

	<b>STANDARD OPERATING PROCEDURE</b> State Form 39870(R/S-06)	Reference Number <b>INV-0017</b>
	Subject <b>Enforcement Aid Fund/Anti-Drug Abuse Grant Fund</b>	
	Special Instructions Replaces INV-009 dated October 6, 2011	Effective Date <b>March 1, 2015</b>

## **I. PURPOSE**

Establish guidelines for obtaining, using, and accounting for confidential funds used in support of criminal investigations.

## **II. POLICY**

Criminal investigations requiring confidential monetary disbursements may be supported by the Enforcement Aid Fund/Anti-Drug Abuse Grant Fund. Both funds shall be managed by the Special Investigation Command Commander and audited annually. Employees requesting or utilizing the Enforcement Aid Fund/Anti-Drug Abuse (EAF/ADA) Grant Funds shall adhere to the following procedures.

## **III. PROCEDURE**

### Investigative Account Procedures

A. Initial requests for funds must be signed by the Superintendent or designee prior to payment being authorized.

B. The EAF/ADA Grant Fund shall be administered by the Special Investigations Command (SIC) Commander, who shall securely maintain accurate records pertaining to the fund.

C. The Fiscal Section shall coordinate a financial audit of the EAF/ADA Grant Fund with the State Board of Accounts following the end of each fiscal year.

1. A written report documenting the audit results shall be prepared and submitted to the Superintendent through the Assistant Chief of Staff Fiscal. Irregularities shall be noted in the report.

2. After review by the Superintendent, the audit report shall be forwarded to SIC for inclusion in the EAF/ADA Grant Fund files.

D. Prior to submitting a request for EAF/ADA Grant Funds, employees shall make specific inquiries to the Criminal Intelligence Unit (CIU) for additional available information that may relate to an investigation. Some examples of information that can be requested include but are not limited to:

1. Identification and/or analysis of victims, crimes, and/or crime locations.
2. Identification and/or analysis of suspects.
3. Identification of potential sources for establishing contact with criminals or their associates.

4. Identification and/or analysis of a suspect's habits, associates, vehicles, and methods of operation.

E. Department employees requesting EAF/ADA Grant Funds shall do so by completing a Request for Funds Report form (Stock #659-A) and a Request Summary.

1. Both documents shall be typewritten and then attached to one another.

2. The initial Request for Funds Report form shall include the:

- a. Requesting officer's full name, PE number, and district of assignment;
- b. County name(s) and number(s) of the criminal activity; and
- c. Specific anticipated criminal activity, such as dealing in cocaine, dealing in marijuana over ten pounds, etc.

3. The Request Summary shall be a memorandum completed by the requesting officer and shall contain the following information:

a. Criminal violations and suspects;

- (1) List the violations and the name of each county involved, including the county number,
- (2) List each suspect's name, address, date of birth,
- (3) Background checks:
  - (a) Provide the date a CIU check was made on each suspect, and
  - (b) Identify other unique sources to be checked.

(4) And identify specific criminal activity associated with each suspect.

**EXAMPLE:**

John R. Smith	DOB 12/25/50, M/W, 5'8", 235
100 N. Senate Ave.	brown, brown, SSN 123-45-6789
Indianapolis, IN 46204	

NOTE: Suspect is involved in sale of marijuana and cocaine in the Marion County (49) area. CI 1234 shall be utilized.

NOTE: Amended/additional request summaries should also include aforementioned information.

b. Resources required;

(1) Manpower,

- (a) List all confidential informants who will be involved (by CI number only); and
- (b) List all persons who will be involved in the investigation, including other agencies.

(2) Money,

- (a) List the amount of Indiana State Police funds requested, and
- (b) List the amount of funds requested from other sources.

(3) Equipment,

- (a) List all vehicles involved, and
- (b) List all other equipment needed to conduct the investigation.

(4) Timeframe,

- (a) List the date the investigation is expected to start, and
- (b) List the date the investigation is expected to end.

c. List problem areas that may be encountered, e.g.;

- (1) Informant problems,
- (2) Resource needs,
- (3) Legal/prosecutor/jurisdiction, and
- (4) Other foreseeable concerns.

d. Write a narrative summary of the investigation plan. Include all known previous drug buys from the suspects, recommendations for resolving identified problems, and a synopsis of intended surveillance and arrest procedures.

4. Amended and additional Request Summaries should include all of the above and must be related to the original Request Summary.

F. Once completed both the Request for Funds Report form and the Request Summary form shall be forwarded together to the requesting employee's commanding officer.

1. The commanding officer shall approve or deny the request.

a. If denied, both documents shall be returned to the requesting employee. The commanding officer shall forward a copy of the Request Summary to CIS for inclusion into the section's confidential files.

b. If approved, the commander of the requesting employee shall forward both documents to the SIC Commander. An appropriate endorsement shall be placed on the Request Summary and the Request for Funds Report form shall be signed and dated in the "Endorsement-Authorized Commanding Officer" space.

2. The SIC Commander shall approve or deny the request.

a. If denied, both the completed Request for Funds Report form and Request Summary form shall be returned to the requesting employee's commanding officer who shall return them to the requesting employee. A copy of the Request Summary shall be sent to CIU for inclusion into the section's confidential files.

b. If approved, the completed Request for Funds Report form and Request Summary shall be forwarded to the Superintendent or designee for a signature. If the Request for Funds Report form and Request Summary is signed by the designee, the designee shall sign the designee's own name.

3. When determining approval, the commanding officer and SIC Commander shall evaluate the accuracy, credibility, and completeness of the initial information available and the current importance of the investigation. The evaluation shall be based upon the scope and nature of the investigation; the existence of valid criminal intelligence available to initiate the investigation; the method of the investigation; such as surveillance, undercover, or sting; and the resources available to successfully complete the investigation.

G. After the completed Request for Funds Report form and Request Summary has been signed by the Superintendent or a designee, it shall be returned to the SIC disbursing officer. The disbursing officer shall:

1. Draw from the EAF/ADA Grant Fund a control number that shall be placed on the Request for Funds Report form;

2. File copies in numerical order by the EAF/ADA Grant Fund control number;

3. Return a copy along with a check to the requesting officer;

4. Record the following information in the EAF/ADA Grant Fund ledger book and the checkbook register:

a. Date the check is written,

b. Check number,

c. EAF/ADA Grant Fund control number,

d. Amount of the check, and

e. Name of the payee.

5. Issue the check made payable to the employee making the request for funds. That employee shall be the only person authorized to endorse the check. Unused checks shall be returned to the disbursing officer, unendorsed, with an explanation memorandum.

H. Department employees shall report all expenditures on Request for Funds Supplement form (Form 659-A). The supplement and all attachments shall be submitted to the immediate supervisor on the first of each month. The reports, after the commander's review, shall be forwarded to SIC by the tenth of the month. If there are no expenditures, the supplement shall be submitted stating "No expenditures this time period."

All supplements shall contain the following information:

- a. EAF/ADA Grant Fund control number,
- b. Name and PE number of submitting employee,
- c. Date the supplement was prepared,
- d. Date of each expenditure,
- e. Amount of each expenditure,
- f. Case number, lab number, and/or Intelligence Report reference pertaining to each expenditure, if applicable, and
- g. Detailed EAF Expenditure Report to include, if applicable:

(1) The confidential informant number (if money was paid to a CI).

NOTE: Do not list the name of the CI. List the date and amount of money paid each day. Each payment is limited to a maximum of five days (\$50.00 per day x 5 days).

(2) A receipt number from the Investigation Receipt form (Stock #659-B).

NOTE: If money was paid, list the date and amount paid for each day.

(3) A description of items purchased along with Property Record and Receipt (PRR) form (State Form # 23964) number; amount spent on each; and approximate amount and county where the items were purchased.

(a) When describing amounts of drugs purchased, the following weight and measurement terms shall be used:

NOTE: Do not refer to purchases in street terms.

- 1) Grams: For cocaine, methamphetamine and any other powdered substance.
- 2) Ounces: For marijuana and marijuana related substances.
- 3) Dosage units: For LSD and any other pills or capsules.
- 4) Fluid ounces: For any liquid purchases.

(b) Firearms purchases shall be listed as follows:

- 1) Handgun (automatic, semi-automatic, revolver);
- 2) Rifle (automatic or semi-automatic);
- 3) Shotgun (automatic, pump action, double barrel, etc.);
- 4) Location where evidence is being held;
- 5) Name and/or description of defendants; and
- 6) Receipt number of the certified mail receipt or attached photocopy of the receipt (when evidence is mailed to the laboratory).

I. The final supplement, attachments, and all unspent funds shall be submitted, by the original requesting employee, to the SIC Commander within 90 calendar days from the date the check was issued.

NOTE: Extensions may be granted by the SIC Commander, upon written request

J. The final Request for Funds Supplement shall have a summary listing the total:

1. Number of defendants (listed by name);
2. Number of charges filed, charges pending, and/or warrants issued;
3. Money spent on evidence (as detailed in supplementary and case reports);
4. Money paid to each CI (listed by confidential informant number); and
5. Other expenses not listed above.

K. All funds returned to the EAF/ADA Grant Fund shall be made by check or money order. The expense for the money order shall be listed as an expenditure on the supplement.

L. All supplements shall be reviewed for accuracy and completeness by the employee's commanding officer prior to being forwarded to the SIC Commander.

1. A copy of the supplement shall be retained by the preparing officer.
2. Once the supplement and attachments reach the SIC, they shall be reviewed by the SIC Commander and, if acceptable, a copy shall be filed with the original Request for Funds Report paperwork.

#### **IV. GENERAL GUIDELINES**

A. Money drawn from the EAF/ADA Grant Fund may be spent on the following items:

1. Controlled substances:
  - a. The maximum allowable purchase amount for a trooper or detective is \$1,000.00.
  - b. Purchases of \$1,001.00 up to \$1,750.00 shall require the approval of a first or second line supervisor from the Drug Enforcement Section (D.E.S.).
  - c. Purchases of \$1,751.00 to \$2,500.00 shall require the approval of the D.E.S. Section Commander.
2. The fronting of money to suspects in advance of receiving the controlled substance should be avoided and shall only occur in those cases where it is absolutely necessary to facilitate the purchase or further the investigation.
3. Evidence other than drugs: \$700.00 maximum limit.

NOTE: Any exception to the maximum purchase limit must have prior approval from the SIC Commander.

a. Confidential informants shall be documented in the manner prescribed by SOP INV-011. Confidential informants shall not be paid money until documentation has been reviewed and approved by the CID Commander or authorized designee.

b. Maximum Payment Amounts to a Confidential Informant:

Note: The amounts listed below (1-3) shall not be exceeded without the approval of the SIC Commander.

(1) Money paid to a Class 3 informant shall not exceed \$50.00 per day.

(2) Total payments made to a Class 2A informant shall be made only with prior approval of the appropriate area commander or Drug Enforcement Section Commander. Payments shall be paid according to the following schedule and shall not exceed the listed maximum limit amounts.

(a) Up to \$50.00 – Information leading to the seizure of drugs.

(b) Up to \$75.00 – Arrest and a misdemeanor seizure of drugs.

(c) Up to \$150.00 – Arrest and a felony seizure of drugs.

(d) Up to \$200.00 – Arrest and a felony seizure of drugs and property.

(e) Up to \$200.00 – Seizure of property or cash valued in excess of \$1,000.

(3) Total payments to a Class 2A informant for any one investigation shall not exceed \$200.00 without prior approval of the SIC Commander.

c. Payment to a Class 2A informant is only authorized when the informant:

(a) Being paid is not a convicted felon;

(b) Was not involved in any criminal activity in which the informant is a suspect or is likely to be arrested;

(c) Was documented as a Class 2A Informant only for the purposes of developing information concerning criminal acts that the informant has not been or is not a part; and

(d) Information was the primary cause of the arrest/seizure.

d. Payment to an informant is never to be considered as a reward.

e. Confidential informants shall not be paid, in advance, for per diem or intelligence.

f. Food and drinks shall not be purchased for confidential informants when they are being paid per diem.

g. A confidential informant, whose motivation is leniency for a past criminal conviction or act, shall be paid per diem only with prior written approval of the reporting officer's commander. Exceptions may include reimbursement of the confidential informant's out-of-pocket expenses.

h. Criminal intelligence shall be submitted on an Intelligence Report (Stock #652). An Enforcement Aid Fund/Anti-Drug Abuse Grant Fund control number shall be listed on the report for each expenditure. Intelligence payments shall not exceed \$50.00 per day.

4. Limited expenditures may include, but are not limited to:

a. Expense for mailing evidence to the laboratory;

b. Cover charges and admission fees (when they are required for the criminal investigation).

c. Limited amounts of food and drink (may be bought by an investigator working an approved undercover assignment) when the purchase is necessary to further the investigation.

NOTE: The expenditure must be absolutely necessary to maintain cover and shall be explained on each entry of the supplement.

d. Token Gambling (both lawful and unlawful) ((which may include; pull tabs, punch boards, slot machines, poker machines, pool games, and pinball games, etc.).

(1) Limited expenditures for lawful gambling at riverboat casinos must be absolutely necessary to maintain cover and have prior approval by the immediate supervisor.

(2) Any proceeds from lawful and unlawful gambling shall be returned to the Enforcement Aid Fund and be explained on the Request for Funds supplement.

NOTE: All token gambling activity shall be reported on the Criminal Incident Report or a separate Criminal Activity Report form.

5. Relocation expenses for confidential informant may be paid only with the prior written approval by the SIC Commander.

6. All expenditures for the purchase of general merchandise to be used to trade for drugs in lieu of U.S. currency shall have prior written approval by the SIC Commander.

7. All other expenditures for purchase of services require prior written approval by the SIC Commander. A copy of the written approval shall be attached to the Request for Funds Supplement.

B. Money drawn from the EAF/ADA Grant Fund shall not be spent for any purpose other than that for which it was requested unless granted by prior written approval from the SIC Commander.

1. Exceptions may be made in emergency situations with the prior verbal or written approval of the immediate supervisor. The employee shall list the PE number of the approving authority on the Request for Funds supplement.

2. The amount of the emergency expenditure shall be within the limits outlined in this procedure.

C. The case officer shall be responsible to maintain control and possession of all controlled substances being utilized during a reverse sting operation. The case officer shall ensure that a supervisor has approved the operational plan and is present during the actual delivery.

D. The case officer shall be responsible to maintain control and/or possession of a Department “flash roll” being utilized in an undercover operation. The case officer shall ensure that a supervisor has approved the operational plan and is present during the actual delivery.

E. The officer who originally requested the EAF/ADA Grant Funds may receipt money to other Department employees.

F. Employees may not receipt the funds to anyone other than back to the original requesting officer.

G. A witness is not required when money is receipted from one Department employee to another Department employee. The employee receiving these funds shall submit a supplement listing the details of the receipt and the expenditure of the funds.

H. EAF/ADA Grant Funds shall not be receipted to employees of another agency without prior written approval from the SIC Commander.

I. Employees conducting Investigations and requesting to utilize funds from a source other than the EAF/ADA Grant Fund shall complete a Request for Funds Report and a Request Summary. Each request shall be individually identified by substituting the ST account number, normally used for EAF disbursements, with an ORI number and a suffix that will uniquely identify the funding agency and the number of occasions funds were appropriated.

1. The requests must be completed and approved prior to each appropriation. A master log of the ORI numbers issued shall be maintained by the SIC disbursing officer. Employees drawing funds from a source other than EAF/ADA Grant Funds shall contact the SIC disbursing officer for ORI number assignment.

NOTE: All supplemental reports must be completed and associated with the corresponding ORI number issued until the funds are either exhausted or returned to the funding agency.

2. In the event that the officer receives additional monies from the same source for the same investigation or a new investigation, the officer must repeat the preceding procedure detailed in Section I.

3. Employees utilizing funds from another agency shall report them in the same manner as Department EAF/ADA Grant Fund monies. The amount of expenditures shall be within the limits outlined in this procedure. Exceptions shall require prior written approval from the providing source and the SIC Commander.

4. Section I does not apply when Department employees are merely assisting another agency with an immediate undercover buy that is witnessed by a member of that agency.

J. Employees utilizing EAF/ADA Grant Funds may be directed by the SIC Commander, with the approval of the Superintendent, to submit to a polygraph examination regarding the use of those funds.

K. Employees utilizing the EAF/ADA Grant Fund may be required to reimburse the Department for unauthorized expenditures.

L. The SIC Commander may require that funds be returned to the EAF/ADA Grant Fund disbursing officer at any time for accounting or auditing purposes.

M. This procedure is to be used in conjunction with all relevant Department regulations rules, policies, and procedures.