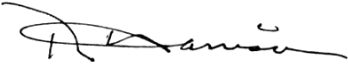


TEXARKANA POLICE DEPARTMENT

GENERAL ORDERS MANUAL

SUBJECT	Use of Confidential Informants and Confidential Funds		
NUMBER	1106.11	EFFECTIVE DATE	July 12, 2017
Scheduled Review Date	August 30, 2018	ISSUE DATE	July 12, 2017
Date Reviewed	July 12, 2017	REVISION DATE	July 12, 2017
APPROVED BY		ALEAP Standards	7.13; 7.14

I. Purpose and Scope [ALEAP 7.13; 7.14](#)

A. The purpose of this policy is to define procedures for the utilization and control of confidential informants by members of the Texarkana Police Department. This policy applies to all sworn members of the Texarkana Police Department.

II. Policy

A. In many instances, the use of confidential informants provides valuable information that provides the key to the successful conclusion of investigations that are being conducted by the Texarkana Police Department. While the use of confidential informants may often be an effective tool in investigations, it must be recognized that the investigation can be undermined by the misconduct of either the confidential informant or the officer utilizing the informant. Therefore, it is the policy of the Texarkana Police Department to consistently take all necessary precautions to protect the welfare of confidential informants and to employ sound confidential informant control procedures.

B. All personnel shall recognize and adhere to the guidelines contained within this policy, and supervisors shall ensure these guidelines are followed wherever applicable.

III. Definitions

A. Confidential Informant—A confidential informant is defined as any person who provides information that is useful for investigation purposes, and in return for such information, the provider has expectations of receiving something of personal benefit. There are various benefits, which may be expected. The following represents a list of such benefits:

1. Financial gain;
2. Reduction of the severity of charges;
3. Dismissal of charges; or
4. The prevention of charges

B. Source — A source is defined any person who provides information that is useful for investigative purposes and the person is not expecting to personally benefit from such action. Information sources

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may be members of a neighborhood or block watch group, police officers, business owners or concerned citizens.

IV. Confidential Informant Management

- A. Once a person has agreed to function as an informant, and supervisory approval has been obtained, the following information will be gathered and a confidential informant file folder will be compiled. The file will contain the following information:
 - 1. Personal background history sheet;
 - 2. Photograph;
 - 3. A set of fingerprints;
 - 4. Criminal History;
 - 5. Informant signature;
 - 6. Informant alias name and signature;
 - 7. Informant packet identification number;
 - 8. Informant agreement to rules and regulations; and
 - 9. Information reports documenting each use of the informant and documentation of expenditures of confidential funds to the informant.
- B. Commissioned officers will not interview or meet with an informant of the opposite sex without the presence of another officer or without express consent of a supervisor.
- C. When an officer becomes alert to the fact that an informant is not heterosexual, the same precautions will be followed as if the informant were a member of the opposite sex.
- D. Although not prohibited, it is strongly recommended that all meetings with informants have a second officer present regardless of the sex of the individual.
- E. When an adult individual comes forward offering information/assistance of a confidential nature, it is vital that an in-depth examination be made of the subject's motive, background, criminal history, and mental stability. This shall be done prior to the use of the subject as an informant or before acting on any information provided.
 - 1. Utilization of adults as a confidential informant will be made in accordance with applicable state law.
 - 2. A supervisor will be informed of intentions to utilize a confidential informant, and the supervisor shall either approve or disapprove of the use of the informant based upon all available information regarding the individual and the nature of the case.
- F. Except under special circumstances where other investigative means are unavailable or have proven ineffective, the use of juveniles as informants is discouraged.
 - 1. Under such circumstances, prior written approval will be obtained from the parent, guardian, court or other person capable of giving consent.
 - 2. A court order authorizing the use of the juvenile shall be requested prior to the use of a juvenile as an informant. When a juvenile is authorized by the court to serve as a confidential informant, the confidential informant information file will include a copy of the judicial approval.

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3. The parent of the juvenile will be notified, except in situations where the parent or guardian is the defendant, co-defendant, or unwitting defendant in the investigation.
- G. The solicitation of information or intelligence from a juvenile is permissible when no danger to the juvenile exists, and when the information is used to support evidence gathered from other sources.
1. The information should be regarded as highly confidential when the identity of the information source is not material and the informant identity is not required for court testimony.
- H. Confidential informant files will be maintained in a secure area with access limited to the Task Force Commander and Asst. Commander. These files will be separated into three sections: active; inactive; and terminated.
1. Active files are those confidential informants who routinely provide information or services to members of the Narcotics Task Force.
 2. Any confidential informant who fails to provide information or services to the Task Force within a 12-month period will be transferred from the Active file, to the Inactive file, and a memorandum will be included in the file reflecting the reason for the Inactive designation.
 3. Any confidential informant may be placed in the terminated file based on the recommendation of a Task Force member with supervisor approval for any violation of the working agreement, or violation of local, state or federal law.
- I. Confidential informants who have shown to be a liability to the Task Force, refused to cooperate, failed to honor their agreement or are generally unreliable will be terminated by a supervisor. Persons terminated may not be used as a confidential informant unless extraordinary circumstances exist and approval is received from the Task Force Commander.
- J. When a confidential informant is developed by an officer assigned to the Patrol Division, that officer must complete the same confidential informant file as a detective in the Criminal Investigation Division and that officer is to deconflict the use of the confidential informant with BSNTF/CID supervision.
- V. Confidential Funds
- A. Every agency taking part in the Narcotics Task Force will budget funds to be used as confidential funds. These funds will be used to purchase information, services, or evidence. These funds cannot be utilized for any other purpose. Allowable expenditures shall be defined as follows:
1. **Purchase of Services P/S** — This category includes travel or transportation of a non-federal officer or an informant; the lease of an apartment, business front, automobile, aircraft, boat or similar effects to create or establish the appearance of affluence, meals, beverages, entertainment, and similar expenses for undercover purposes within reasonable limits, and subject to the approval of a unit supervisor;
 2. **Purchase of Evidence P/E** — This category is for the purchase of evidence and/or contraband such as narcotics and dangerous drugs, firearms, stolen property, counterfeit tax stamps, or other similar items which might be required to determine the existence of a crime or to establish the identity of a participant in a crime;
 3. **Purchase of Information P/I** — This category includes the payment of monies to an informant for specific information. All other informant expenses would be classified under P/S (purchase of services) and would be documented accordingly.
- B. Confidential funds will be disbursed in the following instances:

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1. When the particular merits of a program/investigation warrant the expenditure of these funds; and
 2. When the requesting agencies are unable to obtain these funds from other sources.
- C. A narcotics supervisor must authorize all advances of funds for the purchase of information. Such authorizations must specify the information to be received, the amount of the expenditures, and the assumed name of the informant.
- D. Each investigator shall maintain his/her individual receipt book. Whenever the investigator receives authorization to expend confidential funds from a unit supervisor, he or she shall disburse the allocated funds and shall submit a signed receipt from his/her receipt book, along with a written intelligence report specifying the reason for the expenditure.
1. If the expenditure is for evidence, he/she shall also submit a Property Report to accompany the evidence to the Property Evidence Custodian.
 2. If the investigator expends funds on the purchase of services (approved travel, transportation, apartment lease, aircraft, or other approved services) a receipt will be obtained from the vendor.
 3. Receipts for meals are not required, if the meal purchased falls at or below the established per diem amount pursuant to the policy of the investigator's agency.
- E. The receipt of disbursement shall contain the following information:
1. Date (applicable P/I-P/S-P/E);
 2. Name of disbursing officer and signature (applicable P/I-P/S-P/E);
 3. Amount disbursed (applicable P/I-P/S-P/E);
 4. Informant assigned number (applicable P/I);
 5. Informants assumed name and signature (applicable P/I);
 6. Agency case number (applicable P/I-P/S-P/E);
 7. Classification of expenditure (applicable P/I – P/S – P/E);
 8. Applicable receipts for purchases (applicable P/S); and
 9. Signature of a witnessing officer.
- F. All disbursement of funds shall be witnessed by a second officer whose signature will appear on the receipt for the transaction.
- G. All disbursements made to investigators shall be reconciled with their supervisor within 48 hours of the original disbursement. Any discrepancies or shortages of cash will be the responsibility of the investigator having custody of the funds.
- H. All discrepancies will be investigated, and improper handling of funds may result in disciplinary actions according to the policies of the sponsoring agency.
- I. The unit supervisor will maintain a copy of all funds disbursed to investigators.
- J. The unit supervisor will maintain a master ledger of all expenditures of confidential funds and a current account balance.
- K. The unit supervisor (Arkansas) will complete a quarterly and annual reconciliation report as required by the Arkansas Department of Finance and Administration/Office of Intergovernmental Services.

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1. The report will include a summary of the funds used, and to what extent the expenditures contributed to the success of the investigation.
 2. A copy of the reconciliation reports will be kept in the Task Force offices for inspection by the Arkansas Department of Finance and Administration/Office of Intergovernmental Services during monitoring/audits.
- L. The CID Commander, or his designee, shall no less than once per quarter request the police department's Finance Technician conduct audit all financial transactions, receipt books and any other funds associated with the disbursement of confidential funds.
- M. Once complete, the Finance Technician will provide the CID Commander with a memo that documents the outcome of each audit.

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