

NOV 26 2024

By 

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO

**ORDER PRESCRIBING THE FUNCTIONS
OF MISDEMEANOR PROBATION
SERVICES, I.C. § 31-878.**

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) 24-16
) ADMINISTRATIVE ORDER
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WHEREAS, Idaho Code § 31-878 provides that misdemeanor probation services shall perform such functions as prescribed by the administrative district judge in each judicial district, and

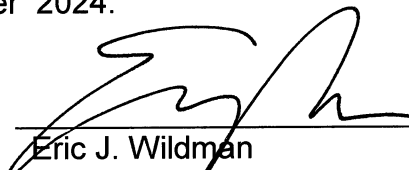
WHEREAS, the Idaho Association of Counties Misdemeanor Probation Planning Committee has approved and adopted statewide, "Idaho Standards for Misdemeanor Probation Services," which were revised in 2023.

IT IS HEREBY ORDERED that each misdemeanor probation department in the Fifth Judicial District shall establish, at a minimum, policies and procedures in accordance with the, "Idaho Standards for Misdemeanor Probation Services," as approved and adopted by the Idaho Association of Counties Misdemeanor Probation Planning Committee.

IT IS FURTHER ORDERED that each misdemeanor probation department in the Fifth Judicial District shall provide their policies and procedures to the County Board of Commissioners for review and approval.

IT IS HEREBY ORDERED.

Dated this 26th day of November 2024.


Eric J. Wildman
Administrative District Judge
Fifth Judicial District

C: Magistrate Probation Offices of the Fifth Judicial District
Fifth Judicial District Magistrate Judges

Attachment: Idaho Standards for Misdemeanor Probation Services



Idaho Standards for Misdemeanor Probation Services

STANDARDS FOR MISDEMEANOR PROBATION SERVICES

Misdemeanor Probation Philosophy: To create and foster an approach to effective supervision by holding probationers accountable using sanctions and behavior change services to reduce reoffending and to protect our communities.

Each misdemeanor probation department shall have policies and procedures in accordance with the following standards and professional responsibilities, reviewed and approved by Board of County Commissioners, to perform the functions prescribed by the Administrative District Judge in each judicial district.

Misdemeanor Probation policies and procedures should be approved by the BOCC to cover the programs and services provided within the county but shall comply with all applicable statutes and court rules and address the following:

1. **Services.** Identify services to misdemeanor probationers using evidence-based or best practices, with the goal of protecting the public, rehabilitating the probationers, and reducing recidivism and incarcerations.
2. **Assessments, and Case Plans.** Conduct assessments of probationers as well as the preparation of a case plan. All assessments, evaluations and case plans shall be consistent with the court order and maintained in the form of retrievable record.
3. **Monitoring or Enforcing.** Monitor or enforce court orders including the use of graduated sanctions.
4. **Community Supervision.** Supervision of probationers in their home, place of employment, and community, based on the LSI-R (Level of Service Inventory-Revised) and/or evidence based or best practices.
5. **On-the-Job and Other Training.** Annual job-related training for misdemeanor probation officers may include field and other training. Each policy and procedure shall include proper documentation of types of training, hours, and attendance. These policies and procedures shall require a minimum of 20 hours annually, as required by POST.
6. **Case Documentation.** Complete, thorough, and concise, documentation, including, but not limited to, ongoing contact notes with the probationers and other pertinent parties.
7. **Professional Contact.** Identify what will be considered appropriate and professional contact with probationers. This policy and procedure shall also address the frequency and location of contacts.
8. **Use of Force.** Document and report incidents that include the use of force. The policy and procedure shall require individual written and signed reports by probation department personnel and shall include date, time, and circumstances of the incident. Policy and procedures must specifically describe the use of force

instruments.

- 9. Transportation of Probationers.** At a minimum, policy and procedures will cover transportation of probationers. Probation officers involved in the transport of a probationer will have a valid driver's license and appropriate insurance.
- 10. Reporting Abuse.** Document and report all abuse, neglect and abandonment, including mandatory reporting requirements according to state law.
- 11. Search and Seizure.** Each probation department that conducts searches shall have a policy and procedure regarding search and seizure.
- 12. Substance Testing or Electronic Monitoring.** Each probation department will have a policy and procedure for substance testing and electronic monitoring.
- 13. Minimum Job Qualifications.** Minimum job qualifications and background information required to be hired as a probation officer. These job qualifications are set forth in IDAPA.
- 14. Confidential Records.** Probationers' records under the guidelines of HIPAA (Health Information Portability and Accountability Act), Rule 32 of the Idaho Court Administrative Rules and Idaho's Public Records Act.
- 15. Unscheduled Jail Time.** Policies will address the use of unscheduled jail time or discretionary days in jail.
- 16. Medical \Emergencies.** Policies will dictate a department's response to emergency medical situations.

PROFESSIONAL RESPONSIBILITIES

Adult misdemeanor probation officers have professional responsibilities as it relates to the following:

1. **legal Rights.** Respect and protect the civil and legal rights of the probationer.
2. **Discrimination.** Refrain from discriminating against any individual because of race, gender, creed, national origin, religious affiliation, age, disability, or any other type of prohibited discrimination.
3. **Protection.** Respect and protect the right of the public to be safeguarded from criminal activity.
4. **Welfare.** Treat every professional situation with concern for the welfare of the individuals involved and with no intent for personal gain.
5. **Performance.** Refrain from using their positions to secure personal privileges or advantages or allow personal interests to impair objectivity in the performance of duties while acting in an official capacity.
6. **Formal or Informal Activity.** Refrain from entering into any formal or informal activity or agreement, which presents a conflict of interest or is inconsistent with the conscientious performance of duties.
7. **Gifts.** Refrain from accepting any gift, service, or favor that is or appears to be improper or implies an obligation inconsistent with the free and objective exercise of professional duties.
8. **Confidentiality.** Adhere to state and federal statutes regarding issues of confidentiality of supervised misdemeanants.
9. **Private Information.** Preserve the integrity of private information; refrain from seeking information on individuals beyond what is necessary to implement responsibilities and to perform their duties; and refrain from revealing nonpublic information unless expressly authorized to do so.
10. **Quality of Service.** Maintain relationships with colleagues that promote mutual respect within the profession and improve the quality of service.
11. **Criticism.** Refrain from public criticism of their colleagues or their agencies or courts.
12. **Unethical Behavior.** Report to appropriate authorities any corrupt or unethical behavior in which there is sufficient evidence to justify review.

- 13. Civil Service Rules.** When acting in the role of administrator, make all appointments, promotions, and dismissals in accordance with established county personnel policies, applicable contract agreements, and individual merit, rather than furtherance of personal interests.
- 14. Workplace.** Respect, promote, and contribute to a workplace that is safe, healthy, and free of harassment in any form.
- 15. Misdemeanor Philosophy.** Encourage program development, which promotes the ideals of the state's misdemeanor philosophy.
- 16. Reports.** Diligently work to ensure that all information included in their reports concerning probationers, colleagues, and others is timely, relevant, and accurate.