

POLICY  
502

EFFECTIVE  
DATE  
1-19-17

# Eugene Police Department



## Informants

### 502.1 PURPOSE AND SCOPE

This policy deals with informants. It does not apply to situations in which a person provides information and the circumstances do not meet the criteria specified in this policy.

### 502.2 DEFINITIONS

**Informant** - a person who actively participates in an investigation, or who provides information for more than one incident, and is either:

- a. A Confidential Reliable Informant (CRI) who desires to remain anonymous, and
  - 1. who requests or receives compensation and/or consideration, and
  - 2. has established his or her reliability through verification and independent corroboration of information, or
- b. An individual who provides ongoing confidential information or services that help with official police action for which they receive compensation or consideration.

**Source of Information** – The title “informant” does not apply to “sources of information.” A source of information is a person or organization, not under the direction of a specific law enforcement officer, who provides information without becoming party to the investigation itself.

### 502.3 REPORTING INFORMANT CONTACTS

If you have contact with a potential informant, notify your supervisor with the following facts:

- a. The identity of the individual, if known
- b. The nature of the contact
- c. The kind of information or services the individual supplied or can supply
- d. If the individual is, or appears to be, willing to cooperate with any officer other than the reporting officer
- e. Your assessment of the informant's motive for cooperation (e.g., money, elimination of competition), and
- f. Whether any discussion took place regarding leniency in pending criminal cases in which the informant is involved and, if so, the content of these discussions.
  - 1. If we act on information from an informant, or a person receives compensation or other consideration for supplying information, that person will be identified as an informant except as outlined below. Future contacts will be handled in accordance with this policy.

2. If a person provides information and the only consideration given is an alternative method of enforcement (e.g., issuance of citation rather than custody arrest, a warning rather than a citation for a violation, or other incidents where the officer generally has discretion to issue a warning in lieu of enforcement, such as open container or violation of park rules) and reports are prepared in accordance with normal procedures, the person does not need to be identified as an informant, and is considered to be a source of information.

Unless receiving prior authorization from his or her Division Manager, a uniformed officer may only enlist a person to be an informant with the assistance of a detective.

#### 502.4 RELATIONSHIPS WITH INFORMANTS

- a. Avoid social contact unless it is required to further an official investigation, and then such contact may be made only with supervisory approval.
- b. You may not accept gratuities or gifts from informants.
- c. We will document and corroborate information obtained from informants as to its veracity and value. This information will be kept in the informant file.

#### 502.5 REQUESTS FOR SPECIAL CONSIDERATION

- a. You will not knowingly permit any criminal act by an informant, except in situations where the CRI is acting under your direction with prior supervisory authorization.
- b. You may not make an offer of leniency or promise intervention on behalf of the CRI.
- c. If a CRI requests leniency or special treatment for a pending criminal case, you may only transmit the request to the DA. Report any such request to your supervisor.
- d. It is preferable to use informants who have committed offenses where the state rather than an individual is the victim.

#### 502.6 INFORMANT CONSENT FORM

All CRI's will be required to read, complete, and sign the *Special Consent Form*. The original will be placed in an informant file.

#### 502.7 INFORMANT FILE

- a. The Investigations Division Manager or designee will be the file custodian for all department informants.
- b. Investigations supervisors will meet with the potential informant and approve or deny their use for investigations.
- c. The SIU Sergeant will meet with potential patrol informants, and approve or deny their use with input from the patrol officer's supervisor.
- d. Unit/direct supervisors are responsible to review and forward the Informant Files to the file custodian.
- e. The file custodian will review Informant Files and assign a control number to each informant.
- f. Unit/direct supervisors will oversee and be responsible for their officers' use and control of informants.

- g. The supervisor also assigns a primary contact officer and an alternate, who are responsible for all further contact with the informant.
- h. Each Informant File will include:
  - 1. Informant *Special Consent Form*
  - 2. Informant Identification Record
  - 3. Informant Expense Record
  - 4. Recent photographs
  - 5. The original of any contract(s) between the department and the informant
  - 6. Informants Criminal History and warrant check
  - 7. Driver's license status printout.
- i. A record of information provided, including dates, case numbers, the nature of the information, and the results will be kept in the Informant File.
- j. Access to Informant Files is limited to the Chief of Police, Division Managers and/or designee(s), and the file custodian.

## 502.8 INFORMANT CONTACTS

- a. Inform your supervisor when contact is made with an informant.
- b. If your supervisor is not available, notify the Watch Commander, another supervisor, or Communications (in that order of preference) of the location of the contact. Clear with Communications when returning from the contact.
- c. You must have two officers present during the contact with an informant for information, when compensation is being paid, or when you anticipate receiving controlled substances. Any exceptions must be approved in advance by the unit supervisor.
- d. Record the date, time, location, and nature of any personal contacts with informants and send to the file custodian as directed by the unit supervisor.
- e. If an informant requests immediate contact with a specific officer who is off duty, the unit supervisor will verify the need to contact the officer prior to his or her return to duty. If so, the supervisor will authorize the call to the officer, advising him or her of the message. If the officer cannot be contacted, advise the officer's supervisor.

## 502.9 JUVENILE INFORMANTS

- a. You may not have an informant under 18 unless:
  - 1. you have approval of the unit sergeant, lieutenant, or the Division Manager, and
  - 2. you have permission of the parent or guardian, or the District Attorney's Office.
- b. This does not prohibit the acceptance of information from a juvenile who voluntarily offers information to this agency.

## 502.10 RESTRICTIONS ON USE OF INFORMANTS

- a. The use of the following persons as informants must be vetted by the SIU sergeant, and District Attorney's Office:
  - 1. Wanted persons
  - 2. Persons with a record or reputation for perjury, bribery, or related offenses
  - 3. Persons known to have a history of mental disorder or illness
  - 4. Persons on parole or probation unless approved by the parole/probation officer, District Attorney's Office, or appropriate court. (Note: Whenever using persons on parole or probation, any request to intentionally place that person into a criminal environment for unlawful activities will be carefully scrutinized. The parole/probation

officer must be notified.)

- b. You may accept information from such persons, but they will not be treated as CRIs for purposes of this policy. Any request for consideration regarding handling of criminal cases will be conveyed to the District Attorney's Office, and any request for monetary consideration to the appropriate Division Manager, without any promise being made to the person.
- c. A Western States Identification Network (WISN) de-confliction check will be completed on individuals prior using them as an informant. If the subject is deemed unreliable by WSIN they will not be used.

#### 502.11 INFORMANT BUYS

Tightly control and corroborate purchases of contraband by an informant, commonly referred to as a "buy." The informant must not be allowed to be in possession of any object that may compromise the investigation or purchase. Every such purchase requires a minimum of two officers for surveillance purposes.

- a. To control purchases:
  1. Search the informant thoroughly for objects which may compromise the investigation before the purchase, along with any area of the informant's vehicle and residence to which he or she has access.
  2. Give the informant investigative funds that have been recorded by serial number. The informant may not purchase any contraband with his or her personal funds.
  3. Retain all the informant's personal funds during the buy. Return them immediately upon conclusion of the buy.
  4. Keep the informant in view to the extent possible from the time the first search is completed to the time the final search is completed.
  5. Search the informant again at the end of the buy. Retrieve all investigative funds and evidence.
  6. When possible, the same officer(s) should conduct all these tasks.

#### 502.12 INFORMATION FROM OTHER INDIVIDUALS

- a. Nothing in this policy prohibits receiving information from individuals not meeting the definition of an informant.
- b. If an officer receives crime-related information on more than one occasion within a one-month period from an individual who is not an informant, the officer will complete an *Information Source Contact* form and submit it to his or her supervisor. That form will be routed through the chain of command to the Division Manager, and will be retained in division files. This information will be subject to purging after two year as discussed later in this policy.

#### 502.13 INFORMANT STATUS

- a. If at any time the status of an informant changes, and the informant is no longer eligible to work as an informant, the unit supervisor will be notified and notice will be given to the file custodian and the informant's status will be changed to inactive.
- b. If an informant has not provided information or had contact in over six months, the informant's status will be changed to inactive unless approved by the unit supervisor to maintain and active status.
- c. Reasonable attempts will be made to notify the informant of any changes to their status.

- d. Officers will review and update all documents in active informant packets annually.

#### 502.14 PURGING OF INFORMANT FILES AND INFORMATION

- a. If an informant is inactive for more than two years, the supervisor of the officer who signed the informant will recommend the file for either retention or purging.
  - 1. The officer who signed the informant will coordinate with the records custodian to view the file. They will determine what cases the informant was involved in that have been prosecuted, may be prosecuted, or will not be prosecuted.
  - 2. The supervisor will confer with the officer, Police Data & Records Manager, and retention guide produced by the city attorney (See *Policy 502 Appendix A*) to determine if the information from those cases is eligible to be purged.
  - 3. The supervisor will prepare a memo recommending the retention or purging of the informant file. This memo is to include the officer's review, the Police Data & Records Supervisor's recommendation, and city attorney's recommendation if applicable.

#### 502.15 SUPERVISORS RESPONSIBILITY

- a. Each unit supervisor shall be responsible for and monitor the selection and utilization of informants by members of their unit.
- b. The unit supervisor will be responsible for ensuring updates to informant files, including cases worked and Informant Funds used, are being sent to the file custodian.
- c. An annual audit of the informant files will be completed by the file custodian or designee, and presented to the Chief of Police.
- d. Overall supervision of the informant program is the responsibility of the Special Investigations Unit supervisor.