

Atascadero Police Department
Standard Operating Procedure
Special Funds ("buy" money)
Section # 11

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Statement of Purpose:

This procedure outlines the protocol for the proper use and documentation of Special Funds utilized by the Investigations Unit to Confidential Informants (will be referred to as "CI" throughout the remainder of this document) for the purchase of evidence, payments to informants and expenses related to an investigation.

Procedure:

Informant Buys

When a CI purchases evidence or other contraband, the purchase shall be made under the following guidelines:

1. When Special Funds are used, all CI buys shall be under the direct control or supervision of the Atascadero Police Department Personnel or allied agency personnel who are associated through special units.

Any time Special Funds are provided to a CI, one detective, the detective sergeant, or the Watch Commander, or the Commander or the Commander's designee, must be present to witness the furnishing of Special Funds to an informant. All involved from the above will sign the Payment and Expense Voucher, which will be maintained in the CI file.

2. CI's will not "front" City of Atascadero money to any suspect without prior authorization from the Detective Supervisor or Commander.
3. The CI shall be searched for contraband and money by a detective prior to the buy. This would include a search of the CI's vehicle. Constant visual surveillance should be maintained on the informant preceding the buy in order to ensure that any evidence or contraband was obtained from the buy location. Visual surveillance should be maintained on the informant upon leaving the buy location to ensure that the evidence or contraband was obtained from the buy location.

* CI's should wear a wire whenever possible, for case integrity and the safety of the CI.

4. The CI and their vehicle shall be searched after the buy for contraband and money
5. The detective in charge of the investigation will, when practical, monitor telephone conversations between the CI and suspect.
6. The CI should be debriefed and a statement obtained.

Informant Payments

The amount of funds to be paid to any CI will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The quality of the violator arrested, in terms of amount of contraband seized
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

As stated previously **ALL** payments to CI's must have the prior approval of the Commander, or in his absence, his designee. The Commander or his designee will discuss the above factors with the Chief of Police and arrive at a recommended level of payment.

Control and use of Special Funds

Special Funds may be expended for:

1. The purchase of Evidence;
2. Payments to informants;
3. Expenses related to an investigation;

Detectives must get their supervisor's approval prior to any expenditure.

Instructions for Completing Tracking Forms for the use of Special Funds

Any detective/supervisor using Special Funds will track the expenditure of funds using a receipt book, Informant Fee Payment Ledger, Payment and Expense Voucher and a Special Funding Expenditure Log. The results of these operations will be documented in an APD general incident report using the "narcotics information" heading and also on a Performance History Form. Duplicate copies of all of these forms will be maintained in the CI file as well as in the Special Funds designated area.

Any detective using special fund money shall utilize a receipt book receipt system. Each transfer of money from one source to another will be memorialized with a receipt and signed by the detective, Commander or his designee. Copies of the receipts will be maintained in the CI file as well as in the Special Funds designated area. Completed receipt books will be maintained by the Commander.

The Informant Fee Payment Ledger will be completed by the CI handling detective. The detective will ensure the receipt number from the receipt book is documented on the ledger as well as the amount paid to the CI and the balance. For example, if the CI is given \$100.00 in Special Funds and only purchases \$50.00 worth of evidence, then \$50.00 will be documented under the "balance" section of the ledger.

The CI handling detective will also complete a Payment and Expense Voucher. Each Payment and Expense Voucher will be numbered. The completion of this form will include the CI number, case number, date and time of operation, crime heading, and Special Funds amount provided to the CI. The CI's name and signature, along with the detective in charge of the investigation and a detective witness will also be completed on the form. All will certify the amount of money that will be expended and give a complete summary of the purpose for the expenditure in the "Summary/Disposition" heading. For example, "\$20.00 in Special Funds was provided to a Confidential Informant who purchased .3 grams of Methamphetamine). The detective supervisor, as well as, the Commander or his designee, will sign the completed form. Copies will be maintained in the CI file.

At the conclusion of the operation, the Performance History Form will be completed to document the outcome of the operation. The completion of this form will include the case number (of the original offense the CI is performing for leniency under), the date, the number of individuals arrested (if any), the new case number issued for the operation, the evidence seized (grams of Heroin etc.) and the disposition of the operation (arrest, documentation, etc).

Money that is given to an informant for **any** reason will be listed under the "payment" heading on the Informant Fee Payment Ledger. Money given to an informant for an investigative reason, that they do not benefit from, will still be listed as an informant fee, but the fact that the informant did not benefit from this expenditure will be noted in the summary/disposition heading of the Payment and Expense Voucher.

(Examples: Money provided to go to a business so they can have work performed on their car in an effort to make contact with crime suspects, gas money so they can drive to a location to further an investigation, money for a motel room so they can stay in a specific area to contact suspects, or money provided to an informant so they can meet the suspects for a meal.)

This type of expense will still be maintained in the informant's informant file and will be released to the court if records are requested. The keeper of records will disclose these expenses with the other informant fees, but they will point out to the court there is money that the informant did not benefit from.

The detective in charge of the investigation will fill out and ensure all forms are completed thoroughly and accurately. Duplicate copies of all forms will be maintained in the CI file as well as in the Special Funds designated area.

Any money expended for an expense related to an investigation will be listed under "Draws (Vouchers)" on the Special Funding Expenditure Log. These would include expenses such as car rental, motel room expenses, or the purchase of anything that is critically needed during the course of an investigation where the normal City of Atascadero Purchasing procedures may hamper the successful completion of the investigation. The circumstances justifying this type of expenditure will be detailed on the expenditure form.

The Commander or the Commander's designee will have access to the Special Funds which will be located in a safe in the Commander's office. The Commander and Chief will maintain keys to this safe in their respective offices. The Chief's Administrative Assistant will have duplicate keys which will also be maintained in the Chief's office, accessible by the Chief's Administrative Assistant and the Chief. Only the Commander or the Commander's designee has the authority to release Special Funds.

The Commander will account for all Special Funds expended with a Special Funding Expenditure Log which will be forwarded to the finance department on a quarterly basis, along with a copy of each coordinating receipt. The Commander will ensure that each detective who expended funds document those expenses on a Special Funding Expenditure Log. The supervisor will complete a monthly activity report which will be submitted to the Commander and kept with the Special Funds designated area. This accounting will be provided to the Commander by the 10th of each month.

This Standard Operating Procedure was approved and distributed for training by:



Joe Allen
Commander



Jerel Haley,
Chief of Police

Attachments: (1) Copy of Payment and Expense Voucher
(2) Informant Fee Payment Ledger
(3) Informant Performance History Form
(4) Special Funding Expenditure Log