

**MARIN COUNTY SHERIFF'S OFFICE  
INVESTIGATIONS DIVISION POLICY AND PROCEDURE MANUAL**

**CHAPTER 5 - INFORMANTS**  
**INV-05-02**  
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**DATE**  
**October 17, 2011**

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**INFORMANT MANAGEMENT AND CONTROL**

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**PURPOSE**

To provide guidelines for the management and control of informants by members of the Investigations Division.

**POLICY**

The need for information is crucial to effect efficient investigations conducted by members of the Investigations Division. A primary source of information is from informants. Therefore, it is critical that the informant be managed and controlled to obtain the maximum benefit from this source. Informant management necessitates that the information provided by informants belongs to the Department and not to an individual employee. Information obtained from informants that would be beneficial to other Divisions throughout the Department will be forwarded to that Division as necessary.

**INFORMANT DEFINED**

An informant is someone who is given specific direction by a detective, for any reason, whether on one occasion or many in an attempt to secure information on criminal activity. An informant is utilized to gather evidence or criminal intelligence and operates within a very controlled information-gathering relationship. The informant may be required to testify in court proceedings.

There are different types of informants. They are:

**Anonymous Informant:** One who provides information to law enforcement and refuses to identify him or herself.

**Citizen Informant:** Private persons motivated to provide law enforcement with information of criminal wrongdoing purely through a sense of good citizenship, without expecting any benefit or reward in return.

**Confidential Informant (CI):** The confidential informant usually has a criminal case pending and is providing information with the understanding that his cooperation will be made known to the District Attorney.

## **SIGNING THE INFORMANT UP**

The Confidential Informant packet is the primary source document for recording the informant's identity, history, contact activity and productivity. Before the Informant does any work, the detective, at his/her direction needs to review the CI packet with the informant. The informant needs to completely fill out the CI packet and read the Entrapment, Perjury, Compounding Crimes and the Confidential Informant Memorandum of Understanding Agreement before they can "assist" in any investigation. Each question needs to be answered by the informant. The informant and the detective need to initial each page of the CI packet. The CI packet must be approved by the supervisor before the informant can be used. The packet will be kept in the Sergeants Office. The CI packet is NEVER to be released (for any reason) without the permission of the Sergeant and the Lieutenant.

## **NOTIFYING THE DISTRICT ATTORNEY'S OFFICE**

When a confidential informant has agreed to provide information on criminal activity, has signed all paperwork with this office, and has pending charges or will be testifying the District Attorney's Office shall be notified as soon as possible.

The District Attorney's Office will be involved when charges have been or will be filed against the informant or where the informant will testify as a witness against another criminal defendant. If charges are pending or are going to be filed against the informant or if the informant will testify as a witness in a criminal case, the District Attorney will make the final decision on any consideration given the informant with respect to the pending cases.

When utilizing informants who have charges pending, or who will testify at a criminal proceeding, the following shall be adhered to:

- Ascertain if the informant falls within the District Attorney's Office policy.
- Consult with the Unit Supervisor for review of request to work with informant.
- Obtain supervisor approval for specific recommendation of terms of contract with informant that will be presented to District Attorney.
- Coordinate with the District Attorney's Office any utilization of an informant with pending criminal case(s).
- Conform to all required procedures of this Department prior to utilization of the informant.

The Unit Supervisor will review and ensure that all appropriate policies and procedures are complied with.

When utilizing and informant who is suspected of a crime or who has been arrested but not formally booked and charged by the District Attorney, the following shall be adhered to:

- Evaluate the circumstances of the arrest of the prospective informant and determine if the usefulness of the informant could be enhanced if he/she is not booked and charged by the District Attorney.
- Consult with Sergeant and Lieutenant to receive approval prior to working with informant.
- Fill out informant package and submit per policy.
- Advise informant that charges will be filed with the District Attorney if he/she does not comply with the agreement entered into with the Investigations Unit.

The Unit Supervisor will evaluate the case agent's request to work with the informant without booking or District Attorney charges and approve or disapprove of investigating officer's request.

Unit personnel shall not work with persons on parole without the knowledge and approval of the individual's Parole Agent and Unit Supervisor. This is not intended to prevent Unit personnel from talking with parolees and obtaining information from them.

### **DETECTIVE/INFORMANT RELATIONSHIP MEETING INFORMANTS**

It is the policy of this Unit that the relationship between detectives and informants be completely ethical and professional. Detectives will only supply the informant with his/her work cell phone number. Whenever a detective is going to meet the informant, two detectives will always be present, without exception. When dealing with an informant when possible have at least one of the two detectives be of the same sex as the informant. Detectives will not knowingly permit any illegal act by an informant. Informants shall be told they are not acting as deputy sheriffs, employees or agents of the Marin County Sheriff's Office, and they shall not represent themselves as such.

### **ARREST WARRANTS FOR INFORMANTS**

Investigations personnel shall not work with informants who have active warrants. An informant should be arrested on an outstanding warrant or arrangements should be made to re-call the warrant and get the case put on calendar. Any deviation from the service of an arrest warrant on an informant must have the approval of a supervisor, the District Attorney, and the issuing court.

### **DOCUMENTING INFORMANT WORK**

Detectives shall be responsible for documenting the activities involving informants. Detectives shall briefly describe what service the informant performed (Do not include investigative notes). Indicate what, if any, compensation was received by the informant. Informant Working Files will be kept current by the case agent(s).

The case agent or Detective handling the informant will maintain the Informant Working Files (page 2 and 3 of the Confidential Informant Packet). They (page 2 and 3) will not

be removed from the Investigation office. After the conclusion of the case the Informant Working File Worksheets will be updated and placed with the original C.I. packet which is kept in the Sergeants office. Access to the Informant Working File is limited to members of the Unit currently managing the informant, the Sergeant and the Lieutenant. Informant Working Files will be kept current by the case agent(s). Informant Working Files are NEVER to be released (for any reason) without the permission of the Sergeant and the Lieutenant.

The Unit Supervisor should periodically review the work sheet.

### **INFORMANT REIMBURSEMENT AND EXPENDITURE OF UNDERCOVER FUNDS**

Reimbursement of any kind given to an informant shall be recorded. All reimbursements shall be witnessed by another officer. Reimbursement shall not be made prior to the completion of services, unless prior arrangements were made at the start of the investigation with supervisor approval. Case agents are discouraged from promising an informant a fixed sum of money.

Informants, in general, are not paid by this Unit. However, expenses for food, transportation and lodging can be made with supervisory approval.

An accurate up-to-date record will be maintained by the supervising detective and Sergeant of all compensation received by informants or operators assisting this Unit.

### **JUVENILE INFORMANTS**

Use of juvenile informants should generally be avoided in an operational capacity. California Penal Code Section 701.5, Use of Minor Informants, prohibits the use of anyone who is under 13 years of age. A court order is required to use any person under 18 years of age as a juvenile informant. Department personnel shall not use a juvenile informant without first obtaining parental consent. The prior approval of the District Attorney is required.

### **RELATED STANDARDS**

None

### **AFFECTED DIVISIONS**

Investigations

By Order Of:

H. INGLIS, 1A325

Michael J. Ridgway, Captain  
BUREAU OF FIELD SERVICES