

POLICE DEPARTMENT INSTRUCTION Origin: CHIEF OF POLICE	DATE: May 14, 1984	PAGE: 1 OF 3	NO. INVESTIGATIONS 3.21
DISSEMINATION: ALL SWORN PERSONNEL	SUBJECT: <u>INFORMANT POLICY</u>		

This Instruction supersedes Department Instruction 3.21 dated April 12, 1977.

EXH. #22

I. PURPOSE

To establish policy and the procedures to be followed in recruiting and managing informants.

II. DEFINITION

NEW

- A. An INFORMANT is a person who, under the direction of a specific officer, furnishes information or performs other lawful service for the Police Department, generally with the expectation of compensation or favor.
- B. Public spirited citizens who volunteer information on criminal action or suspicions they harbor, without expectation of gain or reward, are not considered informants.

III. POLICY

The use of informants is acknowledged by all responsible agencies as an important, legal and effective method of combating crime. The San Diego County Grand Jury in 1974 said, "An important source of information for all law enforcement agencies is informants with access to varying groups or elements of society engaged in criminal activity. Although police receive great help from the average citizen who volunteers information he has come onto, the true informant, because of his associations, is able to furnish more detail, frequently on a continuing basis, both of crimes in the planning stage and of illegal acts which have been committed."

All officers are encouraged to develop sources of information and should take full advantage of their potential.

All officers may recruit informants; however, field officers are necessarily restricted in their ability to handle informants because of their limited areas and demands on their time. An officer in the field who develops an informant and finds, that for the above reasons, the informant cannot be properly used to the fullest potential, is encouraged to refer the informant to an investigator in the concerned unit.

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Officers should also recognize that there are inherent hazards involved in handling informants who may be motivated by jealousy, revenge or by the expectation of reward. Certain types of informants such as narcotic addicts, gang members or terrorists also create complex problems or danger for the officer. The above type of informant shall be referred to the appropriate concerned unit (ref. D.I. 3.19).

IV. PROCEDURES

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- A. Coercion shall never be used in recruiting informants. The potential informant must express a desire or willingness to work with the officer.
 - B. Each potential informant should be profiled as to:
 - 1. Real identity
 - 2. Background
 - 3. Criminal history
 - 4. Own criminal propensity
 - 5. Motivation
 - 6. Prior cooperation with Police
 - C. Neither implied nor direct promises of freedom from arrest and/or prosecution, reduction of charges or modification of sentence shall be made to an active or potential informant.
 - D. Evidence against a potential or active informant shall never be destroyed or disposed of as an inducement to encourage recruitment or continued flow of information.
 - E. Active or potential informants charged with a felony offense shall be prosecuted. Clemency may be sought at the time of sentencing with permission of the responsible investigations section Commander and the concurrence of the District Attorney and the courts.
 - F. Misdemeanor charges against an active or potential informant shall not be dropped or modified, as a reward, without the approval of the responsible investigations section Commander, the City Attorney and the courts.
 - G. Informants assigned to infiltration of organizations or groups should be admonished not to engage or become involved in any illegal activity. Additionally, they should be instructed not to initiate, lead or provoke illegal activities.
 - H. Potential informants less than 18 years of age can be utilized only with written consent of parent or legal guardian.
 - I. Officers using parolees shall have the consent of the agency supervising them.
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- J. Informant contacts shall be of a strictly professional nature. Off-duty social and personal business contacts are expressly prohibited.