

# WEST PALM BEACH POLICE DEPARTMENT

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## IV-8 INFORMANTS

**EFFECTIVE: 01/01/2005**

CALEA Standards: 42.2.9, 43.1.2, 43.1.3

CFA Standards: 7.06, 18.02-18.05

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**I. POLICY:** The West Palm Beach Police Department has established guidelines for the use of informants. Informants can be a valuable tool. However, the guidelines for their use and control must be strictly followed.

### **II. DEFINITIONS:**

A. Informant - A person who provides information or lawful services to the Police Department under the direction or control of a specific officer in his or her investigation and operation, with or without expectation of compensation or confidentiality.

B. Confidential Informant - An informant whose identity is not revealed.

C. Control Officer - An officer who has direct control and responsibility for an informant and for funds paid to the informant.

D. Investigative Funds - Funds budgeted annually to provide monetary compensation to informants, to use for undercover purchases to make controlled buys, for reimbursements of officer expenses, or other expenses incurred during an investigation.

E. A Source of Information - A person, not under the direction or control of a specific officer, who provides information without becoming a party to the investigation (e.g., a concerned citizen who witnessed or has information about an incident). The source of information may be compensated for information provided. If the source of information seeks continuing compensation, comes under the direction and control of a specific officer, or becomes an active part of the investigative process, this person's status should be changed to that of an informant.

### **III. ESTABLISHING INFORMANTS:**

A. An informant must meet the following criteria:

1. The person must be in a position to measurably assist the Department in investigations.
2. In the officer's judgment, the person will not compromise the Department's interest and activities.
3. The person will accept the measure of direction necessary to use his or her services.

B. Prior to establishing an informant, the Control or establishing officer will,

1. Check if there are any criminal charges against the person.
  - a. If there is a prosecution pending against the person and the decision is made to use the person as an informant, the officer will advise the person that he or she can only advise the prosecutor or the court of the informant's cooperation and cannot make any other assurances without the approval of the State Attorney's Office.
  - b. If there is a pending case(s) against the person, the control officer will contact the Assistant State Attorney who is handling the case and the arresting agency only if the informant is providing or renders substantial assistance.
  - c. Whenever an officer wants to discuss dismissing a prosecution with a prosecutor or judge, the officer must notify his or her supervisor of those intentions.

2. When a person is on probation or parole, the officer must request permission from the person's probation or parole officer and the judge in the case before using that person as an informant.

C. The decision to use a person as an informant will be made after the control officer confers with the above agencies and his or her immediate supervisor.

D. The Department discourages establishing any informants less than 18 years of age.

1. When the informant is a juvenile, the officer will obtain written consent from the juvenile's parent(s) or guardian(s), whenever possible, and discuss all of the dangers involved in the operation.

2. The Department prohibits establishing an informant who is less than 16 years of age.

E. When an officer establishes a new informant, he or she will complete and explain the forms to the new informant:

1. The Personal Information form (Appendix A) contains biographical and background information about the informant, and:

- a. NCIC/FCIC criminal history,
- b. PALMS printout,
- c. Other important/relevant information, and
- d. If there is no record found on the informant through use of NCIC, FCIC, or PALMS, the control officer will attach the print out indicating "No Record Found".

2. The Cooperative Individual Claim Release Form (Appendix B).

3. The Code of Conduct form (Appendix C).

4. The Working Agreement form (Appendix D).

5. The Training Form (Appendix E).

F. Officers completing informant information forms will turn them in to the Special Investigations Division Commander or place them in the secured information boxes located in the Patrol Division report writing room or in the Criminal Investigations Division.

1. The Special Investigations Division Commander will ensure the forms are:

- a. Collect the forms within 48 hours during normal business hours.
- b. Check to see if a new informant is generated.
- c. Check the reliability of the informant.
- d. Review the status of the informant.

2. The Special Investigations Division Commander will advise the control officer if the person has been used as an informant by this Department in the past.

G. All forms and information relevant to paid informants will be maintained in a master file by the Special Investigations Division Commander or a designee.

1. All information regarding informants (code numbers, operations they are involved in, etc.) will be secured in the Special Investigations Division, and will have controlled access.

2. The master file contains the dollar amount of payments made to the informants.

H. Each informant will be assigned a confidential code number which will be known to the informant, the person who maintains the informant file, and the officer(s) who directs and controls the informant.

1. The code number will contain twelve characters combining digits and letters used to identify the Division originating the form and the informant.
2. The code number will be assigned by the Supervisor in charge of the informant files.

I. Records relating to active vice, organized crime investigations and confidential informant files are maintained separately from the central records system. These records will include:

1. The information received from the informant.
2. The informant's involvement in the operation.

#### **IV. UTILIZATION OF INFORMANTS:**

A. Whenever an officer establishes an informant, he or she will advise the person of the following:

1. The informant will not violate any criminal law when gathering information or providing services.
2. The informant has no official status, implied or otherwise, as an agent or employee of the Police Department.
3. The Department will do everything possible to ensure confidentiality, but it cannot be guaranteed.

B. When using an informant, the officer must control the direction of the operation and the informant. An officer should not place himself or herself in the position of having to act when there is not sufficient manpower or equipment to ensure the safety of all parties involved, unless exigent circumstances exist.

C. The entire relationship and direction come from the officer.

1. Informants are used for the benefit of the Police Department and not a specific officer. The Supervisor of the Control Officer may reassign the informant to another officer.
2. Contacts between an officer and an informant will be of a strictly professional nature. Social or personal business contacts are strictly prohibited.
3. Contacts with an informant will be such that his or her knowledge of the Department's facilities, operations, activities, and personnel is kept to the minimum.
4. At least two (2) officers should be able to contact an informant, whenever practical.
5. Two (2) officers should be present when meeting with informants of the opposite gender unless prior approval has been obtained from the officer's supervisor.

D. Officers should attempt to verify the credibility of the information the informant has provided.

E. When an informant is a participant in a controlled buy or reverse and he or she handles funds, drugs or anything of evidentiary value, he or she will be thoroughly searched before and after the operation.

1. The confidential informant will be kept under continuous observation during the operation to ensure the validity and integrity of the evidence.
2. Money should be marked or copied and serial numbers recorded for identification in the event it is later recovered as evidence.

F. Whenever the informant becomes unreliable, useless, dangerous or otherwise undesirable, it is the responsibility of the controlling officer to document this information and forward it the Special Investigations Division Commander or a designee.

1. It is the responsibility of the Special Investigations Division Commander to mark that informant's file indicating deactivation and to notify, as soon as possible, by departmental memo, the appropriate division(s) supervisor(s) of the deactivation.

2. If information is received at a later date by either the controlling officer or any other officer indicating the informant should be re-evaluated as to his or her credibility with the purpose of reactivation, this information will be forwarded to the Special Investigations Division Commander or a designee. After reviewing the updated information and a satisfactory report has been documented, the informant can be reactivated.

G. Whenever the informant changes his or her address, phone number, etc., it is the responsibility of the controlling officer to direct the updated information to the Special Investigations Division Commander or designee.

H. When the information the informant provides is used in a criminal prosecution, the Department will avoid disclosure of an informant's identity if at all possible, even if no prior agreements of confidentiality were made.

1. The informant's confidentiality will be thoroughly discussed with the prosecutor prior to the case being tried.

2. When disclosure of an informant's identity in a case may adversely affect the outcome of a more significant case or investigation, the officer may recommend the case be dismissed after discussion with the prosecutor and the officer's supervisor.

3. When the question of disclosure of an informant's identity arises at trial, the officer should request time to confer with the prosecutor.

#### **V. INVESTIGATIVE FUNDS:**

A. Each year the Department provides in the budget for an Investigative Fund as determined by the Chief of Police.

B. The funds will be the responsibility of the Investigative Services Bureau Commander to direct and control.

C. The amount of cash under the direct control of the Investigative Services Bureau Commander will not exceed \$30,000.00, unless otherwise designated by the Chief of Police.

D. The funds will be used to finance the following:

1. Payments to informants for fees and expenses;

- a. The amount of the fee paid to an informant will be based upon the investigative value of the information provided, the offense under investigation and the work performed in furtherance of the investigation.

- b. The amount to be paid an informant should not be predetermined unless there is direct knowledge of the past reliability of the informant. No fee will be based upon a percentage of assets seized or any other potential financial outcome of an investigation.

- c. Payment of fees should be made only after the reliability of the information is verified. The past reliability of the informant can be used to determine when the fees should be paid.

- d. Payments for expenses should be made as soon as possible and supported by receipts

2. Undercover purchases such as narcotics, stolen property, etc.; and
  3. Other expenses incurred during an investigation or operation connected with the investigation.
- E. Receipts will be obtained whenever possible to verify expenses.
- F. The Special Investigations Division Commander will periodically draw cash from the budgeted Investigative Fund from the City Finance Department. This cash will be maintained by the Investigative Services Bureau Commander in a locked, safe and secure place within the police building.
- G. The Investigative Services Bureau Commander will maintain an Investigative Fund Ledger Book recording the amount of funds at the beginning of the fiscal year and any disbursements (expenditures) and deposits throughout the fiscal year.
- H. The Special Investigations Division Commander will assign an account number to each investigative fund established. The account number will be a two-letter initial of the Division.
1. SIO - Special Investigations Division
  2. CID - Criminal Investigations Division
  3. UP - Uniformed Patrol Division
  4. US - Uniformed Special Services
  5. IA - Internal Affairs
  6. Initials for special projects or other Divisions or units requiring investigative funds will be designated at the time of establishing the funds for project, division or unit.
- I. The Investigative Services Bureau Commander may establish investigative funds for divisions or units within the Police Department for special investigative projects.
- J. The amount of cash distributed to a special investigative project will be determined at the time the project is planned. The Commander of the division or unit in which the project is assigned, will be responsible for the money.
- K. When a transaction is completed to or from the fund, the Special Investigations Division Commander will record the following information in the Ledger Book (information taken from IFE Report form):
1. Date of transaction;
  2. Name of the officer and/or informant code number;
  3. Type of transaction (informant fee, informant expense, controlled buy, officer's expense, undercover buy, other expense, other reimbursement/ deposit);
    - a. If a deposit, record the amount under deposit; if an informant fee or expense, record amount under informant expense; if any other expense, record amount under investigative expense.
  4. Under no circumstances will Investigative Funds be used for purchases of food or personal items for any member without prior authorization from the Investigative Services Bureau Commander.
  5. The case number and investigative fund expenditure number; and
  6. Law enforcement action.
- L. An officer may request a cash advance of investigative funds for investigative purpose:

1. He or she must first receive approval of the expenditure and advance from his or her immediate supervisor.
2. If the total amount is an estimated expenditure, the officer will submit a Cash Advance Receipt form (Appendix F) documenting the purpose of the disbursement to the supervisor for his or her approval. The supervisor will indicate approval of the transaction by signing and dating the receipt.
3. The officer will then submit the receipt to the Special Investigations Division Commander, who will disburse the appropriate funds. The officer will receive a copy of the cash receipt form at this time.
4. If the officer only expends a portion of the advanced investigative fund, he or she will return the balance to the Special Investigations Division Commander in a timely manner. The Special Investigations Division Commander will fill out the second section of the cash receipt form documenting the return of the unused funds and give the officer a copy of this receipt. An IFE report will be completed to document the expended funds.

O. Investigative Fund Expenditure (IFE) Report (Appendix G):

1. The officer will mark the type of expenditure and complete the appropriate section and all required signatures.
2. The informant will sign by his or her name or write his or her code number with the two (2) letters written in cursive. (This is for confidentiality and verification purposes).
3. All transactions that are completed on the same date and time with one informant relative to the same investigation can be documented on the same IFE form.
4. When the Special Investigations Division Commander receives the form, he or she will sign and date the form as verification of his or her review and approval.
5. The Division or Unit Commander will also assign the Investigative Fund Expenditure Number (IFE #). This number is the account number and the sequential reference number in the Ledger Book.
6. If the amount of the expenditure exceeds \$500, approval of the Special Investigations Division Commander is required on the IFE form.

P. Audit:

1. The Special Investigations Division Commander will review all of the forms submitted and, if no irregularities are found, file and maintain them in a secure file.
2. The Staff Inspections Officer will conduct an audit and expenditure of funds quarterly and at any other time an audit is requested by the Chief of Police.
3. Pursuant to F.S.S., the Chief of Police will annually submit the documents and forms relating to the Investigative Fund records to the City Finance Department for a financial audit.
  - a. No information or document will be submitted during this audit that reveals the identity of a confidential informant.

**VI. REFERENCE:**

- SOP # II-1 Fiscal Management.
- F.S.S. 925.055 Law enforcement investigative funds

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**Delsa R. Bush, Chief of Police**

Original issue: 06/01/1999  
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I.D. # 1337

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Old SOP # 6.610.019  
Revision Dates: 12/15/1999, 01/01/2005

Job Title Task Files: Investigative Services Bureau Commander, Staff Inspections

Appendix A

Personal Information Form

Name (Last, First, MI)					Date of Original Report		
Address					Telephone (     )		
C.I.#	Identifier	Aliases					
DOB	Place of birth		Citizenship	Ethnic Origin			
Race	Occupation	Sex	Height	Weight	Eyes	Hair	
Miscellaneous Physical Characteristics							
Employer's Name and Address				How Long Employed?			
Social Security Number			Military Branch			Service Number	
FBI Number (Attach Rap Sheet)			Driver's License State                      Number		Exp.		
Automobile Make                      Year		License Plate State                      Number			Education Level		
Criminal Associates, Files Mentioned in							
Places Frequented							
Source of Supply							
Family Background							
Spouse				Address			
Father				Address			
Mother				Address			
Photo Attached    Yes        No				Signature of Informant			
Agent's Name & Signature				Date		Unit #	
Authorizing Supervisor's Signature				Date		Unit #	

Appendix B

COOPERATING INDIVIDUAL CLAIM RELEASE FORM
For Confidential Sources of Information

WHEREAS, \_\_\_\_\_, registered as a confidential informant
(Print or Type Name)

with the \_\_\_\_\_, HEREIN REFERRED TO AS the Agency,
(Agency Name)

and requests permission to act as a confidential informant, including riding with police officers in government
owned vehicles or privately owned vehicles, accompanying and helping police officers as confidential informants
and knowingly engaging in occasional hazardous situations.

WHEREAS, it is understood that the Agency cannot accept responsibility for or guarantee the safety of such
individuals when acting in such a capacity as confidential informants; now, therefore,

BE IT AGREED as follows:

That in consideration of his/her being permitted to act as a confidential informant for police officers, the
undersigned hereby voluntarily assumes all risks of accident, injury, or damage to his/her person and property
and hereby releases and discharges the Agency, its employees and agents, including but not limited to police
officers of the Agency, from every claim, liability, or demand of any kind for or on account of any personal injury
or damage, or injury or damage to property of any kind sustained whether caused by the negligence of the
Agency, its agents or employees, including but not limited to police officers, or otherwise.

The undersigned hereby also agrees to hold the agency, its agents and employees, including but not limited to
police officers, harmless from any claim, liability, or demand of any kind which may arise against any or all of
them resulting in any way or form, his/her acting as a confidential informant for the Agency, or accompanying a
police officer or officers in the performance of their duties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_
(Location)

(Informant Signature)

(Informant ID Number)

(Witness)

(Witness)

(Controlling Officers' Printed Name & ID Number)

(Supervisors Printed Name & ID
Number)

(Controlling Officers' Signature)

(Supervisor's Signature)

**Appendix C**

**CODE OF CONDUCT**  
For Confidential Sources Of Information

I, \_\_\_\_\_, the undersigned clearly  
(Type or Print Name)

understand that while I am assisting and cooperating with the \_\_\_\_\_,  
(Agency Name)

I am forbidden from and will not commit any of the following acts or engage in any of the following activity:

1. I will not sell, deliver, or possess any controlled substances, illegal or illicit drugs, or any substances purported to be the same at any time.
2. I will not use my sex, sexual activity, to induce or persuade anyone to sell or deliver any controlled substances, illegal or illicit drugs, or any substances purported to be the same, or engage in any criminal activity.
3. I understand that I can not search anyone, any place, or any thing for any reason.
4. I understand that I can not carry a firearm or weapon for any reason or at any time.
5. I have had what constitutes entrapment explained to me, completely understand it, and will not engage in any such activity at any time.
6. I agree not to discuss, disclose, or communicate in any way, to any one, any information regarding any investigation or activity, that I may be involved in or aware of.
7. I understand that any violations of the code of conduct, or any violations of law will be fully investigated with appropriate action being taken, including criminal prosecution for any criminal violations.
8. I understand that no officer has the authority to make any promises or predictions regarding any criminal charges that I may have pending against me. This does not preclude the officer from meeting with the prosecutor to discuss my assistance and cooperation and to make requests for consideration.
9. I acknowledge that I am cooperating of my own free will and not as the result of any promises, or any intimidation, or threats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_  
(Location)

\_\_\_\_\_  
(Informant Signature)

\_\_\_\_\_  
(Informant ID Number)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Controlling Officers' Printed Name & ID Number)

\_\_\_\_\_  
(Supervisors Printed Name & ID Number)

\_\_\_\_\_  
(Controlling Officers' Signature)

\_\_\_\_\_  
(Supervisor's Signature)

**APPENDIX D**

**WORKING AGREEMENT - For Confidential Sources of Information**

I, \_\_\_\_\_, the undersigned clearly understand

that while I am assisting and cooperating with the \_\_\_\_\_, I agree to the following terms of behavior:

1. I agree to be truthful to my controlling office and the agency at all times and will answer all questions and inquiries made upon me to the best of my knowledge and ability.
2. I agree to submit to a polygraph test whenever requested by my controlling officer of the agency.
3. I agree to submit to a urinalysis test whenever required by my controlling officer or the agency.
4. I agree to strictly abide by and not violate any laws including narcotics and drug laws.
5. I agree to submit to a search of my person, my possessions, and any vehicle that I may have in my possession, whenever requested by my controlling officer or the agency.
6. I agree to notify my controlling officer of any contact with other law enforcement officers or agencies.
7. I agree to strictly follow and adhere to all established rules and procedures.
8. I understand that however unlikely, there is a possibility that my identity may have to be disclosed and that I may be required to testify in court.
9. I agree to advise my controlling officer of any and all criminal activity that I became aware of.

Additional Remarks:

\_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_  
(Location)

\_\_\_\_\_  
(Informant Signature)

\_\_\_\_\_  
(Informant ID Number)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Controlling Officers' Printed Name & ID Number)

\_\_\_\_\_  
(Supervisors Printed Name & ID Number)

\_\_\_\_\_  
(Controlling Officers' Signature)

\_\_\_\_\_  
(Supervisor's Signature)

**Appendix E  
TRAINING FORM  
For Confidential Sources of Information**

Areas Covered:

Cooperating Individual Claim Release Form	C.I. Initial _____	C.O. Initial _____
Code of Conduct	C.I. Initial _____	C.O. Initial _____
Working Agreement	C.I. Initial _____	C.O. Initial _____
Entrapment Issues	C.I. Initial _____	C.O. Initial _____

Remarks:

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_  
(Location)

\_\_\_\_\_  
(Informant Signature)

\_\_\_\_\_  
(Informant ID Number)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Controlling Officers' Printed Name & ID Number)

\_\_\_\_\_  
(Supervisors Printed Name & ID Number)

\_\_\_\_\_  
(Controlling Officers' Signature)

\_\_\_\_\_  
(Supervisor's Signature)

**APPENDIX F**

**West Palm Beach Police Department  
Cash Advance Receipt**

To be filled out by I.F. Manager

Amount used: \$ \_\_\_\_\_

IFE# (s): \_\_\_\_\_

Amount Returned: \$ \_\_\_\_\_

Date: \_\_\_\_\_

Amount: \$ \_\_\_\_\_

Reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Officer:

I.D.#:

Approval:

Date Received:

PD-335

Appendix G
CITY OF
WEST PALM BEACH
POLICE DEPARTMENT

INVESTIGATIVE FUNDS EXPENDITURE REPORT

Fiscal Year: \_\_\_\_\_

FE # \_\_\_\_\_

1) INFORMANT FEE

2) ONE-TIME SOURCE OF INFORMATION

DATE: \_\_\_\_\_

CASE # \_\_\_\_\_

I, \_\_\_\_\_, have on the above date received from \_\_\_\_\_
the sum of \$ \_\_\_\_\_ for information given in the above case.

Signature: \_\_\_\_\_

Nature of information/service:
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

3) INFORMANT EXPENSE

4) CONTROLLED BUY

DATE: \_\_\_\_\_

CASE # \_\_\_\_\_

On the above date, funds in the amount of \$ \_\_\_\_\_ were furnished to \_\_\_\_\_,
address \_\_\_\_\_, for use in the investigation of the above
case. This money was used for the following purposes: \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

5) OFFICER'S EXPENSE

6) UNDERCOVER PURCHASE

DATE: \_\_\_\_\_

CASE # \_\_\_\_\_

On the above date, funds in the amount of \$ \_\_\_\_\_ were expended by me in the above case. These
funds were used for the following purposes: \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

7) OTHER EXPENSE

8) OTHER REIMBURSEMENT

DATE: \_\_\_\_\_

CASE # \_\_\_\_\_

On the above date, funds in the amount of \$ \_\_\_\_\_ were (expended) (returned) for the following
purposes: \_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

Total Expenditures This Report: \_\_\_\_\_

Officer submitting report: \_\_\_\_\_
(Print Name & ID #)

(Signature)

Expenditures Approved by: \_\_\_\_\_

Date: \_\_\_\_\_