



Sheridan Police Department
Policies and Procedures
20.6
Chapter 20 – Investigations
Section 6 – Intelligence & Confidential Informants

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Signature:

Information gathering is a fundamental and essential element in the duties of any law enforcement agency. The Sheridan Police Department shall gather information on specific individuals and/or organizations reasonably suspected of criminal and/or terrorist activities. The information shall be gathered with due respect for the rights of those involved and disseminated only to authorized individuals. All members of this agency are responsible for reporting information that may help identify criminal and/or terrorist activities.

20.6.1 Intelligence Operations

- A. Criminal intelligence operations include gathering, evaluation and dissemination of information regarding individuals or activities suspected of, or known to be, criminal in nature that present a threat to the community.
- B. Criminal intelligence file(s) consist of stored information on the activities and associations of:
 - 1. Individuals who:
 - a. Are suspected of being involved in the actual, attempted, planning, organizing, financing, or commission of criminal acts; or
 - b. Are suspected of being involved in criminal activities with known or suspected crime figures.
 - 2. Organizations, businesses, and groups that:
 - a. Are suspected of being involved in the actual, attempted, planning, organizing, financing, or commission of criminal acts; or
 - b. Are suspected of being illegally operated, controlled, financed, or infiltrated by known or suspected crime figures for use in an illegal manner.
- C. Criminal intelligence is defined as data which has been evaluated to determine that it is relevant to the identification of an individual who, or organization which, is reasonably suspected of involvement in criminal activity.
- D. Information collected will be limited to criminal conduct and activities that present a threat to the community. Intelligence files shall be stored and maintained by the Special Operations Lieutenant. These areas are as follows:
 - 1. Organized crime activity including narcotics and outlaw motorcycle gang information;
 - 2. Terrorist activity (see section 21.1.6);
 - 3. Vice activity; and
 - 4. Caution indicator files in the records management system maintained by dispatch.
- E. Information gathering in support of intelligence operations is the responsibility of each member of the department. When a member receives intelligence information, it will be submitted to the person responsible for maintenance of the file and will include:
 - 1. Suspect information;

2. A summary of the suspected criminal activity and/or danger posed; and
 3. Source of the information.
- F. Criminal intelligence shall not be collected or maintained about the political, religious, or social views, associations, or activities of any individual or group.
 - G. The position responsible for maintenance of the file shall evaluate the information and determine if it is credible. Credible information shall be maintained and non-credible and out of date information shall be purged.
 - H. When information is collected, nationally recognized intelligence resources should be checked to verify locally collected information. These resources include computer-based systems such as:
 1. Law Enforcement Online (LEO); and
 2. Regional Information Sharing Systems Rocky Mountain Information Network.
 - I. In the case of caution indicator flags in involvements, entry requires approval by a shift supervisor or a higher ranking official. The person providing the information, the supervisor approving the entry and the supporting information will be included with the warning.
 - J. Except for caution indicators, the position responsible for maintenance of the file shall maintain the information in a separate secured file or folder.
 - K. Extreme care must be taken to control dissemination of intelligence information, which will be released on a need-to-know basis.
 - L. The intelligence function will ensure the legal rights and privacy of those involved are not violated by following the guidelines in 28 CFR Part 23 which contains implementing standards for operating federally funded multi-jurisdictional criminal intelligence systems. Since it only applies to systems operating through federal funding under the Omnibus Crime Control and Safe Streets Act of 1968 it only controls department participation in Rocky Mountain Information Network, however provides a guide for other department intelligence activity.

20.6.2 Confidential Informants

- A. In many instances, the use of confidential informants (CI) can provide valuable information that will assist in successful investigations.
- B. While the use of confidential informants may often be an effective tool in investigations, it must be recognized that an investigation can be undermined by the misconduct of either the confidential informant or the officer utilizing the informant. Therefore, officers will consistently take all necessary precautions to protect the welfare of confidential informants and to employ sound confidential informant control procedures.
- C. A confidential informant is an individual who provides information to and/or aids by other means (such as serving in a clandestine capacity to gather information) an investigation in return for money, other considerations or no considerations.
- D. A file shall be maintained on each confidential informant used by officers.
- E. Confidential informant files are restricted access files maintained by the special operations lieutenant to document information that pertains to confidential informants and to include a record of all transactions associated with each informant. Informant files shall be maintained in a secured area.
- F. Unreliable informant files are files maintained by the special operations lieutenant to document information pertaining to individuals determined to be unfit to perform as informants.
- G. Prior to any deal involving an informant, all information regarding the informant will be fully documented. All informants will be completely identified and documented by completing a

confidential informant agreement, a bio-sheet, a consent for electronic and video intercept form and a photograph of the confidential informant.

- H. The confidential informant will be assigned a CI number by the special operations lieutenant or designee. All references to the informant will be by the assigned code number unless otherwise required.
- I. The special operations lieutenant shall be responsible for developing and maintaining informant files and an indexing system. The file will include, at a minimum, the following information:
 - 1. Informant bio sheet which includes:
 - a. Name of informant, including any and all known aliases;
 - b. Date of birth;
 - c. Social security number;
 - d. Home address and telephone number;
 - e. Physical description, including any tattoos or distinguishing features;
 - f. Place of employment, including current position, address and telephone number;
 - g. Vehicles owned or used and their registration numbers;
 - h. Known associates; and
 - i. Gang affiliations.
 - 2. Background information and criminal history record, if any;
 - 3. Photograph of informant;
 - 4. A signed copy of the confidential informant agreement;
 - 5. Assigned code number for the informant;
 - 6. Name of contact officer initiating the use of the informant;
 - 7. A brief synopsis of the information provided by the CI and the subsequent reliability of that information; and
 - 8. Record of payments to the informant.
- J. Any inquiries as to confidential informant information, whether from within the department or from sources outside the department, shall be conducted through the special operations lieutenant who shall have the discretion to deny the release of the information unless compelled to do so by a court order.
- K. In the event that information on a CI is to be released, the supervisor in charge of the file who will be releasing the information shall contact the investigator with control over the CI prior to releasing any information and inform him or her of the pending release.
- L. Officers will make every effort to protect the identity of a CI including the following precautions:
 - 1. All references to the CI on receipts or other documents will be by the assigned control number.
 - 2. When completing reports accessible to the public including affidavits for search warrants, officers should refer to the individual simply as a "CI". They should not include any reference to the assigned code number. Officers should never refer to a CI by name, or gender specific pronoun, in any document.

20.6.3 Use of Informants

- A. When using informants, it is essential to establish their reliability before using information, whenever possible. Officers must be aware that informants may not be loyal to police

operations and the potential for misinforming or compromising investigative efforts always exists and must be guarded against.

- B. All confidential informants are required to sign and abide by the provisions of the confidential informant agreement. The officer utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
 - 1. Informants are not law enforcement officers; they have no arrest powers, and may not carry a firearm;
 - 2. Informants will be arrested if found committing any criminal acts on their own and without the knowledge of the police department. If arrested or charged, they will receive no special legal considerations; and
 - 3. Informants may not engage in entrapment.
- C. Arrangements should be made with informants to conduct meetings at locations where the identity of the informant is not likely to be jeopardized.
- D. Whenever possible, an officer should always be accompanied by another officer when meeting with a CI.
- E. Each time a CI is used in a clandestine capacity to gather information a current photograph shall be taken and placed in the CI's file.
- F. Officers are not to knowingly involve informants in life threatening situations.
- G. No member of the police department shall maintain a social relationship with a CI or former CI. Officers will not use personal cell phones to communicate with CI's.
- H. If a potential CI is on parole or probation, the handling officer shall notify the individual's parole or probation officer and abide by any restrictions or rules placed on them. A notation of the parole or probation status, the name and telephone of the parole or probation officer, and the date notified should be included in the file.
- I. Juveniles will not be utilized as confidential informants without the following conditions being met:
 - 1. Prior approval from the police administration;
 - 2. Written permission from the juvenile's parent or legal guardian; and
 - 3. The informant file is tagged in a way that clearly indicates the informant is a juvenile.
- J. Use of Informants by Patrol Officers
 - 1. Patrol officers are encouraged to develop contacts that may develop into informants for specialized investigative components of the department, or for the patrol officers themselves.
 - 2. Due care and responsibility must be taken when developing and using informants to ensure confidentiality.
 - 3. The use of informants must be cleared through the patrol operations lieutenant or designee.
 - 4. A file must be kept on each informant as previously outlined in section 20.6.2.
- K. The special operations lieutenant must approve all confidential informant payments. The special operations lieutenant will review the information supplied by confidential informants and evaluate its potential value. Such factors as the possible number of cases that may be cleared, the quantity of controlled substance, the value of stolen property, and the overall value of the information for investigative needs are to be weighed as the supervisor evaluates the amount of payment.
- L. Any payments made will be in accordance with section 27.3.3.