

307.00 - CONFIDENTIAL INFORMANTS

(1) Policy:

- a. Individuals from all segments of society frequently provide valuable information that assists law enforcement officers in the performance of their duties. The full and proper use of confidential informants as sources of information is a critical component in effective criminal intelligence gathering, case development, suspect apprehension, and successful prosecution. Officers are encouraged to develop informants within the following guidelines.
- b. The safety of officers along with protecting the integrity and public image of the Denver Police Department are of paramount importance. The use of informants can be a hazardous endeavor and great care should be exercised when developing and using informants. All officers must ensure that the potential risks of utilizing an informant are outweighed by the potential benefits that may be derived from the use of the informant. In addition, officers must employ proven investigative strategies to corroborate information provided by informants (i.e. surveillance, controlled buys, analysis of background, and intelligence information).
- c. All Denver Police Department confidential informant files and records are the property of the Chief of Police and will be permanently retained in a secure manner by the Division Chief of Criminal Investigations. They may not be viewed by anyone except with permission from the Chief of Police.
- d. Should an exigent circumstance arise that necessitates that the identity of a cooperating source or sources be kept confidential, the Chief of Police may select a designee to review, approve, manage, and maintain the confidential informant(s) file(s). In those instances, the designee identified by the Chief of Police will be tasked with complying with all aspects of OMS 307.00, Confidential Informants. The designee will be required to provide written documentation outlining the need for the invocation of this portion of OMS 307.00.

307.01 Informant Categories and Classification

(1) All Denver Police Department informants are categorized as one of the following:

- a. **Participating Informant:** - Informant acting under the specific direction of a Primary Control Officer with command approval.
- b. **Non-Participating Informant:** - Informant whose cooperation may be sporadic or irregular and is accomplished independent of the officer's guidance, (e.g. hotel clerk, airline receptionist, security guard, etc.).

(2) Classification of Denver Police Department Informants:

- a. **Class 1** - Persons who have a serious criminal record, (i.e. felony offenses which include, but are not limited to: robbery, sexual assault, aggravated assault, assault on a peace officer, etc.), or have a known propensity for violence.
 1. Before using a Class 1 informant, the Primary Control Officer must complete the informant activation procedure and
 2. Obtain the assistance of the appropriate investigative bureau/unit. Note: For purposes of this policy, the appropriate investigative bureau/unit shall be defined as the investigative unit that will prepare a criminal case filing to be presented to the Denver District Attorney's Office or any other prosecutor having jurisdiction.
 3. The Primary Control Officer must coordinate all activity with the investigator who will prepare a criminal case filing for presentation to a prosecutor. In doing so, the investigator will ensure that the investigation is conducted in accordance with applicable laws, policies, and sound investigative techniques. The investigator will also ensure that all evidence needed for case acceptance is properly collected.
- b. **Class 2** - Persons who **do not** have a criminal record or known propensity for violence, or persons with criminal records for offenses other than those described above in regards to Class 1 Participating Informants (i.e. burglary, theft, drug offenses, etc.), or persons with a reputation for involvement/association with the criminal element.
 1. Participating

- [a. Prior to utilizing a Participating Class 2 informant, the Primary Control Officer must complete the informant activation procedure and obtain the assistance of the appropriate investigative bureau/unit.
- [b. The Primary Control Officer must coordinate all activity with the investigator who will prepare a criminal case filing for presentation to a prosecutor. In doing so, the investigator will ensure that the investigation is conducted in accordance with applicable laws, policies, and sound investigative techniques. The investigator will also ensure that all evidence needed for case acceptance is properly collected.
- [2. Non-Participating: It is not necessary to follow informant activation procedures when using non-participating Class 2 informants, unless the informant receives payment or official consideration.

307.02 Informant Registration

- [(1) Officers shall register participating informants through the chain of command and submit documentation to the Division Chief of Criminal Investigations prior to utilizing informants or any information received from the informant.
- (2) If an exigent circumstance exists, such as the need to prevent a serious crime, and there is not sufficient time to register an informant, officers shall obtain the assistance of their immediate supervisor for guidance prior to utilizing the informant.
 - a. The immediate supervisor will determine the actions to be taken.
 - [b. The supervisor shall coordinate efforts with the appropriate investigative bureau/unit and with the on-call Deputy District Attorney until such time when the informant can be properly registered.
 - c. Prior to the conclusion of that tour of duty, the supervisor shall forward a letter to the Division Chief of Criminal Investigations, through the chain of command, documenting the exigent circumstances and all information pertinent to the use of the informant and the progress of the investigation. For purposes of confidentiality, correspondence will be forwarded to the intended recipient in sealed envelopes.
- (3) An officer who registers an informant shall be the Primary Control Officer for that informant. The Primary Control Officer's immediate supervisor shall be the Informant Supervisor. The Informant Supervisor must hold the rank of Sergeant or above and may, when circumstances require, perform the function of Primary Control Officer. There shall be only one (1) Primary Control Officer, one (1) Secondary Control Officer, and one (1) Informant Supervisor for each Denver Police Department informant. The Primary Control Officer shall be responsible for the supervision of the informant. The informant supervisor may authorize the Secondary Control Officer to supervise the informant in the absence of the Primary Control Officer. The Primary Control Officer and the Secondary Control Officer must be assigned to the same bureau/district.
- (4) Officers shall inform their supervisor of any information pertaining to criminal activity received from an informant that is outside the realm of the Primary Control Officer's investigative responsibility. This information shall be documented by the Primary Control Officer, using an Inter-Departmental Correspondence, DPD 200, and forwarded to the appropriate investigative bureau/unit prior to the end of their shift. The appropriate investigative bureau/unit is defined as the bureau/unit which would be tasked with investigating and handling the case filing on the criminal activity received from the informant. (e.g. Robberies information to Robbery, burglary information to district investigative unit, etc.)
- (5) All informants shall have a Registration Packet on file in the Office of the Division Chief of Criminal Investigations. The informant registration process/packet shall include the following items:
 - a. Informant Information Package, DPD 563.

- b. Confidential Informant Personal History, DPD 561
The Primary Control Officer will debrief the informant, with the approval of his/her immediate supervisor, and complete this form. This supervisor shall be listed as the Informant Supervisor. The applicant will sign the card with both his/her true name signature and code name signature. The Primary Control Officer shall positively identify the applicant before submitting the packet for review and approval.
 - c. Confidential Informant Liability/Waiver/ Conduct Agreement, DPD 564
Completed by the Primary Control Officer with the approval of the Informant Supervisor.
 - d. Informant Activation Report, DPD 560
 - e. Defendant Cooperation Agreement, DPD 566
Applicable only in those cases where consideration for a pending criminal or traffic matter is requested in exchange for assistance to law enforcement authorities.
 - f. Confidential Source Information File (Payment Record), DPD 336
 - 1. This card shall be maintained by the Commanding Officer (or his/her designee) of the bureau/unit which dispenses funds for informant payments, (e.g. Vice/Drug Control Bureau, Intelligence Bureau, Front Range Task Force, Office of the Division Chief of Criminal Investigations, Metro Gang Task Force, etc.).
 - 2. The cards will be maintained in a secure location at all times.
 - 3. Completed cards shall be retained in the Office of the Division Chief of Criminal Investigations as part of the informant's permanent record.
 - 4. The applicant will sign the card with his/her code name signature. The signature must be legible.
 - 5. The Primary Control Officer's supervisor, (Informant Supervisor), shall compare the code name signature on the Confidential Source Information File (Payment Record), DPD 336, with the code name signature on the payment voucher prior to approving the payment voucher. In those instances where the voucher signature does not match the signature maintained on file, it will be the responsibility of the Informant Supervisor to investigate the discrepancy prior to approving the voucher.
 - g. Confidential Source Information File (Identity) (blue card), DPD 336A. This card will be completed and submitted with the Registration Packet and will be maintained in the Office of the Division Chief of Criminal Investigations.
 - h. Criminal history (NCIC criminal history and DPD record)
 - i. Fingerprint Cards
 - 1. In those instances where the informant has a DPD record and fingerprints on file, the Primary Control Officer shall make a copy of the fingerprint card and include it in the informant information packet.
 - 2. In those cases where the applicant does not possess a criminal record, two (2) pink "10-1" full fingerprint cards will be obtained. The ID Bureau will forward one (1) of the cards to Federal Bureau of Investigation for review. The other card will be included in the application packet.
 - j. Recent DPD mug shot or similar quality photograph
 - k. Warrants Check
 - l. A copy of the computer printout generated while obtaining a "clearance" for "wants/warrants" will be submitted for review. Applicants will be required to clear all active warrants prior to approval for use.
 - m. Driver's License query
- (6) No part of the informant registration packet will be copied or duplicated for any purpose unless ordered by a court of record and approval is obtained from the Chief of Police.
- (7) The informant registration packet will be reviewed for completeness by the Informant Supervisor and upon approval forwarded through the Primary Control Officer's chain of command to the Bureau/District Commander to be reviewed for completeness and approval.

- (8) If the Registration Packet is approved, the Primary Control Officer will hand-carry the packet to the Office of the Division Chief of Criminal Investigations for review by the Division Chief or his/her designee.
- (9) If approved for use, all informants will be assigned a Confidential Source Code Number by the Division Chief of Criminal Investigations or his/her designee.
- (10) The Division Chief of Criminal Investigations will retain the completed registration packet.

307.03 Supervisor and Command Officer Responsibility for Informant Utilization

- (1) All supervisors and command officers shall ensure that:
 - a. The information in the Registration Packet as described in OMS 307.02 is complete and accurate, prior to authorizing the registration of an informant and forwarding it to their superiors, and;
 - b. The potential risks of utilizing an informant are outweighed by the potential benefits that may be derived from using the informant, and;
 - c. Their subordinates are in compliance with all department rules, regulations, policies, and procedures related to the recruitment, registration, and use of informants and;
 - d. Their subordinates are fully and properly utilizing informants assigned to them, and;
 - e. Their subordinates obtain the assistance of the appropriate investigative bureau/unit prior to registering or utilizing a Class 1 or Class 2 Participating Informant.
- (2) In any case where a Participating Informant is to take part in the planning or commission of a criminal act, thereby requiring possible endorsement and disclosure as a witness, approval is required from the appropriate prosecutor and also through the divisional chain of command of the appropriate investigative unit/bureau.
 - a. Exceptions to this requirement include situations where the Participating Informant is making purchases of contraband including but not limited to drugs, counterfeit currency, forged documents, or stolen property at the direction of the Primary Control Officer and with the approval of the Informant Supervisor.
 - b. In instances where divisional command approval is not available, yet a determination has been made that it is in the public's interest to continue an investigation, a supervisor, with the concurrence of a command officer, may authorize the proposed actions of an informant.
 - 1. Prior to the onset of the proposed action, the supervisor shall also obtain preliminary approval from the "on-call" supervisor of the appropriate investigative bureau/unit and the "on-call" prosecutor.
 - 2. The authorizing supervisor shall closely monitor the activities and conduct of the informant.
 - 3. Prior to the end of that tour of duty, the authorizing supervisor shall forward a letter to the Division Chief of Criminal Investigations, through the chain of command, documenting the exigent circumstances and all information pertinent to the use of the informant and the progress of the investigation. The required documentation will clearly set forth the exigent circumstances which required the investigation to continue, and the names of the command officer, investigative supervisor, and prosecutor who granted preliminary approval to continue the investigation.

307.04 Restricted-Use Informants

- (1) **Juveniles**
Officers shall not request or utilize a juvenile, (any person less than 18 years of age), as a Participating Informant unless:
 - a. Extraordinary circumstances exist, and
 - b. Active assistance is obtained from the appropriate investigative bureau/unit, and

- c. Written authorization is obtained via the Juvenile Informant Authorization Waiver, DPD 565, prior to utilization, from:
- d. The juvenile, *and*
- e. The juvenile's parent or legal guardian, *and*
- f. The Primary Control Officer's commander, through the chain of command.]
- g. The Primary Control Officer's immediate supervisor shall serve as a witness to the parental consent and any arrangement agreed to by the juvenile and parent or legal guardian.]

(2) **Violent Persons**

Persons with a known propensity towards violence or with a criminal history indicating violent behavior including but not limited to: robbery, aggravated assault, assault to a police officer, sexual assault, etc. shall not be utilized as informants unless:

- a. Extraordinary circumstances exist, *and*
- b. Guidance is obtained, prior to registration and utilization, from the appropriate investigator and/or prosecutor as described in OMS 307.01(2)(a)3, *and*
- c. Written authorization is obtained, prior to registration and utilization, from the commander of the appropriate investigative bureau/unit and the Primary Control Officer's commander through the chain of command.]
 - 1. The original authorization letter shall be retained in the Confidential Informant's permanent file in the Office of the Division Chief of Criminal Investigations.

(3) **Active Felons**

Continued use of registered active informant who is known by the Primary Control Officer to have committed a felony; (other than making directed and supervised controlled buys of contraband) or who is arrested and charged with a felony is prohibited, unless:]

- a. Extraordinary circumstances exist, *and*
- b. Prior to utilization, guidance is obtained from the appropriate investigator and/or prosecutor as described in OMS 307.01(2)(a)3, *and*
- c. Prior to utilization, written authorization is obtained from the Primary Control Officer's commander, through the chain of command and the commander of the appropriate investigative bureau/unit.]
- d. The original authorization letter shall be retained in the Confidential Informant's permanent file in the Office of the Division Chief of Criminal Investigations.
- e. In those instances where exigent circumstances exist, particularly to facilitate the immediate continuation of an important and rapidly developing investigation, the on-scene supervisor, with the approval of a command officer, shall have the discretion to approve the continued use of such informant.
 - 1. The supervisor shall immediately inform the "on call" supervisor of the appropriate bureau/unit of the situation.
 - 2. When time and circumstances permit, the supervisor shall contact the "on-call" Deputy District Attorney for guidance.
 - 3. Prior to the conclusion of that tour of duty, the supervisor shall forward a letter to the Division Chief of Criminal Investigations, through the chain of command, documenting the exigent circumstances and all information pertinent to the use of the informant and the progress of the investigation. For purposes of confidentiality, correspondence will be forwarded to the intended recipient in sealed envelopes.

(4) **Family Members**

Family members are defined as husband, wife, mother, father, child, brother, sister, grandparent, grandchild, domestic partner, or any person known to be related through blood or marriage.]

- a. Officers are prohibited from registering, utilizing, or otherwise directing anyone known to be their blood relatives or family members as informants, unless:]
 - 1. Extraordinary circumstances exist, *and*

2. The informant refuses to cooperate with any other officer, but their family member, and the information/cooperation offered is of great importance and cannot be obtained by any other means, **and**
3. Prior to utilization, guidance is obtained from the appropriate investigator and/or prosecutor as described in OMS 307.01(2)(a)3, **and**
4. Prior to utilization, written authorization is obtained from the Family Member Officer's Division Chief, through the chain of command and the commander of the appropriate investigative bureau/unit.

- b. The original authorization letter shall be retained in the informant's permanent record in the Office of the Division Chief of Criminal Investigations.
- c. If approved, the immediate supervisor of any Officer utilizing a family member as an informant shall be designated as the Primary Control Officer, with the family member officer designated as the secondary control officer.
 1. The family member Officer shall immediately notify his/her supervisor of any planned contact with the informant and also of any developments or information received pertaining to criminal activity.
 2. The supervisor shall be present during all official contacts with the informant and shall continually keep their commander and also the commander of the appropriate investigative bureau/unit apprised of the situation.
- d. At the first opportunity, the Control Officer's (immediate supervisor) will designate a replacement control officer not related to the involved officer or his/her family member. The supervisor shall make written notification of this action to the Division Chief of Criminal Investigations, the commanders of the affected officers, the commander of the appropriate investigative bureau/unit, and the affected officers of such changes.
- e. Officers shall not participate in any police action taken as a direct result of assistance given by their family members.

(5) **Fugitives**

Officers shall not knowingly register or utilize an informant who is the subject of an active warrant. The officer's first obligation is to resolve the active warrant. All potential informants shall be checked for warrants as provided for in OMS 307.03(4)i. In cases where there is a warrant, non-violent crime, from another jurisdiction or state and the warrant is non extraditable, an officer shall contact the Denver District Attorney's Office and their commander. The circumstances of each case shall be reviewed and approval shall be either granted or denied by both the Denver District Attorney's Office and by their commanding officer.

(6) **Suspects**

Officers shall not knowingly register or utilize an informant who is the subject of an active criminal investigation.

- a. If assistance is required from an informant who is the subject of an active criminal investigation, the Primary Control Officer and his/her immediate supervisor will contact the assigned investigator and apprise him/her of the situation.
- b. The Primary Control Officer shall not discuss the ongoing criminal investigation with the informant. Officers shall not provide legal advice or counsel to any informant.
- c. This confidential informant policy does not preclude informants, who are cooperating for the purpose of gaining official consideration on pending criminal cases from being enrolled or utilized. Note: For purposes of this policy, "official consideration" shall refer to sentencing considerations and/or filing decisions for criminal charges to be filed by the Denver District Attorney's office or any other prosecutor with jurisdiction.

(7) **Parole, Probation, and Corrections Clients**

Parole, probation, or corrections clients may be registered and utilized as Participating Informants only with prior written authorization from the commander of the appropriate investigative bureau/unit who will then determine whether or not the Department of Corrections will be notified concerning this relationship.

307.05 Informant Status Review and Audits

- (1) Primary Control Officers shall conduct criminal history and warrant status checks of informants under their control every six (6) months.
- (2) Annual Review
 - a. The Division Chief of Criminal Investigations shall send an Informant Status Authorization, DPD 562, in a sealed envelope, to the Primary Control Officer of each registered informant no later than July 1st each year. Informants shall be identified only by their code number on this form.]
 - b. Primary Control Officers desiring to continue utilizing the informant in question shall complete the Informant Status Authorization, DPD 562, and forward the form, through the chain of command, to the Office of the Division Chief of Criminal Investigations, before August 1st each year. The form will become a part of the informant's permanent records. Each packet shall contain the following items related to the informant:]
 1. NCIC/CCIC criminal history]
 2. NCIC/CCIC/ DCIC warrants check]
 3. Recent photograph (if appearance of informant has changed)
 - c. Each level in the chain of command shall sign to authorize or deny the continued use of the informant on this form before forwarding to the next level. The Division Chief of Criminal Investigations shall have final approval authority.
- (3) The Division Chief of Criminal Investigations shall retain packets in the informant's permanent file.
- (4) All informants who have not been authorized for continued use by August 1st shall be de-activated by the Division Chief of Criminal Investigations.
 - a. The Division Chief of Criminal Investigations shall send written notice to the commander of the Primary Control Officer that an informant has been de-activated.]
 - b. A copy of the notice shall be retained in the informant's permanent record in the office of the Division Chief of Criminal Investigations.
 - c. Use of de-activated informants is prohibited.
- (5) The Division Chief of the Criminal Investigations Division or his/her designee shall thoroughly review all informant files, including payment records, and deliver a written report of the findings to the Chief of Police by September 1st each year.]
- (6) The Primary Control Officer shall notify the Informant Supervisor of every cash payment to an informant. The Informant Supervisor shall be present and interview the informant no less than every fifth (5th) cash payment to the informant. The Informant Supervisor shall also interview the Confidential Informant when any cash payment over five hundred dollars (\$500.00) is made. Each interview shall be documented on the Confidential Source Information File (Payment Record), DPD 336, by the supervisor.]

307.06 Deactivation/Decertification of Confidential Informants

- (1) Deactivation of Confidential Informants – The Primary Control Officer, who no longer wishes to utilize an informant, shall **deactivate** the informant and forward Informant Status Authorization, DPD 562, through the chain of command to the Division Chief of Criminal Investigations. This form shall be accompanied by the Confidential Source Information File (Identity), DPD 336A, and Confidential Source Information File (Payment Record), DPD 336.]

- (2) Decertification of Confidential Informants – Officers who have reason to believe that an informant may no longer be suitable for use due to a credibility concern, liability concern, inappropriate or criminal conduct on the part of the informant or where the informant may jeopardize the integrity of the Denver Police Department shall initiate the procedure to **decertify** the informant. At the first opportunity, prior to going off duty, the concerned officer shall also prepare an Inter-Departmental Correspondence, DPD 200, documenting all pertinent facts and circumstances supporting the request for decertification and attach the Confidential Source Information File (Payment Record), DPD 336 along with Informant Status Authorization, DPD 562. The documents will be hand carried through the chain of command to the Division Chief of Criminal Investigations. In the event the request for decertification is being made by other than the Primary Control Officer, the requesting officer's supervisor shall notify the Primary Control Officer's supervisor of the request. Pending resolution of the request, the informant shall not be utilized without approval of the Division Chief of Criminal Investigations.
- (3) The Division Chief of Criminal Investigations shall determine what action(s) shall be taken with regards to the informant and any investigation for which the informant may have been utilized.
- (4) Informants who are decertified shall be designated as a "prohibited use informant" by the Division Chief of Criminal Investigations.

307.07 Reactivation of Confidential Informants

- (1) Informants who have been deactivated/decertified by the Division Chief of Criminal Investigations may be utilized only under the following conditions:
 - a. The proposed new Primary Control Officer and his/her supervisor shall prepare an informant registration packet, as outlined in OMS 307.03. The supervisor will contact and seek input from the officer who applied for deactivation before forwarding the packet to the next level. An Inter-Departmental Correspondence, DPD 200, will be completed outlining the reason for re-instatement and document the previous Confidential Informants code number.
 1. In those instances where the officer who previously deactivated/decertified the informant objects to the use of the informant, the supervisor will direct the officer to document his/her concerns about the renewed use of the informant on an Inter-Departmental Correspondence, DPD 200. The letter will be sent, with the packet, through the chain of command to the Division Chief of Criminal Investigations.
 2. Approval to re-activate an informant, who was previously decertified for any alleged misconduct, must be obtained from the Denver District Attorney's office. The name of the approving prosecutor will also be documented in the letter described in part b., below.
 - b. The packet shall include an Inter-Departmental Correspondence, DPD 200, to the Division Chief of Criminal Investigations from the proposed new Primary Control Officer. The issues that resulted in the informant's deactivation/decertification should be clearly described along with the justification for reactivation of the informant.
- (2) The Division Chief of Criminal Investigations has the final approval authority, and may deny use or place restrictions on the use of the informant, including limiting the authorization for use to a "case-by-case" basis.

307.08 Meetings with Informants

- (1) Meetings with all informants must be authorized in advance by a supervisor.
- (2) A second officer shall witness all meetings with informants.
- (3) Whenever possible, all meetings with informants of the opposite sex should be held at public locations.
- (4) Any informant information received concerning felony criminal activity affecting another bureau or agency shall be documented on an Inter-Departmental Correspondence, DPD 200, before the end of shift. This information shall be forwarded to the informant supervisor and the affected bureau or agency.

307.09 Payments/Compensation

- (1) Payment amounts:
 - a. Primary Control Officers shall seek guidance from a supervisor of the investigative unit/bureau responsible to prepare of the criminal case filing when attempting to determine payment amounts.
 - b. Sergeants assigned to the investigative bureau tasked with the criminal case filing may approve expenditures of five hundred dollars (\$500.00) or less.
 - c. Command officers assigned to the investigative unit/bureau tasked with the criminal case filing may approve expenditures of one thousand dollars (\$1,000.00) or less.
 - d. The commanding officer of the appropriate investigative unit/bureau tasked with the criminal case filing may approve single expenditures in excess of one thousand dollars (\$1,000.00) with the approval of the Division Chief of Criminal Investigations.
 - e. The commanding officer of the appropriate investigative unit/bureau may approve supplemental informant payments from more than one monetary fund.
- (2) Payments to informants will be made by the Primary Control Officer or the Informant Supervisor. All informant payments shall be reviewed and authorized in advance by a supervisor, and witnessed by a second officer. Payments may be denied or modified by the reviewing supervisor.
- (3) Only official government funds may be used to pay an informant. Personal funds shall not be utilized for the procurement of evidence or information, to make controlled and/or undercover buys or for the purpose of paying informants.
- (4) All informant payments shall be documented on a Confidential Source Information File (Identity), DPD 336A, and also on an Expenditure Record (Cash Voucher), DPD 725. The expenditure record will contain an itemized and detailed account for the funds expended.
 - a. A photocopy of the Confidential Source Information File (Payment Record), DPD 336, detailing the assistance provided by the informant, shall be attached to the Expenditure Record (Cash Voucher), DPD 725.
 - b. The informant will be instructed to enter, in their handwriting, acknowledgement of the amount of money received and the date received on the Confidential Source Information File (Payment Record), DPD 336, and Expenditure Record, DPD 725, along with their code name signature.
 - c. Any additional financial/material benefit, including housing, provided to the informant shall be documented on the Confidential Source Information File (Payment Record), DPD 336.
 - d. All payments to an informant shall be authorized in writing and in advance of the payment being made. As follows:
 1. Payments of less than five hundred dollars (\$500.00) shall be approved by the Informant Supervisor.
 2. Payments of five hundred dollars (\$500.00) to one thousand hundred dollars (\$1,000.00) shall be approved by Command officers assigned to the investigative unit/bureau tasked with the criminal case filing.
 3. Payments of one thousand dollars (\$1,000.00) or more shall be approved through the chain of command to include the Division Chief of Criminal Investigations.
 4. Provision of housing for a Confidential Informant, whether in private or city-owned facilities, shall be approved through the requesting officer's chain of command through the officers Division Chief and by the Division Chief of Criminal Investigations.
- (5) The Chief of Police shall be immediately notified any time an informant has received twenty thousand dollars (\$20,000.00) or more from the Denver Police Department, as a single payment or cumulatively.
- (6) Officers shall not allow an informant to engage in criminal conduct as compensation for the information they provide.

307.10 Agreements Concerning Criminal or Traffic Cases Against an Informant

- (1) No commitments, promises, or agreements concerning the disposition of a criminal or traffic case including "immunity," dismissal, reduced plea, or consideration for sentence concessions will be made without the prior authorization of the appropriate prosecutor and the Primary Control Officer's commanding officer. Officers shall avoid any language that may be interpreted as an offer such a commitment, promise, or agreement.
- (2) If such authorization is granted, a Defendant Cooperation Agreement, DPD 566, shall be completed.
 - a. The completed Defendant Cooperation Agreement form shall be reviewed and approved by signature of the appropriate prosecutor and the Primary Control Officer's chain of command.
 - b. The Primary Control Officer's supervisor shall hand carry the approved Defendant Cooperation Agreement to the Office of the Division Chief of Criminal Investigations where it shall be retained in the Confidential Informant's permanent file.
 - c. The Defendant Cooperation Agreement form shall not be copied unless ordered by a court of record and approval is obtained from the Chief of Police.
 - d. The Defendant Cooperation Agreement form shall not be included in any criminal case filing.
 - e. The Primary Control Officer's supervisor shall be responsible for monitoring the use of the informant and the application of the agreement.
- (3) Any investigative assistance provided by informants for consideration in pending criminal/traffic cases shall be documented on a Confidential Source Information File (Payment Record), DPD 336A.
- (4) Any officer wishing to request a Personal Recognizance bond for a potential informant shall have a completed Informant Registration Packet approved through the chain of command prior to arranging the Personal Recognizance bond.

307.11 Court Appearances or Other Intervention on Behalf of Informants

- (1) Officers must notify their supervisor, the assigned investigator, and the appropriate prosecutor of their intentions, prior to making an appearance on behalf of an informant in a criminal case or administrative proceeding in accordance with OMS 103.06 and RR-1004. If the assigned investigator is not available, notification shall be made to the assigned investigator's supervisor.
- (2) Officers shall not appear on behalf of an informant in any court or administrative proceeding without the prior written authorization of their commanding officer or unless subpoenaed by a court record. Any officer receiving such a subpoena shall notify their commanding officer of that fact as soon as possible.
- (3) In compliance with RR-312, Officers shall not interfere with cases assigned to other officers.
- (4) Officers shall not attend in an official capacity any legal proceedings on behalf of an informant to whom they are related through blood or marriage, unless ordered to appear by a court of record.

307.12 Case Filings and Disclosure of Informants

- (1) All of the facts related to the actions of the informant must be known by the prosecutor in order to properly evaluate the provability of the case and the likelihood of being able to protect the identity of the informant.
- (2) At the time the case is presented for filing, the prosecutor must be notified if an officer wishes to protect the true identity of an informant in any judicial setting. This disclosure will assist the prosecutor in making filing determinations.
- (3) If an informant participated at any stage in the planning or commission of the crime being charged, thereby becoming a witness to the crime, including, but not limited to, taking defendant to the scene of the crime, acting as a lookout, or driving the getaway car, the officer must notify the District Attorney at the time the case is presented for filing. Prosecuting such a case will likely require disclosure of the informant.

307.13 Information on Violations of Governmental Integrity

- (1) If an informant furnishes information which adversely reflects on the integrity of a City, County, State, or Federal official, officer, or agency, the officer receiving the information shall immediately notify his/her commanding officer who will then notify the Commander of the Internal Affairs Bureau.
- (2) The Commander of the Internal Affairs Bureau shall notify the Chief of Police. The Chief of Police will determine what other government agencies, if any, will be notified.

307.14 Significant Public/Immigration Benefit Parole

- (1) Any member of the Denver Police Department wishing to make a Request for Significant Public Benefit Parole or any other special consideration on immigration matters to Immigration and Customs Enforcement on behalf of an informant shall forward this request through the chain of command to the Division Chief of Criminal Investigations. Under no circumstances will any member submit any request for special consideration on immigration matters for an informant directly to Immigrations and Custom Enforcement.

307.15. Change of Primary Control Officer or Confidential Informant

- (1) If it becomes necessary to change the Primary or Secondary Control officer of any registered informant the following procedures shall be followed:
 - a. The officer wishing to become the new Primary or Secondary Control officer shall be responsible to complete an Inter-Departmental Correspondence, DPD 200, outlining the reason for the change. The DPD 200 shall be signed by the new Primary and/or Secondary Control officer and approved by that officer's chain of command through the Bureau/District Commander. The Primary and/or Secondary Control officer relinquishing control of the informant and that officer's chain of command through the Bureau/District Commander shall also approve the DPD 200. The completed DPD 200 shall be forwarded through the chain of command to the Division Chief of Criminal Investigations for inclusion in the informant's file.
 - b. The registered informant shall complete and sign a new Confidential Informant Liability/Waiver Conduct Agreement, DPD 564, which includes the name of the new Primary Control officer. This form will be forwarded along with the DPD 200 to the Division Chief of Criminal Investigations for inclusion in the informant's file.

