



# **TALLAHASSEE POLICE DEPARTMENT**

## **GENERAL ORDERS**

 Proudly Policing Since 1841	<b>SUBJECT</b> Management of Confidential Informants		 Nationally Accredited 1986
	<b>CHIEF OF POLICE</b> <div style="text-align: center; margin-top: 10px;"><i>Signature on file</i></div>		
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### **AUTHORITY/RELATED REFERENCES**

FS 914.28, Confidential Informants  
 General Order 14, Cash Management  
 General Order 30, Criminal Intelligence Protocols  
 General Order 87, Investigative Operations and Search Warrant Procedures

### **ACCREDITATION REFERENCES**

CALEA Chapters    42, 43  
 CFA Chapter        15

### **KEY WORD INDEX**

<b>Compensation Protocols</b> <b>Confidential Informant Files</b> <b>Confidential Informant Approval Process</b> <b>Deactivation Protocols</b> <b>Juvenile Confidential Informants</b> <b>Member Responsibilities</b> <b>Reactivation of Confidential Informants</b> <b>Recruitment of Confidential Informants</b> <b>Unit Supervisor Responsibilities</b> <b>Training Requirements</b> <b>Utilization of Confidential Informants – General</b> <b>Utilization of Confidential Informants – Patrol Officer</b>	Procedure IX Procedure I Procedure III Procedure X Procedure XII Procedure V Procedure XI Procedure II Procedure VI Procedure IV Procedure VII Procedure VIII
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### **POLICY**

The utilization of confidential informants and sources is lawful and often essential in law enforcement investigations. The Department recognizes special care must be taken to carefully evaluate and closely supervise their utilization. The

overriding priority in the management of confidential informants is the safety of all persons involved in such utilization.

## **DEFINITIONS**

**Confidential Informant (CI):** A person who cooperates with the Department confidentially in order to protect the person or the Department's intelligence gathering or investigative efforts. This includes a person who seeks to avoid arrest or prosecution for a crime, or mitigate punishment for a crime in which a sentence will be or has been imposed; and is able, by reason of their familiarity or close association with suspected criminals, to make a controlled buy or controlled sale of contraband, controlled substances, or other items that are material to a criminal investigation, supply regular or constant information about suspected or actual criminal activities to the Department, or otherwise provide information important to ongoing criminal intelligence gathering or criminal investigative efforts.

**Confidential Source:** A person who provides intelligence without thought of personal gain (e.g., good citizen) or someone who provides intelligence for monetary gain.

**Reliable Confidential Informant (RCI):** A confidential informant who has furnished information in more than two separate matters, who has been found to be credible through independent sources and investigation and has satisfactorily fulfilled all other criteria to be utilized as a CI.

**Substantial Assistance (Agreement):** An agreement between the prosecuting attorney and a defendant in which the government may move the sentencing court to reduce or suspend the sentence of a defendant who is convicted of a violation of criminal law or pursuing a plea bargain and provides assistance to the government in identifying, arresting, or convicting of any of the defendant's accomplices, accessories, co-conspirators, principals, or any other person engaged in a violation of state or federal law.

## **PROCEDURES**

### **I. CONFIDENTIAL INFORMANT FILES**

- A. A documentation file shall be established for each person utilized as a CI (referred to as a CI file).
- B. All CI files shall be kept together in a separate and secure manner which protects the confidentiality of each CI (referred to as the master file).

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## TALLAHASSEE POLICE DEPARTMENT

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- C. The master file shall be maintained within the Special Investigations Section (SI) of the High-Risk Offender (HRO) Bureau.
- D. It is the responsibility of the HRO Bureau Commander or designee to ensure all CI information is kept secure within the SI offices.
- E. Regardless of the work assignment of the member utilizing a CI, each CI file will be maintained in the master file.
- F. Members shall not create or maintain duplicate or separate CI files.
- G. Only the SI Section Commander, or higher rank, may authorize dissemination of a CI's personally identifiable information.
- H. CI files are subject to inspection by the Chief of Police or designee.
- I. The Office of Professional Standards shall conduct audits of the CI files on an annual basis and as otherwise directed by the Chief of Police.
- J. The HRO Bureau Commander is responsible for ensuring the completion of a documented annual administrative review of agency practices on the recruitment, control and utilization of confidential informants to ensure conformity with Department written directives and procedures and Florida Statutes.
- K. The HRO Bureau Commander is responsible for limiting and tracking access to the confidential informant files utilizing a logbook stored inside the locked cabinet with the files. The locked cabinet may only be opened using keys assigned to three supervisors in the unit.

## **II. RECRUITMENT OF CONFIDENTIAL INFORMANTS**

- A. Confidential informants shall be recruited in accordance with Florida Statute 914.28 and TPD General Orders.
- B. Confidential informants may be recruited in a number of ways, including but not limited to:
  - 1. Contact with officers or detectives during arrest situations.
  - 2. Contact with officers or detectives during criminal investigations or citizen contacts.

- 3. Information provided to officers or detectives by a third party or concerned citizen.
- C. Officers/detectives shall consult with Special Investigations Detectives to assist with deconfliction and recruitment efforts.
- D. Officers/detectives shall consider the factors detailed in Section III E below throughout the recruitment process..
- E. The recruitment of a confidential informant is not complete until the Confidential Informant Approval Process is complete.

**III. CONFIDENTIAL INFORMANT APPROVAL PROCESS**

- A. Members shall document any person intended to be utilized as a CI or who is currently being utilized as a CI by following the prescribed procedures of this written directive.
- B. A member seeking to receive approval to utilize a person as a CI shall complete a CI documentation package containing the following items/information:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

\_\_\_\_\_

- C. Completion of the CI documentation package with the CI shall be recorded via electronic media. The original recording shall be maintained in the person's CI file.
- D. Upon completion of the CI documentation package, the member shall present it to the appropriate SI unit supervisor for approval.
- E. The appropriate SI unit supervisor shall review the CI documentation package and independently assess the suitability of the person's utilization as a CI. The following factors, in addition to others identified within this written directive, shall be utilized in assessing their suitability:

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- H. If the unit supervisor approves of the person being utilized as a CI, the supervisor shall forward the CI documentation package to the SI Commander or HRO Bureau Commander for review and consideration of approval.

## **TALLAHASSEE POLICE DEPARTMENT**

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1. If approved by the SI Commander or HRO Bureau Commander, the person will be assigned a CI control number.
2. The documentation package becomes the numbered CI file.
- I. The CI control number shall be utilized for the documentation of payments, tracking of the CI activities and, as appropriate, used within other reports and documents.
- J. The SI Commander, in consultation with the HRO Bureau Commander, may grant temporary verbal approval for the utilization of a CI when it is operationally necessary, but not practical to complete the documentation package prior to utilization, however:
  1. The person must meet all of the identified requirements, and
  2. The documentation package must be completed as soon as practical.
- K. If it is determined the CI is currently assisting another agency, the agency shall be contacted to determine that no duplication or conflict of efforts will occur, as well as to establish the reliability of the confidential informant.
- L. If it is determined a potential CI is currently on probation or parole status, pre-trial release, in a diversion program, or any other court sanctioned supervision, the member wanting to utilize the person as a CI shall notify the appropriate legal authority prior to approval.

#### **IV. TRAINING REQUIREMENTS**

- A. Only members who have successfully completed Department-approved training in the recruitment, control and management of confidential informants are authorized to manage the involvement of CIs during investigations and/or operations.
- B. The training topics must include, at a minimum: the guidelines to recruit and manage informants, role of the informant and investigator, utilization and documentation of informants, legal constraints and ramifications, safety and training issues, payment issues and policy implications.

**IV. MEMBER RESPONSIBILITIES**

- A. Members shall properly document potential CIs and obtain supervisory approval prior to utilizing a person as a CI.
- B. Members shall provide consistent and on-going briefings to the appropriate SI unit supervisor concerning the progress of any investigation involving a CI.
- C. In the management of a CI there shall be a designated primary member and secondary member, and this team shall work together to conduct all matters relative to the on-going management of the CI.
- D. Unless previously approved by an SI unit supervisor to do otherwise, making in-person contact with a CI shall be made by at least two members, preferably by the designated primary and secondary members.
- E. Each contact with a CI, whether in person or by other means, shall be documented on the PD 215, which shall remain a component of the CI file.
- F. Members shall avoid any personal contact with CIs outside the on-duty professional relationship established for investigative purposes. Incidental off-duty contact with CIs shall be:
  - 1. Reported to the appropriate SI unit supervisor as soon as practical, and
  - 2. The circumstances documented in the PD 215.
- G. Members shall use caution and make reasonable and prudent efforts to prevent a CI from being exposed to information leading to the knowledge of facilities, operations, tactics, activities, equipment, and personnel of the Department and of any assisting agency.
- H. Intelligence information from a CI shall be documented and forwarded to the Criminal Intelligence Unit in a manner described in General Order 30 (Criminal Intelligence Protocols).
- I. Any approved utilization of a CI by another agency shall be in compliance with this written directive and the agency name shall be noted on the PD 212.

- J. If a CI has a substantial assistance agreement, the member utilizing the CI is responsible for reporting to the prosecuting attorney on either the person's success or failure to complete their part of the agreement. Also see subsection VI B below.

**V. UNIT SUPERVISOR RESPONSIBILITIES**

- A. SI unit supervisors shall regularly monitor the utilization of CIs by members to ensure compliance with applicable written directives.
- B. The SI unit supervisor shall assess the suitability of the person as a CI during the documentation process and throughout the ongoing investigative process.
- C. SI unit supervisors are authorized to cease utilization and deactivate any CI based upon one or more of the circumstances listed below.
  - 1. Operational needs.
  - 2. The safety and well-being of any person.
  - 3. Suspected or confirmed violations of this written directive.
  - 4. The existence of any of the deactivation factors listed in subsection IX D below.
- D. Supervisors shall document the quality of a member's CI management in their performance evaluation.

**VI. UTILIZATION OF CONFIDENTIAL INFORMANTS – GENERAL**

- A. Prior to utilizing a CI facing criminal charges, members shall notify the CI that neither the Department or members have the authority to make promises or inducements of immunity, dropped or reduced charges or reduced sentences without the explicit permission of the State Attorney's Office or the U.S. Attorney, whichever has jurisdiction over the case.
- B. For a CI having a substantial assistance agreement, the value of the CI's substantial assistance shall be determined only by the prosecuting attorney. Also see subsection IV J above.
- C. Members shall not initially approach CIs with discussions regarding payment or compensation for information or services.



## TALLAHASSEE POLICE DEPARTMENT

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- D. When a CI initiates payment or compensation discussions, no agreements shall be made without the approval of the member's chain of command up to and including the SI Commander in consultation with the appropriate legal authority.
- E. Members shall ensure CIs operate within the scope and range of their ability as determined by the information within the CI documentation package, criminal history and record of credibility.
- F. Members shall not solicit CIs to participate in investigations or operations falling outside their determined range of ability.
- G. Members shall take reasonable steps to ensure CIs do not profit from their participation in investigations/operations (beyond compensation allowed by this written directive).
- H. CIs who reveal knowledge of evidence or information pertaining to dangerous items outside their scope and range of ability, including but not limited to firearms, dangerous chemicals and bomb making materials, shall be instructed to avoid any personal contact with those items.
- I. The furtherance of the investigation pertaining to items listed in subsection H above shall only be conducted by one or more of the following:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- J. Specific protocols for utilizing a CI in an investigative operation are outlined in General Order 87 (Investigative Operations & Search Warrant Procedures).
- K. Reliable Confidential Informant (RCI) protocols –
  - 1. When a confidential informant meets certain criteria, they may be deemed an RCI (see definition).

2. RCI status requires the approval of the unit supervisor.
3. A person's status as an RCI should be included in any probable cause affidavit to add veracity to the information provided to the court.
4. RCI status does not allow for exemptions from the CI Code of Conduct, officer safety concerns and practices, or operational latitude.

**VII. UTILIZATION OF CONFIDENTIAL INFORMANTS – PATROL OFFICER**

- A. The unique nature of a patrol operations assignment may dictate the need for assistance of an investigator when a patrol officer utilizes a CI.
- B. Whether or not a patrol officer has the assistance of an investigator, the officer shall:
  1. Coordinate the CI utilization through the appropriate SI supervisor,
  2. Notify their patrol supervisor of the coordination with SI for utilization of the CI, and
  3. Comply with all applicable sections of this written directive.

**VIII. COMPENSATION PROTOCOLS**

- A. The expenditure of funds to pay a CI or confidential source is supported by the Department's Petty Cash Fund and the protocols for disbursements from the fund are outlined in General Order 14 (Cash Management).
- B. The protocols regarding payments to CIs and confidential sources and the use of the Confidential Cash Receipt (PD 166) are outlined in General Order 14.
  1. Members shall adhere to the protocols outlined in the "expenditure of funds – confidential purposes" section of General Order 14.
  2. Payments shall be made in the presence of at least two (2) sworn members.

## **TALLAHASSEE POLICE DEPARTMENT**

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3. The member making the payment may keep a copy of the PD 166 for the case file.
- C. The approval thresholds listed below are applicable for all payments to CIs and confidential sources.
  1. Up to \$500 – the member's Section Commander.
  2. Between \$501 and \$1,000 – the member's Bureau Commander.
  3. Over \$1,000 – the Chief of Police (or appointed designee).
- D. The mandated approvals listed in subsection C above should be sought prior to the payment whenever circumstances allow.
- E. The member shall record all payments to CIs on the PD 216, which shall remain a component of the CI file.

### **IX. DEACTIVATION PROTOCOLS**

- A. The SI Commander shall review CI files on a quarterly basis (by the last working day of March, June, September and December) to ensure members are adhering to this written directive in the utilization, documentation and deactivation of CIs. The review shall be:
  1. Documented as directed by the HRO Bureau Commander, and
  2. Delivered to the HRO Bureau Commander for appropriate action.
- B. CI files indicating a confidential informant is not being utilized in a timely manner shall be reviewed with the originating member to determine if the CI should be deactivated.
- C. If it is determined the continuing utilization of a CI is no longer beneficial to the Department, the SI Commander shall ensure the completion of the "termination information" section of the PD 211 to document the deactivation of the CI.
- D. Factors to consider in determining whether a CI is no longer beneficial to the Department include, but are not limited to:

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- E. All CI files shall be purged in accordance with applicable written directives and public records laws.
- F. Unless approved by the SI Commander, no member shall initiate communication with a deactivated CI for the purpose of utilizing them as a CI.

**X. REACTIVATION OF CONFIDENTIAL INFORMANTS**

- A. A member may request a deactivated CI be reactivated upon demonstrating specific needs and benefits.
- B. The SI Commander is responsible for reviewing all requests to reactivate a previously deactivated CI utilizing the protocols set forth in section II above.

**XI. JUVENILE CONFIDENTIAL INFORMANTS**

- A. This written directive is equally applicable to the utilization of a juvenile as a CI.
- B. Juveniles shall not be utilized as CIs unless prior approval has been granted by the:

## TALLAHASSEE POLICE DEPARTMENT

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1. Member's chain of command,
  2. Juvenile's parent/guardian, and
  3. Chief of Police.
- C. If the juvenile is on probation, in a diversion program or has pending criminal charges, the State Attorney's Office or other appropriate legal authority shall be notified prior to the utilization of the person as a CI.

History: previous title (*use and control of informants*) – issued 10/29/2001, revised 08/10/2007. current title – issued 10/01/2008, revised 06/05/2009, 07/10/2014 and 12/11/2019.