



*updated 3-18-11*

**SUBJECT: INFORMANTS**

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**I. PURPOSE**

- A. The purpose of this directive is to establish procedures defining the responsibilities of officers concerning the use of informants and to prescribe certain limitations governing the use of confidential informants.
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**II. POLICY**

- A. The proper legal use of informants can greatly assist officers in obtaining vital information that may be used in criminal investigations. All persons who are utilized as informants will be formally established and handled as such within a controlled system. All informants and informant information will be managed confidentially, and in a manner so as to not compromise either the safety of any individual, or the interests and activities of the Philadelphia Police Department. The use and management of informants will be conducted in accordance with this directive.
- B. All Philadelphia Police Department Confidential Informant Master Files and records are the property of the Police Department and will be retained in a secure manner by The Integrity Control Officer. They may not be viewed by anyone unless approved by the Police Commissioner or the Deputy Commissioner, Field Operations.
- C. The Operational File will be maintained by the Divisional/Unit Commanding Officer in a secure area with strict access control. This file will identify the confidential informant by his/her assigned control number. The confidential informant's identity **WILL NOT** be listed on any documentation in this file.
- D. The below units are authorized to develop and maintain Confidential Informants:
1. Narcotics Bureau
  2. Detective Divisions
  3. Criminal Intelligence Unit
  4. City Wide Vice Unit
  5. Homeland Security Unit
  6. Homicide Unit
  7. Major Crimes Unit
  8. Special Victims Unit

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### III. DEFINITIONS

#### A. Confidential Informant

A person approved by the Department and registered with the Integrity Control Office who, through a confidential relationship with a sworn member, furnishes the Department with criminal information or services in exchange for compensation or consideration.

- \*1 1. Confidential Informants are authorized to utilize Departmental, D.E.A., F.B.I., or H.I.D.T.A, funds to purchase evidence, information, guns and narcotics.

NOTE: Confidential Informants from other jurisdictions are permitted to use Department or other approved funds to conduct investigations for the Department.

#### B. Source of Information

1. Any person who provides information about criminal activity to the Department is a source of information. This includes, but is not limited to, witnesses, other police officers, anonymous tips, and persons who may reveal information through casual conversations. These persons are not confidential informants.
2. If any source seeks financial compensation, outside established tip or reward programs or becomes a continuing, active part of an investigative process, his/her status shall be upgraded to confidential informant and transferred to the pertinent investigative unit in accordance with this directive.
3. Personnel who identify informants seeking financial compensation will notify the appropriate unit as specified in Section II-D of this directive.

#### C. Lead Control Officer

A sworn member of the Philadelphia Police Department, who develops, activates or coordinates the activities of a confidential informant.

#### D. Informant Supervisor

A sworn member of the Philadelphia Police Department, holding the rank of **Sergeant** or above, who is the Lead Control Officer's immediate supervisor.

E. Master File

This file will identify the true name of the confidential informant and will be kept by the Integrity Control Officer in a secure locked area with strict access control. This file will also contain a log to track District Control numbers associated with an individual informant. Additionally, this log will track the arrests and dispositions of those cases associated with the confidential informant.

F. Operational File

This file will include the confidential informant's control number along with all operational reports and records that document the activities and contacts between the confidential informant and the controlling officer. This file will also contain a log to track District Control numbers associated with an individual informant. Additionally, this log will track the arrests and dispositions of those cases associated with the confidential informant.

G. Active Informant

A properly registered and approved confidential informant who is eligible to receive payments for providing information or assistance regarding criminal activity.

H. Deactivated Informant

A confidential informant who is no longer in a position to provide information or assistance regarding criminal activity or who has been determined to be ineligible to receive payments

\*1 A confidential informant deactivated for less than one (1) year can be reactivated when the controlling officer submits a current records check and a reactivation memorandum for review and approval by the Integrity Control Officer. If the confidential informant is deactivated for more than one (1) year, submission of a new registration packet for review and approval by the Integrity Control Officer is required.

I. Terminated Informant

A confidential informant who has intentionally provided false information or who has displayed unsatisfactory or criminal behavior or misconduct can not be reactivated.

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#### IV. REGULATIONS

A. Investigating Officers will maintain professional contacts with informants and shall not:

1. Engage in sexual activity with a known informant.
2. Engage in a social, financial or business relationship with a confidential informant other than to pay approved government funds to the informant.
3. Offer immunity to an informant or make any agreement to work off charges or warrants. Prosecuting authorities must address a question of immunity.
4. Promise an informant that he/she will not have to testify.
5. Exchange gifts or gratuities with confidential informants.
6. Fraternize socially with confidential informants.
7. Use informants convicted of perjury.
8. Use informants who are known or believed to have provided false or misleading information to law enforcement in the past.
9. Use informants who have been arrested or convicted of sex crimes involving minors; exceptions will be based on the merit of the case with approval of the appropriate Deputy Commissioner.
10. Knowingly use informants who are fugitives or in wanted status.

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EXCEPTION: Scofflaw Warrants

- B. Officers will take appropriate enforcement action on wanted subjects.
- C. Confidential informants shall not be authorized, permitted or otherwise encouraged to:
  1. Participate in any act of violence.
  2. Participate in any act that constitutes obstruction of justice (i.e. entrapment, perjury, witness tampering, destruction of evidence, etc.).
  3. Participate in any act designed to obtain information that would be unlawful if conducted by a law enforcement officer. (i.e. breaking and entering, illegal wiretapping, illegal search, etc.).
  4. Participate in any criminal activity outside the scope of the Philadelphia Police Department's supervised investigations.

NOTE: Confidential Informants who violate the law will be subject to criminal proceedings.

- D. All personnel must take the utmost care to avoid interfering with or impeding any criminal investigation or arrest of a confidential informant. Members of the Philadelphia Police Department will not divulge any information concerning a criminal investigation to a confidential informant who is the target of that investigation.
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## V. INFORMANT REGISTRATION

- A. Prior to using a confidential informant, officers must register the potential confidential informant through the chain of command to the unit Commander and submit documentation to the Integrity Control Officer. Approval must be obtained through the Integrity Control Officer prior to utilizing the confidential informant or any information that is received from the confidential informant.
1. The identity of a potential confidential informant will be verified either by criminal records or another source such as a photo driver's license, a state non-driver's identification or passport identification.
  2. All confidential informants shall have a Registration Packet on file in the Integrity Control Office. The informant registration packet will include:
    - a. Confidential Informant Checklist.
    - b. Biographical Data Report (Form 75-229).
    - c. NCIC/PCIC inquiries (including Protection From Abuse computer file, PFA).
    - d. A recent or current photograph of the confidential informant which will be updated at least every two (2) years or when their appearance has significantly changed; and a BMV photograph or arrest photograph, to verify the identity of the confidential informant.
    - e. Criminal Record Extract (PDCH and Court History).
    - f. Bureau of Motor Vehicles computer inquiries.
    - g. Debriefing form.

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- h. Two (2) "Signature Cards" with the confidential informants signature for the informants master name and birth name. If the informant's master name and birth name are the same only two (2) cards are needed. Confidential Informant will only be paid by his master name or birth name.
  - i. Informant Initiation Instruction Form.
  - j. Informant memorandum to Chief Inspector, Office of Professional Responsibility.
  - k. Memorandum noting any association with other law enforcement agencies.
  - l. The names and badge numbers of the lead control officer, witnessing officer and informant supervisor.
  - m. The names and badge numbers of all other police personnel who know the identity of the confidential informant.
  - n. If a confidential informant's identity is disclosed to a prosecutor, his/her name, date of disclosure and other pertinent facts will be included.
- B. If an exigent circumstance exists, and there is not sufficient time to register a confidential informant, the officer shall obtain the approval of their immediate supervisor for guidance prior to utilizing the informant.
- 1. The immediate supervisor will determine whether or not the confidential informant can be utilized prior to being registered. If a decision is made to use the potential confidential informant prior to being registered, the immediate supervisor will ensure computer checks for wants/warrants and a criminal history is conducted.
  - 2. The supervisor shall coordinate efforts with the appropriate investigative unit until such time when the confidential informant can be properly registered.
  - 3. Prior to the conclusion of that tour of duty, the supervisor shall forward a memorandum addressed to the Integrity Control Officer, which will be hand-carried through the chain of command to the unit commander, documenting the exigent circumstances and all information pertinent to the use of the confidential informant and the progress of the investigation. After obtaining approval, for the purpose of confidentiality, correspondence will be forwarded to the Integrity Control Officer in a sealed envelope and hand-delivered the next working day.

4. When a potential confidential informant is used prior to being registered, the confidential informant shall not be paid until his/her registration is completed and he/she is assigned a Philadelphia Police Department Confidential Informant Control Number.
- C. The Integrity Control Officer will review and approve each Master File to include:
1. Any correspondences signed by the confidential informant (unsigned copies will be placed in the appropriate investigative file).
  2. Any administrative correspondence pertaining to the confidential informant, including documentation of any representation made on his/her behalf, or other non-monetary consideration furnished.
  3. Original expense vouchers with the confidential informant's signature and date.
    - a. In conjunction with a quarterly review, a copy of all expense vouchers will be supplied to the Integrity Control Officer to be included in the Master File.
  4. Informant Initiation Instruction Form issued by whom, on what date, time, and location. (Refer to Appendix "B").
  5. A log to track District Control Numbers (DC#s) associated with an individual informant. Additionally, this log will track the arrests and dispositions of those cases associated with the confidential informant.
- D. All confidential informants will have an Operational File which will be maintained by the Commanding Officer of the investigative unit and will include the following:
1. Confidential informant's control number.
  2. Documentation of all informant contacts.
  3. Copies of expense vouchers with confidential informant's signature blacked out.
  4. A log to track District Control numbers associated with an individual informant. Additionally, this log will track the arrests and dispositions of those cases associated with the confidential informant.
- E. Master/Operational Files will not be released unless ordered by the courts. A subpoena or court order shall be submitted to the Police Department's Legal Advisors, who will review the document and notify the Integrity Control Officer of the "subpoena for records". If it is determined by the Legal Advisors that the file may be released, a copy of the subpoena or court order will be placed in the confidential informants Master

File. A copy of the "Notification of Disclosure" will be prepared and placed in the Master File and a copy sent to the lead control officer and his/her Commanding Officer to be placed in the Operational File.

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## **VI. JUVENILE INFORMANTS**

- A. The Department discourages establishing informants under the age of 18.
  - B. The Department prohibits establishing an informant who is under the age of 16.
  - C. If an informant is a juvenile, the officer must obtain a signed, written consent from the juvenile's parents, guardian(s) or judicial court. This consent will become a part of the informant's Master File.
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## **VII. INFORMANT USE WHILE ON PROBATION OR PAROLE**

- A. Persons on probation or parole will be used with the consent of the agency supervising them. If providing the notification to the supervising agency may compromise the confidential informant, the sentencing judge may be approached for approval.
  - B. A copy of the approved request shall be placed in the confidential informant's Master File. Any additional correspondence relating to the request such as authorization, rejection or request for additional information shall be maintained in the Master File.
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## **VIII. PRECAUTIONS WITH INFORMANTS (MEETING WITH INFORMANTS)**

- A. Police personnel will be responsible for keeping their supervisors informed of their relations and activities involving confidential informants.
- B. The officer's immediate supervisor will be advised of any scheduled or unscheduled meetings the officer has with the confidential informant. The officer shall advise the supervisor of the time, location and approximate duration of the meeting and the officer shall contact the supervisor when the meeting is over.
- C. The informant shall never be permitted to take charge of any phase of the investigation.
- D. All interactions will be carried out with the highest regard of confidentiality. Unnecessary disclosure of the confidential informant's identity in discussions is prohibited.



- E. Where the disclosure of a confidential informant's status to a prosecutor is necessary, the prosecutor will be reminded to handle this fact with the same regard for security. This will be noted in the confidential informant's Master File by the integrity control officer. Included in the disclosure will be the name of the prosecutor, date of disclosure, and other pertinent facts relating to the nature of the disclosure.
  - F. When meeting with a confidential informant in the field, the officer will be accompanied or closely monitored by at least one (1) other officer. Whenever practical, a supervisor should also accompany or closely monitor such meetings.
  - G. All contacts, including phone conversations, with a confidential informant will be documented by an officer on a "Confidential Informant Contact Form."
  - H. Confidential informant payments will contain a thorough explanation of the transaction and be recorded on the Confidential Informant Contact Form.
  - I. Personnel will continually verify information and not rely on "trust" in the confidential informant as a factor in evaluating information received.
  - J. Informants are assets of the Department, not specific officers. When a lead control officer retires, transfers, gets promoted, or fails to adhere to Departmental guidelines, the Department can reassign an informant to another officer.
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## **IX. CONTROLLED PURCHASES USING INFORMANTS**

- A. Confidential informants shall be instructed that they are not permitted to use their own personal funds to purchase any goods or contraband for a police investigation.
- B. The serial number of all U.S. currency that is utilized in a controlled purchase shall be photocopied, prior to providing the currency to a confidential informant.
- C. Immediately before providing buy money to a confidential informant, the confidential informant shall be thoroughly searched by the officer providing the buy money and witnessed by at least one (1) other officer. Whenever feasible, the search of a confidential informant shall also be witnessed by a supervisor and in accordance with Directive 7 Appendix 'A', entitled "Consent to Search".
- D. Whenever feasible, the confidential informant shall be kept under constant surveillance from the time he/she is thoroughly searched, until the time he/she returns to the same officer who conducted the pre-purchase search after the completion of the controlled purchase.
- E. The confidential informant shall be thoroughly searched at the completion of the controlled purchase by the same officer who conducted the pre-purchase search and shall be witnessed by at least one (1) other officer. Whenever feasible, this post

purchase search of a confidential informant shall also be witnessed by a supervisor.

- F. Controlled purchase payments to a confidential informant shall be witnessed by at least one (1) other officer, in addition to the officer conducting the payment. Whenever feasible, controlled purchase payments to a confidential informant shall also be witnessed by a supervisor.
- G. In instances where a confidential informant receives multiple payments for the purpose of purchasing goods or contraband during an investigation, the exchange of payments shall always be conducted by the same officer, unless exigent circumstances exist. Exigent circumstances will be documented on the Confidential Informant Contact form.
- H. Confidential informants shall be thoroughly debriefed by the investigating officer at the completion of a controlled purchase. This debriefing will ensure a complete description of the target suspect; the events that occurred during the controlled purchase; and any other facts of importance. This information may be used in paperwork, including the Affidavit of Probable Cause.
- I. At end of the tour, all U.S. currency used for controlled purchases shall be accounted for and all unused U.S. currency shall be returned to the appropriate supervisor to be secured in the unit safe.

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## **X. SEARCH WARRANTS BASED ON INFORMANT SUPPLIED INFORMATION**

- A. The affiant will confirm information supplied by informants used in the drafting of all warrants. Information obtained from informants must be thoroughly examined and documented in order to be used in, and successfully sustain the probable cause for the warrant and future court challenge. Sworn personnel shall include as much information as possible in the probable cause section of the affidavit.
- B. Affiants must see the exact location, (i.e. house, apartment, floor) and door, where correct entry will be made for the service of all warrants.
- C. Supervisors will confirm that affiants have personal knowledge of the location before approving plans for the service of all warrants.
- D. Affiants and their supervisors must direct and control others that help with the service of all warrants.
- E. When referencing prior investigations by a reliable confidential informant in a warrant, no more than five (5) District Control Numbers should be cited.
- F. When the probable cause contained in an affidavit for a warrant is based on the use of information from a confidential informant, a copy of the affidavit and warrant shall be

hand-delivered in a sealed envelope to the Integrity Control Office the next working day after the warrant has been approved or disapproved.

- G. Refer to Directive 7, titled "Search Warrants" Section V for guidelines and procedures pertaining to securing search warrants as a result of information obtained from informants.

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## **XI. INFORMATION GATHERING**

- A. All interactions from the initial contact between investigators and informants shall be documented in order to establish and maintain the integrity of the information and protect the identity of the informant.
- B. When information is collected from an informant and can be used by other Investigators of the Police Department or outside law enforcement agencies to initiate or further an ongoing investigation, the appropriate unit or outside agency shall be notified and the notification documented.
- C. Information sought by investigators from their informants will not be limited to the geographic boundaries or specific interests of the investigator's unit.
- D. Investigating officers will debrief their confidential informants fully and accurately on all targets of interests. When it becomes necessary to brief confidential informants on significant targets, that information which was provided to the confidential informant will be noted in the Confidential Informant's Master File by the officer making the disclosure. Information noted shall include the date and the name of the person the information was disclosed to.
- E. Any information which could adversely reflect upon the integrity or conduct of an employee of the Department or concerning police corruption will be reported immediately. The reporting officer will hand-deliver a memorandum in a sealed envelope to the Chief Inspector, Office of Professional Responsibility.

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## **XII. COMPENSATING INFORMANTS**

- A. Payment for information given will be made through Departmental funds with the pre-approval from the pertinent on-duty supervisor in writing.
- B. Payments in U.S. currency for information given, services rendered or expenses incurred will be made as follows:
  - 1. In addition to the investigative officer, all confidential informant payments shall be witnessed by a supervisor (**Sergeant or higher**). A Lieutenant must be present for a payment to a confidential informant for over \$100 up to \$500. The unit

Commanding Officer must be present for payments in excess of \$500.

- \*1 a. There will be only one (1) payment made to a confidential informant per case. Payments in excess of \$100.00 will not be made on a piece meal basis.
- b. The amount determining the supervisory rank required to witness the payment is determined by the total amount the confidential informant is given in a single payment. For example, if an informant participated in multiple cases resulting in a total payment in excess of \$100, then a Lieutenant must witness the payment.
- 2. The investigating officer will fill in the confidential informant control number and the amount of the payment on the voucher.
- 3. The voucher/contact form shall then be signed by the informant, the investigating officer, witnessing officer and supervisor.
- 4. The investigative unit's Commanding Officer or designee shall review, approve and sign the confidential informant voucher/contact form.
- \*1 5. All confidential informant vouchers/contact forms must be hand-delivered to the Integrity Control Officer within seven (7) working days.

C. Refer to Appendix "A" for payment guidelines.

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### **XIII. SUPERVISOR RESPONSIBILITIES**

A. Informant Supervisors will:

- 1. Ensure that all confidential informants are thoroughly debriefed and will be responsible for assuring the proper handling of confidential informants is in accordance with this directive.
- 2. When a confidential informant file indicates that a confidential informant has not been utilized for a period of six (6) months, the supervisor and the lead control officer will determine whether or not the confidential informant should be deactivated.
- 3. Ensure funds paid to confidential informants are properly documented and are not excessive. All payments will be commensurate with the value of the information or assistance provided by the confidential informant.
- 4. Ensure the commensurate amounts of payments is determined by the Commanding Officer of the investigative unit.

5. Supervisors shall meet in person with the confidential informants of their respective personnel on a quarterly basis to ensure adherence to this directive. This meeting will be documented on the confidential informant contact form.
  6. Conduct quarterly reviews of the Operational Files on each confidential informant utilized by their respective personnel.
  7. Update the Arrest and Disposition log in the Operational File used to track District Control Numbers (DC#), arrests, and the disposition of those cases associated with an individual informant.
  8. Before approving plans for the service of all warrants, confirm that the affiants have personal knowledge of the location.
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#### **XIV. COMMANDING OFFICERS RESPONSIBILITIES**

##### **A. Commanding Officers will:**

1. Ensure the proper handling of confidential informants is in accordance with this directive.
2. Maintain the Operational Files in a locked cabinet in a separate and secure storage area.
3. Provide access to Operational Files only to authorized personnel.
4. Ensure that each person who is permitted access to the Operational Files is made aware of the need to preserve the security and confidentiality of the information contained therein.
5. Ensure all confidential source information is properly maintained and secured.
6. Determine the amount of payments that are made to confidential informants is consistently commensurate with the value of the information provided or assistance provided by the confidential informant.
7. Ensure that investigators are cultivating and utilizing informants properly within the guidelines of this directive.
8. Ensure all debriefings are thorough and fully documented.
9. Approve or disapprove whether a confidential informant should be deemed active, deactivated or terminated.
10. Review, approve or disapprove confidential informant packages prior to

submission to the Integrity Control Officer for final approval.

11. Ensure confidential informant files or the contents of the files are not released or copied, unless authorized by the Police Commissioner or the Deputy Commissioner, Field Operations.
12. Ensure the Lead Control Officer(s), witnessing supervisor(s), or other authorized sworn personnel, sign the Integrity Control Review Log, prior to reviewing a file in the Operational Confidential Informant Files.
13. Ensure quarterly reviews are conducted of Operational Confidential Informant Files and the audits are documented on an Integrity Control Audit Report. Reviews will be conducted in conjunction with the Integrity Control Officer schedule and performed in January, April, July and October. All review results will be forwarded to the Integrity Control Officer no later than the 15<sup>th</sup> of the review month.
14. Approve or disapprove whether a confidential informant should be reassigned to another officer/detective or unit when necessary, and ensure that the Confidential Informant's Operational File is transferred to the new commanding officer. Copy of this transfer will be hand delivered to the Integrity Control Officer.
15. When a confidential informant has been terminated, the informant's entire Confidential Informant's Operational File will be hand-delivered to the Integrity Control Officer along with the Request to Terminate memorandum.
- \*1 16. Whenever a confidential informant has been listed as deactivated for less than one (1) year, he or she can be reactivated when the controlling officer submits a current records check and a reactivation memorandum for review and approval by the Integrity Control Officer. If the confidential informant is deactivated for more than one (1) year, submission of a new registration packet for review and approval by the Integrity Control Officer is required. A Confidential Informant Reactivation memorandum will contain the following information:

- a. Confidential Informant Control Number
- b. Date previously activated and deactivated
- c. Name(s) of Previous Lead Control Officer(s) and supervisor'(s) name(s)
- d. Name of new Lead Control Officer and supervisor.
- e. Date of reactivation (follow all procedures listed under the Informant Registration section).

17. Report any irregularities to the Integrity Control Officer for review.
18. Ensure that all required information is forwarded to the Integrity Control Officer.
19. Ensure that Operational Files are made available to the Integrity Control Officer upon request.
20. Ensure that the Arrest and Disposition log in the Operation File used to track District Control numbers for arrests as a result of information obtained from confidential informants, along with the disposition of those cases associated with the confidential informants is updated and current. Additionally, ensure that this updated information is forwarded to the Integrity Control Officer.

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## **XV. RESPONSIBILITY OF THE INTEGRITY CONTROL OFFICER**

A. The Integrity Control Office will be the central repository for the Philadelphia Police Department's Confidential Informant Master Files.

B. Establishment of Confidential Informant Files:

1. Upon the registration of an informant, the original initiating communication report which fully describes the informant by true name, photograph, known aliases, date and place of birth, social security number or other nationally accepted identification number such as a temporary work visa or passport number, and other pertinent descriptive information such as a completed 75-229, shall be hand-delivered to the Integrity Control Officer in a sealed envelope.
2. After a determination has been made that an individual may be initiated as a confidential informant, a confidential informant control number will be issued by the Integrity Control Officer. This file will then be considered part of the Master File and secured.

NOTE: The Integrity Control Officer will not issue a confidential informant control number for any confidential informant if the package is:

- a. Incomplete,
- b. Not sealed upon delivery, or
- c. Sent through inter-office mail.

C. Administrative Procedure and Confidential Informant Control Numbers

1. Every Department confidential informant will be assigned a control number in lieu of the confidential informant's true identity to be used on all reports, vouchers and contact forms submitted.

2. The Integrity Control Officer will establish the control number file by issuing a five (5) digit numerical identifier (i.e. CI# - 10110). The numbers will be issued in sequential order by the receipt date of the initial confidential informant registration. Once a control number has been issued to a confidential informant, it shall not change unless the safety of the informant is an issue and it has been approved by the Police Commissioner or the Deputy Commissioner, Field Operations.
  3. Informants under the control of another law enforcement agency will not usually be assigned a Philadelphia Police Department control number unless they receive Departmental funds
- D. The Master Files will be maintained and secured by the Integrity Control Officer. These files will be maintained in control number sequence under the appropriate category of active, deactivated or terminated.
- E. Personnel wishing to review the Master File of a confidential informant which is located in the Integrity Control Office may do so with the approval of the Police Commissioner or, the Deputy Commissioner, Field Operations. This approval must be obtained via Memorandum and endorsed through the chain of command. The Memorandum must include the reason for the review. Once approval has been Properly obtained, the reviewer will be required to sign the Review Log and document the date, time in, time out, confidential informant control number, and signatures of all persons reviewing the file. The Integrity Control Office will be responsible for monitoring all file reviews. (No files will leave the Integrity Control Office unless approved by the Police Commissioner or the Deputy Commissioner, Field Operations).
- F. The Commanding Officer, Integrity Control Office will conduct quarterly audits of the master files to ensure compliance with this directive. These audits will be conducted within 30 days of the submission of quarterly review reports. If any irregularities are discovered that cannot be resolved by the Integrity Control Officer and the pertinent unit commander, they will be reported to the Deputy Commissioner, Field Operations and the Chief Inspector, Office of Professional Responsibility.
- G. During each auditing cycle, the files will be updated and any new information will be added. Any errors or omissions found during the course of the audit will be directed to the Commanding Officer of the pertinent unit for immediate correction.
- H. The Integrity Control Office will prepare an Annual Command Staff Summary Report This report will be prepared in a manner that ensures that no confidential informant's true identity can be obtained from the information contained in the report. This will be a comprehensive report to the Police Commissioner separately listing the pertinent information for each command that utilizes confidential informants. The report will contain the following information:



1. Total number of active confidential informants for the reporting year.
  2. Total number of currently active confidential informants.
  3. Total number of confidential informants registered during the reporting year.
  4. Total number of confidential informants deemed deactivated during the reporting year.
  5. Total funds paid to confidential informants during the reporting year.
  6. Total number of confidential informants terminated during the reporting year.
- I. Unannounced external financial audits will be conducted twice a year by the Integrity Control Office.
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## **XVI. DEACTIVATING OR TERMINATING A CONFIDENTIAL INFORMANT**

- A. A confidential informant will be deemed DEACTIVATED when:
1. The confidential informant no longer has the potential to furnish information or services that could lead to prosecution or to the interdiction of criminal behavior.
  2. The confidential informant is no longer willing to cooperate.
  3. The quarterly review of the operational file is not completed. The informant may be reactivated after the review is completed by re-registering the informant as outline in accordance with Section V of this directive.
    - a. A memorandum entitled "Deactivation of CI#00000" will be prepared in triplicate by the Lead Control Officer, signed by the Informant Supervisor, and hand delivered through the chain of command to the Integrity Control Office. This memorandum will describe in detail, the reason for deactivation.
- B. The services of a confidential informant will be TERMINATED when:
1. The confidential informant has provided intentional false information or has displayed unsatisfactory or criminal behavior or misconduct.
    - a. A memorandum entitled "Termination of CI#00000" will be prepared in triplicate by the Lead Control Officer and signed by the Informant Supervisor, and hand delivered through the chain of command to the Integrity Control Office. This memorandum will describe in detail, the reason for termination.

2. Once a confidential informant has been "Terminated" he/she may not be reactivated.
3. Absent exigent circumstances, a member of the Philadelphia Police Department will not initiate contact with or respond to contacts from a confidential informant who has been terminated. If exigent circumstances exist, it must be approved by the Police Commissioner, or the Deputy Commissioner, Field Operations prior to contact.

## **XVII. INFORMANT FILE RETENTION**

### **A. Operational File**

1. All Operational Files will be maintained and secured by the Commanding Officers of the pertinent investigative unit. These files are not subject to the Philadelphia Police Department's Retention Schedule per Police Directive #115, entitled "Records Retention and Disposition Protocol". Files will be maintained until orders from the Police Commissioner or the Deputy Commissioner, Field Operations authorizes its' destruction.

### **B. Master File**

1. All Master Files will be maintained and secured by the Integrity Control Officer of the Office of Professional Responsibility. These files are not subject to the Philadelphia Police Department's Retention Schedule per Police Directive #115, entitled "Records Retention and Disposition Protocol". Files will be maintained until orders from the Police Commissioner or the Deputy Commissioner of Field Operations authorizes its' destruction.

**BY COMMAND OF THE POLICE COMMISSIONER**

<u>*FOOTNOTE#</u>	<u>GENERAL #</u>	<u>DATE SENT</u>	<u>REVISION</u>
*1	8270	3-18-11	ADDITIONS



**PHILADELPHIA POLICE DEPARTMENT**

**DIRECTIVE 15  
(09-11-09)**

**APPENDIX "A"**

**SUBJECT: PAYMENT FOR CONFIDENTIAL INFORMATION**

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**I. POLICY**

- A. Unit Commanding Officers are responsible for disbursement and control of Imprest Funds. The fifth of each month an Imprest Fund Reconciliation Report must be submitted to the Finance Office.
  - B. The Integrity Control Officer will be responsible for the auditing of the unit imprest funds.
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**II. INVESTIGATIVE UNIT PAYMENT GUIDELINES**

- A. Monies paid by the Philadelphia Police Department to a confidential informant shall be commensurate with the value, as determined by the Department, of the information he/she provided or the assistance he/she rendered to the Department.
- B. To the extent practicable, Police Department personnel shall refrain from speculating with confidential informants as to the amounts of payments, particularly when the confidential informant has not yet provided the information or completed the activity promised.
- C. Payments shall be made after the confidential informant has provided the information or performed the services for which he/she is being paid.
- D. All informant payments will be witnessed by a supervisor (**Sergeant or higher**). There will be only one (1) payment for case. Refer to Section XII-B-1 for guidelines.
- E. These are general guidelines and can be modified by a Captain or a higher authority depending on the information supplied and the amount of the payment to a confidential informant.

**DIRECTIVE 15 - 1  
APPENDIX "A"**

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### **III. PAYMENT GUIDELINES**

- A. Officers will not utilize personal funds for paying informants for the procurement of evidence, information, or for controlled and/or undercover purchases.
- B. Payments will only be made in U.S. currency to confidential informants who have been:
  - 1. Registered with an Integrity Control Office Control Number
  - 2. Activated, and
  - 3. Approved
- C. Vouchers for payments under \$100 will require pre-approval, in writing, by an on-duty supervisor.
- D. Vouchers for payments in excess of \$100.00 will require pre-approval, in writing, by the respective Commanding Officer.
- E. Vouchers for payments in excess of \$500 will require pre-approval, in writing, by the Divisional Inspector or a higher authority.
- F. Vouchers for payments in excess of \$1,000.00 will require pre-approval, in writing, by the pertinent Chief Inspector or a higher authority.
- G. All contact with a confidential informant will be documented by the officer on a Confidential Informant Contact Report which will include any confidential informant payments.

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**BY COMMAND OF THE POLICE COMMISSIONER**

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**APPENDIX "B"**

**SUBJECT: INSTRUCTIONS TO THE CONFIDENTIAL INFORMANT**

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**I. POLICY**

- A. When registering a confidential informant, at least one (1) additional officer and supervisor will be present as a witness, in addition to the lead control officer who will read the Informant Initiation Instruction Form verbatim to the informant:
1. You must provide truthful information to the Philadelphia Police Department at all times.
  2. Your assistance and the statements you make to the Philadelphia Police Department are entirely voluntary.
  3. The Philadelphia Police Department will strive to protect your identity, but cannot promise or guarantee either that your identity will not be divulged as a result of legal or other compelling considerations, or that you will not be called to testify in a proceeding as a witness.
  4. The Philadelphia Police Department cannot promise or agree to any consideration by the District Attorney's Office or the Court in exchange for your cooperation. The decision to confer any such benefit lies within the exclusive discretion of the District Attorney's Office or the Court. The Philadelphia Police Department may, but is not required, to notify the District Attorney's Office or appropriate Court of the nature and extent of your assistance to the Philadelphia Police Department.
  5. You have no immunity or protection from arrest or prosecution for anything you say or do. Only the District Attorney's Office can grant such immunity or protection in writing.
  6. You will immediately report any arrest.
  7. You shall not participate in criminal activity outside the scope of the Philadelphia Police Department's supervised investigations.
  8. You must abide by the instructions of the Philadelphia Police Department and must not take or seek to take any independent action on behalf of the Philadelphia Police Department.

9. You are not an employee or agent of the Philadelphia Police Department and may not represent yourself as such.
  10. The Philadelphia Police Department cannot guarantee you any rewards, payments or other compensation.
  11. In the event that you receive any rewards, payments, or other compensation from the Philadelphia Police Department, you are responsible for any taxes that may be owed.
  12. No promises or commitments can be made regarding the alien status of any person or the right of any person to enter or remain in the United States, except by the U.S. Department of Immigration & Customs Enforcement.
- B. Immediately after the instructions have been given, the lead control officer, the witnessing officer and the supervisor will ensure that the confidential informant affixes his/her signature and date at the bottom of the Informant Initiation Instruction Form acknowledging that the confidential informant received and understands the instructions. The supervisor will review and approve or disapprove all documentation and forms as soon as practicable thereafter.

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**BY COMMAND OF THE POLICE COMMISSIONER**

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