

Idaho Department of Correction 	Standard Operating Procedure Division of Probation and Parole	Control Number: 701.04.02.019	Version: 1.4	Page Number: 1 of 6
		Title: Informants: Confidential		Adopted: 10-22-2010 Reviewed: 06-11-2013 Next Review: 06-11-2015

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BOARD OF CORRECTION IDAPA RULE NUMBER 701

[Probation and Parole Supervision](#)

POLICY STATEMENT NUMBER 701

[Probation and Parole Services](#)

POLICY DOCUMENT NUMBER 701

[Probation and Parole Services](#)

DEFINITIONS

[Standardized Definitions List](#)

Confidential Informant—Probation and Parole: A person who acts in a law enforcement supervised role for the purpose of gathering or obtaining information or evidence through observing, meeting, purchasing, and/or having conversations—recorded or unrecorded—with targeted criminal elements.

Confidential Informant Coordinator: A person assigned by the Idaho Department of Correction's (IDOC's) Office of Professional Standards to coordinate law enforcement requests for the use of confidential informants and to monitor the activities of confidential informants.

Sources of Information (SOI): Persons who provide information or accusations against another person or persons without compensation, is not under the supervision of a law enforcement officer, and will not take an active part in an investigation.

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish standards and provide guidance for the approval and use of sources of information and confidential informants.

SCOPE

This SOP applies to (a) all offenders who are under the jurisdiction of the Idaho Department of Correction (IDOC), probation and parole; and (b) IDOC staff members who supervise or interact with offenders or have access to offender files and information.

RESPONSIBILITY

Director of the IDOC

The director of the IDOC (or designee) is responsible for approving and disapproving offenders to act as confidential informants.

Chief of the Division of Probation and Parole

The chief of the Division of Probation and Parole (or designee) is responsible for:

- Overseeing probation and parole services;
- Ensuring the guidelines and procedures provided herein are adhered to; and
- Ensuring each district reviews this SOP annually.

District Managers and Section Supervisors

District managers (or designees) will be responsible for ensuring that staff are practicing the guidelines, standards, and procedures provided herein.

District managers and section supervisors are responsible for the implementation and district's annual review of this SOP.

Probation and Parole Officer (PPO)

PPOs are responsible for practicing the procedures provided herein. In addition, all PPOs will be required to read this SOP annually.

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GENERAL REQUIREMENTS

Note: The Division of Community Corrections will not knowingly or intentionally put offenders in harm's way or cause them to violate their conditions of probation or parole.

1. Approval Process

In rare cases, offenders may be allowed to serve as confidential informants. These cases include when the offender's participation is necessary to prevent imminent danger to society, or when only the offender's participation will allow law enforcement to successfully investigate a crime of significance that would not have a prosecutable outcome otherwise.

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The offender must be willing and able to serve in this capacity. No coercion or undue influence will be used to motivate the offender to participate. The offender will not be punished in any way for refusing to participate or for stopping his participation at any time. The offender must understand that he will receive no compensation, favoritism or special privileges from the IDOC or the requesting law enforcement agency because of his participation. No staff member will make any promises to the offender to participate.

Note: Probation and parole officers (PPOs) who discover that an offender is working as a confidential informant without the necessary approval will instruct the offender to stop the activity immediately and notify the district manager (or designee), the confidential informant coordinator, the court, and the Commission of Pardons and Parole.

Functional Roles and Responsibilities	Step	Tasks
PPO	1	Receive the request from a law enforcement officer (or agency) for an offender to act as a confidential informant.
		Note: If the request is not in writing, ask for a written request.
PPO	2	<ul style="list-style-type: none"> Advise the district manager (or designee) of the law enforcement officer's (or agency's) request and justification for the use of an offender as a confidential informant; and Provide a verbal recommendation to the district manager (or designee) as to whether the offender would be a suitable confidential informant.
District Manager (or designee)	3	<p>Approve or deny the offender to be used as a confidential informant.</p> <ul style="list-style-type: none"> If approving – forward the request to the confidential informant coordinator. (The process continues at step 4.) If denying – the process ends here.
Confidential Informant Coordinator	4	<ul style="list-style-type: none"> If the prospective confidential informant is on probation, review the request and any supporting documentation, to include a review of CIS documentation for appropriateness. If the prospective confidential informant is on parole, obtain approval from the executive director of the Commission of Pardons and Parole. (If the executive director does not approve, the process ends here.)
Confidential Informant Coordinator	5	Route the following documents to the director of the IDOC (or designee) for approval: <ul style="list-style-type: none"> A memorandum; and The written request and any other supporting documentation (with required approvals) submitted by the law enforcement officer (or agency).
		Note: If the prospective confidential informant is on parole, ensure the executive director of the Commission of Pardons and Parole also approved (see step 4).

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Functional Roles and Responsibilities	Step	Tasks
Director of the IDOC (or designee)	6	Approve or deny the offender to be used as a confidential informant, and inform the confidential informant coordinator.
		Note: If denying, the process ends here.
Confidential Informant Coordinator	7	Notify (in writing) the following individuals of the director's approval or denial: <ul style="list-style-type: none"> • The requesting law enforcement officer (or agency); and • The district manager (or designee); and • The division chief (or designee).

2. Operational Process

The director of the IDOC (or designee) issues the final approval of the agreement for an offender to operate as a confidential informant for a law enforcement investigation. The agreement will specify the conditions under which the offender can be used, including a definite time-period.

Note: The time-period can only be extended upon approval by the director (or designee).

Functional Roles and Responsibilities	Step	Tasks
Confidential Informant Coordinator	1	If all approvals were granted in accordance with section 1 of this SOP, notify the district manager and director of the IDOC (or designees) when confidential informant operations are ready to commence.
PPO	2	<ul style="list-style-type: none"> • Advise the approved confidential informant that approval was granted; • Review appendix A (<i>Agreement, Release, and Waiver of Liability for Confidential Informant</i>) with the confidential informant; • Have the confidential informant sign the agreement; and • Forward the signed agreement to the confidential informant coordinator.
Confidential Informant Coordinator	3	<ul style="list-style-type: none"> • Maintain contact with the law enforcement agency during the confidential informant operation; and • If a serious incident occurs during a confidential informant operation or if any incident is encountered, report it to the director of the IDOC (or designee) as soon as possible but no later than the following working day.

Functional Roles and Responsibilities	Step	Tasks
Confidential Informant Coordinator	4	At the conclusion of the confidential informant operation: <ul style="list-style-type: none"> Summarize the activities the confidential informant performed; Analyze the success of the operation; and Report those findings to the district manager (or designee), division chief (or designee), and the director of the IDOC.
		Note: If the confidential informant is on parole, ensure the findings are also reported to the executive director of the Commission of Pardons and Parole.

3. Confidentiality

Confidential Informant Responsibilities

Information will only be given to the confidential informant on a need-to-know basis. The confidential informant will be instructed to maintain confidentiality.

IDOC Staff Responsibilities

All IDOC staff will protect the identity of an offender who is allowed to act as a source of information or as a confidential informant. Staff members who feel they need-to-know this confidential information will contact the district manager (or designee) who will evaluate the need for disclosure. Staff members will not divulge any information about a confidential informant or source of information without the approval of the director of the IDOC (or designee).

Note: Not at any time shall IDOC staff make entries in the Corrections Integrated System (CIS) to indicate that an offender is a confidential informant **or** source of information. Violators of this requirement may receive corrective or disciplinary action in accordance with SOP [205.07.01.001](#), *Corrective or Disciplinary Action*.

Confidential Informant Coordinator Responsibilities

The confidential informant coordinator shall ensure the following:

Functional Roles and Responsibilities	Step	Tasks
Confidential Informant Coordinator	1	Keep all documents pertaining to a confidential informant, source of information, or the confidential informant operation in a locked drawer (or cabinet) during the confidential informant operational period.
Confidential Informant Coordinator	2	At the conclusion of the confidential informant operation, store the documents in a secure location for five (5) years and then destroy.
		Note: All documents are subject to disclosure per the Idaho Public Records Act in a redacted form. Contact the deputy attorneys general (DAGs) who represent the IDOC prior to releasing any documents pursuant to the Public Records Act.

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4. Violations

Offenders who act as a source of information **or** as a confidential informant will not be given any preferential treatment by Division of Community Corrections staff members.

PPOs will inform any offender who act as a source of information or as a confidential informant that the offender shall not violate any conditions of supervision while acting as a confidential informant.

PPOs will hold confidential informants accountable for any violation of the conditions of probation or parole, including increased urine surveillance, in accordance with SOP [701.04.02.001](#), *Probation and Parole Supervision Strategies*.

Note: Not at any time shall IDOC staff make entries in the CIS to indicate that an offender is a confidential informant **or** source of information. Violators of this requirement may receive corrective or disciplinary action in accordance with SOP [205.07.01.001](#), *Corrective or Disciplinary Action*.

REFERENCES

Appendix 1, *Agreement, Release, and Waiver of Liability for Confidential Informant*

Standard Operating Procedure [205.07.01.001](#), *Corrective or Disciplinary Action*

Standard Operating Procedure [701.04.02.001](#), *Probation and Parole Supervision Strategies*

– End of Document –

IDAHO DEPARTMENT OF CORRECTION
Agreement, Release, and Waiver of Liability for Confidential Informants

In consideration for permission from the Idaho Department of Correction (IDOC) to serve as a confidential informant, I hereby understand and agree as follows:

(Please initial in the space provided and sign below.)

_____ I have volunteered to act as a confidential informant for law enforcement purposes. In volunteering, I am acting freely and voluntarily and of my own free will.

_____ I have not been promised any compensation, payment, consideration, privilege or benefit of any kind whatsoever in return for serving as a confidential informant. I understand that I will not receive and I do not expect any compensation, payment, consideration, privilege or benefit of any kind whatsoever in return for serving as a confidential informant.

_____ My decision to act as a confidential informant has not been influenced by any threat, duress, coercion or undue influence.

_____ I was not promised parole or probation because I agreed to serve as a confidential informant. No one has threatened to revoke my parole or probation if I did not agree to serve as a confidential informant.

_____ I understand that by serving as a confidential informant, I may subject myself to the risk of injury and damages, including a risk of extreme danger, serious bodily injury and/or death. This risk has been explained to me. I understand and freely and voluntarily assume this risk.

_____ I understand that I may not serve as a confidential informant without the permission of the IDOC and of my supervising parole or probation officer.

_____ I agree that I will cease serving as a confidential informant immediately if directed to do so by my supervising parole or probation officer or other representative of the IDOC. I understand that I may be instructed to cease serving as a confidential informant for any reason or for no reason.

_____ I understand that I may voluntarily cease to serve as a confidential informant at any time, for any reason or for no reason, and that the decision to cease serving as a confidential informant is within my own sole discretion.

_____ I understand that I will not be subjected to any punishment or other adverse action if I decide to cease serving as a confidential informant. I agree that if I decide to cease serving as a confidential informant, I will inform my supervising officer immediately.

_____ In consideration of the foregoing, I hereby release, indemnify and hold harmless the State of Idaho, the IDOC, its officials, employees, agents and assigns, individually and collectively, from any and all civil liability including but not limited to actions in tort, contracts and civil rights, for any personal or property injuries or damages of any kind whatsoever, mental or physical, which I may suffer or which any person may suffer as a result of my actions or omissions while serving as a confidential informant.

_____ I hereby grant a general release on behalf of myself, my heirs, executors and assigns, and I hereby waive, and release the State of Idaho and the IDOC, its officials, employees, agents and assigns from any and all claims which could have been, can be or may ever be asserted as a result of injuries or damages of any kind whatsoever, mental or physical, sustained by me while acting as a confidential informant.

_____ I have read and understand the terms of this agreement, release and waiver and that those terms are contractual, legally binding, and are not mere recital.

I have read and understand each of the foregoing terms and I fully agree to them. My agreement to the foregoing terms is made freely, knowingly, voluntarily and of my own free will and without any threat, coercion, duress or undue influence.

Date: _____

Signature

Printed Name