POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **INFORMANTS**

NUMBER: 6.12
ISSUED: 08/15/2024
EFFECTIVE: 08/15/2024
☐ RESCINDS
☐ AMENDS

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statues: 19.36(8)(b)

WILEAG 5TH EDITION
STANDARDS: 6.3.5

INDEX AS: Confidential Funds
Confidential Informants
Informants

PURPOSE: The purpose of this Policy & Procedure is to provide regulations for the control and use of Confidential Informants (CI) for the Sturgeon Bay Police Department.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. PROCEDURE

I. POLICY

A. In many instances, a successful investigation cannot be conducted without the use of a Confidential Informant (CI). While the use of CI's 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 Department to take necessary precautions by developing sound informant control procedures.

II. DEFINITIONS

A. CONFIDENTIAL FUND: The Department accounting and banking system that provides officers with investigative expense monies.

B. CONFIDENTIAL FUND CUSTODIAN: The Captain is responsible for dispensing and monitoring the use of investigative funds by offices, under the supervision of the Chief of Police.

C. CONFIDENTIAL INFORMANT FILE: File maintained in order to document all information that pertains to confidential informants.

D. UNRELIABLE INFORMANT FILE: File containing information pertaining to individuals determined generally unfit to perform as informants.

III. PROCEDURE

A. Establishment of an Informant File System

1. The Captain and Investigator 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 assignment 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 and fingerprints;

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.

3. The confidential 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) Driver's license and wanted checks;

j) Vehicles owned and their registration numbers; and

k) Places frequented.

4. Informant files shall be maintained in a secured area within the Captain or his/her designee's office.

5. The two information 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. Access to the informant files shall be restricted to the Chief, Assistant Chief, and the Captain of police, and/or their designees.

7. Sworn personnel may only review an individual's informant file upon the approval of the Chief of Police. 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 any individual as a CI, an officer must receive initial preliminary approval from a supervisor. The supervisor shall take the request, and inform the Chief before any agreement is secured, or transactions are scheduled to take place. The Chief of Police will give the supervisor final approval/denial.

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. An officer wishing to utilize an unreliable informant shall receive prior approval from the Chief of Police, or Captain.

C. General Guidelines for Handling Cis

1. All CIs are required to sign and abide by the provisions of the Departmental Informant Cooperating Individual 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 CI's while off duty, or otherwise become

personally involved with CI's. 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. Juveniles shall only be utilized as a CI in accordance with Departmental regulations, and state laws pertaining to juveniles.

D. Process for informant information for a search warrant.
   1. All information received from an informant regarding a search warrant application shall be verified by an officer. This includes the location, resident(s), types of contraband, or any other pertinent information.

      a) If the informant noted is a "reliable informant" from information previously provided and proven to be reliable, an officer shall note this information on an affidavit or oral testimony for the application of a new search warrant without identifying the informant.
      b) Any information from a reliable informant may be given to the court as an affidavit or by oral testimony.
   2. After a search warrant is granted by the court, all other procedures shall be followed according to Policy & Procedure 6.37; Search Warrants.

E. Confidential Funds Authorization

   1. The Chief of Police or designee is the confidential fun custodian, and shall have the following responsibilities with respect to the Department's confidential fund:

      a) Maintenance of the fund in accordance with all appropriate laws and procedures;

      b) Proper disbursements and deposits;

      c) Bookkeeping and banking procedures;

      d) Direction of quarterly internal audit of the fund by a third party;

      e) Maintenance of a file containing copies of all relevant fund transaction documents; and

f) Purging of the confidential fund records in accordance with state records retention provisions.

2. An annual audit of the confidential fund shall be performed by the City Auditor from outside the Department, in order to evaluate the continued integrity of the fund, and the need for any additional controls.

3. The Confidential Fund Custodian shall make disbursements from the confidential fund only to authorized personnel for the following purposes:

   a) Payments that are to be made directly to confidential informants;

   b) Investigative funds for the purchase of illegal drugs, contraband, and other criminal evidence;

   c) Purchases of food and beverages for a confidential informant;

   d) Expenditures for authorized undercover operations; and

   e) Flash and front money.

4. The Confidential Fund Custodian shall not be permitted to make disbursements form the confidential fund to himself.

5. Confidential fun transaction records shall be stored in a secured location, and access shall be restricted in accordance with applicable laws, ordinances, and Department Policy & Procedure.

F. Withdrawals and Expenditures from Fund

1. The Chief of Police or designee is the designated Confidential Fund Custodian, and shall be responsible for the security, proper use and accounting of confidential funds.

2. The Captain shall submit an annual memorandum to the Chief of Police listing the names of officers authorized to make withdrawals from the fund

   All officers seeking to make withdrawals from the fund who are not on the authorization list must obtain approval from the Captian or Chief of Police.

3. Prior to the issuance of any money from the confidential fund, an officer shall complete and submit to the Fund Custodian a written and approved request for funds.

4. The Confidential Fund Custodian shall issue the requesting officer a copy of the receipt acknowledging that funds were requested and received by the officer.

G. Accounting for Expended Funds

1. All officers receiving confidential fund monies shall prepare a written expense report accounting for all monies withdrawn from the fund, within five (5) days of withdrawal. The report should include:

   a) Item or informant control number on which the monies were expended;

   b) Date and place of the expenditure;
   c) Copies of receipts, where applicable;

   d) Type of investigation; and

   e) Case number, where applicable.

2. The written expense report with all supporting documents and receipts shall be submitted to the Captain for review, and subsequently forwarded to the Chief of Police for final approval.

3. For all funds expended, the officer issuing payment shall ensure that an appropriate receipt is obtained, unless such an action would jeopardize a transaction of operation.

4. All unexpended funds shall be returned to the Confidential Fund Custodian by the officer as soon as immediately practical. The Fund Custodian shall record in the fund receipt book acknowledging that such funds were re-deposited as unexpended.

5. Each officer may maintain a personal file containing a record of all confidential fund transactions, and copies of all relevant receipts, and Department fund forms.

6. The Chief of Police shall periodically review and audit the fund receipt book against available funds with the City Clerk/Treasurer for accounting purposes.

G. Release of Informant information

1. WI §19.36(8)(b), 2023 Wisconsin Act 223 provides that if an authority receives a request to inspect or copy a record or portion of a record that contains specific information including but not limited to a name, address, telephone number, voice recording, or handwriting sample which that, if disclosed, would identify an informant, the authority shall delete the portion of the record in which the information is contained.

If no portion of the record can be inspected or copied without identifying the informant, the authority shall withhold the record unless the legal custodian of the record makes a determination at the time that the request is made, that the public interest in allowing a person to inspect, copy or receive a copy of such identifying information outweighs the harm done to the public interest by providing such access. Also refer to Policy & Procedure 10.03: Open Records.

Clinton Henry
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 06/24/2020