

TREATMENT SERVICES CONTRACT PROGRAM PLAN

Client Identifying Information

Client :	PACTS#:
Address:	Pretrial/Post
Officer:	Conviction:
Officer Phone:	Client Phone:
	DOB:



Provider Information

Provider:	Procurement No:
Provider Location:	Effective Date:
Attn:	Termination Date:
Location Address:	
Phone:	
Fax:	

Authorized Services

Your agency is authorized to provide the following services beginning on the plan effective date indicated above. Any services provided outside of those listed below and/or outside the Effective and Termination Dates of the Plan will not be authorized for payment.

Services Ordered

Project Code	Description Of Services	Phase	Frequency (Units)	Interval	Copay Amount (per unit)
2010	Individual Substance Abuse Counseling		1.0	Weekly	\$0.00
2020	Group Substance Counseling		2.0	Monthly	\$0.00

Instructions to Provider Regarding Client Needs and Goals of Treatment

Officer:

Referral Agent:

Client:

Guide to Judiciary Policy

Vol 8: Probation and Pretrial Services

Pt A: Pretrial Services Investigation and Report (Monograph 112)

Appx 5A: Confidentiality Regulations

(April 14, 2010)

1. Statutory Provisions

A. Authority of the Director of the Administrative Office

The Director of the Administrative Office of the United States Courts is authorized to issue regulations governing release of information made confidential by section 3153(c)(1) of title 18, United States Code, enacted by the Pretrial Services Act of 1982 (Pub. L. No. 97-267, section 3, 96 Stat. 1136 (Sept. 27, 1982) (18 U.S.C. § 3153(c)(2)). That section further provides that the regulations are to provide exceptions to the confidentiality of such information to allow access –

“(A) by qualified persons for purposes of research related to the administration of criminal justice;

(B) by persons under contract under section 3154(4) of this title;

(C) by United States Probation Officers for the purpose of compiling presentence reports;

(D) insofar as such information is a pretrial diversion report, to the attorney for the accused and the attorney for the Government; and

(E) in certain limited cases to law enforcement agencies for law enforcement purposes.”

Accordingly, as the regulations are mandated by Congress, they are entitled to the full force and effect of the law.

B. Confidentiality of Pretrial Services Information

Section 3153(c)(1) of title 18, United States Code, provides as follows:

“Except as provided in paragraph (2) of this subsection, information obtained in the course of performing pretrial services functions in relation to a particular accused shall be used only for the purposes of bail determination and shall otherwise be confidential. Each pretrial services report shall be made available to the attorney for the accused and the attorney for the Government.”

C. Objective of Confidentiality of Pretrial Services Information

Confidentiality of pretrial services information is preserved primarily to promote a candid and truthful relationship between the defendant and the pretrial services officer in order to obtain the most complete and accurate information possible for the judicial officer. H. Conf. Rep. 97-792, 97th Cong., 2d Sess. 8. Disclosure of pretrial services information for purposes other than for the determination of pretrial release, particularly for prosecution purposes, would deter defendants from cooperation with pretrial services officers and deprive the court of necessary information.

2. Definitions

For purposes of these regulations:

- A.** *Pretrial services information* is any information, whether recorded or not, that is obtained or developed by a pretrial services officer in the course of performing pretrial services. Performing pretrial services includes conducting the pretrial services investigation, preparing the pretrial services report, performing any post-release or post-detention investigation, or supervising a defendant released pursuant to chapter 207 of title 18, United States Code. Pretrial services information does not include information appearing in the public records of the court.
- B.** *Pretrial services officer* means any United States Probation or Pretrial Services Officer performing pretrial services pursuant to 18 U.S.C. § 3154 or any person acting under the directions of such officer.
- C.** *Disclose or disclosure* means a written or oral communication of pretrial services information, the release of pretrial services information, or the affirmative verification of another person’s communication of pretrial services information.
- D.** *Judicial officer* means the officer defined in 18 U.S.C. § 3156(a)(1) who has authority to release or detain the defendant to whom the pretrial services information pertains.

3. Limitation on Disclosure of Pretrial Services Information

A. General Prohibition of Disclosure

Unless authorized by these regulations or ordered by the judicial officer for good cause shown, a pretrial services officer shall not disclose pretrial services information. This prohibition on unauthorized disclosure applies irrespective of whether such disclosure is sought through the direct testimony of the pretrial services officer or by means of a subpoena, a subpoena duces tecum, or other form of judicial process.

B. Minimal Disclosure

Any disclosure of pretrial services information permitted under the provisions of these regulations or ordered by the judicial officer shall be limited to the minimum information necessary to carry out the purpose of the disclosure.

C. Use of Pretrial Services Information in Prosecution

In accordance with the provisions of 18 U.S.C. § 3153(c)(3), pretrial services information is not admissible on the issue of guilt in a criminal judicial proceeding unless the proceeding is a prosecution for a crime committed while in the course of obtaining pretrial release or a prosecution for failure to appear for the criminal justice proceeding with respect to which pretrial services were provided.

D. Use of Pretrial Services Information in Cases Other Than Those for Which It Was Obtained

Pretrial services information obtained in a particular case may be used by a pretrial services officer to prepare a pretrial services report in another case or to supervise a defendant in another case.

4. The Pretrial Services Report

A. Notation of Pretrial Services Information

In preparing the pretrial services report, a pretrial services officer shall note only such information as is pertinent to the determination of release or detention and release supervision. A pretrial services officer shall not solicit, record, or indicate in any form information regarding the offense alleged unless such information has been obtained from the public record.

Whenever such information is obtained from the public record, the source of information shall be identified in the report.

B. Deletion of Information From the Pretrial Services Report

A pretrial services officer may request the judicial officer for whom the pretrial services report is prepared to delete information from the report before the report is made available to the attorney for the defendant and the attorney for the Government. Information that may be so deleted is information that the judicial officer determines after an in camera inspection (1) would violate the promise of confidentiality by which it was obtained from a defendant or a third party or (2) might result in harm to the defendant or a third party.

C. Limitation on the Recordation of Pretrial Services Information

Pretrial services information shall be made available to the judicial officer in accordance with the provisions of 18 U.S.C. § 3154. But pretrial services information shall not be made part of the public record. Only information that is specifically relied upon by the judicial officer in making a release or detention decision and that is otherwise unavailable should appear on the public record. Consistent with this limitation, pretrial services officers should not be called to testify regarding pretrial services information unless such testimony is necessary to resolve a material fact.

D. Disclosure of the Pretrial Services Report

- (1) The pretrial services report shall be made available to the defendant, the attorney for the defendant, and the attorney for the Government pursuant to the practice and procedure of the district court in connection with a pretrial release or detention hearing, a pretrial release revocation proceeding, or any judicial proceeding to modify the conditions of release. Any copies of the pretrial services report disclosed under this provision shall be returned to the pretrial services officer at the conclusion of the hearing.
- (2) The chief pretrial services officer or the chief probation officer supervising pretrial services may make the pretrial services report available to new or additional counsel for the defendant if such counsel commenced representation of the defendant after the initial disclosure of the pretrial services report and if such counsel requests review of the report in writing. The request shall stipulate that the purpose of the review is to prepare for a scheduled or contemplated pretrial release or detention proceeding. Any copies

of the pretrial services report disclosed under this provision shall be returned to the pretrial services officer after inspection by counsel.

- (3) The pretrial services report should not be redisclosed to other parties by the attorney for the defendant or the attorney for the Government.

5. Authorized Disclosures

A. Research, Reviews, and Audits

- (1) Pretrial services information, including national electronic pretrial services information, shall be available to the staff of the Administrative Office of the United States Courts for technical assistance, assessments, or other reviews of a pretrial services office or a probation office that performs pretrial services or for other research related to the administration of justice.
- (2) Upon written application to the chief pretrial services officer or the chief probation officer who supervises pretrial services, and with the written consent of the Assistant Director of the Office of Probation and Pretrial Services, Administrative Office of the United States Courts, pretrial services information shall be available to qualified persons for the purpose of research related to the administration of justice.
- (3) Upon written application to the Assistant Director of the Office of Probation and Pretrial Services, Administrative Office of the United States Courts, national electronic pretrial services information shall be available to qualified persons for the purpose of research related to the administration of justice.
- (4) “Qualified persons” are those persons or organizations whose training and experience are appropriate to the nature of the research in which they propose to engage and who are performing such research with adequate administrative safeguards against the unauthorized disclosure of confidential information. Any person or organization to whom pretrial services information is disclosed under this subsection shall, prior to the disclosure of any pretrial services information, execute a nondisclosure agreement affirming the continued confidentiality of information received. Such agreement shall require that any such person or organization protect pretrial services information against unauthorized disclosure

and maintain the anonymity of those individuals to whom information disclosed under this section pertains.

B. Contract Agencies

- (1) Pretrial services information is available to individuals or organizations that have contracted with pretrial services to provide supportive services for the custody or care of persons released pursuant to 18 U.S.C. § 3154(4).
- (2) Contracts with such individuals or organizations must include a nondisclosure agreement which recites the obligation of the individuals or organization to adhere to the confidentiality provisions of 18 U.S.C. § 3153(c) and these regulations.

C. Family Members and Third-Party Custodians

The chief pretrial services officer or chief probation officer who supervises pretrial services may authorize the disclosure of pretrial services information to family members of the defendant or a third-party custodian if the defendant has been released to the custody of the family, family member, or third-party custodian pursuant to 18 U.S.C. § 3142(c)(B)(i). In any other case, such officer shall authorize disclosure of pretrial services information to family members or third-party custodians if, in the opinion of such officer, such information would be beneficial to the ongoing supervision or treatment of the defendant and the defendant authorizes the disclosure in writing. Such officer shall not authorize any disclosure to family members or third-party custodians under this section if, in the opinion of such officer, (1) the disclosure of such information would violate a promise of confidentiality to the source of the information, (2) the disclosure would result in harm to any person, or (3) the disclosure would compromise the objective of confidentiality as set out in section 1(C) of these regulations.

D. United States Probation Officers

Pretrial services information shall be made available to United States probation officers for the purpose of preparing a presentence report on the defendant or a codefendant, including any amendments or supplements thereto. The probation officer shall not disclose pretrial services information except insofar as that information is used in the presentence report or if the probation officer determines that the information is relevant in connection with a proceeding pursuant to F.R.Crim.P. 32.1.

E. Violations of Conditions of Release

Pretrial services officers shall, in compliance with 18 U.S.C. § 3154(5), inform the judicial officer and the United States Attorney's office of all apparent violations of pretrial release conditions and arrests of persons released under supervision.

F. Risk of Harm

- (1) Pretrial services officers shall, pursuant to the provisions of 18 U.S.C. § 3154(5), inform the judicial officer and the United States Attorney of any danger that any such person may come to pose to any other person or the community. In compliance with this section, pretrial services officers shall provide such pretrial services information as is necessary to fully advise the judicial officer and the United States Attorney of the nature and source of the danger and may request authorization to provide a warning to a party at risk or recommend any appropriate modification of release conditions. With the approval of the judicial officer, pretrial services officers may disclose such pretrial services information as is necessary to permit a party at risk to take appropriate protective action.
- (2) If the defendant poses an imminent danger to another person or the community and delaying disclosure pending approval by the judicial officer would place another person or persons in danger of physical harm, the chief pretrial services officer or the chief probation officer supervising pretrial services or designee(s) may authorize the pretrial services officer to disclose such pretrial services information as is necessary to permit a party at risk to take appropriate protective action prior to informing the judicial officer and the United States Attorney and prior to obtaining approval of the judicial officer. As soon as possible after such disclosure, the pretrial services officer must provide the judicial officer and the United States Attorney with notice of the danger, a description of the reasons for making immediate disclosure, and the information disclosed.

G. Law Enforcement

The judicial officer, after giving due consideration to any promises of confidentiality to sources of pretrial services information and any harm to any individual that might result from disclosure of pretrial services

information, may authorize disclosure of such information to law enforcement agencies for the following purposes:

- (1) Investigation of a crime committed in the course of obtaining or maintaining pretrial release.
- (2) Investigation of a failure to appear for the criminal justice proceeding with respect to which pretrial services were provided.
- (3) Investigation of a violation of a condition of pretrial release.
- (4) Investigation of an instance of child abuse or neglect.
- (5) Protection of the defendant, law enforcement personnel, prison officials, or other care providers in circumstances in which an arrest is contemplated, defendant is to be confined, defendant has escaped, or other circumstances in which information must be disclosed to protect such persons or the public against any risk of harm presented by the defendant or to protect or provide necessary care to the defendant.

H. Exculpatory Information

- (1) The judicial officer may authorize the disclosure of pretrial services information if the judicial officer finds that there is a substantial likelihood that the information is material, exonerating on the issue of guilt, or germane to the issue of truth in an administrative, legislative, or judicial proceeding involving the defendant or a third party, and would not be otherwise available in such a proceeding.
- (2) A pretrial services officer may disclose any pretrial services information to the judicial officer in camera in any case in which the pretrial services officer believes that pretrial services information contains material that might be disclosed under subparagraph (1) of this section or in any case in which the defendant or a third party alleges that pretrial services information contains such material.

I. Diagnostic or Treatment Information

The chief pretrial services officer or the chief probation officer who supervises pretrial services may authorize the disclosure of pretrial services information to a physician, psychologist, psychiatrist, or other health care professional or treatment provider for the purpose of assisting that person to provide diagnostic information in connection with the

pretrial services report or pretrial supervision or to provide drug or mental health treatment to the defendant.

J. Information of Benefit to Defendant

Upon written request of the defendant, the chief pretrial services officer or chief probation officer who supervises pretrial services may authorize the disclosure of pretrial services information to a defendant for the purpose of obtaining a benefit, securing employment, or providing information to a treatment or health care provider if, in the opinion of such officer, (1) the disclosure of such information would not violate a promise of confidentiality to the source of the information, (2) the disclosure would not result in harm to any person, (3) the disclosure would not compromise the objective of confidentiality as set out in section 1(C) of these regulations, and (4) the defendant is informed that the information disclosed may not be favorable.

K. Status Information

The chief pretrial services officer or chief probation officer who supervises pretrial services may authorize the disclosure of pretrial services information consisting of "status" information regarding the defendant, such as current residence, telephone number, and current employer, if, in the opinion of such officer, (1) the disclosure of such information would not violate a promise of confidentiality to the source of the information, (2) the disclosure would not result in harm to any person, and (3) the disclosure would not compromise the objective of confidentiality as set out in section 1(C) of these regulations.

L. Good Cause

In any other case, the judicial officer may order the disclosure of pretrial services information if, after considering (1) any promise of confidentiality to the source of the information, (2) any harm that such disclosure might cause to any person, (3) the objective of confidentiality as set out in section 1(C) of these regulations, and (4) the purpose of the disclosure, the judicial officer finds that there is good cause for such disclosure.

NON-DISCLOSURE AGREEMENT

NON-DISCLOSURE AGREEMENT FOR CONTRACT SERVICES

_____ hereby acknowledges and agrees that any information, including records, reports, files, or oral communication, it receives from the U. S. Pretrial Services/Probation Office, with respect to criminal defendants, is strictly confidential; remains subject to the Regulations Governing Confidentiality for Probation and Pretrial Services Information, a copy of which is attached hereto; and is not to be disclosed, except per said Regulations, to any parties, individuals, or organizations, other than the U.S. Pretrial Services/Probation Office and the Federal District Court. _____ further agrees that it will not identify, directly or indirectly, any individual U.S. Pretrial Services/Probation Office subject(s) in any report of research, evaluation, periodic audits or studies, or in any articles for publication of any kind, or in any verbal disclosures, except in reports required by and/or to the referring U.S. Pretrial Services/Probation Office and/or the Federal District Court.

It is understood and agreed that the U.S. Pretrial Services/Probation Office will be notified promptly by _____ of any subpoena or other request for information that pertains to U.S. Pretrial Services/Probation Office information. Upon a breach of this Non-Disclosure Agreement, the U.S. Pretrial Services/Probation Office is entitled to terminate the contract relationship with _____, or to take whatever lesser steps are necessary to prevent further breaches of this Agreement.

U.S. PRETRIAL SERVICES/PROB ATION OFFICER

DATE

WITNESS

DATE

AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION
(DRUG OR ALCOHOL ABUSE PROGRAMS)

I, _____, the undersigned,
(Name of Client)
hereby authorize _____ to release confidential
(Name of Program)
information in its records, possession, or knowledge, of whatever nature may now exist or come to exist to the United
States Pretrial Services or Probation Office for the _____ District of _____.
(Name of Court) (State)

The confidential information to be released will include: date of entrance to program; attendance records; urine testing results; type, frequency and effectiveness of therapy (including psychotherapy notes); general adjustment to program rules; type and dosage of medication; response to treatment; test results (psychological, vocational, etc.); date of and reason for withdrawal from program; and prognosis.

The information which I now authorize for release is to be used in connection with my participation in the aforementioned program which has been made a condition of my pretrial release.

I understand that this authorization is valid until my release from supervision, at which time this authorization to use or disclose this information expires. I understand that information used or disclosed pursuant to this authorization may be disclosed by the recipient and may no longer be protected by federal or state law.

I understand that I have the right to revoke this authorization, in writing, at any time by sending such written notification to the program's privacy contact at:

(Name and Address of Program)

I understand that if I revoke this authorization to release confidential information, I will thereby revoke my authorization to further disclosure of such information. I also understand that revoking this authorization before I satisfy the condition of my supervision that requires me to participate in the program will be reported to the court. My revocation of authorization under such circumstances could be considered a violation of a condition of my pretrial supervision.

(Signature of Parent or Guardian, if Client is a Minor)

(Signature of Client)

(Date Signed)

(Date Signed)

(Name & Title of Witness)

(Date Signed)

U.S. PROBATION AND PRETRIAL SERVICES TRAVEL LOG						DISTRICT:		
DATE	EXPENSE CODE	CONTACT CODES (P-Personal/C-Collateral)				PROBLEM CODES		DAILY TRAVEL RECORD
OFFICER NAME	A-Telephone B-Parking C-Other	H-Home C-Community PS-Presentence PR-Prerelease for Institution PT-Pretransfer SI-Special Investigation	SS-Social Services for Institution OPO-Other Probation/Pretrial Services Officer PTS-Pretrial Services PTSD-Pretrial Services Diversion FWR-Furlough/Work Release	DA-Drug Abuse UA-Urine Collection PS-Psychological/Psychiatric HS-Housing/Shelter O-Other	AL-Alcohol MS-Monitoring/Surveillance EM-Employment FB-Financial/Budgeting FM-Family/Marital ET-Education/Training			
DESTINATION	ODOMETER READING	MILES TRAVELED	OTHER EXPENSES	CONTACT CODE	PROBLEM CODE	CASE NUMBER/NAME OF CASE		ACTIVITY AND PERSON CONTACTED
START								
TO								
TO								
TO								
TO								
TO								
TO								
TO								
TO								
TO								
TO								
TO								
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TO								
TO								
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TO								
PER DIEM		TOTAL MILES TRAVELED			TOTAL OTHER EXPENSES	NUMBER OF MILES FROM HOME TO OFFICE	SIGNATURE OF OFFICER	
TIME STARTED	TIME RETURNED	AMT.	AMOUNT CLAIMED FOR MILEAGE					

Date _____

Page ____ of ____

**ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
TREATMENT SERVICES INVOICE**

(PART A)

1. Judicial District _____ 3. P.O./B.P.A.# _____

2. Vendor _____ 4. Service Delivery: From _____ To _____

a. Address: _____ 5. Total # of Individuals Served: _____

b. Telephone: _____

Vendor's Certification: I certify that **all** expenditures and requests for reimbursement in this voucher are accurate and correct to the best of my knowledge and include only charges for services actually rendered to clients under the terms of the agreement and for which no other compensation has been received from sources other than the United States District Court.

Authorized Administrator

6. Project Code	7. Quantity	8. Unit Price	9. Total Price

**ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
TREATMENT SERVICES INVOICE**

(PART B)

Subtotal all costs for each client listed below:

1. Client Name	2. Client Number	3. Dates of Service	4. Service Rendered	5. Quantity (Units)	6. Unit Price	7. Cost

PROB 46 (Rev. 06/10) <p style="text-align: center;">MONTHLY TREATMENT REPORT</p>	This form must be completed and submitted with each monthly billing. Additional sheets may be used.
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1. PROGRAM NAME:	1a. PROVIDER NAME:	2. DATE OF CURRENT TX PLAN (ATTACH REVISIONS):
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3. CLIENT NAME:	3a. PACTS NO.	4. FOR PERIOD COVERING:
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5. PHASE NO.	5a. TIME IN PHASE:	6. PRETRIAL CLIENT: <input type="checkbox"/> Yes <input type="checkbox"/> No	7. CLIENT EMPLOYED: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Student <input type="checkbox"/> Other
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8. CONTACTS SINCE LAST REPORT

a. Date	b. Service (Name & No.)	c. Length of Contact	d. Comments (No Shows, Tardiness, Issues Addressed)	e. Copay (amount collected)

9. URINE TESTING RECORD

DATE COLLECTED	Scheduled		Sample Not Tested		Drug Use Admitted		COLLECTED BY	SPECIAL TESTS REQUESTED	TEST RESULTS (Positive/Negative)	Copay (amount collected)
	Yes	No	Insuf. Qty.	Stall	No	Yes (specify drug)				

10. COMMENTS REGARDING CLIENT'S TREATMENT PROGRESS

a. Describe the treatment goals addressed this month (<input type="checkbox"/> Met <input type="checkbox"/> Not Met):	
b. Describe any steps taken by the client this month toward these goals (<input type="checkbox"/> Positive <input type="checkbox"/> Negative):	
c. Describe any obstacles or setbacks the client encountered this month:	
d. Describe one unique way the PO/PSO can assist/support the client in treatment over the next month:	
e. If continued treatment is recommended, discuss the plan for next month (<input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended):	
f. Discuss your observations of the client's behavior and commitment to treatment (<input type="checkbox"/> Positive <input type="checkbox"/> Negative):	
g. Comments:	
h. Overall Progress: <input type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable	
SIGNATURE OF COUNSELOR	DATE

URINALYSIS LOG

Date Collected	Client Name	Bar Code	Special Tests	Medications Taken	Collect or Initials	Test Results	Date Received