



## CITY OF PORTLAND, OREGON



### Bureau of Police

Ted Wheeler, Mayor

Danielle M. Outlaw, Chief of Police

1111 S.W. 2nd Avenue • Portland, OR 97204 • Phone: 503-823-0000

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## Directive 660.32, Agent/Informant Processing Executive Summary

### Introduction

Directive 660.32, Agent/Informant Processing, establishes the procedures for working with individuals in an undercover status. After a thorough review of the directive, the Bureau kept the policy largely intact. The Policy Development team did not make any substantive changes to the directive, as it is still operationally, procedurally and legally sound, and continues to align with best practice standards.

### Public Comments

The Bureau received minimal feedback during both universal review and public comment periods with one commenter suggesting the Bureau include a definition of “reliable information,” incorporate the contents of the “Informant Liability Waiver” into the body of the directive, and provide examples of when exceptions will be granted for waiving the requirement that informants formally identify themselves.

### *Reliable Identification Definition*

Regarding the requirement that members obtain “reliable identification” from informants, a commenter recommended that the Bureau should define the term for clarity. The Bureau considered the proposal; however, not all individuals have a government-issued form of identification. To have such a narrow definition of acceptable forms of identification would complicate what is essentially the need for a member to reasonably believe that an individual is who they claim to be. This may be done with an employer-issued form of identification or some other informal means. By not restricting the form of identification permitted, individuals have the flexibility to prove their identity with documentation issued by various sources.

### *Informant Liability Waiver*

The Bureau received a comment requesting the inclusion of the “Informant Liability Waiver” in the body of the directive and suggesting it should be available for public comment. Bureau directives are designed to provide guidance and direction to members to ensure they carry out their duties consistently and purposefully. The liability form in no way guides or governs member behavior; rather, it is intended to apprise the potential informant of the terms of the agreement between the individual and the Bureau. Recognizing the purpose of Bureau directives, it would not be suitable to include the contents of the waiver in the policy. However, members of the public may submit a freedom of information request to access the form.

### *Identifying Informants*

The Bureau received a suggestion that the section pertaining to the identification of informants should include examples of when an exception to the documentation requirements will be granted. This

exception is rarely applied, but is typically permitted when the information provided in a criminal investigation is of high value and a life-threatening risk would be posed to the informant if their identity is revealed. These exceptions are used infrequently and, in these instances, the Bureau only works with the informant for single cases.

We thank every individual who took the time to provide feedback on this directive. All comments received during both review periods are attached at the end of this document. We have removed all personal information to protect the privacy of commenters.

Directive 660.32, Agent/Informant Processing, will go into effect on September 30, 2018.

Published 8/31/18

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## **660.32, Agent/Informant Processing**

### **Refer:**

- City of Portland, Auditor's Office, 8011-01-03, Intelligence Retention Schedule
- DIR 660.30, Evidence Funds Use
- DIR 660.33, Informants
- Informant Forms (located on PPB's Intranet)

### **Definitions:**

- Agent: A law enforcement officer operating in an undercover status.
- Confidential Reliable Informant (CRI): An individual who has established reliability by working with members in developing criminal information or evidence, usually as an informant.
- Cooperating Witness: An individual (the person may be a witness or criminal suspect) who provides immediate and case specific information to members for the purposes of furthering an initial criminal investigation.
- Informant: An individual working for a member in an undercover status.

### **Policy:**

1. The Drugs and Vice Division (DVD) has the responsibility for maintaining accurate information regarding the status of informants used by the Police Bureau. In the interest of consistency and to ensure the appropriate vetting of informants necessary to maintain the integrity of the program the DVD Manager or sworn designee will approve all Police Bureau informants prior to use. Anyone working as an informant for a member will be processed in the following manner before funds may be disbursed.

### **Procedure:**

1. Informant File Checklist:
  - 1.1. The Checklist will be completed by the member processing the informant prior to submitting the informant package to their supervisor for approval.
  - 1.2. The informant file will contain as a minimum:
    - 1.2.1. Informant Profile Sheet.
    - 1.2.2. Informant Moniker Exemplar.
    - 1.2.3. Informant Information/Background Report.
    - 1.2.4. Informant Liability Waiver.
    - 1.2.5. Informant Packet Checklist.
    - 1.2.6. Computerized Criminal History (CCH) and RegJIN printout.
  - 1.3. All forms will be filled out completely. If an item does not apply, indicate not applicable (N/A) in the appropriate place.

- 1.4. The entire informant file will be maintained by the originating Responsibility Unit (RU) as an active file.
    - 1.4.1. When an informant has not been utilized for a period of one (1) year, the file will be designated as inactive.
    - 1.4.2. To maintain accurate informant status when an informant is designated as inactive the informant's file will be transferred to DVD for inclusion in the master DVD inactive informant file.
    - 1.4.3. The file will be maintained by DVD and will be subject to purging in accordance with state records retention laws, unless the informant is re-activated by a member prior to the purge date.
    - 1.4.4. Members may re-activate an informant by submitting a newly completed informant packet with a new Informant File Checklist including CCH and RegJIN updates.
    - 1.4.5. The immediate use and payment of an inactive informant is not precluded, as long as the informant file is updated during the calendar month in which the re-activation occurs.
    - 1.4.6. Inactive informant files will be purged after a period of five (5) years.
  - 1.5. The informant file is accessible only to the RU Manager or designees, and supervisors when evidence funds are audited. All requests to view any informant files by outside parties (e.g., a judge or deputy district attorney [DA]) will be forwarded to the DVD Manager for response in order to ensure program consistency.
2. Informant Profile (Required):
    - 2.1. A profile will be completed on each informant receiving or using evidence funds, formalized case consideration or is otherwise under the direction of a member actively working on a criminal investigation. Cooperating witnesses, who provide immediate and case specific information to members during an initial criminal investigation, are not subject to this requirement.
    - 2.2. A code name will be assigned to the informant by the initiating member. The code name will be an alias; true names will not be used. The code name will include full first, middle and last names, and will be used in all record keeping and receipt transactions involving the informant.
    - 2.3. The informant must be present when the form is completed and will be required to sign their true name, full code name, and affix the right-hand, index fingerprint on the bottom of the form.
    - 2.4. A current photograph and copies of the informant's criminal history, if any, will be attached to the form.
    - 2.5. Reliable identification must be obtained in the event the informant has no record.
  3. Informant Liability Waiver (Required):

- 3.1. The waiver must be read by the informant, completed and signed. Each item must be initialed by the informant and witnessed by a supervisor.
- 3.2. The waiver is to be retained and solely accessed by the RU Manager in a locked file cabinet, separate from the Informant Moniker and Reliability form. Any changes in information or documentation regarding an informant will be relayed to the RU Manager immediately for accurate maintenance of the form.
4. Informant Moniker and Reliability (Required):
  - 4.1. This document will be completed on all informants receiving or using evidence funds.
  - 4.2. A supervisory sergeant or above will be responsible for completing the form and setting up the Informant Moniker and Productivity File.
  - 4.3. The informant must sign the exemplar section (three signatures), which will be witnessed by a supervisor.
  - 4.4. All documentation dealing with the informant's reliability will be maintained in this file. This includes Part I, the white copy of the Evidence Fund Accounting Receipt (EFAR), which contains information on the informant's productivity.
  - 4.5. The RU Manager, or their sworn designee, is responsible for maintaining the file up-to-date, checking informant signatures against exemplars, and filing agent/informant receipts.
  - 4.6. Each time a supervisor checks the file; they will initial and date the Supervisor's Review Section of the form.
5. Informant Information/Background Report (Required):
  - 5.1. This report contains information useful in deciding whether or not to use the informant, and will be completed in conjunction with the Informant Profile form. Supervisors and managers from each Responsibility Unit employing informants will review the entire informant file before delivering the file to a DVD supervisor. DVD supervisors will review the file to ensure that they are completed in a manner that is consistent with the appropriate vetting of informants necessary to maintain the integrity of the program before forwarding the file to the DVD Manager for final review. If an informant has been arrested for or convicted of violent person felony crimes, sex offenses, or has other criminal history that would tend to greatly undermine public confidence in the informant program, the DVD supervisor will review the informant file with the appropriate deputy DA for their input and information prior to the DVD Manager's final review. In conjunction with the DA's Office review, the DVD Manager may deny the use of such informants or may require control officer restrictions or case specific restrictions for informants who have problematic criminal histories.
  - 5.2. The informant's criminal history should be summarized on this form from a review of the CCH and RegJIN printout.

- 5.3. If an informant has worked for other agencies in the past, contact the agency(s) and summarize the informant's performance.
  - 5.4. Supervisors and managers will indicate approval and route to the DVD Manager for final approval. All informant files will be hand delivered to DVD for review.
  - 5.5. Supervisors or managers who find that a potential informant is unsuitable for employment may deny informant use at their RU level without forwarding the informant packet to DVD for final review.
6. Moniker File:
    - 6.1. When different RUs use the same CRI, each unit will maintain a moniker file. All such cases will be approved by the DVD Manager. Requests for the multiple unit use of a CRI will be made by inter-office memorandum through channels to the DVD Manager.
7. True Name/Code Number Index Log (Required):
    - 7.1. DVD will issue a semi-annual True Name/Code Number Index Log by RU that lists the informants currently in an active or inactive status. All units will maintain this log when using informants and/or disbursing evidence funds.
    - 7.2. This log will be justified each July and January with the files maintained by the RU. If there are discrepancies, the DVD administrative sergeant will be notified immediately in order to update the master files.
    - 7.3. This log will be maintained in a file folder with the Informant Profile and Liability form file.
    - 7.4. The log will contain informant code numbers, complete true names, complete code names, dates, and Department of Public Safety Standards and Training number (DPSST #) of initiating member/investigator.
8. Informant Code Numbers (Required):
    - 8.1. An informant code number must be assigned by a DVD supervisory sergeant prior to any informants receiving or expending evidence funds or being under the direction of a member who is actively working on a criminal investigation.
    - 8.2. To maintain uniform accountability, the code number will be a unique sequential agent/informant number that is not assigned to any other informant. This will preclude an informant who works for more than one division from having different code number.
    - 8.3. The DVD supervisory sergeant will also run a check of the informant's true name through the Western States Identification Network (WSIN) database.

- 8.4. The code name will be an alias. True names will not be used. The name will be a complete first, middle and last name. Initials and short names will not be used.
  - 8.5. The code number will be used in all receipt and record-keeping transactions (to include inter-office memos) involving the agent/informant.
9. Agent/Informant Exceptions:
- 9.1. The DVD Manager may waive the above process in special situations where the information is of such value it would be counter-productive to force the informant to identify themselves. Exceptions will be kept to a minimum and closely supervised. The DVD Manager will review all such cases with the Assistant Chief of the Investigations Branch.
  - 9.2. Exceptions may also be authorized by a RU Manager for one-time payments for information. An EFAR will be completed and the informant will sign using their true name. Exceptional payments will be reviewed by the DVD Manager for final approval after authorization by the involved RU Manager.
  - 9.3. Each division disbursing evidence funds will set up a file with an assigned code number (001) and a code name entitled "Informant Exceptions." All Informant EFAR will be filed in this folder in chronological date order.
    - 9.3.1. If the RU Manager grants an exception, the member disbursing funds will complete a receipt, printing in the code name Informant Exception.
    - 9.3.2. The code number for the informant exception file is 001 and will be used as the code number for all such exceptional payments.
    - 9.3.3. The RU Manager's name will be noted in the comment section of the receipt and the EFAR will be accompanied by an inter-office memorandum through channels from the control officer to the RU Manager and the DVD Manager explaining the justification for the exception.
    - 9.3.4. All other productivity information will be completed on the receipt.
    - 9.3.5. Informant Moniker and Reliability forms will not be completed on Informant Exceptions.
10. Evidence Fund Accounting Receipts:
- 10.1. Receipts contain information on evidence funds disbursement, and informant productivity. The EFAR is an important link in the audit trail for evidence funds and in developing information related to criminal investigations. For these reasons, all member/investigators are reminded that:
    - 10.1.1. A signed receipt must be obtained for all fund disbursement to informants.
    - 10.1.2. All information possible must be included on the receipt.
    - 10.1.3. Receipts must be processed and turned over to a member's supervisor on the same day as the funds are disbursed.
    - 10.1.4. An EFAR or written report (police report or inter-office memorandum) must be completed for all informant productivity when an expense is incurred or a material step is made toward fulfilling formal case consideration. These receipts

and/or reports will be filed in an informant's moniker and productivity file as soon as possible after the expense or transaction.

10.1.5. Informant code numbers and code names will not be mentioned in police reports. They will be used when completing the monthly EFAR.

10.1.6. An informant will sign the full code name, including middle name, when signing a receipt.

10.1.7. All divisions using informants must enter the following information into the informant EFAR database from EFAR on a monthly basis:

10.1.7.1. Date.

10.1.7.2. Informant number.

10.1.7.3. Division.

10.1.7.4. I.D. of member using informant.

10.1.7.5. Amount paid (not to include buy money).

10.1.8. Divisions using informants will be required to provide DVD with a current list of personnel, including I.D., who require access to this database. DVD will coordinate the granting of access to the informant EFAR database. Those members who determine their informant is being used by another division must contact the control officer of that division.

11. Operations with an undercover operative (member or non-police person working in a specified undercover operation): Agents/Informants.

11.1. Agent/informants will be assigned a control officer who is responsible for fund disbursement and accounting for evidence funds used by the agent/informant. The control officer will also be responsible for monitoring, directing and controlling the activities of the agent/informant.

11.2. Under normal circumstances, members will adhere to Directive 660.30, Evidence Funds Use, and account for evidence funds under the prescribed procedures set forth.

11.3. Undercover members (agents) who, due to assignment, are unable to work from the division office draw funds in person, or process property or evidence in person, will be assigned a control officer. The control officer will be responsible for fund disbursement and accounting for evidence funds used by the member. The control officer will also be responsible for monitoring, directing and controlling the activities of the member. Undercover members used in this capacity should be under exceptional circumstances and pre-approved by an RU Manager.

11.4. Disbursement to an undercover operative in the form of a monthly retainer is authorized under the following conditions:

11.4.1. A written request is made to the RU Manager, which includes at least the following:

11.4.1.1. The expectations of the informant's performance.

11.4.1.2. The amount of the retainer.

11.4.1.3. The duration and review dates of the contract.

11.4.2. A DA has reviewed the request for appropriateness for prosecution.

11.4.3. A weekly report is submitted to the RU giving the results obtained by the operative and the total weekly cost for service.

11.5. Evidence funds to be disbursed to the undercover operative will be drawn by the control officer in their own name. They will be responsible for:

11.5.1. Disbursing funds to the operative.

11.5.2. Ensuring the undercover operative accounts for expenditures, obtains proper receipts and supporting documents.

11.5.3. Preparing a monthly EFAR for the undercover operative showing dates, amounts and total funds the operative received and/or returned.

11.5.4. Accounting for those funds on the control officer's personal EFAR.

11.5.5. Assisting the operative in report preparation.

11.5.6. Attaching an operative's EFAR at the end of the month.

11.5.7. Handling and processing any evidence used, purchased or recovered by the operative.

11.6. The undercover operative will be responsible for:

11.6.1. Accounting for funds received.

11.6.2. Supplying supporting receipts, when possible.

11.6.3. Documentation for the EFAR to cover expenditures.

**History:**

- Originating Directive Effective: 09/06/01
- Last Revision Signed: 08/31/18
  - Effective Date: 09/30/18
- Next Review Date: 09/30/20

## **Directive 660.32, Agent/Informant Processing**

### **Refer:**

- City of Portland, Auditor's Office, 8011-01-03, Intelligence Retention Schedule
- ~~Directive~~DIR 660.30, Evidence Funds Use
- ~~Directive~~DIR 660.33, Informants
- Informant Forms (located on PPB's Intranet)

### **Definitions:**

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    - 1.2.2. Informant Moniker Exemplar.
    - 1.2.3. Informant Information/Background Report.
    - 1.2.4. Informant Liability Waiver.
    - 1.2.5. Informant Packet Checklist.
    - 1.2.6. Computerized Criminal History (CCH) and RegJIN printout.
  - 1.3. All forms will be filled out completely. If an item does not apply, indicate not applicable (N/A) in the appropriate place.

- 1.4. The entire informant file will be maintained by the originating Responsibility Unit (RU) as an active file.
  - 1.4.1. When an informant has not been utilized for a period of one (1) year, the file will be designated as inactive.
  - 1.4.2. To maintain accurate informant status when an informant is designated as inactive the informant's file will be transferred to ~~the Drugs and Vice Division~~DVD for inclusion in the master ~~Drugs and Vice Division~~DVD inactive informant file.
  - 1.4.3. The file will be maintained by ~~the Drugs and Vice Division~~DVD and will be subject to purging in accordance with state records retention laws, unless the informant is re-activated by a member prior to the purge date.
  - 1.4.4. Members may re-activate an informant by submitting a newly completed informant packet with a new Informant File Checklist including ~~Computerized Criminal History (CCH)~~CCH and RegJIN updates.
  - 1.4.5. The immediate use and payment of an inactive informant is not precluded, as long as the informant file is updated during the calendar month in which the re-activation occurs.
  - 1.4.6. Inactive informant files will be purged after a period of five (5) years.
- 1.5. The informant file is accessible only to the ~~Responsibility Unit~~RU Manager or designees, and supervisors when evidence funds are audited. All requests to view any informant files by outside parties (e.g., a judge or deputy district attorney) (DA) will be forwarded to the ~~Drugs and Vice Division~~DVD Manager for response in order to ensure program consistency.

## 2. Informant Profile (Required):

- 2.1. A profile will be completed on each informant receiving or using evidence funds, formalized case consideration or is otherwise under the direction of a member actively working on a criminal investigation. Cooperating witnesses, who provide immediate and case specific information to members during an initial criminal investigation, are not subject to this requirement.
- 2.2. A code name will be assigned to the informant by the initiating member. The code name will be an alias; true names will not be used. The code name will include full first, middle and last names, and will be used in all record keeping and receipt transactions involving the informant.
- 2.3. The informant must be present when the form is completed and will be required to sign his/her/their true name, full code name, and affix the right-hand, index fingerprint on the bottom of the form.
- 2.4. A current photograph and copies of the informant's criminal history, if any, will be attached to the form.
- 2.5. Reliable identification must be obtained in the event the informant has no record.

## 3. Informant Liability Waiver (Required):

- 3.1. The ~~wavier~~waiver must be read by the informant, completed and signed. Each item must be initialed by the informant and witnessed by a supervisor.
  - 3.2. The waiver is to be retained and solely accessed by the ~~Responsibility Unit~~RU Manager in a locked file cabinet, separate from the Informant Moniker and Reliability form. Any changes in information or documentation regarding an informant will be relayed to the ~~Responsibility Unit~~RU Manager immediately for accurate maintenance of the form.
4. Informant Moniker and Reliability (Required):
- 4.1. This document will be completed on all informants receiving or using evidence funds.
  - 4.2. A supervisory sergeant or above will be responsible for completing the form and setting up the Informant Moniker and Productivity File.
  - 4.3. The informant must sign the exemplar section (three signatures), which will be witnessed by a supervisor.
  - 4.4. All documentation dealing with the informant's reliability will be maintained in this file. This includes Part I, the white copy of the Evidence Fund Accounting Receipt (EFAR), which contains information on the informant's productivity.
  - 4.5. ~~Responsibility Unit~~The RU Manager, or ~~his/her~~their sworn designee, is responsible for maintaining the file up-to-date, checking informant signatures against exemplars, and filing agent/informant receipts.
  - 4.6. Each time a supervisor checks the file; they will initial and date the Supervisor's Review Section of the form.
5. Informant Information/Background Report (Required):
- 5.1. This ~~Report~~report contains information useful in deciding whether or not to use the ~~agent~~/informant, and will be completed in conjunction with the ~~Agent~~/Informant Profile form. Supervisors and managers from each Responsibility Unit employing informants will review the entire informant file before delivering the file to a ~~Drugs and Vice Division~~DVD supervisor. ~~Drugs and Vice Division~~DVD supervisors will review the file to ensure that they are completed in a manner that is consistent with the appropriate vetting of informants necessary to maintain the integrity of the program before forwarding the file to the ~~Drugs and Vice Division~~DVD Manager for final review. ~~Absent exceptional circumstances, persons~~If an informant has been arrested for or convicted of violent person felony crimes, sex offenses, or ~~having~~has other criminal history that would tend to greatly undermine public confidence in the informant program, ~~should not be used as informants. In cases where potential informants have problematic criminal histories the requesting control officer will submit a memorandum with the file to the Drugs and Vice Division Manager detailing the exceptional circumstances for requesting approved use of the informant. The Drugs and Vice Division~~the DVD supervisor will review the informant file with the

appropriate deputy DA for their input and information prior to the DVD Manager's final review. In conjunction with the DA's Office review, the DVD Manager may deny the use of such informants or may require control officer restrictions or case specific restrictions for informants who have problematic criminal histories.

~~5.1 In each case where an informant is to be used in a testifying capacity for an investigation, or over the course of an enforcement mission, the control officer will notify the appropriate Deputy District Attorney for the purpose of discovery information. The control officer will then submit a memorandum through channels to the Drugs and Vice Division Manager documenting the date, time and name of the Deputy District Attorney who was notified. The original copy of all such memorandums will be filed in the informant's true name file.~~

5.2. The informant's criminal history should be summarized on this form from a review of the ~~Computerized Criminal History (CCH)~~ and RegJIN printout.

5.3. If an informant has worked for other agencies in the past, contact the agency(s) and summarize the informant's performance.

5.4. Supervisors and managers will indicate approval and route to the ~~Drugs and Vice Division~~DVD Manager for final approval. All informant files will be hand delivered to ~~the Drugs and Vice Division~~DVD for review.

5.5. Supervisors or managers who find that a potential informant is unsuitable for employment may deny informant use at their ~~Responsibility Unit~~RU level without forwarding the informant packet to ~~the Drugs and Vice Division~~DVD for final review.

6. Moniker File:

6.1. When different ~~Responsibility Units~~RUs use the same ~~Confidential Reliable Informant (CRI)~~, each unit will maintain a moniker file. All such cases will be approved by the ~~Drugs and Vice Division~~DVD Manager. Requests for the multiple unit use of a ~~Confidential Reliable Informant (CRI)~~ will be made by inter-office memorandum through channels to the ~~Drugs and Vice Division~~DVD Manager.

7. True Name/Code Number Index Log (Required):

7.1. ~~The Drugs and Vice Division~~DVD will issue a semi-annual True Name/Code Number Index Log by ~~Responsibility Unit~~RU that lists the informants currently in an active or inactive status. All units will maintain this log when using informants and/or disbursing evidence funds.

7.2. This log will be justified each July and January with the files maintained by the ~~Responsibility Unit~~RU. If there are discrepancies, the ~~Drugs and Vice Division~~DVD administrative sergeant will be notified immediately in order to update the master files.

7.3. This log will be maintained in a file folder with the Informant Profile and Liability form file.

7.4. The log will contain informant code numbers, complete true names, complete code names, dates, and Department of Public Safety Standards and Training number (DPSST #) of initiating member/investigator.

8. Informant Code Numbers (Required):

8.1. An informant code number must be assigned by a ~~Drugs and Vice Division~~DVD supervisory sergeant prior to any informants receiving or expending evidence funds or being under the direction of a member who is actively working on a criminal investigation.

8.2. To maintain uniform accountability, the code number will be a unique sequential agent/informant number that is not assigned to any other informant. This will preclude an informant who works for more than one division from having different code number.

8.3. The ~~Drugs and Vice Division~~DVD supervisory sergeant will also run a check of the informant's true name through the Western States Identification Network (WSIN) database.

8.4. The code name will be an alias. True names will not be used. The name will be a complete first, middle and last name. Initials and short names will not be used.

8.5. The code number will be used in all receipt and record-keeping transactions (to include inter-office memos) involving the agent/informant.

9. Agent/Informant Exceptions:

9.1. The ~~Drugs and Vice Division~~DVD Manager may waive the above process in special situations where the information is of such value it would be counter-productive to force the informant to identify themselves. Exceptions will be kept to a minimum and closely supervised. The ~~Drugs and Vice Division~~DVD Manager will review all such cases with the Assistant Chief of the Investigations Branch.

9.2. Exceptions may also be authorized by a ~~Responsibility Unit~~RU Manager for one-time payments for information. ~~An Evidence Fund Accounting Receipt (An EFAR)~~ will be completed and the informant will sign using their true name. Exceptional payments will be reviewed by the ~~Drugs and Vice Division~~DVD Manager for final approval after authorization by the involved ~~Responsibility Unit~~RU Manager.

9.3. Each division disbursing evidence funds will set up a file with an assigned code number (001) and a code name entitled "Informant Exceptions." All Informant ~~Exception Evidence Fund Accounting Receipts (EFAR)~~ will be filed in this folder in chronological date order.

- 9.3.1. If the ~~Responsibility Unit~~RU Manager grants an exception, the member disbursing funds will complete a receipt, printing in the code name Informant Exception.
- 9.3.2. The code number for the informant exception file is 001 and will be used as the code number for all such exceptional payments.
- 9.3.3. The ~~Responsibility Unit~~RU Manager's name will be noted in the comment section of the receipt and the ~~Evidence Fund Accounting Receipts (EFAR)~~ will be accompanied by an inter-office memorandum through channels from the control officer to the ~~Responsibility Unit~~RU Manager and the ~~Drugs and Vice Division~~DVD Manager explaining the justification for the exception.
- 9.3.4. All other productivity information will be completed on the receipt.
- 9.3.5. Informant Moniker and Reliability forms will not be completed on Informant Exceptions.

## 10. Evidence Fund Accounting Receipts:

### 10.1. Receipts contain information on evidence funds disbursement, and informant productivity.

The ~~Evidence Fund Accounting Receipt (EFAR)~~ is an important link in the audit trail for evidence funds and in developing information related to criminal investigations.

For these reasons, all member/investigators are reminded that:

- 10.1.1. A signed receipt must be obtained for all fund disbursement to informants.
- 10.1.2. All information possible must be included on the receipt.
- 10.1.3. Receipts must be processed and turned over to a member's supervisor on the same day as the funds are disbursed.
- 10.1.4. An ~~Evidence Fund Accounting Receipt (EFAR)~~ or written report (police report or inter-office memorandum) must be completed for all informant productivity when an expense is incurred or a material step is made toward fulfilling formal case consideration. These receipts and/or reports will be filed in an informant's moniker and productivity file as soon as possible after the expense or transaction.
- 10.1.5. Informant code numbers and code names will not be mentioned in police reports. They will be used when completing the monthly ~~Evidence Fund Accounting Receipt (EFAR)~~.~~EFAR~~.
- 10.1.6. An informant will sign the full code name, including middle name, when signing a receipt.
- 10.1.7. All divisions using informants must enter the following information into the informant ~~Evidence Fund Accounting Receipt (EFAR)~~ database from ~~Evidence Fund Accounting Receipt (EFAR)~~ on a monthly basis:
  - 10.1.7.1. Date.
  - 10.1.7.2. Informant number.
  - 10.1.7.3. -Division.
  - 10.1.7.4. I.D. of member using informant.
  - 10.1.7.5. Amount paid (not to include buy money).
- 10.1.8. Divisions using informants will be required to provide ~~the Drugs and Vice Division~~DVD with a current list of personnel, including I.D., who require access to this database. ~~The Drugs and Vice Division~~ DVD will coordinate the granting of access to the informant ~~Evidence Fund Accounting Receipt (EFAR)~~ database.

Those members who determine their informant is being used by another division must contact the control officer of that division.

11. Operations with an undercover operative (member or non-police person working in a specified undercover operation): Agents/Informants.
  - 11.1. Agent/informants will be assigned a control officer who is responsible for fund disbursement and accounting for evidence funds used by the agent/informant. The control officer will also be responsible for monitoring, directing and controlling the activities of the agent/informant.
  - 11.2. Under normal circumstances, members will adhere to Directive 660.30, Evidence Funds Use, and account for evidence funds under the prescribed procedures set forth.
  - 11.3. Undercover members (agents) who, due to assignment, are unable to work from the division office draw funds in person, or process property or evidence in person, will be assigned a control officer. The control officer will be responsible for fund disbursement and accounting for evidence funds used by the member. The control officer will also be responsible for monitoring, directing and controlling the activities of the member. Undercover members used in this capacity should be under exceptional circumstances and pre-approved by a ~~Responsibility Unit~~ RU Manager.
  - 11.4. Disbursement to an undercover operative in the form of a monthly retainer is authorized under the following conditions:
    - 11.4.1. A written request is made to the ~~Responsibility Unit~~ RU Manager, which includes at least the following:
      - 11.4.1.1. The expectations of the informant's performance.
      - 11.4.1.2. The amount of the retainer.
      - 11.4.1.3. The duration and review dates of the contract.
    - 11.4.2. A ~~District Attorney~~ DA has reviewed the request for appropriateness for prosecution.
    - 11.4.3. A weekly report is submitted to the ~~Responsibility Unit~~ RU giving the results obtained by the operative and the total weekly cost for service.
  - 11.5. Evidence funds to be disbursed to the undercover operative will be drawn by the control officer in ~~his/her~~ their own name. ~~He/she~~ They will be responsible for:
    - 11.5.1. Disbursing funds to the operative.
    - 11.5.2. Ensuring the undercover operative accounts for expenditures, obtains proper receipts and supporting documents.
    - 11.5.3. Preparing a monthly ~~Evidence Fund Accounting Receipt (EFAR)~~ EFAR for the undercover operative showing dates, amounts and total funds the operative received and/or returned.
    - 11.5.4. Accounting for those funds on the control officer's personal ~~Evidence Fund Accounting Receipt (EFAR)~~ EFAR.
    - 11.5.5. Assisting the operative in report preparation.

11.5.6. Attaching an operative's ~~Evidence Fund Accounting Receipt (EFAR)~~ at the end of the month.

11.5.7. Handling and processing any evidence used, purchased or recovered by the operative.

11.6. The undercover operative will be responsible for:

11.6.1. Accounting for funds received.

11.6.2. Supplying supporting receipts, when possible.

11.6.3. Documentation for the ~~Evidence Fund Accounting Receipt (EFAR)~~EFAR to cover expenditures.

Directive 660.32 – Universal Review periods: 12/1/17-12/30/17 and 1/15/18-1/30/18

Date	Individual	Comment
2 <sup>nd</sup> Universal Review		
1/30/18		<p>Comments:</p> <p>Procedure 2.5: “Reliable Identification” should be defined.</p> <p>Procedure 3.1: Given the magnitude and potential legal ramifications of a waiver, its contents should be outlined in the procedure and available for public comment. Moreover, a link to the waiver should be made available for transparency.</p> <p>Procedure 9.1: The procedure should provide examples of when it might be used, given its seemingly discretionary language.</p>
1 <sup>st</sup> Universal Review		
12/29/17		<p>We repeat here the comment we made in August 2015 about 660.32 Agent/Informant Processing: "We're not going to make any detailed comments on the Directives around Bureau use of informants (660.32 &amp; 660.33), as we find the practice unsavory. Reading these Directives was a lot like watching sausage get made." That said, we note that the Directive was rewritten to put one person who is not in the Chief's office in charge of the program: The head of the Drugs and Vice Division. Not only does this seem strange structurally, but the head of DVD over the last several years has been the dubious Captain Mark Kruger. Given Kruger's past honoring Nazis, attacking protestors, exposing someone he supervises for filing a complaint about him, expressing distaste at the complaint process, and having his sustained findings expunged from his record through a lawsuit, perhaps this idea should be revisited to include more checks and balances. That is, if the Bureau wants to continue to pay people to lie to put other people in jail. (Side note: we do appreciate that the PPB responded to our comment that abbreviations such as "CCH" should be spelled out; in the current version it is written as "Computerized Criminal History.")</p>