
INFORMANT HANDLING AND MAINTENANCE

6030.1 PURPOSE

This procedure provides guidance on how members should control and maintain informants and informant files.

6030.2 INTRODUCTION

The prosecution and conviction of law violators is a critical element in the Santa Ana Police Department's goal to enhance the safety, livability and prosperity of our community. Informants commonly provide information concerning criminal activity that is valuable in combating crime.

While informants can provide value, they can also create potential liability. To maximize an informant's usefulness and limit the Department's liability, an informant's involvement in a criminal investigation shall be monitored by an officer/detective and their direct supervisor. These procedures establish guidelines in handling informants, the responsibilities in maintaining an informant file, and the process in terminating the use of a confidential informant and compliment the policies governing the use of informants.

6030.3 MAINTENANCE OF INFORMANT FILES

An informant file is intended to provide a source of background information about an informant, enable review and evaluation of information provided by an informant, and minimize incidents that could be used to question officer integrity or the reliability of an informant.

The handling officer is responsible for updating the informant file (informant log.)The handling officer's Supervisor is responsible for approving all updates. The informant file update shall include:

1. Instances where an informant provides assistance to SAPD
2. Brief summary of the involvement of the informant and circumstances of the investigation
3. Brief summary of an informant's unmonitored contact with suspect(s)
4. Directions and instructions provided to the informant
5. Any benefit provided to the informant (financial, release from custody, etc.)
6. Any unreliable information given by the informant
7. Any changes to the informant's contact information (phone number, address, etc.)
8. Any admonishments to the informant, advising him/her of their deactivation
9. Name of the supervisor who meets with the informant annually

After the handling officer completes the Informant Log, it should be reviewed and signed by the handling officer's supervisor and forwarded to the Special Investigations Commander who will place it in the informants file.

Santa Ana Police Department

Santa Ana PD Procedures Manual

INFORMANT HANDLING AND MAINTENANCE

6030.4 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13 years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code § 22950, et seq., the use of any juvenile informant between the ages of 13 and 18 years is only authorized by court order pursuant to Penal Code § 701.5.

6030.5 GUIDELINES IN HANDLING INFORMANTS

6030.5.1 HANDLING OFFICER'S RESPONSIBILITIES

To maintain officer/informant integrity, the following must be adhered to:

1. Officers shall meet with informants during on-duty hours. To avoid accusations of misconduct, no officer shall meet with an informant unless accompanied by at least one additional officer or with prior approval of the handling officer's direct supervisor. The handling officer's direct supervisor shall also be notified and approve all meetings and the location of the meeting
2. Officers shall conduct searches of the informant, before and after an operation, exchange, or contact involving suspects
3. Officers shall not promise leniency to the informant for a pending criminal charge
4. Officers shall not promise a specific payment amount for paid informants unless they have received prior approval from the Crimes Against Persons Commander/Special Investigations Commander
5. Officers using defendant informants must have the approval from their direct supervisor, the Crimes Against Persons/Special Investigations Division Commander, and the appropriately assigned Deputy District Attorney and/or their supervisor. Each defendant informant poses a unique level of approvals (e.g. "third strike" defendants, defendants with a significant violent history, defendant looking for consideration in a DUI or domestic violence case, etc.)
6. Officers shall not withhold the identity of an informant from his/her direct supervisor
7. Identities of informants shall otherwise be kept confidential and referred to as their assigned informant number
8. Criminal activity by informants shall not be condoned
9. Informants shall be advised they are not acting as police officers, employees or agents of the Santa Ana Police Department, and they shall not represent themselves as such
10. Social contact shall be avoided unless necessary to conduct an official investigation and only with prior written approval of the Crimes against Persons or Special Investigations Division Commander or Chief's designee
11. Officers shall instruct the informant to minimize unmonitored contact with suspects. When such unmonitored contacts occur, the informant should contact the handling officer as soon as practical and relate the circumstances and substance of the contact
12. In all instances when department funds are paid to informants, a payment voucher shall be completed itemizing the expenses. The payment shall be witnessed by an

Santa Ana Police Department

Santa Ana PD Procedures Manual

INFORMANT HANDLING AND MAINTENANCE

additional officer. The voucher shall be signed by the officer, the witness, and the informant. The voucher shall be forwarded to the Crimes Against Persons/Special Investigations Commander to be placed in the informant's file

NOTE – Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the payment to the Internal Revenue Service (IRS) as income.

6030.5.2 SUPERVISOR'S RESPONSIBILITIES

Due to the potential liabilities informants present, the handling officer's direct supervisor is responsible for monitoring the use of the handling officer's informant(s). The responsibilities of the supervisor include, but not limited to:

1. Approve meetings between officers and informants
2. Require that a minimum of two officers are present at the meetings with informants
3. Review and approve operational plans, considering potential danger to the informant
4. Monitor the relationship between the officer and the informant
5. Review and approve all Debriefing Logs prior to submittal to the Special Investigations Commander for inclusion in the informant's file
6. Approve payment amounts to informant(s) along with the approval of the Crimes against Persons/Special Investigations Division Commander
7. Meet with the informant and the handling officer during an informant debriefing at least once during the yearly review process, and ensure the meeting is documented by the handling officer in the Debriefing Log

The Department recognizes the Orange County District Attorney's Office Informant Policy – Rules and Guidelines as governing procedures involving Defendant Informants. Each handling officer and direct supervisor shall be familiar with those guidelines.

6030.6 TERMINATION OF USE OF A CONFIDENTIAL INFORMANT

If an informant provides false or misleading information or if there is a question concerning the informant's mental or physical capabilities that may place the informant or the investigating officer(s) in jeopardy, the use of the informant shall be terminated without delay. Also, if the informant has a propensity of not following the directions of the handling officer or if the informant purposely operates outside the scope of the informant agreement, the use of the informant shall be terminated without delay. It will be the responsibility of the handling officer to notify the informant of their deactivated status. The handling officer will complete an Informant Debriefing Log documenting the incident and admonishment and submit it to be included in the informant's file. If the informant has an O.C.I.I. card on file at the District Attorney's Office, it is the responsibility of the handling officer to make similar notifications on the O.C.I.I. card. Once deactivated, no further updates are necessary.

Santa Ana Police Department

Santa Ana PD Procedures Manual

INFORMANT HANDLING AND MAINTENANCE

6030.7 SUMMARY

Informants have proven to be a valuable resource in criminal investigations. Information provided by an informant has enormous value; however, it can also create potential criminal and civil liability if misused or if policies and guidelines are not properly followed. These guidelines provide members and their supervisors an outline on how to properly manage and document informant.