

## Guide to Judiciary Policy

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### § 110 Purpose

Part E: Supervision of Federal Offenders (Monograph 109) is designed to provide United States probation officers with guidance in supervising offenders conditionally released to the community by the United States district courts or paroling authorities on probation, parole, or supervised release.

of organized crime or large-scale conspiracies involving, for example, drugs or fraud.

- (b) Strategies for monitoring associations include:
- (1) inquiring into the identities of unknown persons present during unannounced home and field contacts;
  - (2) noting the tag numbers of unknown vehicles seen during home contacts or drive-bys for verification of ownership;
  - (3) randomly checking telephone toll records;
  - (4) reviewing e-mail correspondence (requires a "Computer Search" condition); and/or
  - (5) investigating the identity and criminal history of prospective employers or employees.

#### § 460.60.20 Confidential Informants

- (a) Approval

The standard conditions of release prohibit offenders from entering into any agreement to act as an informer or a special agent of a law enforcement agency without permission. A confidential informant is an offender who engages in the prohibited activity of associating with persons engaged in criminal activity for the purpose of furnishing information to or acting as an agent for a law enforcement or intelligence agency.

- (b) Acting as a confidential informant is generally inconsistent with the rehabilitative and re-integrative goals of supervision. There are rare occasions, however, when the law enforcement benefits to the community justify permitting the offender to engage in this high-risk activity.
- (c) All requests by law enforcement agencies to use a parolee as a confidential informant must meet United States Parole Commission guidelines (**see:** [\*United States Parole Commission Rules and Procedures Manual\*](#), June 30, 2010, Appendix 3). All requests to use an offender on probation or supervised release as a confidential informant should be reviewed by the chief probation officer or designee and submitted for court approval *only* if the offender's proposed cooperation meets the following criteria:
- (1) the offender's service as an informant is voluntary;

- (2) there is a benefit to the community;
- (3) the request for assistance is credible;
- (4) there is a likelihood of success against a significant target;
- (5) the background and motivation of the offender is not counterproductive;
- (6) the offender is not likely to recidivate;
- (7) the officer is able to maintain supervision of the offender; and
- (8) the period of assistance is reasonable and has a clear termination date.

\_\_\_\_\_ (d) Monitoring

If the request to serve as a confidential informant is approved, officers are to establish a systematic, coordinated approach to supervise a confidential informant in order to improve officer safety and reduce the risk for the offender or others in the community. There should be a written agreement that clearly defines the roles, duties, and reporting responsibilities of the probation office, the offender, the United States attorney's office, and the law enforcement agent during the period approved. Whenever possible, this agreement is to be reviewed with the offender in the presence of the agent, with such review to highlight which conditions of supervision are suspended as a result of the cooperation (i.e., some criminal association) and *which are not*.

- (e) Reporting responsibilities of both the offender and the law enforcement agency representative should also be determined at the onset of the cooperation agreement.

### § 460.60.30 Additional Resources

- (a) [Suggested Procedures for the Management by Federal Probation and Pretrial Services Officers of Defendants and Offenders Who are Confidential Informants](#). Prepared by the Administrative Office of the United States Courts and Approved by the Judicial Conference Committee on Criminal Law. Distributed February 14, 1995.