



MYRTLE BEACH POLICE DEPARTMENT

ADMINISTRATIVE REGULATIONS AND OPERATING PROCEDURES

Subject: *Informants*

Number: *255-A*

Effective Date: *July 1, 2009*

Revised Date: *July 19, 2024*

Rescinds: *255 - Informants*

Dated: *07-01-09*

Approved By:

I. PURPOSE

To establish guidelines and procedures for the use of Confidential Informants as well as citizen sources of information by the members of the Myrtle Beach Police Department.

II. DEFINITIONS

- A. Agent - Any certified law enforcement officer that is assisting the Myrtle Beach Police Department in any undercover capacity on any investigation.
- B. Candidate - Any person being considered for approval as a Confidential Informant or Cooperating Witness.
- C. Confidential Informant - CI is a commonly used acronym used for Confidential Informant. This is usually an individual who with or without a promise of compensation furnishes information regarding criminal activity. This confidential source may at times work under the direction of a police officer and should be distinguished from a concerned citizen or complainant. This may also be a person who provides information or investigative assistance and who may receive monetary payment, a recommendation for a reduction of charge or a reduced sentence, or any other special consideration or action by a law enforcement agency.
- D. Control Officer - This will usually be the officer that develops the CI as a source or the lead case officer. This officer will be responsible for the control and management of the informant.
- E. Citizen Source of Information -- A person or organization, not under the direction of a contact officer, who provides information without becoming a party to the investigation itself, or, a concerned citizen who witnesses an event of interest to the Department and provides information without the expectation of a recommendation for the reduction of

charges or reduced sentence, or any other special consideration or action by the Department.

- F. Cooperating Witness (CW) - Although a CW is normally working with the Police Department in a clandestine manner, they do not get involved in operations or CI work. A CW is usually not motivated by the same factors as a CI. Since a CW is not necessarily a criminal element, they may or may not expect financial compensation or reward in exchange for cooperation. They are interested members of the community that have information that they pass on to law enforcement which enhances our ability to combat illegal activity.
- G. Under Cover (UC) - Identifies any Law Enforcement officer that is authorized and assigned to any investigation and working in an undercover capacity.
- H. Informant Number - A unique number, assigned in ascending order, used to identify CIs, CWs, and UCs without using their actual names.
- I. Informant Registry Log - A manual and/or electronic registry will contain the name of the person who applies to become a CI or a CW, and whether or not they are ultimately approved for use. Individuals will be logged and assigned a Registry Number. Individuals who are approved will be assigned an Informant Number in accordance with our established practice. Access to these files will be limited to the Narcotics/SCU Unit, the Chief of Police, and members of the Office of Professional Standards when in their official capacity while conducting specific investigations. No information from these files may be copied or released to anyone without the direct authorization of the Chief of Police.
- J. Master File - A detailed file, which is maintained by the Narcotics/SCU Lieutenant or their designee, which shall include the name of the informant, biographical information, Criminal History, the informant's code name or number, City of Myrtle Beach Informant Cooperating Individual Agreement, background investigation paperwork, and documents reflecting the CI's activity. Access to these files will be limited to the Narcotics/SCU Unit, the Chief of Police, and members of the Office of Professional Standards when in their official capacity while conducting specific investigations. No information from these files may be copied or released to anyone without the direct authorization of the Chief of Police.
- K. City of Myrtle Beach Informant Cooperating Individual Agreement - This form is designed and approved by the Solicitor of this Circuit for General Sessions Court. The form notifies the candidate of what he/she may expect for participating in the program, and it further informs them of what conduct will not be tolerated. Lastly, this form outlines some of the consequences that will be endured if the candidate violates any of the provisions incorporated in the agreement.

III. PROCEDURE

- A. The procedures set forth in this section are to be used by all employees of the Myrtle Beach Police Department in the management and control of Confidential Informants and Cooperating Witnesses. These procedures will be followed strictly and uniformly unless otherwise authorized by a Lieutenant or above as an operational necessity. Employees are reminded that the mission of the department should be carried out lawfully and ethically at all times. Officers assigned to units outside the Investigations Division may develop and use confidential informants only with the approval of their Lieutenant or above.
- B. When an informant or cooperating witness is considered for enrollment, the Control Officer shall complete a Master File on the CI/CW. The file shall be personally submitted to a Narcotics Supervisor for approval prior to the use of any person as a CI/CW. The Master File shall be kept in a secure location designated by the Investigative Division Narcotics/SCU Lieutenant or their designee.
- C. The Registry Log shall contain the CI's/CW's (Applicants) name, informant number, date applied and date approved or disapproved. The officer requesting approval of a CI/CW shall place their name and employee number on the outside of the front of the Master File. The designated narcotics supervisor shall place the Informant number and the date approved or disapproved on the front of the Master File. The Master File shall contain a dossier on the CI/CW including the following.
 - 1. Completion of a Personal History Report on the applicant.
 - 2. The results of a discreet background investigation.
 - 3. A criminal history check on the applicant.
 - 4. Verification of residence, address, telephone and place of employment.
 - 5. Fingerprints of applicant.
 - 6. Photograph of applicant.
 - 7. Applicant's phone number.
 - 8. Signed copy of the Solicitor's CI/CW Agreement form and/or the City of Myrtle Beach Informant Cooperating Individual Agreement.
 - 9. A debriefing statement of the Applicant containing date and time, location,
 - 10. Reason for meeting and information exchanged.
 - 11. File Activity Log containing date and time, name and reason for any person reviewing the file.
- D. All contacts with CIs/CWs shall be documented in writing and submitted to the Narcotics Supervisor for inclusion in the Master File. Information shall include date and time, location, reason for the meeting, information exchanged, and amount of payment, if any. The Narcotics Supervisor will discuss with the Solicitors Office any criminal history that the CI/CW may have before the CI/CW will be used.
- E. The narcotics lieutenant, or designee, will be responsible for updating and maintaining the Master File. If credible information is received from a CI, this information will be documented to further the CI's creditability and placed into the Master File.

F. The following people shall have access to the Master Files when required to carry out their duties:

1. Chief of Police.
2. Investigative Division Commander
3. Members of the Office of Professional Standards conducting official Investigations of officer misconduct and/or citizen complaints.
4. Narcotics/SCU supervisors.
5. Control Officers may only access files for the CI/CW assigned to them.

No other persons shall be allowed access to the Master Files without the express permission of the Narcotics Supervisor.

G. Once a CI/CW is approved, the Narcotics Supervisor shall designate a Control Officer to oversee the CI/CW. The Narcotics Supervisor may change the Control Officer as they deem appropriate. The Narcotics Supervisor shall note on the outside of the Master File the name of the Control Officer and the date they were assigned.

H. Supervisors shall closely monitor the use of CIs/CWs by any Control Officer under their supervision. The Control Officer shall be responsible and accountable for formal informant activity.

I. Control Officers shall take every reasonable step to protect the identity of informants including, but not limited to, the following:

1. Making sure the CI/CW understands:
 - a. The amount and method of informant payments, if any.
 - b. The restrictions placed on the expenditure of advanced money by the informant.
 - c. The procedures to be followed in establishing contacts and meetings.
 - d. The procedures to be followed if the CI/CW is arrested.
 - e. The informant's obligations and testimony requirements.
 - f. The Department's limitations in protecting their identity.
 - g. The Department's future obligations to the informant once contact has been completed.
2. Make sure that only the informant number is used to identify the CI/CW in any official report or document.

J. CIs/CWs may offer to exchange information for immunity or for their release from pending charges. A Solicitor, City Attorney or other person with prosecution authority may properly grant such immunity, and a copy of the written immunity agreement will be maintained in their master file. Neither the department nor any of its members may grant any person immunity from prosecution. No employee of the Myrtle Beach Police Department, other than the Control Officer of the CI/CW concerned, shall appear on

behalf of a CI/CW in any court or administrative proceeding without the prior written authorization of their Lieutenant or above.

- K. When using a CI/CW, the first priority is to preserve the safety of the public, law enforcement personnel and the CI/CW. All operational decisions and actions should be based on this principle. Law enforcement personnel shall exercise good care and judgment in order to minimize the risk of harm to all persons involved including the targeted offender. To effectuate this principle, a Control Officer and their supervisors must determine whether the CI/CW is capable under the circumstance of proposed use (target offense; target offender) to safely perform the tasks required. In making this determination, the Control Officer and supervisors must consider, without limitation.
1. The age, functional intelligence, maturity, emotional stability, and relevant life experience of the CI/CW; provided that no minor can ever be used and no person voluntarily or under court order that is enrolled in a substance abuse treatment program may be used.
 2. The criminal history of the Confidential Informant and the target offender, including the number and nature of any prior offenses. If a CI has no prior conviction for committing a violent-crime, that person may not be used as a Confidential Informant in a law enforcement undercover operation involving a target offender who is known or suspected to have engaged in violence in the past or if the Control Officer has reason to believe that the person may be unduly exposed to harm.
 3. The value and nature of the assistance being sought within the context of the target offense and the promised consideration, and the target offender.
 4. The propensity of the target offender for violence under the circumstances of use.
- L. No person on Probation or Parole shall be approved as a CI/CW without the written approval of the Investigative Division Lieutenant, who shall then notify their Probation/Parole Agent. No person under the age of 18 shall be considered for approval as a CI/CW. Persons with a known propensity towards violence or with a criminal history indicating violent behavior including but not limited to the following: robbery, aggravated assault, assault to a police officer, sexual assault, etc., may be utilized as a CI/CW when approved by a Lieutenant or above and with the approval of the Solicitor's Office. Officers shall not knowingly register or utilize a CI/CW that is subject to an active warrant or who are suspects in an active criminal investigation unless extraordinary circumstances exist and they are approved by a Lieutenant or above and a member of the Solicitor's Office with authority to make such decisions.
- M. The continued use of an CI/CW that is known by the Control Officer to have committed a felony or other serious offense, other than making controlled buys of contraband, or that was arrested and charged with a felony or other serious offense during the time they are being utilized as an CI/CW is prohibited, unless extraordinary circumstances exist and it

is approved by a Lieutenant or above and by a member of the Solicitor's Office with the authority to make such decisions.

- N. No officer shall register, utilize or otherwise direct their family member or domestic partner, or any person related to them through blood or marriage (past or present) as a CI/CW unless extraordinary circumstances exist and it is approved by a Lieutenant or above. Officers shall not participate in any police action taken as a direct result of assistance given by their family members or domestic partner unless extraordinary circumstances exist and it is approved by a Lieutenant or above.
- O. Two officers will be present at each encounter with a CI/CW. Whenever possible, at least one of the officers should be of the same sex as the CI/CW. If this is not possible, the encounter will be audio or video recorded. All relationships between CIs /CWs and agents/officers will remain professional. It is prohibited for any employee of the Myrtle Beach Police Department to knowingly develop a social relationship, business relationship, or to otherwise become involved with a CI/CW, who is not a member of their family, either while on or off duty. If any employee of the Myrtle Beach Police Department becomes aware that they or another employee have become involved with a CI/CW while on or off duty, they shall immediately bring the information to the attention of their supervisor and the Narcotics Supervisor. No employee should meet with a CI/CW and then engage in investigative activities, such as meeting suspects or others involved in criminal activity, without other police personnel present to corroborate, document, and provide surveillance and backup.
- Q. Any CI/CW who has pending charges and is signed up for the purpose of receiving a favorable recommendation from our department with regard to those charges will personally contact their Control Officer quarterly. The Control Officer shall document this contact. Any CI/CW who has pending charges and remains inactive for a period of six months will be removed from the program and the Control Officer shall submit a memo to the Narcotics Supervisor and the prosecuting authority outlining the lack of participation and recommendation to proceed with charges. Any Myrtle Beach Police Department supervisor may suspend any CI's/CW's participation at any time and shall submit a memo to the Narcotics Supervisor detailing their reason for suspending the CI/CW. The Narcotics Supervisor shall have the authority to permanently remove or reinstate a CI/CW.
- R. The Narcotics/SCU Supervisor shall review all informant files quarterly and may remove those CI/CWs that do not appear to be actively involved with the Myrtle Beach Police Department. The Narcotics Supervisor/SCU shall notify the Control Officer that the CI/CW is no longer active. Any department employee may request to reinstate the CI/CW by sending a memo to the Narcotics/SCU Supervisor and insuring that the Master File on that CI/CW is updated for the Narcotics/SCU Supervisor's review.
- S. Once a Control Officer has determined that a CI/CW with pending charges has met their obligations to the Myrtle Beach Police Department, the Control Officer shall prepare a

memo to the prosecuting authority detailing the CI/CW performance and advising that our department is recommending favorable consideration on the pending charges. The prosecuting authority will determine the degree of consideration to be offered to the CI/CW. This memo shall be submitted to the Narcotic/SCU Supervisor for approval prior to being sent to the prosecuting authority and a copy placed in the master file with the approving supervisor's signature.

- T. Officers are reminded that informant/applicant information may become the basis for a variety of legal and police processes. The officer should carefully consider the possibilities of being required to identify an informant in the courtroom, thus "blowing the cover" or identity of the informant and placing the informant in jeopardy. Officers shall remain mindful that their refusal to identify an informant in open court may result in the judge issuing sanctions, fines or incarcerating the officer for refusing to respond to questions in these matters. Any officer faced with this situation should request of the Judge through the prosecuting authority, time to discuss the issue with the officer's Chain of Command. If the Judge refuses this request, no officer shall be subject to departmental disciplinary or any other penalty against the officer for his/her refusal to identify an informant in open court.
- U. Control Officers/Case Agents shall insure that any CI/CW involved in an undercover operation is thoroughly searched before and after any encounter and shall document the CI's/CW's personal property of apparent value carried by the CI/CW when searched, including all money. The Control Officer/Case Agent shall maintain continuous visual or electronic observation during undercover operation when possible. Control Officers/Case Agents shall not use any CI/CW who is under the influence of intoxicating liquor or drugs and shall not allow CIs/CWs to be armed with any weapon or dangerous instrument while involved in any capacity with the Myrtle Beach Police Department.
- V. Any CI/CW who gives up the identity of any UC at any time shall immediately be considered unreliable and shall be immediately terminated as a CI/CW. Any officer who has reason to believe that a CI/CW may no longer be suitable for use due to a credibility concern, a liability concern, or inappropriate conduct on the part of the CI/CW shall immediately notify the Narcotic Supervisor by memo detailing the facts outlining their request to terminate the CI/CW.
- W. If a CI/CW furnishes information, which adversely reflects on the integrity of a City, County, State, or Federal official, officer, or agency, the employee receiving the information shall immediately notify his/her Supervisor who will then notify the Lieutenant of the Office of Professional Standards. The Lieutenant of the Office of Professional Standards shall notify the Administrative Captain and the Chief of Police. The Chief of Police will determine what other government agencies, if any, will be notified.
- X. Payments to Informants – Informants may be paid for information or to carry out tasks. The Narcotics Lieutenant will evaluate and approve each payment. The evaluation will be

based on reliability of the source and the facts of the investigation. A voucher will be completed to document funds paid to confidential informants. The vouchers will include:

1. The amount and purpose of payment;
2. Officer's name and signature;
3. Informant's CI number, name, and fingerprint;
4. Information or material purchased;
5. Date and case number; and
6. Witness name and signature.

Records of evidence procurement vouchers will be maintained in a secure manner by the appropriate commanding officer.