

OGDEN CITY POLICE
Office of the Chief

Policy No: 69

Subject	Effective Date
Informant Management	March 24, 2023
Department	Replaces Policy Dated
Police	April 13, 2021
Division	Review Date
All Police Personnel	March 2025
Authorized Signature	

NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this policy is to establish guidelines for the use of Informants by Officers of the Ogden Police Department during case development and criminal prosecution.

II. POLICY

The Ogden City Police Department recognizes the value of informants to law enforcement and will strive to protect the integrity of the informant process. All funds related to informant payments will be routinely audited and payments to informants will be made according to the criteria outlined in this policy.

III. DEFINITIONS

A. Confidential Informant:

A confidential informant is an individual who provides information to law enforcement officials about criminal activity, typically in exchange for some form of consideration, such as reduced charges or immunity from prosecution. Confidential informants are typically individuals who have access to unique information about criminal activity that cannot readily be obtained through other means. Confidential informants are generally more long-term and formal in nature, and they must be signed up by the Ogden

Metro Gang Task Force (OMGTF), Weber Morgan Narcotics Task Force (WMNTF), or the Ogden Detectives Bureau. Information gathered from confidential informants may be corroborated by information gathered independently and, when combined, reaches the level of probable cause.

B. Cooperating Individual:

A cooperating individual is an individual who provides information to law enforcement officials about criminal activity in exchange for some form of leniency or reduced charges in their own criminal case. Cooperating individuals are typically individuals who have been involved in criminal activity themselves and are providing information based on personal knowledge and involvement in the criminal activity in question. Cooperating individuals are generally short-term and less formal in nature than confidential informants, and they may not need to be officially signed up by law enforcement. However, to utilize a cooperating individual's information, the officer must have probable cause outside their information. The use of a cooperating individual's information must be accompanied by corroborating evidence gathered separately. Once verified, officers may act upon their information with the authorization of a Sergeant.

C. Complainant:

An individual providing information with no expectation of payment or any other type of quid pro quo.

D. CONTROLLING OFFICER

A Police Officer assigned to direct and manage a specific, department approved informant.

IV. INFORMANT FILES

Informant files shall be utilized as a source of background information about a confidential informant, to enable review and evaluation of information provided by the confidential informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Cooperating individuals do not need to be documented in confidential informant files as their information is corroborated prior to any action by officers.

The Weber Morgan Narcotic Strike Force Commander will maintain files they accept per their policy. Informant files at Ogden Police Department shall be maintained in a secure area within the Major Crimes Investigation Bureau. The Major Crimes Bureau Supervisor or the authorized designee shall be responsible

for approving and maintaining OPD informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Major Crimes Investigation Bureau Supervisor, or their authorized designees.

The Major Crimes Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Major Crimes Investigation Bureau Supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

Cooperating individuals do not need to be documented with information files.

Individuals providing information to police officers with no expectation quid pro quo will be treated as complainants and do not need to be documented in confidential informant files, though they will need to be addressed in a report if used for probable cause.

V. FILE SYSTEM PROCEDURE

A separate file/packet shall be maintained on each confidential informant and shall be coded with an assigned informant control number. Confidential informant history shall be prepared to correspond to each informant file and include, but not limited to, the following information:

- a) Name and aliases
- b) Date of birth
- c) Physical description: sex, race, height, weight, hair color, scars, tattoos, or other distinguishing features
- d) Current home address and telephone numbers
- e) Name of the officer initiating use of the informant
- f) Signed informant agreement
- g) Known associates
- h) Current or previous charges
- i) Update on active or inactive status of informant

VI. USE OF INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Chief of Police or the authorized designee

VII. INITIAL APPROVAL

There are various circumstances leading to informant cultivation and utilization. Most traditional informants will be required to provide positive identification, however, circumstances may arise involving an individual who wishes to provide information anonymously. The lack of personal identification relates directly to and limits the credibility of the information provided by the informant. This policy outlines procedures to be followed when dealing with informants who are positively identified and are motivated either through monetary means or to provide a service in consideration to potential or actual criminal charges against the prospective informant.

Before using an individual as a confidential informant or cooperating individual, an officer must receive approval from their supervisor. The officer shall compile sufficient informant information to determine the suitability of the individual, including age, maturity, and risk of physical harm, as well as any indicators of the informant's reliability and credibility.

Prior to using an individual as an informant agreeing to provide information for the benefit of payment or a reduced criminal penalty, an officer must receive approval from a Major Crimes Bureau Supervisor, Weber Morgan Narcotics Strike Force Supervisor, or Ogden Weber Gang Task Force Supervisor or their designee.

Members of this department should not guarantee absolute safety or confidentiality to a confidential informant, cooperating individual or complainant.

VIII. INFORMANT AGREEMENTS

All confidential informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant. The agreement shall be kept in the informant file upon approval by the Major Crimes Investigations Supervisor, Weber Morgan Narcotics Strike Force Supervisor, or Ogden Weber Gang Task Force Supervisor.

Details of the agreement/packet are to be approved in writing by the Major Crimes Investigations Supervisor, Weber Morgan Narcotics Strike Force Supervisor, or Ogden Weber Gang Task Force Supervisor before being finalized with the informant.

IX. INFORMANT PAYMENTS

No informant should be told in advance or be given an exact amount or percentage for their service.

The Major Crimes Investigations Bureau Supervisor tasked, with informant management, shall determine the level of payment to an informant subject to approval by the Major Crimes Investigations Bureau Lieutenant.

Uniform Patrol Officers are not authorized to make any level of payment to an informant without specific approval by the Major Crimes Investigations Bureau Supervisor tasked with informant management.

Weber Morgan Narcotic Strike Force Supervisors and Ogden Metro Gang Task Force Supervisors will follow their policies when making payments to confidential informants.

X. PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

- a) Payments to an informant may be paid in cash from a Major Crimes Investigation Bureau buy/expense fund.
 1. The Major Crimes Investigations Supervisor shall sign the voucher for cash payouts from the buy/expense fund.

- b) To complete the payment process for any amount, the officer delivering the payment shall complete a department approved cash transfer form. Receipt of payment, with the delivering officer's and the informant's signature, shall be kept in the informant's file.
- c) All payments to any informant shall be witnessed by two officers at a minimum.

Weber Morgan Narcotic Strike Force Supervisors and Ogden Metro Gang Task Force Supervisors will follow their policies when making payments to confidential informants.

XI. AUDIT OF PAYMENTS

The Major Crimes Investigation Bureau Supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions, and any applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts, and logs) will assist with the audit process.

Weber Morgan Narcotic Strike Force Supervisors and Ogden Metro Gang Task Force Supervisors will follow their policies when making payments to confidential informants.

XII. INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

- a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Major Crimes Investigation Bureau Lieutenant, or their authorized designees.
 - 1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

- b) Criminal activity by confidential informants or cooperating individuals shall not be condoned.
- c) Confidential informants shall be told they are not acting as police officers, employees, or agents of the Ogden City Police Department, and that they shall not represent themselves as such.
- d) The relationship between department members and confidential informants or cooperating individuals shall always be ethical and professional.
 - 1. Members shall not become intimately involved with a confidential informant or cooperating individual.
 - 2. Contact with a confidential informant or cooperating individual will be for investigative purposes only, and with prior approval of the Major Crimes Investigations Bureau Supervisor, Gang Task Force Supervisor, Weber Morgan Task Force Supervisor, or other approved supervisor.
 - 3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with a confidential informant or cooperating individual.
- e) Officers shall not meet with confidential informants or cooperating individuals in a private place unless accompanied by at least one additional officer or with prior approval of the Major Crimes Investigations Bureau Supervisor.
- f) When contacting confidential informants for the purpose of making payments, officers shall arrange for the presence of another officer.
- g) In all instances when department funds are paid to confidential informants, a voucher shall be completed, itemizing the expenses.
- h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the confidential informant or cooperating individual will receive any form of leniency or immunity from criminal prosecution, to include citations issued to them.

XIII. UNSUITABLE INFORMANTS

The suitability of any confidential informant or cooperating individual should be considered before engaging them in any way in a covert or other investigative process. Officers who become aware that a confidential informant or cooperating individual may be unsuitable will notify the Major Crimes Investigations Bureau Supervisor, Gang Task Force Supervisor, or Weber Morgan Task Force Supervisor who will initiate a review to determine suitability.

Until a determination has been made by the supervisor, the confidential informant or cooperating individual shall not be used by any officer.

The supervisors shall determine whether the confidential informant or cooperating individual should be used by the Police Department and, if so, what conditions will be placed on their participation or any other information they provide. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.

Considerations for determining whether a confidential informant or cooperating individual is unsuitable include, but are not limited to, the following:

- a) The confidential informant or cooperating individual has provided untruthful or unreliable information in the past.
- b) The confidential informant or cooperating individual behaves in a way that may endanger the safety of an officer.
- c) The confidential informant or cooperating individual reveals to suspects the identity of an officer or the existence of an investigation.
- d) The confidential informant appears to be using their affiliation with this department to further criminal objectives.
- e) The confidential informant or cooperating individual creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- f) The confidential informant or cooperating individual engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
- g) The confidential informant commits criminal acts subsequent to entering into a confidential informant agreement.

- h) The confidential informant or cooperating individual is under the supervision of Parole and Probation. Utah Code 64-13-21 designates Parole and Probation Officers the duties to monitor, investigate, and supervise a parolee's or probationer's compliance with the conditions of the parole and probation agreement. A confidential informant or cooperating individual will not be utilized without written authorization by their Parole or Probation Officer.