



Apex Police Department General Order



Title Confidential Funds and Sources of Information		Order Number 1103-20
Effective Date: February 26, 2020	Amends: 1103-16	
CALEA Standard: 42.2.6, 43.1.3, 17.4.2, 17.4.3	Rescinds:	
Reference:	Pages: 8	
Forms: F1103 - Receipt of Special Investigative Funds F1103a - Informant Debriefing Report F1103b - Informant Registration Form F1103c - Informant Agreement F1103d - Informant Activity Report F1103e - Informant Pay Summary Record F1103f - Informant Payment Guidelines F1103g - Controlled Purchase Notes		

Confidential Funds and Sources of Information

Purpose

The purpose of this directive is to establish guidelines to manage effectively and appropriately the use of Special Investigative Funds and confidential sources of information.

Policy

It is the policy of the Apex Police Department to allocate funds, develop and use confidential sources of information to aid in and assist sworn law enforcement officers in gathering criminal information. These confidential sources of information and the funds associated, will be used in a controlled manner.

Definitions

Confidential Funds and Sources of Information

Confidential Informant - A person who provides information or investigative assistance and may receive confidential funds, a reduction of charge, a reduced sentence, or any other special consideration or action by a law enforcement agency or the district attorney's office.

Citizen Informant - A person, not under the direction of a specific officer, who provides information without becoming a party to the investigation itself; or, who witnesses an event of interest to the department and provides information without the expectation of a reduction of charges, reduced sentence, or any other special consideration or action by the department.

Restricted-Use Confidential Informant - Any informant who is less than 18 years of age and/or is being supervised on state or federal probation, parole or post-release supervision.

Special Investigative Funds - Funds that are budgeted by a governing body to the department to be used for the purchase of confidential information or contraband.

Special Investigative Funds

1. Special Investigative Funds consist of monies allocated to the Apex Police Department for the purpose of purchasing information, contraband and equipment to cover other expenses incurred for an investigation. (43.1.3)
2. The **Deputy Chief of Police** will request Special Investigative Funds from the Town of Apex Finance Department annually during the Town of Apex budget cycle. (17.4.2 (e))
 - Once approved, the Town of Apex Finance Department will allocate Special Investigative Funds to the Apex Police Department in the form of a check. (**NOTE:** The check should be written to the **Deputy Chief of Police**.)
 - Upon receipt, the **Deputy Chief of Police** will:
 - Complete Form F1103 – *Receipt of Special Investigation Funds* noting receipt of the funds
 - Cash the check at a Town of Apex or department authorized bank
 - Secure funds within an approved department safe
 - **NOTE:** This transaction must be witnessed by an employee of the department and logged in the Special Investigative Funds Ledger.

Requests for Disbursement

1. The **Deputy Chief of Police** will maintain Special Investigative Funds for disbursement to officers on an as-needed basis and maintain a record of such funds.
2. Individual officers needing Special Investigative Funds to pay a confidential informant or to use in a criminal investigation will make requests in writing using Form F1103 – *Receipt of Special Investigations Funds* to the **Deputy Chief of Police** through the Criminal Investigation Division Commander.

Confidential Funds and Sources of Information

- **NOTE:** F1103 – *Receipt of Special Investigation Funds* are maintained by the **Deputy Chief of Police** and are available upon request.

Documentation and Reports

1. All cash received or disbursed will be documented in a balance sheet, ledger or another equally effective system. The ledger will be maintained in a secure manner by the **Deputy Chief of Police** and will contain, at a minimum the following: (17.4.2 (a))
 - Initial balance
 - Credits (cash income received)
 - Debits (cash disbursed)
 - Balance on hand
2. Officers requesting funds will complete Form F1103 - *Receipt of Special Investigation Funds* for all expenditures of Special Investigative Funds or transfers of funds from one officer to another (cash received). (17.4.2 (b)) (17.4.2 (d))
3. The confidential informant or person accepting cash will sign Form F1103 -*Receipt of Special Investigations Funds* acknowledging receipt of payment for information or monies needed to complete a transaction.
 - A confidential informant will use his/her code name and/or number when signing Form F1103 - *Receipt of Special Investigation Funds*, if applicable. (42.2.6) (17.4.2 (b)) (17.4.2 (d))
4. The **Deputy Chief of Police** will document all cash transactions in the Special Investigative Funds Ledger and will maintain the original Form F1103 - *Receipt of Special Investigations Funds* in accordance with the North Carolina Municipal Records Retention and Disposition Schedule. (17.4.2 (b))
5. All cash activities of the Special Investigative Funds will be accounted for on a quarterly basis, at a minimum: (17.4.2 (f))
 - The accounting will be conducted by the Chief of Police or designee and will include a review of all cash activity documentation, the ledger and reconciliation of cash on hand
 - The **Deputy Chief of Police** will conduct an audit of each investigator assigned Special Investigative Funds prior to the Chief of Police's quarterly audit
 - The Chief of Police will request the Town of Apex Finance Director or designee to conduct an independent audit of the department's Special Investigative Funds on an annual basis (17.4.3)

Confidential Funds and Sources of Information

Expenditure Restrictions (43.1.3)

1. Expenditures of Special Investigative Funds are authorized for the following purposes: (42.2.6)

- To pay a confidential informant or other person assisting in an investigation. Compensation may be appropriate for:
 - Information leading to the arrest of the person(s) for whom an Order for Arrest or Warrant for Arrest is outstanding
 - Information leading to the resolution of an active criminal investigation
 - Information in furtherance of law enforcement operations
 - Information and/or participation in controlled substance investigations
 - Other situations or investigations as approved by the Criminal Investigation Division Captain, **Deputy Chief of Police** or Chief of Police
- To purchase specialized items of equipment
- To rent equipment or vehicles in furtherance of an investigation

2. Authorization for Cash Disbursement (17.4.2 (c))

- Investigators assigned Special Investigative Funds are authorized to disperse funds up to \$200 for purposes approved in this General Order or as approved by the Criminal Investigation Division Commander, **Deputy Chief of Police** or Chief of Police. (17.4.2 (e))
- Payments and/or purchases in excess of \$200 must have prior approval by the Criminal Investigation Division Commander.
- Payments and/or purchases in excess of \$1,000 must have prior approval by the Chief of Police.

3. All payments to an informant or another person must be witnessed by another law enforcement officer. (42.2.6) (17.4.2 (c))

Criteria for Establishing Sources of Information

1. The following criteria must be met to establish a person as a confidential informant or restricted-use informant:

- The person is in a position to measurably assist the department in a present or future investigation
- Based on the information available to the department, the person will not compromise law enforcement interests and activities
- The person will accept the measure of direction necessary to effectively use his/her services

Establishment of Sources of Information

1. Prior to a person being established as a “confidential informant,” the following must be completed:
 - A member of the Criminal Investigations Division must debrief the person and document the debriefing on Form F1103a - *Informant Debriefing Report*
 - Form F1103b - *Informant Registration Form* and Form F1103c - *Informant Agreement* must be completed prior to any work being completed by the confidential informant
 - The person must be approved by the Criminal Investigation Division Commander as a confidential informant

2. All persons used as a confidential informant will be assigned a code name and a number to conceal their identity. (42.2.6)
 - Once assigned, this code name and a number will remain with the informant throughout his/her use as a confidential informant.
 - Documentation other than that contained in the source's confidential file will refer to him/her by code name and a number.

3. A confidential informant master file will be established and maintained on all confidential sources of information. (42.2.6). These files will be maintained in a separate and secure area, segregated from any other files, and will be restricted and controlled by the Criminal Investigation Division Commander. (42.2.6) Access to these files will be limited to those employees who have a necessary, legitimate need. (42.2.6) Confidential files will contain at a minimum the following information: (42.2.6)
 - Form F1103a - *Information Debriefing Report*
 - Form F1103b - *Informant Registration Form*, including biographical information, background information and criminal history record, if any
 - Form F1103d - *Informant Activity Reports*
 - Form F1103e - *Informant Pay Summary Record*
 - Form F1103c - *Informant Agreement*
 - Any contract established by the District Attorney’s Office

Uses of Sources of Information

1. Sources of information are assets to the department, not to a specific officer. The Criminal Investigation Division Commander has the authority to reassign an informant to the control of another officer.

2. Contacts with sources of information will be on a strictly professional nature. (42.2.6)

Confidential Funds and Sources of Information

3. The management of confidential sources of information is the responsibility of the Criminal Investigation Division Commander, who will maintain all confidential files on all sources of information. (42.2.6)
4. Contacts with sources of information will be such that their knowledge of the department's facilities, operations, activities and personnel are kept to the minimum required for the successful use of the source. (42.2.6)
5. Whenever practical, two officers should be present at all contacts with a confidential informant. Two officers will be present when sources of the opposite gender are contacted. (42.2.6)
6. Sources of information will be advised, prior to being used, that:
 - They will not violate criminal law in gathering information or providing services to the department and any evidence of such violation will be reported to the appropriate authorities.
 - They have no official status, implicit or otherwise, as officers or employees of the department.
 - The information they provide may be used in a criminal proceeding and, although the department will use all lawful means to protect their confidentiality, this protection cannot be guaranteed.
7. The District Attorney's Office will be consulted before any assurances are given to an informant.
8. When an informant is to participate in a controlled-buy situation where he/she may come into contact with either official funds, controlled substances or anything else of potential evidentiary value, the informant will be thoroughly searched both before and after the encounter and, when possible, kept under continuous observation during the transaction. (42.2.6)
9. For each operation, the officer will complete form F1103d -*Informant Activity Report* and forward it to the Criminal Investigation Commander.
10. Any payment to an informant will be documented on Form F1103 - *Receipt of Special Investigative Funds* and form F1103e- *Informant Pay Summary Record*.
11. Approved payments to an informant should be in cash and will be consistent with form F1103f – *Informant Payment Guidelines*.
12. Once a planned operation occurs (i.e. controlled buy, probable cause for search warrants, vehicle take-downs, etc.) form F1103f – *Informant Payment Guidelines* will be used to determine the amount of currency paid for any operation.

Confidential Funds and Sources of Information

13. The Drugs and Vice Unit supervisor will review credible information or tips provided by informants and determine an appropriate amount of compensation for the information provided. Payment for credible information or tips provided by informants will be consistent with guidelines set in form F1103f – *Informant Payment Guidelines*.
14. The Drugs and Vice Unit supervisor will ensure that investigators are paying the appropriate amounts for confidential information, drug purchases, intelligence information, etc. The Criminal Investigations Division Commander may approve higher payments, depending on circumstances and/or the nature of the investigation, if in compliance with this General Order and other applicable written directives.

Informant Restrictions (42.2.6)

1. Confidential informants may not be enrolled in any alcohol or drug abuse treatment program with the purpose of furnishing information to identify clients of the program.
2. Officers may not recruit or question a confidential informant pertaining to the identification of clients of an alcohol or drug abuse treatment program.
3. The use of persons as confidential informants who are currently under a court-ordered condition of probation, parole, or post-release supervision is strictly prohibited, except when authorized in writing by the Probation/Parole officer.
4. Persons under 18 years of age may be used as restricted-use informants, only with the written consent of their parent or legal guardian, unless they have been emancipated. (42.2.6)
5. Persons under 16 years of age will not be used for any undercover activities without the written approval of the Chief of Police. (42.2.6)

Termination of Informant

1. When an informant is suspected or deemed to be undesirable or unreliable, his/her services will be discontinued immediately. The officer making the determination will immediately notify the Criminal Investigation Division Commander, who will document the reasons for the termination and suspend further use of the source. When practical, notification should be made in person with a termination letter from the Criminal Investigations Division Commander. If personal notification is not possible, the letter will be sent via certified mail with a return receipt requested. A copy of the letter will be filed in the source's confidential file.

Text in “Green” denotes a significant change in policy

BY ORDER OF:

A handwritten signature in black ink, reading "John W. Letteney". The signature is written in a cursive style with a horizontal line underneath it.

John W. Letteney
Chief of Police