

**DEP DIVISION OF LAW ENFORCEMENT
GENERAL ORDER 1-3
INFORMANTS, INVESTIGATIVE SOURCES, EVIDENCE &
INFORMATION FUNDS**

EFFECTIVE: May 21, 2001

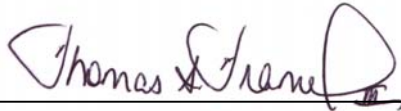
AMENDS:

RESCINDS: GO 30

**REFERENCE: Sections 119.07 and
925.055, F.S.; CFA 18.03, 18.04, 18.05M,
7.06M; Title 26, 19 USC, 1619**

DISTRIBUTIONS: ALL CERTIFIED LEO

AUTHORITY OF:



Director Thomas S. Tramel, III

DATE: 7/18/05

The purpose of this General Order is to establish guidelines for the proper use, documentation, and compensation of informants.

1-2 3.1 POLICY

It is the policy of the Division of Law Enforcement to carefully document interactions with informants for purposes of reliability and accountability and to stringently control all evidence and information (E&I) funds to ensure they are used only for authorized purposes.

1-2 3.2 DISCUSSION

The Department of Environmental Protection's Division of Law Enforcement (DLE) recognizes that the use of confidential informants, confidential sources, investigative sources, and anonymous sources are absolutely essential in many types of investigations. The motivational factors for a person becoming an informant are

varied and can include financial gain, revenge, fear, reform, expectation of a lighter sentence, or to eliminate competitors. It is for these reasons that the operational use of an informant is largely discretionary. The member must exercise the utmost care in controlling the informant. The member/informant relationship must be kept on a professional level at all times. This order is not set forth to remove the members' discretion on informant use, but is a guideline for the administrative handling of informants.

1-2. 3.3 DEFINITIONS

A. Anonymous Source – An unidentified person who provides information.

B. Confidential Informant (CI) – Any non-law enforcement person who is providing information where it may be necessary that they testify in a court proceeding. Confidential informants will receive either a monetary benefit for their assistance or work off charges to receive a reduced sentence. Assistance provided by a confidential informant may include, but is not limited to, providing information, making undercover introductions, or making controlled purchases.

C. Confidential Source (CS) – A non-law enforcement person who gives information but does not wish to be identified or take an active part in an investigation. Confidential sources are not necessarily involved in criminal activity, however their various occupations place them in a position to obtain pertinent information and provide it to law enforcement. They are typically not expected to become witnesses or be monetarily compensated for their assistance. This category is established to encourage receipt of data and protect the identity of the individual providing the information. This category typically does not apply to defendants working to reduce pending sentences, individuals who are being paid for their services, individuals whose testimony is

reasonably anticipated, or individuals providing the service for purpose of revenge or fear.

D. Investigative Source (IS) – Any non-law enforcement person who provides information to a member, however, that person is not expected to become a witness but can be compensated for their assistance. This individual is not proactively seeking to make criminal cases, is not expected to make undercover introductions, and is not usually associated with criminal activities. This category of informant is created to provide a means to compensate an individual for his/her assistance, provide accountability for any compensation, and document credibility. The investigative source will be used on a limited basis as a non-witness intelligence source to members of the division.

1-2 3.4 PROCEDURES

A. Confidential Informants – An extensive initial interview is necessary to properly evaluate a confidential informant. The member should attempt to establish the CI's motive(s), capabilities and truthfulness.

1. The member shall conduct an investigation of the CI's background to include biographical and criminal history, outstanding warrants, driver license history, permanent and local address, and previous experience as a CI.
2. The member shall provide the CI a copy of the Informant Conduct Form and explain, in detail, all the DLE guidelines and regulations governing the informant's behavior and working conditions. Title 26 requires that the CI be provided written notification of the requirement to complete a 1099 tax form if they receive over \$600 per quarter.
3. The following information shall be detailed in the informant's file prior to submission for supervisory approval: an Informant Fact Sheet (all blanks should be filled in); a current photo showing informant's face and physical build; fingerprints (a notation should be included as to where prints are on file); and a signed Informant Conduct Form.
4. Supervisors will initial and date all files, indicating their approval and that all guidelines have been satisfied.

5. A confidential informant will be assigned a CI number after approval of the Bureau Chief, or designee. Investigative Sources will receive an IS number.

6. A master list of all CI names and numbers will be maintained at headquarters in the Bureau of Environmental Investigations (BEI). Any component of the division seeking to establish an informant file must procure the number from the BEI master list.

B. Confidential Source - When a member wishes to use an individual who meets the criteria of a confidential source, the following procedures will be in effect:

1. The member will advise the chain of command as to the nature of the confidential source's individual information. Upon approval, the appropriate Captain/Inspector will coordinate with the BEI to issue a CI number for the requesting member confidential source.
2. The confidential source's file will contain documentation that reflects supervisory authorization that a member of the DLE controls the particular confidential source. The identity of the confidential source will not be documented in that file, or in any BEI office files.
3. If the confidential source becomes ineligible, the file will either be closed or the confidential source will be documented under normal procedures as a confidential informant or investigative source.
4. It will be the controlling member's responsibility to maintain the identity of the confidential source that he/she wishes not to identify.

C. Investigative Source - When a member wishes to use an individual who meets the criteria of an investigative source, the following procedures will be in effect:

1. The member will complete the basic biographical information on the confidential informant form and submit it for approval, via the chain of command, to the BEI Bureau Chief.

2. Upon approval, the member will coordinate with the BEI to issue the investigative source a number and create a file.
3. Compensation to an investigative source will be documented in the same manner as a confidential informant.
4. Any activity of an investigative source shall be documented to include, but not limited to, accomplishments resulting from the investigation.
5. Compensation payments.

D. An informant's work is based upon information concerning criminal activity. There are periods of time when an informant may not have information necessary to develop criminal cases. If this period of time exceeds one (1) year, a complete update of background information must be completed by the controlling member and reviewed by the chain of command prior to the informant working additional cases. If the informant is to be classified as inactive, a memorandum indicating the informant has been reactivated must be placed in the informant's file prior to the informant being compensated.

E. All active informant files will be reviewed on a periodic basis. At the beginning of each fiscal year, the agent/officer will analyze and document his/her informant's productivity and update his/her personal information. The areas to be updated include, but are not limited to, address, marital status, probationary status, additional arrests, current photograph, and continued eligibility as an informant/source.

F. The DLE may use confidential informants that may be documented or working for other law enforcement agencies. Generally, DLE will notify the specific agency of the use of a confidential informant however, circumstances can exist where the notification of a specific law enforcement agency will not occur.

G. The use of an informant on probation shall be predicated on court authorization and noted in the C.I.'s file. The use of a defendant pending prosecution will be coordinated through the office of the State Attorney.

H. The BEI Bureau Chief, or designee, for security purposes, may authorize changing the assigned confidential informant source number. The change will be properly documented in the original file making reference to the currently assigned number.

I. Any informant or source misconduct necessitating censorship or termination will be brought to the attention of the Bureau of Environmental Investigation's bureau chief through the chain of command. The incident and resolution will be fully documented in the informant's file. Any outstanding performance should be documented in a similar fashion.

J. Informant File Maintenance – The Bureau of Environmental Investigations is responsible for maintaining informant files in locked file cabinets. The following procedures are in place:

1. Upon initial approval, all informants/sources will be assigned a number and files will be stored in numerical order.
2. Files will not be removed from their respective components without prior approval from the BEI Bureau Chief or designee. Should the BEI Bureau Chief or designee approve a file removal, a file checkout card bearing the member's name and the date will replace the file until such time as it is returned. In addition to the checkout card, a ledger will be maintained which will contain the member's name and date of file checkout.
3. The confidential informant/investigative source name may appear in other documents, but his/her identification as a confidential informant/investigative source will never appear outside of the informant file. The confidential informant/investigative source will be referred to in all reports and memos by the assigned informant number, or by use of a genderless pronoun. The exception to this would be when necessitated by the Office of the State Attorney for documentation of the informant's accomplishments required for sentence consideration, court order, or subpoena purposes. The DLE Director, Assistant Director, or BEI Bureau Chief are the only individuals authorized to release the identity of a confidential

informant/investigative source, or any information from the confidential informant/investigative source file. Confidential informant/investigative source information can also be released by court order.

K. Compensation of Informants/Sources - Frequently a confidential informant begins under the status of a defendant and inevitably assists DLE members satisfactorily to work off a particular charge. At that time, he/she may begin receiving monetary compensation for their assistance. Informants/sources may receive monetary compensation from the investigative expense fund. Members will adhere to the following procedure when payments are made:

1. All informant/source payments require a receipt that must be signed by the informant and two agency members. All receipts are to be placed into the informant's/source's file. Member's signatures shall include payroll numbers.
2. The BEI Bureau Chief may authorize the expenditure of information funds up to \$2,500 for any single performance by an informant. Authorization of the Director or Assistant Director is necessary for the expenditure of evidence and information funds of more than \$2,500. Such expenditure cannot exceed \$5,000.
3. When a confidential informant is working off charges, as a defendant, he/she will not be paid for his/her services. Any expenses he/she may incur while in the furtherance of investigative endeavors can be paid by investigative expense funds. When a confidential informant is working for monetary compensation, he/she will receive no consideration towards any criminal charges. Note: Undercover investigative expenses consisting of bar beverages, food, tips, etc., are to be considered strictly investigative expenses and are not subject to F.S. 112.061.
4. The case agent will prepare a memorandum requesting prior approval for a single payment in the amount not to exceed one hundred dollars (\$100) to a confidential informant, reviewed and signed by the supervisor authorized to approve the

requested amount. The memorandum will then become part of the C. I. Or I. S. file.

5. All payments must be documented properly in the C. I. file. Audits of informant files shall be performed in accordance with the requirements of the Comptroller and/or Auditor General of the State of Florida.
6. A confidential source may only receive monetary compensation in extenuating circumstances and upon approval of the appropriate Bureau Chief. The case agent/officer will prepare a memorandum requesting prior approval for any payment to a confidential source, reviewed and signed by the supervisor authorized to approve the requested payment. The memorandum will then become part of the C. S. file.

L. Control of Informants - Informant control is essential to a safe and productive working relationship within the DLE. All informants will be available to work with any member, but for control purposes, will be assigned to one member at a time. Careful structuring should be given to the informant's visual access to other component members to minimize compromising undercover identity.

1. A supervisor may deem it necessary to change the informant's assigned member to improve the informant's effectiveness or to equalize caseload.
2. Whenever possible, the controlling member should have prior knowledge of the informant working with another member. This will curtail informants from "agent shopping", and limit duplication of targets.
3. Anytime a member works with an informant, special care should be used to maintain control.
4. Juvenile Informants should not normally be used in undercover operations. If deemed appropriate to use a juvenile, written permission from a parent or guardian must be obtained. The member is not discouraged from eliciting information from juvenile sources.
5. When establishing opposite gender confidential informants or sources, the respective Bureau Chief will review,

approve or disapprove all such requests by memorandum. The member's immediate supervisor will participate in the initial interview to evaluate the opposite gender confidential informant's potential.

6. All meetings with opposite gender confidential informants or investigative sources will be documented. All meetings with the opposite gender confidential informant will be conducted in the presence of two members from the division. All complaints of an opposite gender confidential informant/investigative source,

or any known acts of impropriety, will be immediately documented and forwarded, through the chain of command, to the respective Bureau Chief.

7. Any arrested person, who is a candidate for receiving substantial assistance, should be handled in a manner consistent with the controlling State Attorney's Office guidelines before any member uses him/her as a confidential informant or investigative source. Exceptions can be made with prior approval from the Bureau Chief or designee.