

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 485-I

REFERENCE STANDARDS: 42.2.7(a) – (i)

SUBJECT: Confidential Informants

POLICY: It shall be the policy of the Hanover Park Police Department to utilize confidential informants during the course of various investigations. Many confidential informants willingly supply information and services for various reasons but often times they will expect to be paid in exchange for their work.

PURPOSE: To establish effective operational procedures for the use, control and guidance of confidential informants. Officers are encouraged to develop both paid and nonpaid confidential informants. The department will establish a permanent record of police confidential informants to be used for investigative and/or arrest purposes. This permanent record will help establish the reliability of an confidential informant to an officer and to offer protection should the officer's association with certain persons be questioned.

I. GENERAL GUIDELINES

- A. A confidential informant file will be established and maintained within the control of the Investigation Supervisor. (42.2.7a,c)
- B. Each confidential informant will be number coded with an alphanumeric code which will only identify that person. (42.2.7b)
- C. The officer registering the confidential informant will complete an Information Report (see Appendix A) that will contain the personal history, photograph and fingerprints of the confidential informant. The confidential informant will also sign the Advisement and Agreement document. (see appendix D) (42.2.7b)
- D. Each case that is worked as a result of a registered confidential informant will be reported to this file and will record one of the following:
 - 1. arrest;
 - 2. recovery of contraband;

3. information reliable; and/or
 4. information unreliable.
- E. A confidential informant will be defined in one of two ways, non-paid or paid confidential informants.
1. Non-paid confidential informants can be utilized by officers on an ongoing daily basis. Non-paid confidential informants are defined as any person an officer may receive information from during the course of his duties.
 2. Paid confidential informants are defined as any person who is paid for information and/or services. Paid confidential informants can be utilized on a one-time or an ongoing basis.
- F. Paid confidential informants shall be paid from the confidential expenditure fund. (42.2.7e)
- G. In the event of a payment, confidential fund receipt forms (see Appendix B) will also be filed and maintained in the confidential informant file.
- H. The following will have access to the confidential informant file: (42.2.7d)
1. Chief of Police
 2. Deputy Chief of Operations
 3. Investigations Supervisor
- I. The Hanover Park Police Department discourages the use of juveniles as confidential informants. When a juvenile is used as a confidential informant, a waiver (see Appendix C) will be signed by the parent or guardian. A juvenile will be anyone who has not attained the age of seventeen(17). (42.2.7g)
- J. Hanover Park Police employees do not have the authority to make any promise or commitment for *consideration*, as defined in Section 1.b. below. Employees are permitted to tell a prospective informant they will convey an informant's cooperation to the prosecuting agency, however it is not a promise that the prosecuting agency will show leniency. Employees should take care to avoid giving the erroneous impression that they have any authority to offer leniency.
1. For the purposes of this sub-section, the following definitions apply:
 - a. Informant. Any person that acts as a witness or provides law enforcement with incriminating information or evidence about another person in exchange for consideration on a pending criminal case against said informant, a pending criminal investigation in which said informant may be charged, or in exchange for anything of value including but not limited to money.
 - b. Consideration. Any promise or guarantee of leniency as to the disposition of a pending criminal case, or bond on a pending criminal case; any promise or

- guarantee related to degree of charges or the promise of no charges related to any pending or future investigation; anything of value including money given by someone in law enforcement in exchange for incriminating information or evidence against another charged with a crime or under investigation.
- c. Target Defendant. Any person against whom an informant provides incriminating information, evidence, or testimony.
 - d. Informant Handler. The assigned police officer responsible for working the informant to attain information during an investigation, and for maintaining contact with any informant while on pre-trial release through the completion of any target defendant's criminal prosecution.
2. When considering the use of an informant with criminal charges pending in DuPage County, Hanover Park Police employees shall follow the *DuPage County State's Attorney's Protocol and Procedure in Dealing with Informant Witnesses* (Appendix C).
 3. When considering the use of an informant with criminal charges pending in Cook County there is no county-wide written protocol, however Hanover Park Police employees shall adhere, at a minimum, to the following applicable sections of the *DuPage County State's Attorney's Protocol and Procedure in Dealing with Informant Witnesses* protocol:
 - a. Bond Reduction Procedures. The following procedure shall be implemented when dealing with bond reduction for potential cooperating informants:
 - 1) When a police employee has an informant with a pending case, and the employee requests bond consideration on the informant's pending criminal case, the employee shall:
 - a) Contact the Assistant State's Attorney that has been assigned to prosecute the case.
 - b) Provide a complete criminal and driving history of the informant. This shall include LEADS and a driving abstract from the Secretary of State and any uncharged cases, or pending investigations against the informant in which the officer is aware.
 - c) A list of targets, unless already identified, that the police employee has identified. Every precaution should be made to ensure that the police, and not the informant, originate targets. This will help in moving up the criminal hierarchy, and avoid the informant setting up competitors to the informant's criminal conspiracy or underlings in the informant's criminal conspiracy.
 - d) The requesting officer is responsible for reporting to the assigned Assistant State's Attorney any violations of the terms of the Informant's release or bond conditions.
 - e) Notify the State's Attorney's Office of any consideration given to any potential witness.
 - b. Disclosure for Informant Handlers.

- 1) General Cases. Every informant handler, police employee, or investigating agent shall comply with Supreme Court Rule 412 pertaining to discovery, Illinois code of Criminal Procedure pertaining to discovery in criminal cases under 725 ILCS 5/114-13(b), and case law including Brady v. Maryland, 373 U.S. 83 (1963). This requires that the State's Attorney's Office be sufficiently notified whenever there is an informant that is a transactional witness or has the potential for being a witness involved with a charged case. Roviaro v. United States, 353 U.S. 53 (U.S. 1957).
- 2) Capital Cases. When dealing with an informant as defined in 725 ILCS 5/115-21(a) the law requires the following be disclosed:
 - a) the criminal history of the informant;
 - b) any deal, promise, inducement, or benefit that the offering party has made or will make in the future to the informant;
 - c) the statements made by the accused;
 - d) the time and place of the statements, the time and place of their disclosure to law enforcement officials, and the names of all persons who were present when the statements were made;
 - e) whether at any time the informant recanted that testimony or statement and, if so, the time and place of the recantation, the nature of the recantation, and the names of the persons who were present at the recantation;
 - f) other cases in which the informant testified, provided that the existence of such testimony can be ascertained through reasonable inquiry and whether the informant received any promise, inducement, or benefit in exchange for or subsequent to that testimony or statement; and
 - g) any other information relevant to the informant's credibility.
- c. Court Orders. Hanover Park Police employees shall cooperate with Cook County Assistant State's Attorneys to ensure that court orders similar to the Appendices in the *DuPage County State's Attorney's Protocol and Procedure in Dealing with Informant Witnesses* are prepared when applicable.

II. USE OF CONFIDENTIAL INFORMANTS

- A. Each time a paid confidential informant is to be met by an officer of this department, that officer's supervisor must be informed.
- B. When meeting with an confidential informant of the opposite sex, that officer must be accompanied by another officer. (42.2.7f)
- C. All officers who are dealing with confidential informants must submit to the file the required information regarding their confidential informants. This will assure the officer

that should a complaint regarding a questionable association be brought, the file will show the purpose of that association.

III. PATROL OFFICERS USE OF CONFIDENTIAL INFORMANTS

- A. Although investigators have a greater need to utilize confidential informants, patrol officers are encouraged to develop confidential informants also.
- B. Most confidential informants that come to the attention of patrol officers will be as a result of an arrest situation.
- C. Should an arrestee indicate that he wants to work as an confidential informant, he will be charged as usual.
- D. The shift supervisor will be advised and a preliminary interview will be conducted to determine the following:
 - 1. confidential informants motivation;
 - 2. confidential informants past dealings with any agency; and
 - 3. on whom or what the confidential informant can provide information.
- E. Extreme care should be taken to ensure the confidential informants confidentiality.
- F. The officer and the shift supervisor will contact the Investigations Supervisor and the confidential informant will be entered into the confidential informant file after a careful review and assessment is made. The Investigations Supervisor will keep the Deputy Chief of Operations apprised of all new confidential informants.
- G. A determination will be made after the confidential informant has worked as to the value of his information and/or services.
- H. Plea bargain negotiations will be reviewed by the State's Attorney or Village Attorney prior to any agreement.

IV. CONFIDENTIAL EXPENDITURE FUND

- A. It is the policy of the department to provide such funds as are necessary to assure appropriate investigation of criminal activity.
- B. Definition - For purposes of this procedure, expenditure is defined as a disbursement of funds where the monies are not likely to be recovered. Examples of expenditures include, but are not limited to:

1. purchase of stolen goods;
 2. payment to a confidential source; and/or
 3. incidental expenses necessary to criminal, organized crime or vice control investigations.
- C. For the purpose of this procedure, the term "purpose other than expenditure" is defined as any case where funds are used and there is little likelihood of the monies being lost. An example of this situation includes, but is not limited to, the use of funds as a flash roll in an undercover investigation or controlled purchase where the arrest is imminent or the money will be immediately recovered.
- D. Fund Guidelines
1. All requests for confidential fund disbursements should be made to the Deputy Chief of Support Services after consulting with the Investigative Supervisor.
 - a. The Deputy Chief of Support Services may approve disbursements up to a maximum of \$1000.00.
 - b. Single expenditures in excess of \$500.00 must receive the prior approval of the Deputy Chief of Operations.
 - c. Single expenditures in excess of \$1000.00 must receive prior approval of the Chief of Police.

V. CONFIDENTIAL SOURCE PAYMENTS

- A. The amount of money paid to a confidential source, for information received, should be evaluated by the Investigative Supervisor prior to requesting the funds from the Deputy Chief of Support Services to assess the value of the information as it relates to the investigation.
- B. Payments made to a confidential source shall be made in the following manner:
1. approval for the payment must be obtained from the Deputy Chief of Operations and recorded in the Investigations unit ledger manual for auditing purposes;
 2. the officer requesting the funds must sign the receipt for the funds;
 3. the officer must record the necessary information on the monthly MONEY DRAW/USE RECEIPT, Appendix B; and
 4. the MONEY DRAW/USE RECEIPT will be forwarded to the Deputy Chief of Support Services on a monthly basis for use during the annual audit of the fund.

VI. ACCOUNTING AND AUDITING THE FUND

- A. The Deputy Chief of Support Services shall be responsible for all accounting for the fund.

1. As part of this responsibility, the Deputy Chief of Support Services must file a quarterly accounting of the fund to the Chief of Police.
 2. An annual summary accounting and request for additional funds should be filed with the Chief of Police as part of the regular budget process.
- B. The Chief of Police will conduct an audit of the fund at his discretion. It should be done at a minimum of once a year.

HANOVER PARK POLICE DEPARTMENT
2121 West Lake Street, Hanover Park, Illinois (630) 372-4400

INVESTIGATIONS BUREAU

Alphanumeric #: _____
Date: _____

IDENTIFICATION INFORMATION

(PLACE PHOTO ABOVE)

NAME: _____

ALIAS: _____

DOB: _____ HAIR: _____ EYES: _____ HT: _____ WT: _____

TAT./SCARS: _____

DL.#: _____ SOCIAL SECURITY #: _____

IBI#: _____ FBI#: _____ HPPD#: _____

OCCUPATION: _____

ADDITIONAL INFO: _____

CONFIDENTIAL

INVESTIGATIVE BUREAU
HANOVER PARK POLICE DEPARTMENT
2121 West Lake Street, Hanover Park, Illinois (630) 372-4400

Alphanumeric #: _____
Date: _____

PERSONAL INFORMATION

SE#: _____ INVESTIGATOR/OFFICER: _____

NAME: _____

NICKNAME/ALIAS: _____

ADDRESS: _____

TELEPHONE: _____

SOCIAL SECURITY #: _____ DRIVERS LIC.#: _____

RACE: _____ SEX: _____ DOB: _____

HEIGHT: _____ WEIGHT: _____ EYES: _____ HAIR: _____

SCARS/TATOOS: _____

EMPLOYER/SCHOOL: _____

MARRIED/SINGLE: _____ SPOUSE'S NAME: _____

GIRLFRIEND/BOYFRIEND: _____

VEHICLE

YEAR: _____ MAKE: _____ MODEL: _____ COLOR: _____

LICENSE NUMBER: _____ YEAR: _____ STATE: _____

ADDITIONAL INFORMATION: (USE REVERSE SIDE)

HANOVER PARK POLICE DEPARTMENT

WAIVER

I (we), the undersigned, father (and mother) (and/or guardian) of _____, a minor, hereby consent(s) to the participation of said minor in a criminal or local ordinance related investigation fully understanding the risks involved. I (we) do hereby expressly waive any and all claims and any and all loss of damage resulting from or arising out of said minor's assistance to the Hanover Park Police Department which we may now or hereafter have as parent(s) (and/or guardian) of said minor, and also all claims or rights of action for damages which the said minor has or may hereafter have, either before or after she/he reached his/her majority, resulting or to result from said criminal or local ordinance related investigation. I (we) further promise to bind myself (ourselves) jointly and severally, my (our) heirs, administrators and executors to the aforementioned waiver. I (we) further state that I (we) have carefully read the foregoing waiver and know the contents thereof, and I (we) sign the same as my (our) own free act.

Witness this _____ day of _____, 19____.

In presence of:

CAUTION: READ BEFORE SIGNING

Father

Mother

Guardian

RECEIPT:

_____, minor son/daughter of _____
and _____ named in above waiver, hereby acknowledges receipt from the
Hanover Park Police Department of a copy of said waiver.

APPENDIX "D"
HANOVER PARK POLICE DEPARTMENT
ADVISEMENT & AGREEMENT DOCUMENT

DIR # 485-I / Informants

SOURCE OF INFORMATION

Date:_____ Time:_____ Location:_____

I, _____, the undersigned, understand that while I am a Source of Information for the Hanover Park Police Department, I am forbidden to do any of the following:

- A. Sell or deliver any Controlled Substance, dangerous drug, marijuana, or any other substance purported to be same.
- B. Never sell or deliver or cause to be sold or delivered any Controlled Substance, dangerous drug, marijuana, or any other substance purported to be same, to any person who would then in turn sell or deliver said Controlled Substance, dangerous drug, marijuana, or any substance purported to be same, to any member of the Hanover Park Police Department, or any other person.
- C. Never use my sex, sexuality, or sexual activity to induce or persuade any individual to sell or deliver a Controlled Substance, dangerous drug, marijuana, or any other substance purported to be same to any member of the Hanover Park police Department or any other person.
- D. I further understand that I may never search any suspect, person, house, papers, or personal effects.
- E. I may never become involved in any activities that would constitute entrapment.
- F. I further understand that I may not engage in any illegal or improper conduct so long as I am working with the Hanover Park Police Department as a Source of Information.
- G. Further, I understand that any violations rising from my actions in violation of the above circumstances will result in an investigation of matters and if the charges are substantiated, appropriate action (including the possibility of criminal prosecution) will be taken.
- H. I am agreeing to function as a Source of Information for the Hanover Park Police Department of my own free will and accord, and not as a result of any intimidation or threats.
- I. *I understand that I am not a "peace officer" as specified by law according to the Illinois Criminal Law and Procedure Handbook, 1999 Edition, 720 ILCS 5/2-13, "Peace Officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrest for offenses, whether that duty extends to all offenses or is limited to specific offenses.*

In agreeing to work as a Source of Information for the Hanover Park Police Department, I understand that no police officer may make any explicit or implicit promises or predictions regarding the likely disposition of any criminal proceedings that are pending against me, but that officers of the Hanover Park Police Department will make their best efforts to make the nature and extent of my cooperation known to the prosecutorial authorities.

Signed:_____ (Fictitious Name)

Witness:_____

Witness:_____

Signed:_____ (True Name)

Date:_____ Time:_____

Place:_____

HANOVER PARK POLICE DEPARTMENT

Appendix B

MONEY DRAW/USE RECEIPT

Month:	Year:	Officer:
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I. INFORMATION AND EVIDENCE TRANSACTIONS

<u>Cash Withdrawal</u>			<u>Cash Returned</u>		<u>Cash Spent</u>		
Case #	Date	Amount	Date	Amount	Case #	Date	Amount
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							

Enter CASH ON HAND from last month's report				Recovered funds: Amount / Case Number Recovered funds: Amount / Case Number	
TOTAL (A)		TOTAL (B)		TOTAL (C)	

II. CASH ON HAND

ENTER TOTAL (B) _____	ENTER TOTAL (A) _____	OFFICER'S SIGNATURE _____
ENTER TOTAL (C) _____	ENTER TOTAL (D) _____	SUPERVISOR'S SIGNATURE _____
TOTAL (D) = ADD (B) TO (C)	CASH ON HAND: SUBTRACT (D) FROM (A) = _____	