, 7.12b)
2. At no time will there be more than five hundred dollars (\$500) in the confidential fund.
3. The Property Technician shall make payments only to those who have approval from the Support Division Assistant Chief of Police.
4. The Property Technician is not permitted to make disbursements from the confidential fund to himself or herself.
5. A disbursement log and receipt book will be maintained by the Property Technician. Entries in the log will be made for every disbursement or return as well as replenishment of the fund. (TPCA 7.12d)
6. The disbursement log shall record the beginning balance, date of withdrawal, amount, name of receiving officer, confidential informant number, case number, if any, and ending balance. (TPCA 7.12d)
7. After an officer returns with a receipt signed by the confidential informant, the Criminal Investigation Division Commander will check the signature to ensure a match with the signature on file, and place a copy of the receipt in the confidential informant file along with a statement of the information or service received. The original receipt will be kept in a file in the safe with the confidential funds.
8. When the amount in the confidential fund drops below one hundred dollars (\$100), the Property Technician will notify the Support Division Assistant Chief of Police requesting replenishment for the fund.
9. At least every six (6) months, the Support Division Assistant Chief of Police will conduct an audit of the confidential fund and operational procedures. The audit will be documented and forwarded to the Chief of Police. A notation of the audit will also be made in the disbursement log. (TPCA 7.12e)

J. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.