

JOPLIN POLICE DEPARTMENT	9-05 STANDARD OPERATING GUIDELINE
SUBJECT: Informants	REVIEW DATE: Annually - September
EFFECTIVE DATE: September 1st, 2006	ACTION DATE:
AMENDS/SUPERSEDES: January 18th, 2008	AMEND DATE: September 18, 2020
ACCREDITATION INDEX: 42.2.7 a, b, c, d, e, f, g	APPROVED:  Chief of Police

I. POLICY

The department encourages the development and use of informants. The proper legal use of an informant can greatly assist in obtaining vital information that may be used in any investigation. Informants serve the interests of this department when they are properly managed through a file system that maintains information on their reliability and history. Files not only provide the department with key information in assessing an informant's reliability, but they detail the informant's history and furnish a means of supervisory review of the information. Supervisors may use the files to handle any controversies in which the integrity of department personnel has been questioned.

II. PURPOSE

The purpose is to establish guidelines and procedures for the utilization, management, and control of informants. All members of this department when using informants shall adhere to the procedures set forth in this section. (42.2.7)

III. DEFINITIONS

A. Informant:

For purposes of this order, an informant is anyone who, under guidance of a department officer, provides useful information concerning crime including vice, organized crime, or intelligence, with or without the expectation of compensation or reward.

B. Entrapment:

A person is 'entrapped' when he is induced or persuaded by law enforcement officers or their agents to commit a crime that he had no previous intent to commit. However, there is no entrapment where a person is ready and willing to break the law and the Government agents merely provide what appears to be a favorable opportunity for the person to commit the crime.

IV. PROCEDURES

A. General:

1. Any person who provides information is a potential informant within the definition of III.A. In many cases, useful information will flow because of friendly, courteous conversations and questioning, by building rapport, by providing efficient law-enforcement service, and by just listening and talking.

2. In developing informants, officers shall ensure confidentiality of informant identities and transactions and shall observe lawful accountability.
3. Officers shall not make any deals with people concerning charging, pleading, or sentencing. Officers may, however, consult with the prosecuting attorney regarding these matters.
4. Informant information may become the basis for a variety of legal and police processes. The officer shall carefully consider the possibilities of being required to identify an informant in the courtroom, possibly placing the informant in jeopardy.
5. Informants are not law-enforcement officers and have no arrest powers and are not permitted to conduct searches and seizures. Informants receive no special legal exemptions and they shall be arrested if they commit crimes.
6. No employee shall knowingly maintain a social relationship or become personally involved with an informant. No employee shall solicit, accept gratuities, or conduct any business transaction with an informant.
7. When feasible, officers shall have witnesses to their transactions with informants. Whenever an informant receives pay for information, another officer shall witness the transaction.
8. Contraband or illegal chemical substances shall not be given to an informant in lieu of a cash payment.
9. Information can be obtained from persons on probation/parole. However, officers can not direct them to engage in activity that would violate terms of their probation or parole without the permission from the court or their probation officer.
10. Juveniles may only be used as informants upon written consent of a parent or legal guardian. (Rules applying to adult informants also apply to juvenile informants) (42.2.7 G)
11. Officers shall tell informants that confidentiality cannot be guaranteed.

B. Identity of informants:

1. Each officer who wishes to develop and use an informant should prepare a confidential file on him or her. The file should include: (42.2.7 B)
 - a. An identifying number shall be assigned to the informant. The number assigned will be the next numerical number on the master informant list maintained by the Investigations Bureau Supervisor followed by the year.
 - b. Biographical and background information including name, date of birth, physical description, aliases, residential addresses, telephone number, and employer (position, address, telephone number).
 - i. Criminal history record, if any, photograph, and a signed CI agreement form.
 - ii. Written permission from a parent or legal guardian in the case of a juvenile. (42.2.7 G)
 - iii. Information the informant has or can be expected to provide. This information is maintained in the intelligence files. The case number for

the intelligence file is then listed on a sheet of activities kept in the informant file.

- iv. Record of any payments made. (42.2.7 E)
 - (a). The Investigations Bureau supervisor will authorize Payments to informants. Payments to informants is based on the information deemed valuable by the investigator's discretion. (42.2.6 E)
 - (b). Informant payments will be made from the Department Undercover Agent Drug Buy Fund, HIDTA, DPS Grant Fund maintained by the Investigations Bureau Commander and/or Investigations Supervisor.
- v. Degree of involvement of informants in any operation, including an update on the active or inactive status of the informant. Any information on the **unreliability** of the informant shall be included.

c. Access to the file shall be restricted to the officer or his/her supervisor.

- 2. Department personnel shall not reveal the identity of informants outside of the agency, unless directly related to an active investigation by another law enforcement agency and then only to a duly sworn officer. Internally, the identity of informants will only be revealed on a need to know basis. (42.2.7 D)
- 3. Once an informant file has been prepared, all future references to the informant in any reports shall be by informant number only. Informant names shall not be used.
- 4. Once the master confidential informant file has been prepared, it will be forwarded to the Investigations Bureau Commander who will assure security of the file. The master file will be kept separate from other agency files. Access to the file must be upon the approval of the Investigations Bureau Supervisor and/or Commander. (42.2.7 A)
- 5. All information to be placed in informant files shall be submitted to the Investigations Bureau Supervisor or designee. The Investigations Bureau Supervisor or designee will be responsible for the maintenance of the files. (42.2.7 C)
- 6. The Investigations Bureau Supervisor or designee will review informant files annually to determine whether individual informants are still assisting in investigations. Informant files may be purged only after the approval of the Investigations Bureau Commander. (42.2.7 C)

C. General use of informants: (42.2.7 F)

- 1. Informants who participated in offenses must be willing to testify in court.
- 2. Officers shall deal with informants very carefully and with circumspection, particularly with those of a different sex or whose sexual preferences may make an investigation susceptible to compromise, two officers should be present.

D. Legal uses of informants:

Specific legal guidelines exist regarding the use of informants. The following points are offered to help officers judge the usefulness of their informants.

- 1. If possible, corroborate informant tips through independent investigation.

2. If informant tips form probable cause to arrest or search, the officer involved must be prepared to justify to the court why the informant is credible and his or her information reliable.
 - a. If no reason requires the informant's identity to be kept confidential, the officer may give the informant's name in the affidavit or let the informant fill in an affidavit him/herself. There is no reason not to disclose the informant's name if he or she is willing to testify in court.
 - b. When referring to unnamed informants, officers must rely on a judge to make a common-sense decision whether, given the veracity and basis of knowledge of informants supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place. If an officer relies on an informant's information for proving probable cause, in the affidavit he or she shall allege
 - i. the facts from which the informant concluded that the thing to be searched for is probably on the person or premises to be searched; and,
 - ii. based on the totality of the circumstances, the facts from which the officer concluded that
 - (a). The informant was credible; or
 - (b). The information furnished by the informant was reliable.
3. Informant reliability may be established by the following considerations:
 - a. The informant has given reliable information in the past.
 - b. The informant is a private citizen whom the officer knows or who has a reputation for truthfulness.
 - c. The informant states that he or she has participated to some extent in the illegal activity.
 - d. The information that one informant gives is corroborated by another informant.
 - e. The information given by the informant is corroborated by police surveillance.
4. Informants shall not take, and the department shall not condone any actions that may be deemed entrapment.

V. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies shall comply with this policy.

VI. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty

as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.