

EAST RANGE POLICE DEPARTMENT

Confidential Informant Policy

POLICY
118

Rev 03/10/2025

I. PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the East Range Police Department and the officers using informants, it shall be the policy of this office to take appropriate precautions by developing sound informant policies.

II. INFORMANT FILE SYSTEM

The Chief of Police or designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

III. FILE SYSTEM PROCEDURE

- A.** Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:
1. Informant's name and/or aliases.
 2. Date of birth.
 3. Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.
 4. Current home address and telephone numbers.
 5. Current employer(s), position, address(es) and telephone numbers.
 6. Vehicles owned and registration information.
 7. Places frequented.
 8. Informant's photograph.
 9. Evidence that a criminal history check has been made.
 10. Briefs of information provided by the informant and his/her subsequent reliability. If an informant is determined to be unreliable, the informant's file will be marked as "Unreliable."
 11. Name of officer initiating use of the informant.
 12. Signed informant agreement and signature/initial exemplar.
 13. Update on active or inactive status of informant.
- B.** The informant files shall be maintained in a secure area within the office of the Chief of Police. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant and minimize incidents that could be used to question the integrity of the investigators or the reliability of the confidential informant.

- C. Access to the informant files shall be restricted to the Chief of Police or his designees.

IV. USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Chief of Police. The Officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

V. JUVENILE INFORMANTS

The use of juvenile informants under the age of 13 years is prohibited. The use of any juvenile informant between the ages of 13 and 17 is only authorized with written consent of the parent or guardian.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this office in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party, and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition or criminal charge against the juvenile.

VI. GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

- A. All confidential informants are required to sign and abide by the provisions of the office Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.
- B. Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.
- C. To maintain officer/informant integrity, the following requirements must be adhered to:
 - 1. Officers shall not withhold the identity of an informant from their superiors.
 - 2. Identities of informants shall otherwise be kept confidential.
 - 3. Criminal activity by informants shall not be condoned.
 - 4. Informants shall be told they are not acting as police officers, employees or agents of the East Range Police Department and that they shall not represent themselves as such.
 - 5. The relationship between officers and informants shall always be ethical and professional.
 - 6. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Chief of Police.
 - 7. Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Chief of Police. Officers may meet informants alone in an occupied place such as a restaurant. When contacting informants for the purpose of making payments officers shall arrange for the presence of another officer whenever reasonably possible.

8. In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

VII. NARCOTICS INFORMANT PAYMENT PROCEDURES

- A. The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.
- B. These are maximum amounts. Payments should be commensurate with the value of the information or activity performed by the CI and the anticipated outcome of the case (drug prices should be at market values for the general area):
 1. 1st Degree Case-up to \$500.00
 2. 2nd Degree Case-up to \$300.00
 3. 3rd and 4th Degree Cases-Between \$100.00-\$300.00
 4. 5th Degree Cases-up to \$100.00
 5. Payments made in excess of the posted amounts must be pre-approved by the Chief of Police

VIII. PAYMENT PROCEDURE

- A. The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:
 1. The extent of the informant's personal involvement in the case.
 2. The significance, value or effect on crime.
 3. The amount of assets seized.
 4. The informant's previous criminal activity.
 5. The level of risk taken by the informant.
 6. Other factors that may motivate the informant.
- B. The Chief of Police will discuss the above factors with the officer and arrive at a recommended level of payment.

IX. CASH DISBURSEMENT POLICY

- A. The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount for services rendered.
 1. When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of \$150,000.
 2. A confidential informant may receive a cash amount for each quantity of drugs seized whether assets are also seized, not to exceed a maximum of \$30,000.

X. PAYMENT PROCESS

- A.** A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signature of the Chief of Police and the City Clerk/Treasurer are required for disbursements over \$600.00. The disbursement of money shall be handled in accordance with established State, County Policies, Ordinances and protocols.
- B.** Payments of \$600.00 and under may be paid in cash out of the Criminal Investigations Division Buy/Expense Petty Cash Fund. The Criminal Investigations Division Supervisor (Chief of Police) will be required to sign the voucher for amounts under \$600.00. The Criminal Investigations Division Buy/Expense Petty Cash Fund is a petty cash fund managed by the Chief of Police in compliance with the Cash Handling, Security and Management Policy. These funds shall be maintained in a locked cash box secured in a locked cabinet, desk or drawer in the office of the Chief of Police Office. This office will be secured whenever it is unoccupied.
- C.** To complete the transaction with the confidential informant the case agent shall have the confidential informant sign the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The East Range Police Department's case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informants file. The Chief of Police shall compare the confidential informant signature on the cash transfer form to the original signature exemplar contained in the informants file to verify the signatures are the same.
- D.** If the payment amount exceeds \$600.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informants file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

XI. REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600.00 in any reporting year, the confidential informant should be provided an IRS 1099 Form (26 CFR 1.6041-1), unless such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR 1.6041-3).

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on tax returns 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 confidential informants file.

XII. AUDIT OF PAYMENTS

At least once every year, the East Range Police Chief or designee, shall conduct a thorough audit of all informant funds for accountability and security of the funds. The funds petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.

XIII. REFERENCES AND REVISIONS

a. REFERENCES

- i. MN POST Board Model Policy

b. REVISIONS

- i. 04/19/2016 – Initial Policy
- ii. 03/10/2025 – ERPSB Approval Date