

## Confidential Informants

### 605.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Ramsey County Sheriff's Office and the deputies using informants it shall be the policy of this office to take appropriate precautions by developing sound informant policies.

### 605.2 INFORMANT FILE SYSTEM

The Narcotics Unit supervisor or designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

#### 605.2.1 FILE SYSTEM PROCEDURE

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:

- (a) Informant's name and/or aliases.
- (b) Date of birth.
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features.
- (d) Current home address and telephone numbers.
- (e) Current employer(s), position, address(es) and telephone numbers.
- (f) Vehicles owned and registration information.
- (g) Places frequented.
- (h) Informant's photograph.
- (i) Evidence that a criminal history check has been made.
- (j) 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."
- (k) Name of deputy initiating use of the informant.
- (l) Signed informant agreement.
- (m) Update on active or inactive status of informant.

The informant files shall be maintained in a secure area within the Narcotics Unit. 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 investigators or the reliability of the confidential informant.

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Access to the informant files shall be restricted to the Sheriff, a Division Undersheriff, the Narcotics Unit Supervisor or their designees.

### **605.3 USE OF INFORMANTS**

Before using an individual as a confidential informant, a deputy must receive approval from the Narcotics Unit supervisor. The deputy 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.

#### **605.3.1 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.

### **605.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

All confidential informants are required to sign and abide by the provisions of the office Informant Agreement. The deputy using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

#### **605.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS**

No member of the Ramsey County Sheriff's Office shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the Ramsey County Sheriff's Office shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain deputy/informant integrity, the following requirements must be adhered to:

- (a) Deputies shall not withhold the identity of an informant from their superiors.
- (b) Identities of informants shall otherwise be kept confidential.
- (c) Criminal activity by informants shall not be condoned.
- (d) Informants shall be told they are not acting as sheriff's deputies, employees or agents of the Ramsey County Sheriff's Office and that they shall not represent themselves as such.

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- (e) The relationship between deputies and informants shall always be ethical and professional.
- (f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics Unit supervisor.
- (g) Deputies shall not meet with informants in a private place unless accompanied by at least one additional deputy or with prior approval of the Narcotics Unit supervisor. Deputies may meet informants alone in an occupied public place such as a restaurant. When contacting informants for the purpose of making payments deputies shall arrange for the presence of another deputy whenever reasonably possible.
- (h) In all instances when office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

### **605.5 NARCOTICS INFORMANT PAYMENT PROCEDURES**

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.

#### **605.5.1 PAYMENT PROCEDURE**

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.
- Other factors that may motivate the informant.

The Narcotics Unit supervisor will discuss the above factors with the Public Safety Services Division Undersheriff and arrive at a recommended level of payment that will be subject to the approval of the Sheriff or designee.

#### **605.5.2 CASH DISBURSEMENT POLICY**

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.

- (a) 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.

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- (b) 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.

#### 605.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signatures of the Sheriff or designee and the County Board or designee are required for disbursements over \$600. The disbursement of money shall be handled in accordance with established State, County Policies, Ordinances and protocols. Payments of \$600 and under may be paid in cash out of the Narcotics Unit Buy/Expense Petty Cash Fund. The Narcotics Unit Supervisor will be required to sign the voucher for amounts under \$600.

The Narcotics Unit Buy/Expense Petty Cash Fund is a petty cash fund managed by the Narcotics Unit Supervisor 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 Narcotics Unit supervisor's office. This office will be secured whenever it is unoccupied.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial 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 Ramsey County Sheriff's Office case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

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 informant's 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).

#### 605.5.4 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 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 informant's file.

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### 605.5.5 AUDIT OF PAYMENTS

At least once every six months the Sheriff 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.