



## **CONFIDENTIALITY**

### **I. POLICY:**

Information and records obtained during pretrial investigations, monitoring and supervision that are not already publicly available are confidential and not subject to disclosure without the express permission of the interviewed or supervised person or as otherwise authorized by law or ordered by the court.

### **II. AUTHORITY:**

Illinois Pretrial Services Act ILCS 725 185/28, 31

Illinois Supreme Court Code of Conduct and Policies

Rights of Crime Victims and Witnesses Act 725 ILCS 120/4

Mental Health and Developmental Disabilities Confidentiality Act 740 ILCS 110/5, 11

Abused and Neglected Child Reporting Act 325 ILCS 5

#### **SUPPORTING MATERIALS:**

NAPSA (2020) Standard 4.7

### **III. PROCEDURE:**

- A. Information and records obtained during an investigation, monitoring and supervision may be disclosed to the Court, the prosecutor, and the defense counsel for release decisions, review of compliance with the conditions of pretrial release and sentencing.
  - 1. Information obtained from substance abuse disorder treatment, mental health services or other community service providers as a condition of supervision may be made available to the court to inform on supervision compliance but are not otherwise to be made public.
- B. The defendant shall have access to all information and records about him or herself maintained by or collected by Pretrial Services.
  - 1. The defendant shall not have access to information or records of victims and witnesses.
  - 2. Information that could endanger the life or safety of any person or would constitute an unwarranted invasion of privacy shall not be disclosed without permission from the Office of the Director or a court order.
- C. Pretrial Services may release materials in limited circumstances as follows:
  - 1. As ordered by the court.
  - 2. With the defendant's authorization.



The Office of Statewide Pretrial Services  
Policy and Procedure  
Effective Date: 11/18/2022, Revised 01/11/2023

3. Where authorized by law i.e., Mandated Reporter.
  4. Pretrial data may be shared as approved through the Director's Office to qualified personnel, for research purposes.
    - a. No records or other information shall be made available in which individuals interviewed or supervised are identified or from which their identities are ascertainable.
    - b. A signed and dated data-sharing agreement is required.
    - c. OSPS will maintain a database of all data-sharing agreements and one-time release of records.
  5. Information and records maintained by the OSPS may be disclosed to employees of Probation and Court Services Departments.
  6. All requests for confidential information without a Release of Information by law enforcement and other related entities shall be referred to the OSPS Operations Center. The Operations Center Chief or designee shall be the OSPS designated Law Enforcement Liaison.
    - a. Disclosure shall be limited to the extent necessary to comply with these requirements.
      - i. Information to assist law enforcement with bringing a defendant before the court due to a warrant, summons or other process shall be provided.
      - ii. Disclosure shall be allowed in the case of emergency aid or exigent circumstances where there is a threat to the safety of an individual or the public.
      - iii. A court order or warrant shall be required for the release of all other confidential information.
  7. PSO's may release information to external parties that has been disclosed in open court.
  8. Except as authorized by law or ordered by the court, all requests from other state agencies, treatment providers, etc. must include a signed Release of Information form before disclosing information to external parties.
- D. Information and records maintained by a third party under contract or agreement with OSPS shall be the sole property of OSPS.
- E. No court employee or former employee shall disclose to any unauthorized person any confidential information acquired during employment, or information acquired through unauthorized disclosure by another.
1. A court employee who is privy to confidential information and believes there is evidence of a violation of the law or of unethical conduct shall report such information to the appropriate authority.
- F. All media requests for information shall be immediately without comment referred to the OSPS Director's Office.