


<p><b>RABUN COUNTY SHERIFF'S OFFICE</b></p>  <p><b>General Order Number: 7.02</b></p>	<p><b>Date of Issue</b></p> <p><b>2/23/2016</b></p>	<p><b>Effective Date</b></p> <p><b>2/23/2016</b></p>	<p><b>Revision Date</b></p>
<p>Subject: <b>CONFIDENTIAL INFORMANTS</b></p>	<p>Amends:</p>	<p>Rescinds:</p>	
<p>Index as:</p> <ul style="list-style-type: none"> <li>Confidential Informants</li> <li>Criminal Investigation Division</li> <li>Informants</li> </ul>	<p>State Certification Standards: 5.27</p>		
<p>Special Instructions:</p>			

**PURPOSE**

The purpose of this General Order is to prescribe the policies and procedures of the Rabun County Sheriff's Office regarding the use of Confidential Informants.

**STATEMENT OF POLICY**

It shall be the policy of the Rabun County Sheriff's Office to develop and utilize the information possessed by various sources in accordance with established statute and case law.

**DISCUSSION**

Informants are an essential part of investigations, particularly those involving narcotics and vice. Informants have a variety of motives for assisting law enforcement. These motives may include financial rewards, positive recommendations made to the prosecutor's office on the informant's behalf or on the behalf of another or a desire to better their community. Even when Confidential Informants are not criminals themselves, their association with criminals demands utmost caution when utilizing their assistance. Confidential Informants present significant risks to the integrity of law enforcement investigations and to Officer Safety. Strict control procedures are necessary to protect the Rabun County Sheriff's Office and the deputy(s) utilizing the Informant.

## DEFINITIONS

CONFIDENTIAL INFORMANT (CI) — A person who has entered into a confidential agreement with the Rabun County Sheriff's Office to provide information about criminals or criminal activity and has an expectation of receiving some type of reward for providing the information such as financial gain, the reduction or dismissal of a criminal charge, or other consideration.

CONFIDENTIAL SOURCE (CS) — A person who has entered into a confidential agreement with the Rabun County Sheriff's Office to provide information about criminals or criminal activity but has no expectation of reward for providing the information.

TIPSTER – a person who approaches law enforcement and offers confidential information pertaining to criminal activity. Generally, the tipster's forwarding of the information is a first time occurrence or only provides information on a very infrequent basis. The tipster does not expect a reward for providing the information.

CONCERNED CITIZEN – a concerned citizen's primary motivation is to better their community. Generally, concerned citizens should have no felony criminal history and their involvements are limited to isolated contacts with criminals. Traits of a concerned citizen can include but are not limited to: contacting law enforcement in order to better their community, being regularly employed or being involved in community volunteer or improvement activities, has no ulterior or underlining motives for reporting criminal activity, is a member of a church or similar institution, expresses a truthful demeanor in reporting information to law enforcement.

For the purpose of this General Order, a Tipster or Concerned Citizen is not required to be documented as an informant.

CONTROL OFFICER — The Officer having contact with the Confidential Informant and using the Confidential Informant for a law enforcement investigation.

O.C.G.A. — The Official Code of Georgia Annotated.

## I. GENERAL PROCEDURES

- A. All personnel of the Rabun County Sheriff's Office shall comply with the requirements of this General Order regarding the utilization of confidential informants. Prior to utilizing a Confidential Informant, Officers will obtain specific approval from their appropriate Division Commander or his designee.
- B. Most of the investigations involving the use of a Confidential Informant will be by personnel assigned to the Criminal Investigations Division or attached to a unit of the Criminal Investigations Division such as the Narcotic Crime & Investigation Suppression (NCIS). In the event that an deputy assigned to another division such as the Uniform Patrol Division develops and has the occasion to use a Confidential Informant, this deputy will be required to follow these procedures with the security of the Confidential Informants files maintained and controlled.

## II. GUIDELINES FOR OPENING INFORMANTS

- A. All confidential informants or sources that are providing information that is or will likely be used in a criminal investigation to make arrests and or seizures of property or contraband should be opened as

an informant. – ( This should not be translated to mean that a person filing an initial report, providing a witness statement or relaying unsubstantiated information should be documented as a Confidential Informant or Source. )

#### B. Informants with Possible Pending Charges

1. In the event that a Deputy has probable cause to arrest a subject and that subject is not arrested immediately due to their decision to assist in future investigations, The following actions should be taken by the Controlling Officer no later than the next working day following the incident.
  - a. A complete CI file should be forwarded to the Commander of the Criminal Investigative Division or his designee by the Controlling Officer.
  - b. The deputy should notify the Assistant District Attorney who would be in charge of the prosecution of that particular case and advise him or her of the circumstances of the case and the desire to work with the potential Defendant.
2. An investigative summary/report detailing the incident should be forwarded to the District Attorney's office. The report should also include a cover letter or memorandum indicating that the potential Defendant is being utilized as a source of information. The absence of this letter may result in the early prosecution or indictment of the informant because the District Attorney's Office is unaware of the source's informant status.
3. The amount of time the Confidential Informant may continue to work with the Deputy as an Informant is at the discretion of the District Attorney's Office. At the request of the District Attorney or his designee, the Control Officer should forward a summary or report to the District Attorney's Office advising the success and/or failures of the Informants assistance.
4. Prior to making the decision not to arrest the subject at the time of the incident the Deputy should carefully consider the following factors and how they pertain to the potential defendant:
  - a. truthful demeanor
  - b. parole or probation status
  - c. known criminal history
  - d. community ties
  - e. likelihood that the defendant will or will not flee to avoid later prosecution
  - f. severity of the crime committed
  - g. impact the Defendant will have on any victims if allowed to work as an Informant
5. At no point should a Deputy promise any special considerations to the Defendant other than a recommendation made through the District Attorney's Office on the defendant's behalf for his cooperation and assistance (See Section VIII numbers 4-5) and the possibility of payment if applicable.

#### C. Informants with Pending Charges

1. If a subject wishes to work as an Informant who has been arrested and charged with a criminal act or acts, a confidential informant file should be opened prior to utilizing that sources information.

- a. The deputy should notify the Assistant District Attorney who is in charge of the prosecution of that particular case and advise him or her of the circumstances of the case and the desire to work with the Defendant.
2. An investigative summary/report detailing the incident should be forwarded to the District Attorney's office if one has not previously been forwarded. The report should also include a cover letter or memorandum indicating that the Defendant is being utilized as a source of information. The absence of this letter may result in the early prosecution or indictment of the informant because the District Attorney's Office is unaware of the source's informant status.
3. The amount of time the Confidential Informant may continue to work with the Deputy as an Informant is at the discretion of the District Attorney's Office. At the request of the District Attorney or his designee, the Control Officer should forward a summary or report to the District Attorney's Office advising the success and/or failures of the Informants assistance.
4. Prior to making the decision to utilize the Defendant as an Informant the Deputy should carefully consider the following factors and how they pertain to the defendant:
  - a. truthful demeanor
  - b. parole or probation status
  - c. known criminal history
  - d. community ties
  - e. likelihood that the defendant will or will not flee to avoid prosecution
  - f. severity of the crime committed
  - g. impact the Defendant will have on any victims if allowed to work as an Informant
5. At no point should a Deputy promise any special considerations to the Defendant other than a recommendation made through the District Attorney's Office on the defendant's behalf for his cooperation and assistance (See Section VIII numbers 4-5) and the possibility of payment if applicable.

D. Informants with no Criminal Charges

1. If a subject wished to work as an informant and has no pending criminal charges a CI file should still be opened prior to utilizing the Informants information.
2. It is not required that the District Attorney's Office be notified.
3. Prior to making the decision to open a CI file on the subject the Deputy should carefully consider the following factors and how they pertain to the defendant:
  - a. truthful demeanor
  - b. parole or probation status
  - c. known criminal history
  - d. community ties
  - f. severity of crimes previously committed, if any
  - g. impact on the Community if the Subject is utilized as an Informant
- E. At no point should a deputy make any promises to an Informant other than the possibility of payment for their services.

### III. CONFIDENTIAL INFORMANT FILES

- A. The Commander of the Criminal Investigative Division or his designee shall be responsible for developing and maintaining confidential informant (CI) files.
1. Individual units in the Criminal Investigations Division may maintain the CI files of that unit with the approval of the Commander of the Criminal Investigative Division.
  2. The CI files should be maintained by the Lieutenant assigned the unit. In the absence of a Lieutenant, the CI files should be maintained by the Senior ranking Sergeant.
- B. A file shall be created and maintained for each Confidential Informant used by a Deputy of the Rabun County Sheriff's Office. Each file shall be coded with an informant control number. (See section C) The following information regarding the informant should be forwarded to the Commander of the Criminal Investigative Division or his designee in order to open a CI file:
1. Informant's name;
  2. Aliases;
  3. Date of Birth;
  4. Current home address and telephone number;
  5. Usual method of contact (telephone or leaving message with another party);
  6. Places frequented;
  7. Criminal associates;
  8. Informant's photograph;
  9. Informant's criminal history;
  10. Any other pertinent information;
  11. Primary Control Officer;
  12. Brief reports of informant contacts;
  13. Brief reports of information received;
  14. Rating of reliability of information received;
  15. Regular updates of status – ACTIVE or INACTIVE; and
  16. Regular Supervisory reviews.
- C. Confidential Informant files shall be maintained in a locked, secure location within the Criminal Investigative Division of the Rabun County Sheriff's Office or a sub-unit of the Criminal Investigations Division.
1. The coded informant control number should identify the unit that initiated the CI file, the year the Informant was initiated and the sequence number for that specific unit's CI file. This will prevent identical numbers being assigned by the various units in Criminal Investigations.

For example:

**CID – 11- 01** should be assigned to the first CI opened by the Criminal Investigations Division utilizing this system. The second letter refers to the year and second refers to the CI number

- a. **CID** identifies the Criminal Investigations Division

b. **NCIS** identifies the NCIS Unit or Narcotics Criminal Investigation & Suppression

- D. An individual informant file may be accessed by the Confidential Informant's Control Officer. Other sworn personnel may access an individual informant file when necessary in the course of an investigation and with the approval of a Criminal Investigative Division Supervisor with the rank of Lieutenant or higher. In the event that the informant files are being maintained by a senior ranking Sergeant, the Sergeant in charge of the files can approve access by other sworn personnel.
- E. General access to informant files shall be restricted to the Sheriff, his designee(s) and the Commander of the Criminal Investigative Division and his designee(s).
- F. Files will not be left unattended in areas accessible to persons not authorized to review the contents. Files removed for administrative work will not be removed from the office and will be replaced before the end of the same day.

**IV. CONFIDENTIALITY**

- A. The identity of Confidential Informants shall be protected by the Rabun County Sheriff's Office to the full extent permitted by state and federal laws.
- B. Rabun County Sheriff's Office personnel will maintain the confidentiality of informants at all times unless the Confidential Informant's identity is required to be disclosed pursuant to a legal proceeding or court order. A Confidential Informant's name will not be otherwise disclosed without specific authorization from a Criminal Investigative Division Supervisor with the rank of Lieutenant or higher. Each identity disclosure will be documented in a memorandum of record prepared for the file.
- C. Confidential Informants should be referred to by control number rather than name in all investigative summaries, payment vouchers, and other records.
- D. Confidential Informants should not be promised anonymity, as the Court may rule in an in-camera hearing that their identity must be revealed.
- E. Contact reports and other Confidential Informant related documents prepared on the computer should not be retained in the hard drive of the computer. Once a final copy is printed the document should be deleted from memory.
- F. Any work unit internal records used to supplement the management of a Confidential Informant will be maintained at the same level of security as the informant files. Any computer based records containing informant identification will be maintained on a removable computer storage disc. This Confidential Informant information will never be placed on a hard drive in any computer. This disc and any computer-generated printout will be secured in the same manner as Confidential Informant files.

**V. CONTACT REPORTS**

- A. The Contact Officer will document contacts with the Confidential Informant. Contact reports should indicate the nature of the contact and contain a brief summary of the information received. Subsequent contact reports should indicate the results of any investigative action based upon the information and the case numbers of any cases generated from the information. The contact reports should be

forwarded to the Commander of the Criminal Investigative Division or his designee to be placed in the Informant's file.

- B. When a Confidential Informant is placed in an inactive status or is reactivated; the dates and reasons for the status change should be reflected on a contact report.

## **VI. RESTRICTIONS ON THE CONFIDENTIAL INFORMANT**

The Control Officer will emphasize to the informant:

- A. The Confidential Informant is not acting as a law enforcement officer nor as an employee of the Rabun County Sheriff's Office and has no authority to carry a weapon, make arrests, or conduct searches or seizures;
- B. The Confidential Informant will under no circumstances use unlawful techniques to obtain information; and
- C. The Confidential Informant's working relationship with the Rabun County Sheriff's Office will not protect them from arrest or prosecution for any violation of federal, state or local law.

## **VII. CONTROL OFFICER AND SUPERVISOR RESPONSIBILITY**

- A. The Control Officer is responsible for all documentation in the Confidential Informant's file with the exception of the Supervisory Review.
- B. The Commander of the Criminal Investigative Division or his designee in the unit retaining control of the Confidential Informant will review the Confidential Informant files monthly that have had Officer contacts and/or investigative activity.
- C. The Commander of the Criminal Investigative Division or his designee in the unit retaining control will review all active CI files annually to ensure that the file is in proper order and in an up-to-date status. The dates the informant becomes active and inactive will be reflected in the appropriate section.

## **VIII. PAYMENTS**

- A. Vouchers and/or payment receipts will be completed and incorporated in the Confidential Informant's file when any payment is made to the informant.
- B. At the time of each informant payment, the receipt will be signed and dated by the informant and the Control Officer. A witnessing Deputy or other criminal justice official should be present at each informant payment if possible. The printed name and agency of the witness should be recorded on the receipt. Any deviation from this should be at the discretion of the Control Officer's Division Commander or his designee.
- C. The Rabun County Sheriff's Office will pay only those informants who are "working" and are on a currently active status. However if an informant is deactivated prior to receiving payment, the payment may be made after deactivation. Any future payments will require the informant to be reactivated.

- D. The Control Officer's Division Commander or his designee should be contacted prior to any informant being paid.
- E. Criteria for consideration regarding informant payment include:
  - 1. The reliability of the Confidential Informant;
  - 2. The value or accuracy of the information; and
  - 3. Possible future benefits from the informant.

## IX. GUIDELINES FOR HANDLING INFORMANTS

### A. Prohibited Activity

- 1. No employee will knowingly maintain a social relationship with an active or inactive informant or otherwise become personally involved with an informant, without the written authorization of both the Sheriff and the employee's Division Commander.
- 2. No employee will solicit or knowingly accept gratuities from an active or inactive informant.
- 3. No employee will knowingly engage in any business transaction with an active or inactive informant without the written authorization of the Sheriff and the employee's Division Commander, except where the business conducted is consistent with standard business practices.
- 4. No employee will act as a reference or testify on behalf of an informant without authorization from the employee's Division Commander or his designee. The appropriate Supervisor will be notified prior to such activity, and a memorandum of record will be incorporated in the CI file to document the actions taken on behalf of the informant.
- 5. No employee will write a letter on behalf of an informant without the approval of the employee's Division Commander or his designee.
- 6. No employee will knowingly allow an informant to violate any laws, including motor vehicle laws. This includes the operation of a motor vehicle without a valid operator's license.

### B. Meetings

- 1. Whenever possible, a Control Officer will be accompanied by another law enforcement officer when meeting with an informant.
- 2. Deputies performing undercover assignments who are accompanied by a CI will always be covered by at least one other approved law enforcement officer throughout the period of undercover activity unless specific authorization is granted by a Supervisor for that individual investigative activity.
- 3. It is essential that another law enforcement officer be present when the Control Officer and the informant are of the opposite sex or when the informant is a juvenile. The only exception will be individual investigative actions for which the Officer has specific authorization from a Supervisor.
- 4. After each meeting, a contact report will be immediately prepared and forwarded to the Commander of the Criminal Investigative Division or his designee.



C. Probationer / Parolee Informants

1. The Control Officer will determine if each prospective informant is on probation or parole.
2. Prior to using a parolee or probationer as a Confidential Informant, the Control Officer will obtain authorization from the Commander of the Criminal Investigative Division or his designee. The Control Officer will ensure compliance with any parole/probation departmental guidelines concerning usage of the individual as a Confidential Informant.

D. Defendant Informants

1. When utilizing a defendant Confidential Informant who has pending criminal charges or who is awaiting sentencing, the Control Officer will obtain consent from the appropriate prosecutor prior to seeking any charge/sentence reduction, leniency, or other official consideration for the Confidential Informant.
2. The Control Officer will document any authorized agreement between the prosecutor and the defendant informant in a memorandum to the Confidential Informant file.

E. Juvenile Informants

1. A parent or guardian must consent to the use of a juvenile as an informant. If the juvenile has been emancipated from his/her parents by Court Order and can be considered his/her own guardian consent from the parents or guardian is not required
2. If there are pending criminal charges against the juvenile, the Juvenile Court Judge having jurisdiction must authorize the juvenile to act as an informant.
3. The Control Officer will document the approval of the parent/guardian or Juvenile Court Judge in a memorandum to the Confidential Informant's file.
4. O.C.G.A. 16-11-66 requires that if any person under the age of 18, acting as an informant, participates in any telephonic recording, a court order or the written consent of the parent or guardian is mandatory.
5. Two deputies will be present when meeting with a juvenile informant regardless of the sex of the juvenile.

F. Multiple Control Officers

When an Informant is utilized simultaneously by two or more Control Officers, It will be the utilizing Control Officer's responsibility to ensure that all of the required paperwork has been completed. It will also be the utilizing Control Officer's responsibility to ensure that the primary Control Officer is aware of the Informant's utilization(s).

G. Use Of Informants By Officers Not Assigned To Criminal Investigations

If an informant is utilized by an officer who is not assigned to the Criminal Investigations Division one of the following procedures should be followed:

1. The Confidential Informant will be documented by the utilizing deputy following the same procedures described above. The file will be forwarded to the Commander of the Criminal Investigations Division or his designee for approval and will be maintained in the same manner as previously described; or
2. The file will be approved and maintained by the Commander of the Division the utilizing deputy is assigned and the same policies and procedures will be followed.



By Order of the Sheriff: **Chad K. Nichols**  
**Sheriff, Rabun County**