



NEW MEXICO CORRECTIONS DEPARTMENT

Secretary
Alisha Tafoya Lucero

CD-052300 PPD Use of Offenders as Informants and Undercover Agents	Issued: 02/21/94 Effective: 02/21/94	Reviewed: 4/24/26 Revised: 03/05/16
Alisha Tafoya Lucero, Cabinet Secretary		<i>Original Signed and Kept on File</i>

AUTHORITY:

Regulatory Authority, New Mexico Corrections Department, NMSA 1978, Sections 33-1-6 (D), 33-2-1, 31-20-5, and 31-21-21, as amended.

REFERENCE:

None

PURPOSE:

To establish the conditions under which an offender may be considered for authorization to act as an undercover informant.

APPLICABILITY:

All Probation and Parole Division staff and offenders.

DEFINITIONS:

Informant: An individual designated as providing information or working as an undercover agent for another law enforcement agency. "Informant" does not include those persons who wish to submit information to Crime Stoppers, law enforcement agencies, etc., when this cooperation does not submit those persons to criminal activity or situations where their conditions of probation or parole may be violated.

POLICY:

Offenders being supervised by the Probation and Parole Division (PPD) may not act as informants or undercover agents except under exceptional circumstances. This allowance must be approved through the appropriate chain of command including the Director of PPD if the offender is a parolee or the sentencing judge and the Director of PPD for probationers.



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Policy *CD-052300*

PROCEDURES:

Permission for an offender to act as an informant or undercover agent may be granted in writing by the PPD Director only under exceptional circumstances and when the following criteria are met:

- A. The request is initiated in writing by a division of a recognized law enforcement agency and is routed through the Chain of Command with receipt to the Director of the Probation and Parole Division.
- B. The proposal has the approval of the sentencing (or presiding) judge if the offender is a probationer. The proposal has the approval of the Parole Board if the offender is a parolee.
- C. The proposal is reviewed for final approval by the Director of Probation and Parole.
- D. The offender is informed that he/she is not excused from compliance with his parole or probation, other special conditions, which may be specified, and/or any aspect of the Treatment/Supervision Plan.
- E. All documents and information pertaining to or related to the offender informant's or undercover agent's activities will be maintained in a secure file by the Division Director.