

MISSOULA POLICE DEPARTMENT POLICY MANUAL



Subject: CONFIDENTIAL INFORMANTS		
<i>Effective Date:</i> 4/25/2018	<i>Original Date:</i> 12/01/2008	<i>Next Review:</i> 4/25/2021
<i>Chapter</i> 11	<i>Policy #</i> 11.35	<i>Distribution:</i>
<i>References:</i> <i>State v. Goetz</i>		

I. Purpose

The purpose of this policy is to provide regulations for the control and use of Confidential Informants (CI).

II. Policy

In many instances, a successful investigation cannot be conducted without the use of CIs. While the use of CIs is an effective tool in investigations, it can be undermined by the misconduct of either the CI or the officer utilizing the informant. Therefore, it shall be the policy of this law enforcement agency to take necessary precautions by developing sound informant control procedures.

III. Definitions

Confidential Informant: An individual, who in an arrangement with law enforcement authorities, agrees to serve in a clandestine capacity to gather information for those authorities on suspected criminal activity or known criminal operatives.

Confidential Informant File: File maintained in order to document all information that pertains to confidential informants.

Unreliable Informant File: File containing information pertaining to individuals determined generally unfit to perform as informants.

Compelling public interest: For purposes of this policy, a compelling public interest includes situations in which failure to act would result or likely result in loss of life, serious injury, or have some serious negative consequence to persons, property, or public safety as to demand action.

IV. Procedures

A. Establishment of an Informant File System

1. The Detective Captain, or his designee shall be responsible for developing and maintaining master informant files and an indexing system.
2. A file shall be maintained on each CI used by officers. Each file shall be coded with an assigned informant control number and shall contain the following information:
 - a. Informant's name;
 - b. Name of officer initiating use of the informant;
 - c. Informant's photograph, fingerprints, and criminal history record;
 - d. Briefs of information provided by the CI and its subsequent reliability. If an informant is determined to be unreliable, the informant's file shall be placed in the unreliable informant file;
 - e. Signed informant agreement; and
 - f. Update on active or inactive status of informant.
 - g. The informant's motivation to be a CI.
3. The "Active", "Inactive" and "Unreliable" informant files shall include an indexing system. An informant history summary, coded with the informant control number, shall be prepared to correspond to each informant file and include the following information:
 - a. Special skills and/or avocations;
 - b. Date of birth;
 - c. Aliases;
 - d. Height, weight, hair color, eye color, race, sex, scars, tattoos, or other distinguishing features;
 - e. Current home address and telephone number;
 - f. Residential addresses over the last five years;
 - g. Current employer, position, address, and telephone number;
 - h. Marital status and number of children;
 - i. Vehicles owned and their registration numbers; and
 - j. Places frequented;
 - k. Gang affiliations;
 - l. Special areas of criminal expertise/ knowledge.
4. Informant files shall be maintained in a secured area within the criminal investigations section. "Active" informants must have a criminal history and driving history checked every three months.
5. The two informant files shall be utilized in order to
 - a. Provide a source of background information about the informant;
 - b. Provide a complete history of the information received

- from the informant;
- c. Enable review and evaluation by the appropriate supervisor of information given by the informant; and
- d. Minimize incidents that could be used to question the integrity of investigators or the reliability of the CI.

6. The officer in charge (OIC) of informant files shall be responsible for ensuring that information concerning informants is controlled and distributed to officers and other authorities who have a need and a right to such information.
7. Officers responsible for handling individual informants are responsible for ensuring that information of potential tactical or strategic value as intelligence is only provided to authorize intelligence personnel.
8. No officer shall maintain original or duplicated copies of informant files in their personal possession. All informant files must be referenced within designated areas of the police facility and returned as soon as possible to their secure file location.
9. Sworn personnel may only review an individual's informant file upon the approval of the commander of criminal investigations. The requesting officer shall submit a written request explaining the need for review. A copy of this request, with the officer's name, shall be maintained in the CI's file.

B. Use of Informants

1. Before using an individual as a CI, an officer must receive initial approval from a supervisor (Lieutenant or above).
2. The officer shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.
3. After the officer receives initial approval to use an individual as a CI, an informant file shall be opened.
4. All persons determined to be unsuitable for use as a CI shall be referenced in the Unreliable Informant File.
5. Use of a juvenile under the age of 18 as a confidential informant may only be undertaken with the advanced approval of the division Captain, or his or her designee. Authorization for such use may be granted only when a compelling public interest can be demonstrated, such as in an immediate threat of serious bodily injury or death.

****See definition of Compelling Public Interest****

C. General Guidelines for Handling CIs

1. All CIs are required to sign and abide by the provisions of the departmental informant agreement.* The officer utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the

following:

- a. Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon;
- b. Informants will be arrested if found engaging in any illegal activity. They will receive no special legal considerations; and
- c. Informants are not to take, and the department will not condone, any actions that may be considered entrapment. Entrapment occurs where the informant encourages, persuades, or otherwise motivates a person to engage in criminal activity.

2. No member of this agency shall knowingly maintain a social relationship with CIs while off duty, or otherwise become personally involved with CIs. Members of this agency shall not solicit, accept gratuities, or engage in any private business transaction with a CI.
3. Whenever possible, an officer shall always be accompanied by another officer when meeting with a CI.
4. Use of a CI while gathering evidence or information requires the use of a body wire or similar device to ensure the safety of the CI and suspect. This contact must be recorded.
5. The use of this type of listening or recording device requires a search warrant.