

# *Desperate Measures in* *Desperate Times*

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## **Making the Changes to Your *Crime Stoppers* Structure & Operations to Further Protect the Identity of Persons Communicating Crime-solving Information**

Crime Stoppers has evolved significantly since its inception in Albuquerque, New Mexico in 1976. The technology of today was unimaginable back then. We have come a long way. Unfortunately, the criminals and their defense attorneys have also come a long way, while some prosecutors and government attorneys have not learned the finer legal points pertaining to the protection of Crime Stoppers tipsters.

In fairness to the prosecutors and government attorneys, it is not their job to represent Crime Stoppers organizations. However, one would think they would value the role of the informant in the criminal justice system. Yet there have been a growing number of cases in which prosecutors have been doing little to protect the identity of those who provide information to Crime Stoppers.

Examples include:

- Prosecutors not filing motions to quash subpoenas for Crime Stoppers tip information
- Prosecutors allowing Crime Stoppers tip sheets to be given to criminal defense attorneys as a part of the prosecutor's "open file" policy

- Prosecutors inexplicably thinking tips to Crime Stoppers are somehow *exculpatory*, and causing them to be release to criminal defendants who are brought to trial due to the *inculpatory* (incriminating) evidence resulting from the corroborated tip
- Prosecutors failing to understand the fact Crime Stoppers is not a governmental entity, and treating tips to Crime Stoppers as public information which may or may not be subject to Open Records statutes and/or law enforcement exceptions to such statutes

## WHAT Can Be Done To Reduce The Likelihood Of Such Threats To “Anonymity”?

### 1. Back to Basics

In recent months, it has been observed that some of the persons who are handling Crime Stoppers tips from informants have been doing an unacceptable job of performing the core tasks which are necessary for the preservation of a Crime Stoppers informant’s **anonymity**. As a result, the integrity of the Crime Stoppers program has come under great scrutiny in several jurisdictions. All of this concern and alarm could have been avoided by simply adhering to guidelines and best practices that are taught at any and all Basic Crime Stoppers or Crime Stoppers 101 training sessions.

While the following list is not exhaustive, it is a good starting point when learning or reviewing the handling of Crime Stoppers tips in a proper manner:

- Neither ask for nor accept the name of the informant
- Do not enter into your information template or notes any information which identifies or could be used to identify the informant
- Do not disclose the gender/sex of the informant by using such terms as: He, She, Him, Her

- Do not burn the informant by including geographical references which are too specific (Example: The Crime Stoppers informant, who lives next door to the suspect)
- If necessary, review your initial notes and then “sanitize” them by revising and deleting any information which identifies or could be used to identify the person who communicated crime-solving information to Crime Stoppers.

## 2. Put More Distance Between The Non-Governmental *Crime Stoppers* And The Government

It is much easier to successfully persuade a judge that your records belong to Crime Stoppers and not a law enforcement agency if you can ideally show a number of the following as facts:

- Crime Stoppers is operated by a non-profit charitable corporation—not by the government
- The corporate board does not have directors or voting members who are active law enforcement officers, government officials, or paid government employees
- Crime Stoppers has purchased and maintained its own computers, software, web-based systems for managing tips within its anonymous cash reward program
- Crime Stoppers information systems should not be a part of a governmental system or accessible by the government systems users
- Crime Stoppers corporate officers, directors, employees, volunteers, and law enforcement liaison should not use governmental email to communicate, thus avoiding the initial presumption the communication is available as public information

- Crime Stoppers owns or leases or borrows its office space (Houston Crime Stoppers owns its entire building. One program uses a portion of a home kitchen).
- Conduct Crime Stoppers board meetings at a private office, home, secluded portion of a restaurant, or any place other than a government building
- Telephone lines used to receive Crime Stoppers tips should be owned and in the customer name of Crime Stoppers
- Crime Stoppers call-takers should be paid staff, a private/commercial call center, or volunteers working for Crime Stoppers
- File cabinets and storage containers should be owned and identified as the property of the Crime Stoppers corporation
- Office supplies and equipment (pens, paper, copy machines, software programs and subscriptions) should be purchased with Crime Stoppers funds and owned by the charitable organization
- Crime Stoppers charitable dollars should not be donated to law enforcement agencies or governmental entities, nor should such donations or expenditures be demanded or expected
- An agreement or *Memorandum of Understanding* should be executed by the Crime Stoppers organization and any governmental or law enforcement agencies having a participatory relationship with the organization, so the relationship and responsibilities are articulated. It is imperative to describe and explain any government or law enforcement employees who may be assigned to liaison with Crime Stoppers as identify their role as agents of Crime Stoppers while in such capacity

### 3. Other Ways to Enhance the Protection of Crime Stoppers Tipsters and Tips

- If at all possible, use the very best tip management tools such as P3 by *Anderson Software*. P3 uses cutting edge technology to scrub and protect information and has the most experienced advisors who are familiar with Crime Stoppers operations and have decades of experience, not just years, months or days.
- As a long-time friend of mine once said, sometimes you just have to “Drop the bomb, and live in the ashes”. In the worst case scenario, i.e. when you do not feel secure because tip information forwarded to criminal investigators is being placed into or commingled with law enforcement files, handed over to prosecutors, and shared by prosecutors with criminal defense attorneys, it is time to fall back on a variation of *Oc’cam’s Razor*: The principle in philosophy and science that assumptions introduced to explain a thing must not be multiplied beyond necessity, and hence the simplest of several hypotheses is always the best in accounting for unexplained facts. Crime Stoppers could simply not forward its tip sheets as whole fabric but instead forward the core information (sanitized) in an unrecorded phone call or conversation with a law enforcement recipient who makes his/her own notes which possessed and owned by the law enforcement agency.

#### Conclusion

Desperate times require desperate measures. It cannot be assumed Crime Stoppers will continue to operate under the same static procedures into perpetuity. Crime Stoppers must be dynamic and innovative....even if it means reverting to some of the basics. When it rains, a pencil works better than an ink pen.