



# POLICY & PROCEDURE

## PORTAGE POLICE DEPARTMENT

SUBJECT: **INFORMANTS**

SCOPE: All Sworn Personnel  
DISTRIBUTION: Policy & Procedure Manual

REFERENCE:

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INDEX AS: Confidential Funds  
Confidential Informants  
Informants

PURPOSE: The purpose of this Policy & Procedure is to provide regulations for the control and use of confidential informants (CI) for the Portage Police Department.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. PROCEDURE

### I. POLICY

- A. In some instances, a successful investigation cannot be conducted without the use of a confidential informant (CI). While the use of CIs is an effective tool in investigations, it can be undermined by the misconduct of either the CI or the officer utilizing the informant. Therefore, it shall be the policy of this department to take necessary precautions by developing sound informant control procedures.

### II. DEFINITIONS

- A. Confidential Informant File: File maintained in order to document all information that pertains to confidential informants.

### III. PROCEDURE

#### A. Establishment of an Informant File System

1. The Captain or designee shall be responsible for developing and maintaining master informant files.
2. A file shall be maintained on each CI used by officers. Each file shall be coded with an assigned informant control number and shall contain the following information:
  - a) Informant's name, address, phone / contact information and date CI number assigned
  - b) Name of officer initiating use of the informant;
  - c) If possible a photograph of the informant
  - d) Briefs of information provided by the CI, related case numbers and reliability.
  - e) Signed informant agreement
  - f) Associated vehicles
  - g) A list of other associates
3. Informant files shall be maintained in a secured area within the Captain's or designee's office.
4. The informant files shall be utilized in order to:
  - a) Provide a source of background information about the informant;
  - b) Provide a complete history of the information received from the informant;
  - c) Enable review and evaluation by the appropriate supervisor of information given by the informant; and
  - d) Minimize incidents that could be used to question the integrity of investigators or the reliability of the CI.
5. Access to the informant files shall be restricted to the Chief of Police, the Captain, and/or designees.

6. Sworn personnel may review an individual's informant file upon the approval of the Chief of Police or designee.

#### B. Use of Informants

1. Before using any individual as a CI, an officer must receive initial preliminary approval from the Captain.
2. The officer shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.
3. After the officer receives initial approval to use an individual as a CI, an informant file shall be opened.

#### C. General Guidelines for Handling CIs

1. All CIs are required to sign and abide by the provisions of the departmental informant Cooperating Individual Agreement. The officer utilizing the CI shall discuss each of the provisions of the agreement with the CI, with particular emphasis on the following:
  - a) Informants are not law enforcement officers. They have no arrest powers, are not permitted to conduct searches and seizures, and may not carry a weapon;
  - b) Informants will be arrested if found engaging in any illegal activity. They will receive no special legal considerations; and
  - c) Informants are not to take, and the department will not condone, any actions that may be considered entrapment. Entrapment occurs where the informant encourages, persuades, or otherwise motivates a person to engage in criminal activity.
2. No member of this agency shall knowingly maintain a social relationship with CIs while off duty, or otherwise become personally involved with CIs. Members of this agency shall not solicit, accept gratuities, or engage in any private business transaction with a CI.
3. Whenever possible, an officer should be accompanied by another officer when meeting with a CI.
4. Juveniles shall only be utilized as a CI in accordance with departmental regulations and state laws pertaining to juveniles.

#### D. Confidential Funds Authorization

1. **Currently the department does not have a CI fund. In the event funds are designated the following policies will apply.** The Chief of Police or designee

is the confidential fund custodian and shall have the following responsibilities with respect to the department's CI fund:

- a) Maintenance of the fund in accordance with all appropriate laws and procedures;
  - b) Proper disbursements and deposits;
  - c) Bookkeeping and banking procedures;
  - d) Maintenance of a file containing copies of all relevant fund transaction documents; and
  - e) Purging of the confidential fund records in accordance with state records retention provisions.
2. An annual audit of the confidential fund shall be performed by the city auditor from outside the police department in order to evaluate the continued integrity of the fund, and the need for any additional controls.
  3. The confidential fund custodian shall make disbursements from the confidential fund only to authorized personnel for the following purposes:
    - a) Payments that are to be made directly to confidential informants;
    - b) Investigative funds for the purchase of illegal drugs, contraband and other criminal evidence;
    - c) Purchases of food and beverages for a confidential informant;
    - d) Expenditures for authorized undercover operations; and
    - e) Flash and front money.
  4. The confidential fund custodian shall not be permitted to make disbursements from the confidential fund to themselves.
  5. Confidential fund transaction records shall be stored in a secured location, and access shall be restricted in accordance with applicable laws, ordinances and Department Policy & Procedure.

#### E. Withdrawals and Expenditures from Fund

1. The Chief of Police or designee is designated the confidential fund custodian and shall be responsible for the security, proper use and accounting of confidential funds.
3. Prior to the issuance of any money from the confidential fund, an officer shall submit to the fund custodian a request for funds.

## F. Accounting for Expended Funds

1. All officers receiving confidential fund monies shall prepare a written expense report accounting for all monies withdrawn from the fund, within five (5) days of withdrawal. The report should include:
  - a) Item or informant control number on which the monies were expended;
  - b) Date and place of the expenditure;
  - c) Copies of receipts, where applicable;
  - d) Type of investigation; and
  - e) Case number, where applicable.
2. The written expense report with all supporting documents and receipts shall be submitted to the Captain for review and subsequently forwarded to the Chief of Police for final approval.
3. For all funds expended, the officer issuing payment shall ensure that an appropriate receipt is obtained, unless such an action would jeopardize a transaction or operation.
4. All unexpended funds shall be returned to the confidential fund custodian by the officer as soon as immediately practical. The fund custodian shall record in the fund receipt book acknowledging that such funds were re-deposited as unexpended.
5. Each officer may maintain a personal file containing a record of all confidential fund transactions, and copies of all relevant receipts and department fund forms.
6. The Chief of Police shall periodically review and audit the fund receipt book against available funds with the City Clerk/Treasurer for accounting purposes.

Keith J. Klafke  
Chief of Police

This Policy & Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

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