

# HONOLULU POLICE DEPARTMENT

## POLICY LAW ENFORCEMENT OPERATIONS

December 30, 2015

Policy Number 4.64

### DOCUMENTING INFORMANTS

#### POLICY

Controlled informants are documented to ensure that their information-gathering practices and utilization as subagents of the department are consistent with applicable laws, policies, and procedures.

#### PROCEDURE

##### I. DEFINITIONS

Confidential informant: A person known to police who is willing to provide privileged information related to criminal activity, but is generally unwilling to testify in court or be publicly identified.

Controlled informant: A confidential informant who provides useful and credible information to or acts as a willing subagent for police in return for monetary compensation or exceptional handling in a pending criminal action. Controlled informants shall be documented by the appropriate investigative unit.

Exceptional handling of a controlled informant: The consideration of an individual deemed appropriate by the police investigators, police administrators, and the prosecuting attorney for minimizing judicial action in any pending criminal case.

II. PROCEDURES FOR EMPLOYING CONTROLLED INFORMANTS

The following procedures shall be followed before employing any person as a controlled informant.

A. Gather Information

1. Conduct a background investigation of the potential informant, including a criminal history check.
2. Identify any criminal or civil actions against the informant.
3. [REDACTED]
4. Evaluate the credibility of the informant.
5. [REDACTED]

B. Contact the Supervising Lieutenant

When information gathering has been completed, the investigator shall contact the supervising lieutenant to detail the expectations of the informant and the duration of the assignment. The supervising lieutenant shall review the information.

1. If the supervising lieutenant denies the use of the informant, the investigator shall notify the informant that his or her services are not required; or
2. If the supervising lieutenant approves the use of the informant, the lieutenant and the investigator shall meet with the commanding officer of the element.

C. Meet With the Element Commander

The investigator and supervising lieutenant shall meet with the element commander to present the information gathered on the informant. The element commander shall make the final decision whether or not to use the informant.

1. If the element commander denies the use of the informant, the investigator shall notify the informant that his or her services are not required; or
2. If the element commander approves the use of the informant, the investigator shall immediately complete documentation of the controlled informant.

D. Payment Procedure

1. [REDACTED]
2. The investigator shall meet with the supervising lieutenant and submit the justification for payment of services and/or expenses. The justification shall list the detailed expenses of the informant.
3. If the supervising lieutenant approves the investigator's request, payment shall be made.
  - a. [REDACTED]
  - b. [REDACTED]

- 4. [REDACTED]
- 5. [REDACTED]
- 6. [REDACTED]

III. [REDACTED]

- A. [REDACTED]

B. Maintenance of Folders

- 1. The investigator shall complete the forms required to document the informant within 24 hours  
[REDACTED]

a. Right Side of Folder

|          |  |
|----------|--|
| HPD-512  | Confidential Informant Information                     |
| HPD-512A | Confidential Informant Questionnaire                   |
| HPD-512B | Confidential Informant's Special Consent and Signature |
| HPD-512C | Confidential Informant's Case Load                     |
| HPD-512D | Confidential Informant Contact Report                  |
| HPD-512E | Receipt of Money by Confidential Informant             |
| HPD-512F | Exceptional Handling Report                            |
| HPD-512G | Confidential Informant Audit                           |
| HPD-512H | Confidential Informant Termination Debriefing          |

b. Left Side of Folder

[REDACTED]  
[REDACTED]

2. File Numbering

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

IV. EXCEPTIONAL HANDLING OF A CONTROLLED INFORMANT

A. The investigator shall meet with the supervising lieutenant and element commander to present the justification for the exceptional handling of the informant. If the commander approves the investigator's request, the investigator shall be directed to the prosecuting attorney.

B. When meeting with the prosecuting attorney, the investigator shall:

1. [REDACTED]  
[REDACTED]

2. [REDACTED];

3. [REDACTED] [REDACTED]

4. [REDACTED]  
[REDACTED]

C. The investigator shall inform the element commander and supervising lieutenant of the prosecuting attorney's decision.

1. Approval

If the prosecuting attorney approves the request, the investigator shall complete the applicable forms required in the informant file system within 72 hours.

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
  - (1) [REDACTED]
  - (2) [REDACTED]
- d. [REDACTED]
- e. [REDACTED]

2. Denial

If the prosecuting attorney denies the request, the investigator shall notify the supervising lieutenant and the element commander. The investigator shall also notify the informant that his or her services are not needed.

V. AUDIT OF CONTROLLED INFORMANTS

A. The supervising lieutenant shall conduct controlled, informant audits, starting with the most active informant. The audits may be conducted at random but must be held at least once every six months. They may be conducted more frequently, if necessary, and may be conducted in the presence of the investigator if circumstances dictate. The audit shall include (but not be limited to) the following:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]


B. The supervising lieutenant shall submit the audit to the element commander within five working days of the date of the interview.

C. [REDACTED]

VI. DEACTIVATION OR TERMINATION OF AN INFORMANT'S SERVICES

An informant may be deactivated or terminated when it is determined by the investigator, supervising lieutenant, or element commander that the informant's services are no longer needed.

- A. [REDACTED]
- B. The termination shall be submitted to the element commander who shall place it in the folder.
- C. [REDACTED]

  
LOUIS M. KEALOHA  
Chief of Police

Post on bulletin board for one week

Policy first issued as Procedure 9.05 on July 23, 2002