

APRIL 2010 CROW TRIBAL LEGISLATURE

JOINT ACTION RESOLUTION NO. JAR10-04

INTRODUCED BY CEDRIC BLACK EAGLE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH

JOINT ACTION RESOLUTION OF THE CROW TRIBAL EXECUTIVE BRANCH AND
CROW TRIBAL LEGISLATIVE BRANCH ENTITLED:

**“APPROVAL OF STANDARD OPERATING PROCEDURES FOR THE CROW TRIBE
DRUG TASK FORCE”**

WHEREAS, CLB 09-09, “An Act to Establish A Crow Tribe Drug Task Force”, was duly enacted after passage by the Crow Legislative Branch and signature by Chairman Cedric Black Eagle; and

WHEREAS, CLB 09-09 requires that the Crow Tribal Legislature review and approve policies and procedures for the Crow Tribe Drug Task Force before enforcing Crow Tribal laws pursuant to its statutorily granted authority; and

WHEREAS, the Judiciary Committee of the Crow Legislative Branch has reviewed policies submitted by the Director of Public Safety for the Crow Tribe to govern the conduct, policies, and procedures of the Crow Tribe Drug Task Force; and

WHEREAS, the Judiciary Committee of the Crow Legislative Branch is satisfied with the draft policies and procedures presented by the Director of Public Safety for the Crow Tribe to govern the newly formed Crow Tribe Drug Task Force;

NOW THEREFORE BE IT RESOLVED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES that the attached policies and procedures for the Crow Tribe Drug Task Force are approved as required by Crow Tribal Law and that the conduct of Crow Tribe Drug Task Force Members shall be governed by these policies and procedures.

CERTIFICATION

I hereby certify that this Joint Action Resolution was duly approved by the Crow Tribal Legislature with a vote of 16 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 19th day of April, 2010.

Pat Aiden
Speaker Pro-Tem
Legislative Branch, Crow Tribe

Attest:

[Signature]
Secretary Pro-Tem
Legislative Branch, Crow Tribe



EXECUTIVE ACTION

I hereby X (approve), _____ (veto) this Joint Action Resolution pursuant to the Authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians.

Dated this 1st day of June, 2010.

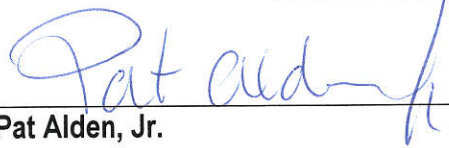
Cedric Black Eagle
Cedric Black Eagle, Chairman
Executive Branch, Crow Tribe


Bill or Resolution: JAR10-04 Introduced by: Executive Branch Date of Vote: April 19, 2010
 Number

<u>Representative:</u>	Yes	No	Abstained
H. Two Leggins	<u> X </u>	<u> </u>	<u> </u>
V. Pretty Paint	<u> X </u>	<u> </u>	<u> </u>
C. J. Stewart	<u> X </u>	<u> </u>	<u> </u>
K. Shane	<u> X </u>	<u> </u>	<u> </u>
S. Backbone	<u> X </u>	<u> </u>	<u> </u>
O. Half, Jr.	<u> X </u>	<u> </u>	<u> </u>
W. Plainfeather	<u> X </u>	<u> </u>	<u> </u>
R. Old Crow, Sr.	<u> X </u>	<u> </u>	<u> </u>
M. Not Afraid	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> X </u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u> X </u>	<u> </u>	<u> </u>
M. Backbone	<u> X </u>	<u> </u>	<u> </u>
D. Wilson	<u> </u>	<u> </u>	<u> </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u> X </u>	<u> </u>	<u> </u>
M. Covers Up, Sr. <i>Speaker of the House</i>	<u> </u>	<u> </u>	<u> </u>
Totals:	<u> 16 </u>	<u> 0 </u>	<u> 0 </u>

Result of Vote:

Passed **Not Passed** **Tabled** **Veto-Override**


 Pat Alden, Jr. _____ Date
 Speaker Pro-Tem


 H. Noel Two Leggins _____ Date
 Secretary Pro-Tem

APSAALOOKE NATION DRUG ENFORCEMENT
DIVISION POLICY AND PROCEDURE MANUAL

SEPTEMBER 2009

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Mission Statement

The Apsaalooke Nation Drug Enforcement Division is committed to the suppression and interdiction of illegal drugs and narcotics. The Drug Enforcement Division, through the combined efforts of local, state and federal agencies, will actively pursue those groups or individuals, who manufacture, smuggle, distribute or sell illegal drugs within the exterior boundaries of the Apsaalooke Nation. It is the goal of the Apsaalooke Nation Drug Enforcement Division to do its part in making the Apsaalooke Nation and Big Horn County drug-free communities.

PREFACE

This manual shall be approved by the Director of Public Safety and will govern the conduct of the Apsaalooke Nation Drug Enforcement Division and all personnel assigned to it.

Investigators encountering situations not addressed in this manual shall follow their agency's procedural manual, if applicable; if not, the Director of Public Safety will resolve the matter. Personnel employed by the Apsaalooke Nation Drug Enforcement Division shall adhere to the policy manual.

Investigators assigned shall remain subject to the disciplinary procedures of the Apsaalooke Nation Drug Enforcement Division.

The policies and procedures in this manual are guidelines to the Apsaalooke Nation Drug Enforcement Division. It is understood that narcotics enforcement is one of the most challenging and ever changing arenas in which a police officer can operate. In all cases investigators shall operate within the bounds of the law and use common sense.

CHAPTER ONE

INTRODUCTION

This manual establishes the basic policies and regulations, which will govern the Apsaalooke Nation Drug Enforcement Division. It is intended to provide the Chairman of the Apsaalooke Nation, Director of Public Safety, Lead Investigator and other personnel with standardized operating procedures. Revisions and supplements will be issued as necessary.

Additional policies and/or amendments to this Joint Action Resolution may be developed by the Director of Public Safety, as necessary and reported to the Chairman of the Crow Tribe and Legal Department for review and pending final approval by the legislative branch of the Crow Tribe.

Supplemental policy will be implemented as division orders to take effect on the date specified in the order. All active division orders will be reviewed by the Director of Public Safety as needed. If an order supersedes a prior order or a provision of the manual, it will be incorporated into this manual as a manual revision.

All policy wording will be defined according to the context of Criminal Justice Law Enforcement definitions.

All approved forms shall be used by members of the Apsaalooke Nation Drug Enforcement Division for the purposes of uniformity, unless otherwise approved in writing by the Director of Public Safety.

CHAPTER 2

ASSIGNMENT OF MANUAL

Each member of the Apsaalooke Nation Drug Enforcement Division will be provided with a copy of the division manual.

Personnel assigned to the Apsaalooke Nation Drug Enforcement Division will be provided with an electronic copy of the manual and be required to read, understand and comply with the policies and procedures as set forth in the manual.

The Director of Public Safety, the Drug Enforcement Division Lead Investigator and the Administrative Support Specialist will also have hard copies of the Manual available for reviewing.

CHAPTER 3

MANUAL COORDINATOR

The Drug Enforcement Division Lead Investigator is the manual coordinator and is responsible for maintaining the division manual.

The Drug Enforcement Division Manual will be reviewed and updated yearly or as needed.

CHAPTER 4

SUPERVISION OF THE DRUG ENFORCEMENT DIVISION

Overall supervision of the unit's operations, including the setting of investigative priorities and general operating procedures, will be vested in the Director of Public Safety.

The powers and duties of the Director of Public Safety shall include:

- Administering the affairs of the Apsaalooke Nation Drug Enforcement Division as the chief administrative officer.
- Selecting a Drug Enforcement Division Lead Investigator.
- Approving the acceptance of persons recommended for assignment to the Apsaalooke Nation Drug Enforcement Division, recommending discipline, discharge, suspension, or transfer of the Apsaalooke Nation Drug Enforcement Division members assigned.
- Working with the Drug Enforcement Division Lead Investigator in the preparation and upkeep of division policy and procedure documents.

The Director of Public Safety will be the Financial Coordinator for the Apsaalooke Nation Drug Enforcement Division who would be responsible for:

- Reviewing Grants and returning said grants in a timely fashion with the assistance of the Administrative Support Specialist;
- Overseeing finances of the Apsaalooke Nation Drug Enforcement Division with the Drug Enforcement Division Lead Investigator and the Administrative Support Specialist.
- Assisting the Drug Enforcement Division Lead Investigator in liaison with the Director of Public Safety and reporting directly to the Chairman of the Apsaalooke Nation.

CHAPTER 5

LEAD INVESTIGATOR

Under the direction of the Director of Public Safety the Drug Enforcement Division Lead Investigator will:

- Direct the day-to-day activities of the Apsaalooke Nation Drug Enforcement Division, including:
- Assignment of investigations and other tasks.
- Scheduling of personnel
- Review and approval of investigative reports. All intelligence information and incident reports are to be reviewed by the Lead Investigator.

Supervision of personnel, to include those assigned on temporary basis from other jurisdictions and agencies.

Coordination and assignment of personnel to appropriate training. The Lead Investigator is responsible for the training of new Investigators and continuing training of existing Investigators.

Review Investigators' time sheet and Undercover Fund Activity Reports on a weekly basis.

Approve all leave requests for division members.

Be responsible for maintenance and upkeep of division property and equipment, including the unit's office premises.

Prepare bi-weekly activity reports for the Director of Public Safety, for review by the Chairman of the Apsaalooke Nation and the Chairman of the Judicial Committee, upon request.

Maintain up-to-date policy and procedure manuals for the Apsaalooke Nation Drug Enforcement Division operations

Maintain regular contact with the Director of Public Safety

Maintain regular contact with prosecutors

CHAPTER 6

ADMINISTRATIVE SUPPORT SPECIALIST

The division Administrative Support Specialist shall be subject to a thorough background investigation.

The division Administrative Support Specialist shall be assigned working hours, which will be consistent with the need for clerical services.

The division Administrative Support Specialist shall work under the immediate supervision of the Director of Public Safety and Lead Investigator.

The division Administrative Support Specialist shall be responsible for the preparation and maintenance of record and files. The division Administrative Support Specialist will assist in the preparation and maintenance of accounting records, case reports, statistical data retrieval and compilations, and will be responsible for the operation and maintenance of office machines.

CHAPTER 7

OFFICE PROCEDURE

The Office will be kept neat and portray a professional appearance.

The investigators and Administrative Support Specialist shall be responsible for the security of all investigative, intelligence, or evidentiary material contained within the office. Such material shall not be left out or unsecured in the Investigator's absence.

The last Investigator, or Administrative Support Specialist, to leave the office will ensure that all materials as previously described are secured. They will also ensure that all equipment not being used, to include heaters, fans and/or lights are shut off.

The last Investigator, or Administrative Support Specialist, to leave the office will ensure that all doors and windows are secured and locked. They will also ensure that all alarms are set and any access gates are locked.

Evidentiary material will be secured until such time as it can be transferred to the Evidence locker at the BIA/Crow Police Department.

CHAPTER 8

CODE OF CONDUCT

The success of the Apsaalooke Nation Drug Enforcement Division will be greatly influenced by the conduct, character, and demeanor of each division member. Personnel will adhere to the policies established in this manual.

In order to ensure conduct, which is appropriate to the goals and mission of the division, the following guidelines will be followed:

Investigator's appearing in court shall be punctual and shall appear in appropriate dress clothing, or as directed by the attorney prosecuting the case. Conduct in court matters shall always be of the highest standard of professionalism.

Investigator's meeting with prosecuting attorneys for the purpose of interviews with defense attorneys shall appear in appropriate dress clothing. Conduct in these meeting shall always be of the highest standard of professionalism.

Investigator's, including the Administrative Support Specialist and the Director of Public Safety, shall treat the official business of the Drug Enforcement Division as confidential, and shall not impart its business to anyone not having a need or right to know.

Investigator's shall not socialize with, or receive gifts or trade from, any criminal informant, criminal suspect, or other person known to be of ill repute. It is necessary that division members interact with these persons on a frequent basis, and all such interaction shall be carried out strictly at a professional level.

The use of drugs is strictly forbidden by all division members unless taken under the direction of a physician or in a life-threatening situation. The simulation of use of illegal drugs is a violation of division policies and procedures and will be strictly forbidden.

The division's effectiveness is dependent upon each member's willingness to conform to the goals, objectives, and procedures.

The provisions of this chapter shall not apply while the investigator is in an undercover and/or cultural capacity.

CHAPTER 9

APPEARANCE / DRESS

Investigators may look and dress as appropriate to the division goals and mission; however, each Investigator is expected to maintain a neat appearance when not immediately involved in a role-playing capacity.

Investigators shall have available to them, on short notice, a change of clothes appropriate for court, business meetings, or any other assignment for which his present dress is inappropriate.

The Administrative Support Specialist shall dress in a professional manner appropriate for meeting the public.

CHAPTER 10

INVESTIGATIVE PROCEDURES

No informant shall make a previously planned contact with a suspect in an undercover and/or buy capacity without the cover of at least two investigators.

When a drug purchase is made from a suspect, conversation should bring out the suspect's knowledge and intent, when possible. The Investigators shall make every effort to make two or more purchases on separate days. The conversation showing intent, coupled with multiple buys, will greatly assist the prosecutor's office in its preparation of the case and will be submitted in a written report to the Lead Investigator within 24 hours unless otherwise approved by the Lead Investigator. Arrest reports will be finished and turned into the Administrative Support Specialist before going off shift.

An Investigator will be assigned as case officer in every investigation. The Lead Investigator shall designate an investigator to be case officer for each case.

Investigations out of the jurisdiction of the Apsaalooke Nation Drug Enforcement Division require notification to the agencies having jurisdiction. Investigators will request the participation of the agency having jurisdiction.

Non-participating agencies shall be given prior notice of any Apsaalooke Nation Drug Enforcement Division operation taking place within their jurisdiction.

Every attempt will be made to positively identify each suspect prior to:

Meeting with suspect(s) in an undercover capacity.

Making a purchase in an undercover capacity.

Arresting any suspect(s).

Conducting a search of any premises named in a search warrant.

CHAPTER 11

ARREST AND RAID PROCEDURE

No Investigator shall affect an arrest of a suspect alone, except in emergency circumstances where an arrest must be made for the protection of persons or property. In such circumstances, an investigator shall use sound judgement.

All buy-busts or search warrants shall be accomplished with the use of a **Operations Plan**. This operational format will be referred to as a “**Ops Plan**.” All efforts will be made to gather the necessary information to complete a **Operations Plan** in full. This plan shall, at a minimum, contain the following information:

Identity and photographs of the informant, if applicable.

Identity of suspects, co-conspirators and associates, uncovered during the investigation, who may be encountered during the execution of the Ops Plan. Photographs should be made available if possible.

Identity of suspect vehicles, co-conspirator vehicles and associate vehicles, uncovered during the investigation, which may be encountered during the execution of the Ops Plan. Photographs should be made available if possible.

The suspect, co-conspirators and associates potential for violence and/or access to weapons.

Any dangers that may be at the location to be searched

Any arrest or duress signals in the form of verbal or visual communications by law enforcement.

Location of the nearest medical assistance.

A contingency plan.

A Safety briefing shall precede all buy-busts or search warrants. The information in the operational briefing will be written or typed using the “Ops Plan” outline. Included in the raid plan outline will be the assignment of assisting personnel to specific duties upon the execution of the raid plan. During the operational briefing all participants will be introduced to one another. A copy of the Operations Plan will be placed in the case file upon completion of the plan. ALL PARTICIPATING PERSONNEL WILL ATTEND THE SAFETY BRIEFING.

The Lead Investigator will determine if an Emergency Response Team or SRT will be used to conduct the raid if circumstances indicated the probability of dangerous person(s)

or a biological hazard exists. If a biological hazard is found, the investigators will coordinate with the Crow Tribal Department of Emergency Services.

It is mandatory that the Prosecutor and the jail be notified when a large number of arrests are anticipated.

Warrants

It is division policy that arrest(s) and search warrant(s) will be served at a location by a minimum of two division Investigators accompanied by uniformed officer(s) from the agency of jurisdiction. Exceptions to this procedure will require prior authorization by the Director of Public Safety

Investigators or other plain-clothes officers shall wear a shirt, jacket or coat, and badge, worn in plain view, which clearly represent them as members of the Apsaalooke Nation Drug Enforcement Division Investigator when serving arrest and/or search warrants. A cap with appropriate identification is also recommended. Exceptions to this procedure must receive prior approval from the Director of Public Safety. In all cases, the question of officer safety will be the prevailing issue, in conjunction with the mission and goals of the division.

The investigators will have identification identifying them as law enforcement officers.

Protective body armor shall be assigned to each Investigator and shall be worn beneath the arrest/raid shirt, jacket or vest.

When possible a prosecutor will review the affidavit.

When a search is conducted, the Lead Investigator, or Case Investigator will direct the activities of team members insofar as assigning search assignments, evidence finders and custodians, prisoner custody, etc. Some of these duties should be addressed and assigned in the safety briefing, prior to the execution of the warrant.

When practical, all searches should be followed up with a second search by a second Investigator.

All investigators will be equipped with the following equipment during any "raid-like" situation. Use of personal equipment will be approved by the Lead Investigator prior to use:

Raid shirt, jacket or vest identifying the Investigator as a law enforcement officer.

Body armor worn underneath the raid shirt, jacket or vest.

Duty weapon; should be weapon that the investigator is most familiar and proficient with.

Extra ammunition; As a general rule, a minimum of two reloads of ammunition should be available to the Investigator

Handcuffs.

Flashlight.

Available communication equipment.

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CHAPTER 12

FIREARMS

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TACTICAL TRAINING

Division personnel will adhere to the firearms policy and the use of deadly force as set forth by the Bureau of Indian Affairs Office of Justice Services handbook.

Each Investigator will maintain a weapon with which he/she is competent and which is approved for use by both the Director of Public Safety and the Lead Investigator. Each Investigator is required to qualify with the weapon(s) that have been authorized for use. Each Investigator shall be familiar with the operation of firearms used by other Drug Enforcement Division members.

Personnel will qualify with their weapons as scheduled through the department of public safety, semi-annually.

Any Investigator who discharges his/her weapon while on duty, whether intentional or by accident, will report same to the Lead Investigator immediately and shall file a written report of the incident as soon as possible and report it to the Director of Public Safety. The investigator will submit to a drug screen at the I.H.S. Emergency Room as soon as possible. Range practice and firearm qualifications do not apply.

Firearms discharges, except for training purposes will be investigated by the department of public safety and federal bureau of investigation.

All personnel assigned to the Drug Enforcement Division will attend Tactical Training scheduled by the Lead Investigator on a quarterly basis. This may be included with the firearm training. This training will include, raid, arrest and critical incident situations.

CHAPTER 13

INTELLIGENCE FILES

General

Intelligence files shall be maintained for the duration of the Drug Enforcement Division. When the Drug Enforcement Division is disbanded, participating agencies will be provided the criminal information pertaining to their area of jurisdiction upon a request.

Material stored in the narcotics intelligence file should be restricted to documents of criminal intelligence. Examples of excluded material are religious, political, or sexual information which does not relate to criminal conduct and associations with individuals which may not be of a criminal nature.

File Description

The Lead Investigator or designee shall be the Intelligence Coordinator/Analyst and is responsible for the maintaining and securing the intelligence files. Intelligence files consist of, but are not limited to:

Files on businesses, corporations, locations, and/or persons involved in narcotics criminal activity.

Cross-index files pertaining to various vehicles used in narcotics transportation (marine, air, and land).

Intelligence File Defined

Individuals suspected of:

Being involved in the planning, organizing, financing, or commission of drug-related crimes or having threatened, attempted, planned or performed those crimes.

Having an established association with known or suspected traffickers.

Organizations and businesses suspected of:

Being operated, controlled, financed, infiltrated, or illegally used by crime figures.

Accuracy of Narcotics Intelligence Files

To ensure that accurate data is maintained within the narcotics files, the following procedures shall be strictly adhered to:

Before the date is entered into the file, the Intelligence Coordinator/Analyst shall check it for accuracy. In addition to the file criteria, the following shall be taken into consideration:

The source of information.

Date

Evaluation of validity and/or reliability of the information.

Consistency of data contained within the file or card

The information shall be placed in a file as warranted by the file criteria.

Information stored in any intelligence file that is discovered to be inaccurate shall be updated or destroyed by the Intelligence Coordinator/Analyst.

If destruction is necessary, the Intelligence Coordinator/Analyst shall make that recommendation to the Director of Public Safety as outlined in Method of Destruction.

Final destruction shall meet prior approval of the Director of Public Safety.

File Criteria

Information, which relates that an individual, organization, business, location, or group has been involved, is involved, or suspected of being involved in drug trafficking.

In addition to falling within the confines of narcotics activities, the vehicle and/or subject to be entered into the permanent file should be identifiable-distinguished by a unique identifying characteristic (e.g., date of birth, criminal identification number, driver's license number). Identification at the time of file input is necessary so to distinguish the subject from any similars in the file or any others that may be entered at a later time.

Computerized Narcotics Intelligence Files, Computerized Purging

Intelligence Coordinator/Analyst will check to see if intelligence to be purged has no nexus to other intelligence file within the system. If a nexus exists, the intelligence file to be purged will be integrated into the file with the nexus.

The Director of Public Safety concurrence shall be obtained prior to purging any file and shall complete the purging.

Material considered of extreme importance shall be referred to the tribal prosecutor for possible criminal charges.

Method of Destruction

All source document intelligence copy files approved for destruction by the Directory of Public shall be destroyed by shredding.

Intelligence Files Purging Procedures

Any file in which subject, business, location, etc. is not fully identified shall be purged in six (6) months; unless said file has been updated or activated to an active enforcement case. (Each update begins another six (6) month period.)

Any file in which a subject, business, etc. is fully identified shall be purged in one (1) year; unless said file has been updated or activated into an enforcement case. (Each update begins another year.)

Any criminal intelligence material incorporated into an enforcement file shall be purged from the criminal intelligence file.

CHAPTER 14

INFORMANT MANAGEMENT PROCEDURE

Introduction

The purchase of drugs, property, information and the employment of operators are essential elements on the function of the Apsaalooke Nation Drug Enforcement Division. The utilization of informants to accomplish division goals is essential. Informants will be utilized only to the extent that their assistance is necessary to accomplish division goals.

Definitions

Confidential Informants: A confidential informant is a person who provides information and/or services to members of the Drug Enforcement Division with or without expectation of compensation in the form of money, or other considerations made under the direction of the Drug Enforcement Division, the tribal prosecutor's office, or any other branch of the criminal justice system and remains confidential.

Informant: An informant is a person who voluntarily assists the task force or is compensated for information and services, cases worked and is willing to testify.

Defendant Informant: As above, but subject to arrest and prosecution for a tribal, state or federal offense; or a defendant in a pending tribal, federal or state case who expects compensation for assistance in either the form of judicial or prosecutive consideration.

Source of Information: A person or organization, not under the direction of a specific Investigator, who provides information without becoming a part to the investigation itself (i.e., a business firm furnishing information from its records; an employee of an organization who, through routine activities, obtains information of value to the Drug Enforcement Division; or a concerned citizen who witnesses an event of interest to the Drug Enforcement Division). The title "informant" does not apply to a "source of information", unless the source seeks financial compensation or becomes a continuing active part of the investigative process.

Informant Criteria

There are four criteria that must be met to establish a person as a Drug Enforcement Division Informant:

- 1) The person is in a position to measurably assist the Drug Enforcement Division in a present or future investigation.
- 2) The person shall not compromise Drug Enforcement Division interests and activities.

- 3) The person shall accept the measure of direction necessary for effective utilization of their services.
- 4) Approval of the Lead Investigator: To obtain approval, the requesting Investigator will submit the following items together as one packet. These forms will be completed to the fullest as possible. This will be referred to as an "Informant Packet."

Informant Contract Agreement: Each rule of conduct is to be initialed by the potential informant. The form is to be signed by the potential informant, Investigator and Lead Investigator.

Personal History/Data Sheet: To be completed in full. A photograph of the potential informant is to be affixed to this sheet. Any pending criminal cases are to be noted on this form. The prosecutor's approval will be sought prior to utilizing a potential informant who has pending criminal charges. The approving prosecutor's name will be listed on the form.

Photograph: To be taken and affixed to data sheet.

Criminal History: A check through NCIC shall be completed to ensure informants do not have any outstanding warrants for arrest on file. All potential informants shall be processed through the State Identification Section and the Western States Information Network (WSIN) and FBI Identification files.

Fingerprint Card: To be obtained if potential informant's identity cannot be verified.

The potential informant may be utilized on a provisional basis.

Defendant Informants

The following guidelines are intended to ensure that defendant informants provide information or render services in a manner that recognizes their status as individuals subject to legal sanction for criminal violations. The use of defendant informants shall be governed by the following:

The approval of the appropriate prosecutor (i.e. federal, state, or tribal) shall be obtained prior to seeking the cooperation of a defendant.

A defendant may be advised that cooperation will be brought to the attention of the appropriate prosecutor. No further representations or assurances shall be given without approval of the prosecutor. The appropriate prosecutor shall have sole authority to decide whether or not to prosecute a case against a defendant informant.

The appropriate prosecutor shall be advised of the nature and scope of the defendant informant's cooperation throughout the period of the investigation(s). The prosecutor shall set the procedures and frequency of this reporting.

Prior to formally seeking the dismissal of any criminal charge against a defendant informant, the Investigator must obtain the approval of the Lead Investigator.

Use of defendant informants shall be reviewed in the manner prescribed for other informants. Their use may be continued only if they are found to meet the standards set forth therein.

No monetary payments will be made to any defendant informant without approval of the Director of Public Safety and Lead Investigator.

In general the amount of cases that a defendant informant must do to avoid prosecution is three (3) or more cases with three (3) or more buys per case.

Note: A defendant informant may still be required to plead to a charge, and may/may not serve jail time as long as the agreement has been met. The Director of Public Safety and Lead Investigator's approval must be sought for any changes in this agreement.

Utilization of Informants

Informants are assets of the Apsaalooke Nation Drug Enforcement Division, not specific Investigator or agencies.

Contacts between Investigator and informants shall be of a strictly professional nature. Extrinsic social or business contacts are expressly prohibited.

Contacts with informants shall minimize their access to knowledge of Drug Enforcement Division facilities, operations, activities, and personnel.

Two Drug Enforcement Division Investigators shall be present at all contacts with all informants.

All significant contacts with the informant and all information obtained at these contacts shall be documented in incident reports

Investigators shall obtain a signed statement admonishment advising the Informant of his/her responsibilities while working with the Apsaalooke Nation Drug Enforcement Division. This will protect Investigators in many situations where the informant's conduct becomes unfavorable.

The prosecutor shall be advised of any assurances and/or compensation provided an informant or defendant informant in advance of any judicial proceeding.

When informants participate in undercover purchases involving official funds, controlled substances, or items of potential evidentiary value, the buy will require a minimum of two investigators for surveillance purposes. Each buy will be controlled in the following manner:

A confidential informant shall be searched prior to reliability buys or buys made preliminary to a search warrant. In all cases, informants will be searched prior to making a purchase.

Investigators will secure any personal monies belonging to the informant. These monies will be counted in the presence of two Investigators and agreed upon by the informant. The informant will be given official Apsaalooke Nation Drug Enforcement Division funds, which have been recorded by serial number, for the purchase of any contraband. The informant shall not purchase any contraband with personal funds. The informant shall not purchase any contraband with funds provided by the investigators for expenses (i.e. gasoline, beverages, and food).

When possible, constant surveillance will be conducted on the informant after the search and until the informant meets with surveilling Investigators.

The informant shall then be thoroughly searched as listed in step a. All evidence and official Drug Enforcement Division funds, except for expense monies issued, will be retrieved from the informant. The informant's personal monies will be returned. Two Investigators will re-count the informant's personal monies prior to returning the personal funds.

The informant shall be thoroughly de-briefed and an incident report written. The statement shall include a complete description of the suspect, a detailed account of all circumstances and conversation involved in the transaction, and any other facts, which may be important.

Informant Payment: No money shall be paid to any informant unless the following conditions are satisfied:

A receipt for informant payment is signed by the informant and filed in the informant's file

A receipt is required for all evidence with a case number on each receipt that has been filled out and signed by the case Investigators. The case Investigator will have a second Investigator present as a witness to any payment to the informant.

Prior approval has been obtained from the Director of Public Safety and Lead Investigator in instances that fall outside the normal payment schedule in regards to the Informant Contract Agreement.

Monies shall not be paid to any informant prior to the completion of his/her services unless other arrangements were made at the start of the investigation. It shall be the general rule that all payment shall be made in full at that time. Investigators are discouraged from promising an informant a fixed sum of money. Payments will first be discussed with the Lead Investigator. Informants will be paid in amounts appropriate to the following criteria:

Nature and complexity of the investigation.

Impact of the investigation / arrest on the community.

Past reliability and work record of informant.

Informant's willingness to testify in court.

In general, this means \$50.00 per buy or \$250.00 per case. A case consists of two controlled buys, a minimum of three wired buys, and testifying in court as deemed necessary. Any payment schedule different from these listed will require prior approval by the Director of Public Safety and Lead Investigator.

Information obtained from informants will be evaluated and tested (where possible) before police action is initiated.

Informants shall not be given Investigators home addresses or home telephone numbers. A business telephone number will be given to all informants where the Investigators can be reached.

Although it is sometimes necessary to exchange consideration in pending cases for defendant informant services, this practice will require careful scrutiny. The approval of the prosecutor shall be obtained, when necessary, prior to seeking the cooperation of a defendant.

Relocation funds MAY be available to any type of informant providing that prior written approval has been obtained from the Director of Public Safety and the Chairman of the Apsaalooke Nation.

Informant Control

Each informant will be given an identification number.

The Lead Investigator shall maintain a log of informant identification numbers in sequential order.

Each informant identification number shall have seven (7) characters, designed as follows:

(1) (2) (3) (4) (5) (6) (7)
C -- I -- 0 -- 4 -- 0 -- 0 -- 1

(1) and (2) – Represents the letters “C” for Confidential and “I” for Informant.

(3) and (4) – Represents the last two digits of the fiscal year.

(5), (6), and (7) – Represents a sequential three-digit number.

Informant Files

A separate file jacket shall be established for each informant. These files shall be stored in a secure location, segregated from any other files, and under the control of the Lead Investigator.

In instances of extreme sensitivity, files of informants for whom a waiver of established procedures was granted may be stored separately from other informant files. Access shall be limited to the Lead Investigator and Drug Enforcement Division personnel designated to control the informant’s utilization. Upon deactivating such informants, the Lead Investigator shall determine whether the file should be integrated into the regular informant files.

Informant files shall be maintained in identification number sequence under two headings: active informants and deactivated informants.

A log will be maintained in the Informant’s file listing the date, suspect, and/or case number that the Informant worked or gave information on. This will be referred to as the “Informant Case Log.”

Problem Informant

In the event an informant becomes unreliable, the unreliable informant the informant will be immediately deactivated and attempts to finish the case will be made.

Deactivation of Informants

Deactivation shall occur when:

- The informant no longer has the potential to furnish information or services, which could lead to a significant prosecution or interception of drugs.
- The informant is no longer willing to cooperate.
- The informant’s cooperation has been determined to be unsatisfactory.

Informants shall be deactivated by the decision or with the approval of the level of supervision, which approved the establishment.

A deactivation report shall be included in the informant file indicating the circumstances surrounding the deactivation.

Confidential Informant Files

Control numbers and files will also be established on all Confidential Informants as outlined above for Informants. Included in the Confidential Informant file will be a log of the date, suspect and/or case that Confidential Informant gave the Apsaalooke Nation Drug Enforcement Division.