

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

DOCUMENTING AND USING A CONFIDENTIAL INFORMANT

Reviewed by: Sgt. Jeffrey Albee	Effective Date: October 27, 1993
Authorized by: Asst. Chief Randall McKinley	Revision Date: August 05, 2019

PURPOSE

The purpose of this SOP is to set guidelines for officially establishing and using a confidential informant. The policy of the Bloomington Police Department is to develop and use confidential informants in the detection, investigation, and prosecution of criminal offenses. However, the benefit to be derived from the use of a confidential informant should be weighed against the exposure to liability from the use of that informant.

PROCEDURES

This document will establish the procedure for officially documenting a human resource as a confidential informant, will set guidelines for the official use of confidential informants, and will establish security measures regarding confidential informants' identification and personal information.

DEFINITIONS

Documenting - to document a human resource as a confidential informant includes completion of all required documents, authorization by a CID or Street Crimes Unit supervisor of the individual for official use, and the issuance of a confidential informant (CI) number.

Confidential Informant - a documented and officially authorized individual who furnishes information or purchases evidence pertaining to violations of criminal law, regardless of compensation. Confidential informants work under the direction of police officers and are not to be confused with concerned citizens, casual sources of information, nor complainants.

RECRUITMENT

While a broad spectrum of confidential informants may be desirable, the use of juveniles, pregnant females, parolees, and persons confined in detention facilities as confidential informants presents unique problems. Therefore, officers seeking to recruit juveniles (persons under the age of 18 years), pregnant females, parolees, and incarcerated persons as confidential informants must obtain the permission of a staff officer before using such a person as a confidential informant. Additionally, written parental authorization will be required before a juvenile may be used as a confidential informant. The Office of the Administrator of the Illinois Department of Corrections (Springfield) must be notified prior to using a parolee as a confidential informant. Furthermore, prior to using an incarcerated person as a confidential informant, the case shall be reviewed by a Staff Officer and, if possible, an Assistant State's Attorney to ensure that the prospective target's constitutional rights will not be jeopardized. Incarcerated confidential informants, while being

housed in the McLean County Jail, will never be used for electronic surveillance without express authorization by either the Sheriff, the Jail Superintendent, or their designee. In addition to the above requirements, all other documentation requirements (below) must be met.

INITIAL INTERVIEW

The initial interview of the prospective informant should be conducted by an officer who has special knowledge of the subject matter to be discussed. This officer should be able to determine both the value and the credibility of the information being gathered. During this phase, particular attention should be paid to assessing the motivation of the prospective informant, since that motivation serves as the basis for the police/informant and target/informant relationships. The interviewer should be particularly careful not to disseminate intelligence information that was previously unknown to the prospective informant. Finally, information gathered from the prospective informant will be submitted by the interviewing officer on the Department's standard intelligence information form within five working days. Intelligence information submissions will be governed by SOP entitled Dissemination of Criminal Intelligence Information: Standards for Need To Know/Right to Know and SOP entitled Vice Unit.

DOCUMENTATION

Prior to using a person as a confidential informant, the interviewing officer will check local police records, Statewide Terrorism and Intelligence Center (STIC) and NCIC to locate any information that calls into question the advisability of documenting the candidate. The officer will then complete a confidential informant documentation packet, including a color photograph of the prospective informant. The documentation packet will include the following completed forms: Personal History Form, City of Bloomington Fingerprint Card or a copy of their fingerprint classification, Confidential Informant Agreement Form. The officer will read the Confidential Informant Agreement Form to the prospective informant and ask whether that person understands the agreement. When the prospective informant expresses a clear understanding of each item, that person will then be asked to initial each item.

When the documenting officer has completed the documentation packet, that officer will personally submit it to a CID or Street Crimes Unit staff officer for review. If personal contact is not possible, the documents will be submitted to CID or Street Crimes Unit staff in a sealed and initialed envelope which has been clearly marked "CONFIDENTIAL". Additionally, the submitting officer will provide the CID or Street Crimes Unit staff with any information that would raise doubts about the advisability of using the candidate as a confidential informant (e.g., mental illness, recent death threats against the candidate, poor prior history of reliability, etc.). The CID or Street Crimes Unit staff officer will review the prospective confidential informant's packet for completeness and determine whether to approve of the applicant as an official confidential informant. However, only when the required documents have been properly executed and submitted will that staff officer issue a CI number to the applicant. The CI number will be drawn from the CI register wherein the true name of the confidential informant and corresponding number will be recorded. The CID staff officer will then create a permanent file in the intelligence repository and label the file only with the CI number.

The confidential informant files and the CI number register will be kept in a locked file cabinet in a location of the Street Crimes Unit commander's discretion or choosing. Access to that information will be limited to CID or Street Crimes Unit staff or their designee (e.g., CID Secretary). Confidential informant information may be disseminated by the Street Crimes Unit

Commander on a "need to know/right to know" basis. Confidential informants will be referred to only by their CI number in all incident reports. However, the confidential informant's fictitious name will be used for payment transaction records in order to verify payments. Care will be taken not to divulge the true identity or gender of the confidential informant in any incident reports.

USE

1. **Training:** the informant handler should spend sufficient time training the confidential informant so that the informant clearly knows what is expected of him or her and how they are expected to accomplish the mission objective(s). The amount and type of training must be determined on a case-by-case basis. Information to be discussed with the confidential informant might include, but not be limited to, such topics as the type of information or evidence that is to be collected, informant and mission security, contingency plans, possible responses to problematic issues (e.g., sampling contraband, "tripping", "fronting money", etc.), acts forbidden to the informant (e.g., violating the law, entrapment, etc.), the proper use of electronic surveillance equipment, and observation and reporting of details, among other things. All training should be subject to periodic testing and review.
2. **Contacts:** meetings between confidential informants and police officers shall be conducted under circumstances that: (1) protect the confidentiality of the informant; (2) limit the informant's knowledge of police facilities, vehicles, personnel and procedures; and (3) insure the security and integrity of the contact officers. Meetings with informants of the opposite sex require that two sworn officers be present, whenever reasonably possible, unless otherwise authorized by a supervising officer.
3. **Controlled Buys:** confidential informants who participate in undercover purchases of controlled substances or other potential evidence through the use of Official Advanced Funds (OAF) and any vehicles they operate will be searched thoroughly before and after the encounter. If contraband is found, the continued use of the informant will be closely reviewed by the supervising officer. If money is found, the searching officer will hold the money and return it to the informant at the completion of the operation. Where possible, the informant will be kept under continuous observation. This procedure does not negate an "uncontrolled buy" as a valid investigative technique. Upon completion of the operation, the informant handler will take possession of any purchased evidence or OAF from the informant. The confidential informant will then be debriefed and an official report will be made. Any payments made to the informant will comply with SOP entitled How to Handle Confidential Funds. All purchased evidence will be properly submitted as evidence as soon as practical. All cannabis, controlled substances, weapons, and cash will be secured at the Bloomington Police Department before the end of the submitting officer's tour of duty.
4. **Promises:** Bloomington Police Officers will not make any explicit or implicit promises or predictions concerning the likely disposition of any criminal charges that are pending against a confidential informant. An officer may only state that the extent of the informant's cooperation will be made known to the prosecuting authority. Further, officers will not make any explicit or implicit promises that a confidential informant will not be required to testify in court. Finally, officers will not make any explicit or implicit promises concerning the relocation or protection of confidential informants. Concerns regarding informant safety shall be forwarded to a supervisor.