
Confidentiality and Probation Case Files

348.1 PURPOSE AND SCOPE

This section sets forth the limitations imposed by law and policy on the release of information contained in Department records and in records available to Department employees, while providing for essential law enforcement/criminal justice system needs and protecting the public.

348.2 APPLICABILITY

This policy shall be applicable to all Department employees.

348.3 DEFINITIONS

Child protective agencies are defined by Penal Code 11165.9 as a police or sheriff's department or a county probation or welfare department. School district police or security departments are not included.

Criminal justice and correctional agencies refers to police, sheriff, prosecutor, probation and parole agencies, Department of Juvenile Justice and California State Department of Corrections, and comparable agencies of other states and federal government.

Criminal offender record data generally consists of police reports, related agency special reports, local agency rap sheets, and CII and FBI rap sheets.

348.4 POLICY

Case information is confidential and shall be shared only with those who have the right and the need to know. Information possessed by the Probation Department shall be disseminated only in accordance with state statutes, case law, court directives, concerns for public safety and departmental policies and procedures.

All Probation Department personnel upon hiring shall read and sign the document entitled "Use of CLETS (California Law Enforcement Telecommunications System) Criminal Justice Information and Department Record Information." This form specifically cautions the employee about Penal Code § 11105 and 13300, the use of official information not readily available to the general public. Probation Department employees shall receive appropriate training in confidentiality of restricted information to insure the proper and legal use of information.

Criminal offender record information may be released, on a need to know basis, only to persons or agencies authorized by court order, statute, or decisional law to receive criminal offender record information. Officers are to refer to their Service Manuals for specific procedures on selected documents.

Any employee who violates the Department's policy in regards to the misuse of criminal record information may be subject to immediate dismissal or other disciplinary action.

Confidentiality and Probation Case Files

348.5 MISUSE OF RECORDS OR INFORMATION - PENALTIES:

Penal Code § 13302 provides the penalty for employees of criminal justice agencies who knowingly and improperly distribute records and information. Penal Code § 13303 provides the penalty for persons authorized to receive records and information, but then knowingly and improperly distributes the records or information.

348.6 CONFIDENTIALITY OF RECORDS INFORMATION

348.6.1 CALIFORNIA DEPARTMENT OF JUSTICE: LIST OF AGENCIES AUTHORIZED TO RECEIVE CRIMINAL HISTORY INFORMATION

- (a) In considering requests for information concerning the criminal history of any person from any source, the Probation Department shall rely on the list of Agencies Authorized to Receive Criminal History Information compiled by the California Department of Justice. Each service in the Department shall maintain a current copy of that list
- (b) If the Department receives a request for criminal information from an agency or individual not on the list, and the requestor's right to have that information cannot be determined, the requestor must be referred to the Criminal Records Security Unit of the Department of Justice.

348.6.2 ESTABLISHING A "NEED" TO KNOW

Criminal history information cannot be released until a need to know (as well as the right to know) has been determined. Examples of compelling need include the fact that an offender is in custody, is a party to a criminal or security investigation, is seeking employment, applying for a license or certificate, or the like.

348.7 DISSEMINATION OF CRIMINAL RECORD INFORMATION: MISDIRECTED DATA

Appropriate criminal justice and correctional agencies often need to know of record information in our files. We will not release copies of the information received from other agencies, but we will give to the appropriate agency investigation leads and information, (but not the record itself) from these records. The agencies can then request and obtain copies of the original data from the appropriate source agencies.

If criminal record data intended for some other agency is received by this Department, it will be returned to the original source, such as the CII or FBI.

348.8 DUPLICATION OF RAP SHEETS AND ARREST REPORTS

Rap sheets and arrest reports will not be copied and sent to other individuals or agencies. Those agencies with a "right to know" and a "need to know" can acquire the same information directly from the original source. Exception: If another Probation Department provides courtesy supervision for us, we will supply that department with a copy of the arrest report if our probation report does not fully describe the facts of the offense.

CII, FBI, or local rap sheets will not be copied and attached to the court reports. Appropriate information from those records will be included in probation reports.

Confidentiality and Probation Case Files

348.9 ENTITIES ENTITLED TO INSPECT JUVENILE CASE FILES

Welfare and Institutions (WIC) § 827(a)(1) provides a list of agencies and personnel who are authorized to inspect case files. Case files will only be inspected according the aforementioned code.

348.9.1 COPYING OF JUVENILE DOCUMENTS WITHOUT A COURT ORDER OR HEARING
WIC § 827(5) provides a list of agencies and personnel who are authorized to receive copies of the case file.

348.9.2 COURT ORDER

To obtain a court order authorizing the inspection or copies of documents that are privileged or confidential pursuant to any other state or federal law or regulation, a petition must be filed on form JV-570.

348.10 REFERENCES TO JUVENILE RECORDS IN ADULT COURT REPORTS (PC 1203(B), WIC 828 AND JUDICIAL COUNCIL RULE 411.5)

Officers must include prior adjudicated juvenile offenses in their adult court reports and may include certain offenses which do not result in a sustained petition.

- (a) Adjudicated juvenile crimes may be included in adult reports. The information should include how the juvenile responded to wardship supervision and/or placements for his/her delinquent acts. Referrals to the Juvenile Division of the Probation Department that were dismissed without petition and those where petitions were filed but later dismissed are subject to being included in reports, pursuant to Judicial Council Rule 411.5. The inclusion of such information should be limited to cases involving facts that clearly demonstrate the juvenile committed an act of delinquency. The facts supporting the juvenile's involvement, the reason(s) it did not result in a sustained petition, and the disposition of the taking into custody, if available, must be cited in the adult court report.
- (b) If the juvenile probation file containing an offender's adjudicated juvenile crime has been sealed, the offense shall not be included in adult reports or mentioned in any way (even if the offender tells the adult officer about it). Officers should also specify in the adult report whether the adjudicated juvenile crimes were felonies or misdemeanors (if that information is in the juvenile file). Except as authorized, officers in Adult Services are neither to include data from juvenile files in adult court reports nor disclose any data from juvenile case files to persons other than Probation Department staff. Psychological evaluations, school performance reports, reports from foster homes or placements not ordered as a result of delinquency, are confidential and shall not be included in adult court reports.
- (c) The district attorney and child protective agencies may inspect the documents described above after filing a declaration swearing that access to the documents is necessary and relevant in a criminal investigation or proceeding brought to declare a minor a dependent or ward of the juvenile court.

348.11 NOTIFICATION OF SCHOOL DISTRICTS OF CERTAIN OFFENSES

WIC § 827(2) mandates that the Court make written notice to the superintendent of schools of certain offenses. Employees are referred to WIC § 827(2) for the list of offenses. The notice

Confidentiality and Probation Case Files

includes only the offense found to have been committed by the youth and disposition of the case. The superintendent then distributes that information to the school principal, who disseminates the information to teachers and/or administrators working with the youth.

If a youth is removed from a school due to the finding by a Court, and enrolls in a different school district, the assigned Probation Officer shall notify the superintendent of the youth's previous school that the youth enrolled in a different district per WIC § 827(3). The superintendent should then send the court's notice to the new school district.

348.12 ATTACHMENTS TO DOCUMENTS

No records or reports, or any portion of them, or information relating to the contents of those records or reports shall be made attachments to other documents without the prior approval of the presiding judge of the juvenile court, unless they are used in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

348.13 NON-DISCLOSURE OF JUVENILE RECORDS TO RECRUITERS OR EMPLOYERS

The Probation Department will not disclose juvenile records to armed forces recruiters, or other potential employer, either verbally or in writing.

Anyone needing to know his or her juvenile record may make an appointment with a Juvenile Intake Supervisor, who will discuss the record solely with that person. The Supervisor may give that individual a written summary of the record on departmental letterhead stationery. That summary must be addressed to and given only to the person who is the subject of the record.

348.14 RELEASE OF INFORMATION ABOUT MINORS IN CUSTODY OR ESCAPES

Employees shall only share information with federal officials per Welfare and Institutions § 831.

Absent a Court order, juvenile records are to remain confidential regardless of the juvenile's immigration status.

Welfare and Institutions § 831 (a) and (b) sets forth the standards for disclosure as it relates to the taking of a youth into custody, and in the event of escapes. Information may shared as stated in those sections.

348.15 NOTIFICATION TO VICTIM: DUTIES OF PROBATION OFFICER

Victims have the right to attend sentencing proceedings, and to receive adequate notice of a sentencing hearing, under Penal Code § 1191.1. Officers shall be aware of and shall share information as put forth in the aforementioned section. The Probation Officer shall also provide the victim with information concerning the victim's right to civil recovery against the offender and the victim's opportunity to be compensated from the Restitution Fund as outlined in Penal Code § 1191.2.

Per Penal Code § 1203d, the sentence recommendations of the report shall also be made available to the victim of the crime, or the victim's next of kin if the victim has died, through the

San Diego County Probation Department

Policy Manual

Confidentiality and Probation Case Files

district attorney's office. The victim or the victim's next of kin shall be informed of the availability of this information through the notice provided pursuant to Penal Code § 1191.1.

348.16 AVAILABILITY OF PROBATION REPORT PRIOR TO DISPOSITION

Regarding the availability of pre-sentence investigation reports, Penal Code § 1203(b)(2)(E) states: The report shall be made available to the court and the prosecuting and defense attorneys at least five days, or upon request of the defendant or prosecuting attorney nine days, prior to the time fixed by the court for the hearing and determination of the report, and shall be filed with the clerk of the court as a record in the case at the time of the hearing. The time within which the report shall be made available and filed may be waived by written stipulation of the prosecuting and defense attorneys that is filed with the court or an oral stipulation in open court that is made and entered upon the minutes of the court.

While Marsy's Law makes available to victims, the pre-sentence report when available to the defendant, except those portions of the report confidential by law, officers shall not release predisposition reports to persons other than those named above, without the express permission of the Court. If the requesting person is one who is assisting us in the rehabilitation or correction of the offender, e.g., psychiatrist, counselor, etc., the offender or his/her counsel could be given a copy of the report, with a release signed by the offender, to give to the psychiatrist, counselor, etc.

348.16.1 AVAILABILITY OF REPORT TO OFFENDER

County Counsel Opinions 1972-91 and 1972-38 indicate that the offender may be given a copy of the Probation Officer's report, in addition to copies given to the court, DA, and counsel.

Officers may also provide an offender with information relating to the contents of his/her rap sheet. However, officers cannot give the offender a copy of the rap sheet.

348.16.2 DISTRIBUTION TO MEDICAL BOARDS

In the event a licensee from Medical Board of California, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, the Physician Assistant Board, or other appropriate allied health board, is charged with a felony offense, and where a probation report on a licensee is prepared for a court pursuant to Penal Code § 1203, the probation officer shall transmit a copy of the probation report to the Board pursuant to Business and Professions § 803.6(b).

348.17 INSPECTION OF ADULT COURT REPORTS

Penal Code § 1203.05 provides a list of persons and agencies allowed to inspect and copy reports of the probation officer filed with the court.

348.18 INTERSTATE COMPACT ON PROBATION AND PAROLE (WIC 1300 - 1303, PC 1203(I) AND 11175 - 79)

Since California is a member of the Interstate Compact on Probation and Parole, the Department sometimes requests other states to assume cooperative supervision of appropriate cases. Under established procedures, the sending state must submit copies of court orders, the Probation Officer's Report, Social History (if any), and any other pertinent information to the state accepting

Confidentiality and Probation Case Files

or considering supervision. The receiving state acts as an agent of the sending state; its officers become officers of the sending state in supervising the case. The laws of the sending state pertaining to distribution and confidentiality of case material shall be applied by the receiving state. A receiving state should not release a juvenile record. Such release should only be made by the state or court of jurisdiction.

348.19 COURTESY SUPERVISION (PC 1203.9)

Penal Code § 1203.9 enables a case to be transferred to any court of the same rank in any other California county in which the subject of the case resides permanently. That court may either accept jurisdiction of the case or assume supervision on a courtesy basis.

In either case, court orders and probation reports must be forwarded to the court and Probation Officer of that county.

348.20 PUBLIC AGENCIES AND RESEARCH BODIES

Criminal offender record information shall only be shared per Penal Code § 13202.

348.21 CONFIDENTIALITY OF SPECIFIED MARIJUANA CONVICTIONS OR ARRESTS

Health and Safety § 11361.5 states the laws pertaining to the reporting of offender record information related to violations of Health and Safety § 11357(b), (c), (d), (e), and 11360(b).

Employees shall have a good understanding of these laws and only release information as permitted.

348.22 DIVERSION GRANTS

Persons successfully completing a diversion program under Penal Code § 1000 are entitled to have their records sealed. Officers shall neither mention such cases in probation reports prepared after a diversion grant has concluded, nor release information regarding the case to anyone. The case is to be treated as though it had never occurred.

348.23 RESTRICTIONS ON PUBLIC RECORDS

The definition of "public records" is very broad, but is restricted by Government Code § 6253(a) which, in part, provides: "Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided."

The pertinent exception is found in Government Code § 6254(f) which exempts those records from disclosure requirement: "Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of,... any other state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement or licensing purposes..."

San Diego County Probation Department

Policy Manual

Confidentiality and Probation Case Files

348.24 LAW ENFORCEMENT AGENCIES, VOLUNTEERS, INTERNS AND OTHERS

Information not received in confidence may be released to law enforcement agencies and to state or federal agencies (e.g. Postal Inspector, military intelligence, Secret Service, DMV, Immigration) to assist them in the execution of their official duties. The officer shall provide only the information necessary for the agency to carry out its law enforcement functions. For example: A police officer who needs an address or a handwriting sample in conducting a criminal investigation for analysis has a legitimate interest and we can provide such information from the offender's file.

The Superior Court has ordered that probation may give copies to Federal Probation Officers with the understanding that all information will be kept confidential and treated in a professional manner.

Information may be shared by the assigned Probation Officer on a need-to-know basis with approved volunteers, foster parents, student interns, community resources, placement facilities, or others assigned specific duties with the Probation Department in order to maximize their effectiveness in working with a client. No information is to be released to volunteers, student interns, or foster parents beyond that which is necessary for their degree of involvement in the particular case. Release of information to Volunteers in Probation regarding adult clients must also conform to the applicable Criminal Offender Record Information (CORI) laws, as well as other pertinent laws, departmental policies, and procedures.

348.25 DISCLOSURE OF INFORMATION IN CASE FILES TO PROTECT PUBLIC SAFETY

348.25.1 GENERAL CONSIDERATIONS

During the investigation or supervision of a case, the officer may see an urgent need to release confidential case file information to persons in the community to protect their safety or property. If the problem arises during the investigation, the officer and Supervisor should consider including a condition in the recommendation to the court permitting the disclosure of information needed by endangered persons. If the issue does not arise, or is not recognized until the case is under supervision, a decision regarding disclosure should be made in accordance with the policy set out below.

348.25.2 THE LEGAL DUTY TO WARN

Most commonly, this issue arises because the offender's offense, threats, or conduct make him/her a special risk to a caretaker, teacher, employer, foster-parent, or other citizen. If an offender threatens to injure or kill an identifiable person or persons, and such threats are communicated to the Probation Officer, the officer has a legal duty to warn the victim of the threat.

348.25.3 SPECIAL RELATIONSHIPS

The department in some cases, develops "special relationships" with others (such as foster parents), who must rely on Probation Officers for information and guidance in their relationships with offenders. Although the Probation Officer may recognize by a offender's record, conduct, or tendencies that the individual is a predictable danger to others, this danger may not be readily apparent to those in the "special relationship," who lack the Probation Officer's access

Confidentiality and Probation Case Files

to information. In such cases, the department has the duty to inform those persons of known or predictable danger.

348.25.4 NONDISCLOSURE AND PUBLIC DANGER

Situations may arise wherein a legal duty to warn or disclose does not exist, but the public is nonetheless endangered by nondisclosure. These cases should be discussed with the Supervisor and Division Chief before making disclosure.

In emergency situations, the officer, after consulting the Supervisor and Division Chief, should contact the Court directly, either by phone or in person, to obtain permission to release information.

348.25.5 REFERENCES

For legal decisions on the topic, see *Thompson vs County of Alameda*, 27 Cal. 3rd 741, and *Tarasoff vs Regents of the University of California*, 17 Cal. 3rd 425.

348.26 CASEFILE CONTENTS AND JUSTIFICATION FOR DISCLOSURE

348.26.1 CASEFILE CONTENTS

The contents of probation files are made confidential by Government Code § 6254(f). Information or documents not made confidential by statute may be released under the circumstances described below.

Information or material received in confidence includes any information or document communicated to us in confidence—that is, the communicator clearly intended the material for our eyes only. For example, letters containing information that the writer states is confidential; documents marked or stamped "confidential", or running history entries containing information received in confidence are confidential.

Examples of material which is not received in confidence includes such items as Court orders; legal history entries on blue sheets; R&R statements; routine handwritten running history entries not containing information received in confidence; statements made to the Probation Officers by the offender; monthly report forms submitted by the offender; coroner's report of substance abuse testing; diagnostic reports from Department of Corrections (as permitted by 1203.03(b) PC); psychological progress reports done on offender unless stamped confidential, or unless the disclosure of the contents would impair offender's rehabilitation or threaten the safety of another.

348.26.2 JUSTIFICATION OF DISCLOSURE

Whether or not to disclose information or materials should involve a careful review of the pertinent facts in a case to determine the strength of the need for disclosure. For example, there would be a strong social justification for warning an employer if a child molester offender works as a janitor in an elementary school or as a counselor at a children's camp. If there is a "non-association" condition in the offender's probation order directing him not to associate with minors or other persons, that condition must be strictly enforced.

San Diego County Probation Department

Policy Manual

Confidentiality and Probation Case Files

348.26.3 DISCLOSURE UNDER PC 1203.05(B)

If the information the officer wants to disclose comes from a probation report or a rap sheet (and the time at which the officer wants to make the warning or disclosure is beyond the 60-day period following the sentencing of the offender) the officer must first obtain a court order permitting disclosure under Penal Code § 1203.05(b).

If an emergency exists, the officer, after consulting with the Supervisor and Division Chief, should contact the court directly (either by phone or in person) for permission to release the information pursuant to Penal Code § 1203.05(b).

348.26.4 DISCLOSURE TO HEALTH AND HUMAN SERVICES DEPARTMENT

Health and Human Services Dependent Children's Workers are authorized to inspect adult probation case files relating to the parents, foster parents, or guardians of children supervised by that Dependent Children's Unit. These requests to inspect adult files should be referred to the Officer of Record or Duty Supervisor. The Dependent Children's Workers are not permitted to photocopy material in our files nor remove our files from the office.

348.26.5 DISCLOSURE TO DEFENSE DEPARTMENT

Periodically, Defense Department investigators seek access to our probation files for the purpose of security clearances, etc. Since they are generally investigating on behalf of the offender, they can access the information if they have a release signed by the offender. Whenever a request for information is received under these circumstances (generally regarding whether the subject is still being supervised and their adjustment to it), the file must be reviewed and a determination made as to that portion of the file information appropriate to disclose. The file is not to be physically turned over to the investigator.

348.27 RELEASE OF INFORMATION TO THE MEDIA

It is the responsibility of the Public Service Group Public Information Officer or Chief Probation Officer to prepare or approve releases or other communications to the press, radio, or TV, i.e., inauguration of any major service, opening or dedication of any major installation, promulgation of events or incidents likely to be of widespread public interest or concern.

348.27.1 INVESTIGATION SERVICES

Ordinarily, inquiries from the news media pertain to individual cases that are scheduled for Court hearing. While the investigation is in progress, the assigned Probation Officer is not permitted to discuss details of the case nor to speculate or comment on his/her probable recommendation when speaking to media representatives or ordinary citizens. Additional questions or specific inquiries regarding information that is included in the probation report should be referred to the Department's Public Information Officer. Similarly, questions regarding the Court disposition should be referred to the District Attorney's Office or the Clerk of the Court.

348.27.2 SUPERVISION SERVICES

Inquiries from the news media regarding cases under supervision and those regarding departmental policies and practices should be referred to the appropriate Division Chief for

Confidentiality and Probation Case Files

reply. Matters relating to statistics, trends, etc., must also be handled at the level of the Division Chief.

348.28 SUBPOENAS FOR ADULT CASE FILES AND ISSUES OF CONFIDENTIALITY

348.28.1 STATUTORY CONSIDERATIONS

In responding to a subpoena duces tecum, a public entity must normally produce the record unless it can claim a privilege against disclosure. There is no general statutory authority making information and documents in an adult probation file confidential except for certain types of information or documents such as the probation report and criminal record information as described above.

348.28.2 RESPONDING TO SUBPOENAS

- (a) **Civil Subpoenas and witness fees:** An officer served with a civil subpoena must tell the process server that the Department demands witness fees. Any check given to the officer by the process server for witness fees should be attached to a copy of the subpoena and sent to Probation Accounting Division at the Probation Center. The officer should retain a copy of the subpoena in the case file.
- (b) **Criminal subpoena and witness fees:** When served with a subpoena in a criminal case the officer should not request witness fees. If a Court requires the appearance of a Probation Officer, that officer will appear, without special compensation, as a courtesy to the Criminal Court or as part of normal duties.
- (c) **County Counsel assistance:** When a subpoena is received, the officer must examine the documents contained in that probation file to determine whether they should be disclosed in view of the guidelines discussed below. If at that time the officer has a specific document or information in the adult file which does not fit within the general guidelines, then County Counsel should be contacted for assistance with respect to that specific document or information. The decision on whether or not to disclose or decline to disclose information sought by a subpoena duces tecum will usually depend on (1) who wants the information and, (2) for what purpose. In some cases the legitimate need to disclose the material may exceed the importance of maintaining the privacy of the file. The Division Chief may need to consult County Counsel regarding disclosure and County Counsel may decide to go to court to prevent it. In some cases, the County Counsel opinion of 3-18-83 provides enough guidance for officers and Supervisors to resolve issues.
 - 1. Offender has subpoenaed information from his own case file. If the offender is seeking data from his own file, much of it can be disclosed to the offender or his attorney.
 - 2. Only information or material which is confidential by statute or was given to us in confidence by another person, may not be disclosed to the offender or attorney. Statutes prohibit the disclosure of rap sheets and law enforcement crime and arrest reports.
 - 3. If an offender requests information from his own adult file, whether directly or through his attorney, the Probation Department may release as much information as it would

San Diego County Probation Department

Policy Manual

Confidentiality and Probation Case Files

if served with a subpoena. This release of information avoids the necessity of filing a subpoena, as would happen if the request was rejected under Government Code 6254 (f).

348.28.3 SUBPOENAS FOR OFFENDER'S CASE FILE BY SOMEONE OTHER THAN OFFENDER

- (a) **Civil Subpoena:** Neither information nor materials in the probation case file should be disclosed in response to a civil subpoena. The officer or Supervisor, through the Division Chief, should contact County Counsel and request assistance in disposing of the subpoena. If a hearing is held, the officer should follow the directions of County Counsel and the Court regarding disclosures of data in the case file. If the civil subpoena duces tecum cannot be quashed and are compelled to produce copies of materials in our files, such material should be duplicated and then forwarded along with a form to be provided by Administrative Services to the Accounting Division at the Probation Center. At that time the reasonable costs of locating, copying, and making the records available will be computed (as directed in CCP 1987.4) and the party requesting the material would obtain it upon payment of costs to the Accounting Division Cashier.
- (b) **Criminal Subpoena:** Only information from Court orders (or copies of the orders), routine handwritten running history entries (to the extent that they include non-confidential matter), legal history entries on blue sheets, R&R statements, and Coroner's reports of substance abuse testing, should be disclosed by the Probation Officer in response to a subpoena issued in a criminal case. (No charge should be made for any photocopying required.) If the subpoena is not explicit regarding the items sought, the officer should contact the attorney and ask him for clarification before making a decision to withhold disclosure and contact County Counsel. However, if the attorney is after the entire probation case file or confidential materials, or information therein, such as rap sheets, probation reports, prison diagnostic reports, psychological reports, or information given to us in confidence, the officer and Supervisor, through the Division Chief, must contact County Counsel immediately for assistance. The officer should follow the direction of County Counsel regarding any disclosure of confidential information or documents.

348.29 MEGAN'S LAW

It is the policy of the Probation Department to release certain information (pursuant to PC 290.45) to members of the public regarding sex offenders listed in PC 290.4(a)(1) in those instances when we have a reasonable suspicion, based upon confirmed information, that a person or persons are at risk of becoming victims of a sex offender probationer whom the potential victim(s) is likely to encounter.

348.29.1 PENAL CODE § 290 REGISTRATION WEBSITE

Penal Code § 290.46 requires the Department of Justice to make available a web site which provides information on PC290 registrants. There are four categories of registered sex offenders for purposes of disclosure on the Megan's Law Internet web site. The Probation Department should take into consideration Megan's Law Guidelines as to the specific information to be disclosed to the public:

San Diego County Probation Department

Policy Manual

Confidentiality and Probation Case Files

- (a) Home Address: The conviction of certain sex offenses requires that the home address of the offender be posted, along with other information about the registrant [PC 290.46(b)]
- (b) Conditional Home Address: The conviction of other designated sex offenses, along with the conviction of any other registerable sex offense, requires the home address be posted, along with other information about the registrant [Penal Code § 290.46(c)].
- (c) Zip Code: Commission of certain other sex offenses requires that information about the offender, including his or her ZIP Code and other information, but not including home address, be posted on the web site [PC 290.46(d)]
- (d) Undisclosed: This is a category of registered sex offenders that may not be displayed on the Internet web site. These are registrants who have been convicted of sex offenses not listed in the above three categories. Offenders in the undisclosed category must still register as sex offenders with local law enforcement agencies, and are known to law enforcement.