

CHAPTER G

TIP MANAGEMENT & INTELLIGENCE BASED TIPS PROTOCOL

OPERATIONAL PROCEDURES

CRIME STOPPERS COORDINATORS RESPONSIBILITIES

- a) receive, assess, verify and process information received on the Crime Stoppers "TIPS" line.
- b) Maintain the credibility of the Crime Stoppers program by ensuring caller anonymity and process reward payments when earned.
- c) Develop confidential reports relating to intelligence received and forward the same to the appropriate authority
- d) Act as liaison between the police investigative unit(s) and the person supplying the tip information
- e) Maintain records relating to cases successfully concluded as a result of tip information received.
- f) Maintain liaison with media outlets, the Crime Stoppers Board of Directors and other related Crime Stoppers programs
- g) Select unsolved crimes to be featured as the "Crime of the Week" by local media outlets, prepares scripts for the featured crimes arrange for the production of filming, and control the content of the production assuring accuracy and preventing any undue harm/embarrassment of any innocent person(s)

Processing Tip Information

- a. When obtaining information from a tipster, the Coordinator should secure sufficient information and use appropriate interview skills.
- b. There are cases where a tipster may request to work directly with the case investigator and thereby make his/her identity known. It is strongly recommended the tipster be advised that if he/she work directly with the Investigator, they are no longer on the Crime Stoppers programme. Crime Stoppers cannot guarantee their anonymity and they are not eligible for a reward. The call taker should then advise the tipster to call the Investigator directly and hang up. The call should not be transferred but have the tipster call again.

- c. After his/her initial call, where the tipster has been issued a confidential tipster number, the tipster should be encouraged to call back every few weeks. This will enable the Coordinator to apprise the tipster of the status of the investigation and will also permit the Coordinator to pose further questions to the tipster should the need arise.

A Crime Stoppers tip is the exclusive property of the Crime Stoppers programme and not the property of the Crown Attorney or the police. There is case law protecting the sanctity of Crime Stoppers tip information (Leipert v Regina 1997) and, as such, efforts by defence counsel, the Crown Attorney or a police agency should be met with refusal and the matter should be referred to OACS Legal Counsel.

- d. If tip information has been investigated and it has resulted in an arrest, a reward will be considered by the Board of Directors. The Coordinator shall communicate the disposition of the investigation and the determined reward amount to the tipster the next time he/she call. At that time arrangements will be made to have the tipster pick up their reward (see Rewards). The statistical consequences of an investigation will be documented by the Coordinator and a reward will be addressed by the Board of Directors. Crime Stoppers programmes shall keep, ongoing, statistical data in the following fields: cases cleared, persons arrested, dollar value of recovered stolen property, dollar value of seized illicit narcotics, rewards authorized and rewards paid. (See Statistical Form)

Once a Tipster's information has lead to an arrest, the Crime Stoppers Coordinator should be notified, and a disposition report completed with the following information:

- a. The information given was/was not found accurate or additional information is required
- b. An arrest was/was not made, or is pending, name and biographical information of the suspect(s)
- c. Number, types of case(s) cleared and agency case numbers
- d. A charge was/was not laid, or is pending
- e. Stolen property/narcotics was/was not recovered, including monetary value

Reward Payment

Reward Payment Responsibilities

a) As a general rule, the program that investigates the tip and solves the crime, can claim the statistics regardless of the origin of the tip and shall be responsible for approving and paying the reward.

In cases where the tip is forwarded to another program, the program receiving the original tip will remain responsible for the delivery of the reward payment to the tipster and will then request reimbursement from the program solving the crime.

b) It is strongly encouraged that communications be conducted between the Coordinators on a case-by-case basis where tip information spans more than one program jurisdiction or the tip originates from another program and that this communication occur prior to reward payment determination. In the event that an agreement cannot be reached on the reimbursement of the tip payment amount, it is the responsibility of each Coordinator to inform their respective Board Chairs and implement the provisions of the "Problem-Dispute Resolution Process" as outlined in the Operational Guidelines.

Crime Stoppers pays a cash reward for information that leads to the arrest of a person involved in the commission of a crime. Crime Stoppers International has prescribed the reward amount range to be \$50 to \$1,000(Canadian Dollars) dependent upon certain considerations and determined by each programme's governing board of directors. While it may vary from programme to programme, such considerations as the perceived risk to the tipster in placing the call, the likelihood of a repeat call and the dollar value of narcotics and/or stolen property recovered resulting from the tip information are often factored into this equation.

While the particular method of reward payment will vary from programme to programme, great care should be taken to avoid a board member or a coordinator meeting with the tipster in order to deliver a reward. The Ontario Association of Crime Stoppers strongly objects to third party reward payment. After a reward amount is determined by the board of directors, it is recommended that the cash be placed in a drop location where it can be, by prior arrangement, picked up by the tipster. This location often is a bank or commercial establishment where there exists a substantial volume of pedestrian traffic and where the tipster is not conspicuous by his/her attendance at that location when retrieving his/her reward.

If more than one tipster furnishes information concerning the same crime or incident, the reward money shall be divided as determined by the Board of Directors.

CRIME STOPPERS REWARDS vs INFORMANT FEES (FUNNELLING)

The sole purpose of Crime Stoppers is to pay rewards to ANONYMOUS tipsters whose information leads to the arrest and/or conviction of a person or persons who have committed a crime. In some instances police investigators will attempt to utilize the Crime Stoppers reward system as opposed to payment of "informant fees". Such an approach is contrary to the concept of Crime Stoppers since the identity of the "informant" is known by the police investigator. In the event of a court challenge the identity of the "informant" cannot therefore be protected. Such a practice undermines the total concept of Crime Stoppers.

Should any member of a Board become aware that such a practice is being utilized by a police investigator(s) or police agency this matter should immediately be brought to the attention of the Board Chairperson.

It is incumbent upon the Board chair to discuss the practice with the local Chief of Police. In the event the practice does not cease to exist, the board Chair shall advise the President of the Ontario Association of Crime Stoppers who will review the matter with the Ontario Association of Chiefs of Police for resolution.

GUIDELINES FOR HANDLING CRIME STOPPERS TIPS.

This entire Crime Stoppers Tip Information Sheet is a legally privileged document and is subject to the doctrine of INFORMER PRIVILEGE.

Crime Stoppers, in each community, is an incorporated private entity that operates as a registered charity, administered by civilian volunteers. Crime Stoppers exists to provide a means for the public to pass along information that assists in solving crimes, recovering stolen property, seizing illegal drugs and locating those for whom there is an outstanding warrant of arrest. This information is passed along under an assurance of anonymity for the caller.

To help protect this anonymity, the following is requested of everyone receiving a Crime Stoppers tip Package.

1. The information received from Crime Stoppers originated from an anonymous source
2. Treat the information in the same way that you would treat information received from a confidential police Informant.
3. The attached Crime Stoppers Information package is the property of the issuing Crime Stoppers Program. It is NOT to be copied, attached to any police report or Crown Brief, or forwarded to any other person, investigator or Agency without the express permission of the Board of Directors of the issuing Crime Stopper Program.
4. Crime Stoppers Information IS NOT subject to disclosure under the Freedom of Information Act.
5. Once the investigation of the information package is complete, the original tip report is to be returned to the issuing Crime Stoppers Program, in the information package envelope. The disposition report is to be completed by the investigator.
6. If necessary, a diary date extension can be arranged by contacting the police coordinator of the issuing Crime Stopper Program.
7. If the tip information is used or referenced during a successful investigation, the investigator is asked to include the enclosed sealed envelope, marked "Confidential Information for the Crown Attorney" in the Crown Brief. The envelope contains a one page information sheet regarding Crime Stoppers and the decision in R.v.Leipert.

If the investigation does not lead to charges being laid:

Complete the Disposition Report on the reverse side of the Tip Package Envelope. Return all Crime Stopper colour coded documentation to the Tip Package Envelope

Seal the envelope and deliver it to the designated person within your Community Office or Unit.

If the investigation leads to charges being laid and a Crown Brief created.

Complete the Disposition Report on the reverse side of the Tip Package Envelope
Insert only the Confidential Instructions for the Crown Attorney in the Crown Brief
Jacket Return all other colour coded Crime Stopper documentation to the Tip
Package Envelope Seal the envelope and deliver it to the designated person within
your Community Office or Unit.

CAUTION

BY THE VERY FACT THAT THE SOURCE OF THIS REPORT IS ANONYMOUS, ALL INFORMATION INDICATING THAT AN IDENTIFIED PERSON IS RESPONSIBLE FOR A CRIME, SHOULD BE VERIFIED INDEPENDENTLY BEFORE TAKING ANY ACTION AGAINST THE IDENTIFIED PERSON.

THIS TIP IS ONLY INFORMATION.....IT IS NOT EVIDENCE.

It is the responsibility of the investigator to verify the facts contained in the tip report before any attempt is made to obtain a search warrant or make an arrest. Grounds for arrest must come from the investigators own enquiries and observations. This tip merely provides a starting point upon which an investigator may focus an investigation, if the investigator believes that the information and subsequent investigation is appropriate.

(FOR INCLUSION IN CROWN BRIEF BY INVESTIGATOR)

CONFIDENTIAL INFORMATION FOR THE ATTENTION of the
CROWN ATTORNEY.

Information was received by the (name of programme) Crime Stoppers Program and passed along to the investigators during the investigation of this case. The investigators may or may not have acted on the Crime Stoppers information during this investigation.

You are hereby notified of the existence of a Crime Stoppers report which relates to this investigation, as required by the provisions established by the Supreme Court of Canada in R. v. Stinchcombe.

The (name of programme) Crime Stoppers program claims privilege based on the Supreme Court of Canada decision in R.v.Leipert, rendered February 6th, 1997. This ruling determined that all Crime Stoppers information is to be treated as originating from a "confidential police informant".

Should you require additional information, or have any questions, please contact the (name of programme) Crime Stoppers Program police coordinator.

CRIME STOPPERS DISPOSITION REPORT

The enclosed information package was received by the Crime Stoppers Program. Please complete this form and return the information package to the designated person in your community office

or unit within days indicating the status of your investigation. If the investigation requires an extension of the diary date please contact the Crime Stoppers Coordinator at extension or the designated person in your community office or unit.

Crime Stoppers Report #

Officer Assigned #

Division

Unit

Please check one of the following:

Information was previously known

Investigation cleared by charges

Tip information is unfounded

Investigation is continuing

Investigation conducted Re the tip and insufficient information was gathered to warrant further action.

PLEASE COMPLETE THE FOLLOWING IF THE INVESTIGATION WAS SUCCESSFUL.

Date of arrest

Number of persons arrested

Number of charges laid _____ Number of cases cleared

Value of stolen property Recovered Value of seized drugs/narcotics _____

NARRATIVE

(Please include any additional information, including description of drugs, paraphernalia, stolen property recovered),

Description of charges laid or other facts of interest.)

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PROCESSING INTELLIGENCE BASED TIPS

During the Police Coordinators' breakout session at the 2002 Legal Issues Seminar, held at the Centralia Training Facility, the question was posed to the 45 Coordinators in attendance as to whether or not they were receiving intelligence –based information from their tipsters. Their unanimous affirmative response led to the subsequent question of how the presently processed this type of information. Unlike the initial question, their answers varied rather wildly. This information was forwarded to the Legal Issues Committee of the Ontario Association of Crime Stoppers and in turn, prompted a meeting between OACS President Bill Sulston, Crime Stoppers Legal Counsel Ms. Melissa Kennedy and the Legal Issues Committee. In this meeting Ms. Kennedy encouraged the establishment of a formalized protocol targeting the processing of intelligence based tip information.

At about the same time, quite coincidentally, Inspector Ted Davis, Manager, Organized Crime Strategy for the Ministry of Public Safety and Security contacted Bill Sulston to pursue an alliance with Crime Stoppers. Subsequent to this meeting, Inspector Davis authorized allocations of \$25,000 and \$50,000 to cover the shortfalls in government funding for the Alternative Answers answering service for the years 2003 and 2004 respectively.

Early in 2003, a sub-committee of the OACS Legal Issues Committee was formed consisting of: Ken Koekstat (Windsor and Essex Crime Stoppers), Jeff Zammit (Toronto Crime Stoppers), Kevin Slaney (Durham Crime Stoppers), Glenn Bullock (Hamilton Crime Stoppers), Peter Leon (Simcoe-Dufferin-Muskoka Crime Stoppers), Rick Moss (RCMP Liaison to OACS) and Alex Williamson (OPP Liaison to the OACS). Recognizing at the onset, the Civilian board ownership of all Crime Stoppers tip file information, the sub committee set about to establish some very basic guidelines that would ensure the protection and security of Crime Stoppers intelligence-based tip information while maximizing its efficient employment.

Tracking Intelligence Related Tips

From time to time, Crime Stoppers programs will receive non-arrestable intelligence related information. The safe handling of this information is crucial and must be forwarded in a manner that is consistent with existing OACS tip routing policy, properly followed up and stored locally in each program's database.

It is the responsibility of each coordinator to make contact with each police service in their respective program area and have a contact that is knowledgeable of Crime Stoppers policy so that information can be forwarded to them and dealt with and acted upon accordingly.

OPP

Each region has an “Intelligence Officer” and this person should receive any intelligence related information from the local Crime Stoppers program.

Municipal Police Services

Each municipal police service has an officer that handles intelligence related information and this officer should receive any intelligence related information from the local Crime Stoppers program.

The coordinator should meet with each of these officers and develop a professional rapport. The manner in which the tip is handled and how the information contained in the tip is used is entirely up to the officer who receives it. A secondary contact should be determined if the primary contact is not available. Dissemination of the tip will be up to the intelligence Officer.

The proper terminology to be used should be discussed as well as the issue of “tip ownership”. It is therefore important to ‘establish the rules’ from the outset so there is no confusion down the road.

Database

Each coordinator must also be able to track any intelligence information that is contained within their respective database. There should be some form of notation contained in the body of the tip identifying when it was received by the programme and to whom it was sent to and when. By tracking the information thoroughly, it will be easily accessed and can be updated accordingly. Conversely, all call takers in each program must be made aware of how to properly obtain and handle intelligence related information and where and how it should be forwarded after received.

By tracking the tips in the same manner, we can ensure that the issues of ownership, safe handling and authorized use are guaranteed.

Payment of Intelligence Based Tips

Cleared by Arrest

When a person is:

1. physically charged
2. charged with the commission of an offence
3. the case is turned over to the court for prosecution whether following arrest, summons or police notice
4. a clearance by arrest may also be claimed when the offender is a juvenile and is cited to appear in juvenile court or before juvenile authorities.

Exceptionally Cleared

In certain situations, law enforcement is unable to clear a offence by arrest. Many times all leads have been exhausted and everything possible has been done to clear a case. If the following questions can be answered in the affirmative, the offence may then be solved:

- i) Has the investigation definitely established the identity of the offender?
- ii) Is there enough information to support an arrest, the filing of charges and forwarding to the court for prosecution?
- iii) Is the exact location of the offender known so that he/she could be taken into custody?
- iv) Is there some reason beyond law enforcement control that precludes arresting, charging and prosecution offenders?

Training:

The handling and processing of all Crime Stoppers tips is of utmost importance for the program to continue with integrity.

The OACS has produced a training presentation for all persons coming into contact with privilege information such as: call takers, other police contacts, and other law enforcement agencies.

Each Coordinator will be supplied with a training package and must ensure all stakeholders are furnished with a sound understanding of the principles of Crime Stoppers .