

D. Special CI Categories There are several categories of CIs that require special evaluation and approval. In each of these cases, the agency's chief executive officer or their designee and the office of the prosecutor or state's attorney should be consulted prior to the use of these individuals as CIs.

Juveniles – Juveniles require a great deal of deliberation prior to their use. Juveniles may be less steadfast in motivation, less able to avoid detection, and less able to withstand pressure once suspected by the individuals upon whom they have been tasked to inform. As a result, juvenile CIs run a higher risk of being exposed, potentially placing them in physical danger. This danger is directly proportional to the seriousness of the criminal activity and the relative youth of the CI. For example, a streetwise 17-year-old recruited to inform about unlawful tobacco use in a high school is probably going to be in less physical danger than a 12-year-old student sent to inform upon drug dealers. However, even an apparently minor case may involve considerable physical risk to a juvenile CI.

Perhaps the best-known case involving a juvenile CI is that of 17-year-old Chad MacDonald. In 1998, police in California arrested MacDonald on drug charges. He agreed to act as a CI, wearing a recording device during at least one drug buy and providing police with information about local drug trafficking. A short time later, he was found dead in an alley, apparently tortured and strangled, and his girlfriend was found raped and shot to death in a canyon. MacDonald's death was believed to have been the result of his association with law enforcement as a CI, and the family brought a civil action against the jurisdictions involved. The incident resulted in the passage of "Chad's Law," a California state law that prohibits the use of individuals 12 years old or younger as CIs. It also prohibits the use of individuals under the age of 18 unless a court order is obtained, with the exception of their use in enforcement of statutes prohibiting the purchase of alcohol or tobacco by juveniles.

Considering the significance of these issues, officers have a responsibility to make sound judgments when considering the use of juvenile CIs. In some cases, the parent or guardian may authorize the juvenile's use as a CI without fully understanding the risks inherent in CI operations. When this happens, the parent or guardian's authorization to use the child as a CI cannot be relied upon by law enforcement as the basis for informed consent. As a result, parental permission—even when required by policy, practice, or law—does not always provide law enforcement officers with sufficient justification and should not be used as the sole condition for using juveniles as CIs. Some law enforcement agencies have chosen to ban the use of juveniles as CIs entirely, while others subject such decisions to more rigid command scrutiny. Therefore, it is suggested that, unless an officer is guided by state or federal law or agency policy, they must be able to clearly define a compelling public interest that will be served before a juvenile may even be considered for such a role. Compelling public interest, for the purposes of this discussion, includes situations where the failure to use a juvenile CI would result or likely result in loss of life; serious injury; or some serious negative consequence for persons, property, or public safety and therefore demands action. Furthermore, that justification should be reviewed; approval must be obtained by the agency's chief executive or their designee; and written authorization must be obtained from the juvenile's parents or guardians.